



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: District Attorney
Department No.: 021
For Agenda Of: October 20, 2015
Placement: Administrative
Estimated Tme:
Continued Item:
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Head: Joyce E. Dudley, District Attorney, 568-2308
Contact Info: Kerry Bierman, Director of Administration and Finance, 568-2304
SUBJECT: Renewal of Agreement with the California Department of Insurance for a Life and Annuity Consumer Protection Program Grant

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: N/A

Recommended Actions:

It is recommended that the Board of Supervisors:

- a) Adopt a Resolution authorizing the District Attorney to renew the Agreement with the State Department of Insurance for the Life and Annuity Consumer Protection Program Grant in the Fiscal Year 2015-16 budget; and
- b) Determine that the above action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(4), because it consists of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

Summary Text:

The mandatory duty of the District Attorney is to diligently and vigilantly pursue those who may have violated the criminal codes of the state (*Calif. Govt. Code §26500*). The District Attorney also has a duty to protect the rights of victims of crime, where “victims of crime are entitled to have the criminal justice system view criminal acts as serious threats to the safety and welfare of the people of California” (*Calif. Const. Art. I §28(a)(2)*).

The Department of Insurance awarded \$14,500 in grant funds to prosecute life and annuity abuse often perpetrated against vulnerable older adults.

Background:

The Life and Annuity Consumer Protection Program (LACPP) was established through AB 2316 and went into effect in January 2005 as California Insurance Code §10127.17. The LACPP establishes a fund to be used exclusively for protecting consumers of life insurance and annuity products in the State of California, by both the California Department of Insurance and local District Attorneys. The purpose of the program is to distribute funds to District Attorneys for the identification, outreach, victim advocacy, investigation and prosecution of life insurance and annuity financial abuse by insurance licensees or persons holding themselves out to be insurance licensees, or any person purporting to be engaged in the business of insurance. The Grant Funding Cycle will be for the current fiscal year through June 30, 2016. This is the fifth year of funding. Department of Insurance Funding grant funding was reduced from \$50,000 in FY12/13 to \$14,500 in FY13/14 through FY15-16 due to dwindling resources dedicated to this State Grant Program.

Grant funds will provide partial funds for one part-time Deputy District Attorney who will assist in the identification, investigation and prosecution of life and annuity financial abuse. The Deputy District Attorney will act as liaisons to local law enforcement and the California Department of Insurance when cases of potential abuse are discovered. The Victim-Witness Assistance Program Advocates are available to provide identified victims with services to help them recover from emotional and financial injuries, including but not limited to, resource and referral counseling and case status updates.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

State	\$	14,500.00	\$	14,500.00
Federal				
Fees				
Other:				
Total	\$	14,500.00	\$	14,500.00

The costs in the above table include \$14,500 in salary expenses only for one part-time Deputy District Attorney.

Staffing Impacts:

<u>Legal Positions:</u>	<u>FTEs:</u>
1 Deputy District Attorney	.14

Special Instructions:

Please return executed Resolution to Kerry Bierman, DA Director of Administration and Finance.

Attachments:

Board Resolution

Authored by:

Jo Ann Slattery, DA Business Manager

