



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

2013 FEB 21 PM 3:34

COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

Department Name: Probation
Department No.: 022
For Agenda Of: March 5, 2013
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors

FROM:

Department
Director(s)

Beverly A. Taylor
Beverly A. Taylor, Chief Probation Officer

Contact Info:

Damon Fletcher, Administrative Deputy Director
(805) 882-3654

SUBJECT: Designation of the Probation Department as the collecting agency for realigned offenders and increase of victim restitution collection fee

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

1. Designate the Probation Department as the agency responsible for collecting fines, fees, and restitution from persons sentenced under California Penal Code (PC) Section 1170 (h).
2. Adopt the attached resolution setting the fee pursuant to PC Section 1203.1 (I) for the administrative cost of collecting restitution on adult offenders at 15% of the amount of restitution ordered.

Summary Text:

The Public Safety Realignment Act transferred responsibility for supervising and incarcerating certain lower level felony offenders from the state to counties. The new legislation however failed to identify which local agency is to collect fines, fees, and restitution from the offenders who, under realignment, are now ordered to serve their sentences locally. Senate Bill (SB) 1020 provides clean up language and allows the Board of Supervisors of each county to designate the local agency responsible for collections. The Probation Department is requesting that the Board of Supervisors designate it as the authorized agency.

The designation of Probation as the responsible agency will allow for the collection of fines, fees, and restitution from these offenders. Agencies responsible for the collection of restitution are allowed to collect an administrative fee which was previously capped at 10% of the restitution ordered. The capped maximum was recently increased to 15% of the restitution ordered. The actual average cost of collecting restitution exceeds 15% of the amount collected and therefore the Probation Department is requesting that your Board adopt the attached resolution increasing the administrative fee to 15% of the amount ordered.

Background:

The 2011 Public Safety Realignment Act transferred responsibility for specified lower level felony offenders from the state's jurisdiction to counties. The two populations are the Post Release Community Supervision (PRCS) or parolees released from state prison and supervised locally by the Probation Department and offenders who are sentenced under PC Section 1170 (h) and are ordered to serve their custody time in county jail rather than in state prison. While the responsibility for the collection of fines and restitution for the PRCS population remains with the state, realignment failed to specify which local agency was granted authority for collecting fines, fees, and restitution for the offenders serving their time in county jail. In September 2012, clean up language included in SB1020 provides authority to the Board of Supervisors of each county to designate the local agency that will have authority to collect fines, fees and restitution from these offenders. The Probation Department is requesting that your Board designate it as the authorized agency.

In addition, California Penal Code (PC) Section 1203.1 (l) authorizes agencies responsible for collecting victim restitution to charge a fee to recover the actual administrative cost of collecting restitution. On April 11, 1989, the Board of Supervisors adopted a fee of 10% of the amount of restitution ordered by the Court which was the statutorily allowed maximum at the time. PC 1203.1 was recently amended to increase the maximum to 15% of the restitution amount ordered by the Court. The Probation Department's actual costs of collecting restitution exceeds the 15% and is requesting that your Board adopt the attached resolution increasing the fee to 15% of the amount of victim restitution ordered by the Court.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

Designation of the Probation Department as the agency in the county responsible for the collection of restitution, fines, and fees from offenders sentenced pursuant to PC 1170 (h) will not result in a fiscal impact to the Department. The Department anticipates collecting \$16,000 in FY 2012-13 based on the 10% fee for collecting restitution in FY 2012-13. Increasing the administrative charge for collecting restitution could result in an increase to revenue over time. However the increase will be gradual as the new fee will only apply to offenders sentenced after the effective date of the increase and State law requires that restitution be fully satisfied before collections are applied to any fines or fees.

There will be no facility impacts.

Staffing Impacts:

Legal Positions:

No Effect

FTEs:

No Effect

Special Instructions:

Please return two (2) Certified Minute Orders and two (2) copies of the Resolution to Damon Fletcher, Administrative Deputy Director, Probation Department, 117 E. Carrillo Street, Santa Barbara, CA 93101.

Attachments:

Attachment A: Department Mandates

Attachment B: Resolution

Authored by:

Damon Fletcher, Administrative Deputy Director

cc:

Attachment A

PROBATION DEPARTMENT MANDATES

GENERAL

131.5CCP; 830.5 PC; 1202.7 PC; 273a(c) (3) (A) and 273d(c) (3) (A) PC; 1203.097(c) PC; 1203.098 PC; 1203.097 (c) (1) PC; 1203.097 (C) PC; 13010-13014 PC; 6035 PC13020 PC; 3300 G C; 1020-1031.5 Government Code

CIVIL

1513 Probate Code; 1513.1 Probate Code; 1826 Probate Code; 1851 Probate Code; 1851.5 Probate Code; 7800 FC; 7801 FC; 7803 FC; 7804 FC; 7805 FC; 7807 FC; 7808 FC; 7810 FC; 7851(a) FC; 8500 FC; 9001 FC

JUVENILE DIVISION

A. Administrative Responsibility/Notification

1203.74 PC; 270 WIC

B. Juvenile Intake

601 WIC; 601.2 WIC; 601.3 WIC; 602 WIC; 626(d) WIC; 627(a-b) WIC; 627.5 WIC; 628 WIC; 628.1 WIC; 629 WIC; 630 WIC; 631 WIC; 632 WIC; 643 WIC; 650(a) WIC; 652 WIC; 652.5 WIC; 653 WIC; 653.1 WIC; 653.5 WIC; 653.7 WIC; 654 WIC; 676.5 WIC; 777 WIC; 778 WIC; 1404-1405 Juvenile Court Rules

C. Juvenile Investigations

200 WIC; 280 WIC; 281 WIC; 281.5 WIC; 361.2 WIC; 628(a) WIC; 635 WIC; 636 WIC; 636.1(a) WIC; 652 WIC; 653.5 WIC; 656.2 WIC; 636.1 WIC; 706 WIC; 706.5 WIC; 706.6 WIC; 707 WIC; 727.1 WIC; 727.4 WIC; 742 WIC; 781 WIC; 1741 WIC; 1742 WIC; 6306 WIC; 1492 JCR; 1499 JCR; Prop 21; SB 334; AB 575;

D. Juvenile Supervision

241.1 WIC; 282 WIC; 366 WIC; 366.23 WIC; 366.26 WIC; 367 WIC; 625 WIC; 625.3 WIC; 641 WIC; 654 WIC; 654.1 WIC; 654.2 WIC; 654.3 WIC; 654.4 WIC; 654.6 WIC; 655 WIC; 724.4 WIC; 725 WIC; 727 WIC; 727.1 WIC; 727.2 WIC; 727.3 WIC; 727.31 WIC; 727.4 WIC; 727.4 (d) (4) WIC; 727.6 WIC; 729 WIC; 729.1 WIC; 729.2 WIC; 729.3 WIC; 729.7 WIC; 729.8(a) WIC; 729.9 WIC; 729.10 WIC; 730 WIC; 730.6 WIC; 730.7 WIC; 730.8 WIC; 737 WIC; 738 WIC; 740 WIC; 740.1 WIC; 742 WIC; 742.16 WIC; 790 WIC; 793 WIC; 794 WIC; 795 WIC; 841 WIC; 1300 ET Esq. WIC; 1502.4 (a)(1) H&S; 4096 WIC; 5600.3 WIC; 11400 WIC; 11401 WIC; 11402 WIC; 11404 WIC; 10553.1 WIC; 11404.1 WIC; 11462.01(2) (C) WIC; 16516.5 WIC; 1202.8(a) PC; 1208.9(b-d) PC; 295(i) (2); 296 PC; 298 (b) (4) PC; 296.1 (a) (3) (A) PC

INSTITUTIONS

A. Juvenile Hall

Title 15, Division 1, Chapter 1, Subchapter 5 - Minimum Standards for Juvenile Facilities, Corrections Standards Authority (CSA). Sections: 4266, 4279, 4285, 4286, 4291, 4294, 4295, 4300, 4301, 4302, 4302, and 1343, Title 15, CCR

210 WIC; 209(a) PC; 850 WIC; 851 WIC; 852 WIC; 853 WIC; 854 WIC; 855 WIC

B. Home Supervision

628.1 WIC; 840 WIC; 841 WIC

C. Boys Camp

Title 15, Division 1, Chapter 1, Subchapter 5 - Minimum Standards for Juvenile Facilities (CSA)

881 WIC; 882 WIC; 885 WIC

D. Non-Secure Detention

210.1 WIC; 601 WIC; 626 WIC;

E. Medical Care Juveniles

369 WIC; 739 WIC

F. Separate Categories

225-232 WIC; 284 WIC; 285 WIC; 656.2 WIC; 704 WIC; 729.7 WIC; 742 WIC; 742.20 WIC; 749.22 WIC; 749.23 WIC; 751 WIC; 826 WIC; 826.5 (a) WIC; 826.6 WIC; 827 WIC; 881.5 WIC; 48321 ED CODE; 56026 ED CODE; 56325 ED CODE;

ADULT DIVISION

A. Adult Investigation:

290.06(a) PC; 1000.1(b) PC, 1000.5PC; 1001.20 PC to 1001.34 PC; 1001.70 PC to 1001.90 PC; 1191 PC; 1191.1 PC; 1191.2 PC; 1191.3(b) PC; 1202.4 PC; 1202.4(f) (3) PC; 1202.42PC; 1203 PC; 1203a PC; 1203c PC; 1203d PC; 1203.2a PC; 1203.9 PC; 1203.10 PC; 1203.067 PC; 1203.097 PC; 1203.097(b) (3) PC; 1203.097(b) (4) PC; 1210.1 PC; 4502 PC; 4.310 Judicial Rule; 4.411(a) (b) (c) (d) Judicial Rule; 4.411.5 Judicial Rule

B. Adult Supervision:

290(c) (1) PC; 290.4 PC; 209.6(a)(5) PC; 295(i) (2) PC; 298 (b) (4) PC; 296.1 (a) (3) (A) PC; 296.1 (a) (5) (A) PC; 298(b) (3) PC; 457.1 (e) PC; 1202.7 PC; 1202.8 PC; 1203f PC; 1203.02 PC; 1203.016 PC; 1203.044 PC; 1203.044(h) PC; 1203.045 PC; 1203.047 PC; 1203.055 PC; 1203.055(f) PC; 1203.066 PC; 1203.067 PC; 1203.076 PC; 1203.097 PC; 1203.1 PC; 1203.1(b) PC; 1203.1(j) PC; 1203.1bb PC; 1203.1(d); 1203.1(h) PC; 1203.1ab PC; 1203.1b (a) PC; 1203.1e PC; 1203.1g PC; 1203.1k PC; 1203.2 PC; 1203.2(a) PC; 1203.3 PC; 1203.4 PC; 1203.7 PC; 1203.9 PC; 1203.9 (a) PC; 1203.9 (b) PC; 1203.10 PC; 1203.12 PC; 1203.13 PC; 1389.6 PC; 1203.95 PC; 3075 PC to 3076 PC; 11177(2) PC; 11180 PC and 11181 PC; 13020 PC; SB 1128; SB 1178; Proposition 83; AB 109, Judicial Rule 2.107; Judicial Rule 2.110(a); Judicial Rule 4.101

Rev 12/2011

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF REVISING THE FEE FOR)
THE COST OF COLLECTING RESTITUTION) RESOLUTION NO. _____

WHEREAS, the County of Santa Barbara is authorized to establish reasonable fees for the administrative costs of collecting restitution, not to exceed 15% of the restitution amount ordered pursuant to Section 1203.1 of the Penal Code; and

WHEREAS, the actual administrative cost of collecting restitution exceeds 15% of the amount collected; and

WHEREAS, the fees generated by this resolution will not exceed the cost of providing the service,

NOW, THEREFORE, BE IT RESOLVED that effective April 1, 2013 the fee for the administrative cost of collecting restitution be increased to 15% of the restitution amount ordered.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California this 5th day of March 2013 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

By: _____
SALUD CARBAJAL
Chair, Board of Supervisors

Date: _____

ATTEST:
CHANDRA L. WALLAR
CLERK OF THE BOARD

APPROVED AS TO FORM:

DENNIS A. MARSHALL
COUNTY COUNSEL

By: _____
Deputy County Counsel

APPROVED AS TO FORM:

ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

By: _____
Deputy

APPROVED AS TO FORM:
RAY AROMATORIO, ARM, AIC
RISK MANAGEMENT

By: _____
Risk Manager