



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: December 4, 2012
Placement: Administrative
Estimated Time:
Continued Item:
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Joyce E. Dudley, District Attorney, 568-2308
Head:
Contact Info: Megan Rheinschild, Victim Witness Program Manager, 568-2408

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:

Adopt the attached 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 FY 2012-13 budget.

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 (*Cali. 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 community” (*Cali. Const. Art. I §28(a)(2)*).

The Santa Barbara County District Attorney Victim-Witness Assistance Program is recognized by the Board of Supervisors as the only County agency designated to provide comprehensive victim and witness services to crime victims pursuant to Penal Code §13835 et seq., which includes outreach to increase access to services by vulnerable victims of crime. The Department of Insurance awarded \$50,000 in grant funds to provide direct outreach and advocacy services to potential victims of crime who may become victims of financial abuse and exploitation in the realm of life insurance and annuities.

The grant award funds salary and benefit costs for a .475 FTE Extra Help Deputy District Attorneys, the equivalent to one .40 FTE and an additional .075 FTE Extra Help DDA.

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, 2013. This is the second year of funding.

Grant funds will be utilized to fund two Extra Help Deputy District Attorneys who will provide direct outreach and advocacy services by conducting educational presentations to the community regarding identification of insurance and annuity abuse, reporting procedures and available law enforcement, prosecution and victim service resources. The Deputy District Attorneys will act as a liaison with local law enforcement and the California Department of Insurance when cases of potential abuse are discovered. While not funded the Victim-Witness Assistance Program is 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.

Performance Measure:

Increase services to elders (measured in the number of new victim service cases opened for potential victims of annuity and insurance fraud). Increase educational outreach presentations to potential victims of insurance and annuity financial abuse.

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State	\$50,000		\$50,000
Federal			
Fees			
Other:			
Total		\$	50,000.00

The costs in the above table include \$34,911 in salary expenses only for the Extra Help Deputy District Attorneys. Operating costs total \$15,089, which includes \$3,430 in training and travel expenses for staff training and to identify and adopt best practices from other jurisdictions who seek to address annuity and insurance fraud. Operating expenses also include a budget of \$6,000 for the development and airing of public service announcements on local radio alerting consumers to potential fraud and to prevent victimization. An additional \$700 and \$1,468 is budgeted for outreach computer equipment and printing expenses respectively. The indirect cost allocation is \$3,491.

Staffing Impacts:

Legal Positions:

2 Extra Help Attorneys

FTEs:

.40 and .075

Special Instructions:

Please return executed agreement to Kimbra McCarthy, DA Administrative Director

Attachments:

Resolution

Authored by:

Megan Rheinschild, Victim Witness Program Manager