



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: September 20, 2011  
Placement: Administrative  
Estimated Tme:  
Continued Item:  
If Yes, date from:  
Vote Required: 4/5 Vote

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**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: Grant- Department of Insurance Life and Annuity Consumer Protection Program**

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**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:

1. Adopt a Budget Revision Request that establishes \$50,000 in grant revenues and expenditures from the Department of Insurance for the Life and Annuity Consumer Protection Program in the FY 2011-12 budget; and,
2. Adopt a Resolution entitled, "In The Matter of Approving the Department of Insurance Life and Annuity Protection Program Grant Award."

**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 .40 FTE Victim Witness Advocate and an Extra Help Deputy District Attorney.

**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, 2012.

Grant funds will be utilized to fund the salary and benefit costs of a part time .40 FTE Victim Advocate beginning October 3, 2011 and an Extra Help Deputy District Attorney beginning January 2012. The Victim Advocate and the Deputy District Attorney 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 Attorney will act as a liaison with local law enforcement and the California Department of Insurance when cases of potential abuse are discovered. The Victim Advocate will provide 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 \$41,258 in salary expenses and \$9,905 in benefits for the Victim/Witness Program Assistant II and Extra Help Deputy District Attorney. Operating costs total \$6,956, which include training and mileage for countywide travel to three office locations, and an indirect cost allocation of \$4,126.

**Staffing Impacts:**

**Legal Positions:**  
Victim/Witness Advocate  
Extra Help Attorney

**FTEs:**  
.40

**Special Instructions:**

Please return executed agreement to Kimbra McCarthy, DA Administrative Director

**Attachments:**

Resolution, BRR

**Authored by:**

Megan Rheinschild, Victim Witness Program Manager