



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: Probation
Department No.: 022
For Agenda Of: January 9, 2024
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Director(s) Holly L. Benton, Chief Probation Officer, (805) 882-3652
Contact Info: Damon Fletcher, Chief Financial and Administrative Officer, (805) 882-3654

SUBJECT: Assembly Bill (AB) 143 Backfill Allocation Spending Report for Fiscal Year 2022-23 for Criminal Justice Fees Eliminated by AB 1869

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Consider and adopt the report in Attachment A as the Board of Supervisors' annual report for Fiscal Year 2022-23 as required by Government Code section 29553, detailing the County's spending of State backfill allocated for revenues lost from fees repealed by Chapter 92, Statutes of 2020 (AB 1869);
- b) Authorize the Chair to sign the letter included in Attachment A, and direct Probation staff to submit the letter and report to the State of California Director of Finance, the Legislative Analyst's Office, and the Joint Legislative Budget Committee; and
- c) Determine pursuant to CEQA Guidelines 15378(b)(5) that the above actions are not a project subject to CEQA review, because they are government administrative activities that do not result in direct or indirect physical changes to the environment.

Summary Text:

This item is before your Board to fulfill State reporting requirements of AB 143 by submitting to the State an annual report detailing the County's spending of the State backfill allocated for revenues lost

from fees repealed by AB 1869. Effective July 1, 2021, AB 1869 repealed the authority of counties to charge individuals arrested, prosecuted, or convicted of a crime for various criminal justice fees. The bill includes a backfill provision that provides some relief to counties to mitigate revenues lost as a result of the repeal. The backfill provision sunsets in Fiscal Year (FY) 2025-2026. Backfill funds are provided to counties through AB 143, for which each county's board of supervisors is required to submit a report by January 10, 2024 to the Legislature, Legislative Analyst's Office, and the Department of Finance, detailing the county's spending of the State backfill allocated for revenues lost from fees repealed by AB 1869, which modified Chapter 92 of the Statutes of 2020.

The County received a backfill allocation for FY 2022-23, totaling \$846,777.76, of which the Probation Department received \$650,000 (77%) and the Sheriff-Coroner Office received \$196,777.76 (23%). Probation's allocation was used to fund adult supervision and investigation staff salaries and benefits. The Sheriff's Office funding supported salaries for staff processing alternative sentencing applications and other program costs including GPS electronic monitoring services.

Discussion:

AB 1869 eliminated 23 different criminal administrative fees charged by local governments to individuals arrested, prosecuted, or convicted of a crime. These include fees for administering probation and mandatory supervision, processing arrests and citations, administering home detention programs, continuous electronic monitoring programs, work furlough programs, and work release programs. While not included in the backfill amount, the bill also repeals the authority of the Court to order defendants to pay the costs of the public defender. AB 1869 set aside \$65 million annually from FY 2021-22 through 2025-26 to backfill counties for estimated lost revenue. The provisions of the bill took effect on July 1, 2021.

The Department of Finance established an allocation schedule based on the methodology provided by AB 143. The backfill for each county is based on its percentage for the statewide average of the following three variables for the calendar years 2017, 2018, and 2019: 1) adult population (50 percent of the allocation); 2) felony and misdemeanor arrests (25 percent of the allocation); and 3) traffic and non-traffic felony and misdemeanor filings (25 percent of the allocation). Santa Barbara County's annual backfill allocation totals \$846,777.76, which is allocated to the Probation Department and Sheriff-Coroner Office as described above. In comparison to the State-provided backfill, the associated criminal fee revenues collected in the three fiscal years prior to the enactment of AB 1869 averaged \$1,810,662 per fiscal year.

AB 143 required that "no later than May 1, 2022, each county's board of supervisors receiving fiscal relief pursuant to this section shall submit a report to the Director of Finance, the Legislative Analyst's Office, and the Joint Legislative Budget Committee detailing the actual revenue lost from each individual fee repealed by Chapter 92 of the Statutes of 2020 for each of the three most recent years that a county collected this revenue prior to the enactment of Chapter 92 of the Statutes of 2020." The initial, one-time report was approved by your Board on April 19, 2022 and the required materials were submitted as per the State instructions prior to the May 1, 2022 deadline.

Prospective Annual Reporting through FY 2025-26

AB 143 also requires a county, for the years in which funding is allocated pursuant to the methodology,

to report on how the backfill allocation was spent, and at a minimum, the report shall include the total annual budget of the county department or departments that receive the allocation, the share of the allocation received, and an accounting of the expenditures of the allocation by each county department that received a share of the allocation. The required annual report is due by January 10, 2024 for this reporting period, and annually thereafter while the backfill is in effect.

Fiscal and Facilities Impacts:

Staff anticipates no fiscal or facilities impacts as a result of the Board's action on this matter.

Special Instructions:

1. Please send the original signed letter and a copy of the minute order to Damon Fletcher, Chief Financial and Administrative Officer, Probation Department.

Attachments:

Attachment A: Letter to State of California, Director of Finance, Legislative Analyst's Office, and Joint Legislative Budget Committee with Backfill Allocation Spending Report enclosure

Authored by:

Damon Fletcher, Chief Financial and Administrative Officer, Probation Department