



Board Agenda Item 35

DATE: May 7, 2019

TO: Board of Supervisors

SUBMITTED BY: Lisa A. Smittcamp, District Attorney

SUBJECT: Agreement with the California Victim Compensation Board for the Restitution Program

RECOMMENDED ACTION(S):

- 1. Adopt resolution approving and authorizing the Chairman to execute and the District Attorney to submit Grant Agreement, including required certifications, for continued funding of the Victim Restitution Program with the California Victim Compensation Board, for the period July 1, 2019 through June 30, 2022 (\$190,788).**
- 2. Authorize the District Attorney and/or her designees, to execute the required policies or statements necessary to carry out the Grant Agreement.**

There is no increase in Net County Cost associated with the recommended actions. This program is designed to establish a positive, collaborative relationship between the District Attorney's Office and the California Victim Compensation Board (CalVCB), and provide for the imposition of appropriate restitution orders on convicted offenders. The restitution is used to reimburse the CalVCB for the program payments it has paid out to victims of crime. The grant monies will continue to partially fund a full time paralegal devoted to carrying out the terms of the program. The second action item authorizes District Attorney staff, including the paralegal who will be assigned to the program, to execute a Confidentiality Statement and acknowledgement of certain usage policies, including a Fraud Policy, Acceptable Use of Technology Resources Policy, Privacy Policy, Password Policy, and Incompatible Work Activities Policy. This item is countywide.

ALTERNATIVE ACTION(S):

If the agreement is not executed, this program will not be funded from FY 2019-20 through FY 2021-22.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The CalVCB awarded Fresno County \$63,596 for FY 2019-20, \$63,596 for FY 2020-21, and \$63,596 for FY 2021-22 for the Victim Restitution Program, which partially funds a Paralegal position. The total cost of this program for FY 2019-20 is \$88,679. Of this amount, \$63,596 is grant-funded, while \$25,083 is Net County Cost, which is included in the District Attorney Grants Org 28629000 budget request for FY 2019-20. Sufficient appropriations will also be included in the Department's future budget requests.

DISCUSSION:

This program is designed to provide for the imposition of appropriate restitution orders on convicted offenders. The restitution is used to reimburse the CalVCB for the program payments it has paid out to

victims of crime. This grant has been in place since FY 1997-98, and has allowed the District Attorney's Office to fund a Paralegal position to track cases and inform the prosecutor of the appropriate restitution upon conviction.

The paralegal monitors the case as it proceeds through prosecution toward resolution. If the case results in a conviction, the paralegal has the responsibility to notify the prosecuting attorney, County Probation Department, and/or other appropriate County staff that the CalVCB has a claim for assistance from the victim and/or derivative of the victim. This notification is done in a timely manner so that County staff can recommend a restitution order and restitution fine commensurate with the severity of the crime to the court at the time of sentencing. The paralegal also informs the appropriate County staff of the amount of program payments made by CalVCB to the victim and/or derivative on victim's behalf.

Once the case is completed, the paralegal is responsible for providing the CalVCB with the following case information: amount of restitution fine and order, the probation period, prison term (if applicable), the judge and court of conviction and sentencing, the court case number, and the amount of the diversion restitution fee (if the offender receives diversion). If the court does not order at least the minimum restitution fine or an amount sufficient to reimburse the CalVCB for its payments to a victim, the paralegal obtains the reason(s) why from the court record.

In addition to the standard State and Federal certifications included in the Board of Supervisors' Administrative Policy No. 47, the grant also requires the following certifications: California Civil Rights Laws; National Labor Relations Board; Contracts for Legal Services \$50,000 or More-Pro Bono; Expatriate Corporations; Sweatfree Code of Conduct; Darfur Act; and Domestic Partners. The Department believes that the County is in compliance with these certifications and requirements, if applicable. The Grant also requires the execution of a Confidentiality Statement and Acknowledgement of certain usage policies, including a Fraud Policy, Acceptable Use of Technology Resources Policy, Privacy Policy, Password Policy, and Incompatible Work Activities Policy, which must be executed by District Attorney staff, including the paralegal who will be assigned to the program.

If funding for this program is discontinued, the associated position will be deleted.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Grant Agreement with CalVCB
On file with Clerk - Board Resolution

CAO ANALYST:

Jeannie Z. Figueroa