



County of Fresno

Hall of Records, Rm. 301
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Fresno, California
93721-2198

Legislation Text

File #: 17-0678, **Version:** 1

DATE: July 11, 2017

TO: Board of Supervisors

SUBMITTED BY: Lisa A. Smittcamp, District Attorney-Public Administrator

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

RECOMMENDED ACTION(S):

Adopt resolution approving and authorizing the District Attorney-Public Administrator to submit and the Chairman to execute retroactive Grant Agreement, including required certifications, for continued funding of the Victim Restitution Program with the California Victim Compensation Board, for the period July 1, 2017 through June 30, 2019 (\$127,192).

There is no increase in Net County Cost associated with the recommended action. This program is designed to provide for the imposition of appropriate restitution orders on convicted offenders. The restitution is used to reimburse the California Victim Compensation Board (CalVCB) for the restitution 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.

ALTERNATIVE ACTION(S):

If the agreement is not executed, this program will not be funded for FY 2017-18 and FY 2018-19.

RETROACTIVE AGREEMENT:

The request to approve and accept the CalVCB Grant Agreement is retroactive because the Department received notification of the grant award on May 18, 2017 and is bringing it to your Board at the earliest available date.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. The CalVCB awarded Fresno County \$63,596 for FY 2017-18 and \$63,596 for FY 2018-19 for the Victim Restitution Program, which partially funds a Paralegal position. The total cost of this program for FY 2017-18 is \$67,248. Of this amount, \$63,596 is grant funded while \$3,652 is Net County Cost, which is included in the District Attorney Grants Org 28629000 Recommended Budget for FY 2017-18. Sufficient appropriations will also be included in the department's FY 2018-19 recommended budget.

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 restitution it has paid out to victims of crime. Your Board originally approved this program during the 1997-98 fiscal year, thereby allowing the District Attorney's Office to add a Paralegal position to track cases and inform the prosecutor of what the appropriate restitution

should be 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; and Domestic Partners. The Department believes that the County is in compliance with these certifications requirements, if applicable.

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

REFERENCE MATERIAL:

BAI # 28, July 12, 2016

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