



**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

FROM: Probation Department

SUBMITTAL DATE:
March 18, 2013

SUBJECT: Authorize Implementation of a Pilot Collection Program for Incarceration Costs of Misdemeanors pursuant to Ordinance No. 914 RECORCE and Amend Ordinance No. 440 pursuant to Resolution 440-8924 submitted herewith.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Authorize the Probation Department to implement a pilot collection program for incarceration costs of misdemeanors pursuant to the County of Riverside Ordinance No. 914 RECORCE (Require Every Convict Occupant Reimburse County Expenses) in misdemeanor cases;
2. Amend Ordinance No. 440 pursuant to Resolution 440-8924 submitted herewith.

BACKGROUND: In 2011, the Board of Supervisors adopted Ordinance No. 914 RECORCE (Require Every Convict Occupant Reimburse County Expenses) relating to the reimbursement of incarceration costs and incorporating by reference Penal Code Section 1203.1c. Under the Ordinance, provisions allow the courts in Riverside County to order, as a condition of probation, that each probationer pay the County the reasonable cost of incarceration in a Riverside County jail, including incarceration pending disposition of the case.

(continued on page 2)

Mark A. Hake
Mark A. Hake
Interim Chief Probation Officer

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|-----------------------|-------------------------------|-----------|-------------------------|----------|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$ 97,500 | In Current Year Budget: | Yes |
| | Current F.Y. Net County Cost: | \$ 0 | Budget Adjustment: | No |
| | Annual Net County Cost: | \$ 0 | For Fiscal Year: | FY 12/13 |

| | | |
|-----------------------------|----------------------------------|-------------------------------------|
| SOURCE OF FUNDS: N/A | Positions To Be Deleted Per A-30 | <input checked="" type="checkbox"/> |
| | Requires 4/5 Vote | <input checked="" type="checkbox"/> |

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature BY: *Elizabeth J. Olson*
Elizabeth J. Olson

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and that Resolution 440-8924 is adopted as recommended, and IT WAS FURTHER ORDERED that staff report back no later than July 30, 2013.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: March 26, 2013
xc: HR, Probation, Auditor

Kecia Harper-Ihem
Clerk of the Board
By: *Kecia Harper-Ihem*
Deputy
3-12

FORM APPROVED COUNTY COUNSEL
BY: *DAVID H.K. HUFF*
DATE: 3/15/13
Departmental Court Resources Director

Dep't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

RE: Authorize Implementation of a Pilot Collection Program for Incarceration Costs of Misdemeanors pursuant to Ordinance No. 914 RECORCE and Amend Ordinance No. 440 pursuant to Resolution 440-8924 submitted herewith.

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Background: *(continued from page 1)*

The Chief Probation Officer of Riverside County is designated as the County Officer responsible for collection of moneys ordered to be paid pursuant to Penal Code Section 1203.1c. Pursuant to subdivision (b) of Penal Code Section 1203.1d, incarceration costs imposed by the Ordinance shall be Priority 4 reimbursable costs to be disbursed after restitution ordered to or on behalf of, the victim pursuant to subdivision (f) of Section 12020.4 (Priority 1), state surcharge ordered pursuant to Section 1465.7 (Priority 2) and fines, penalty assessments, and restitution fines ordered pursuant to subdivision (b) of Section 1202.4 (Priority 3).

As of March 1, 2013, information provided by the Courts indicated that the amount of pre-sentence incarceration costs due relating to felony cases was approximately \$1.3 million. However, due to the lower priority reimbursement and the type of cases involved, the portion that had been paid was little more than \$6,800.

The Probation Department is proposing to implement a pilot collection program relating to the County of Riverside Ordinance No. 914 RECORCE, by applying the ordinance to the reimbursement of incarcerations costs in misdemeanor cases. The Riverside Sheriff's Department reported there were 28,160 individuals booked into Riverside County Jails on misdemeanor charges in 2012. Court records reflect 24,527 misdemeanor convictions during that same period of time. Compared to felony cases, the misdemeanor population has shorter custody times and is more likely to be employed, thus being able to reimburse the County the cost of incarceration if sufficient resources are applied towards collection.

In order to adequately implement the ordinance toward misdemeanors, there is a need to add six (6) Probation Specialist positions to the Probation Department. The positions would be stationed in misdemeanor court rooms throughout Riverside County, including Riverside, Southwest, and the Desert locations. Staff assigned to each court room will calculate the incarcerations costs at the time of sentencing and request that payment is ordered as appropriate. Current year start-up costs for the new positions would be funded through salary savings within the Probation Department. On-going costs would be funded through revenue generation with no general fund support required.

It is anticipated that with the Probation Department's implementation of this pilot program, applying the RECORCE ordinance to misdemeanor cases and dedicating positions to each court room, a higher percentage of those convicted of misdemeanor offenses will be able to reimburse the county as compared to those with felony convictions. The Probation Department will return to the Board after 12 months from date of implementation to report on the status of the pilot collections program.

RE: Authorize Implementation of a Pilot Collection Program for Incarceration Costs of Misdemeanors pursuant to Ordinance No. 914 RECORCE and Amend Ordinance No. 440 pursuant to Resolution 440-8924 submitted herewith.

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In accordance with Board of Supervisors' policy A-30, Coordination of Grants, the revenue-offset positions dedicated to this pilot program will be eliminated, if the program is deemed unsuccessful.

This implementation has been reviewed by the Department of Human Resources, and approved as to form by County Counsel.

1 RESOLUTION NO. 440-8924

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3 BE IT RESOLVED by the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on March 26, 2013, that pursuant to Section 4(a)(ii) of
5 Ordinance No. 440, the Chief Probation Officer is authorized to make the following listed change(s),
6 operative on the date of approval, as follows:

7 Job
8

| <u>Code</u> | <u>+/-</u> | <u>Department ID</u> | <u>Class Title</u> |
|-------------|------------|----------------------|----------------------|
| 79530 | + 6 | 2600200000 | Probation Specialist |

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10 ROLL CALL:

11 Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
12 Nays: None
13 Absent: None

14 The foregoing is certified to be a true copy of a resolution duly
15 adopted by said Board of Supervisors on the date therein set forth.

16 KECIA HARPER-IHEM, Clerk of said Board

17 By: _____
18 Deputy

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27 /kc
03/12/2013
28 440 Resolutions/KC