

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



FROM: Probation Department

SUBMITTAL DATE:
October 1, 2014

SUBJECT: Introduction of Ordinance No. 914.1, An Ordinance Amending Ordinance No. 914 Relating to the Reimbursement of Incarceration Costs and Incorporating By Reference Penal Code Section 1203.1c. Districts All.

RECOMMENDED MOTION: That the Board of Supervisors introduce Ordinance No. 914.1, amending Ordinance No. 914 relating to the reimbursement of incarceration costs and incorporating by reference Penal Code section 1203.1c.

BACKGROUND:
Summary

On December 15, 2011 the Board of Supervisors implemented Ordinance No. 914 as the first step towards recovering incarceration costs through the RECORCE (Require Every Convict Occupant Reimburse County Expenses) program. The attached amendment, Ordinance No. 914.1, proposes to reflect the actual agency responsible for collections which is the Riverside County Superior Court Enhanced Collections Division, and clarify the manner in which the total cost is calculated and charged to defendants.

Continued

for *Robert R. Pull*, ACPO
MARK A. HAKE
Chief Probation Officer

FINANCIAL DATA	Current Fiscal Year	Next Fiscal Year	Total Cost	Ongoing Cost	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	

SOURCE OF FUNDS: N/A

Budget Adjustment: No
For Fiscal Year: N/A

C.E.O. RECOMMENDATION: APPROVE

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

3) **MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above ordinance is approved as introduced with waiver of reading.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: October 7, 2014
xc: Probation, COB

Kecia Harper-Ihem
Clerk of the Board
By: *[Signature]*
Deputy

FORM APPROVED COUNTY COUNSEL 10/1/14
BY: GREGORY P. PRIAMOS DATE

Departmental Concurrence

☐ A-30 ☐ Positions Added ☐ Change Order
☐ 4/5 Vote

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

FORM 11: of Ordinance No. 914.1, An Ordinance Amending Ordinance No. 914 Relating to the Reimbursement of Incarceration Costs and Incorporating By Reference Penal Code Section 1203.1c. Districts All.

DATE: October 1, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

Since the inception of Ordinance 914, the Probation Department has been tasked with providing the Courts with the calculation of the total amount allowable to charge defendants under this ordinance (credit for time served x daily incarceration costs). In the Felony Vertical Calendar Departments of the Courts, the Probation Department already had staff assigned to those courtrooms performing other court-related functions, resulting in no fiscal impact to the department. However, in the six (6) Misdemeanor Courts throughout Riverside County, the Probation Department was required to add six (6) additional positions to support implementation of the ordinance in these courtrooms, with the expectation that the monies collected will offset the staffing costs.

From the collections data reported by the Riverside County Superior Court Enhanced Collections Division, it was clear this expectation was not being met since the incarceration costs imposed by this ordinance are only priority 4 reimbursable costs after victim restitution, State surcharge, fines and other penalty assessments. As the District Attorney's Office and Public Defender's Office are now available to provide the required information to the Misdemeanor Courts, the Probation Department will no longer need to staff these courtrooms.

The attached amendment, Ordinance No. 914.1, proposes to reflect the Riverside County Superior Court Enhanced Collections Division as the actual agency responsible for collections, and remove this responsibility from the Chief Probation Officer as the designated County Officer. In addition, the amendment clarifies the manner in which the total cost is calculated, proposing to charge defendants \$142.42 per day up to and including ten (10) days; any days over ten (10) will be charged a flat fee of \$1,500.00.

Also attached is a redlined version of the existing ordinance showing the sections that are recommended for modification and those that will remain unchanged.

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



3-4

(1)

On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from Probation regarding the Introduction of Ordinance No. 914.1, an Ordinance of the County of Riverside Amending Ordinance No. 914 Relating to the Reimbursement of Incarceration Costs and Incorporating by Reference Penal Code Section 1203.1c is approved as recommended.

(2)

On Motion of Supervisor Tavaglione, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above matter be reconsidered.

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on October 7, 2014 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: October 7, 2014

Kecia Harper-Ihem, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

(seal)

By: 

Deputy

AGENDA NO.

3-4

xc: Probation, COB

AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING
ORDINANCE NO. 914 RELATING TO THE REIMBURSEMENT OF
INCARCERATION COSTS AND INCORPORATING BY
REFERENCE PENAL CODE SECTION 1203.1c

Section 1. Section 4 of Ordinance No. 914 is amended to read as follows:

Section 2. Section 6 of Ordinance No. 914 is amended to read as follows:

“Section 6. PER DAY COST. The average per-day cost of incarceration in County Jail facilities is hereby determined to be \$142.42. Defendants will be charged \$142.42 per day up to and including ten (10) days. Any days over ten (10) will be charged a flat fee of \$1,500.00.”

/// /// ///

1 Section 3. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after
2 its adoption.

3 BOARD OF SUPERVISORS OF THE COUNTY
4 OF RIVERSIDE, STATE OF CALIFORNIA

5 By: _____
6 Chairman

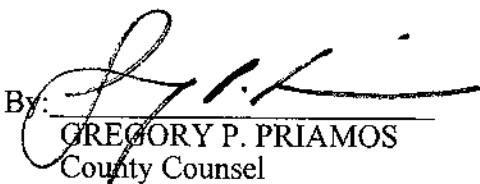
7 ATTEST:

8 CLERK OF THE BOARD:

9
10 By: _____
11 Deputy

12
13 (SEAL)

14
15
16
17
18 APPROVED AS TO FORM:

19
20 By: 
21 GREGORY P. PRIAMOS
22 County Counsel

Proposed changes in red

ORDINANCE NO. 914

AN ORDINANCE OF THE COUNTY OF RIVERSIDE RELATING TO THE REIMBURSEMENT OF INCARCERATION COSTS AND INCORPORATING BY REFERENCE PENAL CODE SECTION 1203.1c

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS. The Board of Supervisors finds that the costs to incarcerate persons in County Jail facilities continually increase and, as a consequence, require a significant expenditure from the County's general fund.

Section 2. PURPOSE. The purpose of this ordinance is to incorporate the provisions of California Penal Code Section 1203.1c, which allows 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.

Section 3. PENAL CODE SECTION 1203.1c ADOPTED BY REFERENCE. California Penal Code Section 1203.1c and any subsequent amendments to said section are hereby adopted by the County, and incorporated by reference herein.

Section 4. COLLECTION OF MONEYS. ~~The Chief Probation Officer of the Riverside County is hereby designated as the County Officer~~ The Riverside County Superior Court Enhanced Collections Division is 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 this 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 1202.4 (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).

Section 5. DEPOSIT OF MONEYS. All moneys collected shall be deposited in the general fund of the County.

Section 6. PER DAY COST. The average per-day cost of incarceration in County Jail facilities is hereby determined to be \$142.42. Defendants will be charged \$142.42 per day up to and including ten (10) days. Any days over ten (10) will be charged a flat fee of \$1,500.00.

Section 7. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption.

Adopted: 914 Item 3.1 of 11/15/2011 (Eff: 12/15/2011)

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: GARRY GRANT

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: _____

Date: OCT 7TH 01 **Agenda #** 3-4

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** _____ **Oppose** _____ **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda:

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. **YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.**

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. ***Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.***

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.

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SPEAKER'S NAME:

JOELIE WALTZ

Address:

(only if follow-up mail response requested)

City:

Zip:

Phone #:

3-4

Date:

10-2-14

Agenda #

91411

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 Oppose

 Neutral

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Date: _____ **Agenda #** 3.4

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