



**District Attorney
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One
PETE VANDER POEL
District Two
PHILLIP A. COX
District Three
J. STEVEN WORTHLEY
District Four
MIKE ENNIS
District Five

AGENDA DATE: June 21, 2011 - **REVISED**

Public Hearing Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Robert Dempsie PHONE: 636-5386

SUBJECT: Approval of a Criminal Restitution Compact agreement with the State of California, Victim Compensation and Government Claims Board.

REQUEST(S):
That the Board of Supervisors:

1. Approve an agreement with the State of California, Victim Compensation and Government Claims Board for the District Attorney's Criminal Restitution Compact in the amount of \$82,235.47, to fund a Restitution Specialist for the Victim Witness Assistance Center.
2. Authorize the Chairman to sign 5 copies of the agreement between the County of Tulare and the State of California, Victim Compensation and Government Claims board for the period of July 1, 2011 through June 30, 2012.
3. Authorize the Chairman to sign 5 copies of the attached form CCC-307 (Contractor Certification Clauses).
4. Authorize the District Attorney or his designee to sign the attached Confidentiality Statement (Attachment II).

SUMMARY:
This Agreement is entered into by the Victim Compensation and Government Claims Board (VCGCB), an agent of the State of California, and the County of

SUBJECT: Approval of a Criminal Restitution Compact agreement with the State of California, Victim Compensation and Government Claims Board.
DATE: June 21, 2011 - **REVISED**

Tulare. The purpose of this Agreement is to provide funding for a Restitution Specialist. This is the renewal of an existing agreement, which was previously approved by the Board on June 29, 2010.

The Restitution Specialist facilitates contact, provides training, and attends meetings between the county collection entity(ies) to discuss ways of ensuring the collection of, as well as increasing the collections of, restitution orders and fines.

The Restitution Specialist assists the prosecuting attorney to ensure the imposition of the following :

- a) Restitution orders in all appropriate cases involving a victim who has filed a claim with the California Victim Compensation Program (CalVCP) and where monies have been paid or are expected to be paid on behalf of the direct victim or any other qualifying applicant;
- b) Restitution fines on all convicted offenders;
- c) Parole revocation restitution fines in all cases in which the offender who receives parole;
- d) Diversion restitution fees for all diverted offenders; and
- e) Probation revocation restitution fines in all cases in which the offender's sentence may include a period of probation.

The Specialist also serves as a County resource on restitution issues, statutes, and case law. To this end, the Specialist assists victims in obtaining restitution whether or not they have filed applications with the CalVCP. The Specialist also spends a limited amount of time performing the following duties:

- a) assisting victims in obtaining restitution orders for losses incurred as a direct result of a crime;
- b) assisting victims in enforcing their restitution orders as civil/money judgments; and/or
- c) assisting victims with the preparation of evidence to obtain a restitution order.

County Counsel approved Agreement as to form, however, the agreement includes three items that deviate from standard County contract protocol:

1. Both parties can terminate the agreement with 30-days notice.
2. The County signs first.
3. The County indemnifies the State.

FISCAL IMPACT/FINANCING:

The funds will be included in the District Attorney's FY 11/12 budget. There will be no net County cost.

SUBJECT: Approval of a Criminal Restitution Compact agreement with the State of California, Victim Compensation and Government Claims Board.
DATE: June 21, 2011 - **REVISED**

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year Strategic Business Plan and Management System include Safety and Security initiatives to "effectively and fairly investigate, arrest, prosecute and punish individuals who engage in criminal behaviors." This Agreement helps fulfill this initiative by ensuring that those who commit crime are held accountable to pay for the restitution they are ordered to pay as part of their sentencing.


ALTERNATIVES:

N/A

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

County Counsel has reviewed this Agreement.

ADMINISTRATIVE SIGN-OFF:



Timothy Ward
Assistant District Attorney

Cc: Auditor/Controller
County Counsel
County Administrative Office (2)

Attachment(s)

Agreement #VCGC1088

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF APPROVAL OF)
A CRIMINAL RESTITUTION)
COMPACT AGREEMENT WITH THE)
STATE OF CALIFORNIA)
VICTIM COMPENSATION AND) RESOLUTION NO. _____
GOVERNMENT CLAIMS BOARD) AGREEMENT NO. _____

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Approved an agreement with the State of California, Victim Compensation and Government Claims Board for the District Attorney's Criminal Restitution Compact in the amount of \$82,235.47, to fund a Restitution Specialist for the Victim Witness Assistance Center.
2. Authorized the Chairman to sign 5 copies of the agreement between the County of Tulare and the State of California, Victim Compensation and Government Claims board for the period of July 1, 2011 through June 30, 2012.
3. Authorized the Chairman to sign 5 copies of the attached form CCC-307 (Contractor Certification Clauses).
4. Authorized the District Attorney or his designee to sign the attached Confidentiality Statement (Attachment II).