



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Probation



Date: February 12, 2014
Board Meeting Date: April 8, 2014
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: John T. Keene, Chief Probation Officer
Subject: Probation Fee Increase

RECOMMENDATION:

Adoption of an Ordinance Amending Title 2, Article 2.4, Chapter 2.43 of the San Mateo County Ordinance Code to amend Section 2.43.040, to add subparagraphs E, F, G, H and I, authorizing the Probation Department to implement a fee for administering the approval process for batterer's program annual certification, a fee for intrastate jurisdictional transfer, a fee for interstate compact transfer, increase the administration fee for collecting victim restitution, and increase the fee for the sealing of juvenile records, previously introduced on March 25, 2014 and waiver of reading the ordinance in its entirety.

BACKGROUND:

California Penal Code section 1203.097 (c) (5) (B) provides that the probation department shall have the sole authority to approve a batterers' program for probation. The probation department shall fix a fee for approval not to exceed two hundred fifty dollars (\$250) and for approval renewal not to exceed two hundred fifty dollars (\$250) every year in an amount sufficient to cover its costs in administering the approval process. Currently there are six batterer programs.

California Penal Code section 1203.9 provides that whenever a person is released on probation, the court, upon noticed motion, shall transfer the case to the superior court in any other county in which the person resides permanently. Likewise, California Penal Code Sections 11175 to 11179 authorize any two or more states to enter into a compact or agreement for cooperative effort and mutual assistance in the prevention of crime, whereby allowing a request by a person convicted of an offence and placed on probation or released on parole within a state party to a compact to reside in any other state also party to the compact while on probation or parole. California Penal Code 1203.1 (b) authorizes the County Board of Supervisors, by resolution, to establish a fee for the processing of jurisdictional transfers pursuant to Penal Code Section 1203.9 and requests for interstate compact supervision pursuant to Penal Code Sections 11175 and

11179 by the Probation Department, not to exceed the amount determined to be the actual average cost.

California Penal Code Section 1203.1 (l) now allows the county to charge a 15% administration fee to the offender for all restitution money collected as ordered by the court.

Welfare and Institutions Code (WIC) section 903.3 (b) allows a county to recover the costs of sealing juvenile records not to exceed one hundred fifty dollars (\$150).

DISCUSSION:

The Department does not currently charge any fee for approving a batterers' program to stop domestic violence. The cost analysis demonstrates that actual costs to provide such services exceed \$250 per program.

The Department does not currently charge any fee for intrastate jurisdictional transfers and interstate compact transfers. The cost analysis demonstrates that actual costs to provide such services exceed \$600 per transfer for interstate compact and \$450 for intrastate jurisdictional transfers.

The Department currently charges a 10% administration fee to the offender for victim restitutions. The fee was established more than a decade ago.

The Department currently charges \$100 per case for the sealing of juvenile records but the analysis of its current costs in providing sealing services shows that actual costs exceed \$150, the maximum allowable amount per WIC 903.3 (b).

Based upon the offender's ability to pay, these fees can be reduced or waived.

The Superior Court has reviewed and approved this fee proposal.

County Counsel has reviewed and approved the Ordinance as to form.

Approval of this action will contribute to the Shared Vision 2025 outcome of a Safe Neighborhood by ensuring that appropriate fee schedules are established to allow Probation Department to have adequate funding to operate efficiently.

FISCAL IMPACT:

If approved, the fee adjustments will result in an increase of approximately \$35,000 per year in revenue, \$6,500 from juvenile recording sealing (50 percent of average revenue), \$1,500 is from the approval of the six batterers' programs, approximately \$7,000 for transfers, \$20,000 from victim restitution administration fees.