

**COUNTY OF SONOMA
AGENDA ITEM
SUMMARY REPORT**

Clerk of the Board Use Only

Meeting Date

Held Until

____/____/____
Agenda Item No:

____/____/____
Agenda Item No:

Department: Probation

() 4/5 Vote Required

Contact:
Robert Ochs

Phone:
(707) 565-2732

Board Date:
06/02/2009

Deadline for Board Action:

AGENDA SHORT TITLE:

Probation Department Fee Increases.

REQUESTED BOARD ACTION:

Resolution increasing existing fees to be collected by the Probation Department effective July 1, 2009.

CURRENT FISCAL YEAR FINANCIAL IMPACT

EXPENDITURES

ADD'L FUNDS REQUIRING BOARD APPROVAL

Estimated Cost

\$0 Contingencies
(Fund Name:)

Amount Budgeted

0 Unanticipated Revenue \$0
(Source:) California Department of Parks and Recreation

Other Avail Approp
(Explain below)

Other Transfer(s)
(Source:)

Additional Requested:

\$0 Add'l Funds Requested: \$0

Explanation (if required): See attached "Fee and Revenue Summary Chart"

Prior Board Action(s):

04/15/08 Probation Department Fee Increases and New Fees

04/19/05 Fee Increases – Juvenile Record Sealing and Adult Records Expunged

06/06/02 Resolution approving the establishment of fees and procedures for the collection and distribution of payments collected pursuant to restitution orders and related fines and fees.

Alternatives – Results of Non-Approval: The Probation Department would maintain fees at existing levels. This would limit the ability of the Department to maintain current levels of service due to the necessary reductions in staffing that would result. These reductions would be necessitated by decreases to the revenue anticipated in this item.

BACKGROUND:

The attached Fee and Revenue Summary Chart provides an itemization of proposed fees to be increased by the Board of Supervisors and collected by the Probation Department.

In FY 08-09 the Probation Department conducted a comprehensive fee study, recommending an increase to many of the fees charged by the Department. The recommended rates were based on three major factors: cost analysis, comparison with other counties, and the specific population this Department serves. The Board of Supervisors approved the proposed increases in Probation fee rates projected to increase billings by \$1,700,063. Historical collection rates indicated that the additional revenue Probation could realize in FY 08-09 was approximately \$248,464.

For FY 09-10, recommended fee increases are based on an increased cost of doing business for the Probation Department. In order to keep pace with the increase to the cost of providing services, the Department is recommending increasing fees by 5.00%. A cost analysis (attached) was performed to assure that the recommended rates do not exceed the actual costs to provide the associated services, which is required by the Penal and Welfare and Institutions Codes. A reduction in anticipated salary costs (e.g., reduction of anticipated cost of living adjustment or potential Mandatory Time Off (MTO)) will not affect these proposed rates as the cost of doing business is much higher.

Estimate of Increased Revenue

The proposed fee rates for FY 09-10 reflect an overall increase in potential revenue of \$157,913. While this is the additional amount the Department could bill in FY 09-10, based on historical collection rates, the additional revenue Probation can expect to realize is considerably less than the amount billed. While the collection rate is significantly less than the expected revenue enhancement, the increase in fees still represents an impact on the effected probation clients. Approval of fee increases are requested to help fund important programs, services and related staff that would otherwise be reduced if outside funding is not available.

The recommended increase to probation fees will not cover all of the costs associated with performing these services (as shown in Exhibit A); however, it is intended to incrementally increase fees to more closely align with the actual cost of doing business. As sited previously, the Penal and Welfare and Institutions Codes require that the Probation Department consider the defendant's ability to pay when setting fees. Collection rates are fairly low in many cases due to this requirement, because many of the clients the Department serves have a limited ability to pay. Additionally, it is within the discretion of the court, or judge thereof, to determine the defendant's

Attachments:

- Fee and Revenue Summary Chart
- Probation Fees Cost Analysis
- Resolution establishing fees and fee increases for various Probation services

On File With Clerk:

None

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote:

BACKGROUND:

ability to pay, the amount which is to be paid, and the method and frequency with which payment is to be made.

The list of fees recommended for increase is not an exclusive list of all the fees which are currently charged by the Department. The Penal and Welfare and Institutions Codes have established statutory maximum amounts on several of the additional fees charged by Probation. Fees which are already set at the statutory maximum limits are not included in the resolution or on the fee and revenue summary.

Population Served

There are a few categories of defendants that will be affected by the increases. The Adult Probation Supervision, Chemical Testing, Jurisdictional Transfer/Interstate Compact Supervision Request Application, Work Release, Work Release Application, and Supervised Electronic Confinement/Work Furlough Application fees are all charged to offenders with grants of probation. The Pre-Sentence Report fee is charged to defendants who have been found guilty, but who have not yet been sentenced, and the report created is provided to the Court, as mandated by the Penal Code, to assist with the sentencing process. Approximately 80% of offenders for whom reports are written are granted probation when sentenced. Finally, the Supervised Own Recognizance (SOR) Supervision fee is charged to pre-trial defendants for participation in the SOR program, which is an alternative to jail or bail.

Below is a summary of the fee increases by Probation division:

Adult Probation: The fee increases for Adult Probation are each 5%. The new fees that will be charged for pre-sentence reports and adult supervision are \$630. The new fees that will be charged to probation clients are a \$6.30 per test fee for chemical testing and a \$63 jurisdictional transfer/interstate compact supervision request application fee. The total potential increase to billed revenue related to the fee increases for Adult Probation is \$111,215*.

Jail Programs: The fee increases for Jail Programs are 5% for work release applications, work release, supervised electronic confinement and work furlough applications. The fee that will be charged to probation clients for participation in the Supervised Own Recognizance program is a sliding scale determined based on ability to pay. The increase to the maximum amount of the sliding scale is 3.7% based on the actual cost of providing the service. The total potential increase to billed revenue for Jail Programs is \$40,923*.

Supervised Adult Crews: The fee increase for Supervised Adult Crews is 5% for Work Release. The total potential increase to billed revenue for Supervised Adult Crews is \$5,775*.

The attached Fee and Revenue Summary Chart provides an itemization of proposed fees to be increased by the Board of Supervisors and collected by the Probation Department.

**The actual billed revenue is subject to the level ordered by the court. Judges have the discretion to not impose fees. Additionally, the actual level of fees collected is subject to the client's ability and willingness to pay.*

EXHIBIT A

Probation Fees Cost Analysis

** Please note that the cost analysis below is based on limited direct costs only, because those partial figures alone exceed the new fee amount requested for each category. The Department is not requested that the fees be raised to the actual cost of providing each service because those amounts would exceed what the population can support, and would also exceed the fees charged by our comparison counties.*

Pre-Sentence Reports:

Average Wages & Benefits for a Deputy Probation Officer (DPO):	\$	119,558.00
Number of Investigative DPOs:		<u>16</u>
Total Cost of Investigative DPOs:	\$	<u>1,912,928.00</u>
Number of Reports Yearly:		1600
Cost per Report:	\$	1,195.58
Fee Requested:	\$	630.00

Adult Probation Supervision:

Average Wages & Benefits for a DPO:	\$	119,558.00
Number of Supervisory DPOs:		<u>22</u>
Total Cost of Supervisory DPOs:	\$	<u>2,630,276.00</u>
Number of Adults Supervised Yearly:		2970
Cost per Adult Supervised:	\$	885.61
Fee Requested:	\$	630.00

Chemical Testing:

Minimum Cost per Test:	\$	4.00
Average Hourly Wages & Benefits for a DPO:	\$	57.26
Average Hours Spent Per Year by DPOs:		<u>6251</u>
Total Cost of Time Spent by DPOs on Chemical Testing:	\$	<u>357,932.26</u>
Number of Tests Per Year:		29,347
Total Cost of Chemical Testing per Test:	\$	16.20
Fee Requested:	\$	6.30

EXHIBIT A

Jurisdictional Transfer/Interstate Compact Supervision Request Applications:

Average Hourly Wages & Benefits for a DPO:	\$	57.26
Average Hours Spent Per Application by DPOs:		4
Total Cost of Time Spent by DPOs on Application Review:	\$	229.04
Fee Requested:	\$	63.00

Work Release Applications:

Average Hourly Wages & Benefits for a Legal Processor (LP):	\$	39.68
Average Hours Spent Per Year by an LP:		1872
Total Cost of Time Spent by LP on Work Release:	\$	74,280.96
Average Hourly Wages & Benefits for a DPO:	\$	57.26
Average Hours Spent Per Year by DPOs:		1875
Total Cost of Time Spent by DPOs on Work Release:	\$	107,362.50
Number of Applications Processed:		2500
Total Cost per Application Processed:	\$	72.66
Fee Requested:	\$	63.00

Work Release:

Average Hourly Wages & Benefits for a DPO:	\$	57.26
Average Hours Spent per Year by Work Release DPOs:		2285
Total Cost of Work Release DPOs:	\$	130,839.10
Average Wages & Benefits for a Prob. Industries Crew Sup. (PICS):	\$	122,560.00
Number of Work Release PICS:		12
Total Cost of Work Release PICS:	\$	1,470,720.00
Number of Work Release Days per Year:		11650
Total Cost per Work Release Day:	\$	137.47
Fee Requested:	\$	15.75

EXHIBIT A

Supervised Electronic Confinement (SEC) and Work Furlough (WF) Applications:

Average Hourly Wages & Benefits for a Legal Processor (LP):	\$ 39.68
Average Hours Spent Per Year by an LP:	<u>750</u>
Total Cost of Time Spent by LP on SEC/WF Apps:	\$ 29,760.00
Average Hourly Wages & Benefits for a DPO:	\$ 57.26
Average Hours Spent per Year by Jail Services DPOs:	<u>1000</u>
Total Cost of Time Spent by Jail Services DPOs on SEC/WF Apps:	\$ 57,260.00
Number of Applications Processed:	820
Total Cost per Application Processed:	\$ 106.12
Fee Requested:	\$ 63.00

Supervised Own Recognizance (SOR) Supervision:

Average Wages & Benefits for a Deputy Probation Officer (DPO):	\$ 119,558.00
Number of SOR DPOs:	<u>6</u>
Total Cost of SOR DPOs:	\$ 717,348.00
Average Wages & Benefits for a Senior Legal Processor (SLP):	\$ 92,980.00
Number of SOR SLPs:	<u>1</u>
Total Cost of SOR SLPs:	\$ 92,980.00
Number of client days of SOR:	28000
Total Cost of SOR Day:	\$ 28.94
Fee Requested:	Sliding Scale not to exceed \$28 per Day

**Fee and Revenue Summary Chart
Probation Department**

Fee Description	FY 09-10 Units of Service	FY 08-09 Rate	FY 09-10 Proposed Rate	Rate Dollar Change	Rate Percent Change	FY 09-10 Revenue Increase Due To Rate Change
Adult Probation						
Fee Increases:						
Pre-Sentence Reports	1600	\$600.00	\$630.00	\$30.00	5.0%	\$48,000.00
Adult Probation Supervision	1800	\$600.00	\$630.00	\$30.00	5.0%	\$54,000.00
Chemical Testing	29347	\$6.00	\$6.30	\$0.30	5.0%	\$8,804.10
Jurisdictional Transfer/Interstate Compact Supervision Request Applications	137	\$60.00	\$63.00	\$3.00	5.0%	\$411.00
Sub-Total Adult Probation						\$111,215.10

Justification: The FY 09-10 proposed rates take into consideration the actual cost to the County for providing the above services. Salaries and benefits for the Department increased by 5.04% from FY 08-09 to FY 09-10. Fee increases reflect an overall increase of 5%, in order to keep pace with the cost of doing business. All fees collected are based on the clients' ability to pay, as required by statute.

Jail Programs

Fee Increases:						
Work Release Applications	2500	\$60.00	\$63.00	\$3.00	5.0%	\$7,500.00
Work Release	3950	\$15.00	\$15.75	\$0.75	5.0%	\$2,962.50
Supervised Electronic Confinement (SEC)/Work Furlough Applications	820	\$60.00	\$63.00	\$3.00	5.0%	\$2,460.00
Supervised Own Recognizance (SOR) Supervision	28000	Sliding Scale with \$27/day maximum	Sliding Scale with \$28/day maximum	\$1.00	3.7%	\$28,000.00
Sub-Total Jail Programs						\$40,922.50

Supervised Adult Crews

Fee Increases:						
Work Release	7700	\$15.00	\$15.75	\$0.75	5.0%	\$5,775.00
Sub-Total Supervised Adult Crews						\$5,775.00

Justification: The FY 09-10 proposed rates take into consideration the actual cost to the County for providing the above services. Salaries and benefits for the Department increased by 5.04% from FY 08-09 to FY 09-10. Fee increases reflect an overall increase of 5%, in order to keep pace with the cost of doing business. All fees collected are based on the clients' ability to pay, as required by statute.

Total Potential Revenue Adjustment Due to Rate Changes * \$157,912.60

COMMENTS:

Fee and Revenue Summary Chart
Probation Department

Fee Description	FY 09-10 Units of Service	FY 08-09 Rate	FY 09-10 Proposed Rate	Rate Dollar Change	Rate Percent Change	FY 09-10 Revenue Increase Due To Rate Change
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** The proposed FY 09-10 fee rates reflect an overall potential net revenue increase of \$157,912.60. However, based on current collections rates, the Probation Department estimates that it will collect considerably less revenue than what is billed because fee collection rates vary by the client's ability to pay. Additionally, the court, or judge thereof, has the discretion to determine a person's ability to pay, the amount which is to be paid, and the method and frequency with which payment is to be made.*

Resolution No. _____

Sonoma County Administration
Building, Santa Rosa, Calif.

Date: _____

RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA
ESTABLISHING FEES FOR VARIOUS SERVICES PROVIDED BY THE
PROBATION DEPARTMENT.

WHEREAS, the Probation Department of the County of Sonoma is responsible for collecting various fines and fees from probationers as ordered by the Court and otherwise allowed by law;

WHEREAS, the Probation Department has conducted a cost analysis to determine the cost of providing the related services;

WHEREAS, the Board of Supervisors finds that it is in the public interest that these services be continued and that fees be charged to offset their cost;

WHEREAS, California law authorizes the County of Sonoma Board of Supervisors to establish and set various fees to be collected by the County, and the Board of Supervisors finds that it is in the public interest to establish such fees set forth below;

NOW, THEREFORE, BE IT RESOLVED that the foregoing recitals are true and correct, and as follows:

- I. Fees to be Increased. The following fees are hereby increased:
 - A. A \$630 Pre-Sentence Report Fee shall be established and charged to defendants for the cost of preparing each pre-sentence report pursuant to Penal Code section 1203.1b(a), which fee does not exceed the actual average cost thereof.
 - B. A \$630 Probation Supervision Fee shall be established and charged to defendants each time they are placed on probation or reinstated, and once every 12 months during each uninterrupted term of probation, pursuant to Penal Code section 1203.1b(a), which fee shall not exceed the actual average cost of probation supervision.
 - C. A \$6.30 Chemical Testing Fee shall be established as the cost of test, the staff cost of the collecting of chemical testing, and the administration of the testing program pursuant to Penal Code section 1203.1ab (for adults) and Welfare and Institutions Code section 729.9 (for juveniles), which shall be charged per court order as required therein.

- D. A \$63 Application Fee shall be established and charged pursuant to Penal Code section 1203.1b(a) as the actual cost of processing each of the following: (i) jurisdictional transfer applications made under Penal Code section 1203.9; and (ii) interstate compact supervision request applications made under Section 11175 to 11179, inclusive, whichever applies.

- E. Pursuant to Penal Code Section 1208.2(b)(1), the following fees shall be prescribed and charged as set forth below. These fees together do not exceed the pro rata cost of the work release program, including the cost of equipment, supervision, and other operating costs.
 - 1. A \$63 Work Release Application Fee shall be charged to defendants for the cost of processing work release applications;

 - 2. A \$15.75 Work Release Program Administration Fee shall be charged to defendants for each day they participate in the work release program.

- F. A \$63 Electronic Confinement/Work Furlough Fee shall be charged to applicants for the cost of processing supervised electronic confinement and work furlough applications pursuant to Penal Code section 1208.2(b) (1); this fee, when combined with the applicable program fees, together do not exceed the pro rata cost of the applicable programs, including the cost of equipment, supervision, and other operating costs.

- G. A Supervised Own Recognizance fee shall be charged pursuant to Penal Code section 1203.1b(a) in an amount to be determined by the defendant's probation officer, or his/her authorized representative, not to exceed the actual average cost of pre-trial probation supervision. (The actual average cost is estimated as \$28 per day.)

SUPERVISORS:

Brown:	Kerns:	Zane:	Carrillo:	Kelley:
Ayes:	Noes:	Abstain:	Absent:	

SO ORDERED