



San Bernardino County

Legislation Text

File #: 10468, Agenda Item #: 19

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

July 9, 2024

FROM

JASON ANDERSON, District Attorney

SUBJECT

Amendments to Non-Financial Agreements with City of Fontana and City of Montclair for Victim Advocacy Services

RECOMMENDATION(S)

1. Approve Amendment No. 2 to non-financial Agreement No. 22-841 with the City of Fontana to continue providing victim advocacy services, extending the term by one year, retroactively effective July 1, 2024, for a total term of September 27, 2022 through June 30, 2025.
2. Approve Amendment No. 2 to non-financial Agreement No. 22-999 with the City of Montclair to continue providing victim advocacy services, extending the term by one year, retroactively effective July 1, 2024, for a total term of October 25, 2022 through June 30, 2025.
3. Authorize the District Attorney to approve and execute non-substantive amendments to Agreement No. 22-841 with the City of Fontana and Agreement No. 22-999 with the City of Montclair, subject to County Counsel review.
4. Direct the District Attorney to transmit all amendments to Agreement Nos. 22-841 and 22-999 to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Michael Fermin, Chief Assistant District Attorney, 382-3662)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Provide for the Safety, Health and Social Service Needs of County Residents.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). These are non-financial agreements with the Cities of Fontana and Montclair to provide victim advocacy services through the placement of an onsite Victim Advocate at the police department of each city. The salary and benefit costs are estimated at \$179,515 for 2024-25 and will be funded by an allocation from the California Public Safety Realignment Act established through Assembly Bill (AB) 109 Community Corrections Partnership. Appropriation for the salaries and benefits of the two positions and the associated AB 109 funding are included in the District Attorney's (Department) 2024-25 budget. If AB 109 funding is reduced or program goals change, each city has the option to end advocacy services or to fund the Victim Advocate position.

BACKGROUND INFORMATION

The Department is the public prosecutor and has the mandated responsibility to prosecute crimes committed

within San Bernardino County pursuant to Government Code Section 26500. The Department also provides services to victims of crime in accordance with Penal Code Section 13835 et seq. The Bureau of Victim Services provides a wide variety of services to victims of and witnesses to crimes, including crisis intervention, emergency funeral/burial assistance to families, emergency relocation assistance, accompanying victims to court and providing support through the prosecution process, referrals to physical and mental health providers, coordination of volunteer support from the community, and assistance in applying for benefits from the California Victim Compensation Board for economic losses.

On April 4, 2011, Governor Edmund G. Brown signed AB 109, the California Public Safety Realignment Act, which created significant change to the California Correctional System. AB 109 transferred responsibility and associated funding for incarcerating, supervising, and treating lower-level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to California counties. AB 109 consists of two service areas, Law Enforcement and Support Services, each of which have their own budget. The Law Enforcement Services budget unit has five subaccounts, Community Corrections, Juvenile Justice, Local Innovation, Parole Revocation, and Trial Court Security.

The Community Corrections subaccount is administered by the Local Community Corrections Partnership (CCP), which consists of a membership defined by Penal Code Section 1230 and includes the Chief Probation Officer, the Sheriff/Coroner/Public Administrator, the District Attorney, the Public Defender, and Human Services. AB 109 has had a significant impact on local law enforcement operations. As required by AB 109, the CCP meets on a quarterly basis.

In March 2022, the Department submitted a request to the CCP to fund three new Victim Advocate II positions at an estimated annual cost of \$285,000. The CCP approved the Department's request for additional funding, submitted on March 31, 2022, and on June 14, 2022 (Item No. 103), the Board of Supervisors (Board) approved the addition of the three Victim Advocate II positions in the 2022-23 Adopted Budget.

The Department requested these positions for two purposes. The first is to keep victims of crime notified of changes in prisoner status as mandated by the Victims' Bill of Rights Act of 2008: Marsy's Law. Upon notification of changes in status, victims can receive assistance from Victim Advocates or the Department to take action such as corresponding with the Board of Corrections or attending hearings to present how the crime has impacted their life. Marsy's Law provides rights that victims of crime can invoke when they are navigating through the criminal courts and ensure they have registered for the National Victim Crime Notification network program for updates to prisoner status such as parole. The second purpose of these positions is to expand the Department's police-based advocacy program by meeting the requests from the cities of Montclair and Fontana for an onsite Victim Advocate.

On September 27, 2022 (Item No. 30), the Board approved the one-year, non-financial Agreement No. 22-841 with the City of Fontana to provide an onsite Victim Advocate to the city police department as funded by AB 109 CCP. On October 25, 2022 (Item No. 39), the Board approved the one-year, non-financial Agreement No. 22-999 with the City of Montclair for the same purpose.

In addition to victim notifications of defendant status, job duties can include responding to crime scenes upon request of law enforcement and providing immediate assistance to victims, witnesses, and their families. It is essential to respond quickly after a crime as victims or witnesses may need emergency services such as food, shelter, and clothing in addition to coping with emotional trauma.

On June 13, 2023 (Item No. 37), the Board approved Amendment No. 1 to non-financial Agreement No. 22-841 with the City of Fontana to continue providing victim advocacy services, extending the term by one year, for a total term of September 27, 2022 through June 30, 2024. Also, on June 13, 2023 (Item No. 37), the Board approved Amendment No. 1 to non-financial Agreement No. 22-999 with the City of Montclair to continue providing victim advocacy services, extending the term by one year, for a total term of October 25,

2022 through June 30, 2024.

During the review process to final the amendments, it was discovered that extending the term is not covered by delegated authority and requires Board approval. The item is being presented to the Board at this time, as this is the first date available following operational, financial, and legal reviews. Approval of the amendments will retroactively extend each agreement one additional year from July 1, 2024, through June 30, 2025, to continue providing onsite victim advocacy services for the cities of Fontana and Montclair. There are no other changes to the terms and conditions of the agreement.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Richard Luczak, Deputy County Counsel, 387-5455) on June 24, 2024; Finance (Kathleen Gonzalez, Administrative Analyst, 387-5412) on June 27, 2024; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on June 27, 2024.