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AGENDA COVER MEMO

MEMORANDUM DATE: September 16, 2011

AGENDA DATE: September 28, 2011

TO: Board of County Commissioners
DEPARTMENT: District Attorney
PRESENTED BY: Alex Gardner, District Attorney
AGENDA TITLE: Restitution Pilot Program Grant Application

I. MOTION

Order/In The Matter of Approving an application from Lane County to Oregon Department of Justice for a Restitution Pilot Program Grant for \$164,038 and delegating authority to the County Administrator to execute grant documents.

II. AGENDA ITEM SUMMARY

The Lane County District Attorney's Office, in partnership with the Lane County Circuit Court, Parole and Probation, Adult Corrections, and the Springfield Municipal Jail, is applying for an Oregon Department of Justice Restitution Pilot Program Grant for \$164,038 to serve the needs of victims by identifying restitution in every criminal case where a financial loss was suffered and improve the rate of recovery restitution from offenders for victims.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. History

HB 3066 (2011) authorizes the Oregon Department of Justice (DOJ) to establish a Restitution Collection Pilot Program in geographically dispersed counties or in regional collaborations of counties to increase the collection of restitution ordered under ORS 137.106 and 137.107. The financial support for the Program is from punitive damages funds collected as allowed in ORS 31.735 and available to DOJ to serve victims of crime. HB 3066 allows DOJ to expend these funds for purposes of the Pilot Program and to request funds expended on the Restitution Pilot Grant Program to be repaid if the Pilot is successful. DOJ will award approximately \$800,000 in total through a competitive application process to five (5) counties or regional collaborations of counties.

The DA Victims Services Program (DA VSP) is working collaboratively with the Lane County Circuit Court, Parole and Probation, Adult Corrections, and the Springfield Municipal Jail to develop a Restitution Pilot Program application for Lane County. The grant would fund a 1.0 FTE Restitution Clerk (classified as a Victim Advocate) from January 3, 2012 to June 30, 2013 to work at DA VSP. This position would work with crime victims to accumulate, compile, and prepare financial loss documentation and amounts to present to the court. This paid position will work with volunteers to serve the needs of victims and identify restitution in every criminal case where a financial loss was suffered. This position will be responsible for program data collection and grant reporting. The Restitution Clerk will work closely with the Department Of Justice Collection Agent who also will be located at the DA's Office. The primary responsibility will be collecting restitution after a criminal judgment. The grant award would include funding for office supplies and training for the Restitution Clerk. The DOJ Collection Agent is funded by the State and is not included in the budget or request amount.

The Lane County Circuit Court will support victims' rights by awarding restitution in criminal cases and will work with Parole and Probation and the DOJ Collection Agent when offenders do not pay restitution. Probation Officers (PO's) will work with the DOJ Collection Agent and the offenders they are supervising to ensure payments are being made on restitution judgments. If an offender is delinquent, the PO's will notify the DA's Office and the Courts that a violation has occurred. Adult Corrections will provide one bed in the female dormitory for an offender to be held accountable and serve the entire length of a sentence on a restitution probation violation. Springfield Municipal Jail will provide one bed for a male offender to be held accountable and serve the entire length of a sentence when violating probation for failure to pay.

The DA's Office will facilitate a Leadership Team which will include the DA, Victim Services Program Director, Restitution Clerk, DOJ Collection Agent, Judge, and Parole and Probation Manager. This Team will meet on a regular basis during the grant period and attend the State Restitution Summit in Fall 2012 and the final leadership team meeting in May 2013.

B. Policy Issues

None.

C. Board Goals

The Lane County Restitution Pilot Program will address the following Board Goal from 2008-10: 2) Provide outstanding customer/constituent service.

D. Financial and/or Resource Considerations

None.

E. Analysis

1. Please describe how grant impacts or obligates County funds. Provide grant budget details regarding the amount and which county funds will cover the expenses. To the extent the grant requires match or obligates Special Revenue other dedicated funds, please identify the specific revenue source.

Grant funds would be the only funds used to pay for this project.

2. For any required match, which will be spent first - grant funds or other County funds - or will they be spent concurrently?

No match is required.

3. Are there unique or unusual conditions that trigger additional County work effort, or liability, i.e., maintenance of effort requirements or supplanting prohibitions or indemnity obligations? No.

4. Does the grant proposal include the addition of new County positions? If so, how much FTE, in what kinds of positions, and in which programs? Will these positions be regular, temporary, or extra help?

Yes, 1.0 FTE Victim Advocate, Regular

5. Describe the plan for continuation of the grant program/project after the end of the grant. What is the expectation of grant stakeholders regarding future funding of the program/project? Please consider the applying department one of the stakeholders and describe any expectation of ongoing County funds (both discretionary and non-discretionary).

The person hired into the position will be of the understanding that the position is for 18 months with no expectations for continued funding. If the pilot program is successful and the State wants to continue funding then we would take the necessary steps to continue the grant.

6. To what extent will the grant cover the Full Indirect Cost or the A-87 Indirect Cost associated with the grant program/project?

None. The indirect cost increase is expected to be small enough that the Department will be able to absorb it with minor changes to materials and services spending.

IV. Alternatives/Options

1. Adopt the Order approving an application from Lane County to Oregon Department of Justice for a Restitution Pilot Program Grant for \$164,038 and delegating authority to the County Administrator to execute grant documents.
2. Reject the Order and do not approve Lane County submitting the application.

V. Timing/Implementation

The application must be submitted no later than October 3, 2011. If funded, the project will begin January 3, 2012 and end June 30, 2014.

VI. RECOMMENDATION

Adopt the Order and submit the application.

VII. FOLLOW-UP

If the grant is awarded, the District Attorney will return to the Board with an order to create 1.0 FTE Victim Advocate position in the DA's Office and budget the funds.

VIII. ATTACHMENTS

Order/In The Matter of Approving an application from Lane County to Oregon Department of Justice for a Restitution Pilot Program Grant for \$164,038

THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDER:) In The Matter of Approving an application from Lane County to
) Oregon Department of Justice for a Restitution Pilot Program Grant
) for \$164,038 and delegating authority to the County Administrator to
 execute grant documents.

WHEREAS, HB 3066 (2011) authorizes the Oregon Department of Justice (DOJ) to establish a Restitution Collection Pilot Program in geographically dispersed counties or in regional collaborations of counties to increase the collection of restitution ordered under ORS 137.106 and 137.107; and

WHEREAS, DOJ will award approximately \$800,000 in total through a competitive application process to five (5) counties or regional collaborations of counties; and

WHEREAS, the Lane County District Attorney's Office has worked with partners to design a Restitution Collection Pilot Program for Lane County;

NOW THEREFORE, IT IS HEREBY ORDERED, that the Board of County Commissioners is approving an application from Lane County to Oregon Department of Justice for a Restitution Pilot Program Grant for \$164,038 and delegating authority to the County Administrator to execute grant documents.

DATED this 28th day of September, 2011.

Faye Stewart, Chair
Lane County Board of County Commissioners

APPROVED AS TO FORM

Date 9-19-11 lane county

OFFICE OF LEGAL COUNSEL

