

COUNTY OF SACRAMENTO
CALIFORNIA

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For the Agenda of:
June 15, 2009

To: Board of Supervisors

From: Countywide Services Agency

Subject: **Report Back On The County Of Sacramento's Responsibility To Provide Funding For Certain Courts Services**

Contact: James W. Hunt, Acting Administrator Countywide Services Agency, 874-5886

On Thursday, June 11, 2009, your Board requested further information regarding the County of Sacramento's responsibility to provide funding for certain Courts services. This report addresses that request.

BACKGROUND:

On October 10, 1997 the Governor signed the Lockyer-Isenberg Trial Court Funding Act of 1997, paving the way for diminished county responsibility for funding trial courts. The legislation reaffirmed California's trial courts as a co-equal, independent branch of government.

On January 1, 1998, the State became responsible for the approval of court operating budgets and for funding growth in "court operations". The County remains responsible for an annual payment to the State based upon the actual Fiscal Year 1994-1995 General Fund contribution to court operations plus the amount forwarded to the State for fines and forfeitures for that same base year. In addition to the payment to the State, counties remain fiscally responsible for court facilities, fine revenue collections and certain other court-related costs not included within the definition of "court operations".

Programs that are not classified as a "court operations" cost remain the financial responsibility of the County. In most cases, the county has little discretion over funding these costs.

DISCUSSION:

Debt Service, Lease and Facilities Maintenance (\$9,776,736):

The County of Sacramento is responsible for funding the debt service costs and providing a County Facilities Payment for all transferred facilities used by the Courts before the Trial Court Funding Act was passed. Currently this budget pays for the debt service amounts attached to the Carol Miller Justice Center, the Juvenile Courthouse, a portion of the Main Jail and a portion of OCIT. The Capital Facility Payment (CFP) that pays for transferred Courts facilities and leases is also budgeted here. In addition, the jury overflow parking budget is included in this program.

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Enhanced Collections (\$2,908,572):

The Department of Revenue Recovery provides collection of delinquent accounts to the Courts for fees, fines, and penalties. Penal Code Section 1463.010 requires adoption of guidelines for a comprehensive collection program that will ensure a statewide effort to enforce payment of fines and fees. It further requires each county to have a Memorandum of Understanding (MOU) with the superior court regarding collection of fines and penalties and the subsequent distribution of revenue. The penal code and Rule 10.810 (California Rules of Court) also requires costs associated with the enhanced collections program be paid for by the entity providing the service. On March 1, 2005, the Board of Supervisors approved the MOU which authorized a comprehensive collection program for the collection of fines and fees. This budget provides the funding for that agreement.

Judicial Benefits (\$77,376):

Under Rule 10.810 of the California Rules of Court, the County of Sacramento is responsible for the continuance of county paid benefits (life and dental insurance) to the 50 presiding judges that were commissioned prior to the enactment of the Trial Court Funding Act and Rule 10.810. Recent litigation in the County of Los Angeles was responsible for the passing of new legislation that allows a County to notice and discontinue providing judicial benefits over time. We are currently working with the local Courts and the Administrative Office of Courts to provide written notice to the judges affected.

Administrative Costs (\$134,894):

The County Executive Cabinet administrative costs related to preparing the Non-Trial Court Operations budget and the annual County/Courts liaison functions are budgeted here.

Psychiatric Evaluations (\$90,000):

Payment for court ordered psychiatric evaluations for juvenile cases when a defendant pleads "Insanity" are the responsibility of the County based on Section 731 of the Evidence Code.

Pre-Trial Release Program (\$212,722):

The Pre-Trial Release program is one of the programs that provide an alternative sanction to fines, probation or incarceration. The cases of pre-trial detainees are reviewed and determination is made based on specific criteria to release the detainee on their "own recognizance". This program was implemented to help offset jail overcrowding issues. This program is discretionary.

Traffic Prosecutorial Services (\$610,880):

The District Attorneys Office provides staff to assist in the early resolution of traffic cases and conducts approximately 270 interviews per day which significantly increases the number of cases resolved in court at the arraignment stage each day. This program significantly decreases costs associated with the extended trial court process and the unnecessary subpoenaing of law enforcement officers. This budget provides the funding for the District Attorney's Office to run this program. This program is discretionary.

The Pre-Trial Release and Traffic Prosecutorial Services programs are discretionary but provide relief to possible jail overcrowding and a significant reduction to court related costs. All other programs in Court budgets are at minimal levels.

Respectfully submitted:

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