



Legislation Text

File #: 2022-0096, **Version:** 1

To: Sonoma County Board of Supervisors
Department or Agency Name(s): County Administrator's Office
Staff Name and Phone Number: Nikolas Klein, 565-5312
Vote Requirement: Majority
Supervisorial District(s): Countywide

Title:

Consolidated Fee Hearing Item: FY 2022-23 Jail Booking and Jail Access Fees

Recommended Action:

Adopt a resolution setting the contingent Criminal Justice Administrative Fee (Jail Booking Fee) at \$229.41 per applicable booking, and setting the Jail Access Fee at \$376.38 per applicable non-felony booking, effective July 1, 2022. The Jail Booking Fee is only billable to arresting agencies if the state does not fully fund the booking fee allocation through Public Safety Realignment. The Jail Access Fee is billed to arresting agencies for certain applicable bookings. Neither the Jail Booking Fee nor the Jail Access fee is billed to individuals.

Executive Summary:

Government Code Section 29551 authorizes the County to collect a Criminal Justice Administrative Fee, or jail booking fee, only if state Public Safety Realignment revenue allocated for this purpose is less than \$35 million statewide (Sonoma County's share is \$791,066) in a given fiscal year. While the County anticipates statewide Public Safety Realignment funding in Fiscal Year 2022-23 will meet the \$35 million threshold per the Governor's Proposed Budget released on January 10, 2022, approval of this fee would allow the County to bill arresting agencies for the difference based on the percent of the shortfall. Consequently, the Board of Supervisors is requested to increase the contingent Jail Booking Fee from \$218.07 to \$229.41 (an increase of \$11.34, or 5.2%, over FY 2021-22).

The intent of the Jail Access Fee ("JAF") is to provide an incentive to arresting agencies to minimize unnecessary arrests, reduce pressure on jail capacity and provide space for serious offenders, and foster development of local alternatives to deal with non-violent, less serious offenders. The JAF may only be charged to agencies for certain identified non-felony bookings if the arresting agency exceeds their three-year average for these types of bookings. The recommended action increases the fee from \$369.00 to \$376.38 per booking (an increase of \$7.38, or 2.0%, over FY 2021-22) to account for the Sheriff's Office booking operations annual cost increase.

Discussion:

Booking Fee Adjustment Calculation

Assembly Bill 1805 amended Government Code Section 29550, and added GC Sections 29551 and 29552, to address the costs associated with booking arrestees of other agencies into county jails. Pursuant to this legislation, if the state appropriates (in FY 2007-08 and annually thereafter) \$35 million in the Enhancing Law Enforcement Activities Subaccount (Local Law Enforcement Services Account-Local Revenue Fund 2011) to

directly fund counties for the cost of jail bookings, a county may not levy a booking fee. In accordance with GC Section 29552, Sonoma County's apportionment of the total annual \$35 million budgeted statewide is \$791,066. To comply with State law, the Sheriff's Office deposits these funds in a Special Revenue Fund, which in turn reimburses detention operations costs in the General Fund. However, if in subsequent years, less than the full \$35 million is allocated in the state budget for all counties, local arresting agencies would be required to pay the portion of the booking fee equal to the proportion that the appropriated amount is less than \$35 million, as long as the Board maintains and updates this fee. Effective July 1, 2021, Assembly Bill 1869 amended and repealed portions of GC 29550 to prohibit the County, or any arresting agency, from recovering the contingent Criminal Administrative Fee (Booking Fee) from convicted individuals.

The Jail Booking Fee is statutorily set with annual increases limited to the California Consumer Price Index, plus 1.0%. This methodology has been in place since 2006, and is established in Government Code Section 29551. The California Department of Finance (DOF) aggregates Bureau of Labor Statistics data and publishes annual Consumer Price Index increases for the entire state. Based on the State's data published January 2022, the year-over-year statewide CPI increase for calendar year 2021 was forecasted to be 4.2% as of November 2021. The 2021 CPI data set, "Calendar Year Averages from 1950", is attached to this report, and also published on the DOF website (<https://www.dof.ca.gov/Forecasting/Economics/Indicators/Inflation/>) After factoring in the additional 1.0% increase allowed above the 4.2% CPI inflation, the overall proposed fee increase for FY 2022-23 equates to 5.2%.

Jail Access Fee Calculation

The Jail Access Fee may only be charged to agencies for certain identified non-felony bookings if the arresting agency exceeds their three-year average for these types of bookings. According to the legislation, the JAF applies to bookings for Municipal Code Violations and misdemeanor violations, except for driving under the influence and domestic violence misdemeanor offenses, including enforcement of protective orders. Arresting agencies are notified of their rolling average in July of each year and also receive actual arrest numbers on a monthly basis to help manage costs for optional bookings.

The current JAF was set at \$369 per applicable booking effective July 1, 2021, and was based on the most recent time study and cost calculation completed in November 2019, adjusted for annual inflation. The JAF rate may not exceed actual cost of booking an arrested person. The Sheriff's Office year-over-year booking operations cost increase experienced from FY 19-20 to FY 20-21 resulted in the current request to increase the booking fee from \$369 to \$376.38 per booking, equivalent to an increase of 2.0%.

Legislative History

Over the last two decades, the state has instituted legislation regarding the booking of arrestees into county jails. In 1990, counties were granted the statutory authority to levy a charge against cities and special districts, to recover costs associated with booking persons into the county jail. Counties were provided this tool as one of a number of measures to offset over \$700 million in reductions in state support for county programs contained in the FY 1990-91 state budget. The criminal justice administration fee, or booking fee, was intended to permit counties the ability to recover their actual costs associated with the booking and other processing of persons arrested and brought to the county jail.

In 1999, the Legislature took action to continuously appropriate up to \$50 million dollars to backfill cities and qualified special districts for their costs associated with paying booking fees to counties. Cities and special

districts received just over \$38 million in reimbursements through FY 04-05. In 2004, the legislature adopted a number of changes relating to booking fees as part of the general government trailer bill. Counties retained the authority to charge a booking fee for the FY 04-05, but rates were “locked in” at the level in place on January 1, 2004 (\$233 for Sonoma County). Effective July 1, 2005, county booking fees were limited to one-half of actual administrative costs associated with booking and processing of arrestees; and the backfill to cities and special districts was eliminated. At the time, Sonoma County’s agreement with the cities was a fee less than full cost which was increased annually by a set formula. The FY 05-06 fee was based on this agreement and reduced by half (\$123). In 2006, a final state budget trailer bill, AB 1805, amended Government Code (GC) Section 29550, and added GC Sections 29551 and 29552 to address the costs associated with booking arrestees of other agencies into county jails. Pursuant to this new legislation, if the state appropriates (in FY 07-08 and annually thereafter) \$35 million to directly fund counties for the cost of jail bookings, a county may not levy a booking fee. This action relieved cities and special districts from paying directly for felony and certain misdemeanor bookings. However, if in subsequent years less than the full \$35 million is allocated in the state budget, arresting agencies would be required to pay the portion of the booking fee equal to the proportion that the appropriated amount is less than \$35 million. As previously mentioned, effective July 1, 2021, Assembly Bill 1869 amended and repealed portions of GC 29550 to prohibit the County or any arresting agency from recovering the contingent Criminal Administrative Fee (Booking Fee) from convicted individuals.

Additionally, the same trailer bill authorized counties to charge a Jail Access Fee. Pursuant to GC 29551(b)(1), effective July 1, 2007, even if an appropriation (\$35 million) is made by the state, the county may also charge arresting agencies a Jail Access Fee when certain criteria are met. This fee can be charged when an agency exceeds their most recent three-year-average number of non-felony bookings for municipal code violations and misdemeanor violations, except driving under the influence offenses and domestic violence misdemeanor offenses. The JAF rate may not exceed actual cost of booking an arrested person. The intent of the JAF is to recover the cost of providing this service in compliance with Proposition 26, while simultaneously attempting to avoid or reduce unnecessary arrests, help mitigate pressure on local facilities and create availability of space in local detention facilities for serious offenders, and foster development of local alternatives to deal with nonviolent, less serious offenders.

Strategic Plan:

N/A

Prior Board Actions:

March 23, 2021: Board adopted the Jail Booking Fee and Jail Access Fee effective July 1, 2021.

March 24, 2020: Board adopted the Jail Booking Fee effective July 1, 2020.

May 14, 2019: Board adopted the Jail Booking Fee effective July 1, 2019.

May 8, 2018: Board adopted the Jail Booking Fee effective July 1, 2018.

May 9, 2017: Board adopted the Jail Booking Fee effective July 1, 2017.

April 26, 2016: Board adopted the Jail Booking Fee effective July 1, 2016.

Each year since FY 1990-91 the Board has set the Jail Booking Fee.

October 23, 2013: Board adopted the Jail Access Fee effective July 1, 2013.

FISCAL SUMMARY

Expenditures	FY 21-22 Adopted	FY22-23 Projected	FY 23-24 Projected
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Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other		\$672	
Use of Fund Balance			
Contingencies			
Total Sources		\$672	

Narrative Explanation of Fiscal Impacts:

The Criminal Justice Administrative Fee (Jail Booking Fee) is only billable to arresting agencies if the state does not fully fund the booking fee allocation through Public Safety Realignment.

Using the three-year average of 91 arresting agency Jail Access Fee billings, it is estimated that \$34,251 will be received in FY 22-23, based on the new proposed rate of \$376.38 per booking. This equates to an increase of annual revenue of \$672, when compared to 91 bookings at the current rate of \$369. Projected revenue for the Jail Access Fee will be programmed in the Sheriff’s FY 22-23 Recommended Budget.

STAFFING IMPACTS:

Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

- 1) Resolution establishing Jail Booking Fee and Jail Access Fee effective July 1, 2022
- 2) Fee Cover Page
- 3) Jail Booking Fee Calculation Worksheet
- 4) 2021 California Statewide Consumer Price Index as of November 2021
- 5) Jail Access Fee 3-Year Average

Related Items “On File” with the Clerk of the Board:

None