



Legislation Text

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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: Jail Booking and Jail Access Fees

Recommended Action:

Adopt a resolution setting the contingent Criminal Justice Administrative Fee (Jail Booking Fee) at \$218.07 per applicable booking, and setting the Jail Access Fee (JAF) at \$369 per applicable non-felony booking, effective July 1, 2021. 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.

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 2021-22 will meet the \$35 million threshold, per the Governor's Proposed Budget released on January 8, 2021, 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 Jail Booking Fee from \$212.34 to \$218.07 (an increase of \$5.73, or 2.7%, over FY 2020-21).

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 JAF was last updated in July 1, 2013. It is requested to increase the fee from \$339 to \$369 per booking (an increase of \$30, or 8.8%), to align with the results of the triennial Jail Access Fee time study analysis of booking activities completed by the Sheriff's Office in November 2019.

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 new 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. 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.

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 2021, the year-over-year statewide CPI increase for calendar year 2020 was forecasted to be 1.7% as of November 2020. The 2020 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 1.7% CPI inflation, the overall proposed fee increase for FY 2021-22 equates to 2.7%.

Jail Access Fee Calculation

The Jail Access Fee (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. 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 \$339 per applicable booking effective July 1, 2013, and has been held flat the past several years through current Fiscal Year 20-21. Based on the most recent time study and cost calculation completed in November 2019, the Sheriff's operational cost for bookings activities has increased, primarily due to labor cost of living adjustments. The time study is used to determine what percentage of overall time is spent on booking inmates to determine a rate per booking, which is used to set the JAF. Time studies are conducted every three years. The most recent November 2019 time study analyzed actual booking data for FY 18-19 and projected costs through FY 19-20, and calculated a JAF of \$362/booking. In consideration of the requested July 1, 2021 effective date, and the need to account for another year of elapsed time, this item requests implementing a JAF of \$369, which factors additional CPI inflation of 1.7%. The calculated time study booking fee, plus CPI inflation, result in the current request to increase the booking fee from \$339 to \$369 per booking, equivalent to an increase of 8.8%.

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.

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 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 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.

Prior Board Actions:

- 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 20-21 Adopted	FY21-22 Projected	FY 22-23 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			

General Fund/WA GF			
State/Federal			
Fees/Other		\$5,340	
Use of Fund Balance			
Contingencies			
Total Sources		\$5,340	

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 187 arresting agency Jail Access Fee billings, it is estimated that \$65,682 will be received in FY 21-22, based on the new rate of \$369 per booking. This equates to an increase of \$5,340 compared to 187 bookings at the current rate of \$339. Projected revenue for the Jail Access Fee will be programmed in the Sheriff's FY 21-22 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 and Jail Access Fees effective July 1, 2021
- 2) Fee Cover Page
- 3) Jail Booking Fee Calculation Worksheet
- 4) Consumer Price Index
- 5) Jail Access Fee 3-Year Average

Related Items "On File" with the Clerk of the Board:

None