



## Legislation Details (With Text)

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**File created:** 1/19/2023      **In control:** County Administrator

**On agenda:** 3/21/2023      **Final action:**

**Title:** Consolidated Fee Hearing Item: FY 2023-24 Criminal Justice Administrative Fee

**Sponsors:** County Administrator

**Indexes:**

**Attachments:** 1. Summary Report, 2. Attachment 1 - Fee-Summary, 3. Attachment 2 - Resolution, 4. Attachment 3 - Fee Calculation History, 5. Attachment 4 - California CPI

Date	Ver.	Action By	Action	Result
3/21/2023	1	Board of Supervisors	Approved as recommended	Pass

**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  
**Supervisory District(s):** Countywide

**Title:**  
Consolidated Fee Hearing Item: FY 2023-24 Criminal Justice Administrative Fee

### Recommended Action:

Adopt a resolution setting the contingent Criminal Justice Administrative Fee (Jail Booking Fee) at \$249.37 per applicable booking, effective July 1, 2023. The contingent Criminal Justice Administrative Fee cannot be billed to individuals and is only billable to arresting agencies if the State does not fully fund the County's annual booking fee allocation through Public Safety Realignment in a given fiscal year.

### 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 2023-24 will meet the \$35 million threshold, per the Governor's Proposed Budget released on January 10, 2023, approval of this contingent fee would position the County to charge arresting agencies in the event of a state funding shortfall. The Board of Supervisors is requested to increase the contingent Jail Booking Fee from \$229.41 to \$249.37, an increase of \$19.96, or 8.7%. This increase is statutorily set with annual increases equal to the California Consumer Price Index, plus 1%.

Typically, a Jail Access Fee is adopted at the same time as the Jail Booking Fee. The Jail Access Fee was last updated July 1, 2022. The County Administrator's Office recommends no changes to this fee for Fiscal Year 2023-24, pending results of an upcoming booking cost analysis to be conducted by the Sheriff's Office later this calendar year. Holding this fee flat will have a de minimis fiscal impact and will ensure the County remains

in compliance with the requirement to not charge a fee that exceeds the actual cost of booking.

### **Discussion:**

#### Criminal Justice Administrative Fee Calculation

Assembly Bill 1805 (2006) 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 \$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 from convicted individuals.

The Criminal Justice Administrative 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 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 2023, the year-over-year statewide CPI increase for calendar year 2022 was forecasted to be 7.7%. The historical 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/>](https://www.dof.ca.gov/Forecasting/Economics/Indicators/Inflation/). After factoring in the additional 1.0% increase allowed above the 7.7% CPI inflation rate, the overall proposed fee increase for FY 2023-24 equates to 8.7%.

#### Legislative History

Over the last two decades, the state has enacted 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 to help 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 may 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 from convicted individuals.

Additionally, the same trailer bill authorized counties to charge a Jail Access Fee ("JAF"). 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.

The Jail Access Fee was last updated July 1, 2022. The County Administrator's Office recommends no changes to this fee for Fiscal Year 2023-24, pending results of an upcoming booking cost analysis to be conducted by the Sheriff's Office later this calendar year. Holding this fee flat will have a de minimis fiscal impact and will ensure the County remains in compliance with the requirement to not charge a fee that exceeds the actual cost of booking.

#### Strategic Plan:

N/A

#### Prior Board Actions:

March 22, 2022: Board adopted the Jail Booking Fee and Jail Access Fee effective July 1, 2022.

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.

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

#### FISCAL SUMMARY

Expenditures	FY 22-23 Adopted	FY23-24 Projected	FY 24-25 Projected
Budgeted Expenses			
Additional Appropriation Requested			

Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			

**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.

**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) Fee Summary
- 2) Resolution establishing Jail Booking Fee and Jail Access Fee effective July 1, 2023
- 3) Fee Calculation History
- 4) California Statewide Consumer Price Index as of November 2022

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

None