



EST. 1851

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EDWARD N. BONNER
SHERIFF-CORONER-MARSHAL

DEVON BELL
UNDERSHERIFF

To: Board of Supervisors
Date: July 8, 2008
From: Edward N. Bonner, Sheriff-Coroner-Marshal
Subject: Public Hearing to review and approve an Ordinance Amendment for Booking, Jail Access and Incarceration Fees

ACTION REQUESTED

It is requested that your Board conduct a public hearing to review and approve an ordinance amendment for Placer County Code 2.116.080 and 2.124.050 modifying booking fees to \$131 and incarceration fees for the main jail and minimum security in the amounts of \$95 and \$78, respectively and the addition of 2.116.085 for Jail Access Fees in the amount of \$325 per the attached ordinance.

BACKGROUND

Authorization to charge for incarceration fees is provided by Penal Code Section 1203.1c and for booking fees and jail access fees under Government Code Section 29550 to 29552. Annually, the Sheriff's Department contracts with Maximus to conduct a study of incarceration and booking fees based on actual costs for the previous year. Based on the findings of this report, the Sheriff's Department recommends, for your Board's approval, an amendment to the existing ordinance that adjusts the fees charged to cities and individuals for these services.

In the case of booking fees, the Sheriff's Department legislation was amended pursuant to AB 1805. To implement this legislation the State appropriated \$35 million to backfill counties for the bookings that would otherwise be billed to cities. To mitigate the concerns for "sweeps" that would inundate our jail system, the legislation also allows for a jail access fee to be charged to entities that is equal to 100% of the cost to book inmates for misdemeanors and municipal code violations (except DUI and domestic violence) that exceed the previous 3 year average for those entities. Additionally, AB 1805 allows should the State not fully fund the backfill to the counties for the cost of booking, the counties can revert to charging cities for the difference at the same booking rate that was in place on June 2006, compounded annually. The updated cost for the booking rate is \$131 based on a California Consumer Price Index of 3.3% plus 1%. The actual rate calculated by Maximus based on the previous year's costs for Jail Access Fees is \$325.

Based on the study by Maximus for incarceration fees, we are recommending adjustments be made in the fees applied to both the main jail and minimum security. We are recommending an decrease to the fees charged for the main jail from \$97 to \$95 and increase minimum security fees from \$77 to \$78. Your Board's approval of this ordinance modification is required.

FISCAL IMPACT

Fiscal impact for the incarceration fee adjustments are anticipated to be minimal as these fees are imposed by the judge and are based on the ability to pay. Booking fees reimbursements to the county from the State is estimated at the same rate in FY 08/09 as was received in FY 07/08 at \$505,000. This takes into account charging the cities for the proportionate amount of underfunding at the State level. The current

State budget presented by the Governor has a reduction of 10% applied to booking fees. This would mean we would charge the cities 10% or \$13.10 for each booking. If the State does not fund anything under these provisions, then the County would charge \$131 for each booking to the cities.

**Before the Board of Supervisors
County of Placer, State of California**

In the matter of:

An ordinance amending Chapter 2
Criminal Justice, Incarceration and Booking
Fees, Sections 2.116.080, 2.116.085, and
2.124.050 (18, 26, and 30).

Ord. No.: _____

FIRST READING: _____

SECOND READING: _____

The following **Ordinance** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

Attest:
Clerk of said Board

Ann Holman

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA,
DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: Article 2.116.080 of Chapter 2 of the Placer County Code is hereby amended as shown:

Ord # _____

2.116.080 Fees for jail booking.

A. The following amounts will be charged as jail booking fees based on the number of bookings and in the total amounts specified below pursuant to AB 1805 and Government Code Sections 29550 to 29552. Rates charged pursuant to this section will only be charged if funding is not provided to the county from the state. The booking fee charged to the cities will be limited to the amount sufficient to offset the funding shortfall provided by the State based on the rate as of June 2006 of one hundred seventeen dollars and fifty cents (\$117.50) plus the current California CPI plus one (1) percent to be compounded annually.

City	Booking Fee
Roseville	\$117.50 plus CPI plus 1% 131.00
Loomis	117.50 plus CPI plus 1% 131.00
Lincoln	117.50 plus CPI plus 1% 131.00
Rocklin	117.50 plus CPI plus 1% 131.00
Auburn	117.50 plus CPI plus 1% 131.00
Colfax	117.50 plus CPI plus 1% 131.00

B. Persons booked into the county jail may be assessed an administration fee by the county for costs incurred in conjunction with the arresting and booking pursuant to Government Code Section 29550.2. The fees for jail booking for Placer County arrestees will be one hundred twenty-five dollars and fifty cents (~~\$125.50~~ **131.00**). (Ord. 5485-B (Exh. A), 2007; prior code § 2.70)

Section 2: Article 2.116.085 of Chapter 2 of the Placer County Code is hereby amended as shown:

2.116.085 Fees for jail access.

The following amounts will be charged as jail access fees based on the number of bookings and in the total amounts specified below pursuant to AB 1805 and Government Code Sections 29550 to 29552. Rates charged pursuant to this section will only be charged if bookings for misdemeanors and municipal code violations (except for DUI and domestic violence) exceed the three-year average of the previous three years. The jail access fee will be charged at one hundred (100) percent of the cost of booking inmates into the county jail. Funding the jail access fee will be recalculated and adjusted each fiscal year based on the actual costs of booking a person into the Placer County jail.

Ord # _____

City	Jail Access Fee
Roseville	\$251.00 325.00
Loomis	251.00 325.00
Lincoln	251.00 325.00
Rocklin	251.00 325.00
Auburn	251.00 325.00
Colfax	251.00 325.00

(Ord. 5485-B (Exh. A), 2007)

Section 3: Article 2.124.050 of Chapter 2 of the Placer County Code is hereby amended as shown:

2.124.050 Sheriff/coroner/marshal fees.

18. Incarceration Fee ¹	
\$97.00 95.00 /day main jail	
\$77.00 78.00 /day minimum security The cost of incarceration in the county main jail and minimum security as ordered by the court to be charged to the offender based on the ability to pay. (see Section 2.96.060 of this code)	
26. Sheriff Booking Fee ²	125.50 131.00 per booking
This fee is charged by the sheriff to the offenders as ordered by the court, based on ability to pay if booked directly into jail by the sheriff's department. (see Section 2.116.080)	
Agency charges for booking fees may be reduced by the sheriff for agencies that provide pre-booking services into the corrections management system. The reduced rate will be calculated and applied based on time savings realized.	
30. Weekend Sentences Fee ³	77.00 78.00 per day
Cost of incarceration in the minimum security barracks as ordered by the court to be charged to the offender based on the ability to pay. (see Sections 2.96.040 and 2.96.050)	

Section 4: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage. The Clerk is directed to publish ordinance, or a summary therefore, within fifteen (15) days in accordance with Government Code Section 25124.

NOTICE OF PROPOSED AMENDMENT TO THE CRIMINAL JUSTICE FEES ORDINANCE

On July 8, 2008 at 9:40 a.m. at the Placer County Administrative Center, 175 Fulweiler Avenue, Auburn, California, the Board of Supervisors will hold a public hearing to consider amending Chapter 2 of the Placer County code as it relates to a proposed:

1. Increase Booking Fees to not-to-exceed \$325 or 100% of actual booking cost for arrestees by Placer County Sheriff Department; and
2. Add Jail Access Fees in the amount of \$325 to provide 100% billing for the actual cost of booking for non-county entities exceeding a 3 year average of misdemeanor and municipal code bookings; and
3. Decrease incarceration fees for Placer County's Main Jail, not to exceed \$2.00 for a total of \$95.00.
4. Increase in incarceration fees, for the Minimum Security facilities, not to exceed \$1.00 for a total of \$78.00.
5. Increase in incarceration fees for weekenders, not to exceed \$1.00 for a total of \$78.00.

The proposed increase to Jail Access Fees is authorized by Government Code Section 29550 through 29552. This allows for reimbursement of services connected with the booking process at 100% of the actual costs for non-county entities exceeding their 3 year average for misdemeanors and municipal code violations in years where the State funded at least \$35 million. This reimbursement is charged against the government agency that requested the booking and arrestees booked by Placer County.

The proposed change in incarceration fees is authorized by California Penal Code Section 1203.1c. As ordered by the court these fees are billed to the inmate. This legislation generally requires that fees not exceed either the actual cost of services or the average actual cost of services. Also, defendants, probationers, or inmates, can only be assessed these fees to the extent they have the ability to pay the fees.

Certified copies of the proposed ordinance and the report upon which the fees are based are available for public review at the following offices: **Auburn:** Placer County Sheriff's Department, 2929 Richardson Ave. Suite A and the Clerk of the Board of Supervisors, 175 Fulweiler Avenue. Questions regarding this ordinance modification can be answered by contacting Placer County Sheriff's Department Fiscal Management Unit at (530) 889-6951, Barbara Besana, Administrative Services Manager.

Edward Bonner, Sheriff-Coroner-Marshal
Ann Holman, Clerk of the Board of Supervisors

Publish: Auburn Journal
Press Tribune
Tahoe World