

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: 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

	FY 20-21 Adopted	FY21-22 Projected	FY 22-23 Projected
Expenditures			
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



County of Sonoma

State of California

Date: March 23, 2021

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, 1)
Setting A Contingent Criminal Justice Administrative Fee (Jail Booking Fee) At \$218.07 Per
Applicable Booking; And 2) Setting The Jail Access Fee at \$369.00 Per Applicable Non-Felony
Booking; All Fees To Be Effective July 1, 2021.**

Whereas, in 1990, the Board of Supervisors established a Criminal Justice Administrative Fee (Jail Booking Fee) to provide for reimbursement of County expenses incurred with respect to booking or other processing of arrested persons, to the extent authorized by law; and

Whereas, Assembly Bill 1805, a State general government trailer bill adopted in 2006, amended Government Code Sections 29550 and added GC Sections 29551 and 29552, to address costs associated with booking arrestees of other agencies into county jails; and

Whereas, should the State appropriate less than the full \$35 million for this purpose, arresting agencies will be required to pay to the County all or a portion of the booking fee equal to the proportion that the appropriated amount is less than \$35 million; and

Whereas, to dissuade local agencies from increasing the number of jail bookings for misdemeanor offenses, the State Legislature has established a Jail Access Fee that the County may charge to agencies for each booking that exceeds the average number of that agency's misdemeanor bookings over the previous three-year period; and

Whereas, the proposed Jail Booking Fee is calculated to be \$218.07 based on the formula mandated by State law; and the proposed Jail Access Fee is recommended at \$369.00,

based on the actual cost of booking and processing arrested persons, adjusted for inflation; and

Whereas, the Board of Supervisors desires to recover the allowable portion of the actual costs of booking and processing persons arrested by other agencies.

Now, Therefore, Be It Resolved that the Board of Supervisors of the County of Sonoma, State of California, hereby sets the Criminal Justice Administrative Fee at \$218.07 per applicable booking effective July 1, 2021, contingent on the State not appropriating \$35 million to counties to fund the cost of jail bookings, and

Be It Further Resolved should the State appropriate less than the full \$35 million to fund the cost of jail bookings, that the Board of Supervisors authorizes the Jail Booking Fee to be billed effective July 1, 2021 to local agencies at a rate determined to be that portion of the booking fee equal to the proportion that the appropriated amount is less than \$35 million; and

Be It Further Resolved the Board of Supervisors sets the Jail Access Fee effective July 1, 2021, pursuant to Government Code Section 29551(b) at \$369.00, to be assessed to local agencies for each jail booking that exceeds the agency's previous 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, including enforcement of protective orders.; and

Be It Further Resolved based on information presented to this Board, this Board finds that the proposed fees comply with all legal requirements, including Art. XIII C of the California Constitution.

Supervisors:

Gorin:

Rabbitt:

Coursey:

Gore:

Hopkins:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

**Attachment 2
Fee Cover Sheet**

Department	Division/unit	Type of change (Increase, decrease, new fee, replacement of fee, deletion of fee, other change)	Fee Description (short)	Fee Subcategory	Legal basis for fee	Requirement to adjust fee (resolution or ordinance)	FY 2019-20 Units	Anticipated units, FY 2020-21	Current fee amount	Proposed fee amount	Change in fee (%)	Proposed effective date	Additional revenue expected	Last date fee changed	Amount prior to last change	Amount fee is subsidized by other funding (per unit), if any
BOS/CAO	CAO	Increase	Jail Booking Fee ¹	N/A	GC 29550-29552	Resolution	0	0	\$ 212.34	\$ 218.07	2.7%	7/1/2021	\$ -	7/1/2020	\$ 204.17	\$ -
BOS/CAO	CAO	Increase	Jail Access Fee ²	N/A	GC 29550-29552	Resolution	205	178	\$ 339.00	\$ 369.00	8.8%	7/1/2021	\$ 5,340.00	7/1/2013	\$ 469.00	\$ -

Note 1: Fee only collected if State Realignment funds are not available.

Note 2: May only be charged to arresting agencies for certain identified non-felony bookings if the arresting agency exceeds their three-year average for these types of bookings.

Attachment 3
Jail Booking Fee Calculation
(Annual CPI + 1.0%)

Booking Fee Calculation

Fee as of June 30, 2006		\$ 123.00					Annual Change (\$)	Annual Change (%)
FY 06-07	San Francisco CPI (February 2005 to February 2006)				2.9%			
		\$ 123.00	1.029	1.01	\$ 127.83			
FY 07-08	San Francisco CPI (February 2006 to February 2007)				3.2%			
		\$ 128.00	1.032	1.01	\$ 133.42	Booking fee change for FY 07-08	\$5.58	4.4%
FY 08-09	San Francisco CPI (February 2007 to February 2008)				2.9%			
		\$ 133.42	1.029	1.01	\$ 138.66	Booking fee change for FY 08-09	\$5.24	3.9%
FY 09-10	San Francisco CPI (February 2008 to February 2009)				0.9%			
		\$ 138.66	1.009	1.01	\$ 141.31	Booking fee change for FY 09-10	\$2.65	1.9%
FY 10-11	San Francisco CPI (February 2009 to February 2010)				2.4%			
		\$ 141.31	1.024	1.01	\$ 146.14	Booking fee change for FY 10-11	\$4.84	3.4%
FY 11-12	San Francisco CPI (February 2010 to February 2011)				2.1%			
		\$ 146.14	1.021	1.01	\$ 150.71	Booking fee change for FY 11-12	\$4.56	3.1%
FY 12-13	San Francisco CPI (February 2011 to February 2012)				3.5%			
		\$ 150.71	1.035	1.01	\$ 157.54	Booking fee change for FY 12-13	\$6.83	4.5%
FY 13-14	San Francisco CPI (February 2012 to February 2013)				2.4%			
		\$ 157.54	1.024	1.01	\$ 162.93	Booking fee change for FY 13-14	\$5.39	3.4%
FY 14-15	San Francisco CPI (February 2013 to December 2013*)				1.3%			
		\$ 162.93	1.023	1.01	\$ 166.68	Booking fee change for FY 14-15	\$3.75	2.3%
FY 15-16	San Francisco CPI (January 2014 to December 2014)				2.7%			
		\$ 166.68	1.037	1.01	\$ 172.85	Booking fee change for FY 15-16	\$6.17	3.7%
FY 16-17	San Francisco CPI (January 2015 to December 2015)				3.2%			
		\$ 172.85	1.042	1.01	\$ 180.00	Booking fee change for FY 16-17	\$7.15	4.1%
FY 17-18	San Francisco CPI (January 2016 to December 2016)				3.5%			
		\$ 180.00	1.045		\$ 188.00	Booking fee change for FY 17-18	\$8.00	4.4%
FY 18-19	San Francisco CPI (January 2017 to December 2017)				2.9%			
		\$ 188.00	1.039		\$ 195.00	Booking fee change for FY 18-19	\$7.00	3.7%
FY 19-20	California Average CPI (January 2018 to December 2018)				3.7%			
		\$ 195.00	1.047		\$ 204.17	Booking fee change for FY 19-20	\$9.17	4.7%
FY 20-21	California Average CPI (January 2019 to December 2019)				3.0%			
		\$ 204.17	1.040		\$ 212.34	Booking fee change for FY 20-21	\$8.17	4.0%
FY 21-22	California Average CPI (January 2020 to December 2020)				1.7%			
		\$ 212.34	1.027		\$ 218.07	Booking fee change for FY 21-22	\$5.73	2.7%

*CPI date moved in FY 14-15 to accommodate consolidated fee hearing schedule. This will become the new annual date.

**CONSUMER PRICE INDICES, UNITED STATES AND CALIFORNIA
CALENDAR YEAR AVERAGES, (1982-84=100)**

	<u>United States</u>		<u>California</u>	
	<u>Index</u>	<u>% change</u>	<u>Index</u>	<u>% change</u>
<u>All Urban Consumers</u>				
2000	172.2	3.4	174.7	3.7
2001	177.1	2.8	181.8	4.0
2002	179.9	1.6	186.1	2.4
2003	184.0	2.3	190.4	2.3
2004	188.9	2.7	195.4	2.6
2005	195.3	3.4	202.6	3.6
2006	201.6	3.2	210.5	3.9
2007	207.3	2.9	217.4	3.3
2008	215.3	3.8	224.8	3.4
2009	214.5	-0.4	224.1	-0.3
2010	218.1	1.6	226.9	1.3
2011	224.9	3.2	232.9	2.6
2012	229.6	2.1	238.2	2.2
2013	233.0	1.5	241.6	1.5
2014	236.7	1.6	246.1	1.8
2015	237.0	0.1	249.6	1.5
2016	240.0	1.3	255.3	2.3
2017	245.1	2.1	262.8	2.9
2018	251.1	2.4	272.6	3.7
2019	255.7	1.8	280.7	3.0
2020 f/	258.7	1.2	285.5	1.7

f/ Governor's Budget Forecast, November 2020

All Urban Consumers: Include, in addition to wage earners and clerical workers, groups such as professional, managerial, and technical workers, the self-employed, short-term workers, the unemployed, and retirees, and others not in the labor force.

California CPI:

From 1965 to 1986: Population-weighted average of the CPI for Los Angeles, San Diego, and San Francisco MSAs.

From 1987 to 2017: Population-weighted average of the CPI for Los Angeles and San Francisco MSAs.

From 2018 onward: Population-weighted average of the CPI for Los Angeles, Riverside, San Diego, and San Francisco MSAs.

Los Angeles MSA: Includes the counties of Los Angeles and Orange.

Riverside MSA: Includes the counties of Riverside and San Bernardino.

San Diego MSA: San Diego county.

San Francisco MSA: Includes the counties of Alameda, Contra Costa, Marin, San Francisco, and San Mateo.

Source:

United States, Los Angeles, Riverside, San Diego, and San Francisco MSAs -- US Bureau of Labor Statistics (BLS)

California -- Calculated by the CA Department of Finance using a formula developed by the CA Dept. of Industrial Relations (DIR)

Forecast -- CA Department of Finance (percent changes calculated from unrounded data)

Beginning with the January 2007 data, indices published by the BLS will be rounded to three decimal places.

Updated: January 2021

Attachment 5
Jail Access Fee - Three-Year History

JAIL ACCESS FEE - 3 YEAR HISTORY

Agency	FY 17-18 (\$339 JAF)		FY 18-19 (\$339 JAF)		FY 19-20 (\$339 JAF)		3-Year Avg.		FY 21-22 Est. (\$369 JAF)	
	Qty.	Fee	Qty.	Fee	Qty.	Fee	Qty.	Fee	Qty.	Fee
Cloverdate PD	8	\$2,712	3	\$1,017	-	\$0	4	\$1,356	4	\$1,476
Cotati PD	8	\$2,712	8	\$2,712	-	\$0	5	\$1,695	5	\$1,845
Healdsburg PD	18	\$6,102	-	\$0	-	\$0	6	\$2,034	6	\$2,214
Petaluma PD	29	\$9,831	-	\$0	-	\$0	10	\$3,390	10	\$3,690
Rohnert Park DPS	61	\$20,679	-	\$0	-	\$0	20	\$6,780	20	\$7,380
Santa Rosa PD	129	\$43,731	55	\$18,645	205	\$69,495	130	\$44,070	130	\$47,970
Sebastopol PD	-	\$0	-	\$0	-	\$0	-	\$0	-	\$0
Santa Rosa JC PD	6	\$2,034	-	\$0	-	\$0	2	\$678	2	\$738
SS Univ PD	3	\$1,017	-	\$0	-	\$0	1	\$339	1	\$369
Totals	262	\$88,818	66	\$22,374	205	\$69,495	178	\$60,342	178	\$65,682