



Agenda Date: 5/8/2007
Agenda Placement: 8A
Set Time: 9:10 AM PUBLIC HEARING
Estimated Report Time: 10 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Kindig, Pamela - Auditor-Controller
Auditor - Controller
REPORT BY: Karen Querin, Audit Manager, 253-4588
SUBJECT: Public Hearing - Criminal Justice Administration Fee

RECOMMENDATION

Auditor-Controller requests adoption of a resolution establishing the Maximum Criminal Justice Administrative Fee (Booking Fee); Arrestee Fee; and the Jail Access Fee, for Fiscal Year 2007-2008, pursuant to Section 29550 to 29552 of the California Government Code.

EXECUTIVE SUMMARY

The Criminal Justice Administrative Fee (Booking Fee) has been replaced with an appropriation from the State of California; the Maximum Criminal Justice Administrative Fee (\$56.58); Arrestee Fee (\$134) and the Jail Access Fee (\$134), effective July 1, 2007. The Arrestee Fee and Jail Access Fee are based on 100% of the cost to book an arrestee. The Maximum Criminal Justice Administrative Fee is based on the Criminal Justice Administration Fee in effect at June 30, 2006 increased by the California Consumer Price Index plus one (1) percent compounded annually. The public hearing on the proposed Criminal Justice Administrative Fee has been scheduled and duly notified. Adoption of the resolution is recommended.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Corrections - Corrections will include the allocation in the Requested Fiscal Year 07-08. At this time the State allocation is estimated to be between \$124,000 to \$182,000.
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	Yes

Future fiscal impact: Due to the change in Government Code Section 29550 to 29552, the booking fee can no longer be imposed on the Cities and other governmental agencies in Napa County. Starting in fiscal year 2007-2008 the County will receive an apportionment from the State of California in the amount of \$124,000 to \$182,000. In order to receive the apportionment the County must establish a "Local Detention Facility Revenue Account". Should the State not appropriate the full amount stipulated in Government Code Section 29552, then the County may recoup a portion of their costs directly from the Cities and other governmental agencies in Napa County using the Maximum Criminal Justice Administration Fee.

In accordance with Government Code Section 29550 to 29552, the Maximum Criminal Justice Administrative Fee, Arrestee Fee and Jail Access Fee are required to be set each year.

Consequences if not approved: The Department of Corrections will have a reduction of revenues of approximately \$124,00 to \$182,000.

Additional Information:

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

In 1991, the State enacted new legislation authorizing counties to impose a booking fee (Criminal Justice Administration Fee), Government Code Section 29550, for the purpose of reimbursing counties for expenses related to the booking or other processing of persons arrested. The booking fee is imposed on cities, special districts and community college districts which book persons into the County jail. Each year the County Auditor-Controller prepares a report on the prior year's cost for booking persons into the jail and recommend any adjustment to the booking fee. The Clerk of the Board is required to notify the affected cities and districts of the recommendation. The report must be filed with the Clerk of the Board each calendar year.

Due to the change in Government Code Section 29550 to 29552, the booking fee can no longer be imposed on the Cities and other governmental agencies in Napa County. Starting in fiscal year 2007-2008, the County will receive an apportionment from the State of California. In order to receive the apportionment the County must establish a "Local Detention Facility Revenue Account". Should the State not appropriate the full amount stipulated in Government Code Section 29552, then the County may then recoup a portion of their costs directly from the Cities and other governmental agencies using the Maximum Criminal Justice Administration Fee. The Maximum Criminal Justice Administrative Fee is based on the Criminal Justice Administration Fee in effect at June 30, 2006 increased by the California Consumer Price Index plus one (1) percent compounded annually.

In addition to the Maximum Criminal Justice Administrative Fee, two new fees have been added to recover the costs of booking an arrestee. The first fee is the Jail Access Fee pursuant to Government Code Section 29551(b). The fee is based on 100% of the costs to book an arrestee and may be imposed on cities and other governmental agencies when they exceed the previous years three (3) year average for specified non-felony crimes.

The second fee is the Arrestee Fee pursuant to Government Code Section 29550(c). The fee is based on 100% of the costs to book an arrestee and may be imposed on each person arrested by an officer or agent of the County and brought to the County Jail for booking or detention. Upon the approval of the fee, the Department of Corrections would need to request the courts to add the fee to their fee schedule; however, the fee would be assessed to the arrestee at the discretion of the judges.

Both the Jail Access Fee and the Arrestee Fee are based on the same method used to determine the superseded Booking Fee. On July 1, 2006, it cost the jail \$126 per booking. The Jail Access Fee and Arrestee Fee have increased to \$134 per booking. The increase has been caused in large part to an increase in Direct Costs, specifically overtime.

Based on the Auditor-Controller's report and at the recommendation of CSAC, a Maximum Criminal Justice Fee of \$56.58 per booking; a Jail Access Fee of \$134 per booking; and an Arrestee Fee of \$134 per booking, effective July 1, 2007, is recommended. We will return to the Board with any additional fees derived from changes occurring from the States Prison Reform.

SUPPORTING DOCUMENTS

A . Booking Access Fee Resolution 06-07

CEO Recommendation: Approve

Reviewed By: Maiko Klieman