

FORM APPROVED COUNTY COUNSEL
BY: *M. S. Victor*
MARSHAL VICTOR
8/24/09
DATE

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

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FROM: Executive Office

SUBMITTAL DATE:
August 12, 2009

SUBJECT: Increase in the Criminal Justice Administration Fee

RECOMMENDED MOTION: That the Board of Supervisors direct the Clerk of the Board to schedule a public hearing on September 29, 2009 to review an increase of the Criminal Justice Administration Fee to \$409.43 as permitted under Government Code §29550.

BACKGROUND: Government Code § 29550 was amended effective July 1, 2007 establishing a new statutory structure whereby counties would receive an appropriation of state funds to support local detention facilities. The baseline amount was established at \$35 million. Beginning in FY 2009/10 this amount is to be taken from the Local Safety and Protection Account in the Transportation Tax Fund of the Revenue and Taxation Code § 10752.2, a dedicated portion of the Vehicle License Fee (VLF). In any year when the state appropriates less than \$35 million the county would have the option of reverting to the structure established for the criminal justice administration fee, commonly known as the booking fee. Government Code § 29550 allows the county to collect fees at the rate in place on June 30, 2006 escalated by the California Consumer
Continued

nDepartmental Concurrence

FISCAL PROCEDURES APPROVED
ROBERT E. BYRD - AUDITOR-CONTROLLER
By: *Russell Dominiski*
8/19/09

Elizabeth J. Olson
Elizabeth J. Olson, Sr. Management Analyst

FINANCIAL DATA	Current F.Y. Total Cost:	\$0	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$0	Budget Adjustment:	No
	Annual Net County Cost:	\$0	For Fiscal Year:	2009/2010

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY: *Dean Deines*
Dean Deines

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

Dep't Recomm.:
Per Exec. Ofc.:

Increase in the Criminal Justice Administration Fee

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Background continued:

Price Index plus one percent, compounded annually in proportion to the level of under-appropriation. The new structure, funded from a percentage of the VLF, does not specify a set funding level rather it guarantees only a percentage that is dedicated to the local detention facility account. As of the preparation of this submittal, the estimated funding from VLF for FY 09/10 is \$31,275,000.

It is in the county's interest to be prepared in case the appropriation does not reach the \$35 million threshold. The county has sent letters to all city managers informing them of the possible change in the criminal justice administration fee. (Exhibit A) These letters comply with the statutorily required 45-day notice. Possible scenarios are:

1. If the state appropriation is at least \$35 million, cities or arresting entities will not be charged the criminal justice administration fee; or
2. If the state appropriates less than \$35 million, cities/arresting entities will be charged an adjusted rate as provided in Government Code §29551 (e). The adjusted rate would be charged upon approval by the Board of Supervisors; or,
3. If the state does not appropriate the VLF the county is able to charge cities/arresting entities its actual cost for booking arrestees into county detention facilities.

Government Code § 29550.2 states that any person booked into a county jail pursuant to any arrest by any governmental entity is subject to a criminal justice administration fee if the individual is convicted of a criminal offense relating to the arrest and booking. Regardless of the location of the arrest, funds collected from those convicted of a crime are deposited into the county treasury to support detention costs.



Bill Luna
County Executive Officer

Jay E. Orr
Assistant County Executive Officer

Executive Office, County of Riverside

August 7, 2009

Mr. Brian Nakamura
City Manager
City of Banning
P.O. Box 998
Banning, CA 92220

Dear Mr. Nakamura:

A public hearing will be scheduled for September 22, 2009 regarding the County Criminal Justice Administrative Fee, commonly referred to as the booking fee. The Code requires a 45-day notice period prior to a public hearing when the County proposes increasing this fee. This letter serves as the written notification for the increase.

The Sheriff's Department calculated the actual cost for the administrative and applicable overhead costs incurred in booking or otherwise processing an arrested person. The fee and methodology were reviewed and approved by the Auditor/Controller. The recommended FY 2009/10 fee is \$409.43.

Government Code Section 29553 states that beginning in FY 2009/10 the payments to counties and cities with detention services are fully funded from the Local Safety and Protection Account in the Transportation Tax Fund authorized by Section 10752.2 of the Revenue and Taxation Code. At this point it is our understanding that this funding will be forthcoming. There are three possible scenarios for FY 2009/10:

1. If the state appropriates at least \$35 million, cities/arresting entities will not be charged the Criminal Justice Administrative Fee; or,
2. If the state appropriates less than \$35 million, cities/arresting entities will be charged an adjusted rate as provided in Government Code Section 29551 (e). The adjusted rate shall be charged upon approval by the Board of Supervisors and increased annually by the California Consumer Price Index plus one (1) percent compounded annually; or,

Mr. Brian Nakamura
August 7, 2009
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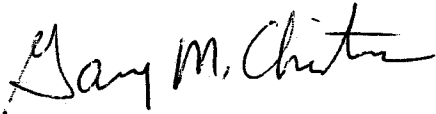
3. If the state does not appropriate funding under Government Code Sections 29552 and 29553, the county is able to charge the cities its actual cost for booking arrestees into county detention facilities.

Government Code Section 29550.2 states that a person booked into a county jail pursuant to any arrest by any governmental entity is subject to a criminal justice administration fee if the person is convicted of any criminal offense relating to the arrest and booking. Regardless of the location of the arrest, the funds collected from convicted persons are deposited into the county treasury to support detention costs.

If you have any questions concerning this letter please contact Elizabeth Olson, Senior Management Analyst at (951) 955-1125.

Thank you for your attention to this matter.

Sincerely,



Gary M. Christmas
Chief Deputy County Executive Officer

cc: Police Chief



COUNTY OF RIVERSIDE

Please note: the County of Riverside
Board will be dark on
September 22, 2009

The Criminal Justice Administration Fee
public hearing will be held on
September 29, 2009