

444
**SUBMITTAL TO THE BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Executive Office

SUBMITTAL DATE:
 December 7, 2009

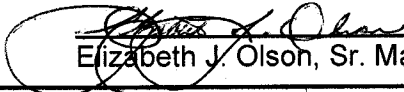
SUBJECT: Criminal Justice Administration Fee Charge to Arresting Entities

RECOMMENDED MOTION: That the Board of Supervisors approve charging arresting entities \$43.04 per individual booked at County operated jails since state revenues are not estimated to reach the legislated \$35 million cited in 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 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). On September 1, 2009 (item 9.14) the Board approved increasing the fee to \$409.43. The Government Code also provides that in any year when the state appropriates less than \$35 million the county has the option of establishing a structure to collect fees at the rate in place on

Departmental Concurrence

Continued

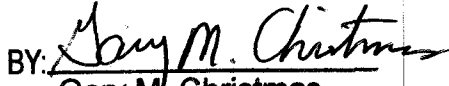

 Elizabeth J. Olson, Sr. Management Analyst

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: 
 Gary M. Christmas

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

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

Background continued:

June 30, 2006 escalated by the California Consumer 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. The amount is capped at \$35 million statewide. The state payment to the County of Riverside for the first quarter of FY 09/10 was \$553,983.12. If this amount were paid each quarter, the county would receive \$2.2 million, 35% less than the anticipated \$3.4 million. It is feasible that the quarterly amount could increase for the second quarter due to the federal Cash for Clunkers program however both CSAC and the State Controller's Office are in agreement that counties will likely receive no more than 80% of the annual estimate by the end of the fourth quarter.

Since the County received 35% less than anticipated for the first quarter it is essential to recover the funds that are spent on detention. The new rate was calculated based on the formula established by the Government Code and the calculation was reviewed and approved as to methodology by the Auditor-Controller's Office. Government Code §29551 (e) clarifies that an adjusted rate can be charged upon approval by the Board of Supervisors. Each arresting entity would be notified in writing that \$43.04 would be charged for every arrestee booked retroactive to July 1, 2009. At the end of FY 09/10 the County will reconcile funds received with amounts billed to arresting entities to ensure that the total does not exceed provisions of the law.

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. The \$409.43 rate for this fiscal year as established by the Board would remain the same. All funds collected from those convicted of a crime will continue to be deposited into the county treasury to support detention costs.