

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

907



FROM: Executive Office

SUBMITTAL DATE:
August 9, 2010

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 28, 2010 to review an increase of the Criminal Justice Administration Fee to \$414.45 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 was 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). However, in any year when the state appropriates less than \$35 million the county can exercise the option of reverting to the structure established for the criminal justice administration fee, commonly known as the booking fee. This occurred last fiscal year when the

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:	2010/2011

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

County Executive Office Signature

FISCAL PROCEDURES APPROVED
ROBERT E. BYRD, AUDITOR-CONTROLLER

BY:
Russell Dominiski

Departmental Concurrence

8/11/10

<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Policy
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Policy

Dept's Recomm.:

Per Exec. Ofc.:

Background continued:

amount forwarded to all counties was \$29,839,295, or \$5,160,706 less than anticipated \$35 million authorized. Riverside County received \$2,530,999 for FY 09/10.

Government Code § 29550 allows the county to collect fees at the rate in place on 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. As of the preparation of this submittal, the estimated funding from VLF for FY 10/11 is \$30 million.

The county has sent letters to all city managers and chiefs of police informing them of the proposed FY 10/11 fee along with information about how the fee was calculated and the amount distributed from the VLF last year. (Exhibit A) These letters comply with the statutorily required 45-day notice for a public hearing.

The state requires the county to consider the following possible scenarios:

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 and the initial calculation will be made following the first quarter disbursement; 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.

Additionally, 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.

Criminal Justice Administration Fee

Exhibit A



Bill Luna
County Executive Officer

Jay E. Orr
Assistant County Executive Officer

Executive Office, County of Riverside

July 26, 2010

Mr. Andy Takata
City Manager
City of Banning
P.O. Box 998
Banning, CA 92220

Dear Mr. Takata:

A public hearing will be scheduled for September 28, 2010 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 10/11 fee is \$414.45 an increase of \$5.02 over the \$409.43 approved for FY 2009/10.

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 10/11:

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,

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.

In FY 09/10 the state appropriated \$25,951,494, an amount \$5,160,706 less than their first quarter estimate and fully \$9,048,506 less than the threshold established by law. Riverside County received more than \$500,000 less than initially anticipated. As of this date, the best information that we have from the California Department of Finance is that the total estimate for the Vehicle License Fee account is \$416 million. The Criminal Justice Administration Fee is 6.26% of this amount. It is very likely that \$35 million will not be available although at this time it is impossible to estimate how much the County will be allocated. In any event, I have enclosed copies of information sent by the California State Association of Counties (CSAC). I hope this will be an improvement in communication from last year. Finding out mid-year that your entities would be charged more per booking was not good news during a particularly challenging financial period.

If you have any questions about this letter please contact me at (951) 955-1125.

Thank you for your attention to this matter.

Sincerely,



Elizabeth J. Olson
Senior Management Analyst

Enclosure

cc: Chief of Police

**COUNTY OF RIVERSIDE
CRIMINAL JUSTICE ADMINISTRATION FEE
FOR FISCAL YEAR 10/11**

BOOKING COST FEE

	<u>TOTAL</u>	<u>PER/BOOKING</u>
DIRECT COSTS:		
DIRECT BOOKING PERSONNEL	18,739,677.33	317.75
SERVICES & SUPPLIES	1,467,597.00	24.88
MEDICAL ASSESSMENT	682,363.89	11.57
TOTAL DIRECT COSTS	<u>\$ 20,889,638.22</u>	<u>\$ 354.20</u>
INDIRECT COSTS:		
INDIRECT BOOKING PERSONNEL	1,814,288.86	30.76
INDIRECT CORRECTIONS OVERHEAD	25,552.41	0.43
CORRECTIONS ACCTG OVERHEAD	59,936.33	1.02
SHERIFF'S DEPARTMENT OVERHEAD	607,270.33	10.30
COWCAP	1,046,456.22	17.74
TOTAL INDIRECT COSTS	<u>\$ 3,553,504.15</u>	<u>\$ 60.25</u>
TOTAL DIRECT & INDIRECT COSTS	<u><u>\$ 24,443,142.37</u></u>	<u><u>\$ 414.45</u></u>
 TOTAL BOOKINGS FOR FY 2008/09	 58,977	
 AVERAGE COST PER BOOKING FOR FY 10/11	 \$414.45	

Prepared by the Riverside County Sheriff's Department
Reviewed and approved by the Riverside County Auditor/Controller's Office
Reviewed and approved by the Riverside County Executive Office
Jul-10

Local Safety and Protection Account in the Transp Tax Fund

FY 2009/10 Allocations

Allocate To:	09/10 %	ACTUAL REVENUE Quarter 1 (7/1/09- 9/30/09)	ACTUAL REVENUE Quarter 2 (10/1/09 - 12/31/09)	ACTUAL REVENUE Quarter 3 (1/1/10- 3/31/10)	ACTUAL REVENUE Quarter 4 (4/1/10- 6/30/10)	ACTUAL REVENUE All quarters (7/1/09- 6/30/10)	Purpose
Total Revenue Collected by Period		90,738,695	106,876,614				
Counties for Juvenile Probation Activities	30.19%	27,394,012	32,266,050	28,483,928	37,011,860	125,155,850	Support for county juvenile probation activities ("P" portion of JPCF)
CA Emerg Mgmt Agcy (0690)	11.42%	10,362,359	12,205,309	10,774,642	14,000,511	47,342,822	Various Crime Prevention Programs
Counties - Small Rural Sheriffs	3.68%	3,339,184	3,933,059	3,472,039	4,511,548	15,255,830	Small Rural Sheriffs - Enhance Law Enf Efforts
Counties for Booking Fees	6.26%	5,680,242	5,906,476	5,906,240	7,674,536	25,951,494	In lieu of booking fee revenue (local detention facilities revenue account)
Counties - Citizens' Option for Public Safety	21.30%	19,327,342	22,764,719	20,096,312	26,113,038	88,301,411	COPS - Co. Jail, DA and city/county front-line enforcement
Counties for Juvenile Justice	21.30%	19,327,342	22,764,719	20,096,312	26,113,038	88,301,411	Juvenile Justice Crime Prevention Act (JICPA, AB 1913)
Dept of Corr & Rehab Agcy (5225)	5.85%	5,308,214	6,252,282	5,519,410	7,171,891	24,251,796	Juvenile camps and ranches ("C" portion of JPCF)
TOTALS	100.00%	90,738,695.09	106,876,614	94,348,883	122,596,422	414,560,614	

BASED ON DOF ESTIMATE--TARGET AMOUNTS

	Annual Target by program	Quarterly Target by Program
Counties for Juvenile Probation Activities	150,044,300	37,511,075
CA Emerg Mgmt Agcy (0690)	56,757,400	14,189,350
Counties - Small Rural Sheriffs	18,289,600	4,572,400
Counties for Booking Fees	31,112,200	7,778,050
Counties - COPS	105,861,000	26,465,250
Counties for Juvenile Justice	105,861,000	26,465,250
Dept of Corr & Rehab Agcy (5225)	29,074,500	7,268,625
Original DOF Estimate (August 2009) * -->	497,000,000	124,250,000

COMPARISON (ACTUAL V. TARGET -- based on \$497M annual estimate)

	Q1 Shortfall (Actual v. target)	Q2 Shortfall (Actual v. target)	Q3 Shortfall (Actual v. target)	Q4 Shortfall (Actual v. target)	FY Shortfall (Actual v. target)
Counties for Juvenile Probation Activities	(10,117,062.95)	(5,245,025)	(9,027,147)	(499,215)	(24,888,450)
CA Emerg Mgmt Agcy (0690)	(3,826,991.02)	(1,984,041)	(3,414,708)	(188,839)	(9,414,578)
Counties - Small Rural Sheriffs	(1,233,216.02)	(639,341)	(1,100,361)	(60,852)	(3,033,770)
Counties for Booking Fees	(2,097,807.69)	(1,087,574)	(1,871,810)	(103,514)	(5,160,706)
Counties - COPS	(7,137,907.95)	(3,700,531)	(6,368,938)	(352,212)	(17,559,589)
Counties for Juvenile Justice	(7,137,907.95)	(3,700,531)	(6,368,938)	(352,212)	(17,559,589)
Dept of Corr & Rehab Agcy (5225)	(1,960,411.34)	(1,016,343)	(1,749,215)	(96,734)	(4,822,704)
TOTALS	(33,511,304.91)	(17,373,385.51)	(29,901,117.40)	(1,653,578.00)	(82,439,386)

* Note that in the Governor's Proposed 2010-11 budget, the DOF adjusted its annual estimate for 2009-10 LSPA revenue to \$416 million.



Bill Luna
County Executive Officer

Jay E. Orr
Assistant County Executive Officer

Executive Office, County of Riverside

July 26, 2010

Chief Leonard Purvis
Banning Police Department
P.O. Box 1177
Banning, CA 92220

Dear Chief Purvis:

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