



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 3/21/2023

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
Supervisorial District(s): Countywide

Title:

Consolidated Fee Hearing Item: FY 2023-24 Criminal Justice Administrative Fee

Recommended Action:

Adopt a resolution setting the contingent Criminal Justice Administrative Fee (Jail Booking Fee) at \$249.37 per applicable booking, effective July 1, 2023. The contingent Criminal Justice Administrative Fee cannot be billed to individuals and is only billable to arresting agencies if the State does not fully fund the County's annual booking fee allocation through Public Safety Realignment in a given fiscal year.

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 2023-24 will meet the \$35 million threshold, per the Governor's Proposed Budget released on January 10, 2023, approval of this contingent fee would position the County to charge arresting agencies in the event of a state funding shortfall. The Board of Supervisors is requested to increase the contingent Jail Booking Fee from \$229.41 to \$249.37, an increase of \$19.96, or 8.7%. This increase is statutorily set with annual increases equal to the California Consumer Price Index, plus 1%.

Typically, a Jail Access Fee is adopted at the same time as the Jail Booking Fee. The Jail Access Fee was last updated July 1, 2022. The County Administrator's Office recommends no changes to this fee for Fiscal Year 2023-24, pending results of an upcoming booking cost analysis to be conducted by the Sheriff's Office later this calendar year. Holding this fee flat will have a de minimis fiscal impact and will ensure the County remains in compliance with the requirement to not charge a fee that exceeds the actual cost of booking.

Discussion:

Criminal Justice Administrative Fee Calculation

Assembly Bill 1805 (2006) 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 legislation, if the State appropriates \$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. To comply with State law, the

Sheriff's Office deposits these funds in a Special Revenue Fund, which in turn reimburses detention operations costs in the General Fund. 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. Effective July 1, 2021, Assembly Bill 1869 amended and repealed portions of GC 29550 to prohibit the County, or any arresting agency, from recovering the contingent Criminal Administrative Fee from convicted individuals.

The Criminal Justice Administrative 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 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 2023, the year-over-year statewide CPI increase for calendar year 2022 was forecasted to be 7.7%. The historical 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 7.7% CPI inflation rate, the overall proposed fee increase for FY 2023-24 equates to 8.7%.

Legislative History

Over the last two decades, the state has enacted 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 to help 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 may be required to pay the portion of the booking fee equal to the proportion that the appropriated

amount is less than \$35 million. As previously mentioned, effective July 1, 2021, Assembly Bill 1869 amended and repealed portions of GC 29550 to prohibit the County or any arresting agency from recovering the contingent Criminal Administrative Fee from convicted individuals.

Additionally, the same trailer bill authorized counties to charge a Jail Access Fee (“JAF”). 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 arresting 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 recover the cost of providing this service in compliance with Proposition 26, while simultaneously attempting 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.

The Jail Access Fee was last updated July 1, 2022. The County Administrator’s Office recommends no changes to this fee for Fiscal Year 2023-24, pending results of an upcoming booking cost analysis to be conducted by the Sheriff’s Office later this calendar year. Holding this fee flat will have a de minimis fiscal impact and will ensure the County remains in compliance with the requirement to not charge a fee that exceeds the actual cost of booking.

Strategic Plan:

N/A

Prior Board Actions:

March 22, 2022: Board adopted the Jail Booking Fee and Jail Access Fee effective July 1, 2022.

March 23, 2021: Board adopted the Jail Booking Fee and Jail Access Fee effective July 1, 2021.

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.

Each year since FY 1990-91 the Board has set the Jail Booking Fee.

FISCAL SUMMARY

Expenditures	FY 22-23 Adopted	FY23-24 Projected	FY 24-25 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			

Agenda Date: 3/21/2023

Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			

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.

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) Fee Summary
- 2) Resolution establishing Jail Booking Fee and Jail Access Fee effective July 1, 2023
- 3) Fee Calculation History
- 4) California Statewide Consumer Price Index as of November 2022

Related Items "On File" with the Clerk of the Board:

None

CAO Criminal Justice Fee Schedule.xlsx

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)	FY2022-23 Units	Anticipated units, FY 2023-24	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*	N/A	GC 29550-29552	Resolution	0	0	\$ 229.41	\$ 249.37	8.7%	7/1/2023	\$ -	7/1/2022	\$ 218.07	\$ -

*Contingent fee may only be collected if the State does not provide Realignment funding to the County of Sonoma in a given fiscal year.



County of Sonoma

State of California

Date: March 21, 2023

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Setting
A Contingent Criminal Justice Administrative Fee (Jail Booking Fee) At \$249.37 Per Applicable
Booking To Be Effective July 1, 2023.**

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, the proposed Criminal Justice Administrative Fee is calculated to be \$249.37 based on the formula mandated by State law.

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 \$249.37 per applicable booking effective July 1, 2023, 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

Resolution #23-

Date:

Page 2

to fund the cost of jail bookings, that the Board of Supervisors authorizes the Criminal Justice Administrative Fee to be billed effective July 1, 2023 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 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:

Gore:

Hopkins:

Coursey:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.

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

Criminal Justice Administrative Fee (Booking Fee) History

Fiscal Year	Adopted Fee	Consumer Price Index - Source	CPI	CPI + 1%	New Fee	Annual Change (\$)	Annual Change (%)	New Fee Effective Date
FY 06-07	\$ 123.00	San Francisco CPI (February 2005 to February 2006)	2.9%	3.9%	\$ 127.83	\$ 4.83	3.9%	July 1, 2006
FY 07-08	\$ 127.83	San Francisco CPI (February 2006 to February 2007)	3.2%	4.2%	\$ 133.42	\$ 5.58	4.4%	July 1, 2007
FY 08-09	\$ 133.42	San Francisco CPI (February 2007 to February 2008)	2.9%	3.9%	\$ 138.66	\$ 5.24	3.9%	July 1, 2008
FY 09-10	\$ 138.66	San Francisco CPI (February 2008 to February 2009)	0.9%	1.9%	\$ 141.31	\$ 2.65	1.9%	July 1, 2009
FY 10-11	\$ 141.31	San Francisco CPI (February 2009 to February 2010)	2.4%	3.4%	\$ 146.14	\$ 4.84	3.4%	July 1, 2010
FY 11-12	\$ 146.14	San Francisco CPI (February 2010 to February 2011)	2.1%	3.1%	\$ 150.71	\$ 4.56	3.1%	July 1, 2011
FY 12-13	\$ 150.71	San Francisco CPI (February 2011 to February 2012)	3.5%	4.5%	\$ 157.54	\$ 6.83	4.5%	July 1, 2012
FY 13-14	\$ 157.54	San Francisco CPI (February 2012 to February 2013)	2.4%	3.4%	\$ 162.93	\$ 5.39	3.4%	July 1, 2013
FY 14-15	\$ 162.93	San Francisco CPI (February 2013 to December 2013)	1.3%	2.3%	\$ 166.68	\$ 3.75	2.3%	July 1, 2014
FY 15-16	\$ 166.68	San Francisco CPI (January 2014 to December 2014)	2.7%	3.7%	\$ 172.85	\$ 6.17	3.7%	July 1, 2015
FY 16-17	\$ 172.85	San Francisco CPI (January 2015 to December 2015)	3.2%	4.2%	\$ 180.00	\$ 7.15	4.1%	July 1, 2016
FY 17-18	\$ 180.00	San Francisco CPI (January 2016 to December 2016)	3.5%	4.5%	\$ 188.00	\$ 8.00	4.4%	July 1, 2017
FY 18-19	\$ 188.00	San Francisco CPI (January 2017 to December 2017)	2.9%	3.9%	\$ 195.00	\$ 7.00	3.7%	July 1, 2018
FY 19-20	\$ 195.00	California Average CPI (January 2018 to December 2018)	3.7%	4.7%	\$ 204.17	\$ 9.17	4.7%	July 1, 2019
FY 20-21	\$ 204.17	California Average CPI (January 2019 to December 2019)	3.0%	4.0%	\$ 212.34	\$ 8.17	4.0%	July 1, 2020
FY 21-22	\$ 212.34	California Average CPI (January 2020 to December 2020)	1.7%	2.7%	\$ 218.07	\$ 5.73	2.7%	July 1, 2021
FY 22-23	\$ 218.07	California Average CPI (January 2021 to December 2021)	4.2%	5.2%	\$ 229.41	\$ 11.34	5.2%	July 1, 2022
FY 23-24	\$ 229.41	California Average CPI (January 2022 to December 2022)	7.7%	8.7%	\$ 249.37	\$ 19.96	8.7%	July 1, 2023

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

Year	CPI-U (All Urban Consumers)	CPI-U (All Urban Consumers)	CPI-U (All Urban Consumers)	CPI-U (All Urban Consumers)
	United States Index	United States % Change	California Index	California % Change
2018	251.107	2.4	272.510	3.7
2019	255.657	1.8	280.638	3.0
2020	258.811	1.2	285.315	1.7
2021	270.970	4.7	297.371	4.2
2022 f/	293.027	8.1	320.235	7.7

f/ Governor's Budget Forecast, November 2022

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 -- U.S. 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)

Annual percent change from 2022 onward are based on forecast.

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

Updated: January 2023.