

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 5/31/06
Department Name: Sheriff- Custody
Department No.: 032
Agenda Date: 6/20/06
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Sheriff Jim Anderson
Sheriff's Department

STAFF CONTACT: Lieutenant Mark V. Mahurin, Custody Operations
Ext. 5334

SUBJECT: Alternative Inmate Program Fees

Recommendation(s):

That the Board of Supervisors:

- a. Rescind Fee Resolution # 92-385 effective July 1, 2006.
- b. Adopt the Fee Resolution for Alternative Inmate Programs to be effective July 1, 2006.

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with Goal No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community.

Executive Summary and Discussion:

The Programs

EM (Electronic Monitoring)

On February 15, 2002, the Sheriff's Work Furlough Program was converted to an Electronic Monitoring Program under the guidelines of Penal Code sections 1208, 1208.2 and 1203.016. Sections 1208 and 1208.2 primarily addressed individuals that are regularly employed, or are participating in job training or educational programs. The addition of 1203.016 has allowed retired persons, persons who have medical conditions, and persons with a physical disability to participation in the program.

Penal Code Section 1208.2 (2) authorizes an administrative fee and an application fee to recover the cost of the program including processing, equipment, supervision, and other operating costs. Our current fee structure was established in 1992 setting the daily maintenance fee at a minimum of \$12.00 per day with an incremental increase on a sliding scale based on the person's hourly rate of pay with students paying the lowest rate of \$12.00 per day. The one-time administrative fee of \$50.00 is the same for all participants. In 1997 Penal Code Section 1208.2 (2)(d) was changed to state in part that a person's ability or inability to pay

all or a portion of the program fee shall not be considered before allowing a person to participate on the Work Furlough Program.

SWAP (Sheriff’s Work Release Program)

The Santa Barbara County Sheriff’s Department has operated a Sheriff’s Work Release program under Penal Code section 4024.2 since early 1984. This program allows participants to complete one day of manual labor in lieu of serving their court ordered sentence in physical custody and is available to employed persons, students, and persons who are unemployed or who are retired. Penal Code Section 4024.2 (e) authorizes the Board of Supervisors to prescribe a program administrative fee, not to exceed the pro rata cost of administration, to be paid by each person according to his/her ability to pay. At the inception of the SWAP Program in 1984, the daily participation fee was set at \$7.00 per day. This fee structure has remained in effect without increase since that time. In late 1998, the same ability-to-pay review procedures as implemented for Work Furlough were applied to SWAP.

The Financials

All fees generated by the alternate sentencing programs are deposited into the General Fund to offset the cost of program operation. As indicated below for fiscal years 2001-02 through 2004-05, the costs of running the programs have always exceeded the revenue generated.

	<u>2001/2002</u>	<u>2002/2003</u>	<u>2003/2004</u>	<u>2004/2005</u>	<u>Budget</u> <u>2005/2006</u>
Expenditures	\$466,345.02	\$712,225.04	\$769,346.77	\$894,037.05	\$880,766
Revenues	<u>296,382.00</u>	<u>333,893.00</u>	<u>305,686.00</u>	<u>405,671.00</u>	<u>375,000</u>
	<169,963.02>	<378,332.04>	<463,660.77	<488,366.05>	<505,766>

It is therefore recommended that the Board institute a true sliding-fee schedule using the factor of 1.6 times gross hourly wages as a basis for determining a daily fee, replacing the flat fee schedules currently in place to minimize the impact of the operation of the programs on the Department and the General Fund.

A single sliding fee schedule of this type can be applied to both EM and SWAP to address the ability-to-pay issues for all participants in a fair and consistent manner and to meet the needs of funding a safe and effective community release program. In addition, the proposed fee structure is consistent with other California counties, meets the funding requirements of the county, it is conducive to meeting the ability to pay issues as required by applicable law, and is fair and consistent in its application of fee reductions. It is noted that this fee schedule does not achieve 100% cost recovery due to the ability-to-pay issue.

Mandates and Service Levels:

Under prior authorization of the Board of Supervisors the Sheriff operates community release programs pursuant to Penal Code sections 1203.016, 1208, 1208.2 1209, and 4024.

While service levels associated with these programs do not have a specific mandate, the Penal Codes and applicable case law clearly establishes a duty to provide adequate supervision and monitoring. Our highest priority with our community release programs is to ensure community safety. The fee structure provides for program growth and allows us to improve our service level to the community while protecting the public. The fee structure is set at a level sufficient to provide proper supervision levels and the addition of necessary safety and enhanced monitoring equipment.

Fiscal and Facilities Impacts:

Once the new fee resolution goes into effect, existing participants in both programs will grandfather into their existing rate. New participants to the programs will be assessed the new sliding scale rate structure. It is therefore anticipated that revenues from the programs will increase gradually over several months as participants are cycled through the programs. No adjustment to anticipated revenues or expenses is necessary for FY2005-06. The Sheriff's Department will return to your Board in September 2006 with a budget revision for FY2006-07 once the new revenue stream can be accurately predicted. It is anticipated that when fully implemented, program revenues will come close to matching program expenditures of \$882,389.

Operation of the community release programs has reduced the number of inmates housed within the main jail facility an average of 1,654 inmates over the past two years. This has made an impact on jail overcrowding and has affected the facilities impacts associated with housing this number of inmates. Continued operation and expansion of our programs will further reduce overcrowding, will help limit the facilities impacts and will continue to reduce the costs to the General Fund associated with the alternative of housing these program participants in the main jail facility.

Special Instructions:

Please forward one copy of the minute order/executing document to the attention of Lieutenant Mark V. Mahurin, Sheriff's Department, Custody Operations Division.

Concurrence:

Auditor-Controller
County Counsel

Attachments:

Fee Resolution
Fee schedule

**BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

In the Matter of Establishing Fees)
for the Provision of Certain Services)

Resolution No. _____

WHEREAS, the County of Santa Barbara is authorized to prescribe program administrative and application fees for providing certain services pursuant to Penal Code sections 1203.016, 1208, 1208.2 1209, 4024.2 (e); and

WHEREAS, said program fees administrative and application fees shall not exceed the cost of providing these services and shall be based upon each persons ability to pay such fees; and

WHEREAS, performing these services is a cost to the County General Fund in terms of employees' salaries, overhead expenses, equipment and material costs; and

WHEREAS, in order to continue to offer these programs at the appropriate safety and service levels it is necessary to charge fees sufficient to cover the approximate costs thereof.

WHEREAS, the adoption of such fees is consistent with previously established policy of the Board of Supervisors.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

That the attached program administration and application fee schedules shall be effective July 1, 2006, or as otherwise established by resolution of the Board of Supervisors. Fee schedule as established by this Resolution will continue in effect until revised, repealed or otherwise amended.

That all program administrative and application fees collected shall be deposited into the County General Fund.

Passed and adopted by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2006, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

COUNTY OF SANTA BARBARA

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By: _____
Chair, Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:
STEPHEN SHANE STARK
COUNTY COUNSEL

APPROVED AS TO FORM
ROBERT W. GEIS, C.P.A.
AUDITOR-CONTROLLER

By: _____
Deputy

By: _____

Sliding Fee Schedule

Santa Barbara County Alternative Inmate Programs

Based on Gross Hourly Income

Gross Hourly Income		Daily Fee	Gross Hourly Income		Daily Fee
\$0.00	\$0.99	\$0.00	\$11.00	\$11.99	\$17.60
\$1.00	\$1.99	\$1.60	\$12.00	\$12.99	\$19.20
\$2.00	\$2.99	\$3.20	\$13.00	\$13.99	\$20.80
\$3.00	\$3.99	\$4.80	\$14.00	\$14.99	\$22.40
\$4.00	\$4.99	\$6.40	\$15.00	\$15.99	\$24.00
\$5.00	\$5.99	\$8.00	\$16.00	\$16.99	\$25.60
\$6.00	\$6.99	\$9.60	\$17.00	\$17.99	\$27.20
\$7.00	\$7.99	\$11.20	\$18.00	\$18.99	\$28.80
\$8.00	\$8.99	\$12.80	\$19.00	\$19.99	\$30.40
\$9.00	\$9.99	\$14.40	\$20.00	\$20.99	\$32.00
\$10.00	\$10.99	\$16.00	\$21.00	and up	
			1.6 times gross hourly wage		

Application Fee:

\$50.00