

# CITY OF SACRAMENTO -- COUNTY OF SACRAMENTO



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Office of the City Manager  
915 "I" Street, Room 101  
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APPROVED  
BY THE CITY COUNCIL

JUN 23 1998

OFFICE OF THE  
CITY CLERK

For the Agenda of:  
June 23, 1998

To: Board of Supervisors and Sacramento City Council  
From: County Executive and City Manager  
Subject: MISDEMEANOR ACCOUNTABILITY//INCARCERATION PROGRAM  
Contacts: Phil Murphy, Chief Deputy, 874-5686, Sacramento Sheriff's Department  
Matt Powers, Deputy Chief, 264-5259, Sacramento Police Department

## RECOMMENDATIONS:

That the Board of Supervisors and the City Council conceptually approve the business points of the Misdemeanor Accountability/Incarceration Program, which are contingent upon lifting of the Consent Decree in Federal Court.

That the Board of Supervisors and the City Council direct the County Counsel and City Attorney to return in late July 1998 with the multi-year agreement.

## BACKGROUND:

Over the past decade, efforts to manage the County jail population, coupled with current cite and release policies has virtually removed low-risk misdemeanants from the jail system. Field cite and release practices have created an impression among the public and local law enforcement agencies that a state of "misdemeanor anarchy" exists. Currently, misdemeanor offenders face few sanctions if they either fail to appear in court in response to an arrest or report to community work release programs when ordered by the court. Local law enforcement agencies report that offenders arrested and cited for misdemeanor crimes often tear up the written "Notice to Appear" and indicate a lack of intention to appear in court when they are cited. They have learned that there are no consequences.

Local law enforcement agencies have identified the need to address the issue of misdemeanor crime problems in local neighborhoods. Local law enforcement also believes that the lack of an immediate and direct response to misdemeanor crimes contributes to escalating criminal behavior among low-risk offenders, which left unchecked, ultimately leads to more serious offenses. Further, the public has clearly expressed their concern and has requested stronger sanctions for misdemeanor crimes.

Overcrowding at the jail facilities resulted in the Sheriff's Department adopting a policy of citing out all but the most serious pre-sentenced misdemeanants in lieu of incarceration. Despite proactive measures taken by the Sheriff's Department, jail space has become more and more of a problem. In fact, all but the most serious misdemeanants are now cited and released within a few hours. In January 1993, the County of Sacramento entered into a federal consent decree, which capped the Main Jail population. As a result, a person arrested and convicted of a misdemeanor in Sacramento County will most likely not spend any time in jail except when mandated by law, as in drunk driving or domestic violence situations.

The Sheriff's Department has proposed to double bunk the remaining 508 cells in the Main Jail. This requires approval of the Federal Court to lift the Consent Decree. If approved, the Board Rated Capacity at the Main Jail would increase to 2,432 beds, of which, 278 will be dedicated to the Misdemeanor Accountability/Incarceration Program.

#### DISCUSSION:

In December 1996, the Board of Supervisors and City Council appointed a Task Force to address this problem, develop alternatives and cost estimates. Further, the Task Force was directed to identify potential cost offsets and/or redirect resources within the County criminal justice system and/or City budget. Further, on January 7, 1997, both the Board of Supervisors and the City Council appointed two representatives (each) to review the finding of the Task Force and make policy recommendations to their respective governing bodies. The two representatives appointed by the Board of Supervisors are Dave Cox and Roger Dickinson and the representatives appointed by the City Council are Darrell Steinberg and Robbie Waters.

Immediately after appointment of the Task Force, representatives from the Sheriff's, Department, Sacramento Police Department, Medical Systems, District Attorney, Public Defender, Indigent Defense, Superior and Municipal Court, Probation, County Executive's Office and the City Manager's Office began to meet. All agencies agreed upon the following principals: it was in the City and County's best interest to develop a joint facility; it was unconscionable to shift the problem between the City and the County; and it was essential that the problem be addressed from a system-wide perspective.

One roadblock experienced by the Task Force was in determining the number of scofflaws responsible for the misdemeanor warrants. Of the 67,430 misdemeanor warrants, approximately thirty percent (19,662) are "forfeitable" (the fine can be paid without a Court appearance) and approximately sixty percent (41,761) require a Court

appearance. The remaining ten percent (6,007) can be taken directly to jail to complete their sentence. The number of outstanding warrants does not accurately reflect the number of scofflaws responsible, as one scofflaw may have several warrants. Additionally, neither the Sheriff's Department nor the Police Department have been able to accurately assess the number of individuals that patrol has contact with in the field, that could be, but are never, cited in the field or transported to jail.

As a result, the methodology used to project the potential increase in misdemeanor bookings was based upon booking trends prior to jail overcrowding and prior to implementation of booking fees. Based upon this methodology, the team collectively agreed that the total number of bookings will increase by approximately 11,300 annually, or thirty-one per day countywide. Consensus on the increased number of bookings per day was instrumental prior to determining fiscal impact, as well as the capacity of each agency to handle the increased workload. Based upon this assumption, the Court has indicated that they may be able to absorb the additional bookings. However, the Court has indicated that they reserve the right to reassess the impact after implementation of the program. Additionally, no additional costs for the Probation Department have been incorporated in this model. Probation has requested to reassess this six months after implementation.

#### FINANCIAL ANALYSIS:

Should the Federal Court lift the Consent Decree, the following points are being recommended by the Sheriff, County Executive, City Manager, and a representative from City Police:

- The City of Sacramento will continue to pay \$2.4 million annually for the current number of felony and misdemeanor bookings (total 12,636) for the next 5 years. The cost per booking will be adjusted annually for incremental cost increases in the booking loop.
- The first year cost of the 278-bed Misdemeanor Accountability/Incarceration Program will be \$4.78 million (including \$.58 million for one-time capital construction costs).
- The City and the County will equally share the one time cost of capital construction at the Main Jail (\$.29 million each).
- The operational cost to the County will be \$3.15 million for 5 years, adjusted by CPI factor.
- The City of Sacramento will contribute \$1.05 million annually for 5 years, adjusted by CPI factor, for operational costs.
- In exchange for the City's contribution, the city may make an additional 5,475 bookings in lieu of a per-person booking charge (for a total of 18,111 bookings annually).

- The County will reserve 100 beds for the City's misdemeanor pretrial detainees.
- The City of Sacramento will pay the updated per booking and classification rate if more than the agreed upon number of annual bookings is exceeded.
- The City and the County will jointly develop evaluation criteria, which will include fiscal and program elements. This information will be assessed annually.
- The Sheriff and the Chief of Police will jointly develop detention criteria for those not clearly set forth in P.C. 853.6.
- The Sheriff will increase Work Project capacity and Work Project accountability by dedicating beds at Rio Cosumnes Correctional Center.
- Assuming the Federal Court approves lifting of the Consent Decree, the agreement between the City and the County will be for five years.

CONCLUSION:

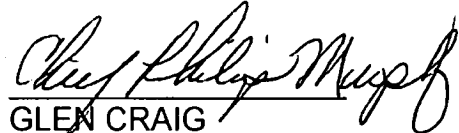
The proposed before you is "good government" and will improve the quality of life in Sacramento County. The City and County staff have worked hard to craft an agreement that is beneficial to both the City and the County. More importantly it provides an aggressive approach to dealing with scofflaws in our community.

If the Board of Supervisors and the City Council conceptually approve these recommendations today, the Sheriff and the County Executive will present the operational and financing plan to the Board of Supervisors on June 25, 1998 at 10:30 a.m., and request that County Counsel immediately file the Request to Dissolve the Consent Decree. Once filed, County Counsel will be in a better position to know when the Court action will be heard.

It is recommended that the Board of Supervisors and the City Council direct County Counsel and the City Attorney to develop a five-year agreement, which includes both business points and financing agreement.

Respectfully submitted,


Respectfully submitted,


*for*   
GLEN CRAIG  
Sheriff

  
ARTURO VENEGAS, JR.  
Chief of Police

Concur

Concur

  
ROBERT P. THOMAS  
County Executive

  
WILLIAM H. EDGAR  
City Manager

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- C.c. Betty Masuoka, Deputy City Manager
- David Martinez, Deputy City Manager
- Samuel Jackson, City Attorney
- Robert A. Ryan, Jr., County Counsel
- Penelope Clarke, Public Protection and Human Assistance Agency

**RESOLUTION NO. 98-306**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

**APPROVED**  
BY THE CITY COUNCIL

**JUN 23 1998**

ON DATE OF \_\_\_\_\_

OFFICE OF THE  
CITY CLERK

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE SACRAMENTO COUNTY EXECUTIVE TO DEVELOP A FIVE-YEAR AGREEMENT TO PROVIDE FOR A MISDEMEANOR ACCOUNTABILITY/ INCARCERATION PROGRAM

NOW, THEREFORE, LET IT BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO THAT:

1. The City Council conceptually approves the business points of the Misdemeanor Accountability/Incarceration Program, as outlined in the attached joint staff report. This is contingent upon the lifting of the Consent Decree in Federal Court regarding the cap of the County's Main Jail population.
2. The City Council directs the City Attorney to work with County Counsel on developing a multi-year agreement by late July 1998.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

(6)

COUNTY OF SACRAMENTO  
CALIFORNIA

**APPROVED**  
BOARD OF SUPERVISORS

For the Agenda of:  
June 23, 1998

To: Board of Supervisors

JUN 23 1998

From: County Executive

By Cady H. Turner  
Clerk of the Board

Subject: BUSINESS POINTS AND FINANCING PLANS FOR MISDEMEANOR JAIL

Contact: Judy McGarry, 874-5404

**RECOMMENDATIONS:**

That your Board approve the attached conceptual agreement between the City and the County.

**DISCUSSION:**

On February 10, 1998, your Board directed County Counsel to proceed with the request to dissolve the Consent Decree in Federal Court, contingent upon receipt and approval of an operational and financial plan. Since that date, Sheriff's staff has worked closely with the Department of Medical Systems and County Counsel to develop an operational plan that ensures that all constitutional requirements are met. On June 25, 1998 at 10:30 a.m., the Sheriff is scheduled to present this plan to your Board. If approved by your Board on June 25, 1998, County Counsel is prepared to immediately file the Request to seek Modification/Relief of the Main Jail in Federal Court.

The attached conceptual agreement, between the City and the County, relates only to the operations and financing plan for 278 of the 508 beds at the Main Jail. If the Federal Court approves the County's request to modify/relieve the Consent Decree of the Main Jail, the Sheriff intends to add 508 beds, of which 278 beds are for the Misdemeanor Accountability/Incarceration Program, 130 beds for pre-trial detainees (currently being housed at Rio Cosumnes Correctional Center) and the remaining 100 beds are for general population.

**FINANCIAL:**

The increased cost attributable to adding 508 beds will be financed from the following sources: \$2.5 million already set aside for the County's share of the Misdemeanor Accountability/Incarceration Program, funds for existing personnel already included in the Sheriff's Department Recommended Budget for Fiscal Year 1998-99, annual contribution (for 5 years) from the City of Sacramento and unbudgeted revenue from the State Criminal Alien Assistance Program. It is my recommendation, and the Sheriff concurs, that \$850,000 from

**BUSINESS POINTS AND FINANCING PLANS FOR MISDEMEANOR JAIL**

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the State Criminal Alien Assistance Program be used to close the funding gap for the 508 beds expansion at the Main Jail.

Misdemeanor Program (278 beds):	
Operations	\$ 4.20 m
Capital Construction	.58 m
Non-Misdemeanor Program (230 beds)	<u>1.93 m</u>
Total Cost	\$ 6.71 Million

Financing:	
Redeployment of existing personnel	\$ 2.02 m
City reimbursement	1.34 m
Already Budgeted	2.50 m
Unanticipated Rev. for Alien Housing.	<u>.85 m</u>
Total Revenue	\$ 6.71 Million

**CONCLUSION:**

Jurisdictions that have taken a stance against "misdemeanor anarchy" have experienced significant reductions in their crime rate. I believe the same results are possible in Sacramento County. I believe that the attached conceptual agreement is a giant step toward addressing this problem.

Lastly, I would like to take this opportunity to express my sincere appreciation to all of the county and city staff that assisted in the development of the attached business and financial points.

Respectfully submitted,



ROBERT P. THOMAS  
County Executive

MAT/JM:js (w:\sheriff\agenda\misdemeanor accountability.bdm.doc)

Attachment



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## MISDEMEANOR ACCOUNTABILITY/INCARCERATION PROGRAM

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Respectfully submitted,

  
for GLEN CRAIG  
Sheriff

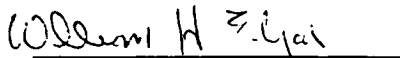
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Chief of Police

Concur

  
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County Executive

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WILLIAM H. EDGAR  
City Manager

JM:kb (w:\sheriff\agenda\bos-city council.doc)

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