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CITY OF SACRAMENTO -- COUNTY OF SACRAMENTO



APPROVED  
BY THE CITY COUNCIL

DEC 15 1998

OFFICE OF THE  
CITY CLERK

AG 98-246

For the Agenda of:  
December 15, 1998

To: Board of Supervisors and City Council

From: County Executive and City Manger

Subject: AGREEMENT BETWEEN CITY AND COUNTY FOR MISDEMEANOR  
ACCOUNTABILITY PROGRAM

Contact: Bill Roberts, Acting Chief, 874-5686, Sacramento Sheriff's Department  
Matt Powers, Deputy Chief, 264-5259, Sacramento Police Department

RECOMMENDATION:

That the Board of Supervisors and the City Council approve the attached agreement for operation and funding of the Misdemeanor Jail Program.

BACKGROUND:

Over the past decade, efforts to manage the County jail population, coupled with current cite and release policies have 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 "misdemeanor anarchy" exists. 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 state their 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. They also believe 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 concern about community safety.

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

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January 1993, the County of Sacramento entered into a federal consent decree, which capped the Main Jail population. All but the most serious misdemeanants are now cited and released within a few hours.

Whereas, the inability to hold low level offenders accountable is unacceptable, the Sheriff proposed double bunking the remaining cells in the Main Jail. The proposal required approval of the Federal Court to lift the Consent Decree.

To this end, on June 23, 1998, both the City Council and the Board of Supervisors conceptually approved a financial sharing agreement to address "misdemeanor anarchy." The Board and the City Council were advised that the agreement was dependent upon the Federal Court granting relief from the previous Consent Decree provision which limited the Main Jail population to 2,000 inmates. On June 25, 1998, the Board of Supervisors directed County Counsel to file a Motion to Terminate or Amend the previous Consent Decree. The motion was filed in Federal Court on July 15, 1998, and was subsequently heard by Judge Gregory Hollows on August 20, 1998.

On September 11, 1998, the County obtained relief from a prior Consent Decree provision limiting the inmate population of the Main Jail to 2,000 inmates. Granting of relief is conditional upon the Sheriff's implementation of a pilot project, including facility and staffing changes, previously approved by the Board of Corrections. This will result in an increase in the rated capacity of the Main Jail to a number which, with the addition of special use areas, equates to a capacity of 2,432 (i.e., a new Rated Capacity of 2,326, plus 116 special use beds, for a total population of 2,432).

This increase in bed capacity of 508 will be accomplished by installing additional bunks in the remaining single cells of the Main Jail. The contract for the installation of these bunks is on the Board of Supervisors' agenda today. Of the additional beds, 278 will be utilized for the misdemeanor program, and the remaining 230 beds will be utilized to house violent offenders, as defined by the Board of Corrections.

DISCUSSION:

On June 23, 1998, the Board and City Council approved the Misdemeanor Accountability/Incarceration Program Business Points. Since that date, City and County staff have continued to meet and negotiate terms of the attached agreement. Staff believes that this agreement meets the needs of both the City and County and is consistent with the business points previously approved by the Board and the City Council.

During the past few months, a subcommittee consisting of representatives from the Sheriff, Police, District Attorney, Public Defender and the Court has been reviewing the outstanding warrants and developing strategies to address the backlog. As a result, the following recommendations were subsequently approved by the Criminal Justice Cabinet: local law enforcement agencies place added priority on Sheriff Order to Custody (SOC) warrants; target chronic, repeat misdemeanor offenders; implement a pilot program to target offenders within selected categories; continue working with Regional Transit to address Light Rail offenders; and to assess the impact of the above recommendations.

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TERMS OF AGREEMENT

The attached agreement is for a term of five years, and may be extended for up to two additional terms of five (5) years each on the same terms and conditions upon mutual written agreement of the Board of Supervisors, Sheriff and the City Manager. If approved by the Board and the City Council today, the effective date of the agreement will be January 1, 1999.

County Obligations

The Sheriff will continue to accept all City arrested offenders who are fit for incarceration, whether misdemeanor or felony. The Sheriff will adhere to the guidelines delineated in Penal Code 853.6 for releasing arrestees. The County will house, on a daily basis, up to 100 pre-arraignment misdemeanor offenders arrested by the City. The Sheriff will retain discretion, based on the operational needs of the County's correctional system, to determine the manner and location where the misdemeanor offenders will be housed. The attached agreement recognizes that the Sheriff shall not be required to house the 100 pre-arraignment misdemeanor offenders in the event of an emergency.

City Obligations

The City will pay the County \$2.4 million annually for any and all bookings, whether misdemeanor or felony, not to exceed 18,111 (an increase of 5,400 bookings annually over Fiscal Year 1997/98). In addition, the City will contribute \$1.05 million annually for operational costs associated with housing City arrested pre-arraignment misdemeanor offenders. Within thirty days after the effective date of this agreement, the City will contribute \$287,537 toward the cost of capital improvements for the installation of additional beds in the jail. If the City bookings exceed 18,111, the City shall pay the updated per booking and classification rate for the excess number.

CONSTRUCTION TIMELINE

The contract for the Main Jail bunk installation was originally scheduled to be heard by the Board of Supervisors on October 20, 1998, but was continued to today. Approval of the installation contract will be considered by the Board of Supervisors immediately after the Board considers approval of the agreement between the City and the County for the Misdemeanor Accountability Program. Actual construction of the bed frames is approximately fifty percent complete. If approved by the Board, installation will commence on December 29, 1998 and be completed by April 30, 1999. The following chart is the anticipated timeline for the installation for the entire bed installation project:

Board Approve to Award Contract		12/15/98
Contract Award	14 Days	12/29/98
Frame Installation First 254 Beds	50 Days	2/18/99
Frame Installation Second 254 Beds	50 Days	4/09/99
Glazing Installation/Repair	14 Days	4/23/99

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During installation of the bunks, the contractor will have access to the cells with minimal interference from the daily facility operations. Special teams of officers will be assigned to the housing units where the contractor will be working. Officers will escort inmates, supervise food delivery and other activities as well as escort the contractor from site to site.

STAFFING/FINANCING

The Salary Resolution Amendment and Appropriation Adjustment Request associated with adding 508 beds to the Main Jail will be presented to the Board of Supervisors in the near future. Staff in the County Executive's Office continue to work with representatives from the Sheriff's Department, Medical Systems, District Attorney and the Public Defender to develop a hiring schedule that ensures adequate time for recruitment and training.

MEASURING SUCCESS

Based upon experience in other jurisdictions, the anticipated impact of aggressively addressing "misdemeanor anarchy" will not be known for at least two years. However, a working group, representing the local law enforcement, District Attorney, Court, Public Defender, and Probation will continue to meet during implementation of this program. Further, baseline data is available on reported crimes, case levels within the court system, number of outstanding warrants, failure to appear rates, and the number of booking and type of offenses. Over the next two years, this data will be periodically updated and the impact of the misdemeanor incarceration/accountability program will be analyzed. It is anticipated that criminal activity in the County of Sacramento will be reduced and the impact to the community and the justice system will be positive.

CONCLUSION:

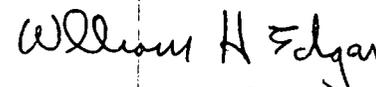
The attached agreement between the City and County of Sacramento for the operation and funding of a misdemeanor accountability/incarceration program incorporates the business points approved by the Board and City Council on June 23, 1998. The agreement is beneficial to both the City and the County, in that it provides an aggressive approach to dealing with scofflaws in our community.

Upon approval of this program, it is anticipated that the terms outlined in the agreement will ensure that Sacramento County becomes a safer place to live.

Respectfully submitted,

  
ROBERT P. THOMAS  
County Executive

Respectfully submitted,

  
WILLIAM H. EDGAR  
City Manager

cc: Michele Bach, Assistant County Counsel  
Diane Balter, Deputy City Attorney

Attachment

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

APPROVED  
BY THE CITY COUNCIL

RESOLUTION NO. 98-639

DEC 15 1998

*amended*

ADOPTED BY THE CITY COUNCIL

OFFICE OF THE  
CITY CLERK

ON \_\_\_\_\_

RESOLUTION AUTHORIZING THE MISDEMEANOR ACCOUNTABILITY AGREEMENT BETWEEN THE CITY AND THE COUNTY OF SACRAMENTO ALLOWING FOR ADDITIONAL BED SPACE AT THE COUNTY JAIL FOR OFFENDERS BOOKED BY SACRAMENTO POLICE OFFICERS, THEREBY ENHANCING LAW ENFORCEMENT SERVICES PROVIDED BY THE SACRAMENTO POLICE DEPARTMENT.

WHEREAS the City of Sacramento desires to perpetuate community confidence that those misdemeanor offenders who qualify for booking due to the nature and severity of the crime will be secured within the County Jail and thereby be held accountable for their actions.

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

1. The City Manager of the City of Sacramento, or his designated representative, is authorized on behalf of the City Council, which is the governing body for the City of Sacramento, to accept the misdemeanor accountability agreement between the City and the County of Sacramento.
2. The funds be approved as detailed within the misdemeanor accountability agreement for the construction and operation costs associated with the installation of the additional beds and housing and classification fees.

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MAYOR OF SACRAMENTO

ATTEST:

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FOR CITY CLERK USE ONLY

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

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

**RESOLUTION NO. 98-639 (AMENDED)**

**ADOPTED BY THE CITY COUNCIL**

**ON December 15, 1998**

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- 2. The funds be approved as detailed within the misdemeanor accountability agreement for the construction and operation costs associated with the installation of the additional beds and housing and classification fees.**

**JOE SERNA, JR.**

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**MAYOR OF SACRAMENTO**

**ATTEST:**

**VALERIE BURROWES**  
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**FOR CITY CLERK USE ONLY**

**RESOLUTION NO. 98-639**

**DATE ADOPTED: DEC 15 1998**

*Amended*  
**RESOLUTION NO. 98-639**

ADOPTED BY THE CITY COUNCIL

ON \_\_\_\_\_

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**FOR CITY CLERK USE ONLY**

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

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**ADOPTED BY THE CITY COUNCIL**

**ON** \_\_\_\_\_

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**ATTEST:**

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**FOR CITY CLERK USE ONLY**

**RESOLUTION NO.** \_\_\_\_\_

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