

**COUNTY OF SACRAMENTO
CALIFORNIA**

For the Agenda of:
September 14, 2006

To: Board of Supervisors

From: Sheriff's Department

Subject: REPORT BACK – Misdemeanor Jail Program and related misdemeanor warrant problem/backlog

Contact: Bill Kelly, Chief Deputy, Correctional and Court Services- 874-5033

Overview

On December 15, 1998, the Board of Supervisors and the Sacramento City Council adopted a mutual resolution enforced by a five year contractual agreement whereby the Sheriff's Department would maintain the availability of 100 beds at the Main Jail to support the City's efforts to arrest and incarcerate re-occurring misdemeanor offenders. The agreement was due to expire in December 2003, and was subsequently extended by both parties to March 31, 2004. The contractual obligations set forth in the original agreement and extension were satisfied by the parties. The parties do not have a current agreement in contract.

It is estimated that currently within the Sacramento region; approximately 75,000 misdemeanor warrants remain outstanding.

Recommendation

That the Board receive and file this requested information.

Measures/Evaluation

None

Fiscal Impact

None

BACKGROUND:

Philosophically and practically, the misdemeanor jail program as originally implemented in December 1998 remains in effect. The Sheriff's Department accepts the arrest of a misdemeanant in custody providing the circumstances as reasonably believed and articulated by the arresting officer do not impinge the constraining language of California Penal Code Section 853.6, and notwithstanding any other issues regarding probable cause for the arrest or medical fitness for acceptance into custody.

Once in custody, properly booked and scheduled for a court appearance if applicable, Sheriff's personnel are bound by the language of section 853.6 and the legislative intent therein inferred. Essentially, a misdemeanant shall be released pursuant to a notice to appear in court if the facts surrounding the current conditions of custody so comply with the directive of section 853.6.

If Sheriff's personnel determine that the in-custody misdemeanant conditions do not comply with the circumstances for release as set forth in section 853.6, then the misdemeanant is held in-custody by bail or until the case is otherwise adjudicated.

The current procedures in effect with respect to how a misdemeanant is accepted into custody and either maintained in custody or released from custody have not deviated from the December 1998 agreement between the County of Sacramento and the City of Sacramento.

Misdemeanor warrant problem/backlog

The estimated number of outstanding misdemeanor warrants has not significantly increased nor decreased in the last eight years. In 2000, the Sheriff's Department developed and deployed the Revenue Recovery Unit, consisting of a Sergeant and four Deputy Sheriff's.

The mission of the Unit is to focus their enforcement efforts on resolving the number of outstanding misdemeanor warrants that may be satisfied by paying the court assessed fine, rather than resolving the outstanding warrants that commit incarcerated time or a mandatory appearance before the court. Since Fiscal Year 2002/2003, this program has cleared a total of 23,973 warrants.

The Sheriff's Department predominately relies upon the diverse assignments of personnel in enforcement positions to resolve outstanding misdemeanor warrants if and when those personnel have contact with an individual who may have such outstanding misdemeanor warrant/s assigned. The deployment of Sheriff's Department personnel resources to patrol, detective, traffic, and other specialized units is a more necessary effective utilization of resources for the protection of the lives and property of the residents of Sacramento County.

Personnel resources have not been allocated by the Board, nor currently exist within the department to deploy solely and specifically, personnel to the mission of resolving only outstanding misdemeanor warrants, other than as identified as the Revenue Recovery Unit.

DISCUSSION

The Sheriff's Department recommends that the Board of Supervisors receive and file this information.

MEASURES/EVALUATION

None

FINANCIAL ANALYSIS

This report has no fiscal impact on either the General Fund or any other fund

Respectfully submitted,

JOHN MCGINNESS, Sheriff
Sacramento County Sheriff's Department

CONCUR:
TERRY SCHUTTEN
County Executive

By: _____
GEOFFREY B. DAVEY
Chief Financial/Operations Officer