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Title: Authorize the Chief of Police to enter into a five year agreement with the County of Fresno to reserve five bed spaces in the Fresno County Jail for the purpose of housing Fresno Police Department arrestees at a rate of \$520.00 per day.

Sponsors: Police Department

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Attachments: 1. FPD Jail Bed Agreement 2015 FINAL.pdf

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REPORT TO THE CITY COUNCIL

July 16, 2015

FROM: JERRY P. DYER, Chief of Police
Police Department

BY: MICHAEL W. BROGDON, Lieutenant
Police Department

SUBJECT

Authorize the Chief of Police to enter into a five year agreement with the County of Fresno to reserve five bed spaces in the Fresno County Jail for the purpose of housing Fresno Police Department arrestees at a rate of \$520.00 per day.

RECOMMENDATION

Staff recommends that the Council authorize the Chief of Police to enter into a five-year agreement with the County of Fresno to reserve five bed spaces in the Fresno County Jail (FCJ) for the purpose of housing Fresno Police Department (FPD) arrestees at a rate of \$520.00 per day.

EXECUTIVE SUMMARY

As a result of early inmate releases prior to arraignment and other court proceedings, the Chief of Police and the County Sheriff developed a written agreement in 2013 to reserve five beds at FCJ to

hold FPD arrestees. Since that time, early inmate releases still continue, but on a smaller scale. This improvement is a result of opening additional jail floors and the recent passage of Proposition 47. The current agreement ends on June 30, 2015. The Chief of Police would like to continue this agreement for an additional five years at the same cost of \$520.00 per day. This agreement would guarantee that five beds are reserved in FCJ for our repeat offenders who commit crimes while they are out of custody.

BACKGROUND

For the past several years, reductions in jail bed capacity at FCJ have occurred. The factors, as detailed below, operate to significantly limit the number of beds available for arrestees to remain in custody as they move through the criminal justice system. The inability to keep prisoners in custody due to overcrowding at FCJ allows for those individuals to continue committing crimes and puts our community at increased risk of being victimized by these criminals.

The factors that have created this condition at FCJ include a 1994 Federal Consent Decree as a result of a federal lawsuit, *Cruz v. County of Fresno*, which mandates that the County release inmates from FCJ whenever it reached 100% of its operating capacity to relieve overcrowding conditions that present a risk of harm to the inmates.

FCJ bed space was further reduced in 2008 as a result of County of Fresno budget constraints. Reductions in FCJ operating revenue closed 1,855 beds or 53% of their total jail-bed capacity. Three floors in the jail were re-opened in 2013, but many beds remain closed including over 300 beds in the vacated Satellite Jail.

Continuing this agreement after June 30, 2015, would allow FPD to hold identified repeat offenders in FCJ by reserving bed space for our most prolific criminals. Under this agreement and with Council approval, the City would pay a daily rate of \$104.00 per bed, for a total of \$520.00 per day, to ensure that specified inmates are not released from FCJ due to overcrowding. Additionally, the agreement requires the City to pay for each guard assigned to the inmates in the five beds that require off-site medical attention. Under the terms of the agreement, the City would pay a \$43.03/hr. charge for each guard to transport and accompany the inmate to the offsite medical facility. This cost is hard to quantify because it is based on inmate health and other factors. As of this writing, no additional charges related to medical care were incurred in FY 2015 as part of this agreement.

ENVIRONMENTAL FINDINGS

This is not a “project” for the purposes of CEQA, pursuant to CEQA Guidelines Section 15378.

LOCAL PREFERENCE

Local Preference was not considered because this arrangement with the County for jail bed space does not include a competitive bid or award of a construction or services contract.

FISCAL IMPACT

The cost of this agreement for FY 2016 through FY 2020 is fixed at \$189,800 per year for the five beds. Cost could be minimally higher if an FPD inmate needs off-site medical attention at a rate of \$43.03/hr. Funding has been budgeted and will be part of the Police Department’s FY 2016 budget. Future years will have to be budgeted. Payments will be made monthly and in the case of non-

appropriation of funds for this agreement, the Chief of Police may exercise a 30-day “without-cause” termination clause.

Attachment:
Five Bed Jail Agreement