



Legislation Details (With Text)

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Title:	Approve a three -year agreement, with the County of Fresno to reserve three dedicated bed spaces in the Fresno County Jail for the purpose of housing Fresno Police Department Arrestees, along with guards assigned to the inmates in the three beds that require any off-site medical attention to transport and accompany the inmate to the offsite medical facility, for a total amount not to exceed \$560,000. (Years 1-3).				
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Date	Ver.	Action By	Action	Result
6/27/2024	1	City Council	ADOPTED	Pass

REPORT TO THE CITY COUNCIL

FROM: PACO BALDERRAMA, Chief of Police
Police Department

BY: MINDY CASTO, Deputy Chief
Police Department

SUBJECT

Approve a three -year agreement, with the County of Fresno to reserve three dedicated bed spaces in the Fresno County Jail for the purpose of housing Fresno Police Department Arrestees, along with guards assigned to the inmates in the three beds that require any off-site medical attention to transport and accompany the inmate to the offsite medical facility, for a total amount not to exceed \$560,000. (Years 1-3).

RECOMMENDATION

Staff recommends that Council approve a three-year agreement with the County of Fresno, to reserve three bed spaces in the Fresno County Jail (FCJ) for the purposes of housing Fresno Police Department (FPD) arrestees at a rate of \$495 per day for years one through three, and authorize the Chief of Police, or his designee, to execute the agreement, for a total amount not to exceed \$560,000 (Years 1 - 3)

EXECUTIVE SUMMARY

Overcrowding releases from the FCJ continue for a multitude of reasons. As a means of finding a solution to keep Fresno Police Department arrestees in custody at FCJ, the Chief of Police and County Sheriff developed a written agreement in 2013 to reserve five beds at FCJ for City of Fresno arrestees at a cost of \$520 per day. A three-year successor agreement was authorized by Council in 2021 continuing the reservation of five beds at \$650.00 per day, with an option to extend for two additional years at \$670.00 per day. The County was unable to extend the agreement due to rising costs which resulted in a new agreement being authored.

This agreement has served our community well as it guarantees jail beds are reserved in FCJ for our repeat offenders who commit crimes while they are out of custody. This results in a safer community for our residents. This is the second cost increase since the inception of the program and is due to rising recovery costs for the County. This new agreement supersedes the previous agreement, resulting in substantial savings to the City of Fresno. The new agreement reduces the number of jail beds from five to three amounting to savings of \$120,450.00 per year for a total savings of \$361,350.00 for the full term of the contract.

BACKGROUND

Since the mid-1990s reductions in jail bed capacity at FCJ have occurred. The factors, as discussed below, operate to significantly limit the number of beds available for arrestees to remain in custody as they move through the criminal justice system in Fresno County. 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 the federal lawsuit, *Cruz vs. County of Fresno*. The Decree mandated that the County release inmates from FCJ whenever it reached 100% of its operating capacity to relieve overcrowding conditions that presented harm to inmates at the facility. The Decree also provided the County with the discretion to either release inmates or not accept new bookings into the jail whenever it attains 90% of capacity.

FCJ bed space was further reduced in 2008 as a result of County of Fresno budget constraints. Reductions in FCJ operating budgets closed 1,855 beds or 53% of their total jail bed capacity. Although three floors of the jail reopened in 2013, many beds remain closed including over 300 beds in the vacated Satellite Jail.

In 2011, AB 109 Realignment legislation further reduced available bed space at FCJ. Under a Federal Court ruling decided under the *Coleman-Plata* litigation, the [California Department of Corrections and Rehabilitation](http://en.wikipedia.org/wiki/California_Department_of_Corrections_and_Rehabilitation) (CDCR) which operates the prison system in California was mandated to reduce overcrowding conditions in State prisons. To accomplish this, Governor Jerry Brown signed Assembly Bill 109, the Public Safety Realignment Act, into law on April 4, 2011. This Act resulted in thousands of prisoners being realigned from state custody into county correctional/probation systems throughout the State.

AB 109 also provided funding to the counties to assist in this realignment transition. As a result, the County was able to reopen two floors of FCJ with State AB 109 funding. The County also utilized General Fund money to open a third floor of FCJ in 2013. Despite the reopening of FCJ bed space, prisoners continued to be released from FCJ due to overcrowding. During 2020 the COVID-19

pandemic exacerbated the issue by increasing the number of releases.

This agreement would allow the Fresno Police Department 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 \$165.00 per bed for three beds to ensure that specified prisoners 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 three beds that require off-site medical attention. Under the terms of the agreement, the City would pay a \$100.12/hr. charge for each guard to transport and accompany the inmate to the offsite medical facility. Historically, we have opted not to hold prisoners in reserved jail beds; therefore, we do not anticipate any costs related to this section of the agreement.

These three beds guaranteed by the County would allow the City of Fresno to keep criminals that in past years have been rearrested multiple times, behind bars until they either make bail arrangements or are adjudicated in the criminal justice system.

ENVIRONMENTAL FINDINGS

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

LOCAL PREFERENCE

Local preference is not applicable as this is an agreement with another governmental agency.

FISCAL IMPACT

The cost per day to the City of Fresno would be \$495.00. This cost will be incurred under the agreement by the City whether the beds are occupied or not. The Agreement is effective from July 1, 2024 through June 30, 2027. The cost to the City for FY 2024-25 would be \$180,675 per year; the cost to the City for FY 2025-26 would be \$180,675 per year; and the cost to the City for FY2026-27 would be \$180,675 per year. Additionally, the agreement requires the City to pay for each guard assigned to the inmates in the three beds that require off-site medical attention. Under the terms of the agreement, the City would pay a \$100.12/hr. charge for each guard to transport and accompany the inmate to the offsite medical facility on an as-needed basis. Historically, we have opted not to hold prisoners in reserved jail beds; and do not anticipate these additional costs.

The Police Department will utilize appropriations in their existing operating budget designated for the required security.

Attachments:

- Agreement
- 1994 Federal Court Order, Cruz vs Fresno County