



**OFFICE OF THE  
CITY AUDITOR**

**AN AUDIT OF THE  
SAN JOSE POLICE DEPARTMENT'S  
OPERATIONS SUPPORT SERVICES DIVISION**

- UPDATING THE SAN JOSE POLICE DEPARTMENT'S CITATION AND RELEASE PROCEDURES AND EXPANDING THE PROCESSING CENTER COULD SAVE THE CITY MORE THAN \$2 MILLION ANNUALLY IN BOOKING FEES
- THE CITY NEEDS TO REVIEW OR AUDIT SANTA CLARA COUNTY'S BOOKING FEE CHARGES

**A REPORT TO THE  
SAN JOSE  
CITY COUNCIL**

**NOVEMBER 1993**

**93-09**



# CITY OF SAN JOSÉ, CALIFORNIA

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November 19, 1993

Honorable Mayor and Members  
of the City Council  
801 North First Street, Room 600  
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Transmitted herewith is a report on *An Audit Of The San Jose Police Department's Operations Support Services Division*. This report is in accordance with City Charter Section 805.

An Executive Summary is presented on the blue pages in the front of this report while an Administration response is shown on the yellow pages before the Appendices.

I will present this report to the Finance Committee at its November 24, 1993, meeting. If you need additional information in the interim, please let me know. The City Auditor staff members who participated in the preparation of this report are Nestor Baula, Wendy Walker, and Rebecca Haggerty.

Respectfully submitted,

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## **EXECUTIVE SUMMARY**

In accordance with the City Auditor's 1993-94 Audit Workplan, we have audited the San Jose Police Department's (SJPD) Operations Support Services Division. We conducted this audit in accordance with generally accepted government auditing standards and limited our work to those areas specified in the Scope and Methodology section of this report.

### **Updating The San Jose Police Department's Citation And Release Procedures And Expanding The Processing Center Could Save The City More Than \$2 Million Annually In Booking Fees**

The California Penal Code allows police departments to cite and release persons under certain circumstances for misdemeanor charges. Accordingly, various cities have implemented citation and release programs that incorporate the applicable Penal Code sections. The SJPD has some procedures which partially address the release of an individual arrested on an on-view misdemeanor charge. However, our review revealed that the SJPD's procedures do not yet include the applicable Penal Code sections needed to fully institute a comprehensive citation and release program. In our opinion, the SJPD should formally implement a citation and release program by

- Updating its procedures to incorporate the applicable Penal Code sections and
- Expanding the current processing center in the basement of the Police Administration Building (PAB) to accommodate the implementation of a citation and release program by moving the other SJPD functions currently located in the PAB basement to another location.

By implementing a citation and release program, the SJPD could save the city of San Jose (City) more than \$2 million annually in booking fees.



Furthermore, expanding the processing center and relocating certain SJPD functions will provide enhanced services to the citizens of San Jose.

**The City Needs To Review Or Audit  
Santa Clara County's Booking Fee Charges**

California State law allows a county to collect fees from an arresting agency, such as the City, for the administrative costs of booking and processing arrested persons. Our review revealed (1) that the City has never reviewed or audited how the county of Santa Clara (County) determines the booking fees it charges the City and (2) that such reviews or audits are needed because

- From July 1, 1990, to March 31, 1993, the County collected from the City approximately \$10,970,000 in booking fees and
- Effective January 1, 1994, California State law (1) redefines the administrative costs that a county can charge an arresting agency for booking and processing arrested persons, (2) specifies the circumstances under which the arresting agency will be exempt from the payment of booking and processing fees, and (3) allows the arresting agency to recover from a convicted person the actual administrative costs of his or her booking and processing.

In our opinion, the City should review the County's records and procedures to ascertain its compliance with the new state guidelines that will go into effect on January 1, 1994. In addition, the City should implement procedures to recover those booking fees the new state guidelines prescribe.

## **RECOMMENDATIONS**

We recommend that the San Jose Police Department:

### **Recommendation #1:**

Update its procedures to fully incorporate Penal Code sections 853.6 and 827.1 as they apply to on-view misdemeanor arrests and arrest/bench warrants respectively. (Priority 2)

### **Recommendation #2:**

Perform an analysis to determine what resources will be needed to move the Personnel, Records, Permits, and Training Units to the 120 W. Mission Street building. (Priority 2)

### **Recommendation #3:**

Determine the cost of expanding the current processing center to the entire basement of the Police Administration Building and any additional personnel costs that would be incurred to staff the processing center to implement a comprehensive citation and release program. (Priority 2)

In addition, we recommend that the Finance Committee and City Council:

### **Recommendation #4:**

Direct the Office of the City Auditor to include in its 1994-95 workplan a review of the county of Santa Clara's records and procedures to ascertain its compliance with the new state booking fees guidelines that will go into effect on January 1, 1994. (Priority 2)

Finally, we recommend that the Office of the City Attorney, Manager's Budget Office, and the San Jose Police Department:

**Recommendation #5:**

Implement procedures to recover the administrative costs of booking arrestees from the convicted persons as prescribed in the new state guidelines.

(Priority 2)

## **INTRODUCTION**

In accordance with the City Auditor's 1993-94 Audit Workplan, we have audited the San Jose Police Department's Operations Support Services Division. We conducted this audit in accordance with generally accepted government auditing standards and limited our work to those areas specified in the Scope and Methodology section of this report.

This is our second report on the San Jose Police Department's Operations Support Services Division. The first report was the informational report we issued on November 1, 1993, concerning (1) the impact of recently passed legislation on bench warrant arrests, (2) higher San Jose Police Department fees for photocopying police reports, and (3) Santa Clara County charging booking fees to bond agents.

The City Auditor's Office thanks those individuals in the San Jose Police Department who gave their time, information, insight, and cooperation. Specifically, we would like to thank the individuals assigned to the Records and Identification Unit, the Research and Development Unit, and the Staff Inspections Unit for their outstanding responsiveness to our many requests for information.

## **SCOPE AND METHODOLOGY**

The San Jose Police Department (SJPD) Bureau of Technical Services has two divisions reporting to it. These divisions are the Operations Support Services Division (OSSD) and the Communications Division. The City Auditor's Office will issue a separate report on the Communications Center, which is part of the Communications Division. This report is on the OSSD.

Our audit objectives were to determine the benefits to the SJPD of

- Direct citation and release of individuals arrested on misdemeanor warrants and/or on-view charges;
- Charging booking fees to bond agents; and
- Charging higher fees for photocopies of police reports.

Our audit included interviewing various staff members in the Fiscal Unit, Research and Development Unit, Staff Inspections Unit, and the OSSD of the SJPD. We also interviewed staff in the Santa Clara County (County) Department of Finance and Department of Corrections. We reviewed the applicable sections of authoritative literature such as the California Penal Code, the California Government Code, the California Vehicle Code, the California Health and Safety Code, and the San Jose Municipal Code.

We also reviewed written procedures and various memorandums addressing the areas of warrants, bookings and booking fees, bond agents, citation and release policies, and fees charged for photocopying police reports.

Given the magnitude of the booking fee issue, we also reviewed the spreadsheets that the County has annually submitted to the city of San Jose (City) that support the County's calculation of its booking fees. We have also reviewed

and assessed the impact of new California legislation that was signed into law on October 6, 1993, which will have a fiscal impact on the City. In addition, we performed an analysis of arrests that occurred during a certain time period in order to quantify what the City would save in booking fees if it adopted certain policies and procedures. Finally, we reviewed issued warrants and bond agent cases for a certain time period in order to assess the level of activity the SJPD has in these areas to estimate potential savings if new policies and procedures were adopted.

To complete our review of the booking fee process in a timely manner, we did only limited testing to determine the accuracy and reliability of information obtained from the County Criminal Justice Information Control (CJIC) system. Such testing included verifying, for a specified period, booking sheets to the CJIC printout of the bookings for which the City is being billed and assessing the SJPD's procedures for reviewing the County's quarterly billings. While we did not review the general and specific application controls in the CJIC system, our limited testing indicated that the information retrieved from the CJIC system is generally valid and reliable.

Finally, we conducted a survey of other Santa Clara County cities on citation and release procedures for on-view charges and arrest and/or bench warrants.

## **BACKGROUND**

Within the San Jose Police Department (SJPD) is the Bureau of Technical Services (BTS). The BTS is made up of two divisions: the Communications Division and the Operations Support Services Division (OSSD). This audit focused on the OSSD, as discussed in the Scope and Methodology section of the report.

The SJPD has the following department mission: *"To prevent crime and disorder; to preserve peace, community safety and well-being; to protect life and property and individual freedom for personal safety and well-being through the enforcement of State laws and City ordinances."* The BTS has the following program purpose and description that is applicable to OSSD:

*Records are maintained to serve the public and law enforcement sources with information pertaining to persons, stolen vehicles, emergency business directories, stolen properties, gun registrations and other areas. Required records maintained outside the department are retrieved through automated and manual systems. Information is processed and made available on a timely basis to aid the department in identifying, apprehending and prosecuting suspects and for the return of lost or stolen property. Persons are arrested and court dispositions are handled in conjunction with processing warrants. Citizens requiring fingerprints are served and a fingerprinting activity, including an automated system, is maintained to assist law enforcement personnel in the identification and apprehension of suspects.*

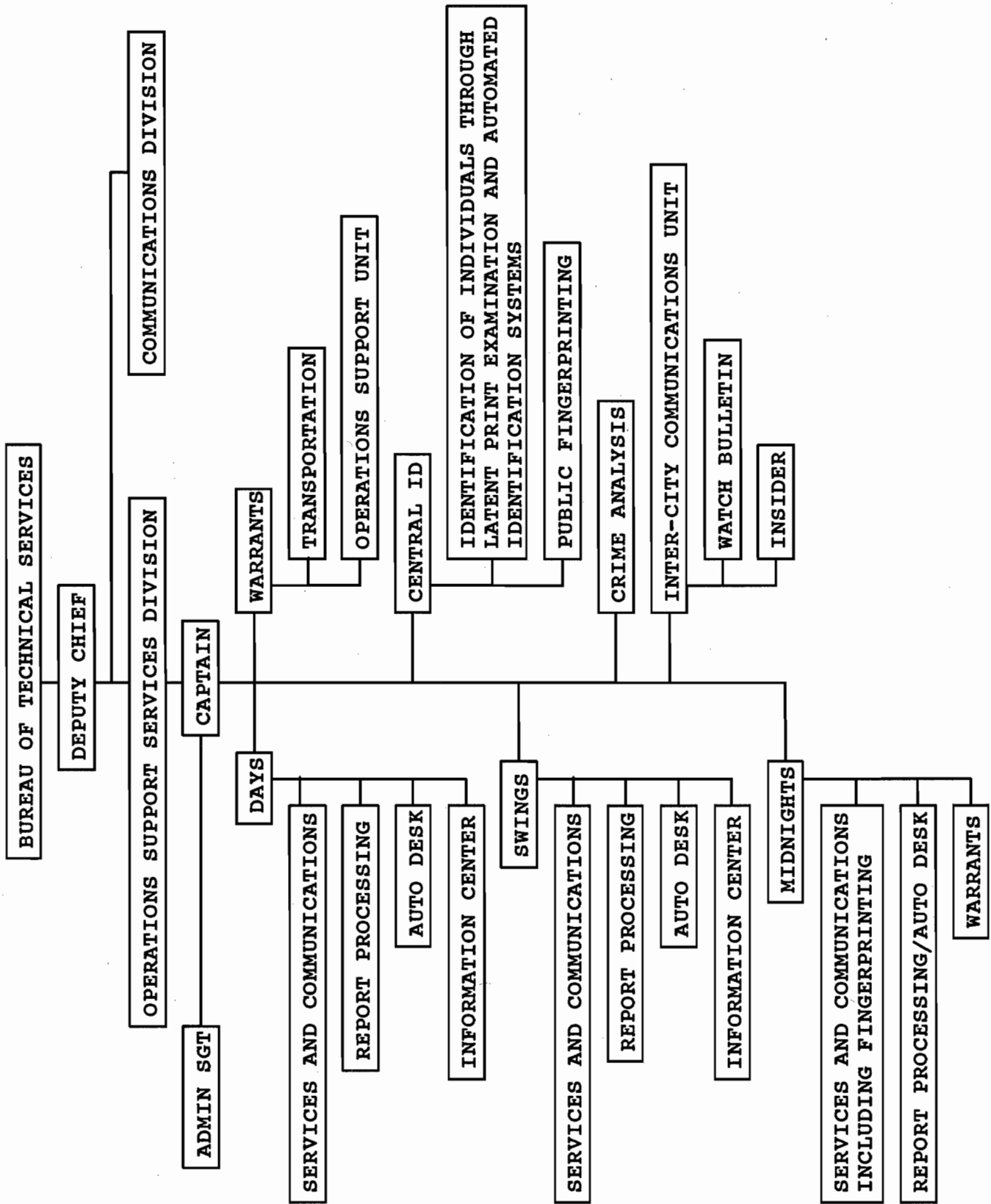
The OSSD is staffed with civilian and sworn personnel who perform numerous support functions for the SJPD. The staff currently works on a six-month rotation basis. This means that every six months, personnel bid to rotate to a new area. Bidding is based upon seniority.

The OSSD has the following units reporting to it:

- Operations Support Unit
- Information Coordination Unit
- Crime Analysis Unit
- Warrants Unit
- Central Identification Unit
- Information Center (On July 19, 1992, the Information Center was transferred from the Bureau of Field Operations to OSSD.)
- Records and Identification Unit



ORGANIZATION CHART



### **Operations Support Unit (OSU)<sup>1</sup>**

The OSU is responsible for providing *"case screening and enrichment to identify suspected offenders."* The OSU's primary functions are to complete "Case Enrichments" for the Burglary and Robbery Investigative Units, ensure the quality control and entry of all Field Interview cards, and assist other officers and agencies in locating or identifying subjects and/or property related to a crime.

### **Information Coordination Unit (ICU)**

The ICU is responsible for providing *"intra- and inter-department communications including multi-county information."* The ICU prepares the Watch Bulletin, which is a short, one-page advisory sheet regarding wanted people or crime patterns that the officers can use in their cars while on patrol. The Watch Bulletin is provided to the SJPD and other law enforcement agencies daily Monday to Friday. In addition, the ICU also produces The Insider, which is a weekly news bulletin of general department information, chaplain column, open assignments, and training information. The ICU also produces an in-house telephone book and other special bulletins.

### **Crime Analysis Unit (CAU)**

The CAU's responsibility is to *"Identify crime patterns and provide suspect linkage to offenses."* The CAU develops information such as calls per officer, types of cars stolen, activity by address, and activity by person; maintains an in-house property system, which is used mainly to generate crime statistics; and

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<sup>1</sup> As of September 12, 1993, the functions performed by OSU were dispersed to Report Processing, Crime Analysis, and Services and Communications, which are located in the Records and Identification Unit.

generates crime statistics for the SJPD Master Report. In addition, CAU prepares crime pattern analyses and profiles and responds to requests by beat officers and detectives. Furthermore, the CAU uses SJPD incident and crime reports to identify particular crimes in certain areas, generally by beat, and generates the District Deployment Guide. This guide provides crime information by area and is used at shift change to familiarize the officers with their new areas. Finally, the CAU conducts research and performs special projects, including community policing reports.

### **Warrants Unit (WU)**

The WU's responsibility is to "*Process and serve warrants and administer prisoner transportation.*" The WU must confirm all warrants to other agencies in ten minutes or less, as mandated and tracked by the California Department of Justice. In addition, the WU must have the original warrant on file and be staffed 24 hours a day. The WU's functions include (1) sending, receiving, and responding to teletypes regarding warrants; (2) serving, collecting bail on, and purging warrants; (3) tracking timely notification of persons with outstanding warrants; and (4) validating and reconciling warrant records with the National Crime Information Control System and the California Department of Justice. In addition, the WU files, notifies citizens of, and enters data on new warrants for municipal and traffic court cases. The WU also responds to telephone and walk-in queries regarding warrants and citations. Furthermore, the WU interfaces with the district attorneys to expedite trials, assign court dates as applicable, and coordinate transportation for SJPD prisoners. Finally, the WU receives and serves subpoenas, charges bail bondsmen applicable fees when a person does not

appear in court, processes and files restraining orders, and monitors felony affidavits.

### **Central Identification Unit (CIU)**

The CIU's mission is the following:

*The identification, classification, evaluation, comparison of latent fingerprints and palm prints, rolled finger and palm prints. Give courtroom testimony, utilize and maintain data base of automated fingerprint systems and process fingerprint cards for input into data base and manual filing of cards.*

*This work [is] performed for all municipalities in the county and for the county as agreed to by the local CAL-ID Joint Powers Agreement and required by state CAL-ID policy manual.*

*Performs some searches/identifications for other state and federal agencies.*

The CIU operates and maintains the automated fingerprint computer, maintains the fingerprint card file of local arrestees, and establishes the true identity of persons by fingerprint comparisons. In addition, the CIU receives latent fingerprints for comparison of one individual's prints to a particular crime or the prints from a crime scene for a general search. The CIU's duties include: determining the suspect, making positive identifications of crime scene latent fingerprint evidence, testifying in court, and filing or storing latent crime scene evidence. Finally, the CIU monitors the CAL-ID<sup>2</sup> contract, identifies persons and matches persons to warrants, and identifies arrestees who give an incorrect

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<sup>2</sup> In January 1986, a California senate bill, which became law, provided the funding and implementation of an automated fingerprint system known as the California Identification System (CAL-ID) which allows local law enforcement agencies direct access to the state's fingerprint files through the use of local remote access network equipment. The CAL-ID contract is an agreement between the city of San Jose and county of Santa Clara and other cities located within the County to establish the local CAL-ID System. The city serves as the system's fiscal and administrative agent and operates the system in the local area.

name. In 1991, the CIU identified 3,168 of 3,500 bookings where the arrestee gave an incorrect name.

### **Information Center (IC)**

*The purpose of the Information Center is to provide citizens with ready access to Police Department services through telephone and walk in facility, and to provide a unit in the department which can relieve field units of those types of reports which do not require the on scene presence of a police officer. Additionally, the Information Center will provide internal building security and control access and movement of the public to the rest of the building.*

In addition, the IC takes City Hall phone calls after hours, provides translation services, takes walk-in police reports, and provides copies of the Public Information/Arrest Log. Furthermore, the IC makes arrests when suspects are identified while they are obtaining service at the SJPD's building. Finally, the IC provides assistance to stranded persons through the United Way of Santa Clara County Emergency Assistance Network.

### **Records And Identification Unit (RIU)**

The RIU's responsibility is to "*Maintain records to serve public law enforcement sources*" and to "*Enter and retrieve information from numerous automated systems for law enforcement purposes.*" The RIU consists of four sections: Services and Communications, Report Processing, Vehicle Records, and Fingerprints.

#### *Services And Communications Section (SCS)*

The SCS copies and releases reports to officers, citizens, law enforcement agencies, and the public and responds to mail and teletype requests for records and insurance agency letters regarding "active interest" in cases. In addition, the

SCS processes and maintains microfiche records, files of police reports, and photo files. The SCS also responds to photo requests, provides compliance with criminal and civil records subpoenas, collects monies for report copies and subpoena responses, and validates gun entries and securities entries. Further, the SCS assists officers in obtaining criminal history information and responds to report requests, block parent applications, ride-a-long program requests, background checks, visa clearances, and immigration letters. Furthermore, the SCS scans, reviews, and/or enters data from police reports for property or pawn shop items, gun dealer's record of sale reports, and Voluntary Gun Registration cards. Finally, the SCS seals juvenile records, purges certain marijuana arrest records, and performs court-ordered purges and sealing of police records.

*Report Processing Section (RPS)*

The RPS is responsible for picking up, processing, and distributing police reports. Police reports are taken in the field, over the phone, over the counter (walk-ins), and through dictation equipment. In addition, when officers call in supplemental reports to dictation equipment, the RPS transcribes the tape into a hard copy report and matches the supplemental information to the original report. The RPS also enters, audits, and clears report data in the Records Index System. The RPS also provides the quality control for SJPD reports.

Another RPS project is to provide information to the city of San Jose (City) Traffic Abatement Program at the request of the Department of Streets and Parks.

Vehicle Records Section (VRS)

The VRS does the following with reports about vehicles, boats, airplanes, and license plates that are stolen, recovered, repossessed, impounded, abandoned, or towed from private property:

- Sends written notification to the registered owner, legal owner, reporting party, and insurance agency as applicable;
- Notifies other law enforcement agencies via teletype;
- Provides vehicle releases to citizens;
- Collects fees and determines ownership or other applicable criteria for the release;
- Performs validation listing for the data entered into computer systems monitored by the California Department of Justice;
- Performs data entry of automobile theft reports and license plates;
- Enters missing person vehicles and felony vehicles;
- Enters data related to construction equipment; and
- Generates the billings for vehicles maintained at the Terraine Warehouse and maintains related inventory records.

The VRS attempts to process vehicle reports as soon as possible in order to avoid citizens filing stolen vehicle reports when their cars have actually been towed. The VRS also mails certain types of notifications within 48 hours of an incident occurring. In addition, the VRS responds to teletype messages within ten

minutes of the inquiry and sends a *locate*<sup>3</sup> when the SJPD recovers a vehicle for an outside agency. Furthermore, the VRS performs quality control checks of stolen vehicles as soon as possible after recovery in order to minimize charges to the SJPD and to citizens.

*Fingerprint Section (FS)*

The FS takes and sends to the California Department of Justice, as applicable, fingerprints of applicants for general public licenses, City positions, and visa clearances, as well as persons associated with citation bookings, warrant bookings, sexual offender registrations, narcotics offender registrations, arson offender registrations, juvenile suspects, and criminal citations. In addition, the FS generates billings for the California Department of Justice; fingerprints and collects fees for licenses, permits, and fingerprints; and maintains an arrest disposition register to develop California Department of Justice statistics. The FS also processes warrants bookings into the County Criminal Justice Information Control system and enters suspended license data and items like tattoos and aliases into the photo database. Furthermore, the FS seals records and reports for cases determined to be factually innocent. Finally, the FS does informal bookings for criminal, warrant, and citation activities, and books "walk-overs"<sup>4</sup> from the WU.

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<sup>3</sup> A *locate* has the condition of the car, arrests made, license plates, storage or location, and other details. This is mandated by the California Department of Justice and the FBI.

<sup>4</sup> Walk-overs are individuals who have signed up for a court date in the WU.



## Major Accomplishments

In Appendix I, the SJPD informs us of its major accomplishments in the OSSD of the BTS. According to the Chief of Police,

- In the reorganization of the OSSD, command of the IC was assumed. This change resulted in a reduction in the number of sergeants needed, thereby freeing them for assignments in either the patrol or investigative units;
- Several methods are being implemented to impact backlogs and the personnel shortage problem:
  - Cross-training of all OSSD personnel
  - Cooperative scheduling
  - Realigning of duties by shift and areas
  - Setting realistic backlog targets and prioritizing responsibilities
  - Discontinuing passé procedures
  - Streamlining procedures in direct proportion to available personnel
  - Using new crime and accident forms
  - Revising routing procedures of specific crime reports
- In order to reduce hold time for citizens calling the IC, OSSD installed an additional telephone sequencer and a call management system to provide better service. The telephone sequencer chronicles incoming calls as well as providing statistical information for management while the call management system directs the caller in English, Spanish, or Vietnamese to the desired unit quicker;
- The OSSD also installed a pneumatic tube system from the WU to the Police Administration Building parking lot. This alleviates the need for an officer to leave his or her car to obtain the original warrant of arrest; and

- The VRU will get a personal computer to record whether towed vehicles are stored, impounded, or abandoned. Such records should allow the City to realize increased revenues from towing companies and state and county abatement programs as well as provide the SJPD's investigative units with valuable statistical data.

A full text of the SJPD's memorandum of program accomplishments is shown as Appendix I to this report.

## **FINDING I**

### **UPDATING THE SAN JOSE POLICE DEPARTMENT'S CITATION AND RELEASE PROCEDURES AND EXPANDING THE PROCESSING CENTER COULD SAVE THE CITY MORE THAN \$2 MILLION ANNUALLY IN BOOKING FEES**

The California Penal Code allows police departments to cite and release persons under certain circumstances for misdemeanor charges. Accordingly, various cities have implemented citation and release programs that incorporate the applicable Penal Code sections. The San Jose Police Department (SJPD) has some procedures which partially address the release of an individual arrested on an on-view misdemeanor charge. However, our review revealed that the SJPD's procedures do not yet include the applicable Penal Code sections needed to fully institute a comprehensive citation and release program. In our opinion, the SJPD should formally implement a citation and release program by

- Updating its procedures to incorporate the applicable Penal Code sections and
- Expanding the current processing center in the basement of the Police Administration Building (PAB) to accommodate the implementation of a citation and release program by moving the other SJPD functions currently located in the PAB basement to another location.

By implementing a citation and release program, the SJPD could save the city of San Jose (City) more than \$2 million annually in booking fees.

Furthermore, expanding the processing center and relocating certain SJPD functions will provide enhanced services to the citizens of San Jose.

**The California Penal Code Allows Police Departments To Cite And Release Persons Under Certain Circumstances For Misdemeanor Charges**

The California Penal Code allows police departments to cite and release persons on on-view misdemeanor charges. Penal Code section 853.6(i) (shown in Appendix B) states the following:

*Whenever any person is arrested by a peace officer for a misdemeanor, that person shall be released according to the procedures set forth by this chapter unless one of the following is a reason for nonrelease . . . (See the criteria listed for nonrelease in Appendix B.)*

In addition, Penal Code section 827.1 (shown in Appendix C) addresses the citation and release of individuals for misdemeanor arrest and bench warrants. Penal Code section 827.1 states the following:

*A person who is specified or designated in a warrant of arrest for a misdemeanor offense may be released upon the issuance of a citation, in lieu of physical arrest, unless one of the following conditions exists . . . (See the criteria listed for nonrelease in Appendix C.)*

**Various Cities Have Implemented Citation And Release Programs**

Our survey of three cities in the county of Santa Clara (County) and Santa Clara County itself revealed that all of them have adopted the guidelines utilized by the Santa Clara County Department of Corrections (DOC) which incorporate Penal Code sections 853.6 and 827.1. Appendix D summarizes the results of our survey. In addition, Appendix E presents a copy of the DOC's citation and release policy on its form entitled "Employee's Report on Citation Policy."

**The SJPD Has Some Procedures Which Partially Address The Release Of An Individual Arrested On An On-View Misdemeanor Charge**

According to the SJPD, it generally cites and releases individuals arrested on on-view misdemeanor charges. An on-view is when the officer witnesses the event the suspect performed. However, the section of the SJPD General Order that addresses on-view charges is very general about citing and releasing individuals. As noted earlier, Penal Code section 853.6 has a list of specific criteria that, if one criterion is met, the person is precluded from being cited and released.

**The SJPD's Procedures Do Not Yet Include The Applicable Penal Code Sections Needed To Institute A Comprehensive Citation And Release Program**

Based on a review of the SJPD's procedures that apply to on-view misdemeanor charges and Penal Code section 853.6, we noted that the SJPD procedures contain only one of the nine criteria listed for nonrelease. In addition, the SJPD collects information, that is not listed in the Penal Code, in order to determine if it could cite and release a person. Appendix B shows the comparison made between the SJPD's duty manual section that applies to on-view charges and Penal Code section 853.6 and the differences between the two.

The SJPD's current policy regarding warrants is that SJPD books suspects arrested on misdemeanor and felony warrants (excluding certain traffic warrants). The only citation and release procedures regarding misdemeanor warrants apply to the suspects who walk in to sign up for a court appearance. The SJPD is not currently using the citation and release criteria listed in Penal Code section 827.1 that address misdemeanor arrest and bench warrants.

### **The SJPD Should Formally Implement A Citation And Release Program**

In our opinion, in order to implement a comprehensive citation and release program, the SJPD would need to

1. Update SJPD procedures to incorporate the applicable Penal Code sections and
2. Expand the current processing center to accommodate the implementation of a citation and release program by moving the other SJPD functions currently located in the PAB basement to another location.

### **The SJPD Needs To Update Its Procedures To Incorporate The Applicable Penal Code Sections**

Based on our review of the SJPD's current procedures and the survey conducted of the other cities, the SJPD needs to update its procedures to include all the criteria from Penal Code sections 853.6 and 827.1.

### **The SJPD Needs To Expand The Current Processing Center To Accommodate The Implementation Of A Citation And Release Program**

Currently, the SJPD is preparing an analysis on the future space needs of the SJPD. In its analysis, the SJPD included moving various units in order to make the entire basement of the PAB available to implement a citation and release program.

The SJPD has had a 1,600-square foot, seven-room processing center in the basement of the PAB since 1978. After the SJPD makes an arrest, the arrestee is brought to the processing center, fingerprinted, photographed, positively identified, and checked for prior offenses. This process takes from 20 minutes to an hour depending on the cooperation of the arrestee. After

processing, the arrestee is booked into the County jail. The SJPD processes all felony cases and misdemeanor and warrant arrests if the processing center is available. When the processing center is not available, the officer takes the arrestee directly to the County jail for booking.

Because the SJPD already does a significant amount of processing, it does not appear that a comprehensive citation and release program would cause a workload increase for the SJPD. The only added step in the SJPD's current processing of arrestees would be the completion of a citation and release form that shows (1) the assigned court, (2) court date and time, and (3) the offenses for which the individual was cited and released. Completing this form should take only about 5 minutes.

**The SJPD Needs To Move Functions Currently Located In The PAB Basement To Another Location**

In order to facilitate a comprehensive citation and release program, the SJPD needs to free up all the space in the basement of the PAB to accommodate processing. The SJPD units currently in the PAB basement and first floor and the square footage they currently occupy are as follows:

<b><u>SJPD Unit</u></b>	<b><u>Occupied Square Footage</u></b>
Personnel	2,000
Records	3,500
Permits	730
Training	<u>1,500</u>
Total Square Footage	<u>7,730</u>

Freeing up an additional 7,730 square feet in the PAB for processing would enhance the processing center by providing

- Secure and unsecure areas for juveniles;
- Secure and separate areas for both male and female arrestees;
- Interview rooms; and
- An identification area to perform fingerprinting, photo identifying, reviewing an individual's record, and completing a citation and release form.

Expanding the processing center would force the Personnel, Records, Permits, and Training Units noted above to relocate to a new location. A building that could accommodate these units easily is located at 120 W. Mission Street. The cost to lease this building is \$1.10 per square foot per month. Thus, the cost to house the relocated SJPD units would be about \$8,500 per month, or \$102,000 annually.

**By Implementing A Citation And Release Program,  
The SJPD Could Save The City More Than  
\$2 Million Annually In Booking Fees**

In order to estimate the potential savings in booking fees and officer time if the City adopted a citation and release policy similar to that of the DOC, we performed an analysis of the January 1993 bookings. A report run from the County Criminal Justice Information Control (CJIC) system indicated that the SJPD booked 2,625 persons into the County jail during January 1993. In comparing the report run from the CJIC system to the January 1993 Master Report, which lists total adult arrests, it appears that approximately 756 individuals, or 26 percent, of total adult arrestees were cited and released for the month of January.



However, it appears that more citation and releases could have occurred based on our analysis.

We categorized the 2,625 January 1993 bookings into three basic groups. The first group consisted of bookings where the DOC cited and released the individual. The second group involved felonies which are not eligible for citation and release. We analyzed the remaining group as follows: (1) If an on-view charge was involved, could the individual be cited and released under Penal Code section 853.6; (2) if warrants were involved, could the individual be cited and released under Penal Code section 827.1.

It should be noted that if an individual has an outstanding warrant that has "NO SCIT" or "NO BAIL" printed on the front or the bail amount listed on the warrant exceeds \$5,000, then the SJPD must book the individual into the County jail. Because the report we used did not indicate if a warrant was "NO SCIT" or "NO BAIL" or if the bail amount exceeded \$5,000, we could not factor those types of warrants into our analysis. While this lack of specificity will, by definition, affect our analysis somewhat, the SJPD does not feel these types of warrants are significant enough to matter.

**TABLE I**  
**ANALYSIS OF JANUARY 1993 BOOKINGS**

Description	Number Of Bookings	Percentage Of Total Bookings
Total bookings cited and released by the DOC	1,084	41.3
Total bookings where a felony offense was involved	765	29.1
Warrant offenses only and does not appear to meet criteria in applicable Penal Code section; appears that citation and release could have been utilized	413	15.7
On-view offense where it appears that applicable Penal Code section was met; booking appears appropriate	157	6.0
Warrant offense where it appears that applicable Penal Code section was met; booking appears appropriate	125	4.8
Case involved drunk in public charge which is usually cited and released by DOC; could qualify for citation and release	54	2.1
Warrant offense and on-view charge does not appear to meet criteria in applicable Penal Code sections; appears that citation and release could have been utilized	22	.8
On-view charges only and does not appear to meet criteria in applicable Penal Code section; appears that citation and release could have been utilized	5	.2
<b>TOTALS</b>	2,625	100.0

We further analyzed the bookings that were cited and released by the DOC to get a breakdown as to the types of offenses that were involved with these citation and releases.

**TABLE II**

**BREAKDOWN OF TYPES OF OFFENSES**

<b>Description Of Offenses</b>	<b>Number Of Bookings</b>	<b>Percentage Of Total SCIT By DOC</b>
Drunk in public	412	38.0
Other misdemeanor offenses	213	19.6
Driving under the influence	208	19.2
Warrant offenses only <sup>5</sup>	120	11.1
Drunk in public and other charges	88	8.1
Combination of misdemeanor and warrant offenses <sup>6</sup>	43	4.0
<b>Totals</b>	<b><u>1,084</u></b>	<b>100.0</b>

Based upon the above analysis, it appears that the SJPD could have possibly cited and released another 1,008<sup>7</sup> individuals, totaling a potential savings of approximately \$172,000 for the month of January 1993 in booking fees and officer time. This one-month savings could result in an annual savings of as much as \$2,060,000.

We recognize that the analysis discussed above does not take into consideration the need for officer discretion out in the field. While we agree that officers have to react to various situations and make quick decisions, we believe that specific policies and procedures addressing the issue of citation and release for misdemeanor on-view charges and arrest/bench warrants will give officers better

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<sup>5</sup> Of the 120 cases involving warrants, 72 cases involved bench warrants. Therefore, only 48 cases will be utilized in our analysis for calculating any savings since the passage of AB 2286.

<sup>6</sup> Of the 43 cases involving a combination of misdemeanor and warrant offenses, 4 cases involved bench warrants. Therefore, only 39 cases will be utilized in our analysis for calculating any cost savings, as discussed in Footnote #4.

<sup>7</sup>  $1,008 = 1,084 - (72 + 4)$

guidance in making their decisions and, subsequently, will decrease the number of bookings for the City.

**Expanding The Processing Center And Relocating Certain SJPD Functions Will Provide Enhanced Services To The Citizens Of San Jose**

In addition to cost savings, expanding the processing center and relocating certain SJPD functions will provide enhanced services to the citizens of San Jose. The City and citizens would benefit from relocating the Personnel, Records, Permits, and Training Units to the 120 W. Mission building. Specifically, these units frequently provide services directly to citizens who need to get a permit or a copy of a report. Under the current arrangement, these citizens frequently are in the same area as arrestees being processed. Such an arrangement can make citizens feel uncomfortable. Accordingly, moving these units to the 120 W. Mission building would separate citizens from arrestees and promote a friendlier and safer environment. Finally, the 120 W. Mission building is a logical choice for the SJPD because of its proximity to the SJPD's headquarters and City Hall.

**CONCLUSION**

Our review revealed that the San Jose Police Department's (SJPD) procedures do not yet include the applicable Penal Code sections needed to fully institute a comprehensive citation and release program for certain types of misdemeanor charges. In our opinion, the SJPD should formally implement a citation and release program by

1. Updating its procedures to incorporate the applicable Penal Code sections and

2. Expanding the current processing center in the basement of the Police Administration Building (PAB) to accommodate the implementation of a citation and release program by moving the other SJPD functions currently located in the PAB basement to another location.

By implementing a citation and release program, the SJPD could save the city of San Jose more than \$2 million annually in booking fees. Furthermore, expanding the processing center and relocating certain SJPD functions will provide enhanced services to the citizens of San Jose.

## **RECOMMENDATIONS**

We recommend that the San Jose Police Department:

### **Recommendation #1:**

Update its procedures to fully incorporate Penal Code sections 853.6 and 827.1 as they apply to on-view misdemeanor arrests and arrest/bench warrants respectively. (Priority 2)

### **Recommendation #2:**

Perform an analysis to determine what resources will be needed to move the Personnel, Records, Permits, and Training Units to the 120 W. Mission Street building. (Priority 2)

### **Recommendation #3:**

Determine the cost of expanding the current processing center to the entire basement of the Police Administration Building and any additional personnel

costs that would be incurred to staff the processing center to implement a comprehensive citation and release program. (Priority 2)

## **FINDING II**

### **THE CITY NEEDS TO REVIEW OR AUDIT SANTA CLARA COUNTY'S BOOKING FEE CHARGES**

California State law allows a county to collect fees from an arresting agency, such as the city of San Jose (City), for the administrative costs of booking and processing arrested persons. Our review revealed (1) that the City has never reviewed or audited how the county of Santa Clara (County) determines the booking fees it charges the City and (2) that such reviews or audits are needed because

- From July 1, 1990, to March 31, 1993, the County collected from the City approximately \$10,970,000 in booking fees and
- Effective January 1, 1994, California State law (1) redefines the administrative costs that a county can charge an arresting agency for booking and processing arrested persons, (2) specifies the circumstances under which the arresting agency will be exempt from the payment of booking and processing fees, and (3) allows the arresting agency to recover from a convicted person the actual administrative costs of his or her booking and processing.

In our opinion, the City should review the County's records and procedures to ascertain its compliance with the new state guidelines that will go into effect on January 1, 1994. In addition, the City should implement procedures to recover those booking fees the new state guidelines prescribe.

#### **California State Law Allows The County To Collect Booking Fees From Arresting Agencies**

Since July 1, 1990, California State law has allowed a county to collect fees from an arresting agency, such as the City, for the administrative costs of

booking and processing arrested persons. Government Code section 29550 states:

*A county may impose a fee upon a city . . . for reimbursement of county expenses incurred with respect to the booking or other processing of persons arrested by an employee of that city . . . where the arrested persons are brought to the county jail for booking or detention. The fee imposed by a county pursuant to this section shall not exceed the actual administrative costs, including applicable overhead costs as permitted by federal Circular A-87 standards, incurred in booking or otherwise processing arrested persons.*

From July 1, 1990, to June 30, 1993, the County collected from the City approximately \$10,970,000 in booking fees. However, the City has not reviewed or audited how the County determined the booking fees it charged the City.

**The Booking Fees Charged To The City**

The County bills the City quarterly for the booking fees based on a predetermined booking fee per arrestee multiplied by the number of arrestees that the City brought to the County jail for booking or detention. Table III summarizes the amounts paid by the City, along with the unit booking fees.

**TABLE III**

**CITY OF SAN JOSE BOOKING FEES PAID TO THE COUNTY OF SANTA CLARA**

<b>Period</b>	<b>Unit Booking Fee</b>	<b>Total Amount Paid</b>
1990-91	\$107	\$ 3,143,339
1991-92	\$127	3,688,080
1992-93	\$141	4,140,888
Total		<u>\$10,972,307</u>



As shown in Table III, the unit booking fee has increased each year since it started. Between 1991-92 and 1992-93, the unit booking fee increased 11 percent from \$127 to \$141 per arrestee. According to the County, this increase is due to two circumstances:

1. The administrative costs of booking arrestees increased 5 percent from \$8,631,000 in 1991-92 to \$9,064,000 in 1992-93. (Appendix F summarizes administrative costs that the County included in the booking fee.)
2. Total bookings for all the cities in the County decreased 7.6 percent from 49,874 bookings in 1990-91 to 46,078 bookings in 1991-92. (The County used the 1991-92 booking statistics to calculate the 1992-93 unit booking fee. Appendix G shows the number of bookings for each city within the County.)

The combination of the increase in the administrative costs and the decrease of the number of bookings over which the costs can be distributed resulted in an increase in the unit booking fee. Thus, although the City's bookings decreased 1.6 percent from 29,486 in 1990-91 to 29,017 in 1991-92, the City's total booking fees increased 11 percent from \$3.7 million in 1991-92 to \$4.1 million in 1992-93.<sup>8</sup>

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<sup>8</sup> The SJPD has expressed concern that if the City takes steps to lower its bookings, for example, through citation and release or other police booking alternatives, the County would simply increase the unit booking fee to make up any difference. In a memo to the City Manager dated June 10, 1993, the Chief of Police stated:

*It should be noted that the cost savings gained by cite-and-release or police booking alternatives may be negated over time by the County's accounting procedures. Local agencies are charged based on their pro rata share of the County's total booking costs. Past history has shown that a reduction in bookings has not resulted in a decrease in booking charges. In fact, the opposite has occurred and reductions have been followed by increased booking fees.*

However, the Chief's analysis would hold true only if the proportion of the City's bookings to total bookings increased or remained the same. To the extent that the City is able to decrease the proportion of its bookings to total (County-wide) bookings, the City's fees theoretically would be reduced.

## The New Booking Fee Guidelines

Assembly Bill (AB) 2286, which Governor Wilson signed into law on October 6, 1993, redefined administrative costs and exempted a city and other arresting agencies from the payment of fees in certain circumstances. These new guidelines will go into effect January 1, 1994.

The new guidelines specify the types of activities that a county may consider as "*actual administrative costs*." According to the new law,

*"Actual administrative costs" may include any one or more of the following as related to receiving an arrestee into the county detention facility:*

*(1) The searching, wristbanding, bathing, clothing, fingerprinting, photographing, and medical and mental screening of an arrestee.*

*(2) Document preparation, retrieval, updating, filing, and court scheduling related to receiving an arrestee into the detention facility.*

*(3) Warrant service, processing, and detainer.*

*(4) Inventory of an arrestee's money and creation of cash accounts.*

*(5) Inventory and storage of an arrestee's property.*

*(6) Inventory, laundry, and storage of an arrestee's clothing.*

*(7) The classification of an arrestee.*

*(8) The direct costs of automated services utilized in paragraphs (1) to (7), inclusive.*

*(9) Unit management and supervision of the detention function as related to paragraphs (1) to (8), inclusive.*

Furthermore, the new state guidelines exempt cities and other arresting agencies from payment of fees in certain circumstances. For example, a city is exempt from booking fees for the following types of arrests:

- An arrest made pursuant to a bench warrant for failure to appear in court and
- An arrest made pursuant to a warrant issued in connection with a crime not committed within a city's jurisdiction.

Appendix H shows the full text of new state guidelines listing the circumstances under which a city is exempt from payment of booking fees.

By specifying the types of eligible activities, the state guidelines, in effect, make the counties accountable for charging the correct fees to the arresting agencies. Because the new state law has clarified what the counties can include as actual administrative costs, the agencies which pay the booking costs will have a more definitive basis for determining whether the amounts the counties charge are allowable and properly computed.

Furthermore, the law provides for a \$25 administrative screening fee and a \$10 citation processing fee to be collected. Specifically, the law states:

*An administrative screening fee of twenty-five dollars (\$25) shall be collected from each person arrested and released on his or her own recognizance upon conviction of any criminal offense related to the arrest other than an infraction.*

*A citation processing fee in the amount of ten dollars (\$10) shall be collected from each person cited and released by any peace officer in the field or at a jail facility upon conviction of any criminal offense, other than an infraction, related to the criminal offense cited in the notice to appear.*

Accordingly, it appears that AB 2286 will allow the County to recoup some of the administrative and processing costs it used to pass on to arresting agencies as part of booking fees. To the extent the County can recoup those costs, the City should realize additional booking fee savings.

### **The City Should Review The County's Records And Procedures**

In our opinion, the City should review the County's records and procedures to ascertain its compliance with the new state guidelines. Upon allowing the counties to charge booking fees to arresting agencies, the new California State law specified that *"The fee imposed by a county . . . shall not exceed the actual administrative costs, including applicable overhead costs as permitted by federal Circular A-87 standards . . . . Counties shall fully disclose the costs allocated as federal Circular A-87 overhead."* So that the City can be assured that the amounts the County has billed the City for booking costs are allowable and properly computed, the City should audit the County's records and procedures for computing the booking fees.

### **The City Should Implement Procedures To Recover Booking Fees The New State Guidelines Prescribe**

The new California State law also requires a court, as a condition of probation, to order a convicted person, to reimburse the city or arresting agency for the administrative costs. The law requires that the judgment of conviction contain an order for payment of the fees. According to the law,

*Any city . . . whose officer or agent arrests a person is entitled to recover any criminal justice administration fee imposed by a county from the arrested person if the person is convicted of any criminal offense related to the arrest. A judgment of conviction shall contain an order for payment of the amount of the criminal justice administration fee by the convicted person. . . . The court shall, as condition of probation, order the convicted person to reimburse the city . . . for the criminal justice administration fee.*

The City should implement procedures to recover the administrative costs of booking fees from the convicted persons as prescribed in the new state guidelines.

### **CONCLUSION**

Our review revealed that the city of San Jose (City) has never reviewed or audited how the county of Santa Clara (County) determines the booking fees it charges the City and that such reviews or audits are needed for two reasons. First, from July 1, 1990, to March 31, 1993, the County collected from the City approximately \$10,970,000 in booking fees. Second, effective January 1, 1994, California State law (1) redefines the administrative costs that a county can charge an arresting agency for booking and processing arrested persons, (2) specifies the circumstances under which the arresting agency will be exempt from the payment of booking and processing fees, and (3) allows the arresting agency to recover from a convicted person the actual administrative costs of his or her booking and processing. In our opinion, the City should review the County's records and procedures to ascertain its compliance with the new state guidelines that will go into effect on January 1, 1994. In addition, the City should implement procedures to recover the booking fees the new state guidelines prescribe.

## **RECOMMENDATIONS**

We recommend that the Finance Committee and City Council:

### **Recommendation #4:**

Direct the Office of the City Auditor to include in its 1994-95 workplan a review of the county of Santa Clara's records and procedures to ascertain its compliance with the new state booking fees guidelines that will go into effect on January 1, 1994. (Priority 2)

Finally, we recommend that the Office of the City Attorney, Manager's Budget Office, and the San Jose Police Department:

### **Recommendation #5:**

Implement procedures to recover the administrative costs of booking arrestees from the convicted persons as prescribed in the new state guidelines. (Priority 2)

CITY OF SAN JOSE - MEMORANDUM

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TO: Gerald A. Silva  
City Auditor

FROM: Regina V. K. Williams

SUBJECT: Response to *An Audit*  
*Of The San Jose Police*  
*Department's Operations*  
*Support Services Division*

DATE: November 19, 1993

**RECEIVED**

**NOV 19 1993**

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APPROVED:

DATE:

**CITY AUDITOR**

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The Police Department and the City Manager's Office have reviewed the Final Draft report of *An Audit of The San Jose Police Department's Operations Support Services Division* conducted by your office. The Department agrees and supports the recommendations contained in the audit but the City Administration has some concerns with recommendation #2. Further explanation of this issue is included below in this response.

In addition to providing the Police Department with recommendations for improvement, we appreciate that your office, under a separate cover letter, acknowledged the measures taken by the Police Department which will increase the City's revenues by approximately \$203,000. They are:

An increase in the fees for photocopying police reports which will increase annual revenues by about \$175,000; and,

At the request of the Police Department, Santa Clara County will charge bond agents for booking fees which will increase revenues by about \$28,000 per year.

We also appreciate your acknowledging the efforts of the Police Department, the City's Budget Office and the City's legislative representative in providing analysis and information for our legislative support for the passage of AB 2286.

**FINDING I: UPDATING THE SAN JOSE POLICE DEPARTMENT'S CITATION AND RELEASE PROCEDURES AND EXPANDING THE PROCESSING CENTER COULD SAVE THE CITY MORE THAN \$2 MILLION ANNUALLY IN BOOKING FEES**

Response: While the Police Department concurs with the findings of the audit, the City Administration would caution that, although we too believe the City will realize a savings of at least \$ 2 million with the implementation of a Cite and Release Program, there will be some overlap with this program and the recently enacted AB 2286 which eliminates booking fees for bench

warrant arrests. Therefore, we think that the combined savings from implementing a Cite and Release Program and enacting AB 2286 will be at least \$ 2 million.

Additionally, as the City's Budget Office cautioned at the Finance Committee, the cost savings potential from AB 2286 should be considered in light of possible impacts of other provisions of the bill. Also, the cost savings from implementing the Cite and Release Program should be viewed in light of the possibility of the County raising the booking fees.

RECOMMENDATION #1 Update its procedures to fully incorporate Penal Code sections 853.6 and 827.1 as they apply to on-view misdemeanor arrests and arrest/bench warrants respectively.

Response: The Department agrees with this recommendation and is currently addressing this issue. The procedures will be updated by June 1994.

RECOMMENDATION #2 Perform an analysis to determine what resources will be needed to move the Personnel, Records, Permits, and Training Units to the 120 W. Mission Street building.

Response: The Department agrees conceptually with this recommendation as far as requiring another building to house the Personnel, Records, Permits, and Training Units. Recommendation #2 suggests a specific location for these displaced functions. While this location has been preliminarily identified by the Police Department and referenced in the audit, no specific site should be a part of any adopted recommendation. The City Administration will review appropriate sites and incorporate this review into the City's current efforts to acquire adequate space needs for several city operations.

While the Cite and Release program would not be co-located with other non-public safety City operations, a comprehensive approach to determining operation locations is needed. The City Administration will complete the review and recommend a suitable location for the Cite and Release Program by June 1994. The report will also include a cost analysis for moving the identified functions to another location and upgrading the existing processing area to accommodate an expanded processing facility.

RECOMMENDATION #3 Determine the cost of expanding the current processing center to the entire basement of the Police Administration Building and any additional personnel costs that would be incurred to staff



the processing center to implement a comprehensive citation and release program.

The Department agrees with this recommendation and plans to implement this recommendation by June 30, 1994. Such an endeavor, moving the designated functions to another location and upgrading the existing processing area to accommodate an expanded processing facility, will certainly require substantial funding, however, these costs will be netted against the \$2 million in annual savings generated by AB 2286 and the Cite and Release program.

In regard to the existing processing center, it should be noted that not only is it unable to accommodate an expanded City and Release program, it is also out of compliance with State Department of Corrections regulations which have authority over such facilities.

**FINDING II: THE CITY NEEDS TO REVIEW OR AUDIT SANTA CLARA COUNTY'S BOOKING FEE CHARGES**

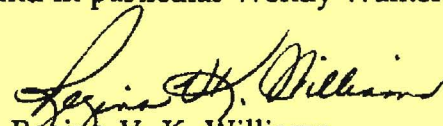
Recommendation #4 Direct the Office of the City Auditor to include in its 1994-95 work plan a review of the county of Santa Clara's records and procedures to ascertain its compliance with the new state booking fees guidelines that will go into effect on January 1, 1994.

Response: The Department agrees that this function should be done.

Recommendation #5 Implement procedures to recover the administrative costs of booking arrestees from the convicted persons as prescribed in the new state guidelines.

Response: The Department agrees with this recommendation and is ready to work with the Manager's Budget Office and the City Attorney's Office to accomplish this task. The new procedures will be developed by June 30, 1994.

The Police Department constantly strives to provide the citizens of San Jose with the highest quality public safety service in the most efficient and cost effective manner possible. We sincerely appreciate the significant time and effort put into this project by your office and in particular Wendy Walker.

  
Regina V. K. Williams  
Assistant City Manager

## APPENDIX A

### DEFINITIONS OF PRIORITY 1, 2, AND 3 AUDIT RECOMMENDATIONS

The City of San Jose's City Policy Manual (6.1.2) defines the classification scheme applicable to audit recommendations and the appropriate corrective actions as follows:

Priority Class <sup>1</sup>	Description	Implementation Category	Implementation Action <sup>3</sup>
1	Fraud or serious violations are being committed, significant fiscal or equivalent non-fiscal losses are occurring. <sup>2</sup>	Priority	Immediate
2	A potential for incurring significant fiscal or equivalent fiscal or equivalent non-fiscal losses exists. <sup>2</sup>	Priority	Within 60 days
3	Operation or administrative process will be improved.	General	60 days to one year

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<sup>1</sup> The City Auditor is responsible for assigning audit recommendation priority class numbers. A recommendation which clearly fits the description for more than one priority class shall be assigned the higher number. **(CAM 196.4)**

<sup>2</sup> For an audit recommendation to be considered related to a significant fiscal loss, it will usually be necessary for an actual loss of \$25,000 or more to be involved or for a potential loss (including unrealized revenue increases) of \$50,000 to be involved. Equivalent non-fiscal losses would include, but not be limited to, omission or commission of acts by or on behalf of the City which would be likely to expose the City to adverse criticism in the eyes of its citizens.  
**(CAM 196.4)**

<sup>3</sup> The implementation time frame indicated for each priority class is intended as a guideline for establishing implementation target dates. While prioritizing recommendations is the responsibility of the City Auditor, determining implementation dates is the responsibility of the City Administration.  
**(CAM 196.4)**

**APPENDIX B**

**COMPARISON OF PENAL CODE SECTION 853.6  
AND SAN JOSE POLICE DEPARTMENT GENERAL ORDER**

<b>Penal Code Section 853.6</b>	<b>SJPD General Order "Detention and Arrest, Criminal Citations"</b>	<b>Difference</b>
<p><i>(a) In any case in which a person is arrested for an offense declared to be a misdemeanor . . . and does not demand to be taken before a magistrate, that person shall . . . be released according to the procedures set forth by this chapter</i></p> <p><i>Whenever any person is arrested by a peace officer for a misdemeanor, that person shall be released according to the procedures set forth by this chapter unless one of the following is a reason for nonrelease</i></p>	<p><b><u>Criminal Citations:</u></b></p> <p><i>Section 853.6 of the Penal Code authorizes the use of criminal citations whenever the following elements are present.</i></p> <ul style="list-style-type: none"> <li><i>– Reasonable cause for an arrest exist.</i></li> <li><i>– The offense involves an infraction or misdemeanor.</i></li> <li><i>– The individual responsible for the violation does not demand to be taken before a magistrate.</i></li> </ul> <p><i>In any event, officers will adhere to the following procedures when using the criminal citation in lieu of booking.</i></p> <p><b><u>Procedure Prior To Issuing:</u></b></p> <p><i>When the circumstances surrounding an arrest allow for the issuance of a citation, the arresting officer will conduct a brief background investigation to determine if the arrested individual should be issued a citation and released. This investigation will include, if the information is available, the following items:</i></p> <ul style="list-style-type: none"> <li><i>• Adequate proof of identity.</i></li> <li><i>• Adequate proof of residence.</i></li> <li><i>• Length of time at the present address.</i></li> <li><i>• Occupation and employer and length of time employed.</i></li> <li><i>• Previous criminal record.</i></li> <li><i>• Marital and family status.</i></li> <li><i>• Any other facts which would assist the arresting officer in determining if a citation and release is appropriate.</i></li> </ul>	<p>Information required by SJPD procedures is not required in Section 853.6.</p>

<b>Penal Code Section 853.6</b>	<b>SJPD General Order "Detention and Arrest, Criminal Citations"</b>	<b>Difference</b>
<i>(1) The person arrested was so intoxicated that he or she could have been a danger to himself or herself or to others.</i>	None.	Criteria from Section 853.6 are not included in the SJPD procedures.
<i>(2) The person arrested required medical examination or medical care or was otherwise unable to care for his or her own safety.</i>	None.	Criteria from Section 853.6 are not included in the SJPD procedures.
<i>(3) The person was arrested under one or more of the circumstances listed in Sections 40302 and 40303 of the Vehicle Code.</i>	None.	Criteria from Section 853.6 are not included in the SJPD procedures.
<i>(4) There were one or more outstanding arrest warrants for the person.</i>	None.	Criteria from Section 853.6 are not included in the SJPD procedures.
<i>(5) The person could not provide satisfactory evidence of personal identification.</i>	None.	Criteria from Section 853.6 are not included in the SJPD procedures.
<i>(6) The prosecution of the offense or offenses for which the person was arrested, or the prosecution of any other offense or offenses, would be jeopardized by immediate release of the person arrested.</i>	None.	Criteria from Section 853.6 are not included in the SJPD procedures.
<i>(7) There was a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by release of the person arrested.</i>	<i>A citation will not be issued if there is a reasonable likelihood that the offense would continue or resume, or that the safety of persons or property would be imminently endangered by release of the person arrested.</i>	SJPD procedures properly include Section 853.6 criteria.
<i>(8) The person arrested demanded to be taken before a magistrate or refused to sign the notice to appear.</i>	None.	Criteria from Section 853.6 are not included in the SJPD procedures.
<i>(9) There is reason to believe that the person would not appear at the time and place specified in the notice. The basis for this determination shall be specifically stated.</i>	None.	Criteria from Section 853.6 are not included in the SJPD procedures.

## APPENDIX C

### EXCERPT OF CRITERIA FROM PENAL CODE SECTION 827.1

Penal Code section 827.1: Misdemeanor; citation and release in lieu of physical arrest:

*A person who is specified or designated in a warrant of arrest for a misdemeanor offense may be released upon the issuance of a citation, in lieu of physical arrest, unless one of the following conditions exists:*

- (a) The misdemeanor cited in the warrant involves violence.*
- (b) The misdemeanor cited in the warrant involves a firearm.*
- (c) The misdemeanor cited in the warrant involves resisting arrest.*
- (d) The misdemeanor cited in the warrant involves giving false information to a peace officer.*
- (e) The person arrested is a danger to himself or herself or others due to intoxication or being under the influence of drugs or narcotics.*
- (f) The person requires medical examination or medical care or was otherwise unable to care for his or her own safety.*
- (g) The person has other ineligible charges pending against him or her.*
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.*
- (i) The person refuses to sign the notice to appear.*
- (j) The person cannot provide satisfactory evidence of personal identification.*
- (k) The warrant of arrest indicates that the person is not eligible to be released on a citation.*

**APPENDIX D**

**EXCERPTS FROM VARIOUS CITIES' POLICIES AND  
PROCEDURES FOR CITATION AND RELEASE REQUIREMENTS  
FOR ON-VIEW MISDEMEANOR CHARGES**

Penal Code Section 853.6	City Of Sunnyvale	City Of Mountain View	City Of Santa Clara	County Of Santa Clara
<p>(a) In any case in which a person is arrested for an offense declared to be a misdemeanor . . . and does not demand to be taken before a magistrate, that person shall . . . be released according to the procedures set forth by this chapter.</p> <p>(i) Whenever any person is arrested by a peace officer for a misdemeanor, that person shall be released according to the procedures set forth by this chapter unless one of the following is a reason for nonrelease:</p>	<p>2. <u>Misdemeanor Arrests (853.6 P.C.)</u> a. Whenever any person is arrested by an Officer for a misdemeanor, the person shall be released on a Notice to Appear/Complaint Citation in conformance with law and this policy . . . . The arrested person shall be issued a Notice to Appear/Complaint Citation at the place of arrest when it is reasonable and the circumstances allow for the orderly and safe release of the person from custody. . . .</p> <p><u>Non-Release Criteria</u> - an arrestee may not be released on a Notice to Appear/Complaint Citation if any of the following apply:</p> <p>(1) The release violates any one of the circumstances listed in Penal Code Section 853.6i.</p>	<p><u>Eligibility for citation-release.</u> Those arrested under any of the following circumstances may be eligible for release on citation:</p> <p>1. Any person arrested for any misdemeanor offense, except as specified . . . below. . . .</p> <p><u>Ineligibility for citation release.</u> Subjects arrested for any of the following circumstances will not be eligible for release on citation:</p>	<p><u>ON-VIEW MISDEMEANOR CITATION RELEASE.</u> Whenever a person is arrested for a misdemeanor, the arresting officer shall make every reasonable effort to release that person according to procedures set forth by Penal Code Section 853.6. . . . Therefore, <u>all</u> persons arrested for on-view misdemeanor crimes <u>shall</u> be released either in the field or from the police facility via the issuance of a misdemeanor citation, <u>unless</u> one or more of the following conditions exist:</p>	<p>Subjects arrested for any of the following circumstances will not be eligible for release on citation:</p>
<p>(1) The person arrested was so intoxicated that he or she could have been a danger to himself or herself or to others.</p>		<p>4. Subject is unable to care for themselves and no responsible adult can be located to accept responsibility for their care.</p>	<p>a) The person arrested is so intoxicated (23152 CVC, 647(f) PC, 11550 H&amp;S, etc.), that he or she poses a danger to himself or herself or to others.</p>	<p>e. The person arrested is a danger to himself or herself or others due to intoxication or being under the influence of drugs or narcotics.</p>
<p>(2) The person arrested required medical examination or medical care or was otherwise unable to care for his or her own safety.</p>			<p>b) The person arrested requires medical examination or medical care (beyond minor injuries) or is otherwise unable to care for himself or herself.</p>	<p>f. The person requires medical examination or medical care or is unable to care for his or her own safety.</p>
<p>(3) The person was arrested under one or more of the circumstances listed in Sections 40302 and 40303 of the Vehicle Code.</p>				

Penal Code Section 853.6	City Of Sunnyvale	City Of Mountain View	City Of Santa Clara	County Of Santa Clara
(4) <i>There were one or more outstanding arrest warrants for the person.</i>				
(5) <i>The person could not provide satisfactory evidence of personal identification.</i>		8. <i>The person arrested cannot provide satisfactory evidence of personal identification and/or address and investigation fails to establish their <u>true</u> identity.</i>	c) <i>The person arrested cannot provide satisfactory evidence of personal identification.</i>	j. <i>The person cannot provide satisfactory evidence of personal identification or refuses thumb prints.</i>
(6) <i>The prosecution of the offense or offenses for which the person was arrested, or the prosecution of any other offense or offenses, would be jeopardized by immediate release of the person arrested.</i>		5. <i>Prosecution of the citable offense or any other offense would be jeopardized by immediate release.</i>	f) <i>The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.</i>	
(7) <i>There was a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by release of the person arrested.</i>		6. <i>There exists a likelihood that the offense(s) for which the subject was arrested would continue or resume, or that the safety of persons or property would be jeopardized by immediate release.</i>	e) <i>The person arrested was arrested and released for a similar charge in the previous 24-hours, or other information indicates that the arrestee is likely to repeat the offense.</i>	h. <i>There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.</i>
(8) <i>The person arrested demanded to be taken before a magistrate or refused to sign the notice to appear.</i>		7. <i>The person arrested demanded to be taken before a magistrate or refuses to sign the (citation) notice to appear.</i>	d) <i>The person arrested demands to be taken before a magistrate or refuses to sign a notice to appear.</i>	i. <i>The person refuses to sign the notice to appear.</i>
(9) <i>There is reason to believe that the person would not appear at the time and place specified in the notice. The basis for this determination shall be specifically stated.</i>		9. <i>There is sound reason - beyond the mere existence of past "failures to appear," to believe that the subject arrested would not appear at the time and place specified in the (citation) notice to appear.</i>	h) <i>There is sound reason - beyond the mere existence of past "failures to appear" - to believe that the person arrested would not appear at the time and place specified in the misdemeanor citation.</i>	
<u><i>In any case in which a person is arrested for a misdemeanor violation of a protective court order involving domestic violence....the person shall be taken before a magistrate instead of being released according to the procedures set forth in this chapter, unless the arresting officer determines that there is not a reasonable likelihood that the offense will continue or resume or that the safety of persons or property would be imminently endangered by release of the person arrested.</i></u>	(8) <i>The person is being charged with 166.4 or 273.6 P.C. unless the arresting officer writes "No Likelihood of Reoccurrence" on the post booking form.</i>	2. <i>Any person arrested for a charge(s) involving domestic violence.*</i>  *Note: <i>In those misdemeanor cases of narcotic influence or domestic violence, where there is clearly no danger to the suspect, to the community or to the victim, the officer may issue a citation, only after reviewing the circumstances of the case with the Watch Commander or supervisor.</i>	i) <i>The person arrested is charged with violation of 166.4 PC or 273.6 PC as it relates to a protective court order involving domestic violence, <u>unless</u> the arresting officer determines and articulates in an offense report that there is no likelihood of recurrence.</i>	

**EXCERPTS FROM VARIOUS CITIES' POLICIES AND PROCEDURES  
OF CITATION AND RELEASE REQUIREMENTS IN ADDITION TO THE  
REQUIREMENTS LISTED IN PENAL CODE SECTION 853.6**

City Of Sunnyvale	City Of Mountain View	City Of Santa Clara	County Of Santa Clara
<p>(2) <i>The release is contrary to a court order.</i></p>	<p>1. <i>Any person arrested for being under the influence of drugs.*</i></p> <p><i>*Note: In those misdemeanor cases of narcotic influence or domestic violence, where there is clearly no danger to the suspect, to the community or to the victim, the officer may issue a citation, only after reviewing the circumstances of the case with the Watch Commander or supervisor.</i></p>	<p>g) <i>the person arrested is being charged with violence or firearms and within the past 12 months has a pending case or conviction for the same.</i></p>	<p>g. <i>The person has other charges pending against him or her that would make him ineligible for citation.</i></p>
<p>(3) <i>Custody is needed to provide for the completion of a legal process required by Department policy or to prevent interference with a Department investigation.</i></p>	<p>3. <i>Any person arrested for Driving Under the Influence of Alcohol (23152VC) who is either: on probation for Driving Under the Influence (23152(a)) or 23153(a); or who has been previously convicted or charged (pending) with 23152(a) and/or 23153(a).</i></p>		<p>1. <i>Other exceptions to field release include:</i></p> <p>1) <i>Where subject(s) identification is in doubt.</i></p> <p>2) <i>When circumstances require additional investigation.</i></p> <p>3) <i>Any instance in which the arresting deputy, with approval of his supervisor, deems necessary the full fingerprinting and or photographing of the subject apprehended. Supervisor must review circumstances prior to approval for booking.</i></p>
<p>(4) <i>He/she is not able to care for him/herself and arrangements cannot be made to place him/her in the care of a person who is able to provide such care. The person able to provide the care must sign the Department Custodial Agreement form (PS 379).</i></p>	<p>10. <i>The person has been arrested for assaulting a police officer.</i></p>		



City Of Sunnyvale	City Of Mountain View	City Of Santa Clara	County Of Santa Clara
<i>(5) The person was arrested for a similar charge within the last 24 hours.</i>			
<i>(6) The person arrested for violence or a firearm's violation and either has a similar pending criminal court case or within the past 12 months was convicted for violence or a firearm's violation.</i>			
<i>(7) The person was arrested for driving under the influence and either has a similar pending case or within the past 12 months was convicted for driving under the influence.</i>			

Employee's Report



on CITATION POLICY

TO: CITE-RELEASE OFFICER		LOCATION: MJ	NCJ	CCW
Date:	TIME:	CEN:		
PRISONER NAME:		CHARGES:		

**NOTE: This Policy applies to all Misdemeanor Arrests**  
 EXCLUDED are prisoners booked on a Felony, a commitment, Civil Contempt, Remand or "No Bail", Court Order.

Deferred for Citation will be the Misdemeanor-charged who are not:  
 a.) Sober; b.) Able to identify or care for themselves; c.) Willing to sign a Promise to Appear

**All MISDEMEANOR CHARGED prisoners shall be CITED unless:**

- 1.) The arrestee continues to be unidentifiable.
- 2.) The arrestee persists in refusing to sign a promise to appear in court.
- 3.) The arrestee was arrested and released for a similar charge in the last 24 hrs., or information indicates that the arrestee is likely to repeat the offense. (justify in REMARKS section)
- 4.) The arrestee is being charged with violence or firearms & within the past 12 months has a pending case or conviction for violence or firearms.
- 5.) The arrestee is being charged with driving under the influence & within the past 12 months has a pending case or conviction for driving under the influence.

The arrest is on any WARRANT offense that involves:

Total Warrant Bail:

- 6.) a. Violence, b. Firearms, c. Resisting Arrest, d. Three or more Failures-to-Appear in Court in the last year.
- 7.) A "No Citation" Court Order issued after September 18, 1989.
- 8.) A "No Bail" Court Order.
- 9.) Bail amount \$5,000 or more.

This Misdemeanor-Charged case is rejected for citation release due to : (1-9)

Reject #

REMARKS:


Supervisor Approving & Badge #	Employee Reporting & Badge #	Date/Time
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**APPENDIX F**

**SUMMARY OF COSTS INCLUDED IN THE  
CALCULATION OF THE COUNTY'S BOOKING FEES  
FOR 1991-92 AND 1992-93**

<b>Description</b>	<b>1991-92</b>	<b>1992-93</b>	<b>Difference</b>	<b>Percentage Change</b>
Supervisory Officers	\$ 996,216	\$ 883,786	\$ (112,430)	(11.29)
Correction Officers	3,696,867	4,076,520	379,653	10.27
Custody Support Assistant	896,809	904,906	8,097	.90
Administrative Booking Activity	113,250	107,711	( 5,539)	( 4.89)
Department Overhead	635,330	577,582	( 57,748)	( 9.09)
County Overhead	577,833	659,182	81,349	14.08
Medical Staff:				
Nurse	729,843	775,829	45,986	6.30
Overhead	135,897	138,718	2,821	2.08
Mental Health Staff:				
Nurse	233,787	260,518	26,731	11.43
Overhead	43,531	46,581	3,050	7.01
Own Recognizance Staff:				
Pre-Trials Rels Spec II	481,485	536,488	55,003	11.42
Overhead	89,652	95,924	6,272	7.00
<b>Total Booking Costs</b>	<b>\$8,630,500</b>	<b>\$9,063,745</b>	<b>\$433,245</b>	<b>5.02</b>

**APPENDIX G**

**BOOKINGS FOR ENTITIES IN THE COUNTY OF SANTA CLARA  
FOR 1990-91 AND 1991-92**

<b>Entity</b>	<b>1990-91 Bookings</b>	<b>1991-92 Bookings</b>	<b>Difference</b>	<b>Percentage Difference</b>
San Jose	29,486	29,017	( 469)	( 1.59)
Santa Clara	3,848	3,501	( 347)	( 9.02)
Sunnyvale	2,932	1,858	(1,074)	( 36.63)
Palo Alto	2,892	2,650	( 242)	( 8.37)
Mountain View	2,052	1,759	( 293)	(14.28)
Milpitas	1,809	1,797	( 12)	( 0.66)
Campbell	1,744	1,307	( 437)	(25.06)
Cupertino	1,504	1,090	( 414)	(27.53)
Los Gatos	1,053	959	( 94)	( 8.93)
Gilroy	805	722	( 83)	(10.31)
Los Altos	630	657	27	4.29
Morgan Hill	544	272	( 272)	(50.00)
Saratoga	438	373	( 65)	(14.84)
Los Altos Hills	52	40	( 12)	(23.08)
Monte Sereno	28	22	( 6)	(21.43)
Other (Billable)	57	54	( 3)	( 5.26)
Other (Non-Billable)	17,810	18,291	481	2.70
Total	67,684	64,369	(3,315)	( 4.90)
All Entities	49,874	46,078	(3,796)	( 7.61)

APPENDIX H

AMENDED IN SENATE AUGUST 26, 1993

AMENDED IN SENATE AUGUST 17, 1993

AMENDED IN ASSEMBLY JUNE 3, 1993

CALIFORNIA LEGISLATURE—1993-94 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2286**

Introduced by Assembly Member Pringle

March 5, 1993

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An act to amend Sections 29550 ~~and 29550.1~~, 29550.1, and 29550.2 of the Government Code, relating to booking fees.

LEGISLATIVE COUNSEL'S DIGEST

AB 2286, as amended, Pringle. Booking fees.

Existing law provides for the collection by counties, from arresting agencies, of fees for administrative costs as specified in booking and processing arrested persons.

This bill would redefine administrative costs as specified and would exempt a city, special district, school district, community college district, college, or university from the payment of fees in certain circumstances.

Existing law authorizes a court as a condition of probation to order a convicted person to reimburse the county or arresting agency for these fees and provides that a judgment of conviction may contain an order for the payment of the criminal justice administration fee.

This bill would require the court to so order reimbursement as a condition of probation and would require that the judgment of conviction contain an order for payment of the fee.

*Existing law provides, as specified, that any person booked into a county jail pursuant to an arrest is subject to a criminal justice administration fee based on actual administrative*

costs, as defined.

*This bill would revise the definition of actual administrative costs for that purpose.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 29550 of the Government Code  
2 is amended to read:

3 29550. (a) Notwithstanding any other provision of  
4 law, a county may impose a fee upon a city, special  
5 district, school district, community college district,  
6 college, or university for reimbursement of county  
7 expenses incurred with respect to the booking or other  
8 processing of persons arrested by an employee of that  
9 city, special district, school district, community college  
10 district, college, or university, where the arrested persons  
11 are brought to the county jail for booking or detention.  
12 The fee imposed by a county pursuant to this section shall  
13 not exceed the actual administrative costs, including  
14 applicable overhead costs as permitted by federal  
15 Circular A-87 standards, as defined in subdivision (d),  
16 incurred in booking or otherwise processing arrested  
17 persons. A county may submit an invoice to a city, special  
18 district, school district, community college district,  
19 college, or university for these expenses incurred by the  
20 county on and after July 1, 1990. Counties shall fully  
21 disclose the costs allocated as federal Circular A-87  
22 overhead.

23 (b) (1) Notwithstanding subdivision (a), a city,  
24 special district, school district, community college  
25 district, college, or university shall not be charged fees for  
26 arrests on any bench warrant for failure to appear in  
27 court, nor on any arrest warrant issued in connection  
28 with a crime not committed within the entity's  
29 jurisdiction.

30 (2) Notwithstanding subdivision (a), a city, special  
31 district, school district, community college district,  
32 college, or university shall not be charged fees for a

1 person who is ordered by a court to be remanded to the  
2 county jail except that a county may charge a fee to  
3 recover those direct costs for those functions required to  
4 book a person pursuant to subdivision (g) of Section 853.6  
5 of the Penal Code.

6 (3) Notwithstanding subdivision (a), a city, special  
7 district, school district, community college district,  
8 college, or university shall not be charged fees for arrests  
9 made pursuant to arrest warrants originating outside of  
10 its jurisdiction.

11 (4) Notwithstanding subdivision (a), no fees shall be  
12 charged to a city, special district, school district,  
13 community college, college, or university on parole  
14 violation arrests or probation-ordered returns to custody,  
15 unless a new charge has been filed for a crime committed  
16 in the jurisdiction of the arresting city, district, college, or  
17 university.

18 (5) An agency making a mutual aid request shall pay  
19 fees that result from arrests made in response to the  
20 mutual aid request except that in the event the Governor  
21 declares a state of emergency, no agency shall be charged  
22 fees for any arrest made during any riot, disturbance, or  
23 event that is subject to the declaration.

24 (6) Notwithstanding subdivision (a), no fees shall be  
25 charged to a city, special district, school district,  
26 community college, college, or university for the arrest of  
27 a prisoner who has escaped from a county, state, or  
28 federal detention or corrections facility.

29 (7) Notwithstanding subdivision (a), no fees shall be  
30 charged to a city, special district, school district,  
31 community college, college, or university for arrestees  
32 held in temporary detention at a court facility for  
33 purposes of arraignment when the arrestee has been  
34 previously booked at an entity detention facility.

35 (8) Notwithstanding subdivision (a), no fees shall be  
36 charged to a city, special district, school district,  
37 community college, college, or university as the result of  
38 an arrest made by its officer assigned to a formal  
39 multiagency task force in which the county is a  
40 participant. For the purposes of this section, "formal task

*ius.*

1 force" means a task force that has been established by  
2 written agreement of the participating agencies.

3 (9) In those counties where the cities and the county  
4 participate in a consolidated booking program and where  
5 prior to arraignment an arrestee is transferred from a city  
6 detention facility to a county detention facility, the city  
7 shall not be charged for those tasks listed in subdivision  
8 (d) that are a part of the consolidated booking program  
9 which were completed by the city prior to delivering the  
10 arrestee to the county detention facility. However, the  
11 county may charge the actual administrative costs for  
12 those additional tasks listed in subdivision (d) that are  
13 performed in order to receive the arrestee into the  
14 county detention facility.

15 (c) Any county whose officer or agent arrests a person  
16 is entitled to recover from the arrested person a criminal  
17 justice administration fee for administrative costs it  
18 incurs in conjunction with the arrest if the person is  
19 convicted of any criminal offense related to the arrest.  
20 The fee which the county is entitled to recover pursuant  
21 to this subdivision shall not exceed the actual  
22 administrative costs, including applicable overhead costs  
23 incurred in booking or otherwise processing arrested  
24 persons. A judgment of conviction may contain an order  
25 for payment of the amount of the criminal justice  
26 administration fee by the convicted person, and  
27 execution may be issued on the order in the same manner  
28 as a judgment in a civil action, but the order shall not be  
29 enforceable by contempt. The court shall, as a condition  
30 of probation, order the convicted person, based on his or  
31 her ability to pay, to reimburse the county for the  
32 criminal justice administration fee including applicable  
33 overhead costs.

34 (d) As used in this section, "actual administrative  
35 costs" include only those costs for functions that are  
36 performed in order to receive an arrestee into a county  
37 detention facility. Operating expenses of the county jail  
38 facility including capitol costs and those costs involved in  
39 the housing, feeding, and care of inmates shall not be  
40 included in calculating "actual administrative costs."



1 "Actual administrative costs" may include any one or  
2 more of the following as related to receiving an arrestee  
3 into the county detention facility:

4 (1) The searching, wristbanding, bathing, clothing,  
5 fingerprinting, photographing, and medical and mental  
6 screening of an arrestee.

7 (2) Document preparation, retrieval, updating, filing,  
8 and court scheduling related to receiving an arrestee into  
9 the detention facility.

10 (3) Warrant service, processing, and detainer.

11 (4) Inventory of an arrestee's money and creation of  
12 cash accounts.

13 (5) Inventory and storage of an arrestee's property.

14 (6) Inventory, laundry, and storage of an arrestee's  
15 clothing.

16 (7) The classification of an arrestee.

17 (8) The direct costs of automated services utilized in  
18 paragraphs (1) to (7), inclusive.

19 (9) Unit management and supervision of the  
20 detention function as related to paragraphs (1) to (8),  
21 inclusive.

22 (e) An administrative screening fee of twenty-five  
23 dollars (\$25) shall be collected from each person arrested  
24 and released on his or her own recognizance upon  
25 conviction of any criminal offense related to the arrest  
26 other than an infraction. A citation processing fee in the  
27 amount of ten dollars (\$10) shall be collected from each  
28 person cited and released by any peace officer in the field  
29 or at a jail facility upon conviction of any criminal offense,  
30 other than an infraction, related to the criminal offense  
31 cited in the notice to appear. However, the court may  
32 determine a lesser fee than otherwise provided in this  
33 subdivision upon a showing that the defendant is unable  
34 to pay the full amount. All fees collected pursuant to this  
35 subdivision shall be transmitted by the county auditor  
36 monthly to the Controller for deposit in the General  
37 Fund. This subdivision applies only to convictions  
38 occurring on or after the effective date of the act adding  
39 this subdivision and prior to June 30, 1996.

40 SEC. 2. Section 29550.1 of the Government Code is

1 amended to read:

2 29550.1. Any city, special district, school district,  
3 community college district, college, university, or other  
4 local arresting agency whose officer or agent arrests a  
5 person is entitled to recover any criminal justice  
6 administration fee imposed by a county from the arrested  
7 person if the person is convicted of any criminal offense  
8 related to the arrest. A judgment of conviction shall  
9 contain an order for payment of the amount of the  
10 criminal justice administration fee by the convicted  
11 person, and execution may be issued on the order in the  
12 same manner as a judgment in a civil action, but the order  
13 shall not be enforceable by contempt. The court shall, as  
14 a condition of probation, order the convicted person to  
15 reimburse the city, special district, school district,  
16 community college district, college, university, or other  
17 local arresting agency for the criminal justice  
18 administration fee.

19 SEC. 3. *Section 29550.2 of the Government Code is*  
20 *amended to read:*

21 29550.2. (a) Any person booked into a county jail  
22 pursuant to any arrest by any governmental entity not  
23 specified in Section 29550 or 29550.1 is subject to a  
24 criminal justice administration fee for administration  
25 costs incurred in conjunction with the arresting and  
26 booking if the person is convicted of any criminal offense  
27 relating to the arrest and booking. The fee which the  
28 county is entitled to recover pursuant to this subdivision  
29 shall not exceed the actual administrative costs, as  
30 defined in subdivision (c), including applicable overhead  
31 costs as permitted by federal Circular A 87 standards,  
32 incurred in booking or otherwise processing arrested  
33 persons. If the person has the ability to pay, a judgment  
34 of conviction shall contain an order for payment of the  
35 amount of the criminal justice administration fee by the  
36 convicted person, and execution may be issued on the  
37 order in the same manner as a judgment in a civil action,  
38 but the order shall not be enforceable by contempt. The  
39 court shall, as a condition of probation, order the  
40 convicted person to reimburse the county for the

1 criminal justice administration fee.

2 (b) All fees collected by a county as provided in this  
3 section and Section 29550, may be deposited into a special  
4 fund in that county which shall be used exclusively for the  
5 operation, maintenance, and construction of county jail  
6 facilities.

7 (c) For purposes of this section only, "actual  
8 administrative costs" includes the following:

9 ~~(1) Processing, including searching, wristbanding,~~  
10 ~~bathing, clothing, photographing, fingerprinting, mental~~  
11 ~~screening, medical screening, and document retrieving.~~

12 ~~(2) Booking, including computer booking and~~  
13 ~~property inventory.~~

14 ~~(3) Document control, including updating of booking~~  
15 ~~documents, court scheduling, filing, and release~~  
16 ~~processing.~~

17 ~~(4) Warrant and detainer, including warrant service~~  
18 ~~and imperative release.~~

19 ~~(5) Cashier, including creation of accounts, inventory~~  
20 ~~of money, and release of money.~~

21 ~~(6) Property and laundry, including inventory,~~  
22 ~~storing, and release of property, laundering, and storing~~  
23 ~~clothing.~~

24 ~~(7) Classification, including interviewing and~~  
25 ~~classifying persons.~~

26 ~~(8) Processing of persons for court appearances.~~

27 ~~(9) Unit management and supervision of paragraphs~~

28 ~~(1) to (8), inclusive. As used in this section, "actual~~  
29 ~~administrative costs" include only those costs for~~  
30 ~~functions that are performed in order to receive an~~  
31 ~~arrestee into a county detention facility. Operating~~  
32 ~~expenses of the county jail facility including capital costs~~  
33 ~~and those costs involved in the housing, feeding, and care~~  
34 ~~of inmates shall not be included in calculating "actual~~  
35 ~~administrative costs." "Actual administrative costs" may~~  
36 ~~include any one or more of the following as related to~~  
37 ~~receiving an arrestee into the county detention facility:~~

38 (1) The searching, wristbanding, bathing, clothing,  
39 fingerprinting, photographing, and medical and mental  
40 screening of an arrestee.

1 (2) Document preparation, retrieval, updating, filing,  
2 and court scheduling related to receiving an arrestee into  
3 the detention facility.

4 (3) Warrant service, processing, and detainer.

5 (4) Inventory of an arrestee's money and creation of  
6 cash accounts.

7 (5) Inventory and storage of an arrestee's property.

8 (6) Inventory, laundry, and storage of an arrestee's  
9 clothing.

10 (7) The classification of an arrestee.

11 (8) The direct costs of automated services utilized in  
12 paragraphs (1) to (7), inclusive.

13 (9) Unit management and supervision of the  
14 detention function as related to paragraphs (1) to (8),  
15 inclusive.

16 (d) It is the Legislature's intent in providing the  
17 definition of "actual administrative costs" for purposes of  
18 this section that this definition be used in determining  
19 the fees for the governmental entities referenced in  
20 subdivision (a) only. In interpreting the phrases "actual  
21 administrative costs," "criminal justice administration  
22 fee," "booking," or "otherwise processing" in Section  
23 29550 or 29550.1, it is the further intent of the Legislature  
24 that the courts shall not look to this section for guidance  
25 on what the Legislature may have intended when it  
26 enacted those sections.

27 **SEC. 4.** It is the intent of the Legislature that the  
28 courts shall not look to Sections 29550 and 29550.1 of the  
29 Government Code for guidance in determining the  
30 criteria and basis for costs for those booking fees in effect  
31 prior to January 1, 1994.

32 However, the Legislature also intends that all fees in  
33 effect on or enacted after January 1, 1994, shall conform  
34 to the provisions of Sections 29550 and 29550.1 of the  
35 Government Code.

# CITY OF SAN JOSÉ - MEMORANDUM

TO GERALD SILVA  
CITY AUDITOR  
SUBJECT OPERATIONS SUPPORT SERVICES DIVISION  
ACCOMPLISHMENTS

FROM LOUIS A. COBARRUVIAZ  
CHIEF OF POLICE  
DATE May 3, 1993

APPROVED

DATE

This memorandum, per your request, outlines the accomplishments made in the Operations Support Services Division (OSSD) of the Bureau of Technical Services during the current fiscal year.

. In the reorganization of OSSD, command of the Information Center was assumed. This change resulted in the reduction of sergeants, thereby, freeing them for assignments in either the patrol or investigative units. Other OSSD Units are Warrants, Fingerprints, Central Identification, Crime Analysis, Vehicle Records, Services and Communications, Report Processing, and Operations Support.

A major long-term goal of OSSD is civilianization. Phase one toward realizing this goal was the creation of an administrative assistant to the Records Commander. This job is done by a supervisor and serves as an introduction to management. The supervisor performs some management duties, and is exposed to overall operational functions of the Unit.

Other by-products of this process are:

- . Regular shift meetings
- . Biweekly supervisor meetings/workshops
- . Regular administration/union meetings
- . Improvement of the work environment, i.e. painting, installing new carpet, hanging wall paintings
- . Regular in-service training

. OSSD elected to use the 4-10 plan work schedule. With the Unit operating at 27% below the normal staffing level, utilization of the 4-10 plan has provided the maximum use of personnel.

. Backlogs will always occur as long as police officers outnumber support personnel by 16 to 1. Therefore, several methods are being implemented to impact backlogs and the personnel shortage problem.

- . Cross-training of all OSSD personnel
- . Cooperative scheduling
- . Realigning of duties by shift and areas
- . Setting realistic backlog targets and prioritizing responsibilities

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- . Discontinuing passe procedures
- . Streamlining procedures in direct proportion to available personnel
- . Use of new crime and accident forms
- . Revision of routing procedures of specific crime reports

. In order to reduce hold time for citizens calling the Information Center, two systems have been installed which help us provide better service.

- . Addition of a telephone sequencer
- . Installation of a call management system

The telephone sequencer chronicles the calls as well as provides statistical information for management. The call management system will direct the caller to the desired Unit quicker. BY providing messages in English, Spanish and Vietnamese, it is anticipated that a significant reduction in aborted calls will be realized.

. A recommendation to increase the cost of accident and crime reports has been submitted for approval. The proposal is to increase the cost of crime reports from \$1 to \$2; accident reports from \$1 to \$7; and archived accident reports from \$1 to \$33. If approved, a direct benefit for the City would be increased revenue from report copy sales.

. OSSD, through the Records Management System (RMS) Committee, has submitted a report to the Budget Office for approval to proceed with implementation plans for a RMS. If approved, a RMS would automate the reporting/filing process, creating an immediate availability to reports for appropriate personnel.

. To expedite time and reduce personnel exposure to arrestees, a pneumatic tube system was installed in the Warrants Unit which extends to the Police Administration Building parking lot. This alleviates the need for an officer to leave his car to obtain the original warrant of arrest.

. A request to charge the booking fee back to the Bond Agent has been submitted for approval. If approved, it will provide an additional revenue source. It is difficult to predict the fiscal impact that this request will have since the Court makes the decision on a case by case basis.


. The Vehicle Records Unit has been allocated a Personal Computer which will be used to maintain records of towed vehicles by category, i.e. stored, impounded, abandoned. It is expected that through these records, the City will realize increased revenue from tow companies, state and county abatement programs as well as provide invaluable statistical data to the Department's investigative units.

. OSSD has implemented an "Employee of the Month" program. Each month, an outstanding Specialist is selected from nominations submitted. The recipient receives a certificate and exclusive use of an especially designated parking space for the month selected.

. The name of the Latent Print Unit was changed to Central Identification Unit (CID) to better identify the Unit and the services it provides to other department Units as well as outside agencies. Several changes have been made in the CID which will further improve the efficiency of the Unit:

- . Entered into an agreement with TRW (software integrator) and Hewlett Packard to conduct a pilot project to test a new automated fingerprint system;
- . Discovery of the true identities of 3200 prisoners booked into the county jail, identifying over seven million dollars in warrants;
- . In the process of buying live-scan fingerprint equipment, enabling the electronic reading of prisoners fingerprints, and directly inputting these images into an automated fingerprint system.

The Operations Support Services Division is undergoing metamorphosis. Our primary goal is to provide better service to both the Department and to citizens while providing the best possible work environment for employees. All the aforementioned accomplishments and in-process activities are intended to produce measurable benefits to the Department - quicker access to records and other services; to the City - increased revenue; and to the citizens - improved telephone access and other services.

  
for Louis A. Cobarruviaz  
Chief of Police