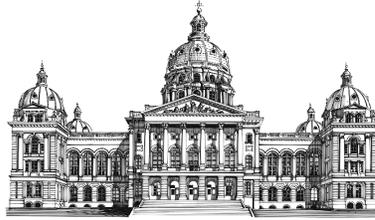

Iowa Legislative Services Agency Fiscal Services

Holly M. Lyons
(515) 281-5279
FAX 281-8027



State Capitol
Des Moines, IA 50319
September 24, 2008

County Jails and Probation Sentencing

ISSUE

This *Issue Review* provides a description of the use and funding of county jails, and the potential budget impact if the State were to fund the cost of housing probationers.

AFFECTED AGENCIES

Department of Corrections
Community-Based Corrections
Judicial Branch
Iowa Counties

CODE AUTHORITY

Chapters 80B, 331, 356, 356A, 803, 811, 814, 901B, 902, 903, 904, 905, 907, 908 and 910

BACKGROUND

County jails are an integral part of the State's continuum of sanctions in the corrections system. Counties are required to provide space for a prisoner sentenced to confinement of one year or less. State judges may sentence an offender to county jail for a variety of reasons, including:

- contempt;
- as a condition of probation;
- pending a revocation hearing;
- upon conviction, to be held pending transport to the DOC.

Community-Based Corrections (CBC) staff provides pre-trial release for county jails and supervise probation offenders. While CBC staff are considered State employees only for the purposes of collective bargaining, the primary funding source for the District Departments is the State General Fund.

The State provides oversight of county jail operations. The Iowa Law Enforcement Academy (ILEA) sets county jailer training standards, and provides jailer training. The Department of Corrections (DOC), in conjunction with the Iowa State Sheriffs and Deputies Association and the Iowa State Association of Counties, sets construction and operation standards, and inspects county jails for compliance. There are currently 97 jails operating in Iowa, and the primary funding source for operating costs is local property tax.

CURRENT SITUATION

The General Assembly makes a General Fund appropriation to the DOC to reimburse the counties for holding alleged parole, work release, and certain Operating While Intoxicated (OWI) offenders until their revocation hearings. The DOC reimburses counties based on an average cost of \$50 per day. Not all eligible counties participate. The State does not reimburse counties for holding alleged probation violators. The table below shows the historical expenditures for County Confinement reimbursements.

Historical Expenditures for County Confinement

	FY 2006	FY 2007	FY 2008	Estimated FY 2009
County Confinement	\$ 1,028,565	\$ 967,983	\$ 826,128	\$ 967,983

There is no statewide automated database for reporting statistical information such as the number of offenders held in jail by crime type or offense class. Therefore, it is not possible to readily calculate the average length of stay by crime. The infrastructure is not in place; some jails do not have internet access. County jails are included in the development of the Criminal Justice Information System (CJIS); however, testing and implementation is not yet in the development stage.

The Criminal and Juvenile Justice Planning Division of the Department of Human Rights does conduct a survey of county jails from time to time. The DOC compiles monthly jail reports that include the capacity and average daily population of the county jails, plus population demographics such as adult, juvenile, male, and female. The report also provides information on the number of offenders incarcerated and released, and suicides and attempted suicides. However, not all county jails report the information.

ALTERNATIVES

The General Assembly may want to consider working with the counties to provide more cost sharing at the local level, improve statistical reporting, or property tax relief. Current law does provide the opportunity for certain counties to share the costs of a sheriff and jail. However, no counties currently share either a sheriff or a jail. Current law also permits county sheriffs to charge certain offenders for administrative, medical, and room and board costs; these charges may be perfected with a judgment lien. Some counties are using this mechanism.

The General Assembly may consider requiring uniform reporting from all county jails to the State Department of Corrections. However, implementation of this requirement may be costly, given the

lack of internet access. Options for web-based reporting may include partnerships with local libraries or schools.

The General Assembly may want to consider providing property tax relief to the counties, by providing reimbursement for holding probation violators. The current DOC reimbursement rate of \$50 per day is based on an average cost that reflects fixed and variable costs such as capital, salary, and support costs. An alternative may be to reimburse counties for an average marginal cost that reflects the costs of housing one more offender per day. Average marginal cost includes the support budget only; the calculation does not include capital and salary costs. The estimated average marginal cost may be \$15 per day statewide. Additional detailed information regarding local county jail budgets is necessary to improve that estimate.

Another option to consider for property tax relief is for the State to assume control over the county jail system. It is likely that a regional jail system would replace a county-based jail system. This option would provide significant property tax relief. It also provides opportunities for more intermediate sanctions to be imposed, and may alleviate State prison crowding. No cost estimate is available at this time.

BUDGET IMPACT

The DOC reviewed FY 2007 data in the Iowa Corrections Offender Network (ICON) database for jail usage. There were 950 probation offenders listed with jail time in the ICON database. This number includes those held in jail for technical violations and those held in jail for incurring new charges. The total number of jail days was 87,039 in FY 2007. The estimated cost to reimburse counties for holding probation violators ranges from \$1.3 million (using a marginal cost of \$15 per day) to \$4.4 million (using the current reimbursement rate of \$50 per day) annually, based on FY 2007 data.

However, this amount does not include the range of intermediate sanctions that a judge may impose on a probationer, such as contempt or as part of the probation sentence. The amount also does not include the offender's time held in jail upon conviction, pending transport to the DOC, or medical costs, such as hospital admissions or pharmaceuticals.

The estimated cost of State reimbursement to counties for holding probationers ranges from \$1.3 million to \$20.0 million annually. The minimum figure of \$1.3 million annually is based on a marginal cost of \$15 per day and only reimburses counties for probation violators. The maximum figure is based on the average daily cost of \$50 per day, and reimburses counties for medical costs, plus additional jail days to include intermediate sanctions such as contempt or jail time as a condition of probation.

STAFF CONTACT: Beth Lenstra (Ext. 16301)