

Meeting Date: January 14, 2020 (10)

ORDINANCE NO. 10644 (N.S)

AN ORDINANCE AMENDING SECTIONS 365 AND 366 OF ARTICLE XXA, SECTIONS 440.1 AND 445 OF ARTICLE XXV, AND SECTION 942 OF ARTICLE LXII OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING TO OFFICE OF EMERGENCY SERVICES, PROBATION, AND SHERIFF

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Section 942 of Article LXII of the Administrative Code is amended to read as follows:

SEC. 942. DUTIES OF DIRECTOR.

The Director shall act under the supervision of the Chief Administrative Officer and shall exercise general supervision of all functions of the Office and shall comply with all local, state and federal laws, regulations, and directives. Director shall perform all functions authorized to be performed by the Director of the Office of Emergency Services in Sections 31.101-31.104 of the San Diego County Code of Regulatory Ordinances.

Section 2. Article XXA of the Administrative Code is amended to read as follows:

SEC. 365. ESTABLISHMENT OF FACILITIES.

There is hereby created and established pursuant to the provision of Sections 880 to 891, inclusive, of the Welfare and Institutions Code the following facilities:

1. Juvenile homes in and for the County of San Diego. Said juvenile homes shall be known as San Diego County Juvenile Hall, Kearny Mesa Juvenile Detention Facility (KMJDF) and East Mesa Juvenile Detention Facility (EMJDF) and may be designated in court orders and other official documents as "Juvenile Hall".
2. A juvenile probation camp in and for the County of San Diego as a boy's rehabilitation facility. Said facility shall be known as the Urban Camp, and may be designated in court orders and other official documents as "Urban Camp".
3. A juvenile home in and for the County of San Diego as a children's receiving home. Said children's receiving home shall be known as Polinsky Center and may be designated in court orders and other official documents as "Polinsky Center".

SEC. 366. MANAGEMENT OF FACILITIES.

The internal controls of said facilities, with the exception of the Polinsky Center, shall be under the management and control of the Probation Department. The Polinsky Center shall be operated under the management and control of the Health and Human Services Agency. The remaining facilities shall be in the charge of a Probation Division Chief who shall be selected and appointed by the Probation Officer. All chiefs or supervisors shall be selected

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and appointed in accordance with the provisions of the County Charter, the Rules of the Civil Service Commission, and County ordinances.

SEC. 367. TELEPHONE COMMISSION.

Revenues earned from the pay telephones shall be deposited in the Probation Inmate Welfare Fund, to be kept in the treasury of the County, to be expended solely for the benefit, education and welfare of wards confined within the camps and juvenile halls.

SEC. 368. [RESERVED.]

SEC. 369. [RESERVED.]

Section 3. Article XXV of the Administrative Code is amended to read as follows:

SEC. 440. SALE OF UNCLAIMED PROPERTY IN POSSESSION OF THE SHERIFF.

After being held for at least four months, the Sheriff shall cause to be published once in a newspaper of general circulation published in the County at least five days before the time fixed therefore, notice that all unclaimed property in the Sheriff's possession, except deadly weapons and property excepted pursuant to Section 440.1, will, at the discretion of the Sheriff, be transferred to the Purchasing Agent for sale to the public; said notice shall contain a general description of the types of property, and shall state the date of the transfer for sale. The Purchasing Agent shall thereafter sell said property at public sale after notice by publication once in a newspaper of general circulation published in the County or posted on the County's web site stating the time and date of such sale, and all monies received from such sale shall be deposited in the General Fund of the County. If the Purchasing Agent, with the concurrence of the Sheriff, determines that any such property transferred for sale is needed for a public use, such property may be retained and need not be sold.

SEC. 440.1. EXCEPTED PROPERTY.

There shall be excepted from the provision of Section 440 bicycles and toys. After being held for at least three months, the Sheriff may turn over to any charitable or nonprofit organization any bicycles and toys, or both, coming into the Sheriff's possession where no owner thereof can be found.

SEC. 441. [RESERVED.]

SEC. 441.1. PROHIBITING DRUG OR LIQUOR USE.

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Every person who commits any of the following acts shall be guilty of a misdemeanor: who is found in any jail in the County of San Diego under the influence of intoxicating liquor or any drug or any substance defined as a poison in Schedule C of Section 4240 of the Business and Professions Code. "Poison," as used in this chapter, refers to a category of hazardous substances defined in Section 108125 of the Health and Safety Code. The Board of Supervisors may by regulation make the category more specific.

SEC. 441.2. COSTS OF INCARCERATION.

The provisions of Penal Code Section 1203.1c shall be applicable in the County of San Diego. The Board of Supervisors hereby determines the following charges for each detention facility, which are the actual average costs of incarceration for each day or part thereof, including incarceration pending disposition of the case:

Facility	Average Per Day Cost
George F. Bailey	\$55.04
Central	\$85.83
Descanso	\$61.07
East Mesa	\$50.00
Las Colinas	\$94.00
South Bay	\$60.92
Vista	\$64.76

The charges shall be annually reviewed by the Board of Supervisors.

The Director of Revenue and Recovery is designated as the County Officer responsible for collection of moneys ordered paid pursuant to Penal Code Section 1203.1c. All sums paid by defendants pursuant to this section shall be deposited in the General Fund of the County of San Diego.

SEC. 442. OPERATION OF PRESCRIPTION DRUG DROP BOXES.

In accordance with the purpose and provisions of Title 21 Code of Federal Regulations section 1301.24(a)(2), or any applicable successor provision of Federal law, the Sheriff is authorized to possess pharmaceutical controlled substances in the performance of his duties.

SEC. 443. [RESERVED.]

SEC. 444. RESERVE OFFICERS' REIMBURSEMENT FOR UNIFORMS, EQUIPMENT AND CLOTHING AND ACQUISITION OF UNIFORMS AND EQUIPMENT FOR VOLUNTEER PATROL MEMBERS.

The Sheriff is hereby authorized to reimburse a Reserve Deputy for uniform and equipment expenses up to \$450_per calendar year. In addition, whenever a Reserve Deputy or Sheriff's Explorer Scout is directed by the Sheriff to perform voluntary service during a law enforcement or rescue mission and while so serving suffers damage to articles of clothing or equipment necessarily worn or carried on said mission, he may be reimbursed for such loss under the limitations and procedure prescribed in Section 79.1 of this Code.

The Sheriff is hereby authorized to purchase the necessary uniforms and equipment for department volunteers. Volunteer patrol members perform a voluntary service to ensure the safety of the public and require uniforms and equipment to carry out their duties.

SEC. 444.1. [RESERVED.]

SEC. 444.2. [RESERVED.]

SEC. 445. LETTERS OF REFERENCE, FINGERPRINTING SERVICES, FEES.

Within the limitations of his personnel the Sheriff may prepare such documents as letters of reference for persons obtaining Mexican hunting licenses, visa letters, and copies of reports or records maintained in his office. The Sheriff may provide fingerprinting service for private individuals. For such documents so prepared and for fingerprinting services the Sheriff shall collect such fees as may be prescribed by the Board of Supervisors.

SEC. 445.1. EXEMPTION FROM FEES.

No fees shall be charged by the Sheriff under Section 445 where exemption is provided by Chapter 2 of Division 7, Title 1 of the Government Code, and no fees shall be charged to any federal, state, county, municipality, district or other political subdivision, or any department thereof, any governmental agency or any public officer, ward or body acting in its official capacity except in excess of one copy.

SEC. 445.2. [RESERVED.]

SEC. 445.3. REPORT FEE WAIVER FOR VICTIMS AND FEE RECOVERY FROM CONVICTED PERSONS.

The fee for copies of crime reports and accident reports involving accidents caused by persons under the influence of drugs or alcohol shall be waived for persons requesting such

reports who are identified in the reports as victims. The Sheriff may require persons seeking the waiver of such fees to reasonably identify themselves.

The Sheriff shall notify the District Attorney of cases where the fee has been waived for a victim and the report specifies the person or persons suspected of causing damage to the victim or the victim's property by violating the law. The notification from the Sheriff to the District Attorney shall contain the name of the victim and the names of the suspect or suspects specified in the report.

In cases where the suspect or suspects are subsequently convicted of a violation of law, the District Attorney may take all reasonable measures to have the convicted person or persons required to reimburse the County of San Diego for the revenue not collected from the victim by the County because of the fee waiver. Where a convicted person is required to reimburse the County for all or part of the waived fees, whether the requirement is imposed as a condition of probation, by court order, or in some other manner, the Chief Probation Officer and the Auditor and Controller may take all reasonable steps necessary to effect payment.

SEC. 446. GRAFFITI DIVERSION PROGRAM.

The Sheriff, in lieu of requesting the filing of a petition to declare a minor to be a ward of the juvenile court pursuant to Welfare and Institutions Code section 602, may allow minors charged with a violation of Penal Code section 594 in the unincorporated areas of the County of San Diego to perform such community service as the Sheriff deems appropriate. Reasonable effort shall be made by the Sheriff to assign the minor to community service which includes graffiti removal or restoration of vandalized property. The community service shall be performed under the supervision of the Sheriff, the Chief Probation Officer, or a community service provider, including other governmental entities, approved by the Sheriff. The Sheriff where appropriate, may condition a minor's participation in the community service program on performance of at least 30 hours of community service, and on the attendance during all of the required hours of required community service of at least one parent or guardian having physical custody of the minor. In addition, the Sheriff may condition a minor's participation in the community service program on any or all of the following:

- (a) Restitution to the graffiti victim in an amount equal to the economic loss suffered by the victim as the result of the violation of Penal Code section 594, such restitution to be paid by the minor or the minor's parents or guardians;
- (b) Payment to the County of San Diego to reimburse the cost of any reward, not to exceed five hundred dollars (\$500), paid out by the County for information leading to the arrest of the minor, such reward restitution to be paid by the minor or the minor's parents or guardians; and

(c) Payment to the County to reimburse the County for the cost of workers' compensation insurance coverage for the minor during the minor's community service, such insurance cost to be paid by the minor or the minor's parent or guardians.

The Sheriff may waive the payment of the reimbursement or any part thereof specified in subsection (a) through (c) above for good cause, including, but not limited to, the inability of the minor or the minor's parents or guardians to pay the reimbursement.

SEC. 447. SEARCHES AND RESCUES; EXPENSES.

(a) The Sheriff of the County has search and rescue responsibility when any person is lost, missing, stranded, or in danger of losing his or her life in any Contract City or unincorporated area of the county, including any wilderness and rural environment.

(b) The Sheriff may transfer all or part of the search and rescue responsibility to another agency or jurisdiction through a written agreement.

(c) Any expense incurred by the Sheriff in performance of search and rescue responsibilities shall be a proper county charge.

(d) As used in this section, "search and rescue" means rescuing, and searching for and rescuing, any person who is lost missing, stranded, or in danger of losing his or her life in incidents including, but not limited to swift-water, flood and underwater rescue, mine and cave rescue, technical rope rescue, and missing or downed aircraft.

SEC. 448.1. RATES FOR DEPOSITS TO INMATE ACCOUNT, SHERIFF'S COMMISSARY WEBSITE, AND PRE- PAID DEBIT CARDS TO BE ISSUED UPON RELEASE.

(a) Jail kiosks will accept inmate property (including currency) at Booking/Intake and add funds to an inmate's account without charge. For each additional deposit, fees will be assessed as listed under Deposits.

(b) For each credit or debit card transaction, an additional charge of 3.5% of the deposit amount will be assessed.

DEPOSITS

Deposit Amount	Lobby Kiosks	Telephone (IVR), Web or Countertop Terminal
0- \$20.00	\$2.95	\$3.95
\$20.01- \$50.00	\$3.95	\$3.95
\$50.01- \$100.00	\$4.45	\$4.45

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\$100.01- \$200.00

\$5.45

\$5.45

(c) If an inmate requests messaging services, fees will be assessed as listed under Optional Messaging Services

OPTIONAL MESSAGING SERVICES

Voice Alert Messaging service for predetermined messages to specific phone numbers. Fee is either deducted from inmate property at intake, or by sender credit card. \$2.00 per message

Canned messaging for senders to send predetermined text message to specific inmate in conjunction with deposit to inmate \$1.00 per message

(d) For all transactions made through the Sheriff's Commissary website

(<http://www.sdsheriffcommissary.com>), including deposits to an inmate account, gift packs, and telephone time purchases, a fee of \$3.25 per transaction will be assessed. This fee will be deposited in the Sheriff's Jail Store Enterprise Fund.

(e) Fees associated with issued pre-paid debit cards to inmates upon release from custody. There is no charge to issue the debit card or for the inmate to withdraw their balance by using the card to make a purchase and selecting the option for cash back (Cash Back Point of Sale), transferring their funds from the card and into their bank account (Card to Bank Funds Sharing), or through a Bank cash advance, provided the transactions are initiated within five days of the debit card's issuance. Fees will be assessed as listed under Pre-Paid Debit Cards.

PRE-PAID DEBIT CARDS

Administrative Fees (a)

Monthly account maintenance (if funds are not withdrawn within 5 days) \$5.95

Paper statement (c) \$3.00

Card balance refund fee- Paper Check (c) \$9.95

Administrative- Services without Fees

Online statement \$0.00

Weekly account maintenance n/a

Inactivity Fee n/a

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Spending and Getting Cash (a)

Decline of transaction	\$0.95
ATM (additional ATM surcharge fee may also apply)	\$2.95
ATM- International (additional ATM surcharge fee may also apply)	\$4.95
ATM- balance inquiry	\$1.50
ATM- balance inquiry international	\$1.50
Declined ATM transaction	\$1.95
Foreign Transaction Fee(b)	3%

Spending and Getting Cash- Services without Fees

PIN Point of Sale (POS) Purchase	\$0.00
POS Signature	\$0.00
ATM (MoneyPass) at surcharge FREE ATM	\$0.00
Cash Back at POS	\$0.00
Card to Bank Funds Sharing	\$0.00
Bank over the counter withdrawal (cash advance)	\$0.00
Card to card transfer	n/a
Stop payment fee for ACH Debit	n/a
ACH Debit Decline Fee	n/a

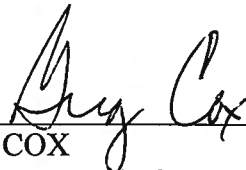
- (a) all fees are payable directly by customer to the vendor
- (b) fee is assessed as a percentage of total amount of the charge
- (c) fee is charged if the inmate

Section 4. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily Transcript, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
THOMAS E. MONTGOMERY, COUNTY COUNSEL

BY: Mark M. Day, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 14th day of January, 2020.



GREG COX
Chairman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

ATTEST my hand and the seal of the Board of Supervisors this 14th day of January, 2020.

ANDREW POTTER
Clerk of the Board of Supervisors

By 

Grace Caro, Deputy



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