

- **..Title**

- a. Authorize the Contracts and Purchasing Officer or their designee to execute agreement with JBI LTD dba Justice Benefits Inc. JBI LP, for identifying funding for incarcerated persons, effective April 1, 2024, through March 31, 2029, revenue generated goes to Jail Operations; and
- b. Authorize the Sheriff or their designee to execute initiative(s) and written directive with JBI LTD dba Justice Benefits Inc. JBI LP, which identify other funding for incarcerated persons.

**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

- a. Authorize the Contracts and Purchasing Officer or their designee to execute agreement with JBI LTD dba Justice Benefits Inc. JBI LP, for identifying funding for incarcerated persons, effective April 1, 2024, through March 31, 2029, revenue generated goes to Jail Operations; and
- b. Authorize the Sheriff or their designee to execute initiative(s) and written directive with JBI LTD dba Justice Benefits Inc. JBI LP, which identify other funding for incarcerated persons.

**SUMMARY/DISCUSSION:**

The Monterey County Sheriff's Office does not track or record immigration status as part of the jail booking process. This makes it difficult to determine the financial impact on the County. Counties similar in size to Monterey have received payments ranging from approximately \$250,000 to \$1,500,000 per year.

The Bureau of Justice Assistance (BJA) administers the State Criminal Alien Assistance Program (SCAAP) in conjunction with the U.S. Immigration and Customs Enforcement (ICE), and Department of Homeland Security (DHS), provides Federal payments to States and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of State or local law and incarcerated for at least 4 consecutive days during the reporting period. JBI is currently working with California Department of Corrections and Rehabilitation, Orange County, Alameda County, San Diego County, Contra Costa County, San Bernardino County, Santa Barbara County, San Luis Obispo County, and Tulare County to name a few.

Receiving SCAAP funding would not require the Sheriff's Office to cooperate, report to, or work with Federal immigration enforcement agencies in violation of the California "Truth Act." All SCAAP funding received must be utilized in the correctional system and can be applied to help meet the requirements of the Hernandez litigation.

The Supplemental Security Income (SSI) is a federal program that provides monthly payments to people who are 65 and older, or who are blind or have a disability and who have little or no income and resources. Although Social Security or SSI cannot be paid to people who are in prison or other public institutions, administrators of jails, prisons, and other correctional and certain mental health institutions can help Social Security by reporting information about

confined or incarcerated people.

Federal law permits incentive payments to state and local correctional and certain mental health institutions for providing information that results in the suspension of SSI payment to people whose confinement began in March 1997 or later, or results in the suspension of Social Security retirement, survivors, or disability insurance benefits to people whose confinement began in April 2000 or later.

~~There is no cost to the County to use JBI's services unless the Sheriff's Office receives funding.~~ JBI's fees ~~is~~ are calculated as a percentage of the total ~~funding funds~~ received by the ~~agency~~ Sheriff's Office through JBI's efforts. JBI's fee is 2% of the initial revenue up to \$248,661 generated for the Sheriff's Office and 17% of the revenue above \$248,661. The JBI's fee encompasses all expenses for their services, including travel, training, and analysis. There are stringent rules and guidelines governing Federal Financial Participation programs. JBI will prepare all the needed documentation if the program is ever chosen for an audit. Based on the negotiated fee structure with JBI if their efforts yielded, as an example, gross revenue of \$600,000 during the fiscal year, JBI would be eligible for an approximate fee of \$64,701 which equates to 10.8% of the example revenue yielding the Sheriff's Office \$535,299 net revenue.

#### **OTHER AGENCY INVOLVEMENT:**

The Office of County Counsel has reviewed and advised on this Agreement as to legal form. The Auditor-Controller has reviewed and approved the Agreement as to fiscal provisions.

#### **FINANCING:**

~~This agreement is at no cost to the County of Monterey. JBI's fees are calculated as a percentage of the gross revenue received by the Sheriff's Office through JBI's work. Fees paid to JBI are a direct pass-through of a negotiated percentage of the gross revenue received.~~ All revenue generated by this contract will go to Jail Operations and JBI for services rendered per Agreement. There will be no increase in the General Fund Contribution resulting from this Board action.

#### **BOARD OF SUPERVISORS STRATEGIC INITIATIVES:**

Mark a check to the related Board of Supervisors Strategic Initiatives:

- ☐ Economic Development
- ☒ Administration
- ☐ Health & Human Services
- ☐ Infrastructure
- ☒ Public Safety

Prepared by: Arthur Curtright, MA III, ext. 3708

Reviewed by: Eddie Anderson, Chief Deputy Sheriff, ext. #3754

Reviewed by: Keith Boyd, Undersheriff, ext. #3859 *WBE/142 3/12/2024*

Approved by: Tina Nieto, Sheriff/Coroner, ext. #3750

Attachment:

Budget Report

Board Report Contracts and Purchasing Approval

Vendor Signed Agreement

Exhibit A