



# DETENTION SERVICES AND RELATED COSTS

February 1, 2013

Revised for clarification June 17, 2013

The following information is provided to Agencies that book inmates into Maricopa County jails. It shall provide for detention services and related First Day Booking and Housing Per Diem, effective July 1, 2013 through June 30, 2014, but may be updated periodically for clarification purposes.

## **DEFINITIONS**

**Agencies** mean the governmental entities that book individuals into County Jails, including, but not limited to, the Federal Government, the State of Arizona, Tribal Governments, and Cities and Towns.

**Billable Inmate** means a person who has been arrested and booked into a County Jail on behalf of Agencies including, but not limited to, the Federal Government, the State of Arizona, Tribal Governments, and Cities and Towns.

**City or Town Credit** must be requested within ninety (90) days of County's invoice date and be accompanied by satisfactory written documentation. See **Attachment A** for an example of satisfactory written documentation. Also see Designated Class 6 Felonies below.

**Correctional Health Services (CHS)** means the organizational department and budgetary unit that County has funded to provide CHS Medical Care to Inmates in the County Jails. As used in this document "CHS" includes and incorporates any successor, assign, employees, contractor, subcontractor, designee or County budgetary unit performing any or all of the duties of CHS.

**County** means Maricopa County, a political subdivision of the State of Arizona.

**County Jail or Jails** means all facilities under the control or supervision of Maricopa County, or the County Sheriff, and whose primary purpose is to incarcerate persons.

**County Sheriff or MCSO** means the Maricopa County Sheriff's Office and those activities and facilities for which it has legal responsibility.

**Designated Class 6 Felonies** are, for the limited purpose of this document only, all offenses designated as misdemeanors pursuant to A.R.S. §13-604 and deferred to Cities or Towns for prosecution in City or Town Court. Inmates with Designated Class 6 Felonies will **not** be considered to be a Billable Inmate and therefore will **not** be an obligation of the City or Town. See **Attachment B** for the list of Arizona Revised Statutes, including applicable dollar amount thresholds, which the Maricopa County Attorney may defer to Cities and Towns for prosecution.

**First Day Booking/Processing Rate** is a rate for the initial first calendar day of booking and receiving a Billable Inmate into jail and is based upon a rate established by the Maricopa County Board of Supervisors. The First Day rate includes health care services, where applicable, provided to a Billable Inmate, including services provided in a County Jail or by any other health care provider.

**Health Care Services** include medically necessary medical and mental health services provided to a Billable Inmate, where applicable.

**Housing Per Diem Rate** is a rate established by the Maricopa County Board of Supervisors that is



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charged for incarcerating and maintaining a Billable Inmate in a County Jail housing unit beginning the calendar day immediately following the calendar day on which the individual was booked into the County Jail. The final day of incarceration shall not be included in the Housing Per Diem Rate invoice. The Per Diem rate includes health care services, where applicable, provided to a Billable Inmate, including services provided in a County Jail or by any other health care provider.

## **COMPENSATION FOR COUNTY BY AGENCY**

**Setting of Rates, Housing Per Diem and First Day Booking/Processing.** The Maricopa County Board of Supervisors shall establish rates for the Housing Per Diem and First Day Booking/Processing as follows:

- By December 1<sup>st</sup> of each year, Maricopa County will provide the preliminary detention inmate housing and booking rates to be effective July 1<sup>st</sup> of the following fiscal year. Copies of the rate memos are published at: <http://www.maricopa.gov/finance/per%20diem%20pub.aspx>.
- By February 1<sup>st</sup> of each year, Maricopa County will provide the final detention inmate housing and booking rates to be effective July 1<sup>st</sup> of the following fiscal year. Copies of the rate memos are published at: <http://www.maricopa.gov/finance/per%20diem%20pub.aspx>.
- In the event the Board does not establish such rate(s) as of July 1<sup>st</sup>, the rate(s) most recently established shall continue in effect until the Board of Supervisors establishes the new rates.

**First Day Booking/Processing Rate.** Agencies shall pay the County the prevailing First Day Booking/Processing Rate established by the Board of Supervisors, for the first calendar day of booking and processing each Billable Inmate into the County Jail. Housing Per Diem Rate will not be charged for the Billable Inmate's first day of incarceration.

**Housing Per Diem Rate.** Agencies shall pay the County the prevailing Housing Per Diem Rate established by the Board of Supervisors, for each calendar day, or portion thereof, that a Billable Inmate is housed in the County Jail, excluding the calendar day for which the Agency is assessed the First Day Booking/Processing Rate and the final calendar day of incarceration (e.g., if a Billable Inmate is booked into County Jail on Friday evening and released at noon the next day (Saturday) on bail or on his or her own recognizance, the Agency shall pay County the First Day Booking/Processing Rate only, and exclude Saturday from the Housing Per Diem Rate invoice because it is the final day of incarceration.)

**Second Conviction DUI.** For Billable Inmates who are incarcerated for a second offense DUI conviction under A.R.S. §§ 28-1381 or 28-1382, the Agency shall be charged fifty percent (50%) of the First Day Booking/Processing Rate and fifty percent (50%) of the Housing Per Diem Rate. The 50% is effective only once the inmate is convicted. Maricopa County has requested a legal review of this current practice and reserves the right to change this practice at any time.

**Limitation on City or Town Credits.** A City or Town may obtain a "City or Town Credit" for a Billable Inmate who is subsequently charged in a Justice Court or in the Superior Court, for a felony arising from the booked charges.

- In the event of a Billable Inmate who is subsequently charged in a Justice Court or in the Superior Court for a felony arising from the booked charges, the City or Town Credit is effective from the date the felony charge is filed. The City or Town Credit is not retroactive to date of booking.
- In the event of a Billable Inmate who is subsequently charged with both a misdemeanor and



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felony arising from the booked charges, the City or Town Credit will be apportioned according to the City or Town producing satisfactory written documentation of any City or Town credit sought under this section, within ninety (90) days of the invoice date for the Billable Inmate. County shall not reimburse any credit claimed by Cities or Town which is filed more than ninety (90) days after the invoice date.

- See **Attachment A** for an example of satisfactory written documentation.

**Copayment.** As authorized by law, County may charge Billable Inmates a copayment for each health care service or prescription that is provided by Correctional Health Services. Agencies are not responsible for the Billable Inmate's copayment. No inmate will be refused health care services for financial reasons.

**Third Party Liability.** This document shall not relieve any responsible third party of liability for health care services, including the Billable Inmate.

### **INVOICING**

**Agencies' Duty to Track Billable Inmates by Booking Number.** The County and Agencies shall minimize problems in tracking or identifying a Billable Inmate so that their staffs will not perform unnecessary research concerning the financial responsibility for the Billable Inmate. The County and Agencies acknowledge that the relevant data for tracking and identifying a Billable Inmate is the MCSO Booking Number assigned to the Billable Inmate by the Jail when the Billable Inmate is fingerprinted and booked into the Jail. Therefore, the County and Agencies shall, at a minimum, track each Billable Inmate by MCSO Booking Number and shall refer to the MCSO Booking Number to confirm whether an Inmate in the County's invoice is a Billable Inmate.

**Invoicing for Amounts Due.** County will invoice Agencies monthly for all amounts due to County. Agencies shall pay County's invoiced charges within forty five (45) days of the invoice date.

**Invoicing Adjustments.** Agencies may request a credit or adjustment of any portion of an invoice that Agencies believe is in error, provided satisfactory written documentation is received within ninety (90) days from the invoice date. Adjustments that have not been requested in writing within the 90-day period shall be deemed waived. See **Attachment A** for an example of satisfactory written documentation.

### **AUDIT**

The County and Agencies must give thirty (30) calendar days prior written notice to each other prior to conducting an audit of records.

### **PERFORMANCE BY SHERIFF**

The County Sheriff shall receive Billable Inmates for booking, detention, and incarceration and determination of medical stability by CHS or the County Sheriff at a booking facility. The County Sheriff is responsible for housing Billable Inmates and for supervising County Jail personnel and officers and for other matters incidental to detention services.



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## **MEDICAL AND HEALTH CARE INFORMATION**

Agencies and MCSO will comply with any and all Federal and State laws (i.e. the Health Insurance Portability and Accountability Act ("HIPAA")), rules and regulations regarding the confidentiality of medical information and health care records.

## **MANDATORY ALTERNATIVE DISPUTE RESOLUTION**

Any disputes that arise concerning this document shall be resolved amicably and informally. If any dispute relating to this document cannot be resolved informally, then the parties will resolve the dispute according to a process that is reasonably similar to, as agreed to by the parties, the arbitration provisions in A.R.S. §12-1501 et. seq. and Rules 72 through 76, Arizona Rules of Civil Procedure.

## **INSURANCE**

Nothing in this document shall be construed as consent to any suit or waiver of any defense in a suit brought in any state or federal court against the County or an Agency.

The County and the Agencies will secure and maintain adequate insurance coverage (including but not limited to public entity insurance) for any and all risks that may arise under this document. The County and the Agencies may fulfill this insurance obligation by acquiring commercial insurance or by maintaining and operating a self-insurance program. Upon request, the County and the Agencies shall exchange certificates of insurance or self-insurance.

## **RECORDS**

Except for medical information and health care records governed by Federal and State laws (i.e. HIPAA), the County and Agencies shall maintain and upon request furnish to each other such records and documents pertaining to the services provided pursuant to this document for a period of three (3) years after the end of the fiscal year in which such records or documents are created or received. Such retention complies with Arizona State Library, Archives and Public Records (AZLAPR) General Record Retention Schedule for all Public Bodies related to Finance Records. See <http://www.azlibrary.gov/records/county.aspx>.