



# Revision to ASR and/or Exhibits/Attachments

Date: 8/4/11

To: Darlene J. Bloom, Clerk of the Board of Supervisors

From: *Jane Reyes* Jane Reyes, Senior Director, Sheriff-Coroner Administrative Services

ASR Control #(s): 11-001314      Agenda Item(s) # 25 for the 8/9/11 Board Meeting

Subject: Modification to U.S. Marshals Service Agreement

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## Explanation:

Please make the revisions indicated below.

Revised Recommended Action(s)

Approve and authorize the Sheriff-Coroner or designee to execute, on behalf of the County of Orange, Modification 3 to Intergovernmental Agreement 12-04-0028 with the United States Marshals Service regarding release of federal inmates housed in the Central Jail Complex.

Make modifications to the:

Subject       Background Information       Summary

Please replace Paragraph Two of the Background Information with the following:

The original agreement language, which reflects the USMS standard contract language, precluded release of USMS inmates from County jails. The agreement only allows the release of inmates into the custody of federal personnel, because in most cases inmates will be transferred to federal facilities. A small number of USMS inmates, however, including those who have completed their sentence or have bonded out, will be ordered to be released from custody. The local USMS office is insisting that these inmates be released from County jails, because the local office does not have adequate staff to pick up and transport the inmates, nor do they have appropriate facilities to accept and hold inmates in order to release them. Implementation of the agreement has been postponed until this issue has been resolved. The proposed modification to the agreement provides for USMS inmates to be released directly from the Central Jail Complex, if so ordered. Currently, approximately 1,800 inmates from the Central Jail Complex general population are released each month. The USMS estimates that between 5 -10 of the USMS inmates would be released from the Central Jail Complex each month.

Revised Exhibits/Attachments (attached)

**Additional Information and/or Correspondence (attached)**

**CC: County Executive Office**

**U. S. Department of Justice  
United States Marshals Service**

**Modification of Intergovernmental Agreement**

1. Agreement No. 12-04-0028	2. Effective Date See Block 13B.	3. Facility Code(s) 9DB	4. Modification No. Three (3)	5. DUNS No. 87-747-4973
6. Issuing Federal Agency  United States Marshals Service Prisoner Operations Division Office of Contracts and Agreements 2604 Jefferson Davis Highway Alexandria, VA 22301		7. Local Government Orange County 550 N. Flower Street Santa Ana, CA 92703 Tax ID#: 95-6000928		
8. Appropriation Data 15X1020	9. <i>Per-Diem</i> Rate \$120.00	10. Guard/Transportation Hourly Rate \$45.00		
<p>11. EXCEPT AS PROVIDED SPECIFICALLY HEREIN, ALL TERMS AND CONDITIONS OF THE IGA DOCUMENT REFERRED TO IN BLOCK 1, REMAIN UNCHANGED. TERMS OF THIS MODIFICATION:</p> <p>THE PURPOSE OF THIS MODIFICATION IS TO INSERT THE UNDERLINED LANGUAGE TO PARAGRAPH #3, ON PAGE 5 OF 11 (<b>RECEIVING AND DISCHARGE OF FEDERAL DETAINEES</b>):</p> <p><u>If a federal detainee has completed his or her sentence, has bonded out, or has otherwise been ordered released by a court, the Local Government agrees to release the federal detainee from its facility. In all other instances, the Local Government agrees to release federal detainees only to law enforcement officers of the Federal Government agency initially committing the federal detainee (i.e., Drug Enforcement Administration, Immigration and Customs Enforcement, etc.) or to a Deputy United States Marshal (DUSM) Those federal detainees who are remanded to custody by a DUSM may only be released to a DUSM or an agent specified by the DUSM of the Judicial District.</u></p> <p>NO OTHER TERMS OR CONDITIONS, TO INCLUDE PRICE IS AFFECTED BY THIS CHANGE.</p>				
<b>12. INSTRUCTIONS TO LOCAL GOVERNMENT FOR EXECUTION OF THIS MODIFICATION:</b>				
A. <input type="checkbox"/> LOCAL GOVERNMENT IS NOT REQUIRED TO SIGN THIS DOCUMENT		B. <input checked="" type="checkbox"/> LOCAL GOVERNMENT IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN ALL COPIES TO U. S. MARSHAL		
<b>13. APPROVALS</b>				
A. LOCAL GOVERNMENT		B. FEDERAL GOVERNMENT		
_____ <i>Signature</i>		_____ <i>Signature</i> Mary Horsey		
_____ DATE		_____ DATE		
_____ DATE		_____ TITLE Grants Specialist		

APPROVED AS TO FORM  
OFFICE OF THE COUNTY COUNSEL  
ORANGE COUNTY, CALIFORNIA

By [Signature]  
Deputy

Date 8/3/2011