

ORDINANCE 26-09

POLK COUNTY WISCONSIN

ORDINANCE ESTABLISHING SHERIFF'S JAIL FEES FOR INMATES
INCARCERATED IN THE POLK COUNTY JAIL

THE BOARD OF SUPERVISORS OF POLK COUNTY DOES HEREBY ORDAIN
AS FOLLOWS:

1. Previous ordinances regarding jail fees including Ordinance # 75-03 are hereby vacated and re-created as follows:
2. AUTHORITY: This ordinance is enacted pursuant to WI STATS 302.372, 302.38, 303.08, 303.18 and 800.095(6).
3. INTENT: It is the intent of this ordinance that sentenced inmates, inmates imprisoned as a condition of Probation or inmates that are held on a Probation hold in the Polk County Jail, to the extent authorized by law, contribute to the cost of their incarceration.
4. FEES ASSESSED TO INMATES: An inmate sentenced to jail for a crime, and inmates incarcerated under authority of Probation and parole, shall have the fees assessed in the following manner:
 - a. Huber-privileged inmates: The sum of \$15.00 per day assessed every calendar day or the nearest full day that the inmate is in employment status, whether or not the inmate actually works on a given day. Employment status has a meaning as identified in WI STATS 303.08(1)(a) through (e).
 - b. Out of county Huber inmates: Inmates that are sentenced in any court outside of Polk County and desire to serve the sentence under Huber Law in the Polk County Jail for convenience or on a voluntary basis will be assessed the sum of \$25.00 per day under the same terms as outlined in (a).
 - c. Booking fee: The sum of \$25.00 assessed to every inmate that is booked into the Polk County Jail, provided the inmate is sentenced to the County Jail for a crime and the sentence is imposed in Polk County Circuit Court. The booking fee also applies to inmates that are incarcerated as a result of a probation hold or time served as a condition of probation. The booking fee will be assessed for the calendar day in which the inmate is booked into the jail regardless of the time of day.
5. DUPLICATION OF EXPENSES: The Polk County Jail will not seek to recover the same expense twice.

In the event the inmate is incarcerated solely because of conduct which violate the inmate's probation supervision and which would not otherwise constitute a criminal offense and, in the event the Department of Corrections would make payment to the County at a funding level of \$40.00 per day as specified in WI STATS 302.33(2)(a)(3), the county would not seek reimbursement from the inmate. Polk County will however, assess warrant fees as set forth in 4.d.

6. REIMBURSEMENT FORM: Each inmate confined to the Polk County Jail is required to pay the costs of incarceration as stated herein or will be required to complete a financial disclosure and income statement provided by the Sheriff. This form shall provide for obtaining the Social Security number, age and marital status of an inmate, the number and ages of dependant children, the income, the type and value of real property owned by the inmate, the type and value of personal property, the inmates cash and financial institution accounts, the types and values of investments, annuities and pension plans and any other personal significant cash value owned by the prisoner. The form may be used by the Sheriff, District Attorney or Corporation Counsel to make decisions regarding reimbursement to the County and to investigate the financial status of the inmate. The information on the completed form is not a public record except that Polk County shall provide the information from the form in response to a request for information under WI STATS 49.22(2m) made by the Wisconsin Department of Workforce Development or under WI STATS 59.53(5) made by the Child Support Agency.
7. INSTITUTIONAL ACCOUNTS: The Sheriff shall charge an inmate for the expenses set forth while the inmate is imprisoned.
 - a. The Sheriff shall maintain an institutional account for a prisoner's use for payment of items from canteen, vending, or similar services, the Sheriff may make deductions from the account to pay for the expenses as set forth above. If the inmate has a balance due for expenses under this ordinance, from prior incarcerations, any institutional account funds created as part of a subsequent incarceration may be used to recover the sums due from the prior incarceration.
 - b. The Sheriff shall maintains an account of a Huber inmate pursuant to WI STATS 303.08(3), the Sheriff may make deductions from the account to pay for the expenses set forth in this ordinance subject to the limitations of WI STATS 303.08(5).
8. WAGES OF A HUBER/WORK RELEASE INMATE: The wages, salary, and unemployment training benefits received by an inmate shall be divided by the Sheriff for the following purposes, in the order stated:
 - a. Necessary travel expense to and from work;
 - b. Court-ordered support of the prisoner's dependants, if any;
 - c. Expenses owed to the County under this Ordinance;
 - d. Payment either in full or ratably, of the inmate's obligation acknowledged by the prisoner in writing or which have been reduced to judgment;

e. The balance, if any, to the inmate, upon release.

9. INMATE COOPERATION: An inmate shall cooperate with the Sheriff in seeking reimbursement for expenses incurred for that inmate. An inmate who intentionally refuses to cooperate may not earn good-time credit under WI STATS 302.43

10. LEGAL ACTION TO RECOVER REIMBURSEMENT: Within twelve (12) months after the release of an inmate from jail, Polk County may commence an action in Circuit Court to recover the expenses under this Ordinance; plus the costs to investigate the financial status of the inmate and the expenses of collection not otherwise recovered or are barred.

11. PROCEEDS: Any sums collected under this Ordinance shall be deposited with the County Treasurer.

Sponsored by: Public Protection Committee



Kim O'Connell



Jay Luke, Chair



Neil Johnson



Joan Peterson



Brian Masters



Jeffrey B. Fuge, Corporation Counsel

Approved As to Form

Dated this 21st day of April, 2009

Date presented to the Polk County Board of Supervisors: 21st of April, 2009.

County Board Action: Adopted by unanimous voice vote

Effective Date: Upon passage and publication as provided by law.

STATE OF WISCONSIN)
) SS
COUNTY OF POLK)

I, Carole T. Wondra, County Clerk for Polk County, do hereby certify that the attached is a true and correct copy of Resolution No. 26-09 that was adopted by the Polk County Board of Supervisors on April 21, 2009.



Carole T. Wondra
Polk County Clerk