

# Accessing Jail Food Reserve Funds

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# The Sheriff

*Ala. Code § 14-6-1 vests:*

The Sheriff with legal custody of and responsibility for the county jail and all prisoners serving or housed in the jail.

The Sheriff may (and does) employ persons to carry out the duty to operate and supervise the jail.

# The County Commission

The County Commission is responsible for building and maintaining the county jail and keeping it and all equipment inside the jail in a state of repair and preserving it from failure or decline.

*Ala. Code § 11-14-10.*

# Feeding Prisoners

The Sheriff controls the operation of the jail, including in most counties, the feeding of the prisoners. The Sheriff is not personally responsible for the costs of feeding prisoners or any shortage in the funds provided for that purpose.

*See Ala. Code § 14-6-40 et seq.*

# Feeding Prisoners

The County Commission supervises feeding prisoners within its jurisdiction.

*Ala. Code § 14-6-41.*

# Prisoner Feeding Fund

The state pays \$2.25 per prisoner per day into each Sheriff's Office's Prisoner Feeding Fund for the purpose of feeding prisoners.

*Ala. Code §§ 14-6-42(a), 14-6-47.*

The Sheriff maintains records of all payments and expenditures made from the Prisoner Feeding Fund. The Sheriff's recordkeeping is subject to regular audit by the Department of Examiners.

*Ala. Code § 14-6-42(b).*

# Emergency Prisoner Feeding Fund

The Emergency Prisoner Feeding Fund was created by the Legislature in 2019.

There is hereby established the Emergency Prisoner Feeding Fund into which there is automatically appropriated five hundred thousand dollars (\$500,000) each state fiscal year beginning with the fiscal year ending September 30, 2019. The state Comptroller shall transfer moneys from the General Fund to the emergency fund at the beginning of each state fiscal year or as soon as possible thereafter. The emergency fund shall not exceed a total accumulated amount of one million dollars (\$1,000,000).... ***Ala. Code § 14-6-51.***



# Emergency Prisoner Feeding Fund

- The Sheriff and the County Commission must file a joint application in case of an unforeseeable emergency cost overrun that **fully depletes** the Prisoner Feeding Fund.
- The **Sheriff and the Chair of the County Commission** must provide **sworn statements** stating the reason for the need for emergency funding and the reason for the unforeseeable cost overrun.



# Emergency Prisoner Feeding Fund

- The Comptroller's Office may request financial records prior to disbursing any emergency funding.
- The Comptroller's Office determines when a cost overrun qualifies for disbursement of funds.

# Emergency Prisoner Feeding Fund

- A County Commission may not receive more than **80 percent of the actual cost overrun** as substantiated by financial records.
- A County Commission may receive up to a **maximum of \$25,000 per year.**

# Questions?



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