

PROBATION DEPARTMENT ADULT MANUAL

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Notes and References

ALTERNATIVE SENTENCING (AS) SUPERVISION

I. Purpose:

The Alternative Sentencing Program (ASP) helps to reduce jail overcrowding by offering a community-based program for inmates where sentences may be served in lieu of physical incarceration. ASP is also designed to ensure the effective and safe monitoring of individuals being released from incarceration at the Santa Barbara County Jail (SBCJ). The Probation Department will work in collaboration with the Santa Barbara Sheriff's Office (SBSO) to provide AS to individuals sentenced to serve custody time by the Santa Barbara County Superior Court and provide individuals with referrals to additional services and supports.

Individuals who are approved to serve their jail commitments on AS are identified, screened, booked, and released by the SBSO to electronic monitoring (EM) and supervised on Global Positioning Satellite (GPS) by the Probation Department. The use of EM as an alternative sentence is subject to applicable Federal, State and Local laws. (Penal Code §1203.018, 1203.016).

The Probation Department will supervise the individuals while on EM according to the policy outlined below.

II. Mission of ASP

Through collaboration and strong communication between the Probation Department and the SBSO, the mission of the ASP is to supervise individuals placed on EM, ensure community safety, and to offer quality community-based programs, services and supports.

III. Goals of ASP

- A. Mitigate jail overcrowding by offering community based programs for inmates where sentences may be served in-lieu of physical incarceration.
- B. Provide a home detention program in which inmates are allowed to serve sentences or are released in lieu of bail by means of confinement to his/her place of residence while being monitored by electronic tracking devices.
- C. Process applications for AS early as possible in the criminal justice

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- proceedings to ensure the timely submission of applications prior to sentencing to avoid unnecessary delays in criminal justice proceedings, and/or reduce/eliminate individuals having to return to Court to request extensions to remand dates following sentencing.
- D. Identify and respond efficiently to individuals housed in the SBCJ to screen for possible release on EM to reduce the jail population.
 - E. Complete an evidence-based assessment to determine risk, need, and responsivity on all applicants.
 - F. Refer clients to appropriate services, resources and treatment, as needed, and follow up as necessary.
 - G. Respond rapidly to violations of EM and address the situation with the lowest level of intervention with the objective of keeping the individual in the community, when appropriate.
 - H. Make timely notifications to PROBATION and SBSO Management in the event a client escapes or absconds from EM supervision.
 - I. Provide supervision to individuals to ensure compliance with program regulations, which may include the completion of searches or drug testing as authorized by terms of release.
 - J. Coordinate efforts with local law enforcement agencies to respond to locate and apprehend absconders.
 - K. Provide support and encouragement to those individuals who comply with the terms and conditions of EM.
 - L. Gather, collect and provide information and data on the EM program to stakeholders.

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IV. Definitions:

Electronic Monitoring (EM):

A home detention program in which inmates are allowed to serve sentences or are released in lieu of bail by means of confinement to his/her place of residence while being monitored by electronic tracking devices (GPS).

Inmate:

An individual who is incarcerated in a county correctional facility.

Client:

An individual who is participating in the EM program in lieu of incarceration in a county correctional facility.

V. Program Application:

To assist in timely processing of EM applications, the Probation Department's Investigations Units will refer potentially eligible clients to the SBSO to complete an EM application.

All program applicants must be facing jail time as part of their criminal Court proceedings as outlined in the program requirements in section VI. Applicants are not required to be sentenced prior to submitting an application. SBSO staff will review all applications and determine eligibility.

On-site locations for the Alternative Sentencing Program are as follows:

Santa Barbara Sheriff's Alternative Sentencing Bureau
812-A W. Foster Road
Santa Maria, CA 93455
(805) 934-6157
SMEM@SBSHERIFF.ORG

Santa Barbara Sheriff's Alternative Sentencing Bureau
4436-A Calle Real
Santa Barbara, CA 93110
(805) 681-4221
SBEM@SBSHERIFF.ORG

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Completed paper applications are to be hand-delivered to the ASB location nearest the defendant's residence.

Applications in English and Spanish can be accessed online (and printed) by visiting the following:

<https://www.sbsheriff.org/command-and-divisions/custody-operations/jail-operations-division/alternative-sentencing-bureau/>

VI. **Program Requirements:**

At a minimum, offenders must satisfy the following requirements:

1. For pre-adjudicated/pre-trial inmate placement on the program, 30 days or more must have been served in custody for misdemeanor crimes and 60 days or more must have been served for felony crimes prior to acceptance into the program in accordance with Penal Code §1203.018(c).
2. No program restrictions noted on the minute order from the sentencing Court.
3. No open criminal cases or pending charges, or active bookable warrants in any jurisdiction. Cases that were diverted will be reviewed on a case by case basis.
4. Clients will be required to submit a urine test with a negative result, prior to being placed on EM. Use of illegal drugs, including medical marijuana, that results in a positive test will disqualify the client for the EM program unless specifically approved by the SBSO.
5. An approved residence, which may include a residential treatment program or a community shelter.
6. Access to the place of residence for DPOs to conduct random, unannounced home checks.
7. Adequate access to an active telephone (cellular or residential).
8. Adequate access to electricity for unit charging purposes.

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9. Must reside in the Tri-Counties area (Ventura, Santa Barbara, San Luis Obispo County). Those outside the Tri-Counties will be screened and accepted on a case by case basis.

Note: Applicants who meet the minimum requirements do not automatically qualify for program placement. The SBSO will consider all circumstances that could indicate a potential threat to public safety or other potential concern.

VII. Disqualifying Factors:

- PRCS Violations (3455 PC and some subsections)
- Flash Incarcerations (3454(c) PC)
- 290 PC Registrants (sex offender registrants)
- Charge of 187 or 664/187 PC (homicide)
- 457.1 PC Registrants (arson registrants)
- Those with Court Ordered "No Alternative Sentencing" or other specific language that indicates no Alternative Sentencing Programs allowed

VIII. Program Acceptance

Once an inmate has been accepted to the EM program, the SBSO will notify the Probation Department in writing. The notification will include:

- a. Name and current contact information
- b. Date of Release
- c. Commitment Length
- d. Start Date
- e. Termination Date
- f. Special circumstances or other relevant case information
- g. Safety concerns

IX. Program Denial

Program denial will be done in writing to the applicant by the SBSO. Procedures for appeal will be included with the denial letter. All appeals will be addressed by the SBSO.

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X. Jail Transfers

Inmates incarcerated in Santa Barbara County Jail facilities may apply for program participation.

- A. The SBSO staff will screen inmates for program participation.
- B. Inmates transferred from the jail shall have a COMPAS assessment on file prior to placement on the program.
- C. The SBSO will be responsible for notifying all listed individuals related with the inmate that has with an active “Victim Notification Alert.” The notification will be made prior to transferring the inmate into the EM program. The notification will be documented in the inmate’s Jail Management System (JMS) file and provided to the Probation Department in writing and the notice will be documented in IMPACT.

XI. Booking and Notification

Clients who are not incarcerated in the Santa Barbara County Jail are required to be booked by the SBSO prior to being placed on EM. The SBSO will meet with the client and complete the following:

- A. Collect and review a drug screening test during the application process and/or prior to placement onto the program.
- B. The SBSO will book the inmate into JMS.
- C. The SBSO will fingerprint and photograph the inmate.
- D. The SBSO will notify Probation that the client is ready to begin their commitment to EM.
- E. The SBSO may complete a memorandum to order the client to be released to the Probation Department at a date and time agreed upon by both parties.