

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 11/15/01
Department Name: Sheriff- Custody
Department No.: 032
Agenda Date: 12/04/01
Placement: Administrative
Estimate Time:
Continued Item: No
If Yes, date from:

TO: Board of Supervisors

FROM: Sheriff Jim Thomas
Sheriff Department

STAFF CONTACT: Lieutenant Julian Villarreal, Custody Operations
934-6196

SUBJECT: Addition of Electronic Monitoring Component to the Work Furlough / Sheriff's Work Alternative Program

Recommendation(s):

That the Board of Supervisors:

1. Set a hearing to consider adoption of Amendments of an Ordinance adding Sections 2-94 and 2-95 to Article XII, Chapter 2, of the Santa Barbara County Code relating to the Work Furlough and Sheriff's Work Alternative Program (SWAP) to add an Electronic Monitoring component; and,
2. Adopt program rules and regulations (attached).

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with Goal No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community.

Executive Summary and Discussion:

The Sheriff's Department, Custody Operations, has operated a traditional live-in Work Furlough Program since 1971 and the Sheriff Work Alternative Program (SWAP) since 1983. These programs allow participants the opportunity to maintain their regular employment or education while serving their court-ordered sentence either in custody during non-work or non-school hours or by performing community service at local parks and non-profit locations throughout the county.

The Electronic Monitoring component will modify the existing Work Furlough Program allowing inmates to be housed at home, not in a jail facility. The Electronic Monitoring component could be utilized as an interim component to SWAP as an alternative to immediately returning inmates into custody for minor rule violations. Initially, the Electronic Monitoring fees will be the same as the current Work Furlough and SWAP fees that are already in place. Fees are applied according to a participant's ability to pay on a case-by-case basis. However, a review of current SWAP & Work Furlough fees is taking place. The Sheriff's Department intends to return to

your Board shortly with a revised fee schedule that includes the resources and uses involved in adding the Electronic Monitoring component.

The addition of Electronic Monitoring allows participants to be housed in their homes during non-work hours rather than in a custodial facility, reducing jail overcrowding. The program also benefits participants by continuing their employment, education and family support. In addition to monitoring participants while they are at home, the monitoring equipment will further enhance our ability to track participants throughout their work hours by randomly paging them to ensure they are at their specified, approved location. As a result, we believe that the addition of Electronic Monitoring will enhance our ability to monitor participants. The bed space formerly used by Work Furlough participants will be used to house inmates who do not qualify for work release programs. Electronic Monitoring will allow additional participation by eliminating some of the criteria considered before placing an inmate on the program. Issues considered under the old program, such as housing compatibility, bed space, the use of prescribed medications, and shift work, will no longer be determining factors for participation. Electronic Monitoring will also allow females to participate in our North County Program where none participated before because female inmate housing is not available in North County.

Mandates and Service Levels:

Penal Code §1208 provides for work furlough programs and authorizes the sheriff to direct what facility the participant may be housed in during his or her participation. Penal Code §1203.016 states that the board of supervisors may authorize the correctional administrator to offer a home detention program, like electronic monitoring, to low-risk offenders. The code also allows the board of supervisors to define the rules of the program, and those are set forth in the attached.

Penal Code §1208.2 (d) states that the sheriff shall not consider a person's ability or inability to pay all or a portion of the program fee for the purposes of granting or denying a person's participation in, or assigning a person to, the program. Sub-section (f) also requires that any fee charged shall be based on the person's ability to pay. Penal Code §4024.2 (e) also states that the board of supervisors may prescribe a program administrative fee to be paid by each participant according to his or her ability to pay.

Fiscal and Facilities Impacts:

The cost of housing an inmate in the Main Jail facility for a routine 24-hour day in FY 2001-02 is at least \$60 and is primarily a County General Fund expense. The County General Fund expense of supervising an inmate in the Work Furlough Program should be offset by participant fees, generating a General Fund savings. Therefore, the initial program costs associated with the start-up of this program will be absorbed within existing budgetary allocations. However, over the long-term, a General Fund expense in the program could occur in three scenarios: Participation drops unexpectedly; the average participant wages are lower than historical averages; and/or, if special case fee waivers increase unexpectedly. The Sheriff's Department is actively evaluating the current fee structure and may return to your Board with a revised Fee Ordinance.

Electronic Monitoring will free-up 21 Work Furlough beds at the Male Honor Farm facility in Santa Barbara for use by inmates requiring more supervision. Bed space at the Main Jail facility may increase because the new program will allow additional participation by eliminating some of the criteria considered before placing an inmate on the program such as housing compatibility, shift work, medical conditions, and the use of prescribed medication. Electronic Monitoring will allow for participation by female inmates throughout the county. Bed space will be quickly utilized for inmates who do not qualify for these programs.

Special Instructions:

Clerk of the Board: Please publish appropriate public notice and follow Second Reading (Hearing) with one copy of the Minute Order to Lieutenant Julian Villarreal, Sheriff's Department, Custody Operations.

Concurrence:
Auditor-Controller
County Counsel

Attachments:
Work Furlough Program Rules

Sheriff Department

Work Furlough Monitoring Program Rules

(A) The sheriff may offer a voluntary program under which any person committed to the county jail may participate in a home detention Work Furlough monitoring program during their sentence in lieu of confinement in the county jail.

(B) As a condition of participation in the home detention Work Furlough monitoring program, the inmate shall give his or her consent in writing to participate in the program and shall in writing agree to comply with the rules and regulations of the program including, but not limited to, the following rules:

- (1) The participant shall remain within the interior premises of his or her residence during the hours designated by the Sheriff or his designee.
- (2) The participant shall admit any person or agent designated by the Sheriff into his or her residence at any time for purposes of verifying the participant's compliance with the conditions of his or her detention.
- (3) The participant shall agree to the use of electronic monitoring or supervising devices for the purpose of helping to verify his or her compliance with the rules and regulations of the Work Furlough monitoring program.
- (4) The participant shall agree that the Sheriff or his designee may, without further order of the court, immediately retake the person into custody to serve the balance of his or her sentence for any of the following reasons:
 - a) Failure to remain within the place of confinement as stipulated;
 - b) Failure to respond to random page contacts within the specified time limit;
 - c) Failure to follow program rules and/or regulations (including all documentation);
 - d) Failure to pay agreed upon program fees;
 - e) Failure of the equipment to perform for any reason;
 - f) No longer meeting the established criteria; and/or,
 - g) Violation of any laws or rules specified, below.
- (5) Participants in the Work Furlough Monitoring Program shall maintain a designated and clear phone line in their residence in order to be monitored. The telephone line will be a basic line and will not have any special features such as but not limited to: call-waiting, call-forwarding, an answering machine, three-way calling, *69 (call return), or an answering service during the time of the sentence. Cordless phones will not be used while on the Work Furlough monitoring program.
- (6) Participants are required to maintain full-time employment unless prohibited by verifiable medical reasons. All work hours must be verified in writing by the Work Furlough monitoring staff. In addition, paycheck stubs or copies of paychecks, tax returns, or other documentation will be required as further verification of employment and income.
- (7) Unauthorized departure or failure to return to the designated residence of confinement is punishable as an escape from confinement under California Penal Code §4532. An arrest warrant will be issued for any violation of law or escape.
- (8) Work Furlough staff will make frequent random checks to each participants place of employment and residence of confinement for purposes of verifying compliance with the program rules.
- (9) Participants shall agree to admit any person or agent designated by the Sheriff or his designee into their residence and/or submit their person, property, residence, and/or vehicle to search without warrant or probable cause at any time during participation for purposes of verifying compliance with the program rules.
- (10) The use of illegal drugs or alcohol is prohibited while participating in the Work Furlough monitoring program. Illegal drugs or alcohol is not allowed in the participant's residence at any time during the term of his or her participation in the program.
- (11) When directed by any person or agent designated by the Sheriff or his designee, participants are required to submit to drug testing. In addition, participants must submit to alcohol and/or narcotic testing whenever requested to do so by any peace officer or Sheriff's designee. Positive drug or alcohol test results will cause immediate removal from the Work Furlough monitoring program and may result in additional prosecution.
- (12) Participants will enroll and/or continue with any counseling or drug rehabilitation programs as directed by the Court and will schedule these meeting times in advance with Sheriff's Work Furlough Staff.

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS ADDING SECTIONS 2-94 AND 2-95 TO ARTICLE XII, CHAPTER 2, OF THE SANTA BARBARA COUNTY CODE RELATING TO THE WORK FURLOUGH MONITORING PROGRAM

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1. Work Furlough Monitoring Program.

Sections 2-94 and 2-95 of Chapter 2, Article XII, of the Santa Barbara County Code, are hereby added to read as follows:

Section 2-94—Sheriff's Department Work Furlough Monitoring Program

- (a) In addition to the work furlough program authorized pursuant to Section 2-93 herein, the sheriff may offer a voluntary program under which any person committed to the county jail may participate in a home detention Work Furlough monitoring program during their sentence in lieu of confinement in the county jail.
- (b) The Board of Supervisors, pursuant to Penal Code section 1203.016(b) may proscribe reasonable rules and regulations under which the home detention program may operate, which rules and regulations shall be in writing and annually reviewed by the board of supervisors and the program administrator.
- (c) As a condition of an inmate's participation in the home detention Work Furlough monitoring program, the inmate shall give his or her consent in writing to participate in the program and shall agree in writing to comply with the rules and regulations of the program, including, but not limited to, those set forth in Penal Code section 1203.016(b)(1-4).

Section 2-95— Program Fees.

The Board of Supervisors, pursuant to Penal Code sections 1208.2 and 1209, may by resolution establish program administration and application fees for participation in the work furlough monitoring program.

Section 2. Effective Date.

This ordinance, within fifteen (15) days after its passage and adoption, shall be published once in the Santa Barbara News Press and shall be in full force and effect thirty (30) days after its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2001, by the following vote:

AYES:

NOES:

ABSENT:

Chair, Board of Supervisors

ATTEST:

MICHAEL BROWN
CLERK OF THE BOARD

By _____
Deputy

[DO NOT PUBLISH APPROVAL]

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By _____
Chief Assistant

APPROVED AS TO ACCOUNTING FORM:

ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

By _____