



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Sheriff
Department No.: 032
For Agenda Of: January 17, 2012
Placement: Set Hearing
Estimated Tme: 15 minutes on February
7, 2012
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Sheriff Bill Brown (805) 681-4290
Contact Info: Lieutenant Mark Mahurin, (805) 681-5334

SUBJECT: Amend Ordinance Number 4440; Sheriff's Electronic Monitoring Programs

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: N/A

Recommended Actions:

That the Board of Supervisors set a hearing to consider recommendations, as follows:

1. Set a hearing on February 7, 2012 to consider the introduction (First Reading) of an Ordinance (Attachment A) amending Ordinance number 4440 of Chapter 2, Article XII, of the Santa Barbara County Code; to add 2-93.2, section 2-93.3, section 2-93.4 and 2-93.5 relating to the Sheriff's Electronic Monitoring Programs; and,
2. Review and adopt the administrative policy (attachment B) and the program rules (attachment C & C-1) and,
3. Set a hearing for February 14, 2012 to consider the adoption (Second Reading) of an Ordinance (Attachment A) amending Ordinance number 4440 of Chapter 2, Article XII, of the Santa Barbara County Code; to add 2-93.2, section 2-93.3, section 2-93.4 and 2-93.5 relating to the Sheriff's Electronic Monitoring Programs.

Summary Text:

This action considers an Ordinance to amend Ordinance 4440, previously approved by the Board on January 15, 2002. These amendments will renumber and amend the format of the original ordinance to correct a numbering conflict and will add amendments based on recent changes to the Penal Code as a result of the Public Safety Realignment Act (AB109).

The Public Safety Realignment Act (AB109) modified Penal code section 1203.016 to include involuntarily placement in a home detention program. Our current home detention electronic monitoring program, approved under Ordinance 4440 (Exhibit A), offers sentenced inmates the ability to participate in a voluntary home detention electronic monitoring program. We are seeking approval of the Board to implement the involuntary section of Penal Code 1203.016 for use in such cases as the Sheriff deems it necessary and appropriate in accordance with the policies of the Electronic Monitoring Program (2-93.2).

Under ordinance 4440 (Exhibit A) the Board established that the Board, pursuant to Penal Code sections 1208.2, 1209, may by resolution establish program administration and application fees for participation in the electronic monitoring program. We are seeking approval of the Board to amend the code to include section 2-93.3- Program Fees. Our current fee structure was approved in ordinance 06-191 (exhibit B) and we plan to use this same fee structure for all approved electronic monitoring and community release options without modification.

The Public Safety Realignment Act (AB109) added Penal Code section 1203.017, that states upon determination by the correctional administrator that conditions in a jail facility warrant the necessity of releasing sentenced misdemeanor inmates prior to them serving the full amount of a given sentence due to lack of jail space, the Board may authorize the Sheriff to offer a program under which inmates committed to a county jail, may be required to participate in an involuntary home detention program, which shall include electronic monitoring, during their sentence in lieu of confinement in the county jail.

Under this program, one day of participation shall be in lieu of one day of incarceration. Participants in the program shall receive any sentence reduction credits that they would have received had they served their sentences in a county correctional facility.

We are seeking approval of the Board to implement the provisions of Penal Code 1203.017 for use in such cases as the Sheriff deems necessary and appropriate in accordance with the policies of the Electronic Monitoring Program (2-93.4).

The Public Safety Realignment Act (AB109) added Penal Code section 1203.018, that states the Board may authorize the Sheriff to offer a program under which inmates being held in lieu of bail in a county jail or other county correctional facility may participate in an electronic monitoring program if the specified conditions are met.

1. In order to qualify for participation in an electronic monitoring program pursuant to this section, the inmate must be an inmate with no holds or outstanding warrants to whom one of the following circumstances applies:
 - a. The inmate has been held in custody for at least 30 calendar days from the date of arraignment pending disposition of only misdemeanor charges.

- b. The inmate has been held in custody pending disposition of charges for at least 60 calendar days from the date of arraignment. (felony charges)

We are seeking approval of the Board to implement the provisions of Penal Code 1203.018 for use in such cases the Sheriff deems it necessary and appropriate in accordance with the policies of the Electronic Monitoring Program (2-93.5).

Penal Code 1203.018 requires that the administrative policy and program rules for release under this section be approved by the Board with consultation by the Sheriff and District Attorney. Both the Sheriff and District Attorney have consulted with regard to the policy and rules as presented in attachments B, C and C-1.

We are asking that the Board review and adopt the administrative policy (attachment B) and the program rules (attachment C & C-1) as required by Penal Code sections 1203.016, 1203.017 and 1203.018.

Background:

The Sheriff's Office has successfully operated community release and alternatives to incarceration programs to help address jail overcrowding. We began with a traditional Work Furlough program in 1971 and added the Sheriff's Work Alternative Program in 1984. On January 15, 2002 the Board approved Ordinance 4440 authorizing the Sheriff to offer a voluntary home detention electronic monitoring program under which inmates committed to a county jail may voluntarily participate in a home detention program during their sentence in lieu of confinement. This program replaced our live-in Work Furlough program.

Our alternatives to incarceration programs have successfully handled thousands of participants over the years mitigating significant impacts to jail overcrowding. In 2010 alone these programs provided community supervision to over 1,630 participants, and provided hundreds of hours of community service throughout Santa Barbara County.

It is estimated that at full implementation of the Public Safety Realignment Act (AB109) approximately 66 non-violent, non-serious, non-sex offenders (NX3) sentenced inmates and 24 NX3 violators will be incarcerated in county jail on any average day. CDCR also estimates that approximately 37 paroled Post-Release Community Supervision (PRCS) violators would be incarcerated locally on any given day in Santa Barbara County assuming, that on average, the violators would serve 30 days in jail. Based upon the previous full implementation projections, planning includes mitigations for up to 600 County jurisdiction supervision cases and for up to 125 collective jail beds or alternative detention slots.

These alternatives to incarceration programs are vital to our ability to manage jail overcrowding and the significant impacts anticipated with realignment. Everyone who is considered for release under these programs will be screened for release using at least one evidenced based assessment tool and eligible offenders will be placed on electronic monitoring based on their risk and needs in accordance with the rules and policies of the electronic monitoring program as approved by the Board.

The expanded services at the Probation Report and Resource Centers (PRRCs) and the Sheriff's Day Reporting Centers (DRCs) approved by the Board in the Public Safety Realignment Plan provide enhanced supervision options and additional program and service options for those released on electronic monitoring. As part of an early release/re-entry strategy the Sheriff's Office and Probation

are working closely to collaborate on case planning, screening and supervision of those released under realignment.

Performance Measure:

The effective use of our alternative sentencing programs seeks to achieve the following two outcomes:

1. Implementation of a program that maintains public safety and utilizes evidence based practices/best practices in recidivism reduction; and,
2. Implementation of a program that effectively utilizes alternatives to pre-trial and post-conviction incarceration where appropriate.

Fiscal and Facilities Impacts:

Budgeted: Yes **Fiscal Analysis:**

Narrative: The Sheriff's Office plans to use the same sliding fee structure previously approved by the Board under Resolution # 06-191, and these fees will be based on each participant's ability to pay as required under PC 1203.016, 1203.017 and 1203.018.

For those who are found unable to pay based on income, there are funds under the Public Safety Realignment Act implementation plan to cover the daily equipment costs.

Staffing Impacts:

There are no FTE impacts associated with this action. The FTEs needed to help mitigate the impact of AB 109 for the Alternative Sentencing Programs were previously addressed by the Board in the Public Safety Realignment Act implementation plan.

Special Instructions:

Chair of the Board– Sign two (2) originals of the Ordinance.

Clerk of the Board– Retain one signed original and forward one signed original of the Ordinance to the Sheriff's Department, Attn: Lieutenant Mark Mahurin.

Clerk of the Board- Publish required notices.

Attachments:

Attachment A:	Ordinance Amending #4440
Attachment B:	Administrative Policy
Attachment C:	Electronic Monitoring Rules
Attachment C-1:	SWAP Rules
Exhibit A:	Original Ordinance #4440- for reference only
Exhibit B:	Resolution 06-191- for reference only

Authored by:

Mark Mahurin, Sheriff's Custody Lieutenant

cc: