


ATTACHMENT

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**PROBATION DEPARTMENT
ADULT MANUAL**

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Holly L. Benton
Chief Probation Officer

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ALTERNATIVE SENTENCING (AS) OPERATIONAL PROCEDURES

I. Introduction

The following manual section is a supplement to the Adult Policy, Alternative Sentencing Supervision (3232) and outlines the procedures to be completed by probation supervision staff assigned to Alternative Sentencing. The Investigations Unit will assist Alternative Sentencing by referring eligible clients and are appropriately directed to complete an application to establish eligibility for EM early in the criminal justice proceedings.

Once the SBSO has approved the individual to serve their custodial commitment on EM, they will notify the Probation Department and the case will be set up in IMPACT. The SPO will assign the case to a supervision DPO to begin case management.

All case management completed on a case will be documented in IMPACT and the programs tab will be updated with any referred treatment programs. The client will also be entered into the GPS database with associated data elements.

Following the assessment and orientation to the AS program, the DPO will install the GPS device and supervision will begin immediately as outlined in the following procedures.

II. Screening and Referral Process

Investigating DPOs preparing sentencing reports on persons who will or may serve a local jail commitment will do the following in each case:

1. Determine if a person is or may be eligible for the Sheriff's alternative sentencing program.
2. Describe the program to the person and advise them that information in Probation's possession or obtained through the court investigation will be shared with the Sheriff's Office when necessary for determining eligibility and suitability, including prior performance on probation, assessed risk level, and risk factors.

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3. Refer eligible or potentially eligible and interested persons to the Sheriff's website for additional information and to download a program application and provide contact information for Sheriff's program personnel. For persons who remain in custody, coordinate with a Probation Jail Assessor or Pre-Trial Services, or Sheriff's Office staff to provide applications in person.
4. Offer to assist a person in completing an application and in forwarding a completed application to the Sheriff's Office as needed.
5. Advise the Sheriff's program personnel of any referral to the program and provide the person's contact information.
6. Through contact with the client and Sheriff's personnel, determine the status of the application prior to the filing of the completed sentencing report.
7. Provide Probation held information and assessments to the Sheriff's personnel (as described in 2, above).
8. Include in a sentencing report the status of a person's involvement in the program at the time of the filing of the report. These include that a person:
 - a. Is not eligible because of minimal requirements.
 - b. Did not wish to participate.
 - c. Has applied and a decision from the Sheriff's Office is pending.
 - d. Has applied and was accepted by the Sheriff's Office.
 - e. Has applied and was not accepted by the Sheriff's Office.
 - f. Has applied and was not accepted and the matter is under appeal.
9. If a person is not eligible or is not accepted, the DPO will state the reason(s) in the report.
10. Provide any update on a person's status to the CHO, if present, if the status changes after filing the report and before the sentencing hearing.

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III. IMPACT Case Set Up

1. Upon the client being accepted to AS the SPO or Sr. DPO will notify the AOP group by submitting an email to the corresponding regional email group requesting the case be opened in IMPACT with the “Alternative Sentencing-Sup” case type qualifier and assigned to a DPO’s “supervision” caseload.

Lompoc Probation: ProbLOClericalDG@co.santa-barbara.ca.us

Santa Maria Probation: ProbSMAdultAOPDG@co.santa-barbara.ca.us

Santa Barbara Probation: PROBSBAOPs@co.santa-barbara.ca.us

2. The assigned DPO will be responsible for case management in IMPACT, including the inputting of information in the GPS database.

IV. Intake

Prior to, or on the date of booking, the client shall read and sign the Electronic Monitoring Participant Contract and the SBSO Electronic Monitoring Program Rules.

The SBSO Electronic Monitoring Program Rules contains the following:

- a. An escape clause and waiver of extradition.
- b. A responsibility for equipment clause.
- c. A controlled substance use clause.
- d. A consent to search waiver.

The Deputy Probation Officer will meet with the client, review the aforementioned documents and commence EM supervision. The use of Motivational Interviewing (MI) techniques is important for the intake and subsequent conversations. This would include the use of open-ended questions, and a focus on strengths and positive strategies to be successful.

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V. EM Instructions and Case Planning

- A. At the initial interview, the DPO will review expectations, responsibilities and requirements with the client in detail and complete all required GPS documents as outlined in Policy Chapter 3219, Protocol for GPS.
- B. An entry will be made under the Events tab in IMPACT that the DPO has explained the terms and conditions of EM and the client indicated they understood.
- C. The DPO shall, in conformance with the level of supervision, advise the client of his/her reporting instructions.
- D. Prior to being placed on EM, an Inventory of Needs assessment (ION) must be completed by the DPO in COMPAS and a case plan developed for the client, following the case planning guidelines as outlined in Adult Policy Section 3228, as applicable. Once completed in COMPAS, the case plan should be printed out and signed by the client and DPO, scanned into IMPACT Documents and a copy given to the client. A “Case Plan Completed” Event should be completed, separate from the “Intake” Event, in IMPACT commemorating this.
- E. Case plans are used to accomplish short and long-term goals by developing specific activities for the client, in order to propel their progress towards the key objectives. Case plan objectives are to be implemented in a manner that allows clients to take ownership of their lives as they work toward completion of the case plan goals. Effective case plans adhere to the basic precepts of the risk, needs, responsivity (RNR) principal.
- F. The case plan is designed to be a road map to assist in case management and will focus on delivering appropriate intervention and treatment to each client. The case plan should address areas in which the client needs improvement or assistance, and goals should be specific, measurable, achievable, realistic, and time bound (SMART). Case plans and their associated documents should be considered dynamic, and will be updated and/or modified as the needs of the client change.

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- G. Steps to secure psychiatric, psychological, substance abuse, domestic violence or sex offender treatment; anger management, parenting classes, medical treatment or other similar evidence-based programs, either ordered by the Court or otherwise indicated, will be discussed with the client, as well as noting unusual concerns/issues that were discussed with the client. Referrals will be completed as appropriate.
- H. Referrals made to Santa Barbara County Behavioral Wellness (BWell) will require the DPO to utilize the County of Santa Barbara Mental Health consent form. All releases of information shall include “expiration of EM” as the termination date for the waiver; however, Behavioral Wellness confidentiality waivers require an expiration date no later than one year. The DPO may decide to use the BWell Access Line to access appropriate services.
- I. The DPO should advise the client of the expectations during home visits. In addition, all pertinent safety information should be gathered including but not limited to the following:
 - a. number of residents and who is residing in the home;
 - b. anyone besides the client on probation or parole;
 - c. animals/pets;
 - d. any weapons in the home;
 - e. surveillance equipment in home;
 - f. map of the layout of the inside of the residence.
- J. The DPO will determine and document the client's work schedule, curfew, inclusion (exclusion if applicable) and scheduled times away from their residence and enter the pertinent information into the GPS software.
- K. The DPO will give the client instructions regarding the operation and charging of the EM equipment and a "tag" (GPS Monitoring Device) will be attached to the client’s ankle.
- L. The DPO will verify equipment operation in the GPS software before the client leaves the office.

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- M. The client may have additional conditions of participation in the EM program (residential treatment program participation, treatment group attendance, etc). The DPO will document the additional conditions and present it to the client at the time of booking or during a meeting with the DPO. Whenever possible, these conditions should be based on the client’s needs as verified by the COMPAS assessment and included in the case plan if appropriate.

VI. Supervision

Alternative Sentencing DPO responsibilities include, but are not limited to:

- A. Setting up the client in GPS database
- B. Monitoring GPS tracks
- C. Case Management (Intake/Supervision/Closure)
- D. Inputting program information in IMPACT
- E. Field Contacts as determined by Supervision Levels
- F. Office Contacts
- G. Responding to alerts

VII. Supervision Levels

Once the SBSO enrolls the client in the EM program and notifies Probation, the AS case will be entered into IMPACT by an Administrative Office Professional (AOP) and then assigned to a DPO for supervision by the SPO.

Clients will be monitored using three levels of supervision. A client’s supervision level is to be determined based on the potential threat to public safety and/or the risk of re-offending as determined by an evidence-based risk assessment.

- A. Level One: Low Supervision – Clients are allowed increased time for personal errands as well as pre-approved program and employment appointments. Home or office visits should be conducted approximately once every month.
- B. Level Two: Medium Supervision – Clients are allowed pre-approved and scheduled changes in location for employment and specific errands. Home or office visits should be conducted approximately once every two weeks.

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- C. Level Three: High Supervision – Clients are restricted to their place of residence or approved work, medical or program appointments. Home or office visits should be conducted approximately once every two weeks with additional contacts by phone or virtually.

VIII. Rules/Regulations

- A. As part of the orientation process, clients placed on GPS will be advised of the GPS rules and regulations and will be provided with a written copy and explained what the consequences are for failure to abide by the program rules.
- B. Major and minor violations of the following program rules and regulations may result in removal from the EM program and return to jail (see section V below)
- C. Scheduled locations may include, but are not limited to, places of employment, Court, schools, day reporting centers, Probation and Parole locations and medical or program appointments.
- D. DPOs may authorize overnight or other absences as appropriate. The SPO may authorize out of tri-county overnight stay. All such absences must be documented.
- E. Clients will not be allowed to visit casinos, bars or similar businesses, unless employed there. Employment in these areas must have prior approval by SPO.
- F. Clients must remain at their scheduled location, unless they have an approved scheduled deviation, or in the case of an emergency such as a fire, medical emergency or threat to their personal safety. Any out of range violations will be considered an unapproved absence, unless the event involves an equipment malfunction or emergency as noted above.
- G. Unauthorized absences may be excused in the case of a medical or other type of emergency. In all cases, the client must advise the DPO as soon as possible and must present evidence (document) of any medical treatment and/or emergency.

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- H. Changing place of scheduled location or telephone number without prior approval of the DPO is not permitted.
- I. Damage or loss of monitoring equipment may result in program removal and the client being held financially and criminally responsible.
- J. Consumption or use of alcoholic beverages or illegal drugs (including medical and recreational marijuana) is prohibited.
- K. Abuse, misuse or taking any prescribed medication in a manner other than specifically instructed by a physician is prohibited.
- L. Being arrested or charged with any crime including a misdemeanor traffic violation, while on the program, is prohibited.
- M. Associating with felons, persons with a criminal history, gang members, or any person that the DPO advises the client not to associate with is prohibited.
- N. Allowing a social gathering of more than two (2) adults (other than residents) at their home without approval by the DPO is prohibited.
- O. Possessing, transporting, or using any type of firearm/weapon or police radio/scanner while on the program is prohibited.
- P. Being uncooperative with DPO or law enforcement officers is prohibited.
- Q. Clients may be permitted a scheduled time away from their residence as approved by DPO. Clients who are unemployed may request scheduled time away from their residence to seek employment. Clients may be required to advise program staff of the locations in which they applied for employment. Failure to follow DPO orders may result in this privilege being revoked.
- R. Minor rule violations may result in documented verbal warnings and potential reductions of scheduled time away from their residences. Continual minor rule violations may result in program removal and return to jail. See section V for examples.

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- S. Major rule violations will result in program removal and return to jail.
(See section V for examples.)

IX. Program Removals and Examples of Rule Violations

- A. Clients who violate the rules, regulations or conditions of the EM program or choose not to agree to the terms and conditions of the EM program are subject to removal from the program and immediate return to physical custody (jail).
- B. The recommended method of program removal is to take the client into custody during an office visit.
- C. If the client fails to report to the DPO, a field arrest may be required.
- D. The DPO will request an arrest warrant for clients who fail to report to the office or cannot be located in the field.

Examples of major rule violations include, but are not limited, to the following:

- 1. Major Rule Violations- Non-Discretionary return to jail
 - a. Escape (cutting off GPS device or allowing device to die without charging)
 - b. Tampering with GPS device
 - c. Committing new crime, felony and / or misdemeanor (including citations)
 - d. Entering/violating Exclusion Zone of Victim's residence or employment
 - e. Violation of Probation and /or Parole (any violation of terms that results in an arrest, revocation or jail)
 - f. Refusing to report to the office as directed (testing, counseling or for any reasonable order)
 - g. Termination from a treatment facility, i.e. residential treatment program, sober living home or other live in program for rule violations, which may include fighting, drug use, drug possession, etc.)

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2. Minor Violations-Discretionary return to jail
 - a. Drug use, testing positive for drugs
 - b. Entering exclusionary zones (non-victim related)
 - c. Failure to follow reasonable orders of a Peace Officer
 - d. EM rule violation: i.e.-unauthorized movements or locations, not charging, not communicating with AS Staff
 - e. Repeated drug use, repeated testing positive for drugs (3 total positive test results will result in a return to jail)
 - f. Repeated refusing to follow rules after multiple warnings: i.e.-multiple unauthorized movements or locations, not charging, uncooperative behavior (3 failures may result in a return to jail)
 - g. Housing insecurity (having nowhere to live or unable to charge the GPS unit)

X. Violation Response

DPOs will respond to all EM violations as indicated in the response protocol outlined in section XI of this policy.

Clients may be required to visit the AS office during and after business hours, during which the following may be accomplished:

- A. Visual check of the GPS tag for evidence of tampering;
- B. Discussion of any rule violations and explanation of any corrective actions or treatment referrals.

XI. Random Drug/Alcohol Testing

Clients may be contacted at their reported address, work or program location on a random schedule during which the following may be accomplished:

- A. A urine sample, oral swab or breath test may be taken to test the client for evidence of drug or alcohol use.
- B. Visual and/or physical check (cursory) of the premises to look for prohibited items such as drugs/alcohol or possession of unauthorized items.

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XII. Search and Seizure

- A. It is not the intent of the EM program to conduct extensive searches during every contact with a client. cursory searches may be completed to ensure compliance and maintain the credibility of the program; however, visits to a residence will not always result in a search.
- B. Searches are to be conducted for reasons related to the enforcement of the program rules, or in the case of participants on probation for another matter, their probation conditions, or other legitimate enforcement purposes.
- C. Other reasons for a search would include verifying compliance with the terms and conditions of EM program rules or the conditions of probation and verifying that the participant is living at the residence.
- D. Clients placed on EM shall sign a consent to search terms. During a home visit or other contact with a client, if the client refuses to allow a search, per the terms of the agreement, the client will be in violation and may be taken into custody after consulting with the SBSO.

XIII. Residence Searches/Home Contacts

- A. Prior to the residence search or home contact, it shall be confirmed that the participant lives at the reported address. Searches shall only be conducted at the client's reported place of residence. The SBSO has established criteria to verify residency prior to being placed on the EM program.
- C. DPOs conducting a search, per terms of probation or terms of the EM agreement, will comply with knock and notice requirements. If there is no response to a knock at the door and the DPO suspects the client maybe present, a SPO or corresponding law enforcement agency will be contacted for further guidance.
- D. Upon entering the residence, the DPOs should determine who else is present. For safety and security reasons, it is recommended that occupants of the residence be monitored in a central location of the residence during the contact.

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- E. DPOs may conduct a protective sweep of the residence, including non-client quarters, as outlined in Adult Policy Chapter 3215, Field Supervision.
- F. DPOs should ask occupants if there are any weapons in the residence and if so, determine the location and type. The DPOs shall decide if it is safe to proceed and if there is a need to continue with the contact.
 - 1. Any illegal contraband or evidence located during the contact will be processed in accordance with the Probation Department Evidence policy.

XIV. Escapes

- A. Escapes for the purposes of this policy shall be defined as the cutting/tampering or rendering the bracelet strap and/or GPS tag inoperable resulting in the activation of an alert to the Monitoring Center. The escape will trigger the following sequence of events:
 - 1. The Monitoring Center will notify the corresponding supervision DPO.
 - 2. If there is no response from the DPO, the Monitoring Center will notify the next appropriate level of command in the following order:
 - a. Senior DPO
 - b. Supervising DPO
 - c. Manager
 - d. Deputy Chief Probation Officer
- B. The DPO will identify the escapee and determine the location and time that the first alert of the compromised bracelet strap occurred.
- C. The DPO will attempt to contact the client utilizing all contact information available.
- D. The DPO will advise Dispatch and law enforcement agency with jurisdiction of the escapee and the client's identifying information.

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- E. The DPO will attempt to contact any victims utilizing all contact information available.
- E. The DPO will staff the circumstances of the escape with the SPO.
- F. The DPO will complete an Administrative Notification of Escape from EM (Pro-178C) and forward it to the SPO, the SBSO Sergeant and custody records.
- G. The DPO will complete a Be-on-the-Lookout (BOLO) and forward the information to Dispatch and law enforcement agencies.
- H. The DPO will complete a warrant request as soon as possible.
 - a. The DPO will request a Ramey Warrant and complete an ex-parte Affidavit in Support of Arrest Warrant declaration and Warrant of Arrest.
 - b. Once the declaration and warrant are completed and approved by the SPO, the DPO will contact the court's answering service at the appropriate number below:
 - 1. South County: (805)875-3564
 - 2. North County: (805)929-7420
 - c. The answering service has a copy of the on-call schedule and will connect the DPO with the appropriate Judge.
 - d. The DPO will send an electronic PDF of the Declaration and Order to the Judge.
 - e. Once the declaration and warrant are signed and returned by the Judge, the DPO will e-mail the signed warrant to Records at: records@sbsheriff.org

Records will in turn enter the signed warrant into the WANDA.
- I. The DPO will advise the SBSO ASB Staff, who will be responsible for completing an offense report.

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- J. SBSO ASB staff will prepare a packet containing all pertinent information obtained from the client's file and secure this information pending further investigation.

XV. GPS Program Response Protocol

This document outlines the general procedure that will be followed for each of the listed GPS monitoring center alerts.

- A. **Active Exclusion Zone (Code Exclusion Zone).** The client has entered a restricted area:
 - 1. Event notification will be sent to the DPO via e-mail by the monitoring center on the next business day.
 - 2. DPO will check messaging system to determine if client left a message regarding the violation.
 - 3. DPO will review GPS System and replay GPS points surrounding the event.
 - 4. DPO will contact the client to address the violation.
 - 5. All events regarding this violation will be documented in the client's IMPACT file.

- B. **Active Inclusion Zone (Code Inclusion Zone).** The client is not in an area that they are required to be in:
 - 1. Event notification will be sent to the DPO via e-mail by the monitoring center on the next business day.
 - 2. DPO will check messaging system to determine if client had left a message regarding the violation.
 - 3. DPO will review GPS System and replay GPS points surrounding the event.
 - 4. DPO will contact the client to address the violation.
 - 5. All events regarding this violation will be documented in the client's IMPACT file.

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- C. Device/Strap Tamper (Code Device/Strap Tamper). The strap on the GPS unit has been disconnected or tampered with:
1. DPO will contact the SPO to verify receipt of the event.
 2. DPO will contact the client that triggered the violation.
 3. DPO will make physical contact with the client as soon as possible by instructing the client to report to the office, to a law enforcement station or to a public area if possible so that a DPO can inspect the bracelet to ensure that the bracelet is functioning properly and to ensure that the subject is being monitored effectively. If a residence visit is required at the offenders' residence, the DPO will notify a supervisor of their intent to visit a client at their residence.
 4. The DPO will physically inspect the bracelet and GPS tag to determine if possible tampering occurred. The DPO will be required to replace the band and may choose to also replace the tag. Clear evidence of tampering shall result in the removal of the client from the program.
 5. The DPO will be required to clear the Tamper Violation.
 6. All events regarding this violation will be documented in the client's IMPACT file.
- D. Critical/Potential Dead Battery (Code Critical/Potential Dead Battery). The GPS units' battery is critically low and needs to be charged:
1. Notification will be received by the Monitoring Center. If the event does not clear within 30 minutes, Monitoring Center will contact the client and advise them to charge their device.

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2. The DPO will contact the client and instruct them to charge the device and will warn them if the problem continues they risk program removal.
3. All events regarding this violation will be documented in the client's IMPACT file.

XVI. Types of Removals and Releases

In the event of a pre-approved medical procedure, the DPO may authorize a temporary release from EM. An Escape Affirmation Sheet (Pro-178D) also known as the Temporary Release form, must be completed. The DPO will order the client to return to a specified location to be placed back on GPS at a predetermined date and time. The DPO will obtain the client's signature on the form. As noted on the form, a failure to return on the specified date and time may constitute an escape per Penal Code section 4532(e) and can be punishable by no less than one (1) year in prison.

In the event of a violation of EM, the client may be arrested and re-booked as outlined in this policy. The SBSO will determine whether the removal will for a temporary period of time and returned to EM or if they will remain detained. If the client will be returned to EM, the DPO will complete a Temporary Removal form (Pro-178E) and submit to the SBSO for review and approval. If the client will remain detained, the DPO will complete the EM / SWAP Removal / Re-Arrest Notice (Pro-178F) and will submit to the SBSO for review and approval. SBSO Custody Records will complete any sentencing computations for remaining custody credits.

XVII. Closing Types IMPACT and GPS Database

The following closing types are utilized in IMPACT:

AS Successful – when the client has performed satisfactorily and completes the term of supervision.

AS Unsuccessful Abscond/Escape – when the client was placed on AS and thereafter absconded/escaped.

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AS Unsuccessful New Felony – when a client was placed on AS and during supervision committed a new felony.

AS Unsuccessful New Misdemeanor-when a client was placed on AS and during supervision committed a new misdemeanor

AS Unsuccessful Rebooking – when a client was placed on AS and violated supervision conditions, was rebooked and remained in custody thereafter.

The following closing types are utilized in the GPS database:

- a. Dead Battery
- b. Cut Strap
- c. Escape
- d. Exclusion Zone Violation
- e. Inclusion Zone Violation
- f. Repeated Failure to Charge
- g. Substance Abuse
- h. Alcohol Use
- i. Other

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