

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Sheriff and Probation

BOARD AGENDA # *B-7

Urgent

Routine

SHERIFF

AGENDA DATE December 4, 2007

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval for the Sheriff and Chief Probation Officer to Establish Involuntary Home Detention Programs for Misdemeanor Offenders Serving a Sentence in a County Jail or Other Correctional Facility

STAFF RECOMMENDATIONS:

1. Authorize the Sheriff and Chief Probation Officer to establish involuntary home detention programs for misdemeanor offenders committed to the county jail or other county correctional facilities, granted probation, or inmates participating in a work furlough program.
2. Authorize the Sheriff and Chief Probation Officer to establish the rules and regulations under which the involuntary home detention program may operate.

FISCAL IMPACT:

The fiscal impacts associated with this item are presently unknown. Offenders released on the involuntary home detention program will be required to be placed on electronic monitoring as a condition of their release. Staffing and equipment costs are associated with the use of electronic monitoring; however, it is uncertain how many offenders will be released to the program. Approximately 500 adult and juvenile offenders will be eligible for the program. State law does not allow for the Sheriff or the Probation Department to charge fees or costs for this involuntary program. At this time costs for the

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BOARD ACTION AS FOLLOWS:

No. 2007-933

On motion of Supervisor Mayfield, Seconded by Supervisor Grover

and approved by the following vote,

Ayes: Supervisors: Mayfield, Grover, Monteith, DeMartini, and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

FISCAL IMPACTS:

lease of each electronic device is \$3.00 per device and if it is proven to be a successful way to manage the demand on jail and juvenile hall beds beyond that which can be absorbed in the existing budgets it may be necessary to request funding for this change.

DISCUSSION:

Senate Bill 959 approved by the Governor on September 26, 2007 added Section 1203.017 to the California Penal Code and provided that upon a determination by the correctional administrator that conditions in a county jail or facility warrant the necessity of releasing sentenced misdemeanor inmates prior to them serving the full amount of a given sentence due to a lack of jail space, the county Board of Supervisors may authorize the Sheriff and Chief Probation Officer to offer an involuntary program under which inmates committed to a county jail or other correctional facility, granted probation or inmates participating in a work furlough program may be required to participate during their sentence in lieu of confinement in the county jail or other county correction facility. The involuntary program applies to both adults and juveniles and must include electronic monitoring. One day of participation will be in lieu of one day of incarceration. This program provides a sanction for inmates that are given a sentence, but in many cases do not have to serve the time because of a lack of jail/juvenile hall space. Participants in the program will receive any sentence reduction credits that they would have received had they served their sentences in a county correctional facility.

Penal Code 1203.017 details specific rules and regulations for the program and also establishes that the Board of Supervisors may prescribe additional reasonable rules and regulations under which the program may operate. Upon approval by the Board of Supervisors, the Sheriff and Chief Probation Officer will establish written rules, regulations and administrative policies for the program, which the Board will be required to review on an annual basis. Rules will include that the correctional administrator will have the sole discretionary authority to permit program participation as an alternative to physical custody. Program participants will be required to remain in their residences during hours designated by the correctional administrator and may be permitted to seek and retain employment, attend counseling, educational classes and vocational training, and to seek medical or dental assistance. Participants will be required to admit any peace officer into the residence in order to verify compliance and can be returned to custody at any time to serve the balance of their sentence if they are believed to be non-compliant with the rules or conditions of the program.

Implementation of this program will help to relieve facility overcrowding and ensure that inmates are serving full sentences to the extent practicable.

Approval for the Sheriff and Chief Probation Officer to Establish Involuntary Home Detention Programs for Misdemeanor Offenders Serving a Sentence in a County Jail or Other Correctional Facility

POLICY ISSUE:

Board approval is necessary in order for the Sheriff and Chief Probation Officer to establish involuntary home detention programs for misdemeanor offenders serving a sentence in a county jail or correctional facility. The Board should determine if the recommended actions are consistent with the Board priority of a safe community and efficient delivery of public services.

STAFFING IMPACT:

At the present time existing staff will coordinate this program.