

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS

ACTION AGENDA SUMMARY

DEPT: Sheriff's Department

BOARD AGENDA # *B-11

Urgent

Routine

AGENDA DATE August 31, 2010

CEO Concur with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval of a Resolution that Amends the Sheriff's Alternative Work Program by Extending the Current Eligibility Criteria for Inmates to the Last 365 Days of Incarceration

STAFF RECOMMENDATIONS:

Approve and adopt an amendment to the Sheriff's Alternative Work Program Eligibility Resolution that modifies an inmate's current eligibility for this program from 90-days or less of their remaining sentence to 365-days or less of their remaining sentence.

FISCAL IMPACT:

The Alternative Work Program requires inmate payment of fees in order to participate in this program. The actual fees charged per inmate for participation in this program are \$10.00 per day plus a \$50.00 application fee. These fees amounted to \$530,941 in Fiscal Year 2009-2010. The approval of this amendment to modify the time period for eligibility may result in an increase in total fees collected, due to the increased number of inmates participating in the program. Based on the average fees per person collected in FY2009-2010, there is a projected increase of \$151,350 to revenues in FY10/11. We are not requesting a budget adjustment at this time. (continued on page 2)

BOARD ACTION AS FOLLOWS:

No. 2010-548

On motion of Supervisor O'Brien, Seconded by Supervisor Monteith and approved by the following vote,

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

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.

Approval of a Resolution that Amends the Sheriff's Alternative Work Program by Extending the Current Eligibility Criteria for Inmates to the Last 365 Days of Incarceration

FISCAL IMPACT (Continued):

We will review the revenue when the impact can better be assessed and submit revisions during mid-year review if needed.

DISCUSSION:

Currently, the Sheriff has an Alternative Work Program which permits inmates to work the last 90-days of their sentence. They are either released from the jail facility or booked directly into the program and spend 90-days or less of their sentence working in the community. This agenda item is being submitted to the Board of Supervisors for approval in order to comply with California Penal Code Section 4024.2. This section requires the Board of Supervisors pass by resolution authorization for the Sheriff to extend Alternative Work Program eligibility to inmates regardless of the length of their sentence, and limited to no more than the last 365 days of incarceration.

This program has proven highly successful in controlling bed capacity issues at the jails, and allowing low risk inmates to remain employed while serving their sentence. Inmates are charged a fee to participate in this program, which generates revenue to offset a portion of the cost of the Sheriff's Detention Services operations. The County also benefits from the use of inmate labor as a supplement to the current workforce helping to improve the efficiency of public services. Inmates that are released are on probation and transferred to the Alternative Work Program to complete the remainder of their sentence. These inmates are allowed to stay at home and report to their scheduled work site within the County.

The Sheriff's Department proposes the extension of eligibility criteria to the last 365-days of incarceration for participation in the Alternative Work Program in an effort to address the increased inmate population, better serve the County, and benchmarks with other contemporary law enforcement agencies. The counties of Kern, Nevada and San Bernardino currently limit work release to 365 days. Madera, Los Angeles, Riverside and Shasta counties have no maximum number of days that may be served on work release.

The Program began in 1987 and a 45-day maximum eligibility for the Alternative Work Program was passed by resolution on November 6, 1990. In January of 2007, the time limit on the maximum eligibility was extended to 90-days. Since that time the inmate bed space has been reduced by 348 due to budget cuts. The current capacity is 1,144 beds in the three Sheriff's facilities. A 365-day criterion will allow the Sheriff to place a larger population in work programs using the same screening and eligibility factors currently in effect. Participation in this program is considered on a case-by-case basis and evaluates criminal history, criminal sophistication, type of crime, and in-custody behavior.

Approval of a Resolution that Amends the Sheriff's Alternative Work Program by Extending the Current Eligibility Criteria for Inmates to the Last 365 Days of Incarceration

Pursuant to the settlement agreement approved by the Federal Court in 1992, capacity limits for the custodial facilities were adopted and sentenced inmates need to be released to the Alternative Work Program in order to accommodate un-sentenced arrestees.

By extending the days to 365 for the Alternative Work Program, the Sheriff will identify appropriate candidates for release to this program and therefore open up bed space for incoming arrestees, and those not suitable for the Alternative Work Program. Because of the loss of bed availability due to budget cuts, a more serious level of offender may be assigned to the program than in previous years.

The increase in inmate labor will improve the efficient delivery of services to the County and non-profit groups, as well as generate additional revenue from participant's daily fees.

POLICY ISSUES:

Adoption of this resolution is consistent with the Board's priorities of promoting Efficient Delivery of Public Services.

STAFFING IMPACT:

There is no recommendation to adjust staffing. The Sheriff's existing staff will continue to manage this program.

CONTACT INFORMATION:

Lieutenant Jennifer Hudson, (209) 652-1535

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: August 31, 2010

No. 2010-548

On motion of Supervisor O'Brien Seconded by Supervisor Monteith
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

Item # *B-11

THE FOLLOWING RESOLUTION WAS ADOPTED:

IN RE: APPROVAL OF A RESOLUTION THAT AMENDS THE SHERIFF'S ALTERNATIVE WORK PROGRAM BY EXTENDING THE CURRENT ELIGIBILITY CRITERIA FOR INMATES FROM THE CURRENT 90 DAYS TO THE LAST 365 DAYS OF INCARCERATION

WHEREAS, The Board of Supervisors of the County of Stanislaus, State of California, in 1987 has, pursuant to California Penal Code section 4024.2, authorized the creation of the Alternative Work Program allowing the Sheriff to place sentenced inmates on work details on public works and ways, which includes, but is not limited to streets, parks, and schools, but limits program eligibility to the last 90 days of incarceration and;

WHEREAS, said program has proven successful and is self supporting, and;

WHEREAS, due to the need to control the jail population, the Sheriff is requesting the Board extend the program to inmates regardless of the length of their sentence, but limit program eligibility to the last 365 days of incarceration, and;

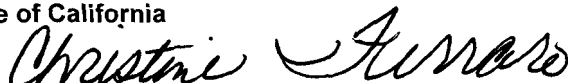
WHEREAS, the facility beds that are vacated by inmates placed on the Alternative Work Program will be filled by un-sentenced inmates, and new bookings, and;

WHEREAS, said request is to authorize the extension of program eligibility to the last 365 days of incarceration, and;

WHEREAS, said request has been approved by County Counsel and is in accordance with California Penal Code section 4024.2, and;

WHEREAS, this Board finds that the establishment of a 365-day eligibility criteria for the Alternative Work Program is consistent with the Board's priorities of efficient delivery of public services, and;

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
Stanislaus County Board of Supervisors,
State of California



WHEREAS, said request is to authorize the adoption of the 365-day eligibility criteria for participation in the Alternative Work Program, and;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Stanislaus, State of California, hereby authorizes the Sheriff to adopt a 365-day eligibility criteria for participation in the Alternative Work Program pursuant to California Penal Code section 4024.2.