

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

DEPT: Sheriff-Detention

BOARD AGENDA # *B-5

Urgent ☐

Routine ☒

AGENDA DATE September 18, 2012

CEO Concurs with Recommendation YES ☒ NO ☐
(Information Attached)

4/5 Vote Required YES ☐ NO ☒

SUBJECT:

Approval for the Sheriff to Expand the Home Detention Program to Include Inmates Being Held in Lieu of Bail

STAFF RECOMMENDATIONS:

1. Authorize the Sheriff to expand the home detention programs to include inmates being held in county correctional facilities in lieu of bail.
2. Authorize the Sheriff to establish the rules and regulations under which the home detention program for inmates being held in lieu of bail may operate.

FISCAL IMPACT:

The fiscal impact associated with this item is presently unknown. Inmates released on the home detention program in lieu of bail 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 inmates will be released to the program. Approximately 100 adult inmates may be eligible for the program. State law does allow for the Sheriff to charge fees or costs for this program. At this time, costs for the lease of each electronic device range between \$2.44 and \$8.70 per day and if it is

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2012-474

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow
and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Monteith, De Martini and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) ☒ Approved as recommended

2) ☐ Denied

3) ☐ Approved as amended

4) ☐ Other:

MOTION:

ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk

File No.

FISCAL IMPACT (Continued):

proven to be a successful way to manage the demand on jail beds beyond that which can be absorbed in the existing budgets, it may be necessary to request funding for this change.

DISCUSSION:

Electronic monitoring as an alternative to incarceration has been a part of the Jail Alternative Release Program in Stanislaus County for a number of years. All of the fees and regulations for the program have been approved by the Board and are currently in place. This current agenda item introduces a new classification of inmate to participate in the existing program. Assembly Bill 109, approved by the Governor April 4, 2011, added Section 1203.018 to the California Penal Code and provided that the County Board of Supervisors may authorize the Sheriff to offer a program in which inmates being held in lieu of bail in a county jail or other correctional facility, who have no holds or outstanding warrants, may participate in an electronic monitoring program if the inmate has been held in custody for at least 30 calendar days from the date of arraignment pending the disposition of misdemeanor charges, or at least 60 days from the date of arraignment pending the disposition of felony charges.

Penal Code 1203.018 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 will establish written rules, regulations, and administrative policies for the program, which the Board shall 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, and to determine that the inmate's participation would be consistent with the public safety interests of the community. 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 may be returned to custody at any time if they are believed to be non-compliant with the rules or conditions of the program.

Implementation of this program will help to relieve correctional facility overcrowding.

POLICY ISSUE:

Board approval is necessary in order for the Sheriff to establish a Home Detention Program for Inmates Being Held in Lieu of Bail. 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:

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

CONTACT PERSON:

Lieutenant Jim Jacobs, (209) 525-5628