

Santa Barbara County
Sheriff's Office
Alternative Sentencing Bureau

Electronic Monitoring/Sheriff's Work Alternative Program



Procedure Manual

Alternative Sentencing Bureau

The Alternative Sentencing Bureau (ASB) was created to assist in the mitigation efforts to reduce jail overcrowding by offering community based programs for inmates where sentences may be served in-lieu of physical incarceration. With the advent of AB109 the program has been expanded to include the placement of inmates who are unable to post bail pursuant to Penal Code §1203.018; those inmates placed on electronic monitoring in-lieu of being released on their own recognizance (pursuant to 2005 court order); as well as involuntary commitments pursuant to Penal Code §1203.016. The ASB operates two distinct programs:

- **Electronic Monitoring (EM):**

A home detention program in which inmates are allowed to serve sentences or are released in lieu of bail by means of confinement to his/her place of residence while being monitored by electronic tracking devices. Applications for Electronic Monitoring may be initiated by the applicant or may be mandated by the ASB staff.

- **Sheriff's Work Alternative Program (SWAP):**

A program in which inmates are allowed to serve sentences by means of performing community service work at an approved and designated work site.

Both EM and SWAP shall be operated in accordance with Sheriff's Office policies and procedures and in compliance with applicable Federal, State and Local laws. (Penal Code §§1203.018, 1203.016, 4024.2 and 1208).

I. **DEFINITIONS:**

Offender: An individual who has been charged or convicted in a criminal case.

Inmate: An individual who is incarcerated in a county correctional facility or an individual who is participating in the EM or SWAP in lieu of incarceration in a county correctional facility.

II. **ADMINISTRATION:**

ASB is administered under the Chief Deputy of Custody Operations.

A. Guiding Principal: The guiding principal of the ASB in the operation of our programs is to maintain the highest public confidence, credibility, and public safety.

B. Communication: ASB staff shall communicate and cooperate with other members of the criminal justice community, especially with those agencies with whom it has regular contact in the course of doing business. These agencies include, but are not limited to:

- 1) Santa Barbara County Courts;
- 2) Public Defender's Office;
- 3) District Attorney's Office;
- 4) Santa Barbara County Probation Department;
- 5) Local allied law enforcement agencies; and
- 6) Community Based Organizations.
- 7) Private Attorneys
- 8) State Parole

C. Custody Records Files: A Custody Records File will be maintained on all offenders assigned under the supervision of the ASB. Files will be scanned and saved into JMS (Jail Management System) after an inmate is released from the program. Criminal histories will only be maintained while the inmate is in custody.

Access to Custody Records Files will be limited to authorized personnel only and files will be maintained in accordance with established policy.

D. Program Files: Offenders assigned to either EM or SWAP will have a separate Program File maintained within the ASB offices. These files may contain the following:

- 1) Offender applications/interview notes;
- 2) Employment verification forms;
- 3) Offender criminal history information;
- 4) Santa Barbara County custody encounter histories;
- 5) CLETS printouts;
- 6) DMV records;
- 7) Offender financial information;
- 8) Electronic Monitoring and SWAP Rules (signed by inmate);
- 9) Agency reports (i.e. Probation, arrest report, treatment records, etc.);
- 10) On-going notes regarding pre-approved absences, violations, etc.;

- 11) Daily maintenance fees and payment schedules reviewed and signed by the inmate and ASB staff;
- 12) Assigned work site and work schedule information (SWAP);
- 13) Any COMPAS and/or Initial Screening Tool (IST) assessments completed by the Probation Department or designated by Sheriff's employees; and
- 14) Any other applicable information as deemed necessary by ASB staff.

E. Records Retention/Destruction: All Custody Records and Program Files will be scanned and attached to the Jail Management System (JMS), criminal history will not be attached. Scanned materials will be destroyed accordingly to the department policy.

F. Fiscal Management: All funds collected by the ASB are to be processed as follows:

- 1) South ASB Office: Funds will be processed for deposit and delivered weekly to the Sheriff's Business Office located in the headquarters building.
- 2) North ASB Office: Funds will be processed weekly for deposit with the County Treasurer by Sheriff's staff members and the deposit will be delivered to personnel at the Treasurer's Office, Santa Maria Substation or to personnel that are contracted with an outside vendor to complete the deposit.

G. Money Management: Offenders who apply to the ASB and meet the criteria per SB-190 will be required to pay a one-time non-refundable application fee of \$50.00 to cover administrative and processing costs. If accepted, a daily maintenance fee is charged to each inmate using the sliding fee scale as approved by the Santa Barbara County Board of Supervisors.

- 1) When the participant believes that the fees set may cause an undue hardship, they may appeal the fee. Appeals will be in writing (no telephone calls) in the following order:
 - a) Custody Sergeant, Alternative Sentencing Bureau
 - b) Custody Lieutenant, Programs Unit
 - c) Courts: In cases where all of these levels have been exhausted with no agreement reached, the courts will be the final deciding authority of the participant's program fees.
- 2) Payment of fees shall be in exact cash, cashier's check, money order or by credit card (VISA/MasterCard).

- 3) All maintenance fees will be collected on a regular schedule as determined by the ASB staff. Request will be made to have half of the maintenance fee paid at the time of booking. While this may not always be possible, accepting less than half should be suitable and persons shall be placed in the program without delay.
- 4) ASB staff will be in compliance with the requirements of SB-190.
- 5) Monies will be retained in the respective office in a secured location pending processing for deposit.
- 6) All fees paid are non-refundable. Exceptions to this will only be made pending a court order change in the participant's original sentence or by program managers in exceptional circumstances.
- 7) An applicant's acceptance or rejection for program participation shall not be made solely upon the applicant's ability to pay (Penal Code §1203.016).
- 8) Custody Deputies, Administrative Office Professionals or Financial Office Professionals shall be the only personnel authorized to access the cash drawer, issue receipts, count and balance funds, receive payments, and prepare deposits. Fees will be collected in the ASB offices only, by Administrative Office Professional staff or Custody Deputies assigned to ASB.
- 9) All cash, cashiers' checks, credit cards or money order transactions processed by ASB staff will be processed in the following manner:
 - a. Each transaction will be accepted with the amount verified by the staff member accepting payment. The staff member will complete a receipt and give one copy to the program participant and retain the remaining copies.
 - b. Each transaction will be placed in a separate plastic bag with the corresponding transaction receipt.
 - c. Each plastic bag containing the receipt with the corresponding cash, cashiers' check(s) and/or money order(s) will be dropped in one of the safes' located in one of the ASB offices.
 - d. Staple the credit card receipts and provide a copy for the business office.
- 10) All deposits of cash, money orders, credit cards transactions and/or cashiers' checks will be processed in the following manner by ASB staff or a Financial Office Professional:

- a. Staff will verify the amount of cash, money orders and/or cashiers' checks in each transaction bag with the corresponding receipt.
- b. Staff will count the amounts of each denomination of each bill and/or coin as well as each money order, credit card transaction slips and/or cashiers' check and input this information on the ASB accounting sheet. Staff will include the money order and/or cashiers' check numbers on this sheet. Another ASB staff member will be required to count and verify the amounts of each item. The amounts will then be totaled on the worksheet.
- c. Staff will separate the receipts for the application and maintenance fees and total the receipts for both categories. The total amount of the application fee and maintenance fee receipts should exactly match the total amount of cash, money orders, credit card transactions slips and cashiers' checks present. The total amounts for application fees and for maintenance fees will be added to the ASB accounting sheet.
- d. Staff will stamp each check with the "Santa Barbara County Treasurer" stamp, ensuring that the endorsement is readable.
- e. Staff will complete the Treasury Deposit Ticket and the Bank of America Deposit Ticket.
- f. Staff will place the white copy of the Bank of America deposit ticket and all of the cash, money orders and cashiers' checks into the deposit bag, ensuring that the deposit ticket is visible. Staff will seal the bag and document the Customer Name, Store/Location#, and Date on the outside of the deposit bag. Staff will deliver the deposit bag to parties listed in the following section of this manual: " Section II. Administration, paragraph F: Fiscal Management".
- g. Staff will e-mail a copy of the Treasurer's Deposit Ticket to the Treasurer/Tax Collector's Office.
- h. Staff will e-mail a copy of the Treasurer's Deposit Ticket, the ASB Accounting Sheet and the Bank of America Deposit Ticket to the Sheriff's Business Office and then deliver these items to the Business Office.

H. Program Application: All program applicants must be sentenced to serve time in the Santa Barbara County Jail or qualify as a pre-adjudicated/pre-trial inmate in

accordance with Penal Code §1203.018(c). Court ordered sentences from other counties are not accepted.

- 1) Each applicant will be provided with an ASB Application packet that must be completed. The application will include the following information:
 - a) Name and address of applicant.
 - b) Date and place of birth.
 - c) Personal characteristics (race, hair color, eye color, height, weight).
 - d) Social Security number.
 - e) Name, address, phone number of current employer.
 - f) Make, model, year, color and license plate number of vehicle(s) subject will be using.
 - g) Name and phone number of subject's parole/probation officer if applicable.
 - h) Emergency contact information.
 - i) A list of medical conditions or restrictions that may affect program placement (SWAP).
 - j) A list of prescribed medications that may alter drug test results will be presented during the application process.
 - k) Type and address of any treatment programs that the applicant is attending.
 - l) Any alternative contact numbers (i.e. cell phone, work phone).
- 2) Applicants who do not meet the criteria per SB-190 will submit their completed applications and non-refundable application fee to program staff.
- 3) ASB staff will review the applicant's application and determine if a qualification interview is necessary.
 - a) If an interview is necessary, staff will contact the applicant and schedule an interview appointment. Interviews will be conducted by telephone or at any of the ASB offices.
- 4) At a minimum, offenders must satisfy the following requirements:
 - a) For pre-adjudicated/pre-trial inmate placement on the program, 30 days or more must have been served in custody for misdemeanor crimes and 60

days or more must have been served for felony crimes prior to acceptance into the program in accordance with Penal Code §1203.018(c).

- b) No program restrictions noted on the minute order from the sentencing judge.
- c) No open criminal cases or pending charges, or active bookable warrants in any jurisdiction.
- d) No recent use of illegal drugs, including medical marijuana (may be verified by drug testing).

Note: Applicants who meet the minimum requirements do not automatically qualify for program placement. If, in the opinion of the reviewing Custody Deputy, circumstances are present that indicate a potential threat to public safety, or a failure to follow staff instructions or program guidelines, the applicant may be denied for cause.

- 5) Each applicant will be considered for program participation on a case-by-case basis. ASB Staff will conduct the following reviews:
 - a) Conviction status;
 - b) Criminal History status;
 - c) Jail Programing if applicable;
 - d) Housing status;
 - e) Employment status;
 - f) Risk assessment as determined by Probation;
 - g) Risk to community;
 - h) Previous in-custody behavior;

I. Program Denial: Program denial will be done in writing articulating the reason for denial to the applicant. Procedures for appeal will be included with the denial letter.

- 1) Per California Penal Code 1203.016(e), the court may recommend or refer a person to the correctional administrator for consideration for placement in the home detention program. The recommendation or referral of the court shall be given great weight in the determination of acceptance or denial. At the time of sentencing or at any time that the court deems it necessary, the court may restrict or deny the defendant's participation in a home detention program.
- 2) Potential denial examples, include, but are not limited to:

- a) Institutional history of inmate discipline or involvement in assaults against inmates or staff, possession of serious contraband, drugs, weapons or reports of insubordination (IDR).
 - b) History of escape, escape attempts, or other indicators of flight risk potential.
 - c) Poor record of performance or high risk factors provided by the Probation Department.
 - d) Presence of an evidence based risk assessment which indicates a high likelihood for the offender to reoffend.
 - e) Severity of current charges.
 - f) High profile cases and out of tri-county will be considered case by case basis.
 - g) Absence of residence and/or phone are also potential denials as well.
- 3) Appeals will be in writing (no telephone calls) and directed in the following order:
- a) Senior Custody Deputy, Alternative Sentencing Bureau
 - b) Custody Sergeant, Alternative Sentencing Bureau
 - c) Custody Lieutenant, Inmate Services

At each level of appeal, the reviewing staff member will review the application, reason for denial, appeal letter, and respond to the applicant in writing.

J. Program Placement: Determination of specific program placement is at the sole discretion of the ASB staff and Custody Administration and will be based on what best suits the needs of the department as well as the applicant. The application, review and booking process for both programs are consistent.

- 1) Length of sentence may be a determining factor in program placement but shall not be a determining factor in program acceptance or denial.
- 2) Offenders who are sentenced under Penal Code §1170(H)(5)(A) or Penal Code §1170(H)(5)(B) shall have an IST and/or COMPAS assessment completed by Probation Department or designated Sheriff's Office staff and on file prior to placement on the program.

K. Jail Transfers: Inmates incarcerated in Santa Barbara County Jail facilities can apply for program participation.

- 1) Inmates transferred from the jail shall have an IST and/or COMPAS assessment on file prior to placement on the program.
- 2) Program staff screening inmates for program participation will notify all listed individuals on inmates with an active "Victim Notification Alert." The notification will be made prior to transferring the inmate into the community release programs and it will be documented in the inmate's JMS file.

L. Program Removals:

- 1) Offenders who violate the rules, regulations or conditions of either program or choose not to agree to the terms and conditions of either program are subject to removal from the program and immediate return to physical custody in the following manner:
 - a) The recommended method of program removal is to take the offender into custody during an office visit.
 - b) If the offender fails to report to the ASB office, a field arrest may be accomplished if the violation is of a serious nature and immediate action is required.
 - c) Program staff will pursue a warrant of arrest for offenders who fail to show up at an ASB office and who are not arrested in the field.

III. **ELECTRONIC MONITORING**

A. Booking Process:

- 1) Inmates may be required to submit to a drug screening test during the application process, placement onto the program, or during program participation. A positive drug test (including medical marijuana) may result in disqualification and/or removal from the program.
- 2) The inmate will be booked into the Jail Management System.
- 3) The inmate will be fingerprinted and photographed.
- 4) The inmate will be thoroughly briefed on the rules, regulations and procedures for the EM Program.
- 5) Prior to, or on the date of booking, program staff will advise the approved applicant of the program fees for participation in a program. An applicant cannot

- be denied nor can they be removed from participation in one of these programs because of inability to pay the designated fees. Program participants will be furnished with a statement regarding this and their ability to appeal program fees and the method of appeal in accordance with Penal Code §1208.2(i).
- 6) Prior to, or on the date of booking, the inmate will read and sign the following documents:
 - a) EM and SWAP rules which contains the following:
 - (1) An escape clause and waiver of extradition.
 - (2) A responsibility for equipment clause.
 - (3) A controlled substance use clause.
 - (4) A consent to search waiver.
 - b) EM Participant Contract
 - 7) The inmate's work program, curfew, inclusion (exclusion if applicable) and scheduled times away from their residence will be determined and entered into the web-based offender management-system.
 - 8) The inmate will be given complete instructions concerning the operation and charging of the EM equipment and a "tag" (GPS Monitoring Device) will be attached to the inmate's ankle.
 - 9) Equipment operation will be verified in the EM monitoring system before the inmate leaves the office.
 - 10) The inmate may have additional conditions of participation in the EM program (residential treatment program participation, treatment group attendance, etc.). These additional conditions will be documented and presented to the inmate at time of booking or during a meeting with ASB staff. Whenever possible, these conditions should be based on an inmates' needs as verified by an evidence based needs assessment.

B. Program Requirements:

- 1) Unrestricted access to the place of residence for Sheriff's Office staff to conduct random, unannounced home checks.
 - a) Residence may include a residential treatment program or a community shelter.

- 2) Adequate access to an active telephone (cellular or residential).
 - 3) Adequate access to electricity for unit charging purposes.
- C. Restricted Items: Firearms, alcohol and illegal drugs (including medical and recreational marijuana) are prohibited from being in the residence or in the possession of the offender during the program period without prior program staff approval.
- D. Rules/Regulations:
- 1) As part of the orientation process, inmates placed on EM will be advised of the rules and regulations of the program and will be provided with a written copy of the rules.
 - 2) 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. EM staff may authorize overnight or other absences as appropriate and such absences must be documented in the inmate's file. ASB sergeant may authorize out of tri-county overnight stay.
 - 3) Inmates will not be allowed to visit casinos, bars or similar businesses, unless employed there or given authorization by program staff. Employment in these areas must have prior approval by EM staff.
 - 4) Inmates must remain at their scheduled location, unless they have an approved schedule 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 the event was momentary in nature.
 - 5) Unauthorized absences may be excused in the case of a medical or other type of emergency. In all cases, the inmates must advise EM staff as soon as practical and must present evidence (receipt) of medical treatment and/or the nature of the emergency.
 - 6) Changing place of scheduled location or telephone number without prior approval of the EM staff is not permitted.
 - 7) Damage or loss of monitoring equipment may result in program removal and the inmate being held financially and criminally responsible.
 - 8) Consumption or use of alcoholic beverages or illegal drugs (including medical and recreational marijuana) is prohibited and may result in program removal.

- 9) Abuse, misuse or taking any prescribed medication in a manner other than specifically instructed by a physician is prohibited and may result in program removal.
- 10) Being arrested or charged with any crime including a misdemeanor traffic violation, while on the program, is prohibited and may result in program removal.
- 11) Associating with ex-felons, persons with a criminal history, gang members, or any person that EM staff advises the inmate not to associate with is prohibited and may result in program removal.
- 12) Allowing a social gathering of more than two (2) adults (other than residents) at their home without approval by EM staff is prohibited and may result in program removal.
- 13) Possessing, transporting, or using any type of firearm/weapon or police radio/scanner while on the program is prohibited and may result in program removal.
- 14) Lying to or being uncooperative with EM staff or law enforcement officers is prohibited and may result in program removal.
- 15) Inmates may be permitted a scheduled time away from their residence as approved by EM staff. Inmates who are unemployed may request scheduled time away from their residence to seek employment. The inmates may be required to advise program staff of the locations in which they applied for employment. Failure to follow staff orders may result in this privilege being revoked.
- 16) 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.
- 17) Major rule violations may result in program removal and return to jail. Examples of major rule violations include, but are not limited, to the following:
 - a) Continuous violation of curfew restrictions;
 - b) Tampering with any part of the EM equipment;
 - c) Unauthorized absence from a scheduled location;
 - d) Testing positive for illegal drugs, recreational and medical marijuana and/or alcohol.

e) Violation of protective orders and exclusion zones.

E. Field Operations:

- 1) Custody Deputies shall conduct residential visits with two custody deputies or one custody deputy and another peace officer (law enforcement, probation, parole). Assistance from local law enforcement shall be required any time an arrest is anticipated or other circumstances exist which may compromise officer safety.
- 2) Field units will not proceed to any location/residence where weapons are suspected to be located, or where the officer(s) suspect that force may be used, without first contacting his/her immediate supervisor and the corresponding law enforcement agency for assistance.
- 3) For all planned field operations, Custody Deputies assigned to ASB will be in full Class B Uniform, unless authorization for an alternate uniform has been issued by a supervisor.

F. Supervision:

- 1) Inmates will be monitored using three levels of supervision. An offender's supervision level may be determined based on the offender's ability to follow jail or program rules, the potential threat to public safety, and/or the inmate's risk of re-offending as determined by an evidence-based risk assessment.
 - a) Level One is Low Risk Supervision – Offenders 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 is Medium Risk Supervision – Offenders 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.
 - c) Level Three is High Risk Supervision – Offenders are restricted to their place of residence or approved work, medical or program appointments. Home or office visits should be conducted approximately once per week.
- 2) ASB staff members will respond to all EM violations as indicated in the response protocol document (Attachment A).
- 3) Inmates may be required to visit the ASB office during and after business hours during which the following may be accomplished:

- a) Visual check of the transmitter tag for evidence of tampering;
 - b) Submit any payments according to the payment schedule;
 - c) Discussion of any rule violations and explanation of any corrective measure or actions necessary;
 - d) Random drug/alcohol testing.
- 4) Inmates may be contacted at their scheduled home, work or program location on a random schedule during which the following may be accomplished:
- a) Visual check of the transmitter tag for evidence of tampering;
 - b) Visual and/or physical check of the premises for prohibited items;
 - c) Visual and/or physical check of the inmate for use of drugs/alcohol or possession of unauthorized items;
 - d) Random drug testing if needed.
- 5) Search and Seizure
- a) It is not the intent of the ASB to conduct extensive searches during every contact with a participant. Spot searches will 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 terms and conditions of the participant's EM program rules, or in the case of participants on probation for another matter, their probation conditions, or other legitimate enforcement purposes. Reasonable grounds for a search would include verifying compliance with the terms and conditions of their EM program rules or the conditions of probation and verifying that the participant is living at the residence.
 - c) Inmates placed on EM pursuant to Penal Code §§1203.016, 1203.018 will sign a clause consenting to search terms, provided in the EM rules. If, during a home visit or other contact with a participant, the participant refuses to allow a search, per the terms of the contract, the participant will be in violation of the rules and conditions of the EM agreement and will immediately be taken back into custody and returned to the jail to serve the remainder of his or her sentence.
- 6) Residence Searches/Home Contacts

- a. There will be a minimum of two peace officers for any residence search. Additional assistance may be considered depending on the circumstances of the search or contact.
- b. Prior to the residence search or home contact, it shall be confirmed that the participant lives at the targeted residence. Deputies shall only conduct a residence search at the inmates' place of residence. Criteria that can be used to establish residency include:
 - (1) The officer has a "reasonable belief" that the participant lives in the home due to direct observation. This can include observing the participant enter the home with a key, or answering the telephone [United States v. Daily, United States v. Watts].
 - (2) The participant's admission that they reside at the residence (P. v. Biddinger).
 - (3) The participant can provide copies of rental agreements or utility bills establishing that they reside in the home.
- c. Deputies conducting a search, per terms of probation or terms of the EM contract, will comply with knock and notice requirements. If there is no response to a knock at the door and the deputy suspects the defendant may be present, an ASB supervisor or corresponding law enforcement agency will be contacted for further guidance. Prior to entering a residence, the deputies will identify themselves and state the purpose of their presence.
- d. Upon entering the residence, the deputies should determine who else is present. For safety and security reasons, it is recommended that deputies require the occupants of the residence to remain in a central location of the residence. Furthermore, when conducting a search pursuant to probation or EM terms, deputies may briefly detain others present in the residence to ascertain identity, relationship to the probationer, and relationship to the probationer's residence. This detention is justified by the same safety concerns justifying detentions during the service of a warrant. Any detentions of non-custody individuals must be documented in a Sheriff's Office incident/offense report. Detentions of in-custody inmates shall be documented on a field check report and maintained in the inmates ASB file.
- e. With specific and articulable facts justifying a cursory inspection of the residence, deputies may conduct a protective sweep of the entire residence, including non-offender's quarters. Protective sweeps should be conducted based on articulated facts by a program deputy or law enforcement officer,

which indicate that there is another person(s) on the premises and the officer(s) has a reasonable belief that the other person(s) may pose a threat to them.

- f. Deputies should ask occupants if there are any weapons in the residence. Determine the location and type. If weapons are present, then deputies shall decide if it is safe to proceed and if there is a need to continue.
- g. Any illegal contraband or evidence located within the scope of a search will be handled in accordance with their training regarding the existing case law Santa Barbara Sheriff's Office Policy 322 (Search and Seizure).

7) Warrantless Entries/Searches

- a) Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.
- b) Whenever practicable, deputies are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.
- c) Deputies are cautioned that a search warrant may be needed before entering a residence or other place to search unless lawful, warrantless entry has already been made (e.g., exigent circumstances, valid consent).

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- (1) Valid consent
- (2) Incident to a lawful arrest
- (3) Legitimate community care taking interests
- (4) Vehicle searches under certain circumstances
- (5) Exigent circumstances

- d) Should an inmate choose to revoke the consent to search clause of the electronic monitoring participant agreement, that inmate shall be returned to jail to complete the remainder of his/her sentence as that inmate has chosen not to abide by the rules set forth in the participant contract.

8) Escapes

Escapes, for the purposes of this manual shall be defined as the cutting/tampering or rendering the bracelet strap and/or monitor inoperable resulting in the activation of an alert to the Monitoring Center. The escape will trigger the following sequence of events:

- a) The Monitoring Center will notify the corresponding Program Deputy.
 - (1) If there is no response from the Program Deputy, the Monitoring Center will notify the next appropriate level of command in the following order: Senior Custody Deputy, Custody Sergeant, and then Custody Lieutenant until notification is made.
- b) Program staff will identify the escapee and determine the location and time that the first cutting/tampering of the bracelet strap or rendering the bracelet strap and/or monitor inoperable occurred.
- c) Notification is made to the next level of supervision, in the same order noted above, until notification is made to the appropriate staff member.
- d) Program staff will attempt to contact the inmate utilizing all contact telephone numbers available.
- e) Program staff will advise Dispatch and the affected area law enforcement agency of the escapee and his/her identifying information.
- f) Program staff will complete an administrative notification form and forward it to the ASB supervisors and custody records.
- g) Program staff will complete an Be-on-the-Lookout (BOLO) and forward this information to Dispatch and tri-county law enforcement agencies.
- h) Program staff will complete a warrant request form as soon as practical.
- i) Program staff will complete an offense report as soon as practical identifying all the steps performed in the escape procedure.
- j) Program staff will prepare a package containing all pertinent information obtained from the inmate's file and secure this information pending further investigation.

IV. **SHERIFF'S WORK ALTERNATIVE PROGRAM (SWAP)**

A. Residence Requirements:

- 1) An active telephone (cellular or residential).

Residence may include a residential treatment program or community shelter.

B. Booking Process:

- 1) Inmates may be required to submit to a drug screening test. A positive drug test (including medical and recreational marijuana) may result in disqualification.
- 2) The inmate will be booked into the Jail Management System.
- 3) The inmate will be fingerprinted and photographed.
- 4) The inmate will be thoroughly briefed on the rules, regulations and procedures of the Sheriff's Work Alternative Program.
- 5) The inmates will be required to watch a safety video of accidents, causes and prevention.
- 6) Prior to, or on the date of booking, program staff will advise the approved applicant of the program fees for participation in a program. An applicant cannot be denied nor can they be removed from participation in one of these programs because of inability to pay the designated fees. Program participants will be furnished with a statement regarding this and their ability to appeal program fees and the method of appeal in accordance with Penal Code §1208.2(i).
- 7) The inmate will be given a swap card with a work site schedule for delivery to the assigned work site supervisor where signatures will be obtained.
- 8) The inmate will be advised of scheduled work days and hours and provided with instructions on where to report on assigned days.

C. The inmate will be required to complete their final day of SWAP work at one of the SWAP offices. The SWAP offender will be required to bring their swap card with them on their final day of work.

D. Restricted Items:

- 1) Use of cell phones is restricted while at the job site.
- 2) Use of alcohol and illegal drugs (including medical or recreational marijuana) is prohibited during the incarceration period.
- 3) Possession of any kind of weapons on the work sites is prohibited.

E. Rules/Regulations:

- 1) All missed work assignments will be scheduled for make-up days.
- 2) Unexcused absences from the work-site may result in program removal and return to custody.
- 3) Inmates shall follow all rules and regulations as set forth by the supervisor at the work site.

F. Supervision:

- 1) Day to day supervision at the work site will be completed by the work site supervisor (work site supervisors are provided with information on supervision requirements, included in Attachment B).
- 2) ASB staff may conduct random work site visits for the following:
 - a) Visual check of the offender for use of drugs/alcohol;
 - b) Random drug testing as needed;
 - c) Check-in conference with the work site supervisors for any program or inmate concerns that may require resolution.
 - d) Program participants are required to report to the ASB staff and work site supervisors of any/all injuries they may experience at any work site.

G. Work Sites:

- 1) Interested work sites shall complete a work site application and work crew supervisor guidelines forms for each employee who will be supervising SWAP offenders.
- 2) All valid work sites will have on file a current Memorandum of Understanding (MOU) with the Alternative Sentencing Bureau office, which details how workers compensation claims will be administered should a SWAP offender be injured at any of the work sites. Santa Barbara County Departments (Parks Department, Public Works, etc.) are exempt from this requirement as workers compensation claims are administered through the County of Santa Barbara for these agencies.

ATTACHMENTS:

- A) Electronic Monitoring Program Response Protocol

B) Sheriff's Work Alternative Program Work Site Documents

1. Alternative Sentencing Bureau SWAP Worksite Application;
2. Alternative Sentencing Bureau SWAP Work Crew Supervisor Guidelines;
3. Memorandum of Understanding for SWAP Work Sites;

Santa Barbara Sheriff's
Alternative Sentencing Bureau
812-A W. Foster Road
Santa Maria, CA 93455
(805) 934-6157
SMEM@SBSHERIFF.ORG

Sheriff's Alternative Sentencing Bureau

Alternative Sentencing Bureau S.W.A.P.
Worksite Application

Santa Barbara Sheriff's
Alternative Sentencing Bureau
4436-A Calle Real
Santa Barbara, CA 93110
(805) 681-4221
SBEM@SBSHERIFF.ORG

Date: _____

Name of Worksite(s): _____

Contact Person(s) & Number(s): _____

Address or location of Worksite(s): _____

Fax and e-mail: _____

Number of Workers Requested: _____ Males: _____ Females: _____

Days and Hours to Work: _____

Spanish speaking? Yes / No Are Light Duty/Light Work positions available? Yes / No

Duties to be Performed (please be specific): _____

Additional Information: _____

Please enclose a map or location of where inmate is to report. **Contact the SWAP office for approval prior to assigning any other tasks or special jobs. Should you have any questions, call the SWAP office immediately.**

Remember: A Work Crew Supervisor Guidelines form must be signed by each person who supervises inmates (One form per supervisor). Please notify our office immediately of any changes.

Worksite Supervisor Name

Worksite Supervisor Signature

Alternative Sentencing Staff Name & Signature

Date

1. Scheduled work days for program participants will be arranged by the Sheriff's Work Alternative Program (S.W.A.P.) Office and the participant. Changes cannot be made without prior approval by the S.W.A.P. Office.
2. The maximum number of inmates assigned to each site will be determined by the work site agency with the approval of S.W.A.P.
3. Supervisors will conduct visual monitoring of inmates as often as possible.
4. Supervisors do not have peace officer powers and should not physically restrain any inmate unless the circumstances make this absolutely necessary. In the event of a 'walk-away' or any type of trouble, the supervisor will contact the S.W.A.P. Office. In case of extreme emergency, call 9-1-1.
5. No contact is permitted between an inmate and any unauthorized person. This includes visitation by family members or friends during lunch or on work breaks. Anyone seeking to speak with an inmate will be referred to the S.W.A.P. Office. Nothing may be given to or received by an inmate while at a work site. Telephone calls may be permitted with approval by the work site supervisor.
6. Inmates are not allowed to have phones, radios, mp3 players, books, magazines, newspapers, etc. unless on break. Inmates are not allowed to leave for lunch. Inmates are to provide their own lunches at the work site.
7. Supervisors are responsible for providing proper tools and equipment and will provide the necessary training in the use of said equipment. The County and work site are accountable for the work assignments given. Inmates will not be assigned to tasks for which they have not been completely trained and are not qualified to perform. Inmates may be used to instruct other inmates but this should be closely monitored by the work crew supervisor. Under no circumstances will any inmate be allowed to exercise authority over another inmate.
8. Inmates will not be assigned hazardous work. All injuries will be reported to the S.W.A.P. Office immediately. In case of an emergency, 9-1-1 will be called. All injury/illness incidents should be documented and a written report detailing all particulars will be submitted to the S.W.A.P. Office. Generally, the work site agency's standard industrial accident report will suffice for proper documentation.
9. **INMATES MUST WEAR ORANGE SAFETY VESTS AT ALL TIMES.**
10. S.W.A.P. inmates are not to operate ANY type of motorized vehicle regardless of their driver's license status. This includes electric carts, tractors, etc. However, riding lawn mowers may be used if the inmates are properly instructed in their use.



11. Under no circumstances will inmates be used to work on private property or to provide personal services.
12. Inmates are NOT to possess or have access to any drugs or alcohol.
13. Any inmate who refuses to follow directions or orders, violates any of the above rules, or whose job performance is unsatisfactory, will be reported to the S.W.A.P. Office immediately.
14. Inmates who fail to appear for their scheduled work day will be reported to the S.W.A.P. Office, and the failure to appear will be noted on the inmate's program card. PLEASE CALL WITHIN 30 MINUTES PAST THE INMATE'S REPORTING TIME.

I have read and agree to abide by the above statement.

Work Crew Supervisor Name

Work Crew Supervisor Signature

Date

Worksite

Memorandum of Understanding
Between Santa Barbara Sheriff's Office and _____

This Memorandum of Understanding establishes guidelines for the use of County Jail inmates performing community services, and guidelines for handling "Workers' Compensation" claims by any County Jail inmate whose claim for injury arises out of, or occurs during a time that inmate was performing work under the direction of _____.

Santa Barbara County Sheriff's Office may assign SWAP inmates to perform community service for _____, at their designated work site. The number of workers assigned varies depending on availability and will be coordinated by Sheriff's Office staff.

_____ will provide County Jail inmates with: On-site safety instruction, appropriate personal protective equipment (including, but not limited to: hearing protection and eye protection), instruction regarding the use of any equipment, an explanation of the work to be done, and supervision of work performed.

_____ will determine the community service work to be performed by County Jail inmates, which will generally be limited to: Litter pickup, weed removal, and light labor. After on-site safety training by _____, County Jail inmates may operate light power tools such as lawn mowers and weed trimmers, but will not operate heavy power tools such as chain saws and jack hammers.

Santa Barbara County Sheriff's Office will not provide any deputies or custody deputies on-site. If any County Jail inmate leaves the work area without authorization, _____ will not attempt to physically restrain that inmate, but will immediately notify the Santa Barbara County Sheriff's Office, Alternative Sentencing Bureau.

County Jail inmates will be transported to and from the work site only in _____ owned vehicles.

If a County Jail inmate submits a "Workers' Compensation" claim for the industrial injury that arises out of, or occurs during a time that inmate was performing work under the direction of _____:

- Santa Barbara County will administer the claim; and,
- _____ will indemnify Santa Barbara County of all costs incurred as a result of the claim, including: All benefits paid to or on behalf of the injured worker or their dependents; investigation costs; administration costs of the claim (consisting of an initial file set up charge of \$45.00 and thereafter a flat rate charge of \$120.00 per month for each month or portion of a month that the file remains open); medical-legal costs; litigation costs; and settlement costs.

_____ will indemnify Santa Barbara County for any civil penalties by Cal/OSHA that arise from a County Jail inmate under supervision of the _____.

Upon written notice, either party may terminate this Memorandum of Understanding at any time.

BY: _____ Date: _____
Bill Brown, Sheriff
Santa Barbara Sheriff's Office

BY: _____ Date: _____
XXXX, YYYY
ZZZZZZZZ

Agreement Regarding Use of SWAP Inmates in Work Programs

This Agreement Between the County of Santa Barbara through the Office of the Sheriff (“COUNTY”) and _____ (SWAP Participant) establishes terms and procedures for the use of County Jail inmates performing community service employment for the SWAP Participant, and terms for handling “Workers’ Compensation” claims and other claims arising out of or occurring during a time a SWAP Program inmate was performing work under the direction of the SWAP Participant, also known as “Workforce Coordinator.

Santa Barbara County Sheriff’s Office may assign SWAP inmates to perform community service for the SWAP Participant, at their designated work site. The number of workers assigned varies depending on availability and will be coordinated by Sheriff’s Office staff.

SWAP Participant will provide County Jail inmates with:

- On-site safety instruction, appropriate personal protective equipment (including, but not limited to hearing protection and eye protection),
- Complete instruction regarding the use of any equipment,
- A full explanation of the work to be done,
- Adequate supervision of work performed.

SWAP Participant will determine the community service work to be performed by County Jail inmates, which will generally be limited to:

- Litter pickup,
- Weed removal,
- Manual chores,
- Miscellaneous light labor.
- The general nature of the work to be performed will be reported to the Alternative Sentencing Bureau office by SWAP Participant prior to assignment of the inmates.

After on-site safety training by SWAP Participant, County Jail inmates may, in the discretion of the SWAP Participant, operate light power tools such as lawn mowers and weed trimmers, but will not operate heavy power tools such as chain saws and jack hammers.

Santa Barbara County Sheriff’s Office will not provide any deputies or custody deputies on-site. If any County Jail inmate leaves the work area without authorization, SWAP Participant personnel will not attempt to physically restrain that inmate, but will immediately notify the Santa Barbara County Sheriff’s Office, Alternative Sentencing Bureau.

County Jail inmates will be transported to and from the work site only in vehicles owned by the SWAP Participant.

Prior to participating in the SWAP program and as a requirement for execution of this Agreement the Swap Participant shall provide the County with a copy of their certificates of auto and liability insurance and Worker’s Compensation Insurance coverage in a form and amounts satisfactory to the County Risk Manager. Those approved certificates shall be incorporated in this agreement by reference and attached hereto. Any subsequent changes to those insurance

Agreement Regarding Use of SWAP Inmates in Work Programs

Page2

certificates shall be forwarded to the County for approval. By its participation in the ongoing SWAP program the SWAP Participant/Workforce Coordinator its current insurance coverage.

If a County Jail inmate submits a “Workers’ Compensation” claim or other claim for an injury that arises out of participation in the SWAP Program, or occurs during a time that inmate was performing work or travel under the direction of SWAP Participant, it is agreed, that:

- For purposes of Worker’s Compensation law, the SWAP Participant shall be deemed the employer of the SWAP inmate.
- SWAP Participant will administer the claim and pay all costs associated with the claim; and,
- SWAP Participant will indemnify Santa Barbara County of all costs incurred as a result of the claim, including: All benefits paid to or on behalf of the injured worker or their dependents; investigation costs; administration costs of the claim; medical-legal costs; litigation costs; and settlement costs.
- SWAP Participant will administer, and defend all claims arising out of the use of Jail inmates in the SWAP Program.

SWAP Participant will indemnify and defend Santa Barbara County for any civil penalties by Cal/OSHA or other regulatory agencies that arise from the duties carried out by a County Jail inmate under supervision of the SWAP Participant or their employees or agents. SWAP shall indemnify, defend and hold County and County’s agents, officers and employees, harmless from and against all claims, damages, losses, causes of action and expenses, including attorneys’ fees, for any personal injury, bodily injury, loss of life or damage to property, violation of any federal, state or municipal law, ordinance or constitutional provision, or other cause which arise out of, relate to, or result from the activities or omissions, negligent or otherwise, under this Agreement.

All notices required to carry out this Agreement shall be directed to:

County of Santa Barbara:
Santa Barbara Sheriff’s Department
Attn: Alternative Sentencing Bureau
4436 Calle Real
Santa Barbara, CA 93110
(805) 681-4221

SWAP Participant:

() _____ - _____

Upon written notice, either party may terminate this Agreement at any time as to future use of inmates, but all previous use shall be covered under this agreement.

Agreement Regarding Use of SWAP Inmates in Work Programs

Page3

The signatory of the Workforce Coordinator hereunder certifies that he/she has authority to act for and bind the SWAP Participant to this Agreement.

Bill Brown,
Sheriff-Coroner

Approved as to Form:

Michael C. Ghizzoni
County Counsel

BY: _____ Date: _____

By: _____
Michelle Montez
Senior Deputy County Counsel

Workforce Coordinator:
Name of SWAP Participant -- Legal Entity: _____

By: _____
Name of Individual signing: _____
Capacity of Individual signing: _____