

Pending Publication

21

APPROVED
BY ORDINANCE **SCC-1518** COUNTY OF SACRAMENTO
BOARD OF SUPERVISORS CALIFORNIA

DEC 04 2012
By Cyndi Lee
Clerk of the Board

APPROVED
BY RESOLUTION# **2012-0823** For the Agenda of:
BOARD OF SUPERVISORS November 6, 2012
DEC 04 2012
By Cyndi Lee
Clerk of the Board

To: Board of Supervisors

From: Sheriff's Department

Subject: Introduce Ordinance Amending Sacramento County Code Sections 2.90.400 Through 2.90.440 And Add The Pretrial Release Supervision Program Waive Full Reading And Continue To December 4, 2012, For Adoption

Supervisorial:
District(s) All

Contact: Sandy Adams, Administrative Services Officer II, 874-8441

Overview

As part of the Fiscal Year 2011-12 State Budget, a new public safety realignment law (AB 109/117 as amended) was enacted to shift the responsibility for managing low level offenders from the State to counties. The Community Corrections Partnership (CCP) developed a realignment plan to describe how this new population of offenders would be addressed in Sacramento County. The plan was accepted by the Board November 1, 2011 (Resolution No. 2011-0801) and included re-opening of the Roger Bauman Facility, expansion of the Home Detention Program and a Pretrial Release Supervision Program (PRSP). The CCP Plan for Fiscal Year 2012-13 was presented to the Board on October 16, 2012.

The Sacramento County Sheriff's Department (SSD) wishes to establish the PRSP as part of the Home Detention Alternative Sentencing Programs. In PRSP minimum security inmates and criminal offenders may voluntarily participate in the program in lieu of confinement in the County jail or other County correctional facility. The participants in PRSP need to live in the Sacramento County area or its surrounding counties or be a continuing student. SSD will determine eligibility for participation in the program and may consider the following: crime arrested for, criminal, residential, employment, failure to appear histories, disciplinary history in either a County or State facility, and stability in the community.

Additionally, in 2004 and 2008, SSD received authorization to increase the fees of the Alternative Sentencing Programs (Resolutions 2004-0538 and 2008-0887) but did not update the County Ordinances at either time to reflect the new fees. At this time the SSD wishes to amend County Ordinances 2.90.400 through 2.90.440 for inclusion of the new Pretrial Supervision Program and to reflect the fees approved by the Board for Home Detention services. By the end of this fiscal year, SSD will return to the Board with a new fee study and the rest of the ordinances to be updated.

Recommendations

1. Introduce the attached Ordinance amending/adding Chapters 2.90.400 through 2.90.440 of the Sacramento County Code relating to the Home Detention Programs, adding the Pretrial

Supervision Program, reflecting fees approved by the Board in 2008, waive full reading and continue to December 4, 2012, for adoption.

2. Approve the attached Resolution authorizing the Sheriff, or his designee, to establish the Pretrial Release Supervision Program (PRSP) as part of the Home Detention Alternative Sentencing Programs and collect the established Home Detention Fees for the program.

Measures/Evaluation

Not applicable.

Fiscal Impact

The SSD Adopted Budget for Fiscal Year 2012-13 includes \$1,925,878 for Home Detention Application and Maintenance Fees and \$1,837,151 for Work Release Division Administration and Daily Fees. It is anticipated there will be \$2,318,000 in additional revenue from the PRSP.

BACKGROUND

As part of the Fiscal Year 2011-12 State Budget, a new public safety realignment law (AB 109/117 as amended) was enacted to shift the responsibility for managing low level offenders from the State to counties. The Community Corrections Partnership (CCP) developed a realignment plan to describe how this new population of offenders would be addressed in Sacramento County. The plan was accepted by the Board November 1, 2011 (Resolution No. 2011-0801) and included re-opening the Roger Bauman Facility, expansion of the Home Detention Program and a Pretrial release program. The CCP Plan for Fiscal Year 2012-13 was presented to the Board on October 16, 2012. The SSD wishes to establish the Pretrial Supervision Program (PRSP) as part of the Home Detention Alternative Sentencing Programs.

The SSD Work Release Division operates two programs – Home Detention (electronic monitoring or global positioning) and Work Project. Both programs reduce the County General Fund requirements by decreasing jail housing and generating revenue to offset expenses. Additionally, the programs benefit the convicted offenders who are allowed to participate by allowing lower level offenders the opportunity to remain employed to maintain their households.

The SSD proposes to add the additional program of PRSP to the Home Detention programs and monitor Pretrial inmates who are released from custody before their court date. In PRSP minimum security inmates and criminal offenders may voluntarily participate in the program in lieu of confinement in the County jail or other County correctional facility. The participants in PRSP need to live in the Sacramento County area or its surrounding counties or be a continuing student. SSD will determine eligibility for participation in the program and may consider the following: crime arrested for, criminal, residential, employment, failure to appear histories, disciplinary history in either a County or State facility, and stability in the community. All of the above inmates pay fees to participate in the program based on their ability to pay.

Additionally, in 2004 and 2008, the SSD received authorization to increase the fees of the Alternative Sentencing Programs (Resolutions 2004-0538 and 2008-0887) but did not update the County Ordinances at either time to reflect the new fees due to an administrative oversight. At this time Code Sections 2.90.400 through 2.90.440 will be updated to reflect the fees approved

Introduce Ordinance Amending Sacramento County Code Sections 2.90.400 Through 2.90.440 And Add The Pretrial Release Supervision Program Waive Full Reading And Continue To December 4, 2012, For Adoption
Page 3

by the Board and to add the PRSP. By the end of this fiscal year SSD will return to the Board with a new fee study and the rest of the ordinances to be updated.

DISCUSSION

In 2008 the Board authorized increasing the fees for Home Detention and Work Project as follows:

<u>Fees</u>	<u>Application</u>	<u>Daily Administration</u>
Work Project	\$80	\$47
Home Detention	\$130	
Electronic Monitoring		\$47 (\$7.40 equip/drug testing + 1 hr wages)
Global Positioning		\$49 (\$9.70 equip/drug testing + 1 hr wages)

The SSD requests authorization for the Sheriff, or his designee, to establish the PRSP as part of the Home Detention Alternative Sentencing Programs and use the fee schedule established for the Home Detention Programs. Introduce the attached Ordinance amending/adding Chapters 2.90.400 through 2.90.440 of the Sacramento County Code relating to the Home Detention Programs, adding the PRSP, reflecting fees approved by the Board in 2008, waive full reading and continue to December 4, 2012, for adoption.

MEASURES/EVALUATION

Not applicable.

FINANCIAL ANALYSIS

The SSD Adopted Budget for Fiscal Year 2012-13 includes \$1,925,878 for Home Detention Application and Maintenance Fees and \$1,837,151 for Work Release Division Administration and Daily Fees. It is anticipated there will be \$2,318,000 in additional revenue from the Pretrial Release Supervision Program.

Introduce Ordinance Amending Sacramento County Code Sections 2.90.400 Through 2.90.440
And Add The Pretrial Release Supervision Program Waive Full Reading And Continue To
December 4, 2012, For Adoption
Page 4

LEGAL ANALYSIS:

County Counsel has reviewed and approved this report and the attached Amended Ordinances.

Respectfully submitted,

CONCUR:
BRADLEY J. HUDSON
County Executive

SCOTT R. JONES, Sheriff
Sacramento County Sheriff's Department

By: _____
NAVDEEP S. GILL
Assistant County Executive

Attachments: Resoluitiion
Ordinance 2.90 Home Detention Strike Through
Ordinance 2.90 Home Detention Revised

RESOLUTION NO. _____

**ESTABLISH THE PRETRIAL SUPERVISION PROGRAM AS PART OF THE HOME
DETENTION ALTERNATIVE SENTENCING PROGRAMS AND COLLECT FEES
AUTHORIZED FOR HOME DETENTION**

BE IT RESOLVED AND ORDERED that the Sheriff, or his designee is, hereby authorized to establish the Pre Trial Supervision Program, as part of the Home Detention Alternative Sentencing Programs, and use the fee schedule established for Home Detention, on behalf of the COUNTY OF SACRAMENTO, a political subdivision of the State of California, and to do and perform everything necessary to carry out the purpose of this Resolution including any modifications, amendments or augmentations.

On a motion by Supervisor _____, seconded by Supervisor _____, the foregoing Resolution was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this 6th day of November, 2012, by the following vote, to wit:

AYES: Supervisors,

NOES: Supervisors,

ABSENT: Supervisors,

ABSTAIN: Supervisors,

Chair of the Board of Supervisors
of Sacramento County, California

(SEAL)

ATTEST: _____
Clerk, Board of Supervisors

SCC NO. _____

AN ORDINANCE OF THE SACRAMENTO COUNTY CODE RELATING TO THE HOME DETENTION PROGRAM AND PRETRIAL RELEASE SUPERVISION PROGRAM

The Board of Supervisors of the County of Sacramento, State of California, ordains as follows:

SECTION 1. Sections 2.90.400 through 2.90.440 of Chapter 2.90, Title 2, of the Sacramento County Code are amended to read as follows:

2.90.400 Home Detention Program and Pretrial Release Supervision Program

A. ~~The Sheriff is authorized to offer a home detention program under which minimum security inmates and criminal low-risk offenders committed to the County Jail or other County correctional facility or granted probation or inmates participating in a work furlough program, may voluntarily participate in, a home detention in lieu of confinement in the County Jail or other County correctional facility.~~

B. The Sheriff is authorized to offer a pretrial release supervision program which minimum security inmates and criminal offenders may voluntarily participate in, in lieu of confinement in the County jail or other County correctional facility.

2.90.410 Eligibility to Participate in Home Detention Program or Pretrial Release Supervision Program.

A. ~~The Sheriff, or designee, shall have the sole discretionary authority to permit program participation in a home detention or pretrial release supervision program as an alternative to physical custody; provided, however, that the Sheriff, or designee, shall not consider a prisoner's ability or inability to pay all or a portion of the program fee for purposes of granting or denying participation in, assigning a person to, or removing a person from, the home detention program or pretrial release supervision program.~~

B. To participate in the home detention program or pretrial release supervision program, an adult who is sentenced to the County jail or other County correctional facility either (1) shall be employed for a minimum of thirty-two (32) hours per week and shall live and work in the Sacramento County area or its surrounding counties; or (2) shall live in Sacramento County and shall have a verified disabling medical condition which, in the opinion of the Sheriff or designee, renders the individual inappropriate for incarceration. A full-time continuing student (twelve (12) units or more) may be eligible for the home detention program or pretrial release supervision program as determined by the Sheriff or designee on a case-by-case basis. In determining eligibility for the home detention program or pretrial release supervision program, the Sheriff or designee shall may consider, at a minimum, the following factors as well as others: the crime for

which the person has been arrested or is sentenced to, his or her criminal history, his or her residential history, his or her employment history, his or her failure to appear history, his or her disciplinary history in either a county facility or State facility, and his or her stability in the community.

C. The Sheriff, or designee, shall be authorized to return a prisoner participant in the home detention program or pretrial release supervision program to custody for nonpayment and/or delinquent payment of the fees authorized by Section 2.90.420; provided, however, that a participant's removal from either program~~the home detention participant's~~ for nonpayment and/or delinquent payment of those fees, is not due to his or her inability to pay. As a condition for participation in the home detention program or pretrial release supervision program, the Sheriff, or designee, may require a participant prisoner to agree in writing that he or she may be returned to custody for nonpayment and/or delinquent payment of fees for reasons other than an inability to pay. Prior to returning a home detention participant or pretrial release supervision program participant to custody for nonpayment and/or delinquent payment of those fees, the Sheriff or designee shall interview the participant to determine his or her current ability to pay said fees.

D. The Sheriff or designee shall have the sole discretion to return a participant in the home detention program or pretrial release supervision program to custody if the participant has failed to comply with the rules relating to either program. A home detention program participant, returned to custody for a rule violation, is subject to a loss of good time credits.

2.90.420 Cost of Programs and Determination of Fees.

The Board of Supervisors hereby determines that an application fee in the sum of ~~forty three dollars (\$43.00)~~ \$130 chargeable to each participant in either the program is necessary to defray costs to the County resulting from the application process. In addition, the Board of Supervisors determines that ~~thirty eight dollars and sixty five cents (\$38.65)~~ \$49 per day is a reasonable ~~per inmate per day~~ administrative fee to be charged each participant of this either program, and that ~~such~~ fee, together with the application fee, does not exceed the pro rata cost of ~~the~~ either program, including equipment, supervision and other operating costs. Such fees may be increased or decreased by the Board of Supervisors, by resolution, from time to time after the Board considers those factors affecting the fees such as increases in County employee salaries, costs of supervision, costs of equipment and other operating costs.

2.90.430 Collection of Fees.

A. The Sheriff, or designee, shall collect all moneys chargeable to the home detention participant or pretrial release supervision participant and shall transmit those moneys on a monthly basis to the County Treasurer for deposit into the general fund.

B. The Sheriff, or designee, may charge a person participating in either program the fee established by the Board of Supervisors pursuant to Section 2.90.420 or any portion thereof and may determine the method and frequency of payment. Any fee or portion thereof shall be based on the ~~prisoner's~~ participant's ability to pay. The Sheriff, or designee, may waive the fees when deemed necessary, justified, or in the interests of justice. At any time a participant in either program may request that the

~~Sheriff, or designee, modify or suspend the payment of the fees on the grounds of a change of circumstances with regard to the participant's ability to pay. The fees charged may be modified or waived by the Sheriff or designee during the prisoner's participant's participation in the home detention program or pretrial release supervision program; provided, however, that such modification or waiver is based upon a determination that there has been a change in the prisoner's participant's ability to pay. At any time during his or her sentence, a home detention participant may request that the Sheriff, or designee, modify or suspend the payment of the fees on the grounds of a change in circumstances with regard to the home detention participant's ability to pay.~~

2.90.440 Administrative Policy.

Within ~~ninety (90)~~ days of the effective date of ~~the this~~ ordinance ~~codified in this article~~, the Sheriff shall submit, for review and approval by the Board of Supervisors, administrative policies governing the operation of the home detention program and pretrial release supervision program. The administrative policies shall include, but not be limited to, criteria for participation in the programs, procedures and criteria for determining a ~~prisoner's participant's~~ ability to pay the fees authorized by Section 2.90.420, procedures for challenging any decision to deny, or remove, a ~~prisoner participant~~ from participation in the home detention program, or pretrial release supervision program, and procedures for resolving any dispute relating to a ~~prisoner's participant's~~ ability to pay, the amount to be paid, the method of payment or the frequency of payment of those fees authorized by Section 2.90.420.

SECTION 2. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on _____, and on _____, further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Supervisor _____, seconded by Supervisor _____, the foregoing ordinance was passed and adopted by the

Board of Supervisors of the County of Sacramento, State of California, this ____ day of _____ 2012, by the following vote:

AYES: Supervisors,

NOES: Supervisors,

ABSENT: Supervisors,

ABSTAIN: Supervisors,

Chair of the Board of Supervisors
of Sacramento County, California

(SEAL)

ATTEST: _____
Clerk, Board of Supervisors

w:\ordinances\2012\2.90 home det program (strikethrough).doc

SCC NO. _____

**AN ORDINANCE OF THE SACRAMENTO COUNTY CODE RELATING TO
THE HOME DETENTION PROGRAM AND PRETRIAL
RELEASE SUPERVISION PROGRAM**

The Board of Supervisors of the County of Sacramento, State of California,
ordains as follows:

SECTION 1. Sections 2.90.400 through 2.90.440 of Chapter 2.90, Title 2, of the
Sacramento County Code are amended to read as follows:

**2.90.400 Home Detention Program and Pretrial Release Supervision
Program.**

A. The Sheriff is authorized to offer a home detention program which
minimum security inmates and criminal offenders committed to the County Jail or other
County correctional facility may voluntarily participate, in lieu of confinement in the
County Jail or other County correctional facility.

B. The Sheriff is authorized to offer a pretrial release supervision program
which minimum security inmates and criminal offenders may voluntarily participate, in
lieu of confinement in the County jail or other County correctional facility.

**2.90.410 Eligibility to Participate in Home Detention Program or Pretrial
Release Supervision Program.**

A. The Sheriff, or designee, shall have the sole discretionary authority to
permit participation in a home detention or pretrial release supervision program as an
alternative to physical custody; provided, however, that the Sheriff, or designee, shall
not consider a prisoner's ability or inability to pay all or a portion of the program fee for
purposes of granting or denying participation, assigning a person to, or removing a
person from, the home detention program or pretrial release supervision program.

B. To participate in the home detention program or pretrial release supervision
program, an adult who is sentenced to the County jail or other County correctional
facility shall live in the Sacramento County area or its surrounding counties. A
continuing student may be eligible for the home detention program or pretrial release
supervision program as determined by the Sheriff or designee on a case-by-case basis.
In determining eligibility for the home detention program or pretrial release supervision
program, the Sheriff or designee may consider the following factors as well as others:
the crime for which the person has been arrested or sentenced to, his or her criminal
history, his or her residential history, his or her employment history, his or her failure to
appear history, his or her disciplinary history in either a county facility or State facility,
and his or her stability in the community.

C. The Sheriff, or designee, shall be authorized to return a participant in the
home detention program or pretrial release supervision program to custody for
nonpayment and/or delinquent payment of the fees authorized by Section 2.90.420;

provided that a participant's removal from either program for nonpayment and/or delinquent payment of those fees, is not due to his or her inability to pay. As a condition for participation in the home detention program or pretrial release supervision program, the Sheriff, or designee, may require a participant to agree in writing that he or she may be returned to custody for nonpayment and/or delinquent payment of fees for reasons other than an inability to pay. Prior to returning a home detention participant or pretrial release supervision program participant to custody for nonpayment and/or delinquent payment of those fees, the Sheriff or designee shall interview the participant to determine his or her current ability to pay said fees.

D. The Sheriff or designee shall have the sole discretion to return a participant in the home detention program or pretrial release supervision program to custody if the participant has failed to comply with the rules relating to either program. A home detention program participant, returned to custody for a rule violation, is subject to a loss of good time credits.

2.90.420 Cost of Programs and Determination of Fees.

The Board of Supervisors hereby determines that an application fee in the sum of \$130 chargeable to each participant in either program is necessary to defray costs to the County resulting from the application process. In addition, the Board of Supervisors determines that \$49 per day is a reasonable administrative fee to be charged each participant of either program, and that fee, together with the application fee, does not exceed the pro rata cost of either program, including equipment, supervision and other operating costs. Such fees may be increased or decreased by the Board of Supervisors, by resolution, from time to time after the Board considers those factors affecting the fees such as increases in County employee salaries, costs of supervision, costs of equipment and other operating costs.

2.90.430 Collection of Fees.

A. The Sheriff, or designee, shall collect all moneys chargeable to the home detention participant or pretrial release supervision participant and shall transmit those moneys on a monthly basis to the County Treasurer for deposit into the general fund.

B. The Sheriff, or designee, may charge a person participating in either program the fee established by the Board of Supervisors pursuant to Section 2.90.420 or any portion thereof and may determine the method and frequency of payment. Any fee or portion thereof shall be based on the participant's ability to pay. The Sheriff, or designee, may waive the fees when deemed necessary, justified, or in the interests of justice. At any time a participant in either program may request that the Sheriff, or designee, modify or suspend the payment of the fees on the grounds of a change of circumstances with regard to the participant's ability to pay. The fees charged may be modified or waived by the Sheriff or designee during the participant's participation in the home detention program or pretrial release supervision program; provided, however, that such modification or waiver is based upon a determination that there has been a change in the participant's ability to pay.

2.90.440 Administrative Policy.

Within 90 days of the effective date of this ordinance, the Sheriff shall submit, for review and approval by the Board of Supervisors, administrative policies governing the operation of the home detention program and pretrial release supervision program. The administrative policies shall include, but not be limited to, criteria for participation in the programs, procedures and criteria for determining a participant's ability to pay the fees authorized by Section 2.90.420, procedures for challenging any decision to deny, or remove, a participant from the home detention program or pretrial release supervision program, and procedures for resolving any dispute relating to a participant's ability to pay, the amount to be paid, the method of payment or the frequency of payment of those fees authorized by Section 2.90.420.

SECTION 2. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on _____, and on _____, further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Supervisor _____, seconded by Supervisor _____, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this ____ day of _____ 2012, by the following vote:

AYES: Supervisors,

NOES: Supervisors,

ABSENT: Supervisors,

ABSTAIN: Supervisors,

Chair of the Board of Supervisors
of Sacramento County, California

(SEAL)

ATTEST: _____
Clerk, Board of Supervisors

AGENDA ITEM CONTINUATION
MEMO

MEETING DATE: NOVEMBER 6, 2012

SUBJECT: INTRODUCED ORDINANCE AMENDING
SACRAMENTO COUNTY CODE SECTIONS
2.90.400 THROUGH 2.90.440 AND ADD THE
PRETRIAL SUPERVISION PROGRAM

BOARD ACTION: CONTINUED ORDINANCE TO DECEMBER 4
FOR ADOPTION

COUNTY OF SACRAMENTO
CALIFORNIA

For the Agenda of:
November 6, 2012

To: Board of Supervisors
From: Sheriff's Department
Subject: Introduce Ordinance Amending Sacramento County Code Sections 2.90.400 Through 2.90.440 And Add The Pretrial Release Supervision Program Waive Full Reading And Continue To December 4, 2012, For Adoption

Supervisorial:
District(s) All

Contact: Sandy Adams, Administrative Services Officer II, 874-8441

Overview

As part of the Fiscal Year 2011-12 State Budget, a new public safety realignment law (AB 109/117 as amended) was enacted to shift the responsibility for managing low level offenders from the State to counties. The Community Corrections Partnership (CCP) developed a realignment plan to describe how this new population of offenders would be addressed in Sacramento County. The plan was accepted by the Board November 1, 2011 (Resolution No. 2011-0801) and included re-opening of the Roger Bauman Facility, expansion of the Home Detention Program and a Pretrial Release Supervision Program (PRSP). The CCP Plan for Fiscal Year 2012-13 was presented to the Board on October 16, 2012.

The Sacramento County Sheriff's Department (SSD) wishes to establish the PRSP as part of the Home Detention Alternative Sentencing Programs. In PRSP minimum security inmates and criminal offenders may voluntarily participate in the program in lieu of confinement in the County jail or other County correctional facility. The participants in PRSP need to live in the Sacramento County area or its surrounding counties or be a continuing student. SSD will determine eligibility for participation in the program and may consider the following: crime arrested for, criminal, residential, employment, failure to appear histories, disciplinary history in either a County or State facility, and stability in the community.

Additionally, in 2004 and 2008, SSD received authorization to increase the fees of the Alternative Sentencing Programs (Resolutions 2004-0538 and 2008-0887) but did not update the County Ordinances at either time to reflect the new fees. At this time the SSD wishes to amend County Ordinances 2.90.400 through 2.90.440 for inclusion of the new Pretrial Supervision Program and to reflect the fees approved by the Board for Home Detention services. By the end of this fiscal year, SSD will return to the Board with a new fee study and the rest of the ordinances to be updated.

Recommendations

1. Introduce the attached Ordinance amending/adding Chapters 2.90.400 through 2.90.440 of the Sacramento County Code relating to the Home Detention Programs, adding the Pretrial

Supervision Program, reflecting fees approved by the Board in 2008, waive full reading and continue to December 4, 2012, for adoption.

2. Approve the attached Resolution authorizing the Sheriff, or his designee, to establish the Pretrial Release Supervision Program (PRSP) as part of the Home Detention Alternative Sentencing Programs and collect the established Home Detention Fees for the program.

Measures/Evaluation

Not applicable.

Fiscal Impact

The SSD Adopted Budget for Fiscal Year 2012-13 includes \$1,925,878 for Home Detention Application and Maintenance Fees and \$1,837,151 for Work Release Division Administration and Daily Fees. It is anticipated there will be \$2,318,000 in additional revenue from the PRSP.

BACKGROUND

As part of the Fiscal Year 2011-12 State Budget, a new public safety realignment law (AB 109/117 as amended) was enacted to shift the responsibility for managing low level offenders from the State to counties. The Community Corrections Partnership (CCP) developed a realignment plan to describe how this new population of offenders would be addressed in Sacramento County. The plan was accepted by the Board November 1, 2011 (Resolution No. 2011-0801) and included re-opening the Roger Bauman Facility, expansion of the Home Detention Program and a Pretrial release program. The CCP Plan for Fiscal Year 2012-13 was presented to the Board on October 16, 2012. The SSD wishes to establish the Pretrial Supervision Program (PRSP) as part of the Home Detention Alternative Sentencing Programs.

The SSD Work Release Division operates two programs – Home Detention (electronic monitoring or global positioning) and Work Project. Both programs reduce the County General Fund requirements by decreasing jail housing and generating revenue to offset expenses. Additionally, the programs benefit the convicted offenders who are allowed to participate by allowing lower level offenders the opportunity to remain employed to maintain their households.

The SSD proposes to add the additional program of PRSP to the Home Detention programs and monitor Pretrial inmates who are released from custody before their court date. In PRSP minimum security inmates and criminal offenders may voluntarily participate in the program in lieu of confinement in the County jail or other County correctional facility. The participants in PRSP need to live in the Sacramento County area or its surrounding counties or be a continuing student. SSD will determine eligibility for participation in the program and may consider the following: crime arrested for, criminal, residential, employment, failure to appear histories, disciplinary history in either a County or State facility, and stability in the community. All of the above inmates pay fees to participate in the program based on their ability to pay.

Additionally, in 2004 and 2008, the SSD received authorization to increase the fees of the Alternative Sentencing Programs (Resolutions 2004-0538 and 2008-0887) but did not update the County Ordinances at either time to reflect the new fees due to an administrative oversight. At this time Code Sections 2.90.400 through 2.90.440 will be updated to reflect the fees approved

Introduce Ordinance Amending Sacramento County Code Sections 2.90.400 Through 2.90.440
And Add The Pretrial Release Supervision Program Waive Full Reading And Continue To
December 4, 2012, For Adoption

Page 3

by the Board and to add the PRSP. By the end of this fiscal year SSD will return to the Board with a new fee study and the rest of the ordinances to be updated.

DISCUSSION

In 2008 the Board authorized increasing the fees for Home Detention and Work Project as follows:

<u>Fees</u>	<u>Application</u>	<u>Daily Administration</u>
Work Project	\$80	\$47
Home Detention	\$130	
Electronic Monitoring		\$47 (\$7.40 equip/drug testing + 1 hr wages)
Global Positioning		\$49 (\$9.70 equip/drug testing + 1 hr wages)

The SSD requests authorization for the Sheriff, or his designee, to establish the PRSP as part of the Home Detention Alternative Sentencing Programs and use the fee schedule established for the Home Detention Programs. Introduce the attached Ordinance amending/adding Chapters 2.90.400 through 2.90.440 of the Sacramento County Code relating to the Home Detention Programs, adding the PRSP, reflecting fees approved by the Board in 2008, waive full reading and continue to December 4, 2012, for adoption.

MEASURES/EVALUATION

Not applicable.

FINANCIAL ANALYSIS

The SSD Adopted Budget for Fiscal Year 2012-13 includes \$1,925,878 for Home Detention Application and Maintenance Fees and \$1,837,151 for Work Release Division Administration and Daily Fees. It is anticipated there will be \$2,318,000 in additional revenue from the Pretrial Release Supervision Program.

Introduce Ordinance Amending Sacramento County Code Sections 2.90.400 Through 2.90.440
And Add The Pretrial Release Supervision Program Waive Full Reading And Continue To
December 4, 2012, For Adoption

Page 4

LEGAL ANALYSIS:

County Counsel has reviewed and approved this report and the attached Amended Ordinances.

Respectfully submitted,

CONCUR:
BRADLEY J. HUDSON
County Executive

SCOTT R. JONES, Sheriff
Sacramento County Sheriff's Department

By: _____
NAVDEEP S. GILL
Assistant County Executive

Attachments: Resolution
Ordinance 2.90 Home Detention Strike Through
Ordinance 2.90 Home Detention Revised

RESOLUTION NO. _____

**ESTABLISH THE PRETRIAL SUPERVISION PROGRAM AS PART OF THE HOME
~~DETENTION ALTERNATIVE SENTENCING PROGRAMS AND COLLECT FEES~~
AUTHORIZED FOR HOME DETENTION**

BE IT RESOLVED AND ORDERED that the Sheriff, or his designee is, hereby authorized to establish the Pre Trial Supervision Program, as part of the Home Detention Alternative Sentencing Programs, and use the fee schedule established for Home Detention, on behalf of the COUNTY OF SACRAMENTO, a political subdivision of the State of California, and to do and perform everything necessary to carry out the purpose of this Resolution including any modifications, amendments or augmentations.

On a motion by Supervisor _____, seconded by Supervisor _____, the foregoing Resolution was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this 6th day of November, 2012, by the following vote, to wit:

AYES: Supervisors,

NOES: Supervisors,

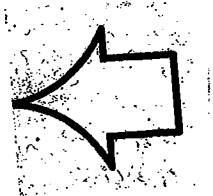
ABSENT: Supervisors,

ABSTAIN: Supervisors,

Chair of the Board of Supervisors
of Sacramento County, California

(SEAL)

ATTEST: _____
Clerk, Board of Supervisors



SCC NO. _____

**AN ORDINANCE OF THE SACRAMENTO COUNTY CODE RELATING TO THE
HOME DETENTION PROGRAM AND PRETRIAL RELEASE SUPERVISION
PROGRAM**

The Board of Supervisors of the County of Sacramento, State of California,
ordains as follows:

SECTION 1. Sections 2.90.400 through 2.90.440 of Chapter 2.90, Title 2, of the
Sacramento County Code are amended to read as follows:

**2.90.400 Home Detention Program and Pretrial Release Supervision
Program**

A. ~~The Sheriff is authorized to offer a home detention program under which minimum security inmates and criminal low-risk offenders committed to the County Jail or other County correctional facility or granted probation or inmates participating in a work-furlough program, may voluntarily participate in, a home detention in lieu of confinement in the County Jail or other County correctional facility.~~

B. The Sheriff is authorized to offer a pretrial release supervision program which minimum security inmates and criminal offenders may voluntarily participate in, in lieu of confinement in the County jail or other County correctional facility.

**2.90.410 Eligibility to Participate in Home Detention Program or Pretrial
Release Supervision Program.**

A. The Sheriff, or designee, shall have the sole discretionary authority to permit ~~program participation in a home detention or pretrial release supervision program~~ as an alternative to physical custody; provided, however, that the Sheriff, or designee, shall not consider a prisoner's ability or inability to pay all or a portion of the program fee for purposes of granting or denying participation ~~in~~, assigning a person to, or removing a person from, the home detention program or pretrial release supervision program.

B. To participate in the home detention program or pretrial release supervision program, an adult who is sentenced to the County jail or other County correctional facility ~~either (1) shall be employed for a minimum of thirty-two (32) hours per week and shall live and work in the Sacramento County area or its surrounding counties; or (2) shall live in Sacramento County and shall have a verified disabling medical condition which, in the opinion of the Sheriff or designee, renders the individual inappropriate for incarceration. A full-time continuing student (twelve (12) units or more) may be eligible for the home detention program or pretrial release supervision program as determined by the Sheriff or designee on a case-by-case basis. In determining eligibility for the home detention program or pretrial release supervision program, the Sheriff or designee shall~~ may consider, at a minimum, the following factors as well as others: the crime for

which the person has been arrested or is sentenced to, his or her criminal history, his or her residential history, his or her employment history, his or her failure to appear history, his or her disciplinary history in either a county facility or State facility, and his or her stability in the community.

C. The Sheriff, or designee, shall be authorized to return a prisoner participant in the home detention program or pretrial release supervision program to custody for nonpayment and/or delinquent payment of the fees authorized by Section 2.90.420; provided, however, that a participant's removal from either program~~the home detention participant's~~ for nonpayment and/or delinquent payment of those fees, is not due to his or her inability to pay. As a condition for participation in the home detention program or pretrial release supervision program, the Sheriff, or designee, may require a participant prisoner to agree in writing that he or she may be returned to custody for nonpayment and/or delinquent payment of fees for reasons other than an inability to pay. Prior to returning a home detention participant or pretrial release supervision program participant to custody for nonpayment and/or delinquent payment of those fees, the Sheriff or designee shall interview the participant to determine his or her current ability to pay said fees.

D. The Sheriff or designee shall have the sole discretion to return a participant in the home detention program or pretrial release supervision program to custody if the participant has failed to comply with the rules relating to either program. A home detention program participant, returned to custody for a rule violation, is subject to a loss of good time credits.

2.90.420 Cost of Programs and Determination of Fees.

The Board of Supervisors hereby determines that an application fee in the sum of ~~forty-three dollars (\$43.00)~~ \$130 chargeable to each participant in either the program is necessary to defray costs to the County resulting from the application process. In addition, the Board of Supervisors determines that ~~thirty-eight dollars and sixty-five cents (\$38.65)~~ \$49 per day is a reasonable ~~per inmate per day~~ administrative fee to be charged each participant of this either program, and that ~~such~~ fee, together with the application fee, does not exceed the pro rata cost of ~~the either~~ program, including equipment, supervision and other operating costs. Such fees may be increased or decreased by the Board of Supervisors, by resolution, from time to time after the Board considers those factors affecting the fees such as increases in County employee salaries, costs of supervision, costs of equipment and other operating costs.

2.90.430 Collection of Fees.

A. The Sheriff, or designee, shall collect all moneys chargeable to the home detention participant or pretrial release supervision participant and shall transmit those moneys on a monthly basis to the County Treasurer for deposit into the general fund.

B. The Sheriff, or designee, may charge a person participating in either program the fee established by the Board of Supervisors pursuant to Section 2.90.420 or any portion thereof and may determine the method and frequency of payment. Any fee or portion thereof shall be based on the ~~prisoner's~~ participant's ability to pay. The Sheriff, or designee, may waive the fees when deemed necessary, justified, or in the interests of justice. At any time a participant in either program may request that the

~~Sheriff, or designee, modify or suspend the payment of the fees on the grounds of a change of circumstances with regard to the participant's ability to pay. The fees charged may be modified or waived by the Sheriff or designee during the prisoner's participant's participation in the home detention program or pretrial release supervision program; provided, however, that such modification or waiver is based upon a determination that there has been a change in the prisoner's participant's ability to pay. At any time during his or her sentence, a home detention participant may request that the Sheriff, or designee, modify or suspend the payment of the fees on the grounds of a change in circumstances with regard to the home detention participant's ability to pay.~~

2.90.440 Administrative Policy.

Within ~~ninety (90)~~ days of the effective date of the ~~this ordinance~~ codified in this article, the Sheriff shall submit, for review and approval by the Board of Supervisors, administrative policies governing the operation of the home detention program and pretrial release supervision program. The administrative policies shall include, but not be limited to, criteria for participation in the programs, procedures and criteria for determining a ~~prisoner's~~ participant's ability to pay the fees authorized by Section 2.90.420, procedures for challenging any decision to deny, or remove, a ~~prisoner~~ participant from ~~participation in the home detention program, or pretrial release supervision program~~, and procedures for resolving any dispute relating to a ~~prisoner's~~ participant's ability to pay, the amount to be paid, the method of payment or the frequency of payment of those fees authorized by Section 2.90.420.

SECTION 2. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on _____, and on _____, further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Supervisor _____, seconded by Supervisor _____, the foregoing ordinance was passed and adopted by the

Board of Supervisors of the County of Sacramento, State of California, this _____ day of

_____ 2012, by the following vote:

AYES: Supervisors,

NOES: Supervisors,

ABSENT: Supervisors,

ABSTAIN: Supervisors,

Chair of the Board of Supervisors
of Sacramento County, California

(SEAL)

ATTEST:-----
Clerk, Board of Supervisors

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**AN ORDINANCE OF THE SACRAMENTO COUNTY CODE RELATING TO
THE HOME DETENTION PROGRAM AND PRETRIAL
RELEASE SUPERVISION PROGRAM**

The Board of Supervisors of the County of Sacramento, State of California,
ordains as follows:

SECTION 1. Sections 2.90.400 through 2.90.440 of Chapter 2.90, Title 2, of the
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Program.**

A. The Sheriff is authorized to offer a home detention program which
minimum security inmates and criminal offenders committed to the County Jail or other
County correctional facility may voluntarily participate, in lieu of confinement in the
County Jail or other County correctional facility.

B. The Sheriff is authorized to offer a pretrial release supervision program
which minimum security inmates and criminal offenders may voluntarily participate, in
lieu of confinement in the County jail or other County correctional facility.

**2.90.410 Eligibility to Participate in Home Detention Program or Pretrial
Release Supervision Program.**

A. The Sheriff, or designee, shall have the sole discretionary authority to
permit participation in a home detention or pretrial release supervision program as an
alternative to physical custody; provided, however, that the Sheriff, or designee, shall
not consider a prisoner's ability or inability to pay all or a portion of the program fee for
purposes of granting or denying participation, assigning a person to, or removing a
person from, the home detention program or pretrial release supervision program.

B. To participate in the home detention program or pretrial release supervision
program, an adult who is sentenced to the County jail or other County correctional
facility shall live in the Sacramento County area or its surrounding counties. A
continuing student may be eligible for the home detention program or pretrial release
supervision program as determined by the Sheriff or designee on a case-by-case basis.
In determining eligibility for the home detention program or pretrial release supervision
program, the Sheriff or designee may consider the following factors as well as others:
the crime for which the person has been arrested or sentenced to, his or her criminal
history, his or her residential history, his or her employment history, his or her failure to
appear history, his or her disciplinary history in either a county facility or State facility,
and his or her stability in the community.

C. The Sheriff, or designee, shall be authorized to return a participant in the
home detention program or pretrial release supervision program to custody for
nonpayment and/or delinquent payment of the fees authorized by Section 2.90.420;

~~provided that a participant's removal from either program for nonpayment and/or delinquent payment of those fees, is not due to his or her inability to pay. As a condition for participation in the home detention program or pretrial release supervision program, the Sheriff, or designee, may require a participant to agree in writing that he or she may be returned to custody for nonpayment and/or delinquent payment of fees for reasons other than an inability to pay. Prior to returning a home detention participant or pretrial release supervision program participant to custody for nonpayment and/or delinquent payment of those fees, the Sheriff or designee shall interview the participant to determine his or her current ability to pay said fees.~~

D. The Sheriff or designee shall have the sole discretion to return a participant in the home detention program or pretrial release supervision program to custody if the participant has failed to comply with the rules relating to either program. A home detention program participant, returned to custody for a rule violation, is subject to a loss of good time credits.

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The Board of Supervisors hereby determines that an application fee in the sum of \$130 chargeable to each participant in either program is necessary to defray costs to the County resulting from the application process. In addition, the Board of Supervisors determines that \$49 per day is a reasonable administrative fee to be charged each participant of either program, and that fee, together with the application fee, does not exceed the pro rata cost of either program, including equipment, supervision and other operating costs. Such fees may be increased or decreased by the Board of Supervisors, by resolution, from time to time after the Board considers those factors affecting the fees such as increases in County employee salaries, costs of supervision, costs of equipment and other operating costs.

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A. The Sheriff, or designee, shall collect all moneys chargeable to the home detention participant or pretrial release supervision participant and shall transmit those moneys on a monthly basis to the County Treasurer for deposit into the general fund.

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2.90.440 Administrative Policy.

Within 90 days of the effective date of this ordinance, the Sheriff shall submit, for review and approval by the Board of Supervisors, administrative policies governing the operation of the home detention program and pretrial release supervision program. The administrative policies shall include, but not be limited to, criteria for participation in the programs, procedures and criteria for determining a participant's ability to pay the fees authorized by Section 2.90.420, procedures for challenging any decision to deny, or remove, a participant from the home detention program or pretrial release supervision program, and procedures for resolving any dispute relating to a participant's ability to pay, the amount to be paid, the method of payment or the frequency of payment of those fees authorized by Section 2.90.420.

SECTION 2. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on _____, and on _____, further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Supervisor _____, seconded by Supervisor _____

_____, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this ____ day of _____ 2012, by the following vote:

AYES: Supervisors,

NOES: Supervisors,

ABSENT: Supervisors,

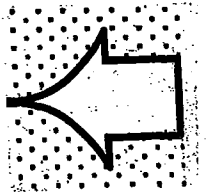
ABSTAIN: Supervisors,

Chair of the Board of Supervisors
of Sacramento County, California

(SEAL)

ATTEST: _____
Clerk, Board of Supervisors

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AGENDA ITEM CONTINUATION
MEMO

MEETING DATE: NOVEMBER 6, 2012

SUBJECT: INTRODUCED ORDINANCE AMENDING
SACRAMENTO COUNTY CODE SECTIONS
2.90.400 THROUGH 2.90.440 AND ADD THE
PRETRIAL SUPERVISION PROGRAM

BOARD ACTION: CONTINUED ORDINANCE TO DECEMBER 4
FOR ADOPTION

7

**COUNTY OF SACRAMENTO
CALIFORNIA**

For the Agenda of:
November 6, 2012

To: Board of Supervisors

From: Sheriff's Department

Subject: Introduce Ordinance Amending Sacramento County Code Sections 2.90.400 Through 2.90.440 And Add The Pretrial Release Supervision Program Waive Full Reading And Continue To December 4, 2012, For Adoption

Supervisorial:
District(s) All

Contact: Sandy Adams, Administrative Services Officer II, 874-8441

Overview

As part of the Fiscal Year 2011-12 State Budget, a new public safety realignment law (AB 109/117 as amended) was enacted to shift the responsibility for managing low level offenders from the State to counties. The Community Corrections Partnership (CCP) developed a realignment plan to describe how this new population of offenders would be addressed in Sacramento County. The plan was accepted by the Board November 1, 2011 (Resolution No. 2011-0801) and included re-opening of the Roger Bauman Facility, expansion of the Home Detention Program and a Pretrial Release Supervision Program (PRSP). The CCP Plan for Fiscal Year 2012-13 was presented to the Board on October 16, 2012.

The Sacramento County Sheriff's Department (SSD) wishes to establish the PRSP as part of the Home Detention Alternative Sentencing Programs. In PRSP minimum security inmates and criminal offenders may voluntarily participate in the program in lieu of confinement in the County jail or other County correctional facility. The participants in PRSP need to live in the Sacramento County area or its surrounding counties or be a continuing student. SSD will determine eligibility for participation in the program and may consider the following: crime arrested for, criminal, residential, employment, failure to appear histories, disciplinary history in either a County or State facility, and stability in the community.

Additionally, in 2004 and 2008, SSD received authorization to increase the fees of the Alternative Sentencing Programs (Resolutions 2004-0538 and 2008-0887) but did not update the County Ordinances at either time to reflect the new fees. At this time the SSD wishes to amend County Ordinances 2.90.400 through 2.90.440 for inclusion of the new Pretrial Supervision Program and to reflect the fees approved by the Board for Home Detention services. By the end of this fiscal year, SSD will return to the Board with a new fee study and the rest of the ordinances to be updated.

Recommendations

1. Introduce the attached Ordinance amending/adding Chapters 2.90.400 through 2.90.440 of the Sacramento County Code relating to the Home Detention Programs, adding the Pretrial

Supervision Program, reflecting fees approved by the Board in 2008, waive full reading and continue to December 4, 2012, for adoption.

2. Approve the attached Resolution authorizing the Sheriff, or his designee, to establish the Pretrial Release Supervision Program (PRSP) as part of the Home Detention Alternative Sentencing Programs and collect the established Home Detention Fees for the program.

Measures/Evaluation

Not applicable.

Fiscal Impact

The SSD Adopted Budget for Fiscal Year 2012-13 includes \$1,925,878 for Home Detention Application and Maintenance Fees and \$1,837,151 for Work Release Division Administration and Daily Fees. It is anticipated there will be \$2,318,000 in additional revenue from the PRSP.

BACKGROUND

As part of the Fiscal Year 2011-12 State Budget, a new public safety realignment law (AB 109/117 as amended) was enacted to shift the responsibility for managing low level offenders from the State to counties. The Community Corrections Partnership (CCP) developed a realignment plan to describe how this new population of offenders would be addressed in Sacramento County. The plan was accepted by the Board November 1, 2011 (Resolution No. 2011-0801) and included re-opening the Roger Bauman Facility, expansion of the Home Detention Program and a Pretrial release program. The CCP Plan for Fiscal Year 2012-13 was presented to the Board on October 16, 2012. The SSD wishes to establish the Pretrial Supervision Program (PRSP) as part of the Home Detention Alternative Sentencing Programs.

The SSD Work Release Division operates two programs – Home Detention (electronic monitoring or global positioning) and Work Project. Both programs reduce the County General Fund requirements by decreasing jail housing and generating revenue to offset expenses. Additionally, the programs benefit the convicted offenders who are allowed to participate by allowing lower level offenders the opportunity to remain employed to maintain their households.

The SSD proposes to add the additional program of PRSP to the Home Detention programs and monitor Pretrial inmates who are released from custody before their court date. In PRSP minimum security inmates and criminal offenders may voluntarily participate in the program in lieu of confinement in the County jail or other County correctional facility. The participants in PRSP need to live in the Sacramento County area or its surrounding counties or be a continuing student. SSD will determine eligibility for participation in the program and may consider the following: crime arrested for, criminal, residential, employment, failure to appear histories, disciplinary history in either a County or State facility, and stability in the community. All of the above inmates pay fees to participate in the program based on their ability to pay.

Additionally, in 2004 and 2008, the SSD received authorization to increase the fees of the Alternative Sentencing Programs (Resolutions 2004-0538 and 2008-0887) but did not update the County Ordinances at either time to reflect the new fees due to an administrative oversight. At this time Code Sections 2.90.400 through 2.90.440 will be updated to reflect the fees approved

Introduce Ordinance Amending Sacramento County Code Sections 2.90.400 Through 2.90.440
And Add The Pretrial Release Supervision Program Waive Full Reading And Continue To
December 4, 2012, For Adoption

Page 3

by the Board and to add the PRSP. By the end of this fiscal year SSD will return to the Board with a new fee study and the rest of the ordinances to be updated.

DISCUSSION

In 2008 the Board authorized increasing the fees for Home Detention and Work Project as follows:

<u>Fees</u>	<u>Application</u>	<u>Daily Administration</u>
Work Project	\$80	\$47
Home Detention	\$130	
Electronic Monitoring		\$47 (\$7.40 equip/drug testing + 1 hr wages)
Global Positioning		\$49 (\$9.70 equip/drug testing + 1 hr wages)

The SSD requests authorization for the Sheriff, or his designee, to establish the PRSP as part of the Home Detention Alternative Sentencing Programs and use the fee schedule established for the Home Detention Programs. Introduce the attached Ordinance amending/adding Chapters 2.90.400 through 2.90.440 of the Sacramento County Code relating to the Home Detention Programs, adding the PRSP, reflecting fees approved by the Board in 2008, waive full reading and continue to December 4, 2012, for adoption.

MEASURES/EVALUATION

Not applicable.

FINANCIAL ANALYSIS

The SSD Adopted Budget for Fiscal Year 2012-13 includes \$1,925,878 for Home Detention Application and Maintenance Fees and \$1,837,151 for Work Release Division Administration and Daily Fees. It is anticipated there will be \$2,318,000 in additional revenue from the Pretrial Release Supervision Program.

Introduce Ordinance Amending Sacramento County Code Sections 2.90.400 Through 2.90.440
And Add The Pretrial Release Supervision Program Waive Full Reading And Continue To
December 4, 2012, For Adoption
Page 4

LEGAL ANALYSIS:

County Counsel has reviewed and approved this report and the attached Amended Ordinances.

Respectfully submitted,

CONCUR:
BRADLEY J. HUDSON
County Executive

SCOTT R. JONES, Sheriff
Sacramento County Sheriff's Department

By: _____
NAVDEEP S. GILL
Assistant County Executive

Attachments: Resoluitiion
Ordinance 2.90 Home Detention Strike Through
Ordinance 2.90 Home Detention Revised

RESOLUTION NO. 2012-0823

**ESTABLISH THE PRETRIAL SUPERVISION PROGRAM AS PART OF THE HOME
DETENTION ALTERNATIVE SENTENCING PROGRAMS AND COLLECT FEES
AUTHORIZED FOR HOME DETENTION**

BE IT RESOLVED AND ORDERED that the Sheriff, or his designee is, hereby authorized to establish the Pre Trial Supervision Program, as part of the Home Detention Alternative Sentencing Programs, and use the fee schedule established for Home Detention, on behalf of the COUNTY OF SACRAMENTO, a political subdivision of the State of California, and to do and perform everything necessary to carry out the purpose of this Resolution including any modifications, amendments or augmentations.

On a motion by Supervisor Serna, seconded by Supervisor Yee, the foregoing Resolution was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this 6th day of November, 2012, by the following vote, to wit:

AYES:	Supervisors,	Peters, Yee, Serna, MacGlashan, Nottoli
NOES:	Supervisors,	None
ABSENT:	Supervisors,	None
ABSTAIN:	Supervisors,	None



Don Nottoli

Chair of the Board of Supervisors
of Sacramento County, California

In accordance with Section 25103 of the Government Code of the State of California a copy of the document has been delivered to the Chairman of the Board of Supervisors, County Of Sacramento on: 12/4/12

By: [Signature]
Deputy Clerk, Board of Supervisors

FILED
BOARD OF SUPERVISORS

DEC 04 2012

BY [Signature]
CLERK OF THE BOARD

ATTEST: [Signature]
Clerk, Board of Supervisors

SCC NO. _____

AN ORDINANCE OF THE SACRAMENTO COUNTY CODE RELATING TO THE HOME DETENTION PROGRAM AND PRETRIAL RELEASE SUPERVISION PROGRAM

The Board of Supervisors of the County of Sacramento, State of California, ordains as follows:

SECTION 1. Sections 2.90.400 through 2.90.440 of Chapter 2.90, Title 2, of the Sacramento County Code are amended to read as follows:

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A. ~~The Sheriff is authorized to offer a home detention program under which minimum security inmates and criminal low-risk offenders committed to the County Jail or other County correctional facility or granted probation or inmates participating in a work furlough program, may voluntarily participate in, a home detention in lieu of confinement in the County Jail or other County correctional facility.~~

B. The Sheriff is authorized to offer a pretrial release supervision program which minimum security inmates and criminal offenders may voluntarily participate in, in lieu of confinement in the County jail or other County correctional facility.

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A. The Sheriff, or designee, shall have the sole discretionary authority to permit ~~program participation in a home detention or pretrial release supervision program~~ as an alternative to physical custody; provided, however, that the Sheriff, or designee, shall not consider a prisoner's ability or inability to pay all or a portion of the program fee for purposes of granting or denying participation ~~in~~, assigning a person to, or removing a person from, the home detention program or pretrial release supervision program.

B. To participate in the home detention program or pretrial release supervision program, an adult who is sentenced to the County jail or other County correctional facility ~~either (1) shall be employed for a minimum of thirty-two (32) hours per week and shall live and work in the Sacramento County area or its surrounding counties; or (2) shall live in Sacramento County and shall have a verified disabling medical condition which, in the opinion of the Sheriff or designee, renders the individual inappropriate for incarceration. A full-time continuing student (twelve (12) units or more) may be eligible for the home detention program or pretrial release supervision program as determined by the Sheriff or designee on a case-by-case basis. In determining eligibility for the home detention program or pretrial release supervision program, the Sheriff or designee shall~~ may consider, at a minimum, the following factors as well as others: the crime for

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C. The Sheriff, or designee, shall be authorized to return a prisoner participant in the home detention program or pretrial release supervision program to custody for nonpayment and/or delinquent payment of the fees authorized by Section 2.90.420; provided, however, that a participant's removal from either program~~the home detention participant's~~ for nonpayment and/or delinquent payment of those fees, is not due to his or her inability to pay. As a condition for participation in the home detention program or pretrial release supervision program, the Sheriff, or designee, may require a participant prisoner to agree in writing that he or she may be returned to custody for nonpayment and/or delinquent payment of fees for reasons other than an inability to pay. Prior to returning a home detention participant or pretrial release supervision program participant to custody for nonpayment and/or delinquent payment of those fees, the Sheriff or designee shall interview the participant to determine his or her current ability to pay said fees.

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A. The Sheriff, or designee, shall collect all moneys chargeable to the home detention participant or pretrial release supervision participant and shall transmit those moneys on a monthly basis to the County Treasurer for deposit into the general fund.

B. The Sheriff, or designee, may charge a person participating in either program the fee established by the Board of Supervisors pursuant to Section 2.90.420 or any portion thereof and may determine the method and frequency of payment. Any fee or portion thereof shall be based on the ~~prisoner's~~ participant's ability to pay. The Sheriff, or designee, may waive the fees when deemed necessary, justified, or in the interests of justice. At any time a participant in either program may request that the

~~Sheriff, or designee, modify or suspend the payment of the fees on the grounds of a change of circumstances with regard to the participant's ability to pay. The fees charged may be modified or waived by the Sheriff or designee during the prisoner's participant's participation in the home detention program or pretrial release supervision program; provided, however, that such modification or waiver is based upon a determination that there has been a change in the prisoner's participant's ability to pay. At any time during his or her sentence, a home detention participant may request that the Sheriff, or designee, modify or suspend the payment of the fees on the grounds of a change in circumstances with regard to the home detention participant's ability to pay.~~

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Within ~~ninety (90)~~ days of the effective date of ~~the~~ this ordinance ~~codified in this article~~, the Sheriff shall submit, for review and approval by the Board of Supervisors, administrative policies governing the operation of the home detention program and pretrial release supervision program. The administrative policies shall include, but not be limited to, criteria for participation in the programs, procedures and criteria for determining a ~~prisoner's~~ participant's ability to pay the fees authorized by Section 2.90.420, procedures for challenging any decision to deny, or remove, a ~~prisoner~~ participant from ~~participation in the home detention program, or pretrial release supervision program~~, and procedures for resolving any dispute relating to a ~~prisoner's~~ participant's ability to pay, the amount to be paid, the method of payment or the frequency of payment of those fees authorized by Section 2.90.420.

SECTION 2. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on _____, and on _____, further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Supervisor _____, seconded by Supervisor _____, the foregoing ordinance was passed and adopted by the

Board of Supervisors of the County of Sacramento, State of California, this _____ day of

_____ 2012, by the following vote:

AYES: Supervisors,

NOES: Supervisors,

ABSENT: Supervisors,

ABSTAIN: Supervisors,

Chair of the Board of Supervisors
of Sacramento County, California

(SEAL)

ATTEST:-----
Clerk, Board of Supervisors

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**AN ORDINANCE OF THE SACRAMENTO COUNTY CODE RELATING TO
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B. The Sheriff is authorized to offer a pretrial release supervision program
which minimum security inmates and criminal offenders may voluntarily participate, in
lieu of confinement in the County jail or other County correctional facility.

**2.90.410 Eligibility to Participate in Home Detention Program or Pretrial
Release Supervision Program.**

A. The Sheriff, or designee, shall have the sole discretionary authority to
permit participation in a home detention or pretrial release supervision program as an
alternative to physical custody; provided, however, that the Sheriff, or designee, shall
not consider a prisoner's ability or inability to pay all or a portion of the program fee for
purposes of granting or denying participation, assigning a person to, or removing a
person from, the home detention program or pretrial release supervision program.

B. To participate in the home detention program or pretrial release supervision
program, an adult who is sentenced to the County jail or other County correctional
facility shall live in the Sacramento County area or its surrounding counties. A
continuing student may be eligible for the home detention program or pretrial release
supervision program as determined by the Sheriff or designee on a case-by-case basis.
In determining eligibility for the home detention program or pretrial release supervision
program, the Sheriff or designee may consider the following factors as well as others:
the crime for which the person has been arrested or sentenced to, his or her criminal
history, his or her residential history, his or her employment history, his or her failure to
appear history, his or her disciplinary history in either a county facility or State facility,
and his or her stability in the community.

C. The Sheriff, or designee, shall be authorized to return a participant in the
home detention program or pretrial release supervision program to custody for
nonpayment and/or delinquent payment of the fees authorized by Section 2.90.420;

provided that a participant's removal from either program for nonpayment and/or delinquent payment of those fees, is not due to his or her inability to pay. As a condition for participation in the home detention program or pretrial release supervision program, the Sheriff, or designee, may require a participant to agree in writing that he or she may be returned to custody for nonpayment and/or delinquent payment of fees for reasons other than an inability to pay. Prior to returning a home detention participant or pretrial release supervision program participant to custody for nonpayment and/or delinquent payment of those fees, the Sheriff or designee shall interview the participant to determine his or her current ability to pay said fees.

D. The Sheriff or designee shall have the sole discretion to return a participant in the home detention program or pretrial release supervision program to custody if the participant has failed to comply with the rules relating to either program. A home detention program participant, returned to custody for a rule violation, is subject to a loss of good time credits.

2.90.420 Cost of Programs and Determination of Fees.

The Board of Supervisors hereby determines that an application fee in the sum of \$130 chargeable to each participant in either program is necessary to defray costs to the County resulting from the application process. In addition, the Board of Supervisors determines that \$49 per day is a reasonable administrative fee to be charged each participant of either program, and that fee, together with the application fee, does not exceed the pro rata cost of either program, including equipment, supervision and other operating costs. Such fees may be increased or decreased by the Board of Supervisors, by resolution, from time to time after the Board considers those factors affecting the fees such as increases in County employee salaries, costs of supervision, costs of equipment and other operating costs.

2.90.430 Collection of Fees.

A. The Sheriff, or designee, shall collect all moneys chargeable to the home detention participant or pretrial release supervision participant and shall transmit those moneys on a monthly basis to the County Treasurer for deposit into the general fund.

B. The Sheriff, or designee, may charge a person participating in either program the fee established by the Board of Supervisors pursuant to Section 2.90.420 or any portion thereof and may determine the method and frequency of payment. Any fee or portion thereof shall be based on the participant's ability to pay. The Sheriff, or designee, may waive the fees when deemed necessary, justified, or in the interests of justice. At any time a participant in either program may request that the Sheriff, or designee, modify or suspend the payment of the fees on the grounds of a change of circumstances with regard to the participant's ability to pay. The fees charged may be modified or waived by the Sheriff or designee during the participant's participation in the home detention program or pretrial release supervision program; provided, however, that such modification or waiver is based upon a determination that there has been a change in the participant's ability to pay.

2.90.440 Administrative Policy.

Within 90 days of the effective date of this ordinance, the Sheriff shall submit, for review and approval by the Board of Supervisors, administrative policies governing the operation of the home detention program and pretrial release supervision program. The administrative policies shall include, but not be limited to, criteria for participation in the programs, procedures and criteria for determining a participant's ability to pay the fees authorized by Section 2.90.420, procedures for challenging any decision to deny, or remove, a participant from the home detention program or pretrial release supervision program, and procedures for resolving any dispute relating to a participant's ability to pay, the amount to be paid, the method of payment or the frequency of payment of those fees authorized by Section 2.90.420.

SECTION 2. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on November 6, 2012, and on December 4, 2012, further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Supervisor Serna, seconded by Supervisor

Yee, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this 4th day of December 2012, by the following vote:

AYES:	Supervisors,	Peters, Yee, Serna, MacGlashan, Nottoli
NOES:	Supervisors,	None
ABSENT:	Supervisors,	None
ABSTAIN:	Supervisors,	None

Don Nottoli

Chair of the Board of Supervisors
of Sacramento County, California



ATTEST: *Cyndi Lee*
Clerk, Board of Supervisors

In accordance with Section 25103 of the Government Code of the State of California a copy of the document has been delivered to the Chairman of the Board of Supervisors, County Of Sacramento on: 12/4/12

By: *V. Roberts*
Deputy Clerk, Board of Supervisors

FILED
BOARD OF SUPERVISORS

DEC 04 2012
BY *Cyndi Lee*
CLERK OF THE BOARD

w:\ordinances\2012\2.90 home det program (final).docx

New Order



Your Order is sent.

Customer Information

Customer Name	SAC. CO BD OF SUPERVISORS	Master Id	44150
Address	700 H STREET, STE 2450	Phone	9168748167
City	SACRAMENTO	Fax	9168747593
State - Zip	CA - 95814		

Product Information

Legal GOVERNMENT - ORDINANCE PUBLICATION

Order Information

Attention Name V. Rodgers

Billing Reference No.

Ad Description 12-4-12 Item No. 21 - SCC-1518

Sale/Hrg/Bid Date

Special Instructions -

Orders Created

Order No.	Newspaper Name	Publishing Dates	Ad	Price Description	Price	Ad Status
2418690	THE DAILY RECORDER, CA	12/10/2012	Depth : 18.00" Lines : 221	\$7.65 * 18.00 Inches * 1 Inserts	\$137.70	Sent
Order No.		Newspaper		View		
2418690		THE DAILY RECORDER		View Ad In PDF		

SCC NO. 1518

AN ORDINANCE OF THE SACRAMENTO COUNTY CODE RELATING TO THE HOME DETENTION PROGRAM AND PRETRIAL RELEASE SUPERVISION PROGRAM

The Board of Supervisors of the County of Sacramento, State of California, ordains as follows:

SECTION 1. Sections 2.90.400 through 2.90.440 of Chapter 2.90, Title 2, of the Sacramento County Code are amended to read as follows:

2.90.400 Home Detention Program and Pretrial Release Supervision Program.

A. The Sheriff is authorized to offer a home detention program which minimum security inmates and criminal offenders committed to the County Jail or other County correctional facility may voluntarily participate, in lieu of confinement in the County Jail or other County correctional facility.

B. The Sheriff is authorized to offer a pretrial release supervision program which minimum security inmates and criminal offenders may voluntarily participate, in lieu of confinement in the County jail or other County correctional facility.

2.90.410 Eligibility to Participate in Home Detention Program or Pretrial Release Supervision Program.

A. The Sheriff, or designee, shall have the sole discretionary authority to permit participation in a home detention or pretrial release supervision program as an alternative to physical custody; provided, however, that the Sheriff, or designee, shall not consider a prisoner's ability or inability to pay all or a portion of the program fee for purposes of granting or denying participation, assigning a person to, or removing a person from, the home detention program or pretrial release supervision program.

B. To participate in the home detention program or pretrial release supervision program, an adult who is sentenced to the County jail or other County correctional facility shall live in the Sacramento County area or its surrounding counties. A continuing student may be eligible for the home detention program or pretrial release supervision program as determined by the Sheriff or designee on a case-by-case basis. In determining eligibility for the home detention program or pretrial release supervision program, the Sheriff or designee may consider the following factors as well as others: the crime for which the person

has been arrested or sentenced to, his or her criminal history, his or her residential history, his or her employment history, his or her failure to appear history, his or her disciplinary history in either a county facility or State facility, and his or her stability in the community.

C. The Sheriff, or designee, shall be authorized to return a participant in the home detention program or pretrial release supervision program to custody for nonpayment and/or delinquent payment of the fees authorized by Section 2.90.420; provided that a participant's removal from either program for nonpayment and/or delinquent payment of those fees, is not due to his or her inability to pay. As a condition for participation in the home detention program or pretrial release supervision program, the Sheriff, or designee, may require a participant to agree in writing that he or she may be returned to custody for nonpayment and/or delinquent payment of fees for reasons other than an inability to pay. Prior to returning a home detention participant or pretrial release supervision program participant to custody for nonpayment and/or delinquent payment of those fees, the Sheriff or designee shall interview the participant to determine his or her current ability to pay said fees.

D. The Sheriff or designee shall have the sole discretion to return a participant in the home detention program or pretrial release supervision program to custody if the participant has failed to comply with the rules relating to either program. A home detention program participant, returned to custody for a rule violation, is subject to a loss of good time credits.

2.90.420 Cost of Programs and Determination of Fees.

The Board of Supervisors hereby determines that an application fee in the sum of \$130 chargeable to each participant in either program is necessary to defray costs to the County resulting from the application process. In addition, the Board of Supervisors determines that \$49 per day is a reasonable administrative fee to be charged each participant of either program, and that fee, together with the application fee, does not exceed the pro rata cost of either program, including equipment, supervision and other operating costs. Such fees may be increased or decreased by the Board of Supervisors, by resolution, from time to time after the Board considers those factors affecting the fees such as increases in County employee salaries, costs of supervision, costs of equipment and other operating costs.

2.90.430 Collection of Fees.

A. The Sheriff, or designee, shall collect all moneys chargeable to the home detention participant or pretrial release supervision participant and shall transmit those moneys on a monthly basis to the County Treasurer for deposit into the general fund.

B. The Sheriff, or designee, may charge a person participating in either program the fee established by the Board of Supervisors pursuant to Section 2.90.420 or any portion thereof and may determine the method and frequency of payment. Any fee or portion thereof shall be based on the participant's ability to pay. The Sheriff, or designee, may waive the fees when deemed necessary, justified, or in the interests of justice. At any time a participant in either program may request that the Sheriff, or designee, modify or suspend the payment of the fees on the grounds of a change of circumstances with regard to the participant's ability to pay. The fees charged may be modified or waived by the Sheriff or designee during the participant's participation in the home detention program or pretrial release supervision program; provided, however, that such modification or waiver is based upon a determination that there has been a change in the participant's ability to pay.

2.90.440 Administrative Policy.

Within 90 days of the effective date of this ordinance, the Sheriff shall submit, for review and approval by the Board of Supervisors, administrative policies governing the operation of the home detention program and pretrial release supervision program. The administrative policies shall include, but not be limited to, criteria for participation in the programs, procedures and criteria for determining a participant's ability to pay the fees authorized by Section 2.90.420, procedures for challenging any decision to deny, or remove, a participant from the home detention program or pretrial release supervision program, and procedures for resolving any dispute relating to a participant's ability to pay, the amount to be paid, the method of payment or the frequency of payment of those fees authorized by Section 2.90.420.

SECTION 2. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on November 6, 2012, and on December 4, 2012, further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said

publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Supervisor Serna, seconded by Supervisor Yee, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this 4th day of December 2012, by the following vote:

AYES: Supervisors, Peters, Serna, Yee, MacGlashan, Nottoli
NOES: Supervisors, None
ABSENT: Supervisors, None
ABSTAIN: Supervisors, None