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| ALAMEDA COUNTY SHERIFF'S OFFICE DETENTION AND CORRECTIONS POLICY AND PROCEDURE | NUMBER: 19.01 | PAGES: 1 of 3 |
| | RELATED ORDERS: Penal Code Sections 4024.2, 4019 Labor Code 3363.5 Internal Revenue Code 501(c) (3) | |
| | ISSUE DATE: December 1, 2010 | |
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| CHAPTER: Sheriff's Work Alternative Program | SUBJECT: Introduction to the Sheriff's Work Alternative Program | |

- I. **PURPOSE:** The purpose of the Sheriff's Work Alternative Program (SWAP) is to provide alternatives to confinement for low-risk offenders sentenced to county jail, to provide a service to the community, and to reduce jail overcrowding.
- II. **POLICY:** It is the intent of the Sheriff's Office to maintain the highest standards of public confidence, credibility, and public safety when implementing alternative to confinement programs.
- III. **DEFINITIONS:**

NON-PROFIT ORGANIZATIONS: Those established or operated for the benefit of the public or in support of a significant public interest, as set forth in Section 501(c) (3) of the Internal Revenue Code.
- IV. **SENTENCE COMPUTATION:**
 - A. Penal Code Section 4019 reads in part:
 1. "The provisions of this section shall apply...when a prisoner participates in a program pursuant to...Section 4024.2 P.C."
 2. "For each four-day period in which a prisoner is committed...one day shall be deducted from his or her period of confinement unless it appears the by the record that the prisoner has refused to satisfactorily perform labor as assigned by the Sheriff."
 3. "For each four-day period in which a prisoner is committed...one day shall be deducted from his or her period of confinement unless it appears by the record that the prisoner has not satisfactorily complied with the reasonable rules and regulations established by the Sheriff."

4. "A deduction shall not be made under this section unless the person is committed for a period of four days or longer."
5. "It is the intent of the Legislation that if all days earned under this section, a term of four days will be deemed to have been served for every two days spent in actual custody."
6. For any court sentence over four days, the SWAP deputy will compute an adjusted half time sentence.
7. If a SWAP participant is defaulted for poor work performance or failure to follow program rules, he or she will be referred back to the sentencing court. If the participant is re-referred to SWAP, he or she will not receive any credits while serving the remaining time on that case. The participant will be liable for additional fees to complete the full sentence.

- V. **PROCEDURES:** SWAP applicants shall be evaluated and supervised in accordance with the policies and procedures implemented by the Sheriff's Office. SWAP workers will be assigned only to contracted job sites in Alameda County which have been approved by the Sheriff's Office.
- A. The hours of labor to be performed shall be uniform for all workers and shall be a minimum of eight (8) and a maximum of ten (10) hours.
 - B. The SWAP shall consist of any of the following:
 1. Manual labor to improve or maintain public facilities, including but not limited to schools, streets, and parks.
 2. Manual labor supporting non-profit organizations approved by the Sheriff's Office.
 3. Graffiti cleanup for local government entities.
 - C. As a condition of assigning workers, the contracted job-site's workers' compensation insurance shall be adequate to cover work related injuries in accordance to Labor code Section 3363.5.
 - D. Any person incapable of performing manual labor due to medical conditions, limited physical ability, or age may participate in any other type of public sector work, if available.
 - E. The Alameda County Board of Supervisors may prescribe reasonable rules and regulations for the SWAP Program.
 - F. SWAP workers shall promise to appear for a work assignment by completing and signing an application, thereby agreeing to all rules and regulations of the

program.

- G. The Sheriff's Office may immediately retake the person into custody to serve the balance of their sentence or default them from the program and refer them back to court if;
 - 1. The worker fails to appear for the work assignment.
 - 2. The worker does not perform the assigned work activity.
 - 3. Excessive absences
 - 4. New arrests
 - 5. Any other reason that renders the worker no longer fit for the SWAP.
- H. A peace officer may retake a worker into custody without a warrant for arrest, or the court may issue a warrant for arrest for retaking the person into custody to serve the remainder of his/her original sentence.
- I. The Sheriff's Office is not required to assign a person to the SWAP if it appears from the worker's record that the person has not satisfactorily complied with the rules and regulations governing the SWAP or his/her court order.
- J. A person shall be eligible for the SWAP only if the Sheriff's Office concludes the person meets the eligibility criteria.
- K. The Board of Supervisors charges administrative ***fees for registration and daily attendance. These fees are*** to be paid in full by each individual prior to receiving a job assignment.
 - 1. A person will be given a minimum of four (4) weeks to pay all fees.
 - 2. Fees will be accepted in cash or money order, only.
 - 3. Administrative fees are non-refundable.
 - 4. ***For sentences over 30 days, the fees may be paid in 30 day increments.***