

ORDINANCE NO. 10226 (N.S.)

**AN URGENCY ORDINANCE TO ADD SECTION 954 OF ARTICLE LXIII OF
THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO WORK
FURLOUGH
TO TAKE EFFECT IMMEDIATELY**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and declares as follows

A. On April 4, 2011, Governor Brown signed Assembly Bill (AB) 109, the Public Safety Realignment Act which fundamentally changed the criminal justice system and transferred many criminal justice responsibilities to counties, including custody and supervision of persons who would otherwise be in prison or supervised by the state. On September 27, 2011, the Board of Supervisors authorized the Sheriff, as one of the county's two correctional administrators, to develop and implement home detention programs, a custody alternative, pursuant to Penal Code sections 1203.016 and 1203.018, to be operated as part of the Home Detention Electronic Monitoring Program (also known as the Alternate Custody Program). On September 25, 2012 (1), the Board of Supervisors authorized the Sheriff to offer an involuntary home detention program pursuant to Penal Code section 1203.017.

B. On the basis of employment, job training, and education conditions, the state of the county jail facilities, and the impacts of AB 109 Public Safety Realignment, the operation of Penal Code section 1208 in the County of San Diego continues to be feasible insofar as it relates to employment, job training, and education.

C. Pursuant to Penal Code section 1208, the work furlough program and facility is operated under contract by Correctional Alternatives, Inc., as authorized by the Board of Supervisors on February 1, 2000 (2).

D. The Chief Probation Officer is currently designated as the correctional administrator of the county's probation and postrelease supervision programs, and is designated as the work furlough administrator pursuant to action of the Board of Supervisors on March 25, 2008 (4). As work furlough administrator, the Chief Probation Officer is authorized to place inmates in work furlough and perform all other duties contemplated by Penal Code section 1208 and other provisions of law.

E. The additional designation of the Sheriff as a work furlough co-administrator for the limited purpose of placing inmates in work furlough programs as an additional custody alternative will facilitate the implementation of the work furlough program as a custody alternative in addition to the previously-authorized custody alternatives intended to help address jail conditions. This designation and authority is needed immediately in order to mitigate the impact of realignment, including increases in jail population, on public peace and safety. The Board of Supervisors determines that designating the Sheriff as a work furlough co-administrator pursuant to Penal Code section 1208, designating a work furlough facility, and finding that Penal Code section 1208 continues to be feasible insofar as it relates to employment, job training and education, should be adopted by an urgency ordinance pursuant to Government Code section 25123(d), with such ordinance effective immediately upon passage.

Section 3. Section 954 of Article of the San Diego County Administrative Code is added as follows:

ARTICLE LXIII. PUBLIC SAFETY REALIGNMENT OF 2011.

Sec. 954. Work Furlough.

(a) The Sheriff is designated as a work furlough administrator for the limited purpose of placing inmates in work furlough programs pursuant to Penal Code 1208.

(b) The Chief Probation Officer is designated as a work furlough administrator pursuant to Penal Code 1208, and is authorized to perform all functions of the work furlough administrator pursuant to Penal Code 1208 and other provisions of law.

(c) The facility operated by Correctional Alternatives, Inc. at 551 South 35th Street, San Diego, California, 92113 is designated as a work furlough facility.

(d) The Chief Probation Officer is designated as the custodian of all work furlough facilities. He or she may operate the work furlough facilities or administer the work furlough facilities pursuant to written contracts with appropriate public or private agencies or private entities.

Section 4. This Urgency Ordinance shall expire on the effective date of the ordinance titled “AN ORDINANCE TO ADD SECTION 954 TO ARTICLE LXIII OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO WORK FURLOUGH”, which was adopted by the Board of Supervisors on October 30, 2012.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 9th day of October, 2012.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY

Mark Day, Deputy County Counsel