

<p style="text-align: center;"> <b>Contra Costa County</b>  <b>Office of the Sheriff</b>    <b>CSB Policy and Procedure</b> </p>	<b>DETENTION</b>	<b>NUMBER: 2.19.04</b>
	<b>RELATED ORDERS:</b> PC 8536; 4004; 4019; 4024.2; 4024.3 and 1208	
<b>ISSUE DATE:</b> 11-30-23 <b>REVISION DATE:</b> 11-12-25 <b>REVIEW DATE:</b> 08-12-25	<b>CLEARANCE:</b>  <b>CUSTODY</b>	
<b>CHAPTER:</b>  Custody Alternative Facility	<b>SUBJECT:</b>  Sheriff's Work Alternative Program	

## **I. POLICY**

- A. The Office of the Sheriff is dedicated to maintaining a responsible, effective Sheriff's Work Alternative Program (SWAP). The program is designed to ensure that offenders/participants satisfy their court sentences without incarceration through work assignments at various community sites contracted with the Office of the Sheriff; thus, allowing the continuation of the offender's regular employment and other responsibilities.

## **II. SHERIFF'S WORK ALTERNATIVE PROGRAM (SWAP)**

- A. SWAP shall be operated in accordance with Sheriff's Office policies and procedures and in compliance with applicable laws.

## **III. DEFINITIONS**

- A. **OFFENDER.** An individual who is participating in a CAF program in lieu of incarceration in a county correctional facility.
- B. **CONCURRENT SENTENCING:** Multiple commitments that allow two or more sentences to be served at the same time.
- C. **CONSECUTIVE SENTENCING:** Multiple commitments for which two or more sentences run one after the other, with the term to be served equal to the cumulative total of all sentences.

## **IV. GENERAL**

- A. **VALID BOOKING AUTHORITY**
1. **Commitment:** A court order docket referring the offender to CAF for the SWAP program.
  2. **Out-of-County Commitment:** An out-of-county commitment docket with a written request from the referring agency. All transfer requests into and out of Contra Costa County are subject to approval by CAF staff.
- B. **PROGRAM REQUIREMENTS**

1. An active telephone (cellular or residential).
2. A valid form of identification (brought to the initial CAF office and worksite).

**C. BOOKING PROCESS**

1. The offender will be directed by the court to contact the CAF office.
2. The offender will be booked into the jail management system.
3. The offender will be fingerprinted and photographed.
4. The offender will be thoroughly briefed on the rules, regulations, and procedures of SWAP.
5. The offender will be given a contract with a worksite schedule for delivery to the assigned worksite supervisor where signatures will be obtained.
6. The offender will be advised of scheduled workdays and hours and provided with instructions on where to report on assigned days.
7. The offender may be required to submit to a drug screening test. A positive drug test (including medical and recreational marijuana) may result in disqualification from the program.

**D. RESTRICTED ITEMS**

1. Use of all electronics is restricted while at the worksite.
2. Use or possession of alcohol and illegal drugs (including medical or recreational marijuana) is prohibited during the incarceration period.
3. Possession of any kind of weapon(s) at the worksites is prohibited.

**E. RULES/REGULATIONS**

1. Offenders are normally required to work one (1) to three (3) days a week.
2. All valid missed work assignments will be scheduled for make-up days. Documentation explaining the absence(s) is required.
3. Unexcused absences from a worksite may result in program removal and physical return to custody.
4. The offender shall follow all rules and regulations as set forth by the supervisor at a worksite.

**F. SUPERVISION**

1. Day-to-day supervision at the worksite will be completed by the worksite supervisor. (Worksite supervisors are provided with information on supervision requirements.)
2. CAF staff may conduct random worksite visits for the following:
  - a. Visual check of the offender for use of drugs/alcohol.
  - b. Visual check of work performance

3. Offenders will be encouraged to notify the worksite supervisors regarding any concerns.
4. SWAP offenders are required to report to the SWAP Case Manager and worksite supervisors any/all injuries experienced at any worksite.

#### G. WORKSITES

1. SWAP has signed a contract with numerous states, counties, cities, and non-profit organizations to supply non-skilled workers for an 8- to 10-hour workday. The worksites supply insurance, supervision, transportation from a pick-up location if needed, and a safe and hostility-free working environment. SWAP staff screens offenders and then schedules the number of participants requested at the time. Worksite supervisors are not police officers and are not required or expected to act as such.
  - a. Interested worksites shall complete a worksite application and work crew supervisor guidelines forms that will identify a supervisor.
  - b. All valid worksites will have on file a current Memorandum of Understanding (MOU) with the CAF, which details among other things how workers' compensation claims will be administered should a SWAP offender be injured at any of the worksites.
  - c. All injuries shall be reported promptly by the worksite supervisor to SWAP staff.
  - d. Contracts: The worksite personnel do not have the right to change the contract. If a participant misses a scheduled workday, the offender should complete the remainder of the contract and follow the directions outlined on the form and as verbally explained by the Case Manager. Rescheduled days will be arranged at the discretion of SWAP staff and within a reasonable time.
  - e. The worksite supervisor will verify attendance by having the participants sign a daily worksite roster that will be maintained at the worksite. In addition, the worksite supervisor will place his/her signature on the offender's work contract to indicate that the offender worked on a particular day. Worksite supervisors will write "No Show" in place of a signature when a scheduled individual does not appear for work. Each day the worksite supervisor must fax or email the worksite roster to CAF.

#### H. COMPUTING SENTENCES

1. The CAF Sergeant will calculate the sentence at the time the scheduled appointment is entered into the jail management system.
2. Commitment papers received from the courts will be maintained in the booking folders and must contain the following information:
  - a. Applicant's name.
  - b. Court docket, including:

- Length of sentence,
  - Court credits,
  - Concurrent or consecutive sentencing,
  - Judge's signature, and
  - Court seal or filing stamp.
- c. A Promise to Appear; and
  - d. Date sentence to start (enrollment date).
3. Prior to computing the release date, staff will review the commitment papers carefully to determine the following:
    - a. Commencement date.
    - b. Length of sentence; and
    - c. Credit(s) for time served.
  4. All sentences are considered concurrent unless the commitment states otherwise. When a participant is active in a program, all additional commitments must be reviewed to ascertain whether concurrent or consecutive sentencing has been specified by the court. In the absence of such specifications, the court will be contacted for clarification.
  5. Good Time and Work Time credits will be given to participants on SWAP. All inmates will receive court-directed credits.

#### I. PROGRAM FAILURE

1. An offender can fail the program by doing one of (but not limited to) the following program violations:
  - a. Failure to appear at the designated worksite on scheduled workdays.
  - b. Failure to follow worksite rules.
  - c. Unprofessional behavior and attitude with a Case Manager or worksite supervisor(s).
  - d. Dismissal from a worksite due to rule violations.
  - e. Failure to reschedule missed workdays within the allotted time as directed by a Case Manager.
  - f. Appearing at a worksite under the influence of any drugs or alcohol.
  - g. Failure to sign in at a worksite upon arrival.
2. Case Managers will promptly advise the CAF Sergeant or Lieutenant of all program violations. Major/serious incidents will be documented in an Incident Report and/or a Crime Report, and new charge(s) filed.

3. Following a program failure, the CAF Sergeant or Lieutenant will determine whether a participant can remain on the program or be placed in physical custody. The Sergeant will direct a Deputy to respond to the participant's location or obtain assistance from the local police agency if an arrest is warranted.
4. If a participant has left a worksite and cannot be located, an Order for Arrest will be requested/issued under the direction of the CAF Sergeant or Lieutenant.