

BOARD OF SUPERVISORS, SIERRA COUNTY, STATE OF CALIFORNIA

**IN THE MATTER OF APPROVING)
ESTABLISHMENT OF A WORK FURLOUGH)
PROGRAM PURSUANT TO SECTION 1208 OF) **ORDINANCE NO.: 863**
THE PENAL CODE)**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SIERRA ORDAINS AS
FOLLOWS:**

Ordinance Section One:

Pursuant to the provisions of California Penal Code Section 1208, the Board of Supervisors finds that given the limited space for the incarceration of individuals who have been sentence to serve a sentence in the County jail, and upon the recommendation of the County Sheriff, it is feasible to institute a work furlough program for inmates that the Sierra County Sheriff determines are suitable and appropriate for release under the provisions of a work furlough program and who would not constitute a risk to the community when released under such a program. Accordingly the Board of Supervisors finds and declares its intent to establish a work furlough program to be administered by the Sierra County Sheriff's Department.

Ordinance Section Two:

Section 2.48.060 is hereby added to the Sierra County Code, pertaining to establishment of a work furlough program for sentenced inmates at the Sierra County jail, to read as follows:

Section 2.48.060 Establishment of Work Furlough Program

(a) Pursuant to Penal Code Section 1208, a work furlough program shall be established for inmates sentenced to jail in Sierra County or is imprisoned for nonpayment of a fine, for contempt or as a condition of probation for any criminal offense. The Sheriff of Sierra County shall be the work furlough administrator and the Sierra County jail shall be designated as the Sierra County Work Furlough Facility.

(b) When a person is convicted of a misdemeanor and sentenced to the county jail, or is imprisoned in the county jail for nonpayment of a fine, for contempt, or as a condition of probation for any criminal offense, the work furlough administrator may, if he or she concludes that the person is a fit subject to continue in his or her regular employment, direct that the person be permitted to continue in that employment, if that is compatible with the requirements of subdivision (c), or may authorize the person to secure employment for himself or herself, unless otherwise ordered by the court. The work furlough administrator may, if he or she concludes that the person is a fit subject

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to continue in his or her job training program, direct that the person be permitted to continue in that job training program, if that is compatible with the requirements of subdivision (c), or may authorize the person to secure local job training for himself or herself, unless the court at the time of sentencing has ordered that person not be granted work furloughs. The work furlough administrator may, if he or she concludes that the person is a fit subject to continue in his or her regular educational program, direct that the person be permitted to continue in that educational program, if that is compatible with the requirements of subdivision (c), or may authorize the person to secure education for himself or herself, unless the court at the time of sentencing has ordered that person not be granted work furloughs.

(c) If the work furlough administrator so directs that the prisoner be permitted to continue in his or her regular employment, job training, or educational program, the administrator shall arrange for a continuation of that employment or for that job training or education, so far as possible without interruption. If the prisoner does not have regular employment or a regular job training or educational program, and the administrator has authorized the prisoner to secure employment, job training, or education for himself or herself, the prisoner may do so, and the administrator may assist the prisoner in doing so. Any employment, job training, or education so secured shall be suitable for the prisoner. The employment, and the job training or educational program if it includes earnings by the prisoner, shall be at a wage at least as high as the prevailing wage for similar work in the area where the work is performed and in accordance with the prevailing working conditions in that area. In no event may any employment, job training, or educational program involving earnings by the prisoner be permitted where there is a labor dispute in the establishment in which the prisoner is, or is to be, employed, trained, or educated.

(d) Whenever the prisoner is not employed or being trained or educated and between the hours or periods of employment, training, or education, the prisoner shall be confined in the facility designated by the board of supervisors for work furlough confinement unless the work furlough administrator directs otherwise. If the prisoner is injured during a period of employment, job training, or education, the work furlough administrator shall have the authority to release him or her from the facility for continued medical treatment by private physicians or at medical facilities at the expense

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of the employer, workers' compensation insurer, or the prisoner. The release shall not be construed as assumption of liability by the county or work furlough administrator for medical treatment obtained.

The work furlough administrator may release any prisoner classified for the work furlough program for a period not to exceed 72 hours for medical, dental, or psychiatric care, or for family emergencies or pressing business which would result in severe hardship if the release were not granted, or to attend those activities as the administrator deems may effectively promote the prisoner's successful return to the community, including, but not limited to, an attempt to secure housing, employment, entry into educational programs, or participation in community programs.

(e) The earnings of the prisoner may be collected by the work furlough administrator, and it shall be the duty of the prisoner's employer to transmit the wages to the administrator at the latter's request. Earnings levied upon pursuant to writ of execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, that request shall have priority. In a case in which the functions of the administrator are performed by a sheriff, and the sheriff receives a writ of execution for the earnings of a prisoner subject to this section but has not yet requested transmittal of the prisoner's earnings pursuant to this section, the sheriff shall first levy on the earnings pursuant to the writ. When an employer or educator transmits earnings to the administrator pursuant to this subdivision, the sheriff shall have no liability to the prisoner for those earnings. From the earnings the administrator shall pay the prisoner's board and personal expenses, both inside and outside the jail, and shall deduct so much of the costs of administration of this section as is allocable to the prisoner or if the prisoner is unable to pay that sum, a lesser sum as is reasonable, and, in an amount determined by the administrator, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the prisoner, pay, in whole or in part, the preexisting debts of the prisoner. Any balance shall be retained until the prisoner's discharge. Upon discharge the balance shall be paid to the prisoner.

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Ordinance Section Three:

This ordinance shall take effect thirty (30) days after its passage. Before the expiration of the fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the Mountain Messenger, a newspaper of general circulation published in Sierra County, California.

Introduced at a regular meeting of the Board of Supervisors held on the twentieth day of January, 1998, and passed and adopted by the Board of Supervisors of the County of Sierra, State of California, on the 3rd day of February, 1998 by the following roll call vote, to wit:

AYES: Supervisors Gutman, Luchessi, Nunes, Mitchell and Whitley
NOES: None
ABSTAIN: None
ABSENT: None

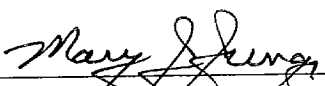
COUNTY OF SIERRA



PATRICIA A. WHITLEY, CHAIR
BOARD OF SUPERVISORS

ATTEST:

APPROVED AS TO FORM:



MARY J. JUNGI
CLERK OF THE BOARD



JAMES A. CURTIS
COUNTY COUNSEL