

Detention Alternatives - Electronic Monitoring Program (EMP)

1014.1 PURPOSE AND SCOPE

The Sonoma County Sheriff's Office offers qualified incarcerated persons/defendants the opportunity to participate in Detention Alternatives programs that allow them the privilege of serving their court-ordered sentence in a non-traditional manner. In lieu of incarceration, eligible incarcerated persons may be afforded the opportunity to continue their education and/or employment.

1014.1.1 DEFINITIONS

EMP - Electronic Monitoring Program

Incarcerated person - For the purposes of this policy, an individual charged with and/or convicted of a crime.

1014.2 POLICY

It is the policy of the Sonoma County Sheriff's office that pre-trial incarcerated persons being held in lieu of bail and incarcerated persons sentenced to County jail time may participate in the Electronic Monitoring Program if they meet the criteria and follow the rules.

1014.3 GENERAL INFORMATION

Pre-trial incarcerated persons being held in lieu of bail with no holds or outstanding warrants may participate in the Electronic Monitoring Program (EMP) if one of the following circumstances exist (1203.018 PC):

- (a) The incarcerated person has been held in custody for at least 30 calendar days from the date of arraignment pending disposition of only misdemeanor charges.
- (b) The incarcerated person has been held in custody for at least 60 calendar days from the date of arraignment.

Incarcerated persons sentenced to County jail time may voluntarily participate and be placed on the EMP for their entire sentence in lieu of confinement in the jail (1203.016 PC & 1203.017 PC) and shall receive any sentence reduction (good and work time credits) in accordance with the applicable sentencing structure.

Incarcerated persons who are involuntarily placed on the Electronic Monitoring Program shall receive any sentence reduction credits that they would have received had they served their sentence in jail.

As a condition of participation, the incarcerated person shall give his/her consent and agree to comply with all applicable rules and regulations of the program in writing in order to participate in the program. For involuntary participation, all incarcerated persons shall be informed in writing that they shall comply with the rules and regulations of the program. The rules include, but are not limited to:

Sonoma County Sheriff's Office

Custody Manual

Detention Alternatives - Electronic Monitoring Program (EMP)

- (a) The incarcerated person shall remain within the interior premises of his or her residence during the hours designated by the Sheriff's Office.
- (b) The incarcerated person shall allow admittance to any person or agent designated by the Sheriff's Office into his or her residence at any time for the purposes of verifying the incarcerated persons's compliance with the conditions of the EMP.
- (c) The incarcerated person shall agree to the use of electronic monitoring devices for the purpose of helping to verify his or her compliance with the rules and regulations of the EMP.
- (d) The incarcerated person shall agree that the Sheriff's Office may, without further order of the Court, take the offender into custody to serve the balance of his/her sentence if:
 - 1. The monitoring devices are unable to perform their functions at the place of home detention.
 - 2. The incarcerated person fails to remain in the place of detention as agreed.
 - 3. The incarcerated person fails to meet the established criteria to remain in the program.

An incarcerated person shall be eligible for participation in EMP if the Sheriff's Office concludes the incarcerated person meets the criteria for EMP and the incarcerated persons participation is consistent with the rules and regulations of the EMP. There is no requirement that the Sheriff's Office allow an incarcerated person to participate in EMP if it appears that the incarcerated person has not satisfactorily complied with the rules and regulations while in custody.

The EMP rules and regulations shall be given to every participating incarcerated persons. The Board of Supervisors and the Sheriff's Office shall review the EMP rules and regulations and the EMP administrative policy annually.

The Sheriff's Office shall have sole discretionary authority to permit program participation as an alternative to physical custody. All incarcerated persons removed from program participation, shall be notified in writing of the specific reasons for the denial or removal. The notice of denial or removal shall include the incarcerated persons appeal rights.

At any time, the Court may restrict or deny the incarcerated persons participation in the EMP.

The Sheriff's Office may approve a schedule for EMP incarcerated person that includes but is not limited to seeking and retaining employment, attending counseling, educational or vocational training classes, or medical and dental appointments. Willful failure of the incarcerated person to return to the designated place of detention or unauthorized departures from the designated place of detention is punishable pursuant to Penal Code section 4532, Escape.

EMP incarcerated persons are responsible for arranging their own healthcare and healthcare insurance. Once an incarcerated person is released on EMP, the Sonoma County Sheriff's Office has no obligation to provide healthcare until or unless the incarcerated person is returned to custody.

Sonoma County Sheriff's Office

Custody Manual

Detention Alternatives - Electronic Monitoring Program (EMP)

No fees may be collected from incarcerated persons who participate in the Sonoma County Sheriff's Office Electronic Monitoring Program.

Regarding incarcerated persons who participate in EMP voluntarily, and notwithstanding any other law, upon request of a local law enforcement agency with jurisdiction over the location where an EMP incarcerated person is placed, the Sheriff's Office shall provide the following information about EMP incarcerated persons:

- (a) Name, address, and date of birth
- (b) Offense(s) committed or alleged committed by the incarcerated person.

Regarding incarcerated persons who participate in the EMP in lieu of bail and notwithstanding any other law, upon request of a local law enforcement agency with jurisdiction over the location where an EMP incarcerated person is placed, the Sheriff's Office shall provide information in 4.0(L)(1) and 4.0(L)(2), in addition to the following:

- (a) The period of time the incarcerated person shall be placed on Electronic Monitoring. Whether the incarcerated person successfully completed the prescribed period of Electronic Monitoring or was returned to incarceration, and if returned to incarceration, the reason for return.
- (b) The gender and ethnicity of the incarcerated person.

Regarding incarcerated persons placed in EMP involuntarily, and notwithstanding any other law, the Sheriff's Office shall provide the following information to the Board of State and Community Corrections, and upon request shall provide that information to the law enforcement agency with jurisdiction over the location where an EMP incarcerated person is placed:

- (a) Name, address, and date of birth
- (b) Offense(s) committed or alleged committed by the incarcerated person.
- (c) The period of time the incarcerated person shall be placed on Electronic Monitoring.
- (d) Whether the incarcerated person successfully completed the prescribed period of Electronic Monitoring or was returned to incarceration, and if returned to incarceration, the reason for return.
- (e) The gender and ethnicity of the incarcerated persons.

If an incarcerated person's participation in the program is terminated, the revocation date and time will be the return to custody booking date and time.

1014.4 PROCEDURES

Applicants who volunteer for the EMP shall complete a Detention Alternatives Application and speak with a Detention Alternatives Deputy who shall explain program details and review the court commitment to ensure the incarcerated person is eligible.

Upon approval into the EMP, the applicant shall be notified in writing via Notice of Enrollment and EMP Enrollment Instructions, which shall include a date/time and location for the incarcerated person to report to begin EMP.

Sonoma County Sheriff's Office

Custody Manual

Detention Alternatives - Electronic Monitoring Program (EMP)

The Court will be provided a copy of the Notice of Enrollment once the incarcerated person has been booked and enrolled in the program. Upon conclusion of the program, the Court will be notified.

The Detention Alternatives Supervisor shall be notified of any applicants who are denied participation in the EMP and any unsuccessful terminations from the program.

Applicants who are denied enrollment may appeal their denial and submit additional material for reconsideration within 10 business days to the Detention Alternatives office. The designated manager shall review the appeal and make their final decision. The incarcerated person shall be notified in writing of the appeal results.

For involuntary participation, the incarcerated person shall be informed in writing that they shall comply with the EMP rules and regulations of the program. The Detention Alternatives Deputy shall note that the incarcerated person has been informed of, and given a copy of, the EMP rules and regulations.

Detention Alternatives staff and/or designated EMP contract employees may conduct regularly scheduled office visits, random and or scheduled drug/alcohol testing, and routine home visits on EMP incarcerated persons.

In the event an EMP rule violation occurs, Detention Alternatives will review the violation. Depending on the severity of the violation a determination will be made as to the disciplinary action to be taken.

Violations of any criminal law by incarcerated persons shall result in the immediate removal from the EMP. A crime report shall be requested regarding criminal violations.

In the event the incarcerated person's participation is revoked, Detention Alternatives will either:

- (a) Advise an incarcerated person to report to the appropriate Detention Facility.
- (b) Notify Sheriff's Dispatch or the appropriate law enforcement agency to have a law enforcement officer respond to the location and return him/her to the appropriate correctional facility.

If an EMP violation occurs and the incarcerated person is removed from the EMP, the incarcerated person has the right to an appeal but must return to custody prior to the appeal process. The designated manager shall review the appeal and make his/her final decision. The incarcerated person shall be notified in writing of the appeal results.

EMP incarcerated persons must not leave their place of confinement, whether it is their place of residence, employment or education location without authorization from Detention Alternatives staff. In the event the participant fails to return to his/her place of confinement without permission and their whereabouts are unknown to Detention Alternatives staff, they may be considered an escapee. Detention Alternatives staff may initiate an escape report (Emergencies - Escape) and a crime report may be completed.

Sonoma County Sheriff's Office

Custody Manual

Detention Alternatives - Electronic Monitoring Program (EMP)

Detention Alternatives shall provide a summary of the EMP to the Detention Facilities Manager and Assistant Sheriff each month.

1014.5 PROCEDURE REFERENCE

See attachment: [1011-DETENTION_ALTERNATIVES_-_ELECTRIC_MONITORING_PROGRAM__EMP__.pdf](#)

Attachments

1011-DETENTION_ALTERNATIVES_- _ELECTRIC_MONITORING_PROGRAM__EMP__.pdf

DETENTION ALTERNATIVES - ELECTRIC MONITORING PROGRAM (EMP)

1011.1 DETENTION ALTERNATIVES - EMP

The Sonoma County Sheriff's Office offers qualified incarcerated persons/defendants the opportunity to participate in Detention Alternatives programs that allow them the privilege of serving their court ordered sentence in a non-traditional manner. In lieu of incarceration, eligible incarcerated persons may be afforded the opportunity to continue their education and/or employment. Not all incarcerated persons are acceptable for Detention Alternative programs.

A review and investigation is completed on each applicant to assess any apparent threat to the community or likelihood of re-offending. Incarcerated persons may be revoked from the Program and returned to custody at any time at the sole discretion of the Sonoma County Sheriff's Office. The goal of Detention Alternatives programs is to allow incarcerated persons the potential to remain productive members of society while maintaining the safety of the general public, staff, participating offenders, and the reduction of the incarcerated persons population within the detention facilities.

1011.2 DEFINITIONS

EMP

Electronic Monitoring Program

Incarcerated Person

For the purposes of this policy, an individual charged with and/or convicted of a crime.

1011.3 GENERAL INFORMATION

- A. Incarcerated persons sentenced to County jail time may voluntarily participate and be placed on the Electronic Monitoring Program (EMP) for their entire sentence in lieu of confinement in the jail (1203.016 PC & 1203.017 PC) and shall receive any sentence reduction (good and work time credits) in accordance with the applicable sentencing structure. (We are not currently accepting any pre-trial individuals on the Electronic Monitoring Program)
- B. As a condition of participation, the incarcerated person shall give their consent and agree to comply with all applicable rules and regulations of the program in writing in order to participate in the program. The rules include, but are not limited to:
 - 1. The incarcerated person shall remain within the interior premises of his or her residence during the hours designated by the Sheriff's Office.
 - 2. The incarcerated person shall allow admittance to any person or agent designated by the Sheriff's Office into his or her residence at any time for the purposes of verifying the incarcerated person's compliance with the conditions of the EMP.
 - 3. The incarcerated person shall agree to the use of electronic monitoring devices for the purpose of helping to verify his or her compliance with the rules and regulations of the EMP.

Sonoma County Sheriff's Office

Procedures Manual

DETENTION ALTERNATIVES - ELECTRIC MONITORING PROGRAM (EMP)

4. The incarcerated person shall agree that the Sheriff's Office may, without further order of the Court, take the offender into custody to serve the balance of their sentence if:
 - (a) The monitoring devices are unable to perform their functions at the place of home detention.
 - (b) The incarcerated person fails to remain in the place of detention as agreed.
 - (c) The incarcerated person fails to meet the established criteria to remain in the program.
- C. An incarcerated person shall be eligible for participation in EMP if the Sheriff's Office concludes the incarcerated person meets the criteria for EMP and the incarcerated person's participation is consistent with the rules and regulations of the EMP. There is no requirement that the Sheriff's Office allow an incarcerated person to participate in EMP if it appears that the incarcerated person has not satisfactorily complied with the rules and regulations while in custody.
- D. The EMP rules and regulations shall be given to every participating incarcerated person. The Board of Supervisors and the Sheriff's Office shall review the EMP rules and regulations and the EMP administrative policy annually.
- E. The Sheriff's Office shall have sole discretionary authority to permit program participation as an alternative to physical custody. All incarcerated persons removed from program participation, shall be notified in writing of the specific reasons for the denial or removal. The notice of denial or removal shall include the incarcerated person's appeal rights.
- F. At any time, the Court may restrict or deny the incarcerated person's participation in the EMP.
- G. The Sheriff's Office may approve a schedule for EMP incarcerated persons that includes but is not limited to seeking and retaining employment, attending counseling, educational or vocational training classes, or medical and dental appointments. Willful failure of the incarcerated person to return to the designated place of detention or unauthorized departures from the designated place of detention is punishable pursuant to Penal Code section 4532, Escape.
- H. EMP incarcerated persons are responsible for arranging their own healthcare and healthcare insurance. Once an incarcerated person is released on EMP, the Sonoma County Sheriff's Office has no obligation to provide healthcare until or unless the incarcerated person is returned to custody.
- I. Regarding incarcerated persons who participate in EMP voluntarily, and notwithstanding any other law, upon request of a local law enforcement agency with jurisdiction over the location where an EMP incarcerated person is placed, the Sheriff's Office shall provide the following information about EMP incarcerated persons:
 1. Name, address, and date of birth;
 2. Offense(s) committed or alleged committed by the incarcerated person.

Sonoma County Sheriff's Office

Procedures Manual

DETENTION ALTERNATIVES - ELECTRIC MONITORING PROGRAM (EMP)

1011.4 PROCEDURES

- A. Applicants who volunteer for the EMP shall complete a [Detention Alternatives Application](#) and speak with a Detention Alternatives Deputy who shall explain program details and review the court commitment to ensure the incarcerated person is eligible.
- B. Upon approval into the EMP, the applicant shall be notified in writing via [Notice of Enrollment](#) and [EMP Enrollment Instructions](#), which shall include a date/time and location for the incarcerated person to report to begin EMP.
- C. The Court will be provided a copy of the [Notice of Enrollment](#) once the incarcerated person has been booked and enrolled in the program. Upon conclusion of the program, the Court will be notified.
- D. The Detention Alternatives Supervisor shall be notified of any applicants who are denied participation in the EMP and any unsuccessful terminations from the program.
- E. Applicants who are denied enrollment may appeal their denial and submit additional material for reconsideration within ten (10) business days to the Detention Alternatives office. The designated manager shall review the appeal and make their final decision. The incarcerated person shall be notified in writing of the appeal results.
- F. Detention Alternatives staff and/or designated EMP contract employees may conduct regularly scheduled office visits, random and or scheduled drug/alcohol testing, and routine home visits on EMP incarcerated persons.
- G. In the event an EMP rule violation occurs, Detention Alternatives will review the violation. Depending on the severity of the violation a determination will be made as to the disciplinary action to be taken.
- H. Violations of any criminal law by incarcerated persons shall result in the immediate removal from the EMP. A crime report shall be requested regarding criminal violations.
- I. In the event the incarcerated persons participation is revoked, Detention Alternatives will:
 - 1. Advise an incarcerated person to report to the appropriate Detention Facility or,
 - 2. Notify Sheriff's Dispatch or the appropriate law enforcement agency to have a law enforcement officer respond to the location and return them to the appropriate correctional facility.
- J. If an EMP violation occurs and the incarcerated person is removed from the EMP, the incarcerated person has the right to an appeal but must return to custody prior to the appeal process. The designated manager shall review the appeal and make his/her final decision. The incarcerated person shall be notified in writing of the appeal results.
- K. EMP incarcerated persons must not leave their place of confinement, whether it is their place of residence, employment or education location without authorization from Detention Alternatives staff. In the event the participant fails to return to his/her place of confinement without permission and their whereabouts are unknown to Detention Alternatives staff, they may be considered an escapee. Detention Alternatives staff may initiate an escape report ([Emergencies – Escape](#)) and a crime report may be completed.

Sonoma County Sheriff's Office

Procedures Manual

DETENTION ALTERNATIVES - ELECTRIC MONITORING PROGRAM (EMP)

- L. Detention Alternatives shall provide a summary of the EMP to the Detention Facilities Manager and Assistant Sheriff each month.

1011.5 REFERENCES

County Manual 1014 - Detention Alternatives