

# Detention Alternatives – Electronic Monitoring Program (EMP)

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Title: **Detention Alternatives – Electronic Monitoring Program (EMP)** Detention Division Version  
01.05.16

## 1.0 POLICY STATEMENT

The Sonoma County Sheriff's Office offers qualified inmates/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 inmates may be afforded the opportunity to continue their education and/or employment. Not all inmates 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. Inmates 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 inmates the potential to remain productive members of society while maintaining the safety of the general public, staff, participating offenders, and the reduction of the inmate population within the detention facilities.

## 2.0 DEFINITIONS

- EMP**        Electronic Monitoring Program
- Inmate**     For the purposes of this policy, an individual charged with and/or convicted of a crime.

## 3.0 MANDATES

*Penal Code: 1203.016, 1203.017, 1203.018, 2900.5, 4019*

## 4.0 GENERAL INFORMATION

- A. Pre-trial inmates 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):
1. The inmate has been held in custody for at least 30 calendar days from the date of arraignment pending disposition of only misdemeanor charges.
  2. The inmate has been held in custody for at least 60 calendar days from the date of arraignment.
- B. Inmates 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.
- C. Inmates 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.
- D. As a condition of participation, the inmate 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. For involuntary participation, all inmates 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:
1. The inmate shall remain within the interior premises of his or her residence during the hours designated by the Sheriff's Office.
  2. The inmate 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 inmate's compliance with the conditions of the EMP.
  3. The inmate 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.
  4. The inmate 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 inmate fails to remain in the place of detention as agreed.
    - c. The inmate fails to pay EMP fees as agreed.
    - d. The inmate fails to meet the established criteria to remain in the program.

- E. An inmate shall be eligible for participation in EMP if the Sheriff's Office concludes the inmate meets the criteria for EMP and the inmate's participation is consistent with the rules and regulations of the EMP. There is no requirement that the Sheriff's Office allow an inmate to participate in EMP if it appears that the inmate has not satisfactorily complied with the rules and regulations while in custody.
- F. The EMP rules and regulations shall be given to every participating inmate. The Board of Supervisors and the Sheriff's Office shall review the EMP rules and regulations and the EMP administrative policy annually.
- G. The Sheriff's Office shall have sole discretionary authority to permit program participation as an alternative to physical custody. All inmates 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 inmate's appeal rights.
- H. At any time, the Court may restrict or deny the inmate's participation in the EMP.
- I. The Sheriff's Office may approve a schedule for EMP inmates 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 inmate 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.
- J. EMP inmates are responsible for arranging their own healthcare and healthcare insurance. Once an inmate is released on EMP, the Sonoma County Sheriff's Office has no obligation to provide healthcare until or unless the inmate is returned to custody.
- K. The Board of Supervisors may prescribe a program administration fee to be paid by EMP inmates. The fee shall be based on ability to pay. Inability to pay all or a portion of the program fees shall not preclude participation in the program, and eligibility shall not be enhanced by reason of ability to pay.
- L. Regarding inmates 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 inmate is placed, the Sheriff's Office shall provide the following information about EMP inmates:
  - 1. Name, address, and date of birth;
  - 2. Offense(s) committed or alleged committed by the inmate.
- M. Regarding inmates 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 inmate is placed, the Sheriff's Office shall provide information in 4.0(L)(1) and 4.0(L)(2), in addition to the following:

1. The period of time the inmate shall be placed on Electronic Monitoring. Whether the inmate successfully completed the prescribed period of Electronic Monitoring or was returned to incarceration, and if returned to incarceration, the reason for return.
  2. The gender and ethnicity of the inmate.
- N. Regarding inmates 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 inmate is placed:
1. Name, address, and date of birth;
  2. Offense(s) committed or alleged committed by the inmate.
  3. The period of time the inmate shall be placed on Electronic Monitoring.
  4. Whether the inmate successfully completed the prescribed period of Electronic Monitoring or was returned to incarceration, and if returned to incarceration, the reason for return.
  5. The gender and ethnicity of the inmate.
- O. If an inmate's participation in the program is terminated, the revocation date and time will be the return to custody booking date and time.

## **5.0 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 inmate 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 inmate to report to begin EMP.
- C. The Court will be provided a copy of the [Notice of Enrollment](#) once the inmate 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

inmate shall be notified in writing of the appeal results.

- F. For involuntary participation, the inmate 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 inmate has been informed of, and given a copy of, the EMP rules and regulations.
- G. 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 inmates.
- H. 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.
- I. Violations of any criminal law by inmates shall result in the immediate removal from the EMP. A crime report shall be requested regarding criminal violations.
- J. In the event the inmates participation is revoked, Detention Alternatives will:
  - 1. Advise an inmate 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.
- K. If an EMP violation occurs and the inmate is removed from the EMP, the inmate 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 inmate shall be notified in writing of the appeal results.
- L. EMP inmates 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.
- M. Detention Alternatives shall provide a summary of the EMP to the Detention Facilities Manager and Assistant Sheriff each month.

## **6.0 REVISION HISTORY**

Version 01.05.16 – 5/2016

(All revisions must have final approval with the Board of Supervisors)