

Index:
Home Detention Program

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HOME DETENTION PROGRAM

I. Purpose:

- A. To provide a program to minimum-security inmates or low risk offenders so they may be incarcerated in a Home Detention Program in lieu of confinement in the Mendocino County Jail.
- B. Home Detention will be used as a Classification tool to assist in jail population management.

II. Policy:

- A. The Home Detention Program will adhere to California Penal Code Sections 1203.016, 1203.017, 1203.018, 1208.2, and all other applicable laws.
- B. The Home Detention Program is designed to assess only inmates that are currently classified minimum-security for participation in the Home Detention Program. The overriding factors will be public safety and judicial concerns. Ability to pay will not be a criterion.
- C. The Correctional Administrator shall have sole discretionary authority to permit program participation.

III. Definitions:

- A. Correctional Administrator: The Sheriff serves as the Correctional Administrator.
- B. Low Risk Offender: An inmate classified as minimum security per the Mendocino County Sheriff's Office Inmate Classification Policy.

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- C. Penal Code Section 1203.016: This section sets up a voluntary home detention program for minimum-security sentenced inmates and the participant pays a fee to participate in the program. Those arrested on or after October 1, 2011 will receive day for day 4019 credits.
- D. Penal Code Section 1203.017: This section sets up an involuntary home detention program meant to relieve or avoid crowded conditions within the jail. The target population is minimum-security. The PC 4019 credits are granted day for day.
- E. Penal Code Section 1203.018: This section sets up a home detention Program for minimum-security pre-trial inmates being held in lieu of bail. This is also a program to relieve or avoid crowded conditions. Misdemeanant inmates must have been incarcerated for 30 days since the time of arraignment and must be free of outstanding warrants and holds.
- F. Penal Code Section 3450(b)(8)(c): This section Provides the Probation Department with an intermediate sanction of home detention on post-release probationers prior to the use of the ten day "flash incarceration".

IV. Procedure:

A. Utilizing the Home Detention Program

- 1. The following are allowable reasons to utilize the Home Detention Program:
 - a. On-going management of the jail population via 1203.016;
 - b. If the inmate population reaches 90% of bed capacity both 1203.017 and 1203.18 will be utilized.; or
 - c. Intermediate sanction of a probationer in lieu of serving jail time.
 - d. The inmate has a serious medical condition and does not pose a public safety risk.

B. Screening Process

- 1. The screening process used to determine whether an individual is appropriate for home detention will begin either while the person is

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incarcerated or pre-incarceration.

a. For pre-incarceration - once the person has been sentenced, he or she can receive an application from the Home Detention Coordinator or online from the Sheriff's website (<http://mendocinosheriff.com>). The person will be instructed to fill out the application and submit it to the Home Detention Coordinator.

2. The Primary Classification Decision Tree: This systematic and objective instrument will be used to assess the risk and needs of an inmate.
3. The Re-classification Assessment: A periodic review and assessment by classification staff will be conducted to determine if the inmate's risk and needs have changed. Once determined, the inmate's custody level may either increase or decrease.
4. The Home Detention Coordinator will double check for any disqualifying criteria.

C. Eligibility

1. Eligibility Criteria:
 - a. Minimum-security sentenced as per classification policy; or
 - b. Minimum-security pre-sentenced that has been incarcerated for 30 days after arraignment and free of holds and outstanding warrants and;
 - c. The inmate must be able to understand and comply with the home detention contract.
2. All intermediate sanctions as specified under PC 3450(b)(8)(c) will be admitted into the program.
3. A person who has been sentenced by the Court to serve weekends or an extended commitment that is pre-incarceration and meets minimum security guidelines.
4. A person serving a local prison sentence and is minimum security must serve half of their sentence prior to consideration for the program.

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D. Overrides to Eligibility:

1. An individual who would otherwise be eligible for the home detention program will not be eligible if any one of following conditions exists:
 - a. The court recommends against a person from participating in the program;
 - b. Has had two or more Level-3 rule violations as defined in Policy and Procedure section 700.00 during the last two years;
 - c. The inmate has been convicted or incarcerated for sex crimes, domestic violence, or is a sex registrant, unless mitigating circumstances exist, including, length of time since original crime, severity, and re-offenses; or
 - d. The inmate been convicted of 3 or more driving under the influence charges in the last 7 years; or
 - e. The inmate is a known gang member or has gang affiliations; or
 - f. The inmate is not cooperative with the terms of his or her probation: "Not cooperative" shall mean more than three violations of probation convictions in the last six months, more than five violations in the past year, or termination of probation as unsuccessful in the past three years.
 - g. The inmate has been terminated from the Home Detention Program due to violations of the terms of the Home Detention Contract;
 - h. The inmate is a habitual offender, defined as more than two criminal convictions in the last six months, more than five criminal convictions in the past year, or more than eight in the past three years;
 - i. The inmate has an active restraining order against him or her;
 - j. The inmate has a conviction of a crime under 1192.7 or 667.5 PC;

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- k. The inmate has been arrested for or convicted of possessing an assault weapon.
 - l. The inmate has been charged or convicted under Penal Code section 1320 two or more times in the last 3 years.
 - m. The inmate has a cognitive impairment that requires strict adherence to prescribed medicine and a history of non-compliance with their medication prescription.
- E. Inmates Who Are Approved For The Home Detention Program
- 1. Inmates approved for the program will complete and sign the following:
 - a. Client Information Form;
 - b. Financial Declaration Form(1203.016 only); and
 - c. The Home Detention Contract.
 - 2. Once the required fees are paid and a payment schedule is finalized (1203.016 only), the inmate will be placed into the program.
 - a. 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.
- F. Program Fees, Collections, and Refunds (1203.016 only)
- 1. See Home Detention Contract.
- G. Inmates Who Are Denied Participation in the Home Detention Program
- 1. Inmates who are denied participation in the Home Detention Program will receive the specific reasons for the denial in writing. The written document will also include appeal rights.
- H. Processing Appeals
- 1. Appeals may only be based on an error or omission in the assessment process.

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2. Inmates wishing to appeal their assessment must fill out the bottom section of the Home Detention Notification certificate and return it to the Housing Deputy so that it may be forwarded to the Corrections Lieutenant.
 - a. The Corrections Lieutenant will review the classification file, the court docket, and review the inmate's medical history with medical staff.
 - b. The Corrections Lieutenant will render a decision in writing and return it to the inmate.
 - (1) A photocopy of the Home Detention Notification will be placed into the inmate's Classification file.
 3. If the inmate disagrees with the decision of the Corrections Lieutenant, they may file a second appeal to the Jail Commander. The decision of the Jail Commander will be final.
 4. The inmate will give the Home Detention Notification certificate to the Housing Deputy so that it may be forwarded to the Jail Commander.
 - a. The Jail Commander will review the classification file, the court docket, and review the inmate's medical history with medical staff.
 - b. The Jail Commander will render a decision in writing and return it to the inmate.
 - (1) A photocopy of the Home Detention Notification will be placed into the inmate's Classification file.
- I. Rules and Regulations
1. The rules and regulations of the Home Detention Program are found in the Home Detention Contract.
- J. Violations of the Rules and Regulations
1. Failure to comply with any of the rules and regulations in the Home Detention Contract may result in the inmate being retaken to physical custody.

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2. Rules and regulations violations will be processed as outlined in the Mendocino County Sheriff's Office Inmate Discipline policy.
3. Failure to comply with program rules and regulations may also result in further criminal charges being filed against the inmate.

V. Staff Responsibilities

A. Home Detention Coordinator

1. The Home Detention Coordinator will be responsible to perform the following:
 - a. Supervise all inmates in the Home Detention Program;
 - b. Double check each inmate assessment for any disqualifying information by gathering information from the classification file, criminal history report, D.M.V. print out, pre-sentence report (if available), computer files, and the master file;
 - c. Notify the inmate in writing of the results;
 - d. If inmate is denied:
 - (1) Route the screening form to the classification file; and
 - (2) Route the written denial to the inmate.
 - e. If the inmate is approved:
 - (1) Create a file and complete the administrative paperwork and fee structure;
 - (2) Have the inmate fill out the client information form;
 - (3) Meet with the inmate to review the aforementioned forms. Review the rules and regulations and sign the Home Detention Contract; and
 - (4) The completed file will be stored in the Home Detention Office.

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2. Supervision of the inmates on the Home Detention Program will require the Home Detention Coordinator to perform the following functions:
 - a. Go to the home of the inmate and perform a search to ensure the requirements of the contract are met;
 - b. Set up the monitoring equipment and review daily reports;
 - c. Meet with the inmate once a week;
 - d. Conduct random on-site supervision of the inmate at their home or work;
 - e. Collect random urine or breath samples and send them for analysis;
 - f. Upon the person's release, The Home Detention Coordinator will remove the monitoring equipment and release the inmate from custody;
 - g. When reasonable suspicion exists that the inmate has violated the Home Detention Contract, staff may re-take them into physical custody.
3. The Home Detention Coordinator will also notify the police department or Sheriff's Office substation that a home detainee is present in their jurisdiction. Information to the agency will contain the following information about the inmate:
 - a. Name;
 - b. Address;
 - c. Date of birth; and
 - d. Offense committed

B. Corrections Sergeant

1. The assigned Corrections Sergeant will oversee and supervise the Home Detention Program.

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