

DATE:	MARCH 4, 2019
NUMBER:	E.3
SUBJECT:	HOME DETENTION AND RRC/WF CRITERIA
RELATED SECTIONS:	P.C. 1203.016 THROUGH 1203.018 and 1208.

PURPOSE

To assess and determine the eligibility of inmates for placement in the Home Detention and/or Residential Reentry Center/Work Furlough Programs with electronic monitoring.

POLICY

Inmates currently in the custody of the San Diego County Sheriff's Department and court-referred applicants may be screened for participation in the Home Detention or RRC/WF Program with electronic monitoring. County Parole and Alternative Custody (CPAC) staff is the only personnel authorized to determine eligibility for the program. Each inmate will be considered on a case by case basis.

PROCEDURE

I. INELIGIBILITY FACTORS

Those applicants who meet any of these ineligibility factors are generally disqualified and may not grieve the denial.

- A. Inmates/defendants sentenced according to CA Penal Code 1170(h)(B) (prison/local split sentence), Post Release Community Supervision (PRCS), documented prison gang members, and active state/federal parolees.
- B. If the applicant was not arrested, convicted and sentenced in the County of San Diego.
- C. Inmates/defendants with open or pending charges (pretrial and pre-arraignment defendants are excluded), detainers or active bookable warrants.
- D. A residence that does not meet minimum qualifications.
- E. Is charged with any of the following offenses:
 - 1. Murder PC 187
 - 2. Manslaughter PC 192(a)
 - 3. Vehicle Manslaughter PC 191.5, 192(a)(1), and 192(c)(3)
 - 4. Mayhem PC 203 and 205
 - 5. Kidnapping PC 207, 208 and 209
 - 6. ADW on a Peace Officer PC 245(c) and 245 (d)

7. Arson PC 451
8. Grand theft firearm PC 487.3
9. Any of following sex offenses: PC 220, 261, 264.1, 286 (c), 286(d), 288, 288.5, 289(a), 311-312.3.
 - a. Any sex offense wherein the victim or presumed victim is/was under 18 years of age.
 - b. All crimes which require registration under PC 290.
10. Any of following violent crimes: PC 12022(b), 12022.5, and 12022.7.

If these offenses were committed in the past, by the applicant, they might be evaluated on a case-by-case basis.

II. ELIGIBLE APPLICANTS

The following may apply for Home Detention with electronic monitoring:

- A. Sentenced in-custody inmate (self-referral)
- B. Court Referred:
 1. Pretrial (instead of bail).
 2. Presentenced (defined as the court is requesting a prescreen review to see if a defendant qualifies for any CPAC program).
 3. Sentenced (in or out of custody).
- C. Pretrial Services Unit (PTS) Pre-Arrestment
 1. The courts and the PTS Unit vet these participants. The CPAC Unit electronically monitors the defendant only.
 2. After arraignment is completed, the courts may refer the participant to CPAC as a Pretrial participant.
 3. Most sentenced inmates may apply for RRC/WF as long as they do not meet any of the ineligibility factors.
- D. CPAC detention deputies will review the extract on a daily basis to locate any qualified participants.

III. HOME DETENTION ELIGIBILITY CRITERIA

- A. Out of custody applicants must submit their CPAC Electronic Monitoring Application (J-142 form) and their sentencing minute order to the CPAC Unit within 14 business days of their report date to custody.

1. In custody applications (J-142 form) shall be reviewed within 14 business days after received.
 2. Presentenced application (J-142 form) and a court order should be received within 14 days of sentencing.
- B. Inmates must agree to program supervision requirements, wear a monitoring device, and when applicable, pay any administrative and daily fees.
 - C. Inmates must have been arrested, convicted and sentenced to serve a minimum of 96 hours in San Diego County on Home Detention.
 - D. Sentenced inmates that have not been precluded from participating in the program by a judge.
 - E. Sentenced or un-sentenced inmates must not have any open bookings, detainers, or active warrants (in county or out of county).
 - F. Inmates must have a verified place of residence or accept placement into appropriate housing as determined by CPAC staff (refer to section V).
 - G. Any inmate whose criminal history reveals an arrest or conviction for sex offenses to include sexual assault, lewdness, indecent exposure, or child-victim crimes, shall be presumptively ineligible for the program unless an exception is appropriate based on the severity of the crime and the passage of time from the date of the offense. The CPAC deputy recommending the exception shall:
 1. Submit written documentation to the CPAC lieutenant regarding the exception.
 2. Place a copy of the written documentation in the program case file.
 - H. A Domestic Violence Screening Instrument (DVSI) shall be completed on inmates whom criminal history reveals the following:
 1. Any instance of domestic violence where a valid protection order is in effect. The protection order may preclude participation in the CPAC program.
 2. Current domestic violence charge(s).
 3. Domestic violence incidents and or a recent pattern of domestic violence incidents within the past five years.

When feasible, CPAC deputies will notify domestic violence victims of the inmate's acceptance on the CPAC program, provide domestic violence resources to the victim and input any victim notification information in Offender 360.

IV. RRC/WF ELIGIBILITY CRITERIA

- A. Inmates must agree to program supervision requirements and wear a monitoring device.
- B. Sentenced inmates cannot be precluded from participating in the program by a judge.

- C. Sentenced inmates must not have any open or pending charges, detainers, or active bookable warrants (in county or out of county).
- D. Criminal history that reveals any instance of domestic violence where a valid protection order is in effect may preclude participation.
- E. Inmates must not have any medical condition that prevents them from either programming or working.
- F. Inmates must have a minimum of 20 days left on their sentence. Inmates who are 1170(h)(A) (straight local sentence) may be reviewed when they have a minimum of 90 days left on their sentence.

V. RESIDENCE ELIGIBILITY CRITERIA

An eligible inmate must reside at a location that meets the following criteria:

- A. Unfettered access to the residence for CPAC staff to conduct random, unannounced home checks.
- B. Working utilities, specifically electricity. A hardline telephone is not required unless the residence is located in an area where cell phone coverage is absent.
- C. No firearms, alcohol, or illegal drugs may be used by the participant in the residence during the incarceration period.
- D. GPS device must be able to transmit and receive a signal to provide an accurate and consistent location from their residence.
- E. A signed Cohabitant Acknowledgement (J-144 form) must be completed by all persons, 18 years and older, living at the applicant's residence.

Cohabitants that are active state or federal parolees, mandatory supervision probationers and or documented street or prison gang members may preclude the participant from living at that residence.

- F. A Consent to Search (SO-135 form) must be signed by the applicant prior to residence check. Failure to sign the SO-135 form will be grounds to deny the applicant for Home Detention. The consent to search pertains to the participant's living areas and common areas of the residence as well as vehicles or items under the participant's control.

VI. APPLICANT BACKGROUND INVESTIGATION

CPAC staff shall complete a comprehensive criminal and personal background check on all applicants and review, at a minimum, the following:

Presentenced or prescreened backgrounds will be completed by the PTS Unit.

- A. SD Law Reports to include, but not limited to the following:

1. Criminal History Databases (State and Federal).
 2. Department of Motor Vehicles Databases.
 3. Temporary Restraining Order Databases.
- B. JIMS Incident Reports
- C. Court Case Documentation
- D. Arrest and criminal reports
- E. Inmate's family and community structure
- F. Prior treatment programs
- G. Probation Reports (Pre-Sentenced Reports)
- H. All applicants shall have a risk assessment completed.
1. A full risk assessment shall be completed on any applicant serving more than 30 days in Home Detention. It will be completed by the PTS Unit, but the CPAC staff shall assist when necessary.
 2. A basic risk assessment shall be completed on any applicant serving less than 30 days in Home Detention and will be completed by CPAC staff.
 3. Pre-arraignment risk assessments are completed by the PTS Unit and approved by the courts.
- I. Any participant sentenced and approved for CPAC for over 30 days will have a case plan developed by the Correctional Counselors.
1. The case plan will consist of assigned classes the participant will be required to attend and complete while in the CPAC program.
 2. The classes are assigned based on the participant's "needs" which is determined by their risk assessment.

VII. APPROVAL PROCESS

All applicants recommended, or not recommended, for Home Detention or RRC/WF by CPAC deputies will be reviewed and approved by a CPAC sergeant.

- A. CPAC deputies or STAR staff will submit the inmate's program case file with all required documents.
- B. CPAC sergeants will review all case file documents, and approve or deny participation.
- C. All inmates or defendants who score as a "High" on their risk assessment for violence will be approved or denied by the CPAC lieutenant or designee.

VIII. DENIAL AND APPEAL PROCESS

- A. All court referred applicants who are denied placement into the program will be denied through the CPAC chain of command to the rank of lieutenant. Presentenced or prescreened applicants will be denied by the CPAC lieutenant or designee.
 - 1. The CPAC deputy shall report in writing to the CPAC sergeant why he or she is not recommending the applicant.
 - 2. If the CPAC sergeant or designee agrees with the deputy's assessment he or she will deny the applicant and forward the applicant's folder to the CPAC lieutenant or designee who will make the final decision.
- B. Non-court referred in custody applicants for Home Detention will be notified in writing and be informed of the grievance process.
 - 1. Non-court referred out of custody applicants will be informed either in writing or by phone.
 - 2. Out of custody applicants cannot grieve the denial.
- C. Prescreen applicants will be informed of the denial utilizing the Prescreen Notification CPAC (J-167 form) issued to the court.
- D. After the applicant is denied and informed of the denial they may grieve the denial based on the Detention P&P N.1 Grievance Procedure.

If not in custody at the time of the denial they may grieve the denial once in custody utilizing the Detention P&P N.1 Grievance Procedure.
- E. If the inmate disagrees with the grievance decision of the CPAC sergeant, the inmate may file a third level appeal to the CPAC lieutenant who shall respond within 10 calendar days as outlined in Detention P&P N.1 Grievance Procedure.

VIII. INCOMPLETE APPLICATION PROCESS

If the applicant fails to complete the application process before their report date, due to their inaction, the applicant will be told by CPAC staff to report to custody as stated on their court order.

- A. These applicants will have no course of appeal for their denial.
- B. These applicants can reapply for any CPAC program after they are in custody.
- C. This will be documented in JIMS under HDR/ISR and approved by a CPAC supervisor.
- D. If necessary, a letter can be sent to the court identifying the reason for the denial.