

DATE:	JANUARY 17, 2020
NUMBER:	X.2
SUBJECT:	ELECTRONIC MONITORING (EM) IN LIEU OF BAIL
RELATED SECTIONS:	PENAL CODE SECTIONS 1203.018, 1318-1319.5; DSB P&P E.4

PURPOSE

To safely reduce the number of persons detained during the pretrial phase by providing pretrial services and supervision to individuals on pretrial release.

POLICY

The Sheriff's Pretrial Unit will offer comprehensive pretrial release options to the judiciary and will make referrals for Electronic Monitoring (EM) in lieu of bail releases for individuals in jail who are pending trial. The County Parole and Alternative Custody Unit (CPAC) will screen offenders referred by the court for EM. If the offender is accepted, CPAC will electronically monitor the inmates accordingly. Through a contract with the County, Sentinel Offender Services provides the electronic monitoring equipment, satellite tracking software, case management and program services. A referral or participation in EM in lieu of bail pursuant to PC 1203.018 is voluntary and shall not prevent a defendant from securing his or her release at any point by posting the previously set amount of bail.

PROCEDURE

I. SHERIFF'S PRETRIAL UNIT

Sheriff's Pretrial Unit staff is composed of: assigned detention processing technicians (DPT), correctional counselors, an office support specialist (OSS), supervising correctional counselor, detention processing supervisors (DPS), a County Parole and Alternative Custody (CPAC) deputy, and the assistance of the Jail Population Management Unit (JPMU) deputies.

II. ELIGIBILITY CRITERIA FOR SCREENING

- A. Ineligible for O.R. (own recognizance) or Supervised O.R.
- B. No open or pending other charges, detainers, or active warrants.
- C. No current or prior domestic violence incidents, including child abuse, or stalking, resulting in a current valid protection order (case by case basis).
- D. No current sex offense case, pending charges, or prior conviction or arrest for sexual assault, lewdness, indecent exposure or child victim crimes.
- E. No current charges for murder, manslaughter, or attempted murder, or any charges with a gang, weapons or great bodily injury enhancement.
- F. No current serious or violent charge with a prior strike (serious or violent felony prior conviction).

- G. Verifiable residence (CPAC will verify).

III. COURT PROCESS

- A. The Sheriff's Pretrial Unit will conduct a criminal records check on defendants in custody and provide an arraignment report to the court.
- B. If the defendant is not eligible for O.R. or Supervised O.R., the defense attorney may request a referral for screening for EM in Lieu of Bail if the defendant meets the screening eligibility requirements. The prosecutor has the opportunity to respond. The Victim, if present, may be heard in opposition or support of the request. The Court will have the final authority to determine whether a defendant should be referred for screening to the CPAC Unit in the Sheriff's Department. If the court determines a defendant is not eligible or suitable for EM, the defendant will not be screened for release.
- C. If the court determines that a defendant should be screened for EM, the minute order should reflect that the Sheriff may release a defendant on EM if found eligible by the CPAC by specifically stating, "Referral to CPAC."
- D. The court shall also set the appropriate bail amount and impose any other appropriate conditions if released.
- E. The CPAC Unit will confirm the referred defendant meets CPAC eligibility requirements, including a verified residence. CPAC will complete a risk assessment to ensure the defendant meets the criteria.
 - 1. If the defendant is eligible and suitable, and signs the rules and regulations, CPAC will coordinate with JPMU to release the defendant on EM.
 - 2. The Sheriff has the final authority on whether to release a defendant referred by the Court to EM. The Sheriff will not report back to the court as to whether an offender met the requirements or not. However, the offender's attorney may contact CPAC to learn why the defendant was not accepted into EM.
 - 3. Upon any failure to comply with rules and regulations, the Sheriff shall have the discretion to impose intermediate sanctions or return the defendant to custody.
- F. If an offender on EM is sentenced, and the court indicates additional custody should be served, the minute order should reflect whether the custody is to be served in physical custody or continue on electronic monitoring in the form of home detention under the supervision of CPAC.

IV. RELEASE PROCESS

- A. The court clerk will notate, "refer to CPAC" on court minute order.
- B. The pretrial counselor will obtain the court minute order at the arraignment hearing.

- C. Immediately following the hearing, the pretrial counselor will email designated staff at CPAC with the subject, "REFER TO CPAC – courthouse" and include:
 - 1. Defendant's full name
 - 2. Booking number
 - 3. Court minute order
- D. Inmate Processing Division staff will access the shared drive folder to obtain the pretrial report and send it to the CPAC deputy to begin processing for release.
- E. CPAC deputy will process and submit to CPAC sergeant/lieutenant for approval
- F. If approved, the CPAC deputy will notify the JPMU deputy to release the defendant. The JPMU deputy will:
 - 1. Apply the Global Positioning System (GPS) device.
 - 2. Enroll the defendant in Web Patrol and activate the device.
 - 3. Transfer the defendant to Facility 16X in the Jail Information Management System.
 - 4. Direct the defendant to Sentinel by providing a Sentinel appointment sheet.

V. COMPLETION OF PRETRIAL SUPERVISION

Once an individual's case is adjudicated either by sentencing, dismissal, or revocation, the pretrial supervision is considered complete and no further supervision is needed. If an offender is released on EM and is sentenced while still released on EM, and the court indicates additional custody should be served, the minute order should reflect whether the custody is to be served in physical custody, or continued on EM in the form of home detention under the supervision of CPAC.

VI. REVOCATION

If an individual with a GPS device is remanded into custody, staff shall refer to revocation procedures as outlined in Detention Services Bureau Policies and Procedures (DSB P&P) E.4 - Installation and Removal of Devices.

VII. NEW ARRESTS/BOOKINGS

If an individual on pretrial supervision is arrested on a new charge(s) by any law enforcement agency, staff shall refer to new arrests/bookings procedures as outlined in DSB P&P E.4.