

<b>DATE:</b>	APRIL 27, 2022
<b>NUMBER:</b>	X.2
<b>SUBJECT:</b>	PRETRIAL HOME DETENTION (HD)
<b>RELATED SECTIONS:</b>	PC 1203.018 & DSB P&P <a href="#">E.3</a> , <a href="#">E.4</a> , <a href="#">E.5</a>

PURPOSE

To safely reduce the number of incarcerated persons detained and supervise defendants on Pretrial Home Detention (HD).

POLICY

The County Parole and Alternative Custody (CPAC) Unit will screen defendants referred by the court for electronic monitoring (EM). If the defendant is accepted, CPAC will electronically monitor the defendant accordingly. A referral or participation in Pretrial HD pursuant to PC 1203.018 is voluntary and shall not prevent a defendant from securing their release at any point by posting bail.

PROCEDURE

I. INELIGIBILITY CRITERIA

With the exception of open cases, the ineligibility criteria reflect those on Detention Services Bureau Policy and Procedure (DSB P&P) section E.3.

II. COURT PROCESS

- A. If a defendant is not eligible for release on own recognizance (O.R). or Supervised O.R., the court may request a referral for screening for Pretrial HD in lieu of bail if the defendant meets the screening eligibility requirements. The court will have the final authority to determine whether a defendant should be referred for screening to CPAC.
- B. If the court determines that a defendant should be screened for Pretrial HD, the minute order should reflect that the Sheriff may transfer a defendant to Pretrial HD if found eligible.
- C. The court shall also set the appropriate bail amount and may impose any other appropriate conditions.
- D. CPAC will confirm the referred defendant meets 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, CPAC will coordinate the transfer to Pretrial HD.
  - 2. CPAC has the final authority on whether to transfer a defendant referred by the court to Pretrial HD. CPAC will not report back to the court as to whether a

defendant met the requirements. However, the defendant's attorney may contact CPAC to learn why the defendant was not accepted into Pretrial HD.

3. Upon any failure to comply with rules and regulations, CPAC shall have the discretion to impose sanctions or return the defendant to custody.

E. If a defendant on Pretrial HD 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 CPAC home detention.

#### IV. TRANSFER TO PRETRIAL HD

Transfers to Pretrial HD will follow the procedures as outlined in DSB P&P E.3 and E.4.

#### V. COMPLETION OF PRETRIAL HD

Once a defendant's case is adjudicated for credit time served or dismissal, CPAC will verify the court minute order and direct the defendant to the vendor for release.

#### VI. REMAND

If a defendant with a global positioning system (GPS) device is remanded into custody, CPAC shall refer to remand procedures as outlined in DSB P&P E.4 & E.5.

#### VII. NEW ARRESTS/BOOKINGS

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