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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 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 Inmate Classification Policy.
- C. Penal Code Section 1203.016: Is a voluntary Home Detention Program for minimum-security sentenced misdemeanants 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.

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- D. Penal Code Section 1203.017: Is an involuntary Home Detention Program meant to relieve or avoid crowded conditions within the jail. The target population is minimum-security misdemeanants. The PC 4019 credits are granted day for day.
- E. Penal Code Section 1203.018: Is 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): Provides for intermediate sanctions 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. There are three 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,.

B. Screening Process

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

C. Eligibility

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1. Eligibility will be based on:
 - a. Must be a minimum-security sentenced misdemeanor as per classification policy; or
 - b. Must be a minimum-security pre-sentenced misdemeanor that has been incarcerated for 30 days after arraignment and free of holds and outstanding warrants; and
 - c. The inmate's ability to understand and comply with the home detention contract.
 - d. All intermediate sanctions as specified under PC 3450 (b) (8) (c) will be admitted into the program.

D. Overrides to the Basis of Eligibility Screening

1. The inmate will not be eligible if one of following conditions exists:
 - a. The court restricts or denies the person from the program;
 - b. Has had two or more Level 2 or 3 rule violations during the last two years;
 - c. Convicted or incarcerated for sex crimes, domestic violence, or is a sex registrant; or
 - d. Is convicted of being one of the principle defendants in the cultivation/manufacturing/transportation of controlled substance and/or sales of controlled substances or has a history in the past five (5) years; or
 - (1) The Home Detention Coordinator will consult with the District Attorney's Office and/or Probation to determine the defendant's role in the activity.
 - e. Has been convicted of 3 or more driving under the influence charges in the last 7 years; or
 - f. Is a known gang member or has gang affiliations; or
 - g. Sentenced to less than 15 days (1203.016); or

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- h. The inmate is not cooperative with Probation or the Home Detention Coordinator.
- i. Has an active restraining order;
- j. Has a conviction of a crime under 1192.7 or 667.5 PC;
- k. Arrested or convicted of possessing an assault weapon.

E. Inmates Who Are Approved

- 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 contract.

G. Inmates Who Are Denied

- 1. Inmates who are denied will receive the specific reasons for the denial in writing. The written document will also include appeal rights.

H. Processing Appeals

- 1. Appeals must be based on an error or omission in the assessment process.
- 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.

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- 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 and final appeal to the Jail Commander.
 - a. The exception is for those convicted of 11358 H&S, 11359 H&S, 11360 H&S, and 11366.5 H&S can appeal to the Sheriff. If approved will pay an enhanced daily supervision fee of \$35.00.
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 contract could result in returning to custody.
2. Rules and regulations violations will be processed as outlined in the inmate discipline policy.

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3. Failure to comply with program rules and regulations may also result in further criminal charges.

V. Staff Responsibilities

A. Home Detention Coordinator

1. The Home Detention Coordinator will be responsible to perform the following:
 - a. Further assess for any disqualifying Gather information from the classification file, criminal history report, D.M.V. print out, pre-sentence report (if available), computer files, and the master file;
 - b. Notify the inmate in writing of the results;
 - c. If inmate is denied:
 - (1) Route the screening form to the classification file; and
 - (2) Route the written denial to the inmate.
 - d. 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.
2. The Home Detention Coordinator will supervise inmates on the Home Detention Program. This will require them to perform the following functions:
 - a. Go to the home of the person and perform a search to ensure the requirements of the contract are met;

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- b. Set up the monitoring equipment and review daily reports;
 - c. Meet with the person once a week;
 - d. Conduct random on-site supervision of the person at their home or work;
 - e. Collect random urine or breath samples;
 - f. Upon the person's release, The Home Detention Coordinator will remove the monitoring equipment and release them from custody;
 - g. When reasonable suspicion exists that the person has violated the 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:
 - a. Name;
 - b. Address;
 - c. Date of birth; and
 - d. Offense committed

B. Corrections Lieutenant

- 1. The Corrections Lieutenant will oversee and supervise the Home Detention Program.

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