

DATE:	DECEMBER 3, 2012
CATEGORY:	COUNTY PAROLE AND ALTERNATIVE CUSTODY
NUMBER:	E.3
SUBJECT:	HOME DETENTION CRITERIA
RELATED SECTIONS:	P.C. 1203.016 THROUGH 1203.018

PURPOSE

To assess and determine the eligibility of inmates for placement in the Home Detention Electronic Monitoring Program.

POLICY

Inmates currently in the custody of the San Diego County Sheriff's Department may be screened for participation in the Home Detention Electronic Monitoring Program. County Parole and Alternative Custody (CPAC) are the only personnel authorized to determine eligibility for the program. Each inmate will be considered on a case by case basis.

PRODEDURE

- I. Eligibility Criteria
 - A. Inmate must agree to program supervision requirements, wear a monitoring device, and when applicable, pay any administrative and daily fees.
 - B. Inmate must meet one of the following criteria:
 1. Sentenced to serve time in San Diego County, excludes inmates sentenced pursuant to Penal Code §1170 (h). Court-ordered sentences from other counties shall not be accepted.
 2. Inmate is being held in lieu of bail and has been referred by the Courts for possible participation in the Home Detention Electronic Monitoring Program.
 - C. Sentenced inmate has not been precluded from participating in the program by a judge.
 - D. Sentenced inmates must not have any open or pending charges, detainers, or active warrants (in county or out of county).
 - E. Un-sentenced inmates must not have any holds or outstanding warrants (in county or out of county).
 - F. Inmate must have a verified place of residence or accept placement into appropriate housing as determined by CPAC staff.
 - G. Criminal history that reveals any instance of domestic violence where a valid protection order is in effect may preclude participation.

H. 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 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.

II. 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. Hard line telephone not required unless the residence is located in an area where cell phone coverage is absent.
- C. No firearms, alcohol and illegal drugs may be used by the participant in the residence during the incarceration period.
- D. No wireless devices which may alter, jam or interfere with the GPS unit's capabilities.
- E. A signed J-144 Cohabitant Acknowledgement Form (18 years and older must sign).

III. Prior to completing the risk assessment, CPAC staff shall review the following:

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. Treatment programs

G. Probation Reports (Pre-Sentenced Reports)

IV. Approval Process

All inmates recommended for the program by CPAC deputies will be reviewed and approved by a CPAC sergeant.

1. CPAC deputies will submit the inmate's program case file with all required documents.
2. CPAC sergeants will review all case file documents, and approve or deny participation.

V. Denial and Appeal Process

- A. Voluntary applicants who are denied placement in the program shall be advised in writing of the reason for their denial, and the appeal process.
 1. Appeals must be based on an error or omission in the assessment process.
 2. Inmates wishing to appeal their assessment must do so within 10 calendar days of denial by filling out an Inmate Grievance (J-22) Form and returning it to the housing deputy, who will forward the form to a CPAC deputy.
 3. The receiving CPAC deputy will enter the grievance into JIMS according to Detention P&P [N.1 Grievance Procedure](#), and then notify the CPAC sergeant.
 4. The CPAC sergeant will review the inmate's JIMS history, the reason for denial and respond within 10 calendar days of notification.
- B. If the inmate disagrees with the decision of the CPAC sergeant, the inmate may file a third level appeal to the CPAC Lieutenant who will respond within 10 calendar days as outlined in Detention P&P [N.1 Grievance Procedure](#).