

**Sierra County
Board of Supervisors'
Agenda Transmittal &
Record of Proceedings**

MEETING DATE: January 3, 2017	TYPE OF AGENDA ITEM: <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Timed <input type="checkbox"/> Consent
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DEPARTMENT: Probation APPROVING PARTY: Jeff Bosworth PHONE NUMBER: (530) 289-3277
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AGENDA ITEM: Resolution approving the annual review of probation's electronic monitoring program rules per 1203.016 & 1203.018 PC.

SUPPORTIVE DOCUMENTS ATTACHED: Memo Resolution Agreement Other
Rules for both programs

BACKGROUND INFORMATION: No substantive changes since last year's renewal

FUNDING SOURCE: SB678
GENERAL FUND IMPACT: No General Fund Impact
OTHER FUND:
AMOUNT: \$ N/A

ARE ADDITIONAL PERSONNEL REQUIRED? <input type="checkbox"/> Yes, -- -- <input checked="" type="checkbox"/> No	IS THIS ITEM ALLOCATED IN THE BUDGET? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No IS A BUDGET TRANSFER REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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SPACE BELOW FOR CLERK'S USE

BOARD ACTION: <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken	<input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____	Resolution 2016- _____ Agreement 2016- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
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COMMENTS:

CLERK TO THE BOARD _____	DATE _____
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Jeffrey D. Bosworth
Chief Probation Officer

Probation Department Sierra County

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Hon. Charles H. Ervin
Superior Court Judge

To: Board of Supervisors
From: Jeffrey D Bosworth
Date: Jan 03, 2017
Subject: Electronic Monitoring Program

The probation department's Electronic Monitoring Program is in its fourth year, having been established in 2013. As a reminder, the program is divided into three different components, each of which is authorized by a different section of the Penal Code. They are as follows:

- | | |
|----------------------|---|
| 1203.016 PC | Allows a convicted individual to serve their jail sentence on electronic monitoring rather than in physical custody |
| 1203.018 PC | Allows an individual who has not yet been convicted (pre-trial) to be placed on electronic monitoring in lieu of bail or a release on their own recognizance |
| 1210.7 PC
et seq. | Allows a chief probation officer to place anyone on probation (so long as it is consistent with court orders) on electronic monitoring as a supervision tool. |

The first two programs require annual approval of the program rules by the board of supervisors. The third program does not require annual approval of the rules by the board of supervisors, but is included here for comparison and informational purposes. The rules submitted here are substantially the same as previous submissions.

A brief review of the three programs follows. As a final note, the program is funded through realignment dollars as does not use general funds.

1203.016 PC – Post Sentence

To date, this particular program has never been used. Nonetheless, the probation department would like to continue the authorization so that it would be available should the need arise.

1203.018 PC – Pretrial

This program has been used fairly frequently. Although there have been some technical violations, it is important to note that to date, not one person on this program has ever been convicted of a new crime that occurred while they were on electronic monitoring. Statistics are as of December 11, 2016.

Year	Individuals	Occasions.	Days	EM Cost	Jail Cost	Savings
2013	2	2	7	\$29.75	\$540.19	\$510.44
2014	3	3	309	\$1313.25	\$23,845.53	\$12,532.28
2015	2	2	61	\$259.25	\$4,707.37	\$4,448.12
<u>2016</u>	<u>4</u>	<u>5</u>	<u>148</u>	<u>\$629</u>	<u>\$11,421.16</u>	<u>\$10,792.16</u>
Totals	11	12	525	\$2231.25	\$40,514.25	\$38,283

Key:

Individuals	The number of specific people placed on the program. If a particular individual is on EM on more than one occasion, it counts as one here.
Occasions	The number of different times an individual is placed on the program. If a particular individual was placed on two different occasions, it counts as two here.
Days	The number of days the EM device was attached.
EM cost	The total program costs for those days (\$4.25 a day)
Jail Cost	The cost of housing those individuals in jail (\$77.17 a day)
Savings	Difference between two

I don't want to overstate the savings issue – it isn't the primary focus of the program. It is just an additional, although important, benefit. What is important is that in addition to saving over \$38,000, there has been no detrimental effect to public safety (no new crimes committed). As of December 13, 2016, one person is on the program.

1210.7 – Probation Supervision

This program is designed to be used as a probation supervision tool. As such, it is typically used on the more problematic probationers. Consequently, there tends to be more technical violations. Though again, to date, no probationer has been convicted of a new crime that occurred while they were on EM.

To date (December 11, 2016), this program has been used on 26 occasions for 14 unique individuals (including one juvenile), for a total of 1119 days. There have been 10 instances of technical violations, although one individual is responsible for four of those ten. As of December 11, 2016, two people are currently on the program.

BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

**IN THE MATTER OF SIERRA COUNTY
PRETRIAL ELECTRONIC MONITORING PER 1203.018 PC and
POST SENTENCE ELECTRONIC MONITORING PER 1203.016 PC**

RESOLUTION NO. 17-

WHEREAS, Sierra County Probation's electronic monitoring program has proven to be a valuable tool for the courts in deciding which individuals are released from custody under electronic monitoring and under what conditions;

WHEREAS, traditionally the probation department is intimately involved in assisting the court in making such decisions;

WHEREAS, the probation department already has the existing expertise, equipment and contracts in place to continue to administer these programs on behalf of the courts, and would not require any additional funding from the general fund to administer these programs;

NOW THEREFORE BE IT RESOLVED, the probation department is hereby authorized to continue operating its well established electronic monitoring programs pursuant to §1203.016 and 1203.018 PC.

BE IT FURTHER RESOLVED, that the board reaffirm the attached list of rules, notices and instructions as outlined in the attached documentation.

ADOPTED by the Board of Supervisors of the County of Sierra, State of California on the day of _____, 2017 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

COUNTY OF SIERRA

PETER HUEBNER, CHAIRPERSON
BOARD OF SUPERVISORS

ATTEST:

APPROVED AS TO FORM:

HEATHER FOSTER
CLERK OF THE BOARD

DAVID PRENTICE
COUNTY COUNSEL

1203.016 PC – Post Sentence Program

ELECTRONIC MONITORING RULES

- I. **Eligibility:** In order to qualify for participation in Sierra County's Post Sentence electronic monitoring program, the inmate must be serving a local sentence with no holds or outstanding warrants and be approved for participation by the court.

- II. **Basic Rules and Notices to the Defendant**
 1. I understand that any violations of these conditions may result in a return to custody without further order from the court.
 2. I will not tamper with the Electronic Monitoring equipment that has been issued to me, nor will I permit tampering by any other person.
 3. Intentionally failing to return to the place of detention on time may be punished as escape (4532 PC). Intentionally damaging the equipment may be punishable as escape by force.
 4. Intentionally damaged or lost equipment may also result in formal misdemeanor/felony charges being filed with the court.
 5. I understand that my participation in the program will be monitored by a tamper-resistant, non-removable G.P.S. ankle bracelet, which I agree to wear 24 hours a day during the entire period of the Electronic Monitoring Program
 6. I understand that willful failure to abide by the pre-determined schedule established by the Probation Officer may be cause for an arrest and return to custody without further order from the court.
 7. I understand that the loss of a receiving signal or the receipt of a tamper signal by the monitoring device shall constitute prima facie evidence that I have violated my probation/PRCS. I further agree that the computer printout may be used as evidence in a Court of Law to prove said violation. Loss, intentional damage, or damage sustained to the unit(s) or their components due to negligence, and/or failing to follow the charging instructions will result in a return to custody without further order from the court.
 8. In the event of loss or damage, I will be held financially responsible for all equipment issued to me not to exceed \$2000.00. The actual replacement and or repair cost will be determined by the contracted monitoring

company. Reimbursement will be set up through the Probation Department.

9. I may be required to have a private residential phone line with basic service only. **(At the discretion of the probation officer)**. Optional services, such as call-waiting or call-forwarding, may not be allowed. Cordless phones and answering machines are not permitted while on this program. Computer internet services are not permitted unless they are on a separate line. These services must be removed within 5 days of being placed on the program.
10. I understand that it is my responsibility to advise all individuals residing in my residence of the rules and regulations of this program. All residents of the household and I will grant admittance to my home to any peace officer and or probation officer at any hour of the day or night.
11. I agree to notify the Probation Staff of any threatening or dangerous animals at my residence. Any threatening or dangerous animal at the offender's residence must be restrained or removed when any law enforcement officials are present.
12. I will keep my telephone in good repair and the line available for incoming calls. All telephone conversations will be limited to ten (10) minutes in duration or less.
13. I will not possess dangerous or deadly weapons.
14. I will not consume or possess any alcoholic beverages, illegal drugs, or narcotics. I will advise the Probation Officer of any prescription drugs I am required to take.
15. I understand that my employer may be contacted, either in person or by telephone, to verify my continued employment and working hours.
16. During any curfew period, if I am allowed to leave my residence I will proceed directly to and from the destination(s) that had/have been approved by the Probation Officer.
17. I will be financially responsible for any medical expenses incurred while participating in the Electronic Monitoring Program.
18. I will notify the Probation Officer as soon as possible of any changes in status of my employment, school studies, job training, treatment program, or other Electronic Monitoring Program component or extension.
19. I understand any expense for special adapters necessary in the installation of electronic equipment and/or the expense of phone calls incurred to monitor this equipment shall be at my own expense.
20. I understand that I may be billed up to \$10 a day (depending upon ability to pay) during this program. Inability to pay will not preclude me from participating in the program.

21. Willful failure to make payments as directed may result in my termination from the program (subject to ability to pay). Program failure does not guarantee program refunds

III. Additional Rules and Notices used on a case by case basis

I understand that I will be required to stay within the interior premises of my home, and/or within the areas determined by the courts/probation while on the program.

The primary use of voicemail for contacting the Probation Department is for emergency situations which necessitate my leaving my home at unauthorized times or to request a return call. I understand that leaving a message on **voicemail is NOT an authorization** to change my schedule or leave my home. I must obtain prior approval in person or by telephone from the Probation Officer to change my schedule

I will submit any schedule change request at least one week in advance. I will supply any documentation requested by the Probation Officer to verify my schedule. Schedule change requests will be kept to a minimum to maximize the efficiency of the program.

If released from work or any other program component earlier than usual, or if work or other program component is canceled for the day, I will immediately return to my residence and notify the Probation Officer.

My assigned curfew is:

Monday – Friday: _____ p.m. to _____ a.m.

Saturday- Sunday: _____ p.m. to _____ a.m.

Holidays: _____ p.m. to _____ a.m.

I will only leave my residence during my assigned curfew for the following reasons:

- a) To attend work as **pre-approved** by the Probation Officer.
- b) To attend and participate in a treatment program or counseling as **pre-approved** by the Probation Officer.
- c) To attend to personal affairs as **pre-approved** by the Probation Officer.
- d) When directed to do so by emergency personnel, i.e. police, fire,

paramedic, etc.

- e) When an emergency situation, such as serious illness or injury, or injury to my immediate family or myself necessitates my leaving the residence.
- f) In case of (d) and (e) I will immediately, or as reasonably practical, call the Electronic Monitoring Program and advise the Probation Officer of such incidents during business hours. If the incident occurs during non-business hours, I will call the Probation Officer's voice mail and explain the nature of my emergency or incident requiring me to leave. I will provide written proof of any incident to the EMP staff the next business day or as soon as reasonably practical.
- g) All other absences require the prior approval of the Probation Officer. I will be required to provide written documentation verifying these absences.

I will not enter the following exclusion zone(s):

1. _____

(reserved for additional terms)

IV. BASIC INSTRUCTIONS FOR WEARING THE EM DEVICE (tag)

1. Attach the charging device by clipping it to both sides of the tag
2. Light on front indicates contact with charger, not battery level
3. Remove the charger by gently detaching its clips from the tag
4. Charge 2 x day for 30 continuous minutes each time
5. If a 30 minute charge is skipped, charge for 60 continuous minutes
6. If you feel a low battery vibration (2 x every 10 min.) charge for 2.5 continuous hours
7. Do not charge while sleeping or driving
8. Do not submerge device in water (such as baths, pools, etc.)
9. Do not force a boot over device
10. A sock can be worn over and or under device
11. Device is hypoallergenic and cannot overheat
12. Do not tamper with the device
13. Do not expose to extreme temperature (below -4°F or above 131°F)
14. Notify probation immediately if a medical procedure requires removal of the tag
15. Do not press "status call button" on device unless specifically instructed
16. If the tag vibrates or beeps call your probation officer ASAP
17. If the light shines or blinks (when off charger) call your probation officer ASAP

1203.018 PC – Pre Trial Program

ELECTRONIC MONITORING RULES

- I. **Eligibility:** In order to qualify for participation in Sierra County's pre-trial electronic monitoring program, the inmate must be an inmate with no holds or outstanding warrants and one of the following circumstances must apply:
 1. have been held in custody for at least 30 calendar days from the date of arraignment pending disposition of only misdemeanor charges
 2. have been held in custody pending disposition of charges for at least 60 calendar days from the date of arraignment.
 3. The inmate is appropriate for the program based on a determination by the courts and/or chief probation officer that the inmate's participation would be consistent with the public safety interests of the community.
- II. **Basic Rules and Notices to the Defendant**
 1. I understand that any violations of these conditions may result in a return to custody without further order from the court.
 2. I will not tamper with the Electronic Monitoring equipment that has been issued to me, nor will I permit tampering by any other person.
 3. Intentionally failing to return to the place of detention on time may be punished as escape (4532 PC). Intentionally damaging the equipment may be punishable as escape by force.
 4. Intentionally damaged or lost equipment may also result in formal misdemeanor/felony charges being filed with the court.
 5. I understand that my participation in the program will be monitored by a tamper-resistant, non-removable G.P.S. ankle bracelet, which I agree to wear 24 hours a day during the entire period of the Electronic Monitoring Program
 6. I understand that willful failure to abide by the pre-determined schedule established by the Probation Officer may be cause for an arrest and return to custody without further order from the court.
 7. I understand that the loss of a receiving signal or the receipt of a tamper signal by the monitoring device shall constitute prima facie evidence that I have violated my probation/PRCS. I further agree that the computer printout may be used as evidence in a Court of Law to prove said

violation. Loss, intentional damage, or damage sustained to the unit(s) or their components due to negligence, and/or failing to follow the charging instructions will result in a return to custody without further order from the court.

8. In the event of loss or damage, I will be held financially responsible for all equipment issued to me not to exceed \$2000.00. The actual replacement and or repair cost will be determined by the contracted monitoring company. Reimbursement will be set up through the Probation Department.
9. I may be required to have a private residential phone line with basic service only. **(At the discretion of the probation officer)**. Optional services, such as call-waiting or call-forwarding, may not be allowed. Cordless phones and answering machines are not permitted while on this program. Computer internet services are not permitted unless they are on a separate line. These services must be removed within 5 days of being placed on the program.
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12. I will keep my telephone in good repair and the line available for incoming calls. All telephone conversations will be limited to ten (10) minutes in duration or less.
13. I will not possess dangerous or deadly weapons.
14. I will not consume or possess any alcoholic beverages, illegal drugs, or narcotics. I will advise the Probation Officer of any prescription drugs I am required to take.
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6. If you feel a low battery vibration (2 x every 10 min.) charge for 2.5 continuous hours
7. Do not charge while sleeping or driving
8. Do not submerge device in water (such as baths, pools, etc.)
9. Do not force a boot over device
10. A sock can be worn over and or under device
11. Device is hypoallergenic and cannot overheat
12. Do not tamper with the device
13. Do not expose to extreme temperature (below -4°F or above 131°F)

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