

DEPARTMENT: Probation

BY: Gail Neal
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Policy Bk

RECOMMENDED ACTION AND JUSTIFICATION:

Review the Mariposa County Probation Department's Voluntary and Involuntary Monitoring Policies pursuant to California Penal Code Sections 1203.016 and 1203.017.

Secure Alert continues to be the provider for the program.

Penal Code Section 1203.017 authorizes the County Correctional Administer to place inmates on GPS monitoring to address overcrowding in the jail. The policy has been updated to incorporate the new involuntary release program.

.BACKGROUND AND HISTORY OF BOARD ACTIONS:

In 2006 the Board of Supervisors authorized the Probation Department to enter into an agreement with Secure Alert for the purpose of using GPS for the Electronic Monitoring program. Previously the program was operated on voluntary bases.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION

Financial Impact? () Yes (X) No	Current FY Cost	Annual Recurring Cost
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget:		List Attachments, number pages consecutively
Additional Funding Needed: \$ _____		Mariposa County Probation Department
Source:		Voluntary and Involuntary Monitoring Policy
Internal Transfer _____		_____
Unanticipated Revenue _____ 4/5's vote		_____
Transfer Between Funds _____ 4/5's vote		_____
Contingency _____ 4/5's vote		_____
() General () Other		_____

CLERK'S USE ONLY:

Res. No.: *09-168* Ord. No. _____
Vote - Ayes: *4* Noes: _____
Absent: *None*
MM Approved
() Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
Comments:

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

CAO: *[Signature]*

MARIPOSA COUNTY PROBATION DEPARTMENT

VOLUNTARY AND INVOLUNTARY MONITORING POLICIES

PURPOSE

The purpose of this policy is to establish the Mariposa County Probation Department's procedures and guidelines for the application and acceptance of qualified defendants in the Electronic Monitoring Program which includes Global Positioning System (GPS) monitoring or the Involuntary Home Detention Program, due to overcrowding at the Mariposa County Adult Detention Facility.

POLICY

It is the policy of the Mariposa County Probation Department that only those defendants meeting the specified guidelines for the program shall be allowed to participate.

It is the policy of the Mariposa County Probation Department that the Mariposa County Adult Detention Facility may refer inmates from the county jail when overcrowding demands release of inmates for the supervision by electronic monitoring. The Mariposa County Probation Department will accept those referrals only upon the determination that the defendant is amenable to meet the program's criteria.

It is the policy of the Mariposa County Probation Department that inmates/defendants who violate the terms and conditions of the monitoring program shall be remanded to the county jail; and shall not be allowed to participate in the program during the current court proceedings.

AUTOMATIC EXCLUSIONS

1. Incomplete, inaccurate or false application.
2. The location of the applicant's residence or place of work.
3. The applicant poses a threat to the well being and safety of the community, individuals and/or the program itself.
4. The applicant is judged to be a security or escape risk.
5. The applicant has pending a case identified as violent.
6. The applicant committed other crimes or violations while on or pending electronic monitoring.

EFFECTIVE DATE June 3, 2003
 Amended Date - March 13, 2009

REFERENCES California Penal Code Sections 1203.16 and 1203.017

PROCEDURES

I. ELECTRONIC MONITORING GUIDELINES

- A. Defendants may apply for electronic monitoring once he or she has been sentenced and the sentencing judge has not denied electronic monitoring.
- B. Inmates/Defendants may be referred by the Mariposa County Adult Detention Facility.

The following guidelines will apply:

1. The defendant must live within Mariposa County.
2. Defendants pending a conviction or have previously been convicted of a violent felony, including forcible rape, mayhem, manslaughter, escape; or any other crime, that in the opinion of the Chief Probation Officer **or the Sheriff or their designees**, who would pose a threat to the safety of the public; and defendants classified as Violent Sexual Predators are immediately excluded, regardless of current charges.
3. The defendant's place of employment may not be a bar or any other establishment where the primary product sold is alcohol (i.e. liquor store).

II APPLICATION PROCESS

- A. Defendants requesting voluntary electronic monitoring will be provided with an application and shall be solely responsible to complete and submit his or her application in a timely manner.
- B. Incomplete applications will not be reviewed and shall be returned to the defendant for completion.
- C. Completed applications are forwarded for review and approval.
- D. The Mariposa County Adult Detention Facility will send a completed referral to the Mariposa County Probation Department for review.

III DEFENDANT'S RESPONSIBILITY

- A. The following rules and regulations shall bind defendants participating in the electronic monitoring program.
1. The defendant agrees to unannounced visits into his or her home at any time of the day or night, by any officer or agent designated by the Court or Correctional Administrator, for the purpose of verifying compliance with House Arrest conditions; compliance with the use of any electronic monitoring devices; and to verify that the device is not being tampered with or altered.
 2. The defendant agrees to answer any questions asked by law enforcement officers concerning his or her whereabouts or activities and will provide written documentation upon request.
 3. The defendant agrees to notify Probation Officials of any dogs or vicious animals at his or her home. The defendant understands that it is his or her responsibility to IMMEDIATELY control and/or confine their animals' when law enforcement personnel are present.
 4. The defendant agrees to obey all laws and understands that he or she cannot consume or possess any alcohol or alcoholic beverage containers, empty or full (including non-alcoholic beer).
 5. The defendant understands that he or she may be subjected to drug or alcohol testing and may be billed by Mariposa County Probation Department for \$6.00 per Drug Analysis.
 6. The defendant may be allowed to continue his or her employment upon approval by Probation Officials. The defendant understands that changes in his or her work schedule must be verified in advance by the employer and approved by Probation Officials. The defendant agrees to notify Probation Officials IMMEDIATELY if he or she does not report to work, gets off work early or is terminated from employment.
 7. The defendant understands upon approval by Probation Officials he or she may attend counseling, education classes, and medical appointments that have previously been authorized.
 8. The defendant understands, upon approval by Probation

Officials, that he or she may attend the church of his or her choice, one day per week, on the day of worship for up to three hours. The defendant agrees to provide the name of the church, address, telephone number and name of the pastor.

9. The defendant understands that phone calls to the Mariposa County Probation Department will be accepted ONLY from 8:00 a.m. to 5:00 p.m. on Monday through Friday, excluding holidays. In case of an emergency, the defendant is to telephone the Mariposa County Sheriff's Department and ask for the on-call probation officer.
10. The defendant agrees to use the electronic monitoring (Global Positioning System GPS) or other monitoring devices to verify his or her compliance with conditions of the House Arrest Program imposed by the Court.
11. The defendant understands that opening, tampering, destroying or failing to return any monitoring equipment will make them financially responsible for the repair or replacement costs of said equipment.

IV PROBATION OFFICER RESPONSIBILITY

- A. The probation officer will be responsible for supervising the electronic monitoring program and the defendant's participation.
- B. If the probation officer suspects that the defendant has violated any of the terms of electronic monitoring, the installation equipment will be disconnected and the defendant shall be returned to the Mariposa County Adult Detention Facility or referred back to court.