

**MEMORANDUM
PROBATION DEPARTMENT
COUNTY OF PLACER**

COPY

TO: Honorable Board of Supervisors
FROM: *DM* Marshall Hopper, Chief Probation Officer
DATE: July 7, 2015
SUBJECT: Alternative Sentencing / Policy Review / Electronic Monitoring Program

ACTION REQUESTED

Review and approve Probation's Electronic Monitoring Program policy, rules and regulations (incorporated herein by reference) in accordance with Penal Code 1203.016 (d) (1) and Penal Code 1203.017 (d) (1).

BACKGROUND

Per the requirements pursuant to 1203.016/1203.017 (d) (1) PC which states: "The rules and regulations and administrative policy of the program shall be written and reviewed on an annual basis by the county board of supervisors and the correctional administrator," the Chief Probation Officer is submitting the Probation Department's Alternative Sentencing Rules (Attachment 1) and Probation's EMP Intake Packet (Attachment 2) for your review and approval.

Placer County's Electronic Monitoring Program was developed to provide offenders the ability to serve their custody time in the community in lieu of our local facilities. The program provides cost effective alternatives to incarceration, holds offenders accountable through intensive G. P. S. supervision services and allows offenders to continue their employment and or education while making payments toward their court ordered restitution.

The Program includes both voluntary and mandatory Electronic Monitoring specifically designed to hold offenders accountable and decrease a long term jail overcrowding concern. This approach to managing criminal justice sentences has reduced early releases and decreased the jail population. Further, electronic monitoring programs provide relief to the impacts of AB 109 while enhancing evidence based practices among the offender population.

FISCAL IMPACT

There is no cost associated with the program review. The costs associated with the program are included within the Department's Proposed Fiscal Year 2015 - 2016 budget.

Attachment 1 - Probation Department's Alternative Sentencing Rules
Attachment 2 - Probation Department's EMP Intake Packet

COUNTY OF PLACER	No. 81.100 Page <u>1</u> of <u>1</u>
PROBATION DEPARTMENT	SUBJECT: <u>ALTERNATIVE SENTENCING</u> <u>MISSION STATEMENT</u>
<i>ALTERNATIVE SENTENCING</i>	EFFECTIVE: REVISED: June 3, 2015 REVIEWED: June 3, 2015
	<u>Index</u>

The mission of the Placer County Probation Department's Alternative Sentencing Division is to maximize the benefits of alternatives to incarceration for our community, victims, criminal justice partners, individuals and their families. We strive to provide effective, evidence based sentencing solutions to allow our Courts to hold offenders accountable while maximizing public safety, the needs of victims, the community, and rehabilitation.

The Alternative Sentencing Division is committed to our duty to provide effective, efficient, and innovative services to our community, criminal justice partners, co-workers and the families of Placer County by holding offenders accountable for their actions, supporting rehabilitation, and striving to develop and implement model programs that set the standard for community corrections.

COUNTY OF PLACER	No. 81.200 Page <u>1</u> of <u>4</u>
PROBATION DEPARTMENT	SUBJECT: <u>ALTERNATIVE SENTENCING ELIGIBILITY</u>
<i>ALTERNATIVE SENTENCING</i>	EFFECTIVE: REVISED: August 25, 2014
	<u>Index</u>

Department approved criteria as outlined below is used for determining a defendant's eligibility and suitability for alternative sentencing programs.

- A. Court Eligibility: Per section 1203.016(e) PC, the Court may recommend or refer a person to the Correctional Administrator for placement on alternative sentencing. The recommendation or referral of the Court shall be given **great weight** in the determination of acceptance or denial. The Court may also exercise its authority to exclude a defendant from participation in alternative sentencing.
- B. Sex Offenders, Domestic Violence Felonies, Serious and Violent Felonies, and Third DUI Cases: Registered sex offenders pursuant to 290 PC, or any defendant whose crime is sexual in nature, shall be initially deemed unsuitable for alternative sentencing. A defendant whose current case involves a felony conviction for violating Section 273.5 PC, or a conviction for a serious or violent felony specified in Sections PC 667.5(c), or 1192.7(c) PC is ineligible for alternative sentencing. Additionally, a defendant with two or more prior DUI convictions (pled and proven pursuant to Section 23546 VC or 23550 VC) is ineligible for any alternative sentencing program for their entire commitment on the third or subsequent DUI case.
- C. Custody Behavior: A person may not be allowed to participate on alternative sentencing if it appears from jail records that the person has not satisfactorily complied with rules and regulations while in custody.
- D. Prior Performance on Probation/Parole: Prior poor probation performance may cause the defendant to be ineligible for alternative sentencing.
- E. Pending Charges: Applicants with pending charges, warrants, "holds", or jail commitments in any jurisdiction shall be ineligible for alternative sentencing.
- F. Minimum/Maximum Sentence: For EMP, defendants must have a minimum 10 days jail sentence to be served. Exceptions to this requirement will be determined by the Supervisor and or Division Manager on a case-by-case basis. There is no maximum number of days for EMP. For AWR, there is no minimum number of days, and there is a maximum of 45 days.

- G. Processing Time: Courts generally grant applicants six to eight weeks to apply for an alternative sentencing program. Lacking good cause, applicants who reside outside of Placer County and who fail to apply for EMP within thirty (30) days of their jail turn-in date, forfeit their eligibility for EMP and must report to jail. Placer County residents may apply for EMP or AWR at any time prior to their jail turn-in date; however, enrollment will be subject to the availability of staff and/or EMP equipment. When deemed necessary, a new jail turn-in date may be issued at the discretion of the alternative sentencing officer (on form PPD:389). In general, stays will be issued when additional time is required to process an application due to systematic or operational needs; not because the defendant has, without good cause, delayed the process.
- A. Residency Requirements: EMP applicants must reside at a verifiable, legal address within Placer County, except as noted in Section "I" (Non-residents) below. Defendants who live in neighborhoods just outside the county border may be considered for EMP on a case-by-case basis as will Sacramento County residents. In such cases the law enforcement agency in the defendant's jurisdiction will be notified. All adult co-residents must agree to the terms and conditions of EMP. AWR applicants who reside in Placer County, or in any county which is contiguous to Placer County, will be required to work at one of the regular work sites in Placer County. AWR applicants who reside in counties which are non-contiguous with Placer County will be granted the option of serving their sentence at a non-profit organization in their county of residence.
- B. Non-Residents (EMP): Defendants who live outside the county and are found eligible and suitable for EMP by the Probation Department may request a transfer to an EMP program in their home county. EMP/ Home Detention Programs **administered and operated by a law enforcement agency** will be utilized where they exist. Out-of-county applicants who have been found eligible and suitable for EMP transfer shall be given written instructions for how to apply in their county of residence. If the applicant's county of residence does not administer an Electronic Monitoring Program of its own, or if Placer County does not maintain a transfer agreement with the applicant's county of residence, the applicant shall be permitted to apply with an approved private monitoring company, and shall be given a list of such companies.
- C. Early Release: Inmates identified to be released from the Placer County Jail for population control purposes before serving their entire sentence can be placed on the involuntary Electronic Monitoring Program pursuant to Sections 1203.016 PC and 1203.017 PC, unless the court has deemed the defendant ineligible for alternative sentencing per court order. The offender will be supervised on the program for the remainder of the sentenced term. For the purposes of this subsection, the provisions of Sections 81.200 (B) through (F) shall not apply. Offenders will only be considered for program placement if they are Placer County or contiguous county residents.

- K. Denial of Application: All persons who are denied participation or removed from alternative sentencing shall be notified in writing of the specific reasons. The notice of denial (PPD:360) or removal (PPD:362) shall include an advisement that the applicant has the right to appeal the denial or removal. The following procedures will be used by the officer who denies the application:
- In lieu of the formal denial process, staff may wish to consult with a Supervisor prior to making a decision to deny the application.
 - Complete the denial of application form (PPD:360) . Inform the applicant of reason for denial and provide a copy to the applicant.
 - Scan the denial form into the case management system.
 - Update the case management system and indicate the date of the denial with a brief notation of the reason for the denial.
 - Staff may issue a new surrender date to allow the applicant to appeal the decision.
 - Upon receipt of the written appeal, the Supervisor may hear the appeal immediately following the denial if all parties agree.
- L. Appeals: Defendants who have been denied or removed from alternative sentencing may appeal the decision. Appeals must be submitted, in writing, to the Alternative Sentencing Unit Supervisor as directed. Pursuant to Sections 1203.016(d)(2) PC and 4024.2(d) PC, the Correctional Administrator, or his or her designee, shall have the sole discretionary authority to permit program participation.
- The denied applicant can appeal in writing directly to the Alternative Sentencing Supervisor. The Supervisor shall review all materials available, including the applicant's basis for the appeal. The applicant shall have the right to personally appear before the Supervisor to present any materials in support of the appeal.
- The Supervisor will render a decision, in writing, within ten (10) days from the receipt of the written appeal. Such decision will be mailed to the applicant's last known address. The decision of the Manager or Supervisor is final and is not subject to further administrative review.
- The appeal hearing will be documented on the WORK RELEASE DIVISION APPEAL INVESTIGATIONS AND DECISION: (PPD: 363). In certain cases the Supervisor may refer the appellant's case to the Manager for further review.

- M. Credits: Beginning January 1, 2015, defendants serving their sentence on either Voluntary or Involuntary EMP and Work Release are now eligible to receive actual and conduct credits pursuant to Section(s) 2900.5 PC, 4019 PC, 1203.016 PC, 1203.017 PC, 4024.2 PC and 4024.3 PC. Prior to January 1, 2015, only involuntary program participants were entitled to conduct credits.

COUNTY OF PLACER	No. 81.300 Page <u>1</u> of <u>1</u>
PROBATION DEPARTMENT	SUBJECT: <u>ALTERNATIVE SENTENCING PROGRAM FEES</u>
ALTERNATIVE SENTENCING	EFFECTIVE: REVISED: April 4, 2012
	<u>Index</u>

Program Fees

- A. Program Fees: Program fees, authorized by Sections 1208.2 and 4024.3(f) of the Penal Code, are set by the Board of Supervisors. Currently program fees are **\$20 per day**. Upon application, a non-refundable \$25 application processing fee is collected.
- B. Payment Due Dates: Revenue Services will set payment due dates for program fees.
- C. Payments: All fees must be paid by personal appearance at Revenue Service. Defendants directed to pay fees will be provided with a completed REQUEST FOR FEE COLLECTION SERVICE form (PPD:601) and be directed to Revenue Services.
- D. Inability to Pay: Pursuant to Section 1208.2(g) PC, no person shall be denied consideration for or be removed from participation on EMP because of an inability to pay all or a portion or the program fees. At any time during a person's sentence, the participant may request a suspension of fees on the grounds of a change in circumstances with regard to the person's ability to pay. Pursuant to Section 4024.2(e) PC, Work Release Program fees are to be paid by each person according to his or her ability to pay.
- E. Non-Payment of EMP Fees: Participants with the ability to pay fees who fail to do so are subject to program removal pursuant to 1203.016(b)(4) of the Penal Code. The participant's Probation Officer will complete and mail a NOTICE OF INTENT TO REMOVE FROM PROGRAM form (PPD:420) prior to program removal.
- F. Court Fee Waivers: Courts may determine the applicant does not have the ability to pay. Courts may waive or reduce fees. Such indications will be found on the applicant's Court orders.
- G. Fee Refunds: Participants who have made overpayments may request a fee refund or have their refund transferred to their fine account. The Probation Officer will complete a NOTICE OF REDUCTION IN ALTERNATIVE SENTENCING FEES DUE (PPD:855RS). This form will then be forwarded to the Supervising Probation Officer for approval. The Supervising Probation Officer then forwards the requests to the department bookkeeper for processing.

COUNTY OF PLACER	No. 81.400 Page 1 of 2
PROBATION DEPARTMENT	SUBJECT: <u>ALTERNATIVE SENTENCING STAFFING</u>
ALTERNATIVE SENTENCING	EFFECTIVE: July 3, 2008 REVISED: April 4, 2012
	<u>Index</u>

- A. Probation Officers: Staffing for alternative sentencing consists of one Probation Manager, one Supervising Deputy Probation Officer, one Senior Deputy Probation Officer and seven Deputy Probation Officers. Of these seven Deputy Probation Officers, three shall serve as intake officers for purposes of applicant eligibility and enrollment, three shall serve as EMP field supervision officers, and one shall serve as the AWR officer.
- B. Caseloads: The ratio for EMP supervision levels is 40 inmates to one Deputy Probation Officer.
- C. Work Hours: Probation Officers assigned to supervision of EMP participants are expected to flex their work hours to ensure adequate defendant contact after normal business hours and on weekends. Work schedules and/or schedule changes must be approved by the Supervising Deputy Probation Officer.
- D. Overtime Pay: In the event an officer is required to personally respond to an EMP emergency during scheduled time off, the officer may claim overtime pay. In such events, the officer must be fit for duty and must promptly notify the Supervising Deputy or the Division Manager for approval.
- E. Staff responsibilities:
1. Supervising Deputy Probation Officer: Under the general direction of the Division Manager, the Supervising Deputy Probation Officer is responsible for the daily operation of the Alternative Sentencing programs. This position provides supervision to alternative sentencing staff and performs other duties as required. Specific duties include:
 - a. Assigning cases and other work assignments to Deputy Probation Officers.
 - b. Monitor the work of EMP staff and review the Case Management system regularly.
 - c. Review/approve inmate disciplinary reports, Violation of Probation petitions, memorandums/reports to the Court, fee refund requests, and fee modification plans.

- d. Provide training to staff regarding program procedures.
 - e. Assist the Division Manager in preparing program budget and other matters as required.
 - f. Advise the Division Manager of all program issues and problems in a timely manner.
2. Deputy Probation Officers: Under general supervision of the Supervisor, the EMP Officers provide close supervision to offenders on EMP and performs other duties as required. Specific duties include:
- a. Book and release participants onto alternative sentencing programs.
 - b. Perform supervision duties/case work as required, including intake, booking, field supervision, and non-resident transfers.
 - c. Be the primary liaison with EMP equipment vendors. Review vendor contracts and performance and make recommendations.
 - d. Review the fee refunds requests.
 - e. Make arrests, prepare court memorandums, petitions, and reports as required
 - f. Maintain and report statistical information as required.
 - g. Appear in Court when necessary.
 - h. Respond to technical violations utilizing evidence based practices and approaches including referrals to treatment and programming, increased restrictions, supervision and U.A. testing frequency, and temporary incarceration.
3. Clerk: The clerk will perform duties as described in the EMP Clerk Desk Manual and fee tracking. The clerk will not perform functions which are normal duties of a Probation Officer.

COUNTY OF PLACER	No. 82.000 Page <u>1</u> of <u>8</u>
PROBATION DEPARTMENT	SUBJECT: <u>EMP OPERATIONS</u>
ALTERNATIVE SENTENCING	EFFECTIVE: REVISED: April 4, 2012
	<u>Index</u>

A. Application Procedures:

1. Court Instructions: At sentencing, Courts normally provide defendants with an ALTERNATIVE SENTENCING PROGRAM INFORMATION SHEET form (PPD:185). This form briefly explains various Alternative Sentencing Programs and application procedures.
2. EMP Applications: Defendants may obtain an application form (PPD:859) from the Alternative Sentencing Unit. Applications are also available at both the Auburn and South Placer Jails. Application packages include:
 - a. Instructional cover sheet
 - b. Alternative Sentencing Agreement
 - c. Alternative Sentencing Harassment Policy
 - d. Personal information form
 - e. Program rules form
 - f. Residence layout form
3. Interview: When completed EMP applications are returned, the clerk will refer the applicant to an intake officer, who will then conduct an eligibility interview. Refer to Section B below.
4. Appointments: Although alternative sentencing applications are generally accepted on a walk-in basis without appointments, alternative sentencing staff may determine it to be expedient to set appointments on a case by case basis, such as when a defendant who resides at great distance from Placer County wishes to apply.
5. Application Approval, Placer County Residents: Placer County residents approved for Electronic Monitoring will be given the opportunity to immediately enroll on EMP, provided there is sufficient monitoring equipment and time available to complete the enrollment process.

6. Application Approval – Non-residents: Non-resident applicants approved for EMP will be mailed an approval letter instructing them to apply in the receiving county. This letter shall include the address of the agency with which the defendant is to apply including any authorized private EMP company. Generally, EMP applications from non-residents will not be approved less than 30 days prior to the jail turn-in date due to required processing time (refer to Section 81.200 J).
7. Non-resident Transfer Requests: Non-residents approved for EMP will be referred to their home county if that county has an Electronic Monitoring program administered and operated by a law enforcement agency and if a reciprocal agreement with the receiving county exists. Prior to sending the transfer packet to the county of residence, DNA must be obtained from the defendant if necessary. The transfer packet will include:
 - a. A transfer request cover letter
 - b. The defendant's Court orders
 - c. Probation Officer's Report (formal probation)
 - d. The defendant's police report ("orders only" and informal probation)
 - e. Copy of the application and appropriate information.

If the applicant's county of residence does not administer an Electronic Monitoring Program of its own, or if Placer County does not maintain a transfer agreement with the applicant's county of residence, the applicant shall be permitted to apply with an approved private monitoring company, and shall be given a list of such companies.

8. In-Custody Applications: Defendants who are in custody and are classified as "minimum security inmates" may request EMP. Applications may be issued to relatives or friends on the defendant's behalf; or provided to the defendant directly. Likewise, application fees may be paid by third parties at Revenue Services. Refer also to Section 82.000 B 3.
9. Non-Resident In-Custody Applications: Defendants who qualify for EMP who are not local residents may apply in the manner described above. They must also apply for and be accepted by the receiving county or with a private EMP company if appropriate (refer to Section 81.200-O).
10. Stays: A new SURRENDER DATE: (PPD:389) may be issued at the discretion of the Deputy Probation officer. In general, stays will be issued when additional time is required to process an application because of systemic or operational needs; not because the defendant has, without good cause, delayed the process.

B. Eligibility Interview/Booking Procedures:

1. The assigned Deputy Probation Officer shall conduct a program eligibility review to determine if the applicant meets the eligibility criteria as set forth in Section 81.200.
2. EMP Booking Procedures: During the course of the booking process, the Probation Officer shall discuss the following information:
 - a. Custody credits will be reviewed.
 - b. The application and court documents shall be reviewed for completeness, accuracy and appropriate signatures.
 - c. The defendant's work schedule and transportation plan.
 - d. Planned medical/dental visits.
 - e. Terms and conditions of probation and EMP rules.
 - f. Required classes, counseling, or treatment.
 - g. Office visit schedule
 - h. Program fees
 - i. Schedule change procedures.
 - j. Applicant responsibility to charge and maintain monitoring equipment in good working order.
 - k. Drug testing.
 - l. Applicant responsibility to charge and maintain monitoring equipment in good working order.

The Probation Officer will then enter the booking information into the case management system and complete all necessary forms (generally, PPD forms 145, 601 and 746).

Intake From In Custody: When releasing defendants from either the Auburn or South Placer Jails, the Probation Officer can either call ahead and inform the Court Liaison and/or Duty Sergeant of the requested release or notify the front desk clerk in person who initiates contact with the Court Liaison and/or Duty Sergeant. You will need to provide the inmates name and release type to the Jail staff.

Release types include:

- PSEM-Post sentence EMP
- PSWR-Post sentence Work Release
- TRPR-Treatment program.

The Liaison will pull the inmates file and notify the Duty Sergeant of the release. Once the Duty Sergeant signs off on the release the file is then routed to the appropriate housing unit (this process can take a while depending on the Jails schedule of activities). Probation Officers can either install EMP/SCRAM equipment at the Jail or escort the inmate to the Probation office to complete the booking and set-up process.

3. Monitoring Equipment: The officer will size and attach the ankle strap and monitor to the defendant. The officer will also review equipment operations, limitations, and possible transmission issues that may arise. The officer will enroll the defendant on the monitoring company system.

- C. Case Supervision: The EMP Officer will have at least two face-to-face contacts with the defendant per week. Contacts should consist of one office contact and at least one field contact each week. The frequency of contacts may be modified as circumstances dictate.

Field contacts should vary in time and day of the week so the defendant cannot anticipate pending visits. Random drug testing may occur during office or home visits. Field contacts may include home visits, job-site checks, and visits to verify treatment and/or schedule changes, if required. Probation Officers shall flex their schedule to permit field contacts in the evening and on weekends.

1. Officer Safety: A “routine field visit” can suddenly turn dangerous. Officers in the field must carry safety equipment that includes; their duty weapon, OC spray, handcuffs, a flashlight (even during daylight hours), and a hand-held radio or cell phone or both. Officers are encouraged to wear soft body armor. Officers should contact local law enforcement to advise them of a “probation visit” before entering a residence. They must “clear” with the agency when departing the residence. If strangers or unauthorized persons are contacted at a client’s residence consider calling back-up officers. Identify the individuals, check for warrants and/or probation/parole status.

Itineraries: To enhance safety, officers may elect to submit an itinerary outlining their proposed field contacts to the Senior or Supervisor.

2. Drug Testing: All drug testing will be witnessed by a Probation Officer of the same sex. In cases when a same sex officer is unavailable, the test will be unwitnessed.
3. Locked Gates: Defendants on EMP must provide the Deputy Probation Officer with the access code, key, or electronic opening devise to any driveway or exterior gate.
4. Dangerous Animals. Any threatening or dangerous animal at the defendant’s residence must be restrained or removed.
5. Office Contacts: During office visits, leaves should be verified, and schedule changes addressed. Use office visits to review problems or discuss program/schedule changes.
6. Case Management System: Each EMP officer must maintain a detailed record of client and collateral contacts. When a case is transferred to another unit or division, the case management system must be updated.
 - a. Transfers upon a VOP: When an EMP Officer removes a defendant from EMP, and files a violation of probation, the case may be transferred/returned to the Supervision Unit.

D. Incidents – Arrests:

1. Late to Return to Residence: In such cases the Officer will investigate the incident, and if necessary, contact the defendant.
2. Tampers – Unauthorized Leaves: The officer should telephone the defendant at their residence to investigate the incident. If it is determined the monitoring equipment has been tampered with and the defendant is not located, the officer shall immediately notify the Supervisor or Division Manager.
3. Incident reports: Incident Reports are to be used to document unusual field or office incidents. Incident Reports are forwarded through the chain of command to the Chief Probation Officer. Incident Reports are required in the following circumstances:
 - a. Incidents involving use of force.
 - b. Incidents resulting in injury to an Officer, defendant, or others.
 - c. Threats to Officers or others
 - d. Incidents resulting in lost or damaged department equipment.
 - e. Incidents resulting in damage or destruction of private property.
4. Arrest Procedures: At any time, if a defendant is in violation of the terms and conditions of EMP, formal probation, or if a law violation is discovered during the course of an officer's duty, the Officer may arrest the defendant and book him/her into the jail. The following guidelines must be followed to ensure the safety of all involved and to ensure legal due-process:
 - a. Officer Safety: While at times it may be necessary to arrest a defendant while alone, carefully consider the situation and, if possible, call for back-up or obtain the assistance of a fellow Officer. If alone, **never** attempt an arrest if the defendant is combative or resistant. The risk of injury is greatly reduced as more officers arrive on the scene to assist.
 - b. Planned Arrest: If an arrest is anticipated for a technical violation, Officers should discuss the matter with the Supervisor, Senior and/or Division Manager. A case review may produce other options. If the decision is made to carry out the arrest consider the following: Officer safety, child-care needs, whether to make the arrest in the field or in the office. In most cases, defendants who are to be arrested because of drug/alcohol abuse should be arrested in the field. This will permit an assessment for CPS needs if children are present and will reduce the risk of the defendant driving while under the influence.

- c. Gender Considerations: If an arrest of the opposite sex is anticipated, the arrest team should include a same-sex Officer. If an Officer is alone and must transport a defendant of the opposite sex, contact the Sheriff's Dispatch by radio or cell phone and advise them you are transporting a prisoner of the opposite sex. Provide your location, destination, and vehicle mileage.
 - d. Field Arrests: At times, it may be necessary to arrest a defendant in the field. If alone, call for a cover unit from local law enforcement to assist, if possible. If the arrest is planned, obtain the assistance of a second Officer. Consider other needs such as CPS, animal control, etc. Local law enforcement should be advised. Law enforcement in jurisdictions outside the county must be advised. The jail should be advised a prisoner is in route.
5. Fresh Charges: In the event a crime is discovered in the course of an officer's duties, the following options are usually available:
 - a. Call local law enforcement to the scene to investigate the crime. Local officers may arrest and transport the defendant on the new charges. Probation Officers may be asked to prepare a "supplemental report" to the arresting officer's police report. If the crime is a narcotics violation call SIU or VNET (Roseville) for assistance.
 - b. Call local law enforcement to the scene. Local officers may not take the lead in the investigation and only offer "assistance". In addition to arresting and transporting the defendant, Probation Officers must prepare a detailed arrest/investigation report; tag, process, and secure evidence; then forward the report to the District Attorney for prosecution. Contact the Supervisor/Senior Deputy Probation Officer for assistance in such cases. **Miranda Warnings** are required.
6. Equipment Recovery: In the event a defendant is returned to custody, the assigned Probation Officer must remove the ankle bracelet during the arrest/booking procedure. The assigned Probation Officer should recover the remaining equipment at the time of the arrest or by the next day.
7. Arrest Documentation: When a defendant is removed from EMP for a rule violation or a new law violation, the arresting Probation Officer must prepare the following documentation:

- a. ELECTRONIC MONITORING DISCIPLINARY REPORT FORM: (PPD:428) or provide written documentation of why the defendant was removed. A copy of the removal documentation must be presented to the defendant and it must contain the defendant's appeal rights.
 1. Arrest Reports: The standard County Arrest Report must be completed when the defendant is booked into the county jail. The narrative portion of the report must include the defendant's Court case number and it must contain a brief statement describing the facts of the arrest.
 2. Investigation Reports: In the event of a Violation of Probation or a fresh crime arrest a more detailed narrative report must be prepared. Such reports must be specific as to subjects involved; officers involved; times; places; statements made; and the discovery, nature, and disposition of evidence. These reports, supplemented by lab reports, etc, constitute the primary discovery for VOP petitions, or the basis for new charges filed by the District Attorney.
 3. Booking Documentation: When a defendant is returned to Jail, booking staff will require (at the time of booking, or soon thereafter) the defendant's court orders which show the original jail sentence and a credits memorandum showing the amount of time remaining to be served.

E. Termination:

1. Successful Termination: Upon completion of EMP:
 - a. The defendant must return all monitoring equipment to the Probation Department.
 - b. The defendant must complete an EXIT FORM (PPD:390). Exit forms are reviewed by the Supervising Deputy Probation Officer.
 - c. The ankle strap will be removed from the defendant by Probation staff. Probation Staff will complete an Alternative Sentencing Disposition notice (PPD:178).
 - d. If the defendant was transferred from another county, the Probation Officer will fax a completion notice (PPD:178) to the sending county.
 - e. Formal probation cases will be assigned to the Supervisor for transfer to the appropriate Supervision Officer. Informal cases will be closed out. The EMP officer will update and terminate the EMP program in the CE system.

2. Equipment Protocol: Upon program completion (or removal) the assigned Probation Officer must complete the following:
 - a. Inspect the equipment to insure it is in working order.
 - b. Clean or arrange for cleaning so the equipment can be returned to service.

PLACER COUNTY PROBATION DEPARTMENT



ALTERNATIVE SENTENCING APPLICATION PROCEDURE

Interviews are held Monday – Friday
8:00-10:30 and 1:00-3:30

No Appointments can be scheduled

READ ENTIRE PACKET BEFORE TURNING IN THIS APPLICATION

In order to begin the application procedure, you must provide us with all court orders in connection to your case(s). If you applied for a new turn in date or were in violation of probation, we need a copy of that court order, as well.

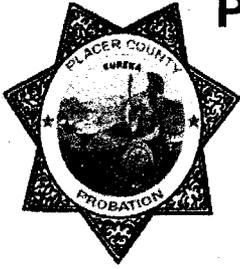
To allow adequate time for all applicants who have checked in to be interviewed and processed, we have a cut-off time of 10:30 a.m. each morning. Interviews resume at 1:00 p.m. each day with a sign-in deadline of 3:30 p.m. You may decide to return at a later time or on another day if this is more convenient for you. If so, please notify the front desk staff. You **MUST** be interviewed and accepted into the Alternative Sentencing Program prior to your turn-in date as indicated on the court order or you will be required to report to jail on that date.

If you live outside Placer County, the deputy probation officer will discuss what options are available. If a non-resident transfer is recommended, you **MUST FIRST** be approved to participate in a Placer County program before our office can request a transfer to another county's program. Applicants must apply within thirty (30) days of their turn-in date to be considered for transfers. If sufficient time is not allowed for processing, you may be required to relinquish your program eligibility and surrender to the jail.

Once you have provided us with your court orders, we will give you an application packet. Please read and sign the Alternative Sentencing Program rules on page 2 and the Harassment Policy on page 4. Complete page 3 entirely and return the packet to the front desk clerk who will process your application and assign a deputy probation officer to meet with you. The officer will determine eligibility, program suitability, and complete the application procedure.

A \$25 application fee is due at the time you apply for the program. All program fees are payable through Revenue Services located in Suite 100 in this building.

288



PLACER COUNTY PROBATION DEPARTMENT

Alternative Sentencing Agreement

Defendant: _____ Case #: _____

I, _____, understand that participation on an Alternative Sentencing Programs is a privilege and that a Probation Officer will review my application and direct me into an appropriate program. Further, I understand I must comply with the following terms and conditions while participating on any form of Alternative Sentencing. I also understand a violation of any of these conditions and/or program rules may cause my removal from the program without notice. In addition, I understand that the program rules will be enforced for the duration of the program, in conjunction to any other terms and conditions of my probation grant(s). I may be entitled to conduct credits pursuant to Section 4019 of the Penal Code.

Alternative Sentencing Program Rules:

1. I will not violate any laws. If I receive a traffic citation or have any contact with any police agency, I will report such contact as soon as possible to the Probation Officer.
2. I will comply with any and all terms and conditions of my probation, rules and any directives issued by my Probation Officer. Failure to abide by any of these orders may result in my immediate removal from the program and my return to custody. It may also jeopardize further eligibility for other alternative programs.
3. I will not possess, or have in my residence/vehicle, any gun, explosive, or other deadly weapon.
4. I will not possess or use any narcotic or controlled substance without a valid medical prescription.
5. I will submit to chemical, blood, breath, saliva, or urine testing deemed necessary by the Probation Officer.
6. I will not have any form of contact or communication with any other inmates, either in this program, or in any jail, correctional facility, or state prison. (Exceptions to be approved by the Probation Officer.)
7. I will submit my person, property, residence, or vehicle to search and seizure without any warrant or probable cause, at any hour of the day or night, by any Probation Officer or Peace Officer.
8. I understand that it is my responsibility to inform my co-residents of the program rules and regulations.
9. I will not operate a motor vehicle unless properly licensed and insured.
10. I understand that I may be directed to enroll and participate in treatment programs or counseling by the Probation Officer. If I should fail to obey these directives I may be removed from the program.
11. I will report to the Probation Officer at such times and places as directed.
12. I will notify the Probation Officer in advance of any change in my address and or phone number.
13. I understand that I am responsible for payment of all fees and costs of alternative sentencing or release programs.

Defendant: _____

Date: _____

Probation Officer: _____

Date: _____

289

(To be filled out by the applicant)

NAME: _____ CASE NO.: _____

FORMAL PROBATION INFORMAL PROBATION

CHARGES: _____

WERE THESE CRIMES COMMITTED AT THUNDER VALLEY CASINO? YES _____ NO _____

HAIR: _____ EYES: _____ HT: _____ WT: _____

PHYSICAL ADDRESS: _____

STREET CITY STATE ZIP

MAILING ADDRESS: _____

STREET CITY STATE ZIP

EMAIL ADDRESS: _____ EMPLOYER: _____

WORK ADDRESS: _____

STREET CITY STATE ZIP

HOME PHONE NO.: _____ WORK PHONE NO.: _____

CELL PHONE NO.: _____ BIRTHDATE: _____

DRIVER'S LICENSE NO.: _____ SOCIAL SECURITY NO.: _____

VEHICLE INFORMATION:

VEHICLE #1: YEAR _____ MAKE _____ MODEL _____

COLOR _____ LICENSE PLATE # _____

VEHICLE #2: YEAR _____ MAKE _____ MODEL _____

COLOR _____ LICENSE PLATE # _____

Please state your type of residence: House Apartment Trailer Other: _____

Directions to your residence: _____

Dog(s): Yes No Bites: Yes No

Please list all other residents of your home:

NAME	DOB	RELATIONSHIP
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

PROGRAM START DATE: _____ PROGRAM END DATE: _____

ALTERNATIVE SENTENCING HARASSMENT POLICY

As a participant in an **Alternative Sentencing Program**, I am required to treat the Probation Staff, Site Staff, and other Work Release/Work Furlough/ Electronic Monitoring/ Drug Court/Community Services or Juvenile Work Project/ADRC participants with respect, dignity and courtesy. At no time will any type of harassment be tolerated and I realize that I may be removed from the program for exhibiting any type of offensive behavior.

Harassment Defined:

Speech: such as epithets, derogatory comments or slurs, any kind of propositions including but not limited to lewd propositions, or derogatory swearing.

Physical acts: such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement.

Visual insults: such as derogatory drawings, cartoons or physical gestures.

Any **sexual advances**, requests for sexual favors and other acts of a sexual nature, including any kind of touching, or intimidating, causing a hostile or offensive working environment. (Example: Do not ask a participant for his/her phone number, or ask them out on a date).

No Alternative Sentencing participant may be harassed based on his or her:

- ◆ Race or Color
- ◆ Religious Creed
- ◆ National Origin or Ancestry
- ◆ Marital Status
- ◆ Sex or Sexual Orientation
- ◆ Age
- ◆ Physical, Mental or Medical condition
- ◆ Opposition to Unlawful Harassment

COMPLAINT PROCEDURE:

Any Alternative Sentencing participant who believes he or she has been harassed must immediately report the offensive behavior to the Adult Supervision Manager either verbally or in writing within 48 hours of the alleged incident.

I have read and understand the above policy:

(Participant)

Date: _____

(Probation Officer)

Date: _____

**THIS SECTION WILL BE REVIEWED AND COMPLETED
DURING THE INTAKE WITH A PROBATION OFFICER**

**Placer County Probation Department Adult Work Release
Program**

Defendant: _____

CASE NO. _____

Pursuant to the Penal Code, applicants may perform community work at an approved worksite and/or non-profit worksite. You will receive one day of custody credit for every 8 hours worked. You may be charged with a misdemeanor pursuant to Section 4024.2(c) PC, for failing to appear at the time and place specified by written notice.

1. I agree to work as scheduled. I cannot work if I arrive late. I cannot leave until released by the supervisor.
2. Acceptance on Adult Work Release requires a satisfactory physical condition and good health. If this changes due to any injury and/or illness, I will immediately report to the Work Release Office in person with documentation.
3. I will be allowed only _____ absences during the program for any reason (including medical, transportation, or employment). I will be required to make up any absences. If I exceed my allowance, I must report in person by 10:00 a.m. to the Adult Work Release office within two (2) working days of the absence.
4. I will wear suitable clothing and shoes for working outdoors; gloves, rain gear, etc. **(No shorts, halter tops, sandals or open-toed shoes, or sleeveless shirts permitted.)** I will bring my own lunch. I will not bring any electronic equipment, including cell phones.
5. Communication with **anyone** other than Work Release participants, Probation Officers, or site staff is not permitted. No phone calls or visitors.
6. Misbehavior may result in my removal from the program.
7. I will obey all orders of Probation Officer and liaison supervisors.
8. I will work in a safe manner, will not drive any cars or trucks, and will not use any tools or equipment I do not know how to properly operate. I will ask the site supervisor for instructions on tool operation.
9. I understand that all additional rules and regulations listed on page one of this document apply while I am participating on the Adult Work Release Program.
10. I am required to work a minimum of two 8 hour days per week at the assigned work site. No credit will be given for partial workdays. Failure to complete two full days could result in my removal from the program.

Participation on the Adult Work Release Program is a privilege and may be revoked at any time. I understand that I am in custody while participating on the Adult Work Release Program. I understand the above rules and regulations and a violation of any rule may result in my removal from the program. Removal may result in immediate arrest or a removal letter being sent to the last address provided. The letter will specify my surrender date to the jail and the appeal process.

Defendant: _____

Date: _____

Probation Officer: _____

Date: _____

292

**THIS SECTION WILL BE REVIEWED AND COMPLETED
DURING THE INTAKE WITH A PROBATION OFFICER**

**Placer County Probation Department Electronic Monitoring
Program**

Defendant:

CASE NO.

I, _____, having been accepted to participate in the Electronic Monitoring Program, understand I must comply with the following terms and conditions. I also understand a violation of any of these Conditions of Agreement may cause my removal from the program without notice. In addition, I understand that the program rules will be enforced for the duration of the program in conjunction to any other terms and conditions of my probation grant(s).

1. I will not tamper with the Electronic Monitoring equipment that has been issued to me, nor will I permit tampering by any other person.
2. Loss, intentional damage, or damage sustained to the unit(s) or their components due to negligence will result in my immediate removal from the program. 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/Revenue Services.
3. Intentional damaged or lost equipment will also result in formal misdemeanor/felony charges being filed with the court.
4. 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.
5. 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.
6. I understand that I will be required to stay within the interior premises of my home, and / or within the areas determined by the EMP staff while on the program.
7. I will only leave my residence 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 the 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 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.
8. 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.

9. I understand that all residents of the household I live in must comply with the following conditions:
 - a. No possession or consumption of alcohol on the premises.
 - b. No possession of illegal drugs or narcotics.
 - c. No dangerous or deadly weapons.
 - d. No resident or guest shall be under the influence of any drug or alcohol.
 - e. No social gatherings will be held except with members of the immediate household, unless prior approval from the EMP staff is obtained.
 - f. No visitors will be allowed unless **pre-approved** by the EMP staff.
10. No persons may join or move into the household, unless prior permission is obtained from the Probation Officer.
11. I understand that my employer may be contacted, either in person or by telephone, to verify my continued employment and working hours.
12. I will not change my means of transportation without the prior approval of the EMP staff.
13. I will submit any schedule change request at least one week in advance, during my weekly office visit. I will supply any documentation (including but not limited to, time cards, pay stubs and/or bank statements, work orders etc.) 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.
14. Work schedules may only be changed with the approval of the Probation Officer.
15. The primary use of voice mail 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 voice mail is **NOT** 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.
16. I understand that willful failure to return to my residence within the prescribed time, or leaving this address at an invalid time, shall be deemed an escape from custody, and I can be charged and prosecuted to the fullest extent of the law. I further understand that willful failure to abide by the pre-determined schedule established by the Probation Officer may be cause for my removal from the program.
17. During the period I am allowed to leave my residence I will proceed directly to and from the designation(s) that had / have been approved by the Probation Officer.
18. I will be financially responsible for any medical expenses incurred while participating in the Electronic Monitoring Program.
19. I understand that the loss of a receiving signal, exclusion zone violation or the receipt of a tamper signal by the monitoring device shall constitute prima facie evidence that I have violated my curfew. I further agree that the computer printout may be used as evidence in a Court of Law to prove said violation.
20. 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.
21. 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.
22. I will be responsible for charging my monitoring device a minimum of 1.5 hours in the morning and 1.5 hours in the evening. In the event the monitoring device battery runs out, I understand that I can be removed from the Electronic Monitoring Program.
23. I will abide by the following rules imposed by the Probation Officer:

Participation on the Electronic Monitoring Program is a privilege and may be revoked at any time. I understand that I am in custody while participating on the Electronic Monitoring Program. I understand the above rules and regulations and a violation of any rule may result in my removal from the program. Removal may result in immediate arrest or a removal letter being sent to the last address provided. The letter will specify my surrender date to the jail and the appeal process.

Defendant: _____

Date: _____

Probation Officer: _____

Date: _____

295

