

SAN DIEGO SHERIFF'S DEPARTMENT
COUNTY PAROLE AND ALTERNATIVE CUSTODY (CPAC) UNIT
HOME DETENTION ELECTRONIC MONITORING PROGRAM
Authorized pursuant to PC 1203.016, 1203.017, 1203.018 and 1208

Office Hours: M-F 0700-1700 hours
Public/Professional Line: (858) 614-7650
Office Fax: (858) 505-9757
Office Email: CPAC@sdsheriff.org

I. GENERAL INFORMATION

- A. The CPAC Screening Process may take up to 14-business days to complete. CPAC Staff will screen an applicant's criminal history, committing offense, behavior in custody (if applicable), cohabitants, residence, and more. In-custody applicants who are ineligible or denied for electronic monitoring will be notified in writing. Approved applicants will be notified immediately.
- B. Costs: An applicant's ability/inability to pay will not affect their approval/denial for electronic monitoring. Sentenced felons approved for CPAC will be financially assessed by our contracted electronic monitoring vendor to determine their electronic monitoring daily fee. Sentenced felons and misdemeanants requiring alcohol monitoring must pay a non-negotiable daily fee of \$7. The electronic monitoring vendor requires advance payment for two weeks at a time.
- C. Automatic ineligibility factors:
 - 1. Inmates/defendants sentenced pursuant to CA Penal Code 1170(h).
 - 2. Inmates/defendants with open or pending charges (pretrial defendants are excluded), detainees, or active warrants.
 - 3. Committing offense that is on the Exclusionary Charge List (document attached).
- D. A Judge's Referral to CPAC does not equate to automatic approval for electronic monitoring, but shall be given great weight in the determination of acceptance or denial. Every person referred to CPAC must undergo the screening process.
- E. Application: Please call the Office Phone or submit an email request to the Office Email. Inmates in custody may request an application from a counselor within the facility that they are housed in.

II. SCREENING PRETRIAL DEFENDANTS

- A. In order to be screened by CPAC, pretrial defendants must satisfy all of the following conditions:
 - 1. Must be in physical custody within a San Diego Sheriff's detention facility;
 - 2. Must have a Court Minute Order which clearly indicates the Judge's authorization for referral to CPAC; AND
 - 3. Must have a bail amount set by the Judge.

B. Pretrial defendants satisfying the abovementioned conditions must submit a copy of their Court Minute Order to CPAC (via fax or email).

III. SCREENING OUT OF CUSTODY SENTENCED DEFENDANTS WITH A FUTURE DATE TO REPORT TO CUSTODY

A. In order to be screened by CPAC, sentenced "To-Reports" must satisfy all of the following conditions:

1. Must have a Court Minute Order which clearly indicates the following:
 - a. Judge's authorization referring defendant to be screened by CPAC;
 - b. Specify amount of time to be served in Sheriff's Custody. A Judge may additionally specify the amount of time to be served in CPAC so long as the defendant completes the screening process and is approved. Custody time must be calculated with credits (if applicable) to **96-hours** or more; AND
 - c. A date and time to report to custody. **The report date must be at least 14-business days from the sentencing date and from the date documents are received by CPAC.** Defendants required to report to custody must report to a Sheriff's Booking Detention Facility.
2. Sentenced "To-Reports" satisfying the abovementioned conditions must submit (via fax or email) a copy of their Court Minute Order AND a completed Home Detention Application to CPAC at least 14-business days prior to their Report Date.

B. If any of the abovementioned conditions are not met, the defendant will not be screened by CPAC and will be required to report to custody as indicated on their Court Minute Order.

IV. SCREENING SENTENCED INMATES CURRENTLY IN PHYSICAL CUSTODY

A. Sentenced inmates currently in custody and Court referred will be assessed by CPAC staff. A copy of their Court Minute Order must be submitted to CPAC (via fax or email).

B. All other eligible sentenced inmates currently in custody may submit a completed Home Detention Application. Inmates may request an application from a counselor within the detention facility that they are housed in.

Attachments:

Exclusionary Charge List

Electronic Monitoring in Lieu of Bail Eligibility and Process

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EXCLUSIONARY CHARGE LIST

Please be advised that the following felony charges will exclude an inmate or defendant from participation in the Home Detention Electronic Monitoring Program:

Murder	PC 187
Manslaughter	PC 192(a) , 192(b)
Vehicle Manslaughter	PC 191.5, 192(a)(1), 192(c)(3)
Mayhem	PC 203, 205
Kidnapping	PC 207, 208, 209
Assault with intent to commit a sex crime	PC 220
ADW on a Peace Officer	PC 245(c), 245(d)
Rape	PC 261, 264.1
Forcible Sodomy	PC 286(c), 286(d)
Lewd act on child	PC 288, 288.5
Forced oral copulation	PC 289(a)
Arson	PC 451
Grand theft firearm	PC 487.3
Any offense in which there was:	
Personal use of a deadly weapon	PC 12022(b)
Personal use of a firearm	PC 12022.5
Personal infliction of great bodily injury	PC 12022.7
Any sex offense wherein the victim is/was under 18 years of age.	
All offenses which require registration under PC 290.	
Any child pornography cases	PC 311-312.3

**Electronic Monitoring in Lieu of Bail
PC 1203.018**

Beginning **Monday, September 17, 2011**, Electronic Monitoring in Lieu of Bail (EM), pursuant to Penal Code section 1203.018, for certain eligible offenders awaiting trial will be available as option at Arraignment for pretrial Defendants not suitable for release on their Own Recognizance (OR) or Supervised Own Recognizance (SOR). The eligibility criteria and referral process are outlined below.

The San Diego Sheriff Department's County Parole and Alternative Custody Unit (CPAC) will screen offenders referred by the court for EM. If the offender is accepted, CPAC monitors the inmates participating in EM. Through a contract with the County, Sentinel Offender Services provides the electronic monitoring equipment, satellite tracking software, case management and program services.

A defendant released on EM in lieu of bail will receive credit for **actual** days of EM and will not be entitled to any good time credits while released on EM. Offenders released on EM will be subject to testing and programming as determined by CPAC, as well as any conditions set by the Court. An offender will be expected to pay for EM to the extent he or she is financially able. A defendant without a verified residence may not participate in EM. CPAC will verify residence before an offender is released.

A referral or participation in Electronic Monitoring in Lieu of Bail pursuant to PC 1203.018 shall not prevent a Defendant from securing his or her release at any point by posting the previously set amount of Bail.

Eligibility Criteria for Screening:

- Ineligible for O.R. or Supervised O.R.
- No open or pending other charges, detainers, or active warrants.
- No current or prior domestic violence incidents (including child abuse) or stalking that resulted in a currently valid protection order.
- No current case sex offense charges pending, or prior conviction or arrest for sexual assault, lewdness, indecent exposure or child victim crimes.
- No current charges for murder, manslaughter, or attempted murder, or any charges with a gang, weapons or great bodily injury enhancement.
- Current serious or violent charge with a strike prior (serious or violent felony prior conviction).
- Verifiable and stable residence. (CPAC will verify.)

Process:

1. Pretrial Services will continue to conduct a criminal records check on defendants in custody and provide an Arraignment report.
2. If the Defendant is not suitable for OR or Supervised OR, the Defense Attorney may request a **referral** for screening for Electronic Monitoring in Lieu of Bail (EM) if the defendant meets the screening eligibility requirements. The Prosecutor and Victim, if present, may be heard in opposition or support of the request. The Court will have the final authority to determine whether a defendant should be **referred** for screening to the CPAC Unit in the Sheriff's Department.

If the Court determines a defendant is not eligible or suitable for EM, the defendant will not be screened for release.

3. If the Court determines that a defendant should be screened for EM, the minute order should reflect that the Sheriff may release a Defendant on EM if found eligible by the CPAC by specifically stating **"Referral to CPAC"**.
4. The Court shall also set the appropriate bail amount, and impose any other appropriate conditions if released.
5. The CPAC Unit will confirm Defendant meets the CPAC eligibility requirements, including a verified residence (Attached). CPAC will complete a risk assessment to ensure the defendant meets the criteria.

If Defendant is eligible and suitable, and signs the rules and regulations, CPAC will release defendant on Electronic GPS Monitoring.

The Sheriff has the final authority on whether to release a Defendant referred by the Court to Electronic Monitoring. The Sheriff will not report back to the Court as to whether an offender met the requirements or not. However, the offender's attorney may contact CPAC to learn why the defendant was not accepted into EM.

6. Upon any failure to comply with rules and regulations, the Sheriff shall have the discretion to impose intermediate sanctions or return the defendant to custody.

Note:

If an offender is released on EM and is sentenced while still released on EM, and the Court indicates additional custody should be served, the minute order should reflect whether the custody is to be served in physical custody or continued on electronic monitoring in the form of Home Detention under the supervision of CPAC.