

ORANGE COUNTY SHERIFF'S DEPARTMENT
ELECTRONIC MONITORING PROGRAM

**RULES AND REGULATIONS OF THE SUPERVISED ELECTRONIC MONITORING
PROGRAM FOR INMATES HELD ON MISDEMEANOR CHARGES IN LIEU
OF BAIL PURSUANT TO PENAL CODE SECTION 1203.018**

1. The Orange County Correctional Administrator of the Supervised Electronic Monitoring Program under Penal Code Section 1203.018 is the Sheriff.
2. The Correctional Administrator is authorized to offer a program under which inmates being held on misdemeanor charges in lieu of bail in a County Jail may voluntarily participate in a Supervised Electronic Monitoring Program pursuant to Penal Code Section 1203.018.
3. In order to qualify for participation in the Supervised Electronic Monitoring Program, the inmate must have no holds or outstanding warrants.
4. In order to qualify for participation in the Supervised Electronic Monitoring Program, the inmate must have been held in custody for at least 30 days from the date of arraignment pending disposition of only misdemeanor charges (Penal Code Section 1203.018(c)(1)(A)); or the inmate is being held on only misdemeanor charges and the inmate is appropriate for the program based on a determination by the Correctional Administrator that the inmate's participation would be consistent with the public safety interests of the community (Penal Code Section 1203.018(c)(1)(C)).
5. As a condition of participation in the Supervised Electronic Monitoring Program, an inmate must give his or her consent in writing to participate and shall agree in writing to comply with the rules and regulations of the program, including the terms and conditions of the Supervised Electronic Monitoring Program, attached hereto and incorporated herein by reference.
6. A participant is required to remain within the interior premises of his or her residence during hours designated by the Correctional Administrator.
7. A participant shall admit any person or agent designated by the Correctional Administrator into his or her residence at any time for purposes of verifying the participant's compliance with the conditions of his or her detention.
8. The electronic monitoring may include global positioning system devices or other supervising devices for the purpose of helping to verify the participant's compliance with the rules and regulations of the Supervised Electronic Monitoring Program. The electronic devices shall not be used to eavesdrop or record any conversation, except a conversation between the participant and the person supervising the participant to be used solely for the purposes of voice identification.
9. The Correctional Administrator may, without further order of the court, immediately retake the person into custody if the electronic monitoring or supervising devices are unable for any reason to properly perform their function at the designated place of home detention; if the person fails to remain within the place of home detention as stipulated in the agreement; if the person willfully fails to pay fees to the provider of electronic home detention services, as stipulated in the agreement, subsequent to the written notification of the participant that the payment has not been received and that return to custody may result, or if the person for any other reason no longer meets the established criteria under Penal Code Section 1203.018.
10. Whenever the peace officer supervising a participant has reasonable cause to believe that the participant is not complying with the rules or conditions of the Supervised Electronic Monitoring Program, or that the electronic monitoring devices are unable to function properly in the designated place of confinement, the peace officer may, under general or specific authorization of the Correctional Administrator, and without a warrant of arrest, retake the person into custody.

11. Nothing in Penal Code Section 1203.018 shall be construed to require the Correctional Administrator to allow a person to participate in the Supervised Electronic Monitoring Program if it appears from the record that the person has not satisfactorily complied with reasonable rules and regulations while in custody. A person shall be eligible for participation in the Supervised Electronic Monitoring Program only if the Correctional Administrator concludes that the person meets the criteria for release of inmates held on misdemeanor charges under Penal Code Section 1203.018(c)(1)(A) or (C) and that the person's participation is consistent with the rules and regulations prescribed by the Board of Supervisors and the administrative policy of the Correctional Administrator.
12. All participants shall be subject to discretionary review for eligibility and compliance by the Correctional Administrator.
13. All persons approved by the Correctional Administrator to participate in the Supervised Electronic Monitoring Program who are denied participation and all persons removed from program participation shall be notified in writing of the specific reasons for the denial or removal. The notice of denial or removal shall include the participant's appeal rights, as established by program administrative policy.
14. The Correctional Administrator may permit Supervised Electronic Monitoring Program participants to seek and retain employment in the community, attend psychological counseling sessions or educational or vocational training classes or seek medical and dental assistance.
15. Willful failure of the program participant to return to the place of home detention prior to the expiration of any period of time during which he or she is authorized to be away from the place of home detention pursuant to Penal Code Section 1203.018 and unauthorized departures from the place of home detention is punishable pursuant to Penal Code Section 4532.
16. A copy of the participant's written consent to participate and the agreement to comply with the rules and regulations, together with a copy of the list of the rules and regulations, and the terms and conditions of the Supervised Electronic Monitoring Program shall be provided to the participant and a copy retained by the Correctional Administrator.
17. The rules and regulations and administrative policy of the Supervised Electronic Monitoring Program shall be reviewed on an annual basis by the Board of Supervisors and the Correctional Administrator.

ORANGE COUNTY SHERIFF'S DEPARTMENT
ELECTRONIC MONITORING PROGRAM

**TERMS AND CONDITIONS OF THE SUPERVISED ELECTRONIC
MONITORING PROGRAM FOR INMATES BEING SUPERVISED UNDER
THE PROVISIONS OF PENAL CODE SECTION 1203.018**

1. I shall remain within the interior premises of my place of my residence during the hours designated by the Correctional Administrator.
2. I shall admit any person or agent designated by the Correctional Administrator into my residence at any time for purposes of verifying my compliance with the conditions of my detention.
3. I may not leave my residence for any reason without prior approval of the Correctional Administrator or her designee, except when directed by police, fire or medical personnel.
4. I agree to the use of continuous electronic monitoring devices, which may include a global positioning satellite system device(s) or other supervision devices, for the purposes of verifying compliance with the Rules and Regulations of the Supervised Electronic Monitoring Program. The devices shall not be used to eavesdrop or record any conversation, except a conversation between me and the person supervising me which is to be used solely for the purposes of voice identification.
5. I agree that the Correctional Administrator may, without further order of the court, immediately retake me into custody if the electronic monitoring or supervising devices are unable for any reason to properly perform their function at the designated place of home detention, if I fail to remain within the place of home detention as stipulated in the agreement, if I willfully fail to pay fees to the provider of electronic home detention services, as stipulated in the agreement, subsequent to the written notification to me that the payment has not been received and that return to custody may result, or if I for any other reason no longer meet the established criteria under Penal Code Section 1203.018.
6. I may not tamper with or remove the continuous electronic monitoring devices. Should it become damaged or inoperative, I must report it immediately to the Correctional Administrator or her designee. If deliberate damage occurs, I may be removed from the Supervised Electronic Monitoring Program, charges may be filed against me and restitution may be required.
7. I must answer all computer calls and maintain telephone service throughout the period of confinement. I may not have call waiting, forwarding, answering machines or service or cordless phones. All residents utilizing the Supervised Electronic Monitoring Program phone line must limit telephone calls to five (5) minutes.
8. My residence and all persons who reside there must meet with the approval of the Correctional Administrator, or her designee, prior to admission and during participation in the Supervised Electronic Monitoring Program.
9. All residents must agree not to possess or use alcohol, intoxicants, illegal drugs, narcotics or deadly or dangerous weapons in my residence. No visitors, other than immediate family members, are allowed without prior approval of the Correctional Administrator or her designee.
10. Pets must be confined to allow free access to my residence by the Correctional Administrator or her designee.
11. I must report directly to my place of employment upon release for work. Upon completion of my workday, I must report directly to my residence. During work hours, I may not leave my work site at any time including mealtimes and breaks without advance permission from the Correctional Administrator or her designee.
12. I must obtain advance permission from the Correctional Administrator or her designee to change my work schedule in any way, including overtime work. Such arrangements must be made by my employer.
13. I am not allowed to purchase, use, or have in my possession any dangerous weapon(s), i.e., firearms, martial arts weapons, or explosives, alcohol, intoxicants, illegal drugs, narcotics or narcotic paraphernalia at any time while participating in the Supervised Electronic Monitoring Program.
14. I must notify the Correctional Administrator or her designee of all prescribed medication while participating in the Supervised Electronic Monitoring Program.

- 15. I may not have contacts outside my residence with any persons (family, friends, or others) without the permission of the Correctional Administrator or her designee. No telephone contacts are allowed with any other participants on this program or with current jail inmates.
- 16. I may not make any change in authorized transportation arrangements without advance permission from the Correctional Administrator or her designee.
- 17. I must submit my person, property, residence and vehicle to search and seizure without warrant or probable cause at any hour day or night by any peace officer or designee designated by the Correctional Administrator to verify compliance with any and all applicable Rules and Regulations of the Supervised Electronic Monitoring Program.
- 18. I must submit to alcohol and/or narcotic testing whenever requested to do so by any peace officer or designee designated by the Correctional Administrator.
- 19. I must attend counseling as directed by the Correctional Administrator or her designee.
- 20. I must pay for administrative/monitoring costs of the Supervised Electronic Monitoring Program services. However, I cannot be denied consideration for, or removed from, participation in Supervised Electronic Monitoring Program services because of an inability to pay program fees. Should there be a disagreement regarding the ability to pay, amount to be paid, or method and frequency of payment, an administrative review shall be held. If I and the Correctional Administrator, or her designee, are unable to come to an agreement at this review, the Correctional Administrator or her designee shall advise the appropriate Court that an agreement could not be reached. The Court shall then resolve the disagreement by determining my ability to pay, the amount which is to be paid, and the method and frequency with which payment is to be made.
- 21. I must obtain prior approval from the Correctional Administrator or her designee for medical treatment except for medical emergencies. Proof of medical attention is required.
- 22. I may not violate any law. I must report any contact with police, fire or medical personnel to the Correctional Administrator immediately.
- 23. Other conditions: _____

24. I understand that any willful failure to return to my residence prior to the expiration of any period of time during which I am authorized by the Correctional Administrator or her designee to be away from my residence or any unauthorized departures from my residence are punishable as an escape from confinement under Penal Code Section 4532.

I, the undersigned, have read, fully understand and agree to comply with the Rules and Regulations, including the Terms and Conditions, of the Supervised Electronic Monitoring Program, and hereby consent to participate in the Supervised Electronic Monitoring Program. I also understand that failure to comply with any of the above Terms and Conditions may result in my return to jail custody or further court action. I have received a copy of the Rules and Regulations, including the Terms and Conditions of the Supervised Electronic Monitoring Program.

Participant Signature

EMP Staff Signature

Participant Name

EMP Staff Name

Participant Booking #

Date