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**Plumas County Probation Department's
Alternative Sentencing Program
(House Arrest, Electronic Monitoring, GPS)
Policy and Procedure Manual**

A. Mission

The mission of the Plumas County Probation Department's Alternative Sentencing Program (ASP) is to offer the Court a semi-secure means of detaining offenders, both adults and juveniles, in a home environment by use of electronic technology. The goals of the program are to protect the community by supervising offenders with a view to minimizing the opportunities to commit further criminal acts, reduce overcrowding in the Plumas County Correctional Facility with community safety and begin the rehabilitative process.

B. Program Overview

The ASP is a voluntary program. It is an extension of being incarcerated. The purpose of the program is to select, place and monitor appropriate applicants in the ASP within the guidelines of Penal Code Sections 1203.016 and 1208.2, and Sections 628.2, 636, 840, 841, and 842 of the Welfare and Institutions Code.

C. Responsibilities

1. The Chief Probation Officer (CPO) is directly responsible to the Courts for the smooth and efficient operation of the ASP. The CPO is responsible for the following:
 - a. Appointing and supervising the APS Deputy Probation Officer(s) (DPO) and all ASP staff.
 - b. Establishing criteria for the selection, retention, rewarding, and disciplining of all ASP staff consistent with applicable Federal, State and County statutes, policies and procedures.

- c. Establishing and promulgating all policies and procedures for the safe, efficient and correct operation of the program at all times.

2. Supervising Probation Officer (SPO)

- a. In the temporary absence of the CPO, the SPO assumes all of the duties incumbent on that Officer.
- b. Perform day-to-day supervision of the ASP and all personnel assigned to the program.
- c. Ensure proper prior coordination occurs between DPO's and other assigned staff so that case evaluations are available for inclusion in all court reports, as needed.

3. ASP DPO

- a. The program Officer is a duly sworn DPO (hereinafter referred to as the ASP DPO). In the temporary absence of the ASP DPO (ninety days or less), these duties may be temporarily assigned to a non-sworn Probation Assistant (PA). A non-sworn PA may not be permanently assigned to this position. Any sworn DPO of this Department may be assigned these duties at any time, whether temporary or permanent.
- b. The ASP DPO is responsible for the day-to-day operation of the program. The duties of this officer include, but are not limited to, the following:
 - 1) Perform ASP intakes on all applicants for the program.
 - 2) Insure all appropriate program documentation is completely and accurately filled out.
 - 3) Assess all applicants for program eligibility. Explain all program requirements, with emphasis on the costs and payment expectations, to the applicant, as well as to the applicant's parents in cases where the applicant is a minor.
 - a. Refusal by the applicant, or the applicant's parents in cases involving minors, to commit to pay program costs may be used as legal grounds for finding the applicant ineligible/non-amenable for the program.

- b. Applicants, or the parent(s)/guardian(s) of minor applicants, who possess the means to pay program costs are required to do so, in a manner determined by the ASP DPO.
 - c. Applicants who legitimately do not have the means to pay program costs cannot be excluded from participation and cannot be failed from the program exclusively due to inability to pay.
 - d. The ASP DPO doing intakes must be able to tell the difference between applicants who lack the monetary resources to pay, and those who refuse to pay.
- 4) Notify proposed applications, their parents in cases involving minors, the Courts and the referring DPO whether the applicant is accepted/denied in the program.
- 5) Provide written documentation, as needed, to support all decisions regarding acceptance/denial.
- 6) Execute a contract between the Probation Department's ASP and the eligible applicants.
- 7) Provide all monitoring equipment, as well as attaching monitoring device to participant themselves. Whenever possible, the ASP DPO will install the equipment at the participant's home.
- 8) Verify the ASP equipment is functioning properly prior to installation.
- 9) Provide probation supervision to all participants in the program with assistance from the DPO normally charged with supervision of the participant.
- 10) Provide local maintenance on all ASP equipment. Coordinate higher level maintenance as required with appropriate maintenance vendor.
- 11) Advise the Sheriff's Office of the participant's place of residence, participant's name, address, date of entry into the program, program limitations, projected completion date, and, upon completion/failure from the program, the actual completion date. This information minus actual completion date is to be provided to the Sheriff's Office with forty-eight (48) hours, excluding weekends and/or holidays.

- 12) During periods of planned prolonged absence, the ASP DPO shall, with the advice and consent of the CPO, ensure another DPO is fully briefed on all aspects of the ASP prior to departure from the Probation Department.
- 13) Other duties as assigned.

D. ASP Selection Criteria

1. Primary Selection Criteria;
 - a. Applicant must volunteer for the program.
 - b. In the case of a minor, the minor's parent(s)/guardian(s) must be willing to cooperate.
 - c. All applicants **must** reside in Plumas County with a verifiable Plumas County address.
 - d. ASP DPO may deem the applicant eligible/amenable, as determined in part by considering the applicant's physical/medical/mental health problems, criminal history, the nature and severity of present offense(s), substance abuse problems, and school attendance/behavior.
 - e. Applicant must have a minimum of ten (10) days confinement time ordered by the Court.
 - f. Applicant must have an active telephone line, either cell phone or residence land line.

Excluded Offenses:

- g. The ASP DPO has the right to refuse any applicant due to their criminal history or any other pending offenses committed by the applicant. Violent offenders or those that pose a threat of violence will not be considered for this program.
- h. Adult participants must be on felony probation; misdemeanor convictions are excluded offenses.

E. ASP Court and Intake Process

1. Following a finding by the Court that an applicant is to be confined in Juvenile Hall/Jail for a period of ten (10) or more days, the applicant may apply for the ASP by submitting the following completed documentation:

Application, Occupant's Agreement/Permission to Search, Program Rules and Policies, and the Curfew Schedule/Authorized absences from Residence Form. The ASP DPO will conduct a preliminary screening of the case, discuss the options with potentially eligible participants, and in the case of minors, with their parents, and make a recommendation regarding initial eligibility for the ASP.

2. Participants are accountable for all of their time. The participant is on the ASP twenty-four (24) hours a day. Program participants may only leave their residence for work, school and other necessities of life pre-approved by the ASP DPO, or the CPO in the absence of the ASP DPO, as detailed in the Authorized Absences from Residence Form.
3. The ASP DPO shall screen applications to ensure they are filled out correctly and completely and the non-refundable application fee of \$35.00 is included. Applications that are incomplete or received without the application fee will be rejected and the applicant notified.
4. The CPO has the authority to override the decision of the ASP DPO.
5. The applicant will be formally notified by mail or personally of the decision. In the case of a denial, the ASP DPO shall advise the applicant of the appeal process, and provide the applicant with a Letter of Appeal. If the denial is upheld on appeal, the ASP DPO shall notify the effected Court in writing within forty-eight (48) hours, excluding weekends and holidays.
6. An applicant who is denied ASP is not entitled to a refund of the application fee.
7. ASP may be considered and recommended at any time in any court proceeding based on the circumstances of the case.
8. Applicant must follow the directives of the ASP DPO during the application process. Failure to appear as directed, or provide documents as requested, may result in termination/exclusion from the ASP.

F. Appeal Process

1. Should an applicant be found ineligible for participation in the ASP, the applicant shall be advised of the right to appeal that decision. The applicant shall have forty-eight (48) hours to submit the appeal in writing to the CPO, or the SPO in the absence of the CPO.
2. Upon receipt of a written appeal, the Officer reviewing the case may, at their own discretion, elect to review the file, or conduct a hearing. All aspects of the application process and the reason(s) for the applicant being deemed ineligible shall be reviewed.
3. If the ineligibility determination is upheld, the reviewing Officer shall notify the applicant and the Court of the decision in writing within forty-eight (48) hours, excluding weekends and holidays.
4. If the reviewing Officer overturns the ineligibility decision, the ASP DPO shall contact the participant, and their parent(s)/guardian(s) if participant is a minor, by the most expeditious method to set up an appointment to enroll the applicant in the ASP.
5. All decisions by the reviewing Officer shall be final.

G. Program Acceptance

1. ASP staff shall take the following steps in a timely fashion, so the process is completed within seventy-two (72) hours, excluding weekends and holidays.
 - a. Interview the applicant.
 - 1) Family members must be willing to allow installation of monitoring equipment to their telephone service and curtail their personal calls.
 - 2) The applicant, and their parent(s)/guardian(s), in the case of minors) must correctly and accurately complete all required paperwork.
 - 3) The ASP DPO shall review the packet and assist in the completion of any additional required forms, such as the Employer Agreement Form, for all temporary changes to the applicant's schedule.

- 4) The ASP DPO shall review all program rules with the applicant to verify their understanding of the program's rules.
 - 5) The ASP DPO shall brief the applicant, and parent(s)/guardian(s) on the equipment used in the ASP and fill out the Equipment Receipt and Completion Record. Heavy emphasis shall be placed on the consequences for tampering with any part of the equipment as listed in the Equipment Tamper Warning form. The participant will be responsible for any costs incurred for damaged or lost equipment.
- b. Verify appropriate telephone service.
2. Once the participant is enrolled in the system, the ASP DPO shall complete the following:
 - a. Attach the ankle transmitter.
 - b. Provide equipment and installation instruments.
 - c. All above steps are to be completed during normal working hours and days, except in emergency situation ordered by the Court.
 3. The ASP DPO is responsible for notifying the Sheriff's Office of the participant's acceptance and termination dates regarding the ASP.

H. ASP Supervision Process

The following are MINIMUM standards for supervision:

1. Face-to-Face Contact
 - a. The ASP DPO, or any other DPO/PA designated by the CPO, shall attempt to contact the participant a minimum of one (1) face-to-face contact per week at any agreed upon location.
2. Telephone Contact
 - a. The ASP DPO or designee shall contact the participant on a weekly basis by telephone. The time should be varied and as random as possible.

3. Computer Monitoring

- a. The ASP DPO is responsible for overlooking the daily event emails, making any needed zone modification, and monitoring or responding to zone violations.

I. Documentation

1. The ASP DPO shall log the type and nature of all contacts, as well as any problems noted in the participant's log.
2. The ASP DPO shall make modifications as necessary in the participant's schedule.
3. The ASP DPO shall have available a list of current participants and provide such list to the Sheriff's Office.
4. The ASP DPO shall provide the Court with progress reports as requested.

J. Violations

1. All ASP violations shall be treated as a violation of a Court Order, depending on the participant's legal status.
2. The ASP DPO shall inform the participant's supervising DPO, or the Court in the case of a program participant who is not on supervised probation, if a violation of the ASP within forty-eight (48) hours of termination from the program, excluding weekends and holidays.
3. Any ASP violation may result in the arrest of the participant and return to incarceration.
4. If the participant absconds, a warrant request shall be submitted to the Court within one (1) judicial day.
5. Should a program participant (in juvenile matters, the minor and/or the minor's parent(s)/guardian(s)) fail to keep Court-ordered medical or counseling appointments, a violation of probation may be filed with the Court.
6. If the ASP equipment is unable to function, the participant may be returned to custody. Every effort shall be made to avoid these circumstances.

K. Program Termination

1. When program termination occurs due to the participant failing to abide by ASP rules and protocols and the participant is re-incarcerated, the ASP DPO shall contact the participant at the incarceration facility and remove the ankle transmitter. As soon as practical, but at no time any longer than seventy-two (72) hours, the ASP DPO shall remove all monitoring equipment from the participant's residence.
2. Upon successful completion of the sentence, or ordered release from ASP, the participant shall appear at the Probation Department within twenty-four (24) hours to have the ASP DPO remove the ankle transmitter. The ASP DPO shall then make arrangements to retrieve the monitoring equipment from the participant's residence within forty-eight (48) hours. The ASP will not be closed out until all equipment is returned to the Probation Department and all fees are paid in full.
3. Within twenty-four (24) hours of completion of the actions in #2 above, the ASP DPO shall notify the participant's supervising DPO, or the Court, whichever is more applicable, that the participant successfully completed the sentence, all monitoring equipment has been returned and all fees are paid in full.

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Chief Probation Officer