

DATE:	JUNE 7, 2018
NUMBER:	X
SUBJECT:	TABLE OF CONTENTS

PRETRIAL SERVICES

- X.1 Supervised Own Recognizance (SOR) Release
- X.2 Electronic Monitoring (EM) In Lieu of Bail

DATE:	APRIL 27, 2018
CATEGORY:	SHERIFF'S PRETRIAL UNIT
NUMBER:	X.1
SUBJECT:	SUPERVISED OWN RECOGNIZANCE (SOR) RELEASE
RELATED SECTIONS:	PENAL CODE SECTIONS 1318-1319.5; E.4

PURPOSE

To safely reduce the number of persons detained pretrial by providing pretrial services and supervision to individuals on pretrial release.

POLICY

The Sheriff's Pretrial Unit will offer comprehensive pretrial release options to the judiciary and will facilitate supervised own recognizance (SOR) releases for individuals in jail who are pending trial. Arrestees will be interviewed and assessed at the time of booking. Pretrial services reports, which contain information about the arrestee's criminal records, pretrial risk assessment score, and individually tailored recommendations regarding release options, will be prepared and presented to the judge at the time of the individual's first court appearance. Based on information presented to the court, the judiciary may grant an individual release on SOR. Pretrial supervision will be conducted on all individuals granted release on SOR.

PROCEDURE

I. SHERIFF'S PRETRIAL UNIT

Sheriff's Pretrial Unit staff is composed of assigned detention processing technicians (DPT), correctional counselors, an office support specialist (OSS), supervising correctional counselor, detention processing supervisors (DPS), a County Parole Alternative Custody (CPAC) deputy, and Jail Population Management Unit (JPMU) deputies.

II. PRETRIAL SERVICES REPORTS

- A. The JPMU deputy will interview inmates booked on misdemeanor and felony arrest charges for the purpose of obtaining a release risk assessment score. The JPMU deputy will provide that information to the DPT.
- B. The DPT will prepare a pretrial services (PTS) report to be presented to the judge at the time of a defendant's first court appearance. The PTS report includes, but is not limited to the following (Procedure II.B.1-3 will be completed by the assigned DPT.):
 - 1. Current arrests, charges, counts, bail amount, arresting agency, active criminal events, criminal history summary, and personal history information.
 - 2. A Pretrial Release Screener (PTRS) assessment is conducted on all arrestees to determine their release risk score. The score is entered and recorded on the court report.

3. A comprehensive criminal history records search from the Jail Information Management System (JIMS), Local, State, and National systems, and Automated Firearms System (AFS). All information found is entered and recorded on the court report.
4. The release recommendations and conditions will be completed by a correctional counselor.
 - a. Correctional counselors are assigned to the Central, Vista, South County, and East County courthouses and provide the pretrial services reports to the Court at the time of an inmate's first court appearance.
 - b. All pretrial services reports are reviewed by the correctional counselor before providing them to the court. They make a tailored individualized recommendation regarding release options and conditions to assist the judge in making an informed decision regarding pretrial release or detention.
 - c. The correctional counselor will appear in court for the felony arraignment to present the reports, conduct follow-up investigation and answer any questions the judge or attorneys may have about the reports and/or recommendations and conditions.

III. GRANTED SOR RELEASE

- A. SOR releases are granted by the judge and will be documented on the court minute order with the accompanying Order Releasing Defendant on Supervised Own Recognizance form (SDSC CRM-288 form). Both documents will be sent directly to the detention facility where the inmate will be released. The DPT will process the SOR release as follows:
 1. When processing an inmate for release, the pre-release and final release dispositions in the JIMS will be SPTS-Supervised PTS Release.
 2. If a SDSC CRM-288 form accompanies the court minute order, the final release DPT must ensure the below steps are completed after identifying the inmate at final release and prior to the fingerprint verification.
 - a. Read all checked conditions to the inmate as stated on the SDSC CRM-288 form. These conditions will admonish the inmate of his or her obligation to contact Pretrial Services within 24 hours of release from custody.
 - b. Ensure all contact information is completed by the inmate on the bottom portion of the SDSC CRM-288 form to include the date, signature, a complete address and telephone number.
 - c. Scan and email a copy of the signed and completed SDSC CRM-288 form and court minute order to the following email accounts:
 - i. [PTS, Pretrial Service](#)

ii. [STAR, PTS](#)

d. Provide a copy of the court minute order to the inmate.

C. Any court minute orders received during the court update process, for individuals out of custody who are currently active on SOR, should be scanned and emailed to the [PTS, Pretrial Service](#) email account. Immediately following the court hearing, the correctional counselor will notify the DPS, CPAC deputy, OSS, and supervising correctional counselor via email of any defendants who were granted SOR release.

IV. PRETRIAL SUPERVISION

Individuals released on SOR status will be assigned to a CPAC deputy. The CPAC deputy will:

- A. Supervise individuals who have been granted a SOR release to ensure they comply with the conditions of their release as outlined on the SDSC CRM-288 form.
- B. Monitor compliance of all conditions and provide status reports for those individuals at their preliminary hearing. Any non-compliance status reports will be provided at the individual's next court hearing.

V. COMPLETION OF PRETRIAL SUPERVISION

Once an individual's case is adjudicated either by sentencing or dismissal, the pretrial supervision is considered complete and no further supervision is needed. The CPAC deputy will update the individual's status and end pretrial supervision.

VI. REVOCATION

The court has the authority to revoke SOR status and remand any individual on pretrial supervision. Revocation of SOR will be noted on the court minute order and a warrant will be issued for the individual's arrest. Upon receiving the court minute order, the CPAC deputy will update the participant's status and end pretrial supervision.

VII. NEW ARRESTS/BOOKINGS

If an individual on pretrial supervision is arrested on a new charge(s) by any law enforcement agency, staff shall refer to new arrests/bookings procedures as outlined in DSB policy and procedure section E.4.

DATE:	MARCH 5, 2018
CATEGORY:	SHERIFF'S PRETRIAL UNIT
NUMBER:	X.2
SUBJECT:	ELECTRONIC MONITORING (EM) IN LIEU OF BAIL
RELATED SECTIONS:	PENAL CODE SECTIONS 1203.018, 1318-1319.5; E.4

PURPOSE

To safely reduce the number of persons detained during the pretrial phase by providing pretrial services and supervision to individuals on pretrial release.

POLICY

The Sheriff's Pretrial Unit will offer comprehensive pretrial release options to the judiciary and will make referrals for Electronic Monitoring (EM) in lieu of bail releases for individuals in jail who are pending trial. The County Parole and Alternative Custody Unit (CPAC) will screen offenders referred by the court for EM. If the offender is accepted, CPAC will electronically monitor the inmates accordingly. Through a contract with the County, Sentinel Offender Services provides the electronic monitoring equipment, satellite tracking software, case management and program services. A referral or participation in EM in lieu of bail pursuant to PC 1203.018 is voluntary and shall not prevent a defendant from securing his or her release at any point by posting the previously set amount of bail.

PROCEDURE

I. SHERIFF'S PRETRIAL UNIT

Sheriff's Pretrial Unit staff is composed of assigned detention processing technicians (DPT), correctional counselors, an office support specialist (OSS), supervising correctional counselor, detention processing supervisors (DPS), a County Parole Alternative Custody (CPAC) deputy, and Jail Population Management Unit (JPMU) deputies.

II. ELIGIBILITY CRITERIA FOR SCREENING

- A. Ineligible for O.R. (own recognizance) or Supervised O.R.
- B. No open or pending other charges, detainers, or active warrants.
- C. No current or prior domestic violence incidents, including child abuse, or stalking, resulting in a current valid protection order (case by case basis).
- D. No current sex offense case, pending charges, or prior conviction or arrest for sexual assault, lewdness, indecent exposure or child victim crimes.
- E. No current charges for murder, manslaughter, or attempted murder, or any charges with a gang, weapons or great bodily injury enhancement.
- F. No current serious or violent charge with a prior strike (serious or violent felony prior conviction).

- G. Verifiable residence (CPAC will verify).

III. COURT PROCESS

- A. The Sheriff's Pretrial Unit will conduct a criminal records check on defendants in custody and provide an arraignment report to the court.
- B. If the defendant is not eligible for O.R. or Supervised O.R., the defense attorney may request a referral for screening for EM in Lieu of Bail if the defendant meets the screening eligibility requirements. The prosecutor has the opportunity to respond. The 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.
- C. 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.*"
- D. The court shall also set the appropriate bail amount, and impose any other appropriate conditions if released.
- E. The CPAC Unit will confirm the referred defendant meets CPAC eligibility requirements, including a verified residence. CPAC will complete a risk assessment to ensure the defendant meets the criteria.
 - 1. If the defendant is eligible and suitable, and signs the rules and regulations, CPAC will coordinate with JPMU to release the defendant on EM.
 - 2. The Sheriff has the final authority on whether to release a defendant referred by the Court to EM. 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.
 - 3. 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.
- F. If an offender on EM is sentenced, 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 continue on electronic monitoring in the form of home detention under the supervision of CPAC.

IV. RELEASE PROCESS

- A. The court clerk will notate, "refer to CPAC" on court minute order.
- B. The pretrial counselor will obtain the court minute order at the arraignment hearing.

- C. Immediately following the hearing, the pretrial counselor will email designated staff at CPAC with the subject, "REFER TO CPAC – courthouse" and include:
 - 1. Defendant's full name
 - 2. Booking number
 - 3. Court minute order
- D. Inmate Processing Division staff will access the shared drive folder to obtain the pretrial report and send it to the CPAC deputy to begin processing for release.
- E. CPAC deputy will process and submit to CPAC sergeant/lieutenant for approval
- F. If approved, the CPAC deputy will notify the JPMU deputy to release the defendant. The JPMU deputy will:
 - 1. Apply the Global Positioning System (GPS) device.
 - 2. Enroll the defendant in Web Patrol and activate the device.
 - 3. Transfer the defendant to Facility 16X in the Jail Information Management System.
 - 4. Direct the defendant to Sentinel by providing a Sentinel appointment sheet.

V. COMPLETION OF PRETRIAL SUPERVISION

Once an individual's case is adjudicated either by sentencing, dismissal, or revocation, the pretrial supervision is considered complete and no further supervision is needed. 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 EM in the form of home detention under the supervision of CPAC.

VI. REVOCATION

If an individual with a GPS device is remanded into custody, staff shall refer to revocation procedures as outlined in Detention Services Bureau (DSB) policy and procedure section E.4-Installation and Removal of Devices.

VII. NEW ARRESTS/BOOKINGS

If an individual on pretrial supervision is arrested on a new charge(s) by any law enforcement agency, staff shall refer to new arrests/bookings procedures as outlined in DSB policy and procedure section E.4.