



## EMP SENIOR DEPUTY

### Overview of Position:

Uphold and obey the provisions of the Constitution and laws of the United States; the Constitution and laws of the State of California; and the ordinances of the County of Kern.

- Protect life and property, maintain order, prevent and investigate crimes, make legal searches, seizures and arrests, and apprehend suspected criminals.
- Give first aid treatment to the sick, injured, and mentally ill when safe to do so.
- Investigate unlawful activity
- Furnish name and badge number upon the request of any citizen.

### RESPONSIBILITIES:

- Supervision of Deputy case loads.
- Report review
- Assisting in all parole and EMP functions.

### Essential functions and duties include, but are not limited to:

### Case loads

- Senior Deputies assigned to the Electronic Monitoring unit are expected to assist in maintenance of the deputy's case load for both Electronic Monitoring and Sheriff's Parole. Senior Deputies assist with case load through, in person contacts, phone contacts and through the Gryphex computer system.
- Senior Deputies will make case notes in the Gryphex system whenever contact is made with a participant of the Electronic Monitoring Program.
- Senior Deputies will also notify the unit Sergeant, or SST in charge of files, and the Classification Unit, by E-mail, whenever a program participant is arrested, violated, removed from the program, or has a warrant issued for their arrest.

- Senior Deputies will monitor when a participant is due to come off of the program and be Fed/Capped or transferred to Sheriff's Parole, and insure this is done by the date assigned to the participant.
- Senior Deputies are expected to be out in the field conducting compliance for all Electronic Monitoring Program participants, when not conducting administrative duties at the office.
- **Reports and warrants**
- All crime reports, Supplemental reports, Ramey warrants, and E-mail notifications, generated in the course of a Senior Deputies shift are expected to be completed prior to the end of the Senior Deputies shift.
- The only exception will be if the Senior Deputy has permission of the unit Sergeant to hold the report or warrant until the following shift.

### **RELEASE TO THE ELECTRONIC MONITORING PROGRAM**

- Senior Deputies will assist the Deputies when a participant is due to be released. Senior Deputies will review the file and ensure all paperwork needed is with the file and the applicant has signed, dated, and initialed all applicable areas of the application.
- Senior Deputies will contact the residence where the applicant will reside by phone and verify with whomever the subject will be residing, that they will accept the participant at the residence and if needed, will be at the residence when the participant is transported home.
- The Senior Deputy will schedule the subject for release by faxing the "Do not destroy file" page of the application folder to the facility where the subject is housed. The Senior Deputy will place the date and time the subject is to be released and picked up by the

Deputy from the facility on the faxed paperwork. Senior Deputies will arrive at the facility where the participant is housed, at the time and date specified on the paperwork faxed to the facility.

- Senior Deputies will enter the participant into the Gryphex system, as outlined in chapter five, and take a monitor from the storage area and sign it out in the log. The monitor and a charger for the monitor will be assigned to the participant.
- After picking up the participant from the facility, Senior Deputies will review the application file with the participant and ensure the subject has read and understands the application paperwork. The Deputy will verify the participant's signatures and initials on the paperwork.
- Senior Deputies will go over the rules of the program with the participant and advise the participant what violations of the program will be considered an escape and which violations, will result in a flash incarceration for the participant. Senior Deputies will also explain how to and when to charge the electronic monitor assigned to the participant. After releasing the participant the file will be returned to the SST in charge of file maintenance.
- Violations which will result in an escape charge or flash incarceration for the participant are outlined in chapter six.
- Senior Deputies releasing participants on to the Electronic Monitoring program will transport the participant to their residence and ensure items which will cause the participant to be in violation of the program will be removed.

### **RELEASE FROM THE PROGRAM, FED/CAP**

- An SST is assigned to keep track of subjects who are pending release from the program. Two Senior Deputies will be assigned at all times to ensure participants are released

from the program on time. This information will be E-mailed to the Senior Deputies and posted on the units' information board.

- Senior Deputies assigned to conduct releases will pull the applicable case file, contact the participant and schedule a time to meet for removal of the monitor. Senior Deputies will instruct the participant to return any chargers or other equipment issued to them.
- Once the Monitor has been removed, the Deputy will inactivate the participant in the Gryphex system and log the monitor back in to the log book in the Monitor storage room.
- The participants file will be returned to the SST in charge of file maintenance with notations from the Deputy regarding the participant's release.

#### **RELEASE FROM THE PROGRAM TO SHERIFF'S PAROLE**

- A conversion to Sheriff's Parole will take place, based on the original release, when the participant has successfully completed EMP and there still remains more than 3 months of their sentenced time to their original release date. The term the participant will be placed on parole is determined by the original release date and will be a period of time beginning on the date of transition from EMP to Sheriff's Parole with an end date of 2 months prior to their original release date from custody.

#### **Follow Up Investigations**

- Senior Deputies will be assigned follow up investigations related to EMP or Sheriff's Parole.
- When notified of an escaped inmate returning to custody, the Senior Deputy will respond to the jail and conduct an interview of the suspect. The Senior Deputy will prepare a supplemental report detailing the statements of what occurred during the interview and forward it to the SST to be added to the complaint package.

- Senior Deputies will conduct follow up investigations on active EMP warrants. The Senior Deputy will attempt to locate the escaped inmate and complete the proper paperwork detailing his attempts and activities.

### **Other Responsibilities**

- The Senior Deputy will notify the Sergeant of any personal, caseload, or safety issues as soon as possible.
- Assure that deputies are complete their assignments and managing their caseload properly in the absence of the Sergeant.
- Promote compliance and understanding of the Department Policies and Procedures.
- Briefing and training employees;
- Delegation of appropriate duties to the assigned deputies and office staff;
- Suggesting, researching and completing staff work on anticipated problems and concerns;
- Keeping the Section Lieutenant and Division Commander apprised of situations that affect the division and the department in the absence of the Sergeant
- Reviewing and inspecting staff in order to ensure quality performance and appearance;
- Insisting on pro-active law enforcement by requiring the arrest or detention of suspects who violate criminal statues while in and around the unit;
- Reviewing and completing reports;

### **Procedures:**

EMP procedures are fluid and subject to change. Established procedures are outlined in the EMP procedure manual.



## EMP SERGEANT

### **Overview of Position:**

- The supervisory responsibility for Electronic Monitoring Unit Senior Deputy, Compliance Deputies, and office staff;

### **Responsibilities:**

Overall unit supervision

### **Essential functions and duties include but are not limited to:**

- Scheduling personnel;
- Preparation of Employee Performance Reports;
- Briefing and training employees;
- Keeping statistical information for the unit, including overtime, extra help and sick leave usage;
- Delegation of appropriate duties to the assigned Senior Deputy, deputies, and office staff;
- Suggesting, researching and completing staff work on anticipated problems and concerns;
- Coordinating work with other supervisors and employees within the division;
- Keeping the Section Lieutenant and Division Commander apprised of situations that affect the division and the department.
- Reviewing and inspecting staff in order to ensure quality performance and appearance;

- Assuring the prompt appearance of all deputies involved in the handling of inmates;
- Insisting on pro-active law enforcement by requiring the arrest or detention of suspects who violate criminal statues while in and around the unit;
- Reviewing and completing reports;
- Accommodating lawful requests from Judges;
- Supervise the maintenance of all logs and records;
- Performing related duties as necessary or directed by competent authority;
- Maintain contracts with outside vendors used for the EMP Unit

**Procedures:**

Unit procedures are fluid and subject to change. Refer to the EMP unit procedures manual for various unit procedures.



## SHERIFF'S SUPPORT SPECIALIST

### **Overview of Position:**

The Electronic Monitoring Support Specialist's primary duty is to maintain/manage the monitor inventory, and supervise clerical staff. The Electronic Monitoring Support Specialist will also maintain the supplies needed for the ankle monitor's. You will report unusual occurrences to the supervisor.

### **Responsibilities:**

- Maintain / manage monitor inventory
- Supervise clerical staff
- Maintain ankle monitor supplies

### **Essential functions and duties include, but are not limited to:**

Acquaint him/herself with Support Specialist Post Orders.

Process Employee Performance Review's for clerical staff assigned to EMP.

Maintain and update a log for the ankle monitor's, to include currently available and returned monitors.

Verify monitor inventory every morning, and prepare for a conference call with Gryphex Monday through Friday at 0900.

Pack and return any defective devices.

Assign caseloads to the deputies assigned to EMP.

**In the absence of the Sheriff's Support Technician's, the Sheriff's Support Specialist will be required to complete the below tasks:**



Answer phone calls from the general public, and delegate phone calls from inmates on the Electronic Monitoring Program to the appropriate deputy.

Maintain and update the Electronic Monitoring Tracking list on SheriffNet.

Prepare new Electronic Monitoring files for release to our program, and issue to the deputies for release.

Enter, maintain and update the Known Offenders for Electronic Monitoring in I/leads.

Process files for inmates who have been brought in on a flash, failed the program, had a warrant issued or have cut and run from the program.

Prepare and deliver Court Complaint packets for the District Attorney's office for offenders who have escaped from the Electronic Monitoring Program.

Various office tasks.

**PROCEDURES:**

Procedures are fluid within the unit. SSS assigned to the unit will follow above functions.



## SHERIFF'S SUPPORT TECHNICIAN

### **Overview of Position:**

The Electronic Monitoring Support Technician's primary duty is to maintain/manage the files and manage the phone calls for the unit. The Electronic Monitoring Support Technician will also maintain the supplies needed for the unit. You will report unusual occurrences to the supervisor.

### **Responsibilities:**

- File maintenance
- Manage phone calls
- Supply maintenance

### **Essential functions include but, but are not limited to:**

Acquaint him/herself with Support Technician Post Orders.

Answer phone calls from the general public, and delegate phone calls from inmates on the Electronic Monitoring Program to the appropriate deputy.

Review voicemails from the main office line and reply or delegate to the appropriate staff.

Maintain and update the Electronic Monitoring Tracking list on SheriffNet.

Prepare new Electronic Monitoring files for release to our program, and issue to the deputies for release.

Enter, maintain and update the Known Offenders for Electronic Monitoring in I/leads.

Process files for inmates who have been brought in on a flash, failed the program, had a warrant issued or have cut and run from the program.

Prepare and deliver Court Complaint packets for the District Attorney's office for offenders who have escaped from the Electronic Monitoring Program.

The Sheriff Support Technician will be required to fill-in with the inventory and monitoring of the monitor's for the program in the event the Sheriff Support Specialist is unavailable.

Various office tasks.

**Procedures:**

Unit procedures are fluid and subject to change.



*Kern County Sheriff's Office*  
**Policies and Procedures**

<b>TITLE: ELECTRONIC MONITORING PROGRAM</b>		<b>NO: J-3500</b>	
<b>APPROVED: Donny Youngblood, Sheriff-Coroner</b>			
<b>EFFECTIVE:</b> April 12, 2012	<b>REVIEWED:</b> 08/20/2020	<b>REVISED:</b> 04/02/2013	<b>UPDATED:</b> 04/02/2013

**MISSION STATEMENT**

The Kern County Sheriff's Office is committed to operating an Electronic Monitoring Program that maintains the highest public confidence, credibility, and public safety.

**POLICY**

The Electronic Monitoring Program (EMP) is an alternative program to incarceration. Not all applicants are acceptable for the Electronic Monitoring Program. A thorough background investigation is completed on each applicant to assess any apparent threat to the community or likelihood of re-offending. Qualified applicants will be assigned to home detention, with monitoring and compliance accomplished by electronic monitoring technology and EMP Officers. Inmates assigned to this program will remain on an in-custody status even though they will be at home. When the inmate is sentenced or has served sentenced time the inmate will return to the EMP office for monitor removal.

**GOALS AND BENEFITS**

The Kern County Sheriff's Office Electronic Monitoring Program can be an effective tool in both assuring community safety and reducing jail populations. The goals and benefits of the program are:

- The opportunity to objectively balance public safety against the constitutional rights of a defendant pending trial.
- Allow program defendants to continue their education and/or employment which will enable them to support themselves and their families, maintain family ties, and participate in appropriate counseling and programming as necessary while awaiting trial and after sentencing.
- Provide the court with an opportunity to evaluate a defendant's pre-conviction supervision compliance.
- Lower the County's cost of incarcerating individuals who can be safely released and monitored in the community.

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**PRETRIAL ELECTRONIC MONITORING per PC 1203.018**

Penal Code section 1203.018 authorizes the Sheriff's Office, with approval from the Board of Supervisors, to operate an Electronic Monitoring Program for inmates being held in lieu of bail. In order to qualify for participation in an Electronic Monitoring Program pursuant to this section, the inmate must have no holds or outstanding warrants. Additionally, one of the following two circumstances must apply:

- The inmate has been held in custody for at least 30 calendar days from the date of arraignment pending disposition of **only** misdemeanor charges;
- The inmate has been held in custody for at least 60 days from date of the arraignment for felony charges.

The Board of Supervisors, in consultation with the Sheriff and District Attorney, may prescribe reasonable rules and regulations under which an Electronic Monitoring Program pursuant to this section may operate. As a condition of participation, the inmate shall agree to give his or her consent in writing to participate and shall agree in writing to comply with the rules and regulations of the program. The rules and regulations shall be given to every participant and made available to any participant upon request.

The Board of Supervisors and the Sheriff's Office shall review the rules and regulations annually.

The Board of Supervisors may prescribe a program administrative fee to be paid by each Electronic Monitoring Participant.

A person shall be eligible for participation in the Sheriff's Office Electronic Monitoring Program if the person meets the criteria for release under this section and the person's participation is consistent with the rules and regulations prescribed by the Board of Supervisors or the administrative policy of the Sheriff's Office. There is no requirement that the Sheriff's Office allow a person to participate in the program if it appears that the person has not satisfactorily complied with reasonable rules and regulations while in custody.

The Sheriff's Office shall have sole discretionary authority to permit program participation as an alternative to physical custody. The Sheriff's Office may permit electronic monitoring participants to seek and retain employment, attend psychological counseling, educational or vocational training classes, or seek medical and dental assistance. Willful failure of the program participant to return to the designated place of detention, or unauthorized departures from the designated place of detention is punishable pursuant to PC 4532, Escape.

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Whenever the EMP Officer has reasonable cause to believe the participant is not complying with the rules or conditions of the program, or that the electronic monitoring devices are unable to function properly in the designated place of confinement, the EMP Officer may, without a warrant of arrest, retake the person into custody. All persons removed from program participation shall be notified in writing of the specific reasons for the removal. The notice of removal shall include the participant's appeal rights, as established by the program administrative policy.

Notwithstanding any other law, upon request of a local law enforcement agency with jurisdiction over the location where a participant is placed, the Sheriff's Office will provide the following information about participants:

- Name, address, date of birth, gender, and ethnicity;
- Offense(s) alleged to have been committed by the participant;
- Period of time the participant will be on electronic monitoring;
- Whether the participant successfully completed the program.

**POST SENTENCING ELECTRONIC MONITORING per PC 1203.016**

Penal Code section 1203.016 authorizes the Sheriff's Office, with approval from the Board of Supervisors, to operate an Electronic Monitoring Program for inmates committed to county jail. Inmates may voluntarily participate or involuntarily be placed into a home detention electronic monitoring program during their sentence in lieu of confinement in county jail or other county correctional facility.

The Board of Supervisors, in consultation with the Sheriff, may prescribe reasonable rules and regulations under which an Electronic Monitoring Program pursuant to this section may operate. As a condition of participation, the inmate shall give his or her consent in writing to participate in the program and shall in writing agree to comply, or for involuntary participation, the inmate shall be informed in writing that he or she shall comply with the rules and regulations of the program. The rules and regulations shall be given to every participant and made available to any participant upon request.

The Board of Supervisors and the Sheriff's Office shall review the rules and regulations and the program administrative policy annually.

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A person shall be eligible for participation if the EMP Officer concludes the person meets the criteria for release under this section and the person’s participation is consistent with the rules and regulations prescribed by the Board of Supervisors or the administrative policy of the Sheriff’s Office. There is no requirement the Sheriff’s Office allow a person to participate in the program if it appears that the person has not satisfactorily complied with reasonable rules and regulations while in custody.

The court may recommend or refer a person to the Electronic Monitoring Program for consideration for placement in the home detention program. The recommendation or referral of the court shall be given great weight in the determination of acceptance or denial.

The Sheriff’s Office shall have sole discretionary authority to permit program participation as an alternative to physical custody. All persons referred or recommended by the court to participate in the electronic monitoring program pursuant to this section that are denied participation, or 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 the program administrative policy.

The Sheriff’s Office may permit electronic monitoring participants to seek and retain employment, attend psychological counseling, educational or vocational training classes, or seek medical and dental assistance. Willful failure of the program participant to return to the designated place of detention, or unauthorized departures from the designated place of detention is punishable pursuant to PC 4532, Escape.

Whenever the EMP Officer has reasonable cause to believe the participant is not complying with the rules or conditions of the program, or that the electronic monitoring devices are unable to function properly in the designated place of confinement, the EMP Officer may, without a warrant of arrest, retake the person into custody to complete the remainder of the sentence.

The Board of Supervisors may prescribe a program administration fee to be paid by electronic monitoring participants. The fee will be based on ability to pay. Inability to pay all or a portion of the program fees shall not preclude participation in the program, and eligibility shall not be enhanced by reason of ability to pay.

Notwithstanding any other law, upon request of a local law enforcement agency with jurisdiction over the location where a participant is placed the Sheriff’s Office will provide the following information about participants:

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- Name, address, and date of birth;
- Offense(s) committed by the participant.
- Period of time the participant will be on electronic monitoring;
- Whether the participant successfully completed the program.

### **PROCEDURE**

The Detentions Bureau Classification Unit will screen inmates who have been arraigned. Each inmate will be reviewed on an individual basis. Acceptance or denial shall not be based on gender, race, religion, disability, political beliefs, or national origin.

The Classification Officers will forward the qualified inmate an application packet. It will be the inmate's responsibility to complete and sign all required forms provided with the application, and return the application to Classification Unit staff.

The completed packet will be forwarded to the EMP Office. The EMP Officers will review the application and approve or deny the applicant. Upon initial approval all adult residents of the defendant's home must be notified of the terms and conditions of the program. Upon final approval, inmates qualifying for the program will be scheduled for release as early as reasonably possible during normal operational business hours.

At the time the defendant is released to the Electronic Monitoring Program, the Classification Unit will electronically re-house the defendant in CJIS. The new housing locator for the defendant will be entered as "**SOCRFEMP**" in the facility section of the housing locator.

It will be within the court's discretion to allow time served on Pre-Sentence Electronic Monitoring to be counted as custody credits pursuant to PC 2900.5, Credit for Time Served. A waiver may or may not be deemed necessary for the defendant to sign.

Electronic Monitoring Program participants who violate the rules and conditions of this program will be returned to custody to await their trial or complete the remainder of their sentence. Once the participant has been brought to the Kern County Jail, they will be rehoused into the jail facility under their prior booking number, by making the necessary housing status change in CJIS.

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## Kern County Sheriff's Office Policies and Procedures

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Electronic Monitoring Program violators will not be considered for other programs such as Sheriff's Parole or Work Release.

### ELIGIBILITY

All inmates that have applied to and have been accepted by an in-home treatment program that is sponsored by the Kern County CCP Committee are eligible for consideration into the Electronic Monitoring Program.

The exclusionary criteria for the pretrial and post sentence programs will be the same. The classification officers will consider all relevant information for determining eligibility, including but not limited to the following:

- Behavior during the application process and previous incarceration
- Current charges

Certain **mandatory** criteria will be used to exclude defendants from the Electronic Monitoring Program (EMP). (Except participants being released into home treatment programs). The exclusionary criteria are as follows:

- Any defendant with a hold, including but not limited to, immigration and state parole, violations of probation, out-of-county or out-of-state warrants.
- Any defendant that, if convicted as charged, would be statutorily ineligible for probation, pursuant to 1203(k) of the Penal Code.
- Any defendant charged with an offense listed in Section 667.5(c) of the Penal Code.
- Any charged offense in which the defendant would be required to register under Section 290 or 457.1 of the Penal Code.
- Any defendant charged with a crime where a gun was used as an instrument of the crime (Excluding 12025 and 12031 PC).
- Any defendant charged with a gang enhancement.

Upon receipt of completed application packets the EMP Officer will take the following steps to determine if the applicant is acceptable for the program:

- Ensure accuracy of paperwork
- Complete a warrant check

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- Run a criminal history check
- Check the content of the pre-sentence probation report when one is available
- Request additional information if required from applicant, victim, probation, the court, Department of Justice, or other law enforcement agencies
- Confirm the viability of the applicant's residence
- Confirm employment or student status
- Check Parole/Probation compliance
- Determine if drug and/or alcohol testing is required
- Ensure release of liability form is signed by victim, and witnessed by officer, if participant and victim reside together
- Evaluate and analyze all information received to assess whether the applicant qualifies to participate in the program under the criteria articulated in this policy and the Penal Code.

The applicant **may** be denied participation in the program if he or she has been convicted of, or has a history of any of, but not limited to, the following:

- Crimes of violence
- Past or current weapons charge(s)
- Stalking
- History of escalation of crime(s)
- Escape risk
- Gang involvement
- Resides with victim
- Severity of past/current charges/convictions
- Risk to community and/or victim
- Prior convictions for violent felonies, as defined in subdivision (c) of Section 667.5, or a serious felony, as defined in subdivision (c) of Section 1192.7 will be given due consideration when determining if an inmate will be allowed to participate in the Electronic Monitoring Program.

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In the event an applicant is denied the program by an EMP Officer, the EMP Sergeant will review the reason for denial. If the decision to uphold the denial is made, the applicant will receive a denial letter.

### **ELECTRONIC MONITORING**

Various forms of Electronic Monitoring Equipment are available through EMP. The form or forms of electronic monitoring devices used will be at the sole discretion of the Sheriff's Office.

Once approved for the program, EMP staff will schedule an appointment for the participant to begin the program. At that appointment the participant will be given the program rules, equipment instructions, and equipment responsibility acknowledgement.

Each participant will be issued an Electronic Monitoring Program Rule Book and will be made aware that random visits by staff to the participant's home, work, school, and treatment locations will be conducted. In addition, the participant will be advised of their obligation to attend any appointments scheduled by the EMP Officer, and any additional condition mandated by the court, Sheriff's Office, or Probation Department, such as random alcohol and/or drug testing.

It is important that each applicant discuss their participation in the program with their family members or others who may be living in the home. Random on-site visits by Sheriff's Office Staff may cause an inconvenience to the household so staff should exercise discretion when making such visits.

Each participant will have a schedule set which includes permission for time out of the place of confinement for employment, education, court ordered classes, and scheduled medical appointments. In addition to the set curfew, separate arrangements can be made for the out of the ordinary, verifiable times away from home such as court dates, emergency medical appointments, employment overtime, etc., on a case by case basis. Request for temporary schedule changes will be made by the participant at least 24 hours prior to the requested change. When approved, these changes will be entered into the computer system to preclude invalid violations. Any schedule change will be verified, in writing, by the participant, and given to the assigned EMP Officer. (i.e. doctor's note, pay stub, court documents, etc.)

Errand time may be granted for program compliance and responsible behavior. After one week on the program, up to three continuous hours per week of errand time may be earned. Errand time must be taken in a single block prior to 8:00PM. All personal appointments such as doctor, dentist,

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haircuts, etc., must be conducted during this block of time. Errand time will only be scheduled by the assigned EMP Officer, or in his/her absence another EMP Officer within the unit. This errand time is a privilege and may be taken away for cause.

Participants must go directly to and from their place of employment/school. They may NOT STOP to visit anyone or run errands. Any exceptions will require prior approval from the assigned EMP Officer, or in his/her absence another EMP Officer within the Unit.

If there is any change in employment such as demotion, promotion, lay off, or dismissal, the participant must immediately notify the assigned EMP Officer, or in his/her absence another EMP Officer within the unit.

Overtime work is permitted only when requested in advance and approved by the assigned EMP Officer, or in his/her absence another EMP Officer within the unit. If overtime is required, the employer must contact the EMP Office by telephone and fax follow up. The fax must be received on company letterhead, indicating the hours the participant is being requested to work. The original letter shall be signed by the participant's supervisor and must be given to the EMP Officer at the next scheduled appointment.

Participants will not have any alcohol, empty alcohol containers, alcohol collectibles, illegal drugs, non-prescribed drugs, drug paraphernalia, or weapons of any kind under their control or in their residences while on the program. Participants will not be under the influence of any alcohol or illegal drugs, and they must not be in an area where the use of alcohol, drugs, or illegal activity is taking place.

Participants are responsible for the electronic monitoring equipment assigned to them. The equipment may not be maliciously destroyed, tampered with, altered, or defaced. In addition, those that fail to return the equipment will be charged with PC 487(a), Grand Theft.

Participants may not change residences while on the program without prior approval from the assigned EMP Officer, or in his/her absence another EMP Officer within the Unit. If approval is granted the move must occur during normal business hours and will count as the week's errand time.

EMP staff may impose restrictions on participants with regard to visitors in participants' homes.

Participants must not associate with, or reside with anyone with outstanding warrants.

<b>EFFECTIVE:</b> April 12, 2012	<b>REVIEWED:</b> 06/22/2018	<b>REVISED:</b> 04/02/2013	<b>UPDATED:</b> 04/02/2013
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# *Kern County Sheriff's Office* **Policies and Procedures**

<b>TITLE: ELECTRONIC MONITORING PROGRAM</b>		<b>NO: J-3500</b>	
<b>APPROVED: Donny Youngblood, Sheriff-Coroner</b>			
<b>EFFECTIVE:</b> April 12, 2012	<b>REVIEWED:</b> 08/20/2020	<b>REVISED:</b> 04/02/2013	<b>UPDATED:</b> 04/02/2013

Participants should have and always keep with them, a photo identification such as a driver's license or identification card issued by a government agency.

In the event the electronic monitoring device fails or is unable to function properly in the designated place of confinement, the assigned EMP Officer or their designee may retake the participant into custody without a warrant of arrest.

Motor vehicles will not be operated unless the participant is legally licensed to do so. Any vehicle driven by a participant must be registered and insured. Documented proof will be kept on file. No deviation from approved transportation will be allowed without prior approval.

### **VIOLATIONS/DISCIPLINE/REMOVAL/ESCAPE**

In the event a participant violates a program rule, EMP Officers will review the violation. Depending on the severity of the violation a determination will be made as to the disciplinary action to be taken. EMP Officers may handle minor violations of the rules informally by counseling and advising the participant of expected conduct or with a temporary restriction.

Participants must not lie or falsely represent the truth to any law enforcement officer or civilian staff member.

Participants must not leave their place of confinement, whether it is their place of residence, employment, or education location without authorization from an EMP Officer. In the event the participant fails to return to his/her place of confinement without permission or their whereabouts are unknown to EMP staff, they shall be considered an escapee. EMP staff will initiate an "Escape Report" for a violation of PC 4532(b)(1), pursuant to Section 1203.016 and 1203.018 of the California Penal Code, and the EMP Officer will file a criminal complaint.

### **APPEAL PROCESS**

Penal Code sections 1203.016 and 1203.018 require the Sheriff's Office to have an appeal process for inmates that have been terminated from the electronic monitoring program. Inmates may appeal their removal from the program by completing a grievance form. The grievance will be directed to the EMP Sergeant. The EMP Sergeant will review all pertinent information and render a decision, in writing, within 10 working days. This decision is final; there will be no further appeal.

<b>EFFECTIVE:</b> April 12, 2012	<b>REVIEWED:</b> 06/22/2018	<b>REVISED:</b> 04/02/2013	<b>UPDATED:</b> 04/02/2013
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## COUNTY PAROLE OFFICER

### Overview of Position:

Sheriff's Deputies assigned to the position of County Parole Officer within the Electronic Monitoring Program shall be responsible for the field and office operation of the Program. In accordance with Penal Code Sections 3074 through 3089, sentenced inmates remanded to the Kern County Jail may be eligible for County Parole.

### Responsibilities:

Deputies assigned to the Sheriff's Parole unit are responsible for the administration and supervision of participants in the Sheriff's Parole program

### ESSENTIAL FUNCTIONS AND DUTIES INCLUDE, BUT ARE NOT LIMITED TO:

- Parole hearing preparation
- Parole hearings
- Parole revocation
- Parole supervision
- Parole administrative duties

### Procedures:

#### PAROLE HEARING PREPARATION

- Obtain parole petitions from sentenced inmates via the housing facilities. Process and set hearings with the Board of Parole Commissioners.
- Processing will include obtaining all booking information, searching court sentencing information for probationary terms and determining eligibility due to charges and custodial behavior. A sentence of 2 years or less must serve 10% of the actual sentence and sentences more than 2 years up to 4 years must serve 20% of the actual sentence prior to eligibility for a hearing date.

Hearings will be conducted every other Wednesday unless circumstances dictated a deviance from the schedule.

- Prepare for the upcoming parole hearing by retrieving prior arrest information of inmates to be interviewed and notifying the Board of Parole Commissioners of the date and time of hearing. An inquiry will be done through CLETS to obtain the prior arrest history and the Board of Parole Commissioners will be notified, in writing, of the impending hearing.
- The week prior to the parole hearing, prepare written notification (PC 3078) to the Sentencing Judge of each applicant, notifying the judge of the impending parole hearing and asking for a recommendation. Careful consideration will be given to the recommendation of the judge.

## PAROLE HEARING

- Conduct the parole hearing as Secretary/Voting Sheriff's Representative of the Board. Supply the information packets to the board and take notes of the hearing. The Parole Officer will call the meeting to order and escort inmates in and out of the hearing. The inmate's application will be given to the Board for review. The inmate will be questioned as to why they feel they might be a good candidate for the program. A vote of the board will be taken to determine if parole should be granted or denied. Notes taken will be kept in a record book.
- Those granted parole will be scheduled for release as soon as possible. The Parole Officer will process the Order Granting Parole and instruct the parolee as to the rules and regulations of the program. The Parole Officer will input the release in IMS and notify the housing facility and classification that the inmate is processed and ready for release. Parolees will be maintained in the Virtual Custody Jail until the expiration of their parole term.

## PAROLE SUPERVISION

- Provide supervision of parolees by conducting periodic field checks and phone calls to ensure parolees are abiding by the rules and regulations of parole. Special attention will be given to communications received by the public or treatment programs about parolees who may be in non-compliance.

- Parolees are required to report in writing, monthly; by mail, fax or personal delivery to the County Parole Officer. Parolees are not allowed to consume drugs or alcohol, leave the county without permission and are subject to search and testing.
- Arrest parolees not in compliance with the rules and regulations of the Board of Parole Commissioners.
- Issue warrants for arrest of parolees in non-compliance when an open arrest is not possible. The warrant will be issued by the Parole Officer and forwarded to Arrest Records for activation.

## PAROLE REVOCATION

- Once a parolee is returned to custody a parole interview will be given within 15 days of the arrest.
- Compute a release date for parolees found in violation of parole. The release date will be maintained in IMS. The new release date will include the loss of all good time. No credit will be given from the time of release from jail to the time of return to jail.

## ADMINISTRATIVE DUTIES

- Maintain current information updated in the Parole Database.
- Provide a list of active parolees to all booking facilities, the Sheriff's Communications Center and the Kern County Probation Mandatory Supervision Unit. Updated lists will be sent via the county mail system or by personal delivery to each of these facilities. The list is to be reviewed by the Sheriff's facilities for every person booked into or released from a County Facility and a hold placed on those who appear on the parole list. If a person is on the list, but no longer in virtual custody, a hold is to be placed at the time of booking and the Parole Officer notified.



- Update and maintain in the record book and parole procedures any modification to the rules and regulations made by the Board of Parole Commissioners.
- Request appointment of the Civilian Board Member through the Superior Court Presiding Judge when replacement is necessary in accordance with California Penal Code Section 3075. A civilian board member may only serve for one year and no more than three consecutive years. When new appointment is necessary, a memorandum will be presented to the Presiding Superior Court Judge for approval.
- Act as liaison between other Law Enforcement Agencies, the Probation Department, Residential Treatment Facilities, the Courts and the Board of Parole Commissioners. The Parole Officer, as well as other agencies, frequently duly supervise parolees. Direct communication with these agencies, the Courts and Rehabilitation Facilities promotes a harmonious program.



## EMP DEPUTY

### **Overview of Position:**

#### All Deputy Sheriff's will:

Uphold and obey the provisions of the Constitution and laws of the United States; the Constitution and laws of the State of California; and the ordinances of the County of Kern.

- Protect life and property, maintain order, prevent and investigate crimes, make legal searches, seizures and arrests, and apprehend suspected criminals.
- Give first aid treatment to the sick, injured, and mentally ill when safe to do so.
- Investigate unlawful activity
- Furnish name and badge number upon the request of any citizen.

### **Responsibilities:**

- Manage EMP case load
- Complete reports and warrants
- Release of applicants on to the program
- Release participants from program/fedcap
- Release from program to Sheriff's Parole

### **Essential Functions and Duties Include, but are not limited to:**

#### **Case loads**

- Deputies assigned to the Electronic Monitoring unit are expected to maintain a case load for both Electronic Monitoring and Sheriff's Parole. Deputies will maintain their assigned case load through, in person contacts, phone contacts and through the Gryphex computer system.

- Deputies will make case notes in the Gryphex system whenever contact is made with a participant of the Electronic Monitoring Program.
- Deputies will also notify the unit Sergeant, Sr. Deputy, SST in charge of files, and the Classification Unit, by E-mail, whenever a program participant is arrested, violated, removed from the program, or has a warrant issued for their arrest.
- Deputies will monitor when a participant is due to come off of the program and be Fed/Capped or transferred to Sheriff's Parole, and insure this is done by the date assigned to the participant.
- Deputies are expected to be out in the field conducting compliance for all Electronic Monitoring Program participants, when not conducting administrative duties at the office.
- **Reports and warrants**
- All crime reports, Supplemental reports, Ramey warrants, and E-mail notifications, generated in the course of a Deputies shift are expected to be completed prior to the end of the Deputies shift.
- The only exception will be if the Deputy has permission of the unit Sergeant to hold the report or warrant until the following shift.

#### **RELEASE TO THE ELECTRONIC MONITORING PROGRAM**

- Deputies will receive the files for daily releases in their mailbox the day the participant is due to be released. Deputies will review the file and ensure all paperwork needed is with the file and the applicant has signed, dated, and initialed all applicable areas of the application.

- Deputies will contact the residence where the applicant will reside by phone and verify with whomever the subject will be residing, that they will accept the participant at the residence and if needed, will be at the residence when the participant is transported home.
- The Deputy will schedule the subject for release by faxing the "Do not destroy file" page of the application folder to the facility where the subject is housed. The Deputy will place the date and time the subject is to be released and picked up by the Deputy from the facility on the faxed paperwork. Deputies will arrive at the facility where the participant is housed, at the time and date specified on the paperwork faxed to the facility.
- Deputies will enter the participant into the Gryphex system, as outlined in chapter five, and take a monitor from the storage area and sign it out in the log. The monitor and a charger for the monitor will be assigned to the participant.
- After picking up the participant from the facility, Deputies will review the application file with the participant and ensure the subject has read and understands the application paperwork. The Deputy will verify the participant's signatures and initials on the paperwork.
- Deputies will go over the rules of the program with the participant and advise the participant what violations of the program will be considered an escape and which violations, will result in a flash incarceration for the participant. Deputies will also explain how to and when to charge the electronic monitor assigned to the participant. After releasing the participant the file will be returned to the SST in charge of file maintenance.
- Violations which will result in an escape charge or flash incarceration for the participant are outlined in chapter six.

- Deputies releasing participants on to the Electronic Monitoring program will transport the participant to their residence and ensure items which will cause the participant to be in violation of the program will be removed.

### **RELEASE FROM THE PROGRAM, FED/CAP**

- An SST is assigned to keep track of subjects who are pending release from the program. Two deputies will be assigned at all times to ensure participants are released from the program on time. This information will be E-mailed to the Deputies and posted on the units' information board.
- Deputies assigned to conduct releases will pull the applicable case file, contact the participant and schedule a time to meet for removal of the monitor. Deputies will instruct the participant to return any chargers or other equipment issued to them.
- Once the Monitor has been removed, the Deputy will inactivate the participant in the Gryphex system and log the monitor back in to the log book in the Monitor storage room.
- The participants file will be returned to the SST in charge of file maintenance with notations from the Deputy regarding the participant's release.

### **RELEASE FROM THE PROGRAM TO SHERIFF'S PAROLE**

- A conversion to Sheriff's Parole will take place, based on the original release, when the participant has successfully completed EMP and there still remains more than 3 months of their sentenced time to their original release date. The term the participant will be placed on parole is determined by the original release date and will be a period of time beginning on the date of transition from EMP to Sheriff's Parole with an end date of 2 months prior to their original release date from custody.

**Procedures:**

Unit procedures are fluid and subject to change. Various unit procedures are outlined in the unit procedure manual.