

CLARKE COUNTY FAUQUIER COUNTY FREDERICK COUNTY CITY OF WINCHESTER	<b>NORTHWESTERN          REGIONAL ADULT DETENTION CENTER          STANDARD OPERATING PROCEDURE</b>		FRED D. HILDEBRAND SUPERINTENDENT
<b>SOP NUMBER: 12.26</b>  <b>WORK RELEASE /          PRE-RELEASE</b>	<b>SOP TITLE:</b>  <b>ELECTRONIC MONITORING</b>	<b>EFFECTIVE DATE:</b>  <b>09/06/95</b>	<b>AMENDS (X)</b>  <b>CANCELS ( )</b>  <b>NEW ( )</b>

**PURPOSE:**

The purpose of this Standard Operating Procedure is to establish policy, procedure and responsibilities for the Northwestern Regional Adult Detention Center Home Electronic Monitoring Program.

This Standard Operating Procedure consists of the following numbered sections:

- I.** Policy
- II.** Reference
- III.** Procedures
- IV.** Cross References
- V.** Forms
- VI.** Responsible Division
- VII.** Revisions
- VII.** Signature

**I.**

**POLICY:** It is the policy of the Regional Jail Authority to operate a Home Electronic Incarceration Program in accordance with Virginia Code Section §53.1-131.2 to extend the limits of confinement as an alternative to incarceration whenever an inmate presents no serious threat to the community.

**II.**

**REFERENCE:**

**Virginia Code Section §53.1-131.2**

**6VAC15-40-160.** Written Procedures for Release Program Eligibility Criteria -Written procedures outlining the eligibility criteria for participation in a work release, educational release, electronic monitoring, rehabilitation release program shall be developed by each facility with a work release, educational release, electronic release or rehabilitation program. Offenders shall meet the established eligibility requirements prior to be released to participate in the program .

**Compliance Documentation:**

- Review written eligibility criteria/court order
- Court notification document
- Review work release, educational release rehabilitation release (Code of Virginia §53.1-131) and electronic monitoring (Code of Virginia §53.1-131.2) case file for compliance with criteria
- Regional Jails must provide documentation of sheriff’s delegation of authority for work release assignment/or sheriff approval
- Interview staff

**Discussion:** Release to community-based programs provides opportunities for a supervised and gradual reintegration into the community. For non-court order placements, the court and the commonwealth attorney shall be notified in writing in accordance with §53.1-131 of the Code of Virginia. “Work release” means full-time employment or participation in suitable vocational training programs. “Rehabilitation program” includes an alcohol and drug treatment, mental health program, family counseling, community service or other community program approved by the court having jurisdiction over the offender. “Educational program” means a program of learning recognized by the State Council of Higher Learning, the State Board of Education or the State Board of Corrections.

**3-ALDF-4G-02:**

When the facility is designated to operate any type of pretrial intervention service or other release programs its authority and responsibility are stated by statute or administrative regulation.

*Comment:* None.

**III.**

**PROCEDURES.:**

**1. Home electronic monitoring is intended to:**

- a.** Provide an intermediate sanction for offenders who pose no serious threat to the community;
- b.** Aid offenders in transitioning from confinement and reestablishing themselves as productive citizens in the community; and
- c.** Ease overcrowding by diverting less serious offenders from incarceration.

**2. Supervisory Responsibilities.**

- a.** The Chief, Community Corrections Division, remains responsible for the Electronic Monitoring (HEM) Program.
- b.** The HEM Program Coordinator (EMPC) will:
  - (1)** Evaluate and recommend inmates for the HEM Program.
  - (2)** Upon approval of HEM by the Superintendent, conduct program orientations and equipment training for inmates.
  - (3)** Coordinate installation of HEM equipment in participant residences.
  - (4)** Coordinate participant home or work site visits at least weekly to ensure program compliance. Home visits must be made at least twice each month.
  - (5)** Schedule and administer random substance abuse tests (including alcohol).

3. ELIGIBILITY CRITERIA

- (1) Except as noted below, offenders may be ordered into the HEM Program by the Court. The Superintendent may also order offenders into the Program in accordance with Virginia Code Section §53.1-131.2 except as noted in paragraph b and c below.
  - (2) In accordance with Virginia Code Section §53.1-131.2A, inmates convicted of the following offenses under Chapter 4, Title 18, **may not** be assigned into the HEM program:
    - (1) First and Second Degree Murder and Voluntary Manslaughter under Article 1 (18.2-30 et seq)
    - (2) Mob-related felonies under Article 2 (18.2-38 et seq)
    - (3) Any kidnapping or abduction felony under Article 3 (18.2-47 et seq)
    - (4) Any malicious felonious assault or malicious bodily wounding under Article 4 (18.2-51 et seq)
    - (5) Robbery under §18.2-58.1
    - (6) Any criminal sexual assault punishable as a felony under Article 7 (18.1-61 et seq.)
- c. In accordance with Virginia Code Section §53.1-131C and Detention Center policy, inmates convicted of the following offenses **will not** be assigned to HEM by the Superintendent. These offenses are in addition to this specified in paragraph 4b above.
- Inmates Classified as Maximum or Special Custody
  - Inmates Sentenced for Murder, Manslaughter, Mob-related Felonies, Kidnapping, Malicious Felony Assault; Robbery; or Sexual Assault
  - Inmates Convicted of a Felony Violent Crime, Felony Sex Offense; Burglary; Manufacture/Sale/Distribution of Schedule I or II Drugs
  - Inmates Sentenced for a Parole Violation
  - Inmates with a History of Assaultive Behavior Within Last Five (5) Years
  - Inmates with Any History of Domestic Violence; Child Abuse/Neglect; or Prostitution
  - Inmates with More Than One (1) Year Remaining on their Sentence
  - Inmates with Histories of Escape or Parole Violations

- Inmates with More Than One (1) Major Violation of Detention Center Rules During the Current Incarceration
- Inmates Who Unable to Pay Fees (Maintenance & Equipment)
- Inmates Who Have Been Removed From a Community Corrections Program for Cause During the Current Incarceration.

**4. COURT-ORDERED HEM PROCESSING**

- a. Upon intake of an inmate court ordered into HEM, the Classification Section will review the inmate's file to ensure that the eligibility criteria of Virginia Code Section §53.1-131.2B (above) have been met. Inmates with outstanding charges or detainers and those who do not meet the eligibility requirements (paragraph b above) will be referred to the Superintendent for further consideration. If not eligible for HEM, the sentencing court will be notified as directed by the Superintendent.
- b. The records of those inmates who are properly eligible but who have no employment will be referred to Community Corrections for job assistance.

**5. SUPERINTENDENT DIRECTED HEM PROCESSING.**

- a. The records of all sentenced inmates (both local and state responsible) who have not been court ordered into HEM will be reviewed for Superintendent-directed HEM eligibility in accordance with §53.1-131.2C (above) within three (3) working days of intake and/or final sentencing.
- b. Those inmates who meet the Superintendent-directed HEM eligibility criteria will be referred for consideration by the chain of command.
- c. If selected for assignment to HEM by the Superintendent, the Commonwealth's Attorney of the convicting jurisdiction will be notified. In addition, the convicting court will be notified of both the offender's place of HEM and his/her place of employment or other rehabilitative program.
- d. **The court retains the authority to remove the offender from the program.**  
The form letters at Annexes A and B will be used to make these notifications.

**6. PROCEDURES AFTER ACCEPTANCE IN THE PROGRAM**

- a. Upon agreement with all rules and regulations, the participant will sign all appropriate forms and will be given copies of each.
- b. A urine screen will be conducted at that time to insure the participant is drug

free. If the offender is a District Court prisoner and the drug screen proves positive, the inmate will not be assigned to HEM. There is no retest. Circuit court inmates may be retested in seven (7) days, and if the results are negative, the offender may be entered into the program.

- c. Photos of the participant will be obtained.
- d. The inmate shall pay for the first week and last week's program fees in advance of formally entering the program.
- e. Electronic monitoring equipment will be installed and issued to the participant. Equipment will be tested at regular intervals to ensure proper functioning.
- f. When necessary, EMPC will schedule interviews with employers, family members and local law enforcement officials to explain the HEM Program and its related equipment and regulatory requirements.
- g. An initial interview will be conducted by the EMPC as soon as possible prior to assignment to HEM. A program orientation shall be provided to the participant. He/she will read or have read to him/her all appropriate rules and regulations.

**8. SUPERVISION FEE:**

- a. As authorized by Virginia State Code Section §53.1-131.2, a supervision and installation fee will be charged each participant. Fees will be set by the Superintendent.
- b. Participants shall deliver their paycheck stubs indicating total hours worked for each pay period and all payroll deductions to the EMPC each payday. Failure to adhere to this condition may result in the participant's removal from the Electronic Monitoring Program.

**9. MEDICAL SERVICE:** Expenses for participants medical and dental care is the responsibility of each program participant. These may be paid personally or paid by participant's insurance.

**10. VOLUNTARY REMOVAL FROM PROGRAM:** Participants who wish to leave the

HEM and return to another form of incarceration may submit their request in writing to the EMPC. However, only the Court ordering program participation or the Superintendent or his designee for those so enrolled may approve the request.

**11. RULES AND CONDITIONS:**

- a. **Policy:**All inmates enrolled in HEM will be treated in a fair and unbiased manner. Rules and discipline will apply equally to all participants. Upon initial entry into the Program participants will be thoroughly informed of all rules and conditions. All participants will read or have read to him/her a listing of the rules and will sign and date copies upon agreement to abide by them. A copy of the rules will be supplied to each participant.
- b. **Violation of Rules.**
  - (1) A violation of any rule or condition of the EMP may be cause to remove the participant from the EMP and may result in a return to active incarceration.
  - (2) Any violation of rules or conditions will be reported to the EMPC. If it is determined that further action is required, the Director of Work Release will be notified.
  - (3) In all cases of violation of rules and conditions, an Incident Report will be written. Rule violations shall be reported in the same manner as prescribed in S.O.P. 6.03.

**12. ADMINISTRATIVE REMOVAL:**

- a. If a Home Electronic Program participant fails to maintain employment, demonstrates irresponsible behavior, or fails to take advantage of remedial programs, he/she may be administratively removed from the program by the EMPC. Failure to comply with program rules and regulations or with a court order will also be cause for administrative removal.
- b. Participants may be administratively removed from the program due to not paying their fees in full. Upon accrual of four hundred dollars (\$400.00) in arrears, the EMPC will recommend to the Captain of Community Corrections that the participant be removed from the Program. The Captain of Community Corrections may either remove the inmate from the Program and direct his/her return to the Main Jail or direct the inmate into the Work Release Program. The Captain of Community Corrections decision is final.
- c. Participants may be administratively removed from the program if there is a

change in his/her legal status that would prohibit him/her from further participation i.e. new charges, new detainer/warrants; etc.

- d. When an inmate is administratively removed from the program and returned to the Main Jail, he/she will receive a hearing before the Classification Committee. The Classification Committee shall determine the appropriate housing assignment. The inmate shall have the right to appeal the decision of the Classification Committee to the Chief of Security, whose decision shall be final.
- e. In all cases that result in a participant being removed from the EMP, the participant's sentencing Judge will be notified in writing within 24 hours. Notification will include:
  - (1) nature of violation;
  - (2) date and time of violation;
  - (3) action taken;
  - (4) report of progress and compliance up to time of violation;
  - (5) where offender is being incarcerated if applicable; and
  - (6) copies of computer printout pertinent to participant's previous compliance and current offense

**13. ESCAPE:**

- a. Any unauthorized absence from the participant's place of residence, the area he or she has been assigned to work or attend educational or rehabilitative programs, the vehicle or route of travel involved in his or her going to or returning from such places, will result in charges of escape from custody, a Class 1 misdemeanor (Virginia Code Section §53.1-131.2).
- b. Upon capture or voluntary return of the offender, he or she shall be remanded to the custody of the Regional Jail. The offender will be held in secure confinement pending disposition of the case.

**IV.**

**CROSS REFERENCES:**

**S.O.P.:**

1.02 Chain-of-Command	12.06 Accounting System for Residents
4.05 Classification/Release Preparation	12.07 Urine Surveillance
6.02 Inmate Disciplinary Hearings	12.24 Discipline
6.03 Reporting of Inmate Infractions	14.02 Breathalyzer Testing

7.05 Escapes

**V.**

**FORMS:** Annex A - Sample Notice To Commonwealth Attorney  
Annex B - Sample Notice To Sentencing Court

**VI.**

**RESPONSIBLE DIVISION:**

The Captain of Community Corrections is responsible for an annual review and periodic revision to this policy.

**VII.**

**REVISED:**

May 31, 2002  
December 18, 2006

November 13, 2002

June 14, 2005

**XIV.**

**SIGNATURE:**

**ISSUED BY:**

\_\_\_\_\_  
**Signature on file**  
Fred D. Hildebrand, Superintendent

\_\_\_\_\_  
1/4/07  
Date

**ANNEX A**

**SAMPLE  
COMMONWEALTH ATTORNEY  
Home Electronic Monitoring  
Notification Letter**

Date

The Honorable XXXXXX  
XXXXXX County

Dear Mr. XXXXX:

In accordance with Virginia Code Section §53.1-132C, I have directed that Mr./Ms. XXXX X  
XXXXX, now incarcerated at the Northwestern Regional Adult Detention Center, be transferred  
into our Home Incarceration Electronic Monitoring Program effective (Month/Day/Year).  
Mr./Ms. XXXXX has obtained employment at XXXXXXXX.

Respectfully,

Fred D. Hildebrand

**ANNEX B**

**SAMPLE  
SENTENCING COURT/CHIEF LAW ENFORCEMENT AUTHORITY  
Home Electronic Monitoring  
Notification Letter**

Date

The Honorable XXXXXX  
XXXXXX County

Dear Mr. XXXXX:

In accordance with Virginia Code Section §53.1-132C, I have directed that Mr./Ms. XXXX X  
XXXXX, now incarcerated at the Northwestern Regional Adult Detention Center, be transferred  
into our Home Incarceration Electronic Monitoring Program effective (Month/Day/Year).  
Mr./Ms. XXXXX has obtained employment at XXXXXXXX.

Respectfully,

Fred D. Hildebrand