

BOONE COUNTY COMMUNITY CORRECTIONS ELIGIBILITY FOR ELECTRONIC MONITORING

Commitments to electronic monitoring services can be made through the courts via executed (suspendable) sentences, direct commitment (non-suspendable), sentence modifications, Community Transition Program, Bond Stipulations, Probation Violation sanctions or as a condition of probation. Consistent with Indiana Code governing the rules of electronic monitoring, a defendant must agree to follow conditions of Electronic Monitoring.

Starting July 1, 2022, the Courts may place someone in Community Corrections leaving program placement to be determined by Boone County Community Corrections. Wording of these orders may read like this: "The Defendant may serve the executed sentence on community corrections if they qualify and are approved. The appropriate program and placement of that sentence within community corrections shall be determined by community corrections and can be changed at their discretion."

Three types of monitoring available:

1. GPS Monitoring without home detention: A weekly schedule of movement must be completed however only restrictions in place on locations will be set by the Court or a Protective Order. This program can not be used in place of jail time.
2. GPS Monitoring with home detention: Offender is restricted to the home except for approved locations on the weekly schedule.
3. Curfew monitoring: Offender has times set by the Court they must remain in the home.

ELECTRONIC MONITORING PRE-SCREENING

An attorney must complete a referral form unless the Defendant has chosen to represent him/herself at least 90 days prior to plea hearing. Included with the referral form must be all required paperwork (police report, plea agreement, criminal history and PSI (if available)). Referrals will be reviewed by the program administrator for completeness and accuracy. Once received, the Defendant will receive information, packets, and a letter with the pre-screen interview appointment date in the mail. **Failure to show for the appointment will result in a denial.** \$25.00 fee for pre-screening must be paid prior to or the day of the pre-screen taking place. If a client is incarcerated someone acting on his/her behalf needs to pay the \$25 screening fee prior to BCCC going out for an interview. **An interview will not be conducted until the fee is paid.** The client, if working, needs to **bring a copy of a recent paycheck stub.** Once the interview is completed the Defendant will then be scheduled for a pre-screen walk thru at the address the Defendant wishes to reside. Once the walk thru is completed the information will be reviewed and a letter filed with the Court accepting or denying the Defendant for the program. If the address or employment listed on the letter changes, Community Corrections must be notified immediately (at least 30 days prior to sentencing) for approval. Once a letter has been filed with the Court any additional requests/changes in screening could result in additional fees. This includes but is not limited to changes in address, failing to show for the pre-screen appointment, payment of past due fees more than 30 days after the interview.

FEES

Each offender shall be assessed a daily fee of \$15.00 per day for programs using GPS equipment (an additional fee could be assessed if add on equipment is needed to properly monitor the

Revised 08/23

offender). A minimum payment of the daily rate times 7 (at \$15.00 a day is equal to \$105.00 a week) is required every Monday. Additional fees include \$25.00 pre-screen fee, \$140.00 hook up fee, \$50.00 Administrative Fee, \$20.00 fee for change of location or removal of the bracelet outside of Court order (i.e. for CAT scans or MRIs), and any drug screen administered. An offender being transferred could be assessed a \$50.00 transfer fee. All fees must be paid in full or a pay agreement in place for an offender to be released from Electronic Monitoring successfully.

Failure to pay two weeks in a row will result in an Administrative Hearing and a pay agreement increasing the weekly payments. Failure to comply with the pay agreement will result in removal from the program and a violation could be filed with the Court.

All past due fees must be paid in full. This includes: Probation fees, Community Correction fees and Fines and Court costs.

SHORT TERM PLACEMENT

If your sentence is 60 actual days or less you will be required to pay the hookup fee, administrative fee, and $\frac{1}{2}$ of the total of the per day rate up front to be hooked up. (example: if on for 60 actual days $\$140 + \$50 + (900/2) = \$640$ would be the total expected at hookup) Upon completion of half the sentence the remaining balance is due in full.

If your sentence is 30 actual days or less then your total must be paid in full at hookup (Example: $\$140 + \$50 + \$450 = \640 due at hookup)

IC 35-38-2.5-7 Offenders not subject to home detention.

- (a) A Court may not order home detention for an offender unless the offender agrees to abide by all of the requirements set forth in the Court's order issued.
- (b) A Court may not order home detention for an offender who is being held under a detainer, warrant, or process issued by a Court of another jurisdiction.

EMPLOYMENT

The Defendant should have full time employment and be gainfully employed full time for the previous three months. Those being released to Community Corrections through Community Transitions Program or directly from jail or currently unemployed will have ten (10) days from beginning of the program to obtain verifiable employment. Ideal employment must be within Boone County, at one location and verifiable. Verification is provided via a paycheck stub and time card. Self-employment will be looked at on a case by case basis. All employment must be within daily commuting distance of the home detention location and within Boone County or one of the connecting counties.

All employment must be approved by the Case Manager. Employment at locations serving alcoholic beverages (i.e. liquor stores, taverns/bars, restaurants with liquor license) will not be approved for persons with any pending alcohol related offenses, history of alcohol abuse or alcohol offenses within the past five years. The same rules apply to those with drug offenses working in the pharmaceutical field. Employers refusing to allow unannounced job site visits will not be approved as a jobsite. Employers must agree to sign an agreement that they will provide truthful information in regard to the Defendant's employment.

Revised 08/23

RESIDENCE

Defendants must have stability (positive support group and employment) and live in Boone County in order to be properly monitored and supervised. An approved residence will have no more than two apartments in a stand-alone dwelling. The residence is subject to approval during the pre-screening process. By statute anyone residing in a connecting county can be supervised by Boone County Community Corrections. All adults over the age of eighteen living in the home must sign the co-resident's agreement and agree to the rules that apply to them for the term of the Defendant's sentence. Defendants living in a trailer or mobile home may require an additional fee for Electronic Monitoring. If at any time the conditions of the residence show signs of putting the client at risk of being able to complete the program successfully the client will be required to seek different living arrangements. Boone County Community Corrections is concerned with helping the client make choices that will enable them to live crime free upon completion of the program.

CRIMINAL HISTORY

Defendants must have demonstrated the ability to comply with rules and restrictions. Defendants considered a potential safety risk to themselves, members of society or the staff as a result of their criminal/mental history or pending charges will not be approved for the program.

DIRECT PLACEMENT

The Court may sentence an offender directly to Community Corrections. This would include some offenders that would have received non-suspendable sentences. Direct placement for non-suspendable sentences does not apply to persons convicted of any of the following:

- (1) Sex crimes under IC 35-42-4 or IC 35-46-1-3
- (2) Except as provided in subsection (a)(3), any of the felonies listed in IC 35-50-2-2(b)(4).
- (3) An offense under IC 9-30-5-4
- (4) An offense under IC 9-30-5-5

VIOLENT/SECURITY RISK OFFENDERS

Offenders considered a “**security risk**” as defined in IC 35-38-2.5-4.5 “**(1) flight risk or (2) threat to the physical safety of the public**”, are not eligible for the electronic monitoring program.

ELECTRONIC SURVEILLANCE EQUIPMENT

An electronic Global Positional Satellite surveillance system will be used for each offender referred for Electronic Monitoring.

APPROVED ABSENCES

Consistent with state law (I.C. 35-38-2.5-6), there will be no absences from home except for those situations/circumstances approved for absence by the Electronic Monitoring staff. Such situations/circumstances will be related to employment, counseling, treatment, medical care, education, the search for employment, church or scheduled/approved privilege time. All approved absence locations should be within Boone County. With prior approval, offenders with no other

Revised 08/23

adult in the residence may have up to one hour per week (plus travel time) to purchase necessities at one location. The Case Manager may approve deviations from this policy.

Defendants may attend viewing and funeral services for deceased member of the **immediate family** (parents, spouse, children, brothers, sisters, grandchildren, grandparents). Viewing and funeral services must be in Boone County. The Case Manager may approve deviations from this policy.

VIOLATIONS

Boone County Community Corrections takes violations of program rules seriously. With the exception of commission of a new crime, staff will give clients an opportunity to correct their behavior. Progressive corrective behavior will start with a verbal warning (staff will review the rule with client), written warning (staff will provide client with copy of the rule and enter a note in the system), Intensive Case Management (one or more staff members will discuss the rule violation and decide on the best way to correct the behavior) and Administrative Hearing (Boone County Community Corrections will follow guidelines laid out by IDOC regarding possible corrective action).

There are two types of violations; technical and substantive. A technical violation is defined as violations which are discovered via a printout or other computer-generated means. A substantive violation is one that is directly observed. A technical violation becomes substantive when verified/confirmed. A positive urine screen or alcohol test is considered a substantive violation. All substantive violations may be filed with the sentencing Court. A Report of Violation of Community Corrections could be filed requesting Court action. Technical violations may be filed, if they continue to occur. In order for an offender to successfully complete Electronic Monitoring, they must be in compliance with program rules in such a manner as to avoid a filing of a violation with the Court and subsequent termination from the program. Discretionary powers are delegated to the Case Manager to evaluate violations of program rules and how to best resolve them in a consistent and appropriate manner. Major violations such as positive drug screens, use/possession of alcohol or committing another criminal offense may result in immediate filing with the Court, a warrant could be issued and termination from the program pending a hearing in the matter.

Other violations may be resolved with an office visit and appropriate sanctions or reprimand administered. Sentence modifications are only applied after a Court order has been received granting such a modification.

SANCTIONS FOR VIOLATIONS

Violations of program rules may result in a variety of sanctions. Sanctions may include but are not limited to the following: loss of any out-of-home privilege, mandatory alcohol/substance abuse education, mandatory cognitive/behavioral programs, placement in a more restrictive program (ie: work release), loss of credit time, placement in the Boone County Jail or Department of Corrections or any combination thereof. Furthermore, the violation of any program may also result in a probation violation.

EMERGENCY CHANGE OF PLACEMENT

The Case Manager may request from a Judge an immediate change of placement to the Boone County Jail, if an offender fails to meet basic Electronic Monitoring criteria in accordance with Indiana Code 35-38-2.5.

Revised 08/23

EDUCATION

Offenders without a GED or high school diploma executing sentences as a result of Court action will be encouraged to complete their GED. Offenders wishing to pursue technical or other educational opportunities will be evaluated on an individual basis. At no time will work, treatment, or education total a combined total of more than 70 hours per week away from the residence.

TRANSFERS

Offenders residing in Boone County who wish to have their Out-of-County supervision transferred to Boone County must be approved through the screening process including the \$25.00 pre-screening fee. Denial of an application means denial of the transfer request. Transfers will be given the lowest priority and will only be accepted if program space is available and eligibility criteria are met.

Offenders who live in a county other than Boone County will require a request for courtesy supervision by Community Corrections in the county in which they reside. I.C. code 35-38-2.5-5.5 states supervision must be by Community Corrections or the Probation Department if no Community Corrections exists. Third party vendors are not considered Community Corrections. Transfer to another county could take an additional 30 – 60 days.

WAITING LIST

Offenders who have been approved and sentenced but are waiting to begin Electronic Monitoring will report daily/weekly to Community Corrections as directed by the Court, Program Director or representative of Community Corrections.

RELEASE

When placed on electronic monitoring Boone County Community Corrections is given an order from the Court stating the amount of time you are to be on the Community Corrections. Once a unit is placed on you the time begins. The time ordered by the Court is placed in the system and we are then able to give you the Estimated Projected Release Date (EPRD). You must remain under the rules of Community Corrections for the duration of that time. (Example: If your EPRD is March 5, you must follow your schedule all day. At 12:01 AM on March 6, your time is officially done, and you may move around without restriction.) **DO NOT** attempt to remove your unit from your leg yourself. *Doing so could result in damage to the unit and new charges could be filed for Criminal Mischief, Class A Misdemeanor (IC 35-43-1-2(A)).*

When you come in be sure to bring with you any of the monitoring equipment. Failure to turn in the equipment can result in you being charged for replacement of the equipment as well as possible theft charges being filed. To be released successfully you need to also make sure your **financial obligations are paid in full.**

I have read and understand the Eligibility for Electronic Monitoring and have been given a copy of this information.

Client

Date