	<b>DEPARTMENT OF PUBLIC SAFETY</b>  <b>CORRECTIONS ADMINISTRATION</b> <b>POLICY AND PROCEDURES</b>	<b>EFFECTIVE DATE:</b> DEC 01 2009	<b>POLICY NO.:</b> COR.16.01
		<b>SUPERSEDES (Policy No. &amp; Date):</b> COR.16.01 - 02/5/96	
<b>SUBJECT:</b> <b>INMATES SERVING INTERMITTENT SENTENCES</b>			Page 1 of 5

## 1.0 PURPOSE

To establish standards for the supervision and control of offenders who receive intermittent sentences.

## 2.0 REFERENCES AND DEFINITIONS

### .1 References

- a. Hawaii Revised Statutes (HRS), Section 353-17, Committed Persons, Furlough, Employment.
- b. Departmental Policy & Procedure (P&P) COR.14.22, Electronic Monitoring Service.

### .2 Definition

Intermittent Sentences: Court imposed incarceration for a specific number of days per week that begins and ends at intervals for a specified term.

## 3.0 POLICY

Intermittent sentenced offenders shall be admitted and confined at a Community Correctional Center in accordance with the provisions of the court order. However, if a Community Correctional Center does not have sufficient bed space, the offender may be released to home confinement for that particular period. If bed space is available during subsequent weeks, the Warden may incarcerate the offender whenever beds are available. When an offender is released to home confinement, the correctional facility shall establish a system, which will supervise and control the activities of the offender to ensure compliance with the court order.

Once an offender has been released to home confinement, they may, at the Warden's discretion, remain in the status of home confinement for the duration of their sentence unless they violate the conditions of release.

COR P & PM	SUBJECT:  <b>INMATES SERVING INTERMITTENT SENTENCES</b>	POLICY NO.: <b>COR.16.01</b>
		EFFECTIVE DATE: DEC 01 2009
		Page 2 of 5

#### 4.0 PROCEDURES

##### .1 Admission

All intermittent sentenced offenders shall be formally admitted to the correctional facility through the normal intake process. Upon completion of the intake process, the offender shall either be confined at the facility or released to home confinement if housing is not available.

##### .2 Weekend Confinement at a Correctional Facility

Intermittent sentenced offenders, when confined, shall be housed with the general population or where there is usable space. They shall be provided the same food and services, as the general population.

##### .3 Release to Home Confinement

The system for the supervision of offenders released to home confinement may employ the Department's electronic monitoring service. At the discretion of the Warden, electronic monitoring may be employed at any time during the offender's sentence, after consulting with the Intake Service Center Manager. Any time spent outside the facility under supervision due to the facility's inability to house the offender should be credited as though the time was spent in detention.

##### a. Non-Electronic Monitoring of an Offender

- 1) Upon release to home confinement, offenders shall be required to sign a document, which outlines the conditions of release to home confinement (reference attachment). A representative of the correctional facility shall witness the conditions. A copy of the conditions shall be given to the offender and the original maintained in the offender's case file.

The attachment outlining conditions is an example. It may be modified and tailored to the situation (electronic or non-electronic monitoring) as deemed necessary. For example, if an offender is directed to return next weekend when bed space may be available, this condition will be specified.

<b>COR</b>  <b>P &amp; PM</b>	<b>SUBJECT:</b>  <b>INMATES SERVING INTERMITTENT SENTENCES</b>	<b>POLICY NO.:</b> <b>COR.16.01</b>
		<b>EFFECTIVE DATE:</b> <b>DEC 01 2009</b>
		<b>Page 3 of 5</b>

2) A home confinement telephone log shall be established and maintained by the correctional facility for each offender released to home confinement. The log shall contain the following information:

- Name of offender
- Telephone number
- Date and time offender was called to determine if they are home.
- A comments section, which notes if the offender answered or did not answer the telephone.
- Signature of the person who made the phone call.

3) The watch commander, or designee, shall be responsible for delegating a staff member to call each offender listed in the log at least once during his or her shift. When the shift ends, the watch commander shall pass the log on to the commander of the next shift so that throughout the period of home confinement, each watch contacts an offender at least once.

At the close of each watch, the watch commander or designee shall review the log and sign it as verification of the calls made during their shift.

4) If an offender fails to answer a telephone call, the watch commander shall be notified immediately. The watch commander shall immediately notify the Warden.

At the decision of the Warden, a warrant of arrest may be issued pursuant to HRS §353-17(b).

b. Electronic Monitoring of an Offender

This decision shall be at the discretion of the Warden after consultation with the Intake Service Center Manager.

1) The intake service center shall be responsible for installing the equipment at the offenders home and installing the monitoring device on the offender.

The offender shall sign a contract for home release (reference attachment), which shall be witnessed by a representative of the

<b>COR</b>  <b>P &amp; PM</b>	<b>SUBJECT:</b>  <b>INMATES SERVING INTERMITTENT SENTENCES</b>	<b>POLICY NO.:</b> <b>COR.16.01</b>
		<b>EFFECTIVE DATE:</b> <b>DEC 01 2009</b>
		<b>Page 4 of 5</b>

intake service center. A copy shall be given the offender and the original maintained in the offender's case file.

- 2) Every morning during the work week, Intake Service Center personnel shall check the computer printout for the offender to determine if there have been any violations. Violations are to be immediately reported to the facility watch commander who in turn shall immediately notify the warden.

At the discretion of the Warden, a warrant of arrest may be issued as previously discussed.

- 3) Should electronic monitoring become a requirement, the offender shall be required to wear the personal, non-removable monitoring device for the duration of the sentence. This means weekdays as well as weekends and if incarcerated when bed space is available.

#### .4 Sentence Violations

##### a. Offenders not yet committed to the custody of the Department.

- 1) An offender who is not yet in the custody of the Department and who fails to initially report to a correctional facility or reports under the following conditions shall be considered in non-compliance with a court order:
  - a) Failure to report on the date and time specified in the court order.
  - b) Reporting to the facility more than 15 minutes later than the time specified in the court order.
  - c) Reporting under the influence of alcohol or drugs.
- 2) Non-compliance with court order shall be logged and a report forwarded to the court, the police, and/or prosecutor no later than the next working day.
- 3) Offenders reporting under the influence of alcohol or drugs shall be provided medical treatment, if necessary, and confined in an appropriate housing area of the facility. During confinement, they

<b>COR</b>  <b>P &amp; PM</b>	<b>SUBJECT:</b>  <b>INMATES SERVING INTERMITTENT SENTENCES</b>	<b>POLICY NO.:</b> <b>COR.16.01</b>
		<b>EFFECTIVE DATE:</b> <b>DEC 01 2009</b>
		<b>Page 5 of 5</b>

shall be monitored to avoid possible medical complications, injuries, etc.

b. Offenders committed to the custody of the Department

Offenders who violate any of the conditions of release to home confinement may have a warrant authorizing their arrest issued and returned to custody for confinement. The Warden shall be responsible for making this determination and issuing the warrant of arrest.

**5.0 SCOPE**

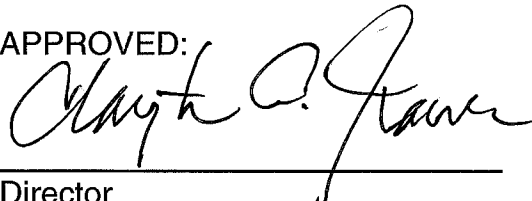
This policy applies to all Community Correctional Centers and Intake Service Centers.

**APPROVAL RECOMMENDED:**

  
 \_\_\_\_\_  
 Deputy Director for Corrections

11/18/09  
 \_\_\_\_\_  
 Date

**APPROVED:**

  
 \_\_\_\_\_  
 Director

12/1/09  
 \_\_\_\_\_  
 Date

**STATE OF HAWAII  
DEPARTMENT OF PUBLIC SAFETY**

**CONDITIONS OF RELEASE TO  
WEEKEND HOME CONFINEMENT**

Offender's Name: \_\_\_\_\_ Social Security No.: \_\_\_\_\_

Residence: \_\_\_\_\_

Phone: \_\_\_\_\_ Equipment No.: \_\_\_\_\_

**GENERAL PROVISIONS**

1. I shall remain at my residence on weekends, beginning each weekend at \_\_\_\_\_ and terminating on \_\_\_\_\_ in accordance with my sentence for a period of \_\_\_\_\_ weekends which end on \_\_\_\_\_.

I agree to remain at my residence at these times, except for medical emergencies or to prevent injury to myself or others.

2. I understand that unannounced visits to my residence on weekends by officials from the Department of Public Safety may be made at any time. My refusal to allow access to my residence may result in my arrest. I also understand that I may be called by telephone at any time (day or night) during the weekend to verify compliance with my sentence. My failure to personally answer the telephone may result in my arrest.
3. I shall not indulge in drugs, alcohol, or \_\_\_\_\_ while being confined to my residence.
4. Special conditions that I shall follow as imposed by my sentence are \_\_\_\_\_

**ELECTRONIC MONITORING PROVISIONS**

1. I shall wear a wristlet or ankle bracelet, supplied by the Department, which I agree to wear 24 hours a day (7 days a week) for the period of my sentence.
2. I understand that my location will be monitored by electronic devices. I further understand that the computer printout or audiotape of my movements may be used as evidence in a court of law to prove that a violation of my sentence has occurred.
3. I agree to allow a representative of the Department to enter my home to install, maintain, inspect and remove the electronic device at the end of my sentence.
4. Care and maintenance of the equipment have been explained to me, and I will not tamper or attempt to fix the equipment.
5. If I do not return all equipment in good condition upon the termination of my sentence, I may be charged with theft or vandalism and/or required to pay for the repair/replacement of the equipment.

**ACKNOWLEDGMENT OF OFFENDER**

I fully understand the above terms and conditions of my weekend home confinement and understand that any violation of these terms and conditions may result in my arrest and incarceration at a correctional facility.

\_\_\_\_\_

Signature of Offender

Date

\_\_\_\_\_

Signature of Department Representative

Phone No.

Date