

RESOLUTION NO. 21-161

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF DEWEY-HUMBOLDT, ARIZONA, ADOPTING
THE HOME DETENTION PROGRAM**

WHEREAS, Arizona Revised Statutes Title 9 Cities and Towns § 9-499.07 allows cities or towns to establish home detention programs for eligible sentenced prisoners, which shall be treated the same as confinement in jail; and

WHEREAS, home detention coupled with intensive treatment and electronic monitoring is an effective alternative to incarceration for DUI offenders; and

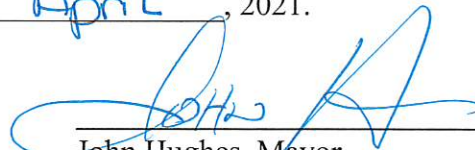
WHEREAS, the pandemic has created certain restrictions for jail commits including the inability to obtain work release or weekend/partial service of sentence which can affect a Defendant's ability to remain gainfully employed;

WHEREAS, home detention/electronic monitoring programs have been proven to be successful in other jurisdictions within Arizona.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, hereby:

Adopts for use by the Town of Dewey-Humboldt the attached criteria for the Home Detention Program (attached hereto as Exhibit A and incorporated herein), which has been approved by the Dewey-Humboldt Presiding Judge, and authorizes the Town Manager or designee to make changes to the program as necessary, upon request of the Presiding Judge for the Dewey-Humboldt Magistrate Court in the event of statutory or vendor changes that affect program participants or program documents.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, this 6th day of April, 2021.



John Hughes, Mayor

ATTEST:



Beth Evans, Interim Town Clerk

APPROVED AS TO FORM:



Kay Bigelow, Town Attorney

EXHIBIT A TO DEWEY HUMBOLDT RESOLUTION 21-161

TOWN OF DEWEY-HUMBOLDT
HOME DETENTION PROGRAM
PURSUANT TO ARS 9-499.07

Subject to the approval of the sentencing judge, persons sentenced to a period of incarceration may serve all or a portion of their sentence under home detention in lieu of confinement in jail in accordance with the terms and conditions set forth herein.

1. A person is not eligible for home detention if any of the following apply:
 - a. The person constitutes a risk to himself or other members of the community.
 - b. The person has a past history of violent behavior.
 - c. The conviction for which the person is being sentenced is a domestic violence offense pursuant of ARS 13-3601, as amended.
 - d. The conviction for which the person is being sentenced is an act of prostitution or solicitation pursuant to ARS 13-3214, as amended.
 - e. The person is not eligible pursuant to ARS 9-499.07, as amended.
2. If a person (the "Defendant") is sentenced to jail confinement by the Court in any driving under the influence ("DUI") charge, the Court may substitute home detention for a portion of the jail term as provided in this Section. Any Defendant placed in a home detention program as a term of a DUI sentence must serve an initial 24 consecutive hours in jail, except as provided in section 3 below. The Defendant shall bear the costs of confinement and be responsible for payment thereof.
3. Notwithstanding § 28-1387, subsection C (work release), if the prisoner is sentenced under § 28-1381, subsection K or § 28-1382, subsection I the prisoner must first serves a minimum of twenty per cent of the initial term of incarceration in jail before being placed under home detention or continuous alcohol monitoring. The Defendant shall bear the costs of incarceration and be responsible for payment thereof.
4. A Defendant placed in a home detention program shall be subject to electronic monitoring in the Defendant's home and shall be required to remain at home during the hours specified by the Court. A Defendant sentenced pursuant to ARS 28-1381 or 28-1382, shall be tested at least once daily for the use of alcohol or drugs in a manner approved by the Court.
5. If the Defendant attends educational classes in or is employed within Yavapai County, the Court may permit the Defendant to attend classes or leave home for employment during specified hours. The Court may permit the Defendant to attend religious services or funerals or to seek medical care or other Court-approved counseling, but any such event shall require the Court's prior written permission.

6. During the term of the home detention, Defendant shall not:
 - a. Consume any alcoholic beverages; and
 - b. Take any drugs unless pursuant to a health care provider's order; and
 - c. Associate with individuals detrimental to the Defendant's successful participation in the program.
7. The Court may require a Defendant placed in a home detention program to participate in community service work or impose other reasonable restrictions the Court deems necessary.
8. A Defendant placed in a home detention program shall bear the expense and be responsible for payment of the full costs of the home detention, including electronic monitoring and alcohol and/or drug testing cost, to the program provider. Non-payment of any program costs may result in termination of home detention or the failure to receive credit for the confinement.
9. The Court shall terminate a Defendant's participation in a home detention program and require the Defendant to complete the remaining term of any sentence by jail confinement if the Court finds the Defendant
 - a. has not successfully completed Court ordered alcohol or drug screening and treatment pursuant to ARS 28-1381 or 28-1382, or pursuant to any other Court -ordered program, or
 - b. has left the home during home detention without permission of the Judge or supervising authority.
 - c. The Court may terminate a Defendant's participation in the home detention program and require jail confinement for any other violation of the terms of the home detention order.
10. Before any person may participate in the home detention and electronic monitoring program, the Town shall have entered into a contract with one (1) or more providers to implement the home detention and electronic monitoring program and the provider is subject to contractual language regarding notification and requirements set forth in the contract.

APPROVED by:



Douglas Suits, Presiding Magistrate

Date

April 13, 2021