



SPARTANBURG COUNTY DETENTION FACILITY

Home Detention Program Supervisor
SERGEANT MARK FREEMAN

LARRY W. POWERS
DIRECTOR

950 CALIFORNIA AVENUE
SPARTANBURG, SOUTH CAROLINA 29303-2184

TELEPHONE (864) 562-4064
FAX (864) 596-3421

I, _____ understand that I have received

First Middle Last

Home Detention as a condition of my bond to be served on the Spartanburg County Home Detention Program. I understand that this is a condition of bond, which I am allowed to serve on the Spartanburg County Home Detention Program with the use of an electronic monitoring device and I understand that my participation is voluntary.

I understand and agree to the following conditions:

- _____ 1. _____ To report to the Detention Facility as directed
- _____ 2. _____ To keep an active, working telephone line with no added features
- _____ 3. _____ To pay any fines, fees or restitution as ordered
- _____ 4. _____ To pay the daily supervision fee per day of appropriate monitoring device initialed below which is determined by the staff and/or court order
 \$6.00 (RF) _____ \$9.00 (Alcohol Monitoring MEMS) _____
 \$10.50 (Alcohol Monitoring SCRAM) _____ \$9.00 (Passive GPS) _____
 \$12.00 (Intermediate GPS) _____ \$13.50 Active GPS) _____
- _____ 5. _____ To not change my place of residence without first notifying the Home Detention Staff. My place of residence is located at:

_____ *Street address* _____ *City* _____ *Zip Code*

- _____ 6. _____ I understand and agree that my start date on the SCHDP is _____ and my termination date will be determined by the appropriate court.
- _____ 7. _____ My Social Security Number is _____/_____/_____
- _____ 8. _____ My birthday is _____/_____/_____
- _____ 9. _____ My home telephone contact number is (_____) _____ - _____

AGREEMENT OF PARTICIPATION

I agree to abide by all the conditions of this agreement while on the Spartanburg County Home Detention Program. I understand that I may request to be removed from the HDP at any time and be able to await my trial in jail. I understand that if I violate any conditions, I will be remanded back into the custody of the Spartanburg County Detention Facility and will remain in custody until my charges are resolved or otherwise ordered by the court.

Signature: _____ Date: _____



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HOME DETENTION

POLICY:

Pursuant to sections 24-13-1530, 24-13-1540, 24-13-1550, 24-13-1560, 24-13-1570, 24-13-1580 and 24-13-1590 of the South Carolina Code of Laws as amended and in conjunction with ordinance 0-01-20 as adopted by the Spartanburg County Council on November 19, 2001, A Home Detention Program is hereby established for certain offenders being held in the Spartanburg County Detention Facility (Jail). Nothing contained herein grants anyone the right to participate in the program; expands or creates any rights; and does not create a higher standard of care with respect to third party claims. It is designed for internal use and serves only as a guide. All participants must agree to the terms of the program and they are responsible for all associated costs.

PROCEDURES:

1.0 Family Court

- (a) All Family Court offenders committed to the jail must be made "eligible" for the home detention program by the presiding Family Court Judge. Those individuals not made eligible for the program will not be considered. However, "eligibility" does not entitle any family court offender to be placed into the Home Detention Program unless so approved by the jail staff. Participation in the home detention program is dependant upon a number of criteria as outlined in the program's agreement to include but not limited to the following:
- (1) Voluntary participation
 - (2) Agreement by the participant to pay all program fees
 - (3) No pending criminal charges
 - (4) No history of escape, criminal domestic violence or extensive criminal history involving crimes of violence
 - (5) Compliant behavior and adherence to jail rules
 - (6) Permanent Spartanburg County residence
 - (7) Valid employment
 - (8) Payment of one (1) month's supervision fees in advance

Signature: _____ Date: _____

- (9) Installation of telephone and adherence to regulations concerning use of telephone
- (10) Consent of other residents residing in participant's home/residence
- (11) Other criteria as outlined

(b) Failure to agree or comply with the terms of the program will result in the individuals removal from the program, and the individual return to the secure custody of the jail. Since there is no guaranteed right to participation and all such participation is contingent upon the participant's willingness to participate and agreement to comply with all of the program's rules and regulations including payment of all associated fees removal from the program is without appeal.

2.0 Magistrate Court and General Sessions Court Sentenced Offenders

- (a) All sentenced offenders committed to the Spartanburg County Detention Facility (Jail) by the Magistrate's Court and/or the Court of General Sessions must be made eligible for the home detention program by the committing or presiding judge at the time of sentencing. Those individuals not made eligible by the court will not be considered for the home detention program. However, as in the case of those offenders committed by the Family Court, "eligibility" in and of itself does not mandate or require an individual's participation or acceptance into the program. All participants must meet the same criteria as outlined above for the Family Court Offenders, and again, acceptance in the program is contingent upon staff approval and the participant's willingness to pay all associated costs and adhere to the program's rules. Failure to comply with the terms and conditions of the program, will result in the participant's removal from the program, and the individual will remain in the secure custody of the jail without appeal.
- (b) In the event that the presiding judge, pursuant to the administrative order issued by the Administrative Circuit Court Judge, specifically orders an individual into the home detention program, and that offender has no outstanding warrants or holds, the individual will be enrolled into the home detention program without the jail staff's approval. Such individuals committed by the court will be interviewed and screened by the jail staff, and shall be released upon the completion of the program's forms unless other pending warrants or detainers are discovered and/or the participant refuses to agree to the terms of the program including payment of all fees. In such event, the screening employee will so notify the court and await further instructions.
- (c) As with all participants, failure to comply with the program's rules and regulations including non-payment of fees will result in the individual's removal from the program and return to the custody of the jail without appeal.

3.0 Participation as a Condition of Bond

- (a) Magistrates and Circuit Court Judges may order as a condition of bond that individuals be admitted into the home detention program. No person awaiting

Signature: _____ Date: _____

trial shall be eligible or placed on the home detention without the approval of the court. In such cases, the following procedures will be followed:

- (1) Jail staff will interview and screen all such persons or individuals on who the judge imposes such conditions.
- (2) The programs rules and regulations will be explained and the offender must agree to all of the program's terms and condition's including the payment of fees.
- (3) The jail staff will ensure that the individual has a residence in Spartanburg County; the other residents in his/her home agree to the program's rules; that he/she understands that he/she is responsible for all program costs and fees; that he/she has a telephone that complies with the program's criteria; and that he/she understands that failure to comply to any or all of the program's rules including failure to pay supervision fees will result in the individual's removal from the program without appeal.
- (4) Once the screening process has been completed and the offender voluntarily agrees to participate in the home detention program, the screening employee will also notify the court that the individual is eligible for release contingent on meeting the other terms and conditions of his/her bond.
- (5) Once the offender has been approved for release into the home detention program (i.e. has agreed to the program's terms and rules; has voluntarily agreed to pay all associated fees and costs; has agreed to provide a telephone that meets the program's criteria; has obtained the consent of his/her co-residents; has a valid residence within Spartanburg County; and all such other terms have been met), and the offender is ready for release, the jail staff will escort the offender to his/her residence and install the electronic monitoring equipment. The offender will then remain in the program until disposition of his/her charges unless otherwise ordered by the court.
- (6) If an individual is found to be in violation of the program's rules and/or is removed from the program for failing to abide by the terms of his/her release as set by the court and/or failure to follow and abide by the program's rules including non-payment of fees; arrest/commission of another crime; and or other related issues the jail staff will then take the offender back into custody and report the violation to the court to await further instructions.

4.0 Jail Overcrowding

Pursuant to section 24-13-1530 (B) of the South Carolina Code of Laws, local governments may place offenders who are awaiting trial and for offenders whose sentences do not place them in the custody of the Department of Corrections on home detention on electronic monitoring as a means of jail diversion. Persons so selected shall be carefully screened, if deemed eligible and where such person is not serving a mandatory sentence pursuant to applicable state law; poses no known security risk to the public at large; and where such person has not been approved by the court; the jail director or his designee shall notify the court of jurisdiction of the

Signature: _____ Date: _____

person's eligibility and the terms of his/her proposed release to help alleviate jail overcrowding as deemed appropriate, as nothing contained herein grants any person the right to participate in the program and/or does it expand or create any right to any person in third parties. Persons so selected are expected to abide by the programs rules and regulations, including the payment of fees, and failure to do so will result in the individual's removal from the program and return to the custody of the jail without appeal.

5.0 Offender's Failure to Adhere to the Program's Rules

In accordance with section 24-13-1570, all participants are hereby placed on notice that violation of the order for home detention subjects the participant to prosecution for the crime of escape, that the commission of another crime revokes the order for home detention, and if there is a violation or commission, the court shall sentence him to imprisonment. The participant shall abide by all other conditions as set by the Spartanburg County Detention Facility, and failure to comply with any such condition, including the non-payment of fees, will result in the participant's removal from the program and return to the custody of the jail exclusive of any criminal charge of escape that may be filed and/or any other offenses the individual may have committed.

6.0 Participant's Participation in Alcohol Monitoring

Magistrate and Circuit Court Judges may order a defendant to be placed under supervision using an alcohol monitoring device. If such an order is issued, the defendant should refrain from the consumption and use of all alcoholic beverages. If a defendant elects to consume alcoholic beverages against the court's orders and in violation of the home detention program's rules, he/she will be immediately returned to the secure custody of the jail. Should the defendant's monitoring device give a reading of .04 or higher, this shall be prima facie evidence that a violation has occurred. Defendants detained under court ordered alcohol monitoring are expected to comply with all other program rules and the instructions of the supervising officers. Persons found in violation are subject to be returned to the secure custody of the jail pending a hearing in the appropriate court.

Signature: _____ Date: _____

ARTICLE 15. HOME DETENTION ACT

SECTION 24-13-1510. Short title. [SC ST SEC 24-13-1510]

This article is known and may be cited as the "**Home Detention Act**".

SECTION 24-13-1520. Definitions. [SC ST SEC 24-13-1520]

As used in this article:

(1) "Department" means, in the case of a juvenile offender, the Department of Juvenile Justice and, in the case of an adult offender, the Department of Probation, Parole and Pardon Services, the Department of Corrections, and any other law enforcement agency created by law.

(2) "Court" means a circuit, family, magistrate's, or municipal court having criminal or juvenile jurisdiction to sentence an individual to incarceration for a violation of law, the Department of Probation, Parole and Pardon Services, the Board of Juvenile Parole, and the Department of Corrections.

(3) "Approved electronic monitoring device" means a device approved by the department which is primarily intended to record and transmit information as to the defendant's presence or nonpresence in the home.

An approved electronic monitoring device may record or transmit: oral or wire communications or an auditory sound; visual images; or information regarding the offender's activities while inside the offender's home. These devices are subject to the required consent as set forth in Section 24-13-1550.

An approved electronic monitoring device may be used to record a conversation between the participant and the monitoring device, or the participant and the person supervising the participant, solely for the purpose of identification and not for the purpose of eavesdropping or conducting any other illegally intrusive monitoring.

(4) "Home detention" means the confinement of a person convicted or charged with a crime to his place of residence under the terms and conditions established by the department.

(5) "Participant" means an inmate/offender placed into an electronic monitoring program or into some other suitable program which provides supervision and/or monitoring in the community.

SECTION 24-13-1530. Correctional programs for which home detention may be

Signature: _____ Date: _____

substituted. [SC ST SEC 24-13-1530]

(A) Notwithstanding another provision of law which requires mandatory incarceration, electronic and nonelectronic home detention programs may be used as an alternative to incarceration for low risk, nonviolent adult and juvenile offenders as selected by the court if there is a home detention program available in the jurisdiction. Applications by offenders for home detention may be made to the court as an alternative to the following correctional programs:

- (1) pretrial or preadjudicatory detention;
- (2) probation (intensive supervision);
- (3) community corrections (diversion);
- (4) parole (early release);
- (5) work release;
- (6) institutional furlough;
- (7) jail diversion; or
- (8) shock incarceration.

(B) Local governments also may establish by ordinance the same alternative to incarceration for persons who are awaiting trial and for offenders whose sentences do not place them in the custody of the Department of Corrections. Counties and municipalities may develop home detention programs according to the Minimum Standards for Local Detention Facilities in South Carolina which are established pursuant to Section 24-9-20 and enforced pursuant to Section 24-9-30.

SECTION 24-13-1540. Promulgation of regulations; approved absences from home. [SC ST SEC 24-13-1540]

If a department desires to implement a home detention program it must promulgate regulations that prescribe reasonable guidelines under which a home detention program may operate. These regulations must require that the participant remain within the interior premises or within the property boundaries of his residence at all times during the hours designated by the department. Approved absences from the home for a participant may include:

- (1) hours in employment approved by the department or traveling to or from approved employment;
- (2) time seeking employment approved for the participant by the department;
- (3) medical, psychiatric, mental health treatment, counseling, or other treatment programs approved for the participant by the department;

Signature: _____ Date: _____

(4) attendance at an educational institution or a program approved for the participant by the department;

(5) attendance at a regularly scheduled religious service at a place of worship; or

(6) participation in a community work release or community service program approved by the department.

SECTION 24-13-1550. Verification. [SC ST SEC 24-13-1550]

The participant shall admit a person or agent designated by the department into his residence at any time for purposes of verifying the participant's compliance with the conditions of his detention.

The participant shall make the necessary arrangements to allow for a person designated by the department to visit the participant's place of education or employment at any time, upon approval of the educational institution or employer, for the purpose of verifying the participant's compliance with the conditions of his detention.

SECTION 24-13-1560. Use of electronic monitoring device. [SC ST SEC 24-13-1560]

The participant shall use an approved electronic monitoring device if instructed by the department at all times to verify his compliance with the conditions of his detention and shall maintain a monitoring device in his home or on his person.

SECTION 24-13-1570. Approval required for change in residence or schedule; notice that violation of detention is a crime; revocation; input of victim regarding eligibility for home detention. [SC ST SEC 24-13-1570]

(A) The participant shall obtain approval from the department before he changes his residence or the schedule described in Section 24-13-1540.

(B) Notice must be given to the participant by the department that violation of the order for home detention subjects the participant to prosecution for the crime of escape as a misdemeanor, that commission of another crime revokes the order for home detention, and that if there is a violation or commission, the court shall sentence him to imprisonment.

(C) The participant shall abide by other conditions set by the department.

(D) The victim of the participant's crime, or his immediate family, must be provided the opportunity of oral or written input and comment to the department or court, or both, regarding the participant's home detention sentence.

SECTION 24-13-1580. Necessity of written consent to electronic home detention; other residents' knowledge. [SC ST SEC 24-13-1580]

Before entering an order for commitment for electronic home detention, the court shall inform the participant and other persons residing in the home of the nature and extent of the approved electronic monitoring devices by:

Signature: _____ Date: _____

(1) securing the written consent of the participant in the program to comply with the regulations of the program as stipulated in Section 24-13-1540 and the requirements of this article;

(2) securing, upon request of the department, the written consent of other adult persons residing in the home of the participant at the time an order or commitment for electronic home detention is entered and acknowledgment that they understand the nature and extent of approved electronic monitoring devices; and

(3) insuring that the approved electronic devices are minimally intrusive upon the privacy of the participant and other persons residing in the home while remaining in compliance with Sections 24-13-1550 and 24-13-1560.

SECTION 24-13-1590. Article not applicable to certain controlled substance offenders; probation and parole authority not diminished. [SC ST SEC 24-13-1590]

Nothing in this article:

(1) applies to a person, regardless of age, who violates, or is awaiting trial on charges of violating, the illicit narcotic drugs and controlled substances laws of this State which are classified as Class A, B, or C felonies or which are classified as an exempt offense by Section 16-1-10(D) and provide for a maximum term of imprisonment of twenty years or more; or

(2) diminishes the lawful authority of the courts of this State, the Department of Juvenile Justice, or the Department of Probation, Parole, and Pardon Services to regulate or impose conditions for probation, parole, or community supervision.

Signature: _____ Date: _____



Office Of

Spartanburg County Council

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Spartanburg, South Carolina 29304

County Council

Karen Kanes Floyd, Chairperson
District 1 - Johnny Code Stewart
District 2 - Jeffrey A. Horton
District 3 - H. David Britt
District 4 - Rock Adams
District 5 - Kenneth Hucksby
District 6 - Frank Nutt

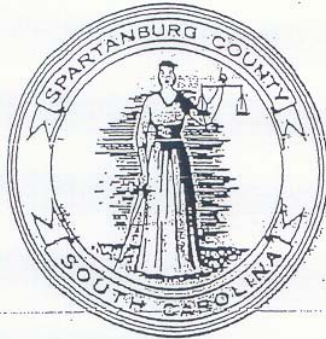
To: County Attorney
Clerk of Court
Spartanburg County Library
Municipal Code Corporation
Other Appropriate Departments: Judge Paslay
Larry Powers

From: Debbie Ziegler
Clerk to Council

Re: Ordinance Number: O-01-20
An Ordinance to provide for a Home Detention Program as an
alternative to incarceration in certain cases in Spartanburg County.

Date: December 26, 2001

Attached please find a copy of the above-referenced Ordinance as adopted by Spartanburg County Council. If you should have any questions, please do not hesitate to call.



NO. 0-01-20

AN ORDINANCE

TO PROVIDE FOR A HOME DETENTION PROGRAM AS AN ALTERNATIVE TO INCARCERATION IN CERTAIN CASES IN SPARTANBURG COUNTY.

WHEREAS, § 24-13-10, et seq., Code of Laws of South Carolina, 1976, as amended, provides for the establishment of a Home Detention Program as an alternative to confining certain criminal offenders in the Spartanburg County Detention Facility; and

WHEREAS, there are many financial and other advantages to Spartanburg County which would result from the establishment of such a program; and

WHEREAS, it is the opinion of the Spartanburg County Council that a Home Detention Program should be established in Spartanburg County as an alternative to incarceration.

NOW, THEREFORE, BE IT ORDAINED BY THE SPARTANBURG COUNTY COUNCIL:

SECTION 1. A Home Detention Program is hereby established in Spartanburg County as an alternative to confinement in the Spartanburg County Detention Facility in accordance with the Home Detention Act of 1990 (§ 24-13-1510, et seq., Code of Laws of South Carolina, 1976, as amended.);

SECTION 2. Pursuant to § 24-13-1530, Code of Laws of South Carolina, 1976, as amended, electronic and non-electronic home detention programs may be used by any court in Spartanburg County having criminal or juvenile jurisdiction to sentence an individual to incarceration and whose sentences do not place them in the custody of the South Carolina Department of Corrections. The Home Detention Program hereby established shall be an alternative to incarceration for low risk, nonviolent adults and juvenile offenders who are selected by the court and who comply with the Regulations adopted by Spartanburg County in accordance with § 24-13-1540, Code of Laws of South Carolina, 1976, as amended.

SECTION 3. The Home Detention Program hereby established in Spartanburg County shall comply with all applicable state and local laws and regulations, including, but not limited to, § 24-13-1510, et seq., Code of Laws of South Carolina, 1976, as amended.

SECTION 4. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby.

~~SECTION 5. This Ordinance shall take effect upon third reading approval.~~

SPARTANBURG COUNTY COUNCIL

By:



KAREN KANES FLOYD
Chairperson

ATTESTED:



JAMES K. HARTMANN
County Administrator

First Reading: September 17, 2001
Second Reading: October 15, 2001
Third Reading: November 19, 2001

SPARTANBURG COUNTY
HOME DETENTION PROGRAM
CONDITION OF BOND
GENERAL OVERVIEW

In accordance with the South Carolina Code of Laws Section 24-13-1530, Spartanburg County hereby establishes a home detention program. In addition to allowing certain sentenced offenders to participate in the program as approved by the court, the Spartanburg County Home Detention Program is also designed to allow certain defendants to participate in the Home Detention Program, as a condition of bond. Individuals, who are approved to participate in the Home Detention Program by the court, must voluntarily agree to the conditions of the Home Detention Program and must agree to pay the associated costs of the program. Participants must also be responsible for any personal costs, such as medical, dental, food, clothing, transportation and other related costs. **Individuals who participate in the Home Detention Program will be monitored by the use of an Electronic Monitoring device** and will be under the supervision of the Spartanburg County Detention Facility. Defendants remain in the legal jurisdiction of the facility. Any attempt to remove the electronic monitoring device will result in the individuals removal from the program and return to the secure custody of the Spartanburg County Jail. In addition such individual may be charged with escape.

Defendants must meet any monetary and/or all other conditions of bond as set by the court prior to being placed in the Home Detention Program. _____

Defendants must have a verifiable residence. In the event the defendant lives in a residence other than his/her own, approval must be obtained by the individual who is responsible for the residence and telephone service. _____

Defendants must have telephone service in the residence with all extra services (i.e. call waiting, call forwarding, caller ID, three way calling etc.) removed, prior to being released in the Home Detention Program. Defendants must not have an answering machine, burglar alarm or computer attached to the phone line. The telephone line must plug into a modular jack and must have long distance service. _____

Defendants must agree to report to the jail on a weekly basis and abide by the rules and regulations of the Home Detention Program. Participants must pay an administrative fee to be on the Home Detention Program and all defendants must initially pay for 30 days in advance. Once on the Home Detention Program, payments are to be made on a weekly basis. Failure to pay is reason for a defendant to be removed from the Home Detention Program. _____

Signature: _____ Date: _____

Defendants are required to sign a form stating that he/she understands the conditions of the program and voluntarily agrees to participate in the Home Detention Program. Failure to abide by the terms of the Home Detention Program will result in the defendant's immediate removal from the program and his/her return to the secure custody of the Spartanburg County Detention Facility. A report will then be filed with the appropriate court to determine what further action the court may wish to take. _____

Unless specific orders are given by the court, the responsible jail staff will set curfews based on the individuals verified work schedule. Defendants will be allowed to go to work, attend religious services and medical appointments upon verification of such.

I have read and understand the general conditions of the home detention program as outlined above, and I agree to their terms. _____

NOTICE:

Offender's Failure to Adhere to the Program's Rules

In accordance with section 24-13-1570, all participants are hereby placed on notice that violation of the order for home detention subjects the participant to prosecution for the crime of escape as a misdemeanor, that the commission of another crime revokes the order for home detention, and if there is a violation or commission, the court shall sentence him to imprisonment. The participant shall abide by all other conditions as set by the Spartanburg County Detention Facility and failure to comply with any such condition, including the payment of fees, will result in the participant's removal from the program and return to the custody of the jail exclusive of any criminal charge of escape that may be filed. _____

Participant's Signature

Date

Witness

Date

Signature: _____ Date: _____

**SPARTANBURG COUNTY DETENTION FACILITY
HOME DETENTION PROGRAM
CONDITIONS OF BOND AGREEMENT**

1. In accordance with South Carolina State Law Section 24-13-1530, Spartanburg County hereby establishes a home detention program for non-violent, low risk offenders who have been approved by the court and have met the eligibility requirements as established by the Spartanburg County Detention Facility which hereafter is referred to as the county jail or jail. All participants are reminded that while in the program, they are still under the supervision of the Spartanburg County Jail, its officers and staff, and must adhere to all the programs rules and regulations, and must follow all the instructions as given by the court as well as the jail staff. _____

2. I, _____, have been selected to participate in the Spartanburg County Jail's Home Detention Program. I understand that this is a privilege and **is not a right** that has been granted me by the authorities of the Spartanburg County Jail, unless otherwise ordered by the court. I understand that my participation is voluntary, and I have the right to elect the following:
 - (a) Not to participate, and petition the court for a bail/bond whose terms and conditions do not include home detention/electronic monitoring. _____
 - (b) Not to participate in the program at which point, I can remain in jail until disposition of my charges is made by the court. _____
 - (c) Voluntarily enter the program and abide by all the jail's rules and regulations. _____
 - (d) Upon entry into the program, I can elect at any time to voluntarily discontinue (stop) my participation in the program and return to the secure custody of the jail, thus eliminating any further payment of supervision fees. _____

3. I agree to all the conditions set forth in this agreement and will remain in compliance with its provisions during my participation in the program until its completion. _____

4. I understand that while I am still considered under the supervision of the Spartanburg County Jail and am still subject to its officers and staff's supervision. _____

Signature: _____ Date: _____

5. I agree to reside at the residence located at:

_____ Telephone (Home) _____
Street Address
_____ (Work) _____
City State Zip Code
_____ (Relative) _____

DIRECTIONS: _____

which **shall be** located within the boundaries of Spartanburg County unless otherwise ordered by the court. While it is required for participants to reside within Spartanburg County, unless ordered by the court, **Under No Circumstances** can a participant reside outside the confines of the state due to the fact an officer employed by the jail has no authority to arrest or detain outside the state; the participant cannot be easily supervised or monitored; and being the equipment used by the jail is leased, the county has no means to recoup or recover the loss of such equipment and thus, imposes a financial burden on the county. In such event, should a judge desire that a person reside outside the state, an alternate means of supervision will have to be imposed by the court, and in such case, the jail staff is not responsible for the same. I further agree that I will obtain prior approval from the responsible jail staff before moving should I elect to change my residence. Failure to do so will result in my removal from the program. _____

6. I agree to remain in my residence as designated above at all times except as approved by the home detention staff, a life threatening emergency exists, or when so directed by police, fire, or medical personnel, and to report all emergencies or similar incidents immediately or as soon as possible no later than 10:00 A.M. the next day to the home detention office. I further agree to limit my movements away from my house to involve travel only to and from work, my functions at work, and any granted time away from home and work necessary to sustain my well being including but not limited to attendance at church, doctor's appointments, school, and/or other necessary appointments as approved and agreed upon by the responsible jail staff. The times provided for these functions will be worked into a strictly defined schedule to be reviewed each week by the responsible jail staff. I understand that should I vary, deviate, and/or fail to abide by the approved schedule, such variation will result in my removal from the home detention program. _____

Signature: _____ Date: _____

7. Understanding that I am still under the supervision of the Spartanburg County Jail while in the Home Detention Program, I agree and all the other residents residing in my residence agree to grant admittance into my residence to officers of the Spartanburg County Jail and/or any other peace officer so designated at any hour of the day or night to verify my presence, and adherence to the program's rules and regulations including any special conditions imposed by the court; to check and maintain equipment, and/or to remand me back into custody for violations of the program's rules or other violations. Failure to do so will result in my removal from the program.

8. I agree that my residence and all persons who reside therein must meet the approval of the jail staff prior to my admission into the program. _____
9. I agree that no individuals may join my household unless approved in advance by the responsible jail staff. _____
10. I agree that no social gatherings serving alcoholic beverages will be held in my residence while participating in the program. _____
11. I agree to keep all animals confined while participating in the program to allow the supervising officer and/or any law enforcement/peace officer access to my residence to check on me. _____
12. I agree not to operate any motor vehicle for personal or employment purposes unless properly licensed and covered by liability insurance. Further, I agree not to drive or operate a motor vehicle while under the influence of alcohol or drugs whether prescribed or not and/or if my driving privileges are expired, denied, suspended or revoked in the State of South Carolina. Upon application to participate in the program, I agree to provide the Spartanburg County Jail staff a copy of my valid driver's license, current vehicle registration, and proof of liability insurance coverage. Violations of any of the above will result in my removal from the program. _____
13. While participating in the home detention program, I agree not to associate with persons deemed undesirable by the jail staff upon notice of the same.

14. I agree not to have telephonic communication, personal communication, and/or to visit with any other participant in the program or person confined in any jail or prison unless such person is an immediate family member such family member being limited to spouse, parent, child, grandparent, or in-law.

Signature: _____ Date: _____

15. I agree that I and all residents of the household agree to the following:
- (a) No use of alcohol. _____
 - (b) No illegal drugs or narcotics in the residence. _____
 - (c) No firearms or dangerous weapons in the residence. I further agree that if firearms are in my residence and I am not precluded by state or federal law from owning or possessing such firearms that I will arrange for their storage at a location separate from my home or place of business. This shall include any vehicle that I may own, drive, or ride in _____
 - (d) Violations of any of the above may result in my removal from the program. _____

NOTE: Since all participants in the program are still in the custody of the jail the use of alcohol, unauthorized or illegal drugs, and the possession of any firearms and/or other weapons on your person or property is strictly prohibited. I understand this and agree to abide by this rule. _____

16. I agree to refrain from the consumption and possession of alcoholic beverages and to not enter any establishment where the sale of alcoholic beverages is the primary source of income. In addition, I agree to wear on my person or to have installed in my residence certain approved electronic monitoring devices designed to measure the presence of alcohol in my system and to abide by the terms of each equipments use. Further, if such equipment is ordered by the court, I understand that I am responsible for payment of the same, and should violations occur, I will be immediately picked up and returned to the custody of the jail. _____
17. I agree not to use or possess any controlled substances not prescribed personally for me by a physician. _____
18. I agree to notify the responsible jail staff immediately of any controlled substance prescribed by a physician for me. _____
19. I agree to submit and pay the associated costs for chemical testing in the form of blood, breath, or urine tests for the detection of alcohol/drug use should such conditions be imposed by the court as a condition of bond. I further agree to respond to any location as designated by the jail staff for said testing, and failure to report shall be cause for removal from the program. Persons found in violation of using drugs and/or alcohol will also be removed from the program. _____
20. In addition to submitting to routine testing for alcohol and/or drugs as may be ordered by the court, I also agree to submit to testing for alcohol and drugs upon request by jail staff where they have reason to believe that I have used the same. _____

Signature: _____ Date: _____

21. I agree to participate in a counseling program if **so directed** by the court and not terminate such program without permission of the therapist, counselor, or the court with the knowledge of the responsible jail staff. _____
22. I agree to submit my person, vehicle, or place of residence to search at any time day or night. _____
23. I agree that I will uphold and obey the laws of the State of South Carolina and the United States; that I will comply with all local municipal and county ordinances; and failure to do so will result in my removal from the program.

24. I agree, and I am hereby notified, that if I am arrested and charged with **any** criminal offense while a participant in the program that I will be removed from the program and returned to the secure custody of the jail. _____
25. I agree that I am and will remain responsible for the provision and payment for all associated costs related to my personal food, clothing, shelter, medical/dental and psychiatric care while I am participating in the home detention program. I further agree to release Spartanburg County and the Spartanburg County Jail staff from any liability or claims of liability related to any illnesses, injuries, or death suffered during my participation in the home detention program whether at home, work, and/or any other location such occurrences being beyond the scope of the officers' supervision. _____
26. I understand that I must comply with all of the instructions of the court as well as the responsible jail staff for the home detention program. _____
27. I agree to meet with the responsible home detention officer at least once per week and/or as otherwise directed, during my participation in the home detention program. _____
28. I agree to pay an administrative fee to Spartanburg County to cover the daily costs of my supervision while I am participating in the home detention program. Further, I agree to pay the first thirty (30) days in advance, and I will pay the balance of the money owed weekly at a prearranged time until I complete the program and/or I am removed from the program for violating its terms and conditions. Such payments are in addition to any monies ordered to be paid by the court. _____
29. I agree that if I am found to be in violation of the Home Detention agreement no refund will be due for fees paid _____
30. I agree to make all such payments in the form of cash, money order or certified check. No personal checks will be accepted. _____
31. Failure to pay Spartanburg County its supervision fees and/or court ordered payments will result in my removal from the home detention program.

Signature: _____ Date: _____

32. I agree to provide the designated jail staff access to my residence to install and check any equipment day and night and to verify my presence and adherence to the program's rules. _____
33. I agree to maintain an operating telephone line into my residence and to pay all expenses of such telephone service. _____
34. I agree to maintain such telephone service as follows:
- (a) Private line _____
 - (b) No answering machines, no three way calling, caller ID, or cordless telephones while in the program. _____
 - (c) No computer or Internet connections. _____
35. I agree to allow the Spartanburg County Jail and its employees to install the electronic monitoring equipment on my telephone. _____
36. I agree that I will not tamper with, remove, disconnect, attempt to repair or allow anyone else to tamper with or attempt to repair any electronic monitoring equipment. _____
37. I agree to report any problems with the electronic monitoring equipment immediately to the Spartanburg County Jail and its designated staff, telephone number (864) 562-4064. _____
38. I agree that I will be held responsible for any loss or damage to the equipment. If loss or damage occurs, I will be removed from the program, criminal charges will be filed as applicable, and restitution will be required. _____
39. I agree to abide by all of the instructions of the court and the county jail staff, and I agree to provide for the proper maintenance, care, and utilization of the electronic monitoring equipment as required. _____
40. I agree that Spartanburg County and its employees are not liable for any alleged damages as a result of my wearing or tampering with the monitoring device. _____
41. I agree to wear a tamper resistant, non-removable ankle bracelet 24 hours per day during the entire time that I am a participant in the home detention program. _____
42. I agree to be within hearing range of my telephone at all times that I am at my residence and I will have 60 seconds to answer all phone calls to verify my presence. _____
43. I agree to not utilize my telephone for extended periods of time and all other residents of my household willingly agree to abide by this condition. _____

Signature: _____ Date: _____

- 44. I agree to hang up the telephone immediately when I hear a clicking sound caused by the receiver/dialer. All other residents of my household willingly agree to abide by this condition. _____
- 45. I agree that I will not go beyond established range of the field-monitoring device located in my residence. If I do so and I am not authorized to leave, a violation will be reported. _____
- 46. I agree that the loss of a receiving signal, the receipt of a tamper signal, or the receipt of a signal indicating my absence from my residence is physical evidence constituting a violation. _____
- 47. I agree a computer printout may be used as evidence in court to prove a violation if I am criminally charged with escape. _____
- 48. I agree to inform the home detention staff at the jail of my whereabouts at all times. _____
- 49. I understand that if I tamper with or remove the electronic monitoring equipment from my residence or my person; if I am not at work or at my place of residence within the scheduled times and/or any other scheduled appointment; if I fail to report as directed; and/or if I leave the confines of the county or the state for any reason, I can and will be charged with escape and upon apprehension will be returned to the secured custody of the jail to await disposition of the escape charge by the court. _____

50. **Other special conditions:**

Signature: _____ Date: _____

I have read, understand, and agree to abide by the above terms and conditions of the Spartanburg County Home Detention Program. I understand that failure to comply with any of the above conditions and/or verbal or written instructions by the jail staff and/or representatives of the court and/or the jail staff will result in my immediate return to the secure jail custody without appeal, and when applicable, criminal charges will be filed.

I have read each of the above items and acknowledge my understanding of the terms and conditions as set forth by initially on the line provided after each item and affixing my signature at the bottom of each page as well as below. I enter into this agreement voluntarily and agree to its terms.

Signature of applicant/participant: _____

Date: _____

Signature of witnessing officer/employee: _____

Date: _____

**SPARTANBURG COUNTY DETENTION FACILITY
HOME DETENTION PROGRAM
RESIDENT WAIVER**

I/We, the family/co-resident(s) who reside with _____,
(Name of Releasee)

have received, read and understand the terms and conditions of the Home Detention Agreement. I/We am/are willing to cooperate with and be bound by the terms and conditions of the Home Detention Program. We agree to give the Home Detention Program officials, and assisting law enforcement officer, the right of search for all common and private areas of my residence and any vehicles at the residence.

Date: _____
Signature of Resident

Date: _____
Signature of Resident

Date: _____
Signature of Resident

Date: _____
Signature of Program Participant

Witnessed by Detention Staff: _____
Date: _____

Signature: _____ Date: _____

SPARTANBURG COUNTY DETENTION FACILITY
HOME DETENTION PROGRAM
PERMISSION FOR USE OF TELEPHONE

I AGREE TO ALLOW MY TELEPHONE AND ITS ACCOMPANYING LINES AND EQUIPMENT TO BE USED IN CONJUNCTION WITH THE EQUIPMENT NECESSARY TO OPERATE THE ELECTRONIC DEVICES THAT ARE TO BE USED FOR THE SUPERVISION OF

_____, CASE NUMBER _____,
(NAME)

COMMENCING _____. I FURTHER UNDERSTAND THAT WHILE I AM A PARTICIPANT IN THE HOME DETENTION PROGRAM AND/OR AM ALLOWING A PARTICIPANT TO REMAIN IN MY HOUSEHOLD THAT I AM RESPONSIBLE FOR THE MAINTENANCE AND ALL ASSOCIATED COSTS OF MAINTAINING A PRIVATE TELEPHONE LINE. FURTHER, THE RESIDENTIAL LINE ITSELF CANNOT BE EQUIPPED WITH CALL ID, CALL FORWARDING, THREE (3) WAY CALLING, AN ANSWERING MACHINE, OR A COMPUTER AND INTERNET HOOK-UP AND SUCH TELEPHONE ATTACHED TO THE LINE CANNOT BE CORDLESS OR PORTABLE IN NATURE. NEITHER THE COUNTY OF SPARTANBURG AND/OR THE VENDOR, ARE RESPONSIBLE FOR ANY COSTS ASSOCIATED WITH THE PARTICIPANT'S INSTALLATION AND/OR USE OF THE TELEPHONE, SUCH PARTICIPATION BEING VOLUNTARY IN NATURE.

NOTICE:

Offender's Failure to Adhere to the Program's Rules

In accordance with section 24-13-1570, all participants are hereby placed on notice that violation of the order for home detention subjects the participant to prosecution for the crime of escape as a misdemeanor, that the commission of another crime revokes the order for home detention, and if there is a violation or commission, the court shall sentence him to imprisonment. The participant shall abide by all other conditions as set by the Spartanburg County Detention Facility and failure to comply with any such condition, including the payment of fees, will result in the participant's removal from the program and return to the custody of the jail exclusive of any criminal charge of escape and/or any other criminal charges that may be filed.

WITNESS

NAME

SIGNATURE

DATE

Signature: _____ Date: _____

SPARTANBURG COUNTY HOME DETENTION PROGRAM EQUIPMENT CHECK LIST

NAME: _____ **SS#:** _____

ADDRESS: _____
HOUSE # CITY STATE ZIP

PHONE:
 _____ / _____ / _____
HOME WORK CELL

EQUIPMENT RECEIVED	DATE RECEIVED	EQUIPMENT RETURNED	DATE RETURNED

I _____ agree that I have received the previous listed equipment from the Spartanburg County Detention Facility, in order for SCDF to monitor me on home detention. I also acknowledge that if I fail to return or damage any of the above equipment that I will be charged with additional charges. Additional charges can only be avoided by turning in all equipment; all equipment turned in must not be damaged or paying replacement cost of the equipment in full to SCDF.

 PARTICIPANT'S SIGNATURE

 WITNESS

 DATE

 DATE

Signature: _____ Date: _____