

ORIGINAL

0035-ORD
12/09/96

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4952

AN ORDINANCE creating an Electronic Home Detention Program for the City of Bellevue; authorizing the City Manager or designee to take all actions necessary or appropriate to implement the Program; establishing standards for placement of persons sentenced to jail for misdemeanor and gross misdemeanor violations of City ordinances; and authorizing and directing the Chief of Police to place prisoners sentenced to jail for such misdemeanor or gross misdemeanor violations in the Program, in accordance with those standards.

WHEREAS, the City is responsible for the placement of persons who are sentenced to jail for misdemeanor or gross misdemeanor violations of City ordinances in appropriate facilities for the duration of the sentence imposed by the Court; and

WHEREAS, the state legislature has determined that it is appropriate to place persons who are committed to jail for certain criminal offenses in alternative programs that provide opportunities for rehabilitation, treatment, and continued employment, including "Work Release" programs, residential or outpatient treatment programs, and "Home Detention" programs; and

WHEREAS, many local jurisdictions have established and are successfully operating electronic home detention programs for misdemeanor and gross misdemeanor offenders; and

WHEREAS, electronic home detention programs offer a cost-effective method by which such offenders may serve their sentences, while offering the advantages of outpatient treatment for the offenders and the ability of the offenders to maintain or obtain gainful employment, thus enabling offenders to support their families, meet their financial obligations, and provide restitution to their victims when ordered to do so by the courts, while providing monitoring of the offenders' activities to ensure compliance with conditions imposed by the courts or conditions required for entry into the program; and

WHEREAS, the City Council has determined that it is appropriate for certain persons who are committed to jail for certain misdemeanor and gross misdemeanor offenses to serve their commitments in an electronic home detention program; and

WHEREAS, the City Council has determined that it is in the best interests of the residents of the City and the administration of justice in this community that the City provide for an Electronic Home Detention Program in the City; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

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Section 1. The City Council finds as follows:

- A. An electronic home detention plan will provide a cost-effective means for the City to provide for the housing of persons committed to jail for certain misdemeanor or gross misdemeanor violations of City ordinances; and
- B. The City is in need of such a program for the housing of certain persons committed to jail for such violations; and
- C. Any such program should include the following minimum eligibility standards:
 - 1) That the offense for which the participant has been committed did not include assaultive behavior and was not an offense of a sexual nature;
 - 2) That there was no violence involved in the offense for which the participant has been committed;
 - 3) That the offense did not involve the use of a weapon, misconduct with a minor person, separate felony convictions, or any drug related offense;
 - 4) That the offender does not have a history of mental health problems;
 - 5) That the offender agrees to abide by the rules of the program; and
 - 6) That the offender agrees to pay for the costs of participating in the program.

Section 2. An Electronic Home Detention Program is created in the City of Bellevue. The City Manager or designee is authorized and directed to establish the program, and to take such steps as may be necessary or appropriate to implement the program on or after January 1, 1997. The program shall be operated in accordance with the minimum standards set forth in Section 1. of this Ordinance, and with such other standards, procedures, rules and regulations not inconsistent therewith which may be promulgated from time to time by the City Manager or designee.

Section 3. Persons who are committed to jail for misdemeanor and gross misdemeanor violations of City ordinances, and who are not precluded by Court order from serving such commitment in the City's Electronic Home Detention Program and who meet the minimum standards established in Section 1 of this Ordinance and the additional standards, procedures, rules and regulations for the Program promulgated under the authority of Section 2. of this Ordinance may serve their said commitment in

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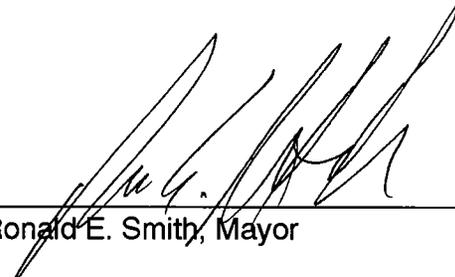
said Program. Subject to any limitations on the maximum number of offenders who can be served by the Program at any time, the Chief of Police of the City of Bellevue is hereby authorized and directed to place all persons who are found to be eligible for the City's Electronic Home Detention Program and whose commitment therein is not precluded by Court order in the Program.

Section 4. Persons who have successfully participated in and completed the City's Electronic Home Detention Program shall be considered to have completed their term of commitment in jail, subject to any other conditions that may be placed upon their commitment by the Court.

Section 5. This ordinance shall take effect and be in force thirty days after its passage by the City Council.

PASSED by the City Council this 9th day of December, 1996, and signed in authentication of its passage this 9th day of December, 1996.

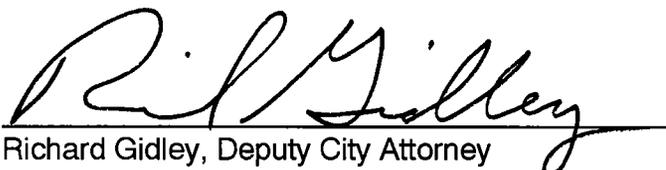
(SEAL)



Ronald E. Smith, Mayor

Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Andrews, City Attorney

Attest:



Myrna L. Basich, City Clerk

Published December 13, 1996