0820-ORD
10/18/05

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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5634

AN ORDINANCE repealing Ordinance No. 4952 and implementing a new Electronic Home Detention Program which establishes standards for eligibility and authorizes a Pre-Trial Release component to the Electronic Home Detention Program for defendants awaiting trial or sentencing on charges of misdemeanor and gross misdemeanor violations of City ordinances; and authorizing the Chief of Police to place such defendants in the Program, in accordance with those standards.

WHEREAS, the City is responsible for the placement of defendants 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 City is responsible for the placement of defendants who are awaiting sentencing or trial on charges of misdemeanor or gross misdemeanor violations of City ordinances in appropriate facilities if required; and

WHEREAS, the state legislature has determined that it is appropriate to place defendants who are committed to jail or who are awaiting sentencing or trial 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, electronic home detention programs offer a cost-effective method by which such offenders may serve their sentences or await their trials or sentencing, 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, many local jurisdictions have established and are successfully operating electronic home detention programs for misdemeanor and gross misdemeanor offenders; and

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WHEREAS, pursuant to Ordinance 4952, the City has successfully established and operated an electronic home detention program for misdemeanor and gross misdemeanor offenders who have been sentenced by the court; and

WHEREAS, Ordinance 4952, does not establish an electronic home detention program for misdemeanor and gross misdemeanor offenders who are awaiting trial or sentencing by the court; and

WHEREAS, the City Council has determined that it is appropriate for certain defendants 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 appropriate for certain defendants who are incarcerated awaiting trial or sentencing for certain misdemeanor and gross misdemeanor offenses to serve their incarceration 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 of Bellevue and the administration of justice in this community that the City provide for an Electronic Home Detention Program in the City; and

WHEREAS, the City Council has determined that it is in the best interests of the residents of the City of Bellevue and the administration of justice that such Electronic Home Detention Program includes detention for defendants awaiting trial or sentencing; and

WHEREAS, the City Council has determined it in the best interest of the City to repeal ordinance 4952 and to enact a new ordinance which will implement a new Electronic Home Detention Program that includes standards for eligibility and authorizes a Pre-Trial Release component to the Electronic Home Detention Program; now, therefore,

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

Section 1. The City Council finds as follows:

A. An Electronic Home Detention Program will provide a cost-effective means for the City to provide for the housing of defendants committed to jail upon sentencing or awaiting trial or sentencing 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 defendants sentenced to jail for such violations or incarcerated awaiting trial or sentencing for such violation; and

C. It is in the best interest of the City to repeal ordinance 4952 and to enact a new ordinance which will implement a new Electronic Home Detention Program that includes standards for eligibility and authorizes a Pre-Trial Release component to the Electronic Home Detention Program; and

D. Any such program should include minimum eligibility standards as established by the Bellevue Probation Department in accordance with and in compliance with federal, state and local laws.

Section 2. Ordinance 4952 is hereby repealed.

Section 3. A new Electronic Home Detention Program is hereby created in the City of Bellevue. The City Manager or designee is authorized and directed to establish a new Electronic Home Detention Program, and to take such steps as may be necessary or appropriate to implement the program. The program shall be operated in accordance with the minimum standards as set forth in the standards established by the Bellevue Probation Department in accordance with, and in compliance with federal, state and local laws, and with such other standards, procedures, rules and regulations as may be promulgated from time to time by the City Manager or designee.

Section 4. Defendants who are committed to jail for sentencing or who are awaiting trial or sentencing for misdemeanor and gross misdemeanor violations of law, 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 by the Bellevue Probation Department and the additional standards, procedures, rules and regulations for the Program promulgated under the authority of Section 3 of this Ordinance, may serve their incarceration in a Electronic Home Detention 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 or the City of Bellevue is hereby authorized to place all defendants who are found to be eligible for the City's Electronic Home Detention Program and whose commitments are not precluded by Court order into the Program.

Section 5. Defendants 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.

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Section 6. This ordinance shall take effect and be in force thirty days after its passage by the City Council.

Passed by the City Council this 7th day of November, 2005, and signed in authentication of its passage this 7th day of November, 2005.

(SEAL)

Connie B. Marshall
Connie B. Marshall, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Jerome Y. Roaché
Jerome Y. Roaché, Assistant City Attorney

Attest:

Myrna L. Basich
Myrna L. Basich, City Clerk

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