



**STATE OF ALASKA
DEPARTMENT OF CORRECTIONS
INTERIM POLICY AND PROCEDURES MEMORANDUM**

APPROVED BY:

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Dean R. Williams, Commissioner

DATE:

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MEMO TYPE:
Public

MEMO TITLE:
Transitional Work Opportunity And Community Electronic Monitoring

MEMO ATTACHMENTS / FORMS:

(R.) Transitional Work Opportunity EM Terms And Conditions.
(S.) Transitional Work Opportunity Employment Verification Form.

AUTHORITY / REFERENCES:

22 AAC 05.155 **AS 33.30.021**
22 AAC 05.321 (c) **AS 44.28.030**
AS 33.05.010 **DOC P&P 903.06**
AS 33.16.180
AS 33.30.011

PURPOSE:

The purpose of this Interim Policy and Procedures Memorandum (IPPM) is to introduce the Transitional Work Opportunity (TWO) aspect of the Community Electronic Monitoring program, as well as the additional forms that go along with TWO. In addition, recent regulation changes have also altered some of the electronic monitoring (EM) eligibility requirements.

APPLICATION:

This IPPM applies to all Department employees and offenders.

EXISTING DOC POLICY & PROCEDURES MODIFIED:

This IPPM modifies language found in DOC P&P 903.06, Community Electronic Monitoring. Specifically language found in the Policy section, Definitions section and Procedures section I. It also adds a new Procedures section along with two (2) new attachments to the policy, the *Transitional Work Opportunity EM Terms And Conditions* (Attachment R), and the *Transitional Work Opportunity Employment Verification Form* (Attachment S).

NEW POLICY:

Policy section I shall be re-worded as follows:

- I. It is the policy of the Department of Corrections (DOC) to utilize electronic monitoring (EM) as a tool to effectively manage community and institutional populations for a successful re-entry and transition to the community.

NEW DEFINITIONS:

Transitional Work Opportunity (TWO):

A group of prisoners who live and work at the same business / employer, outside of an institution's grounds. Prisoners will remain under DOC supervision via electronic monitoring (EM).

NEW PROCEDURES:

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Procedures section I, A., 2, shall be deleted:

- ~~2. The offender has been found guilty of a major or high moderate infraction within the past 120 days of incarceration or has a pending disciplinary action;~~

The procedures section shall have a new section added, section IV:

IV. Transitional Work Opportunity (TWO) And EM:

A. TWO EM Eligibility:

All TWO EM eligibility forms will be processed by EM staff in the order that they are received. Staff will determine whether the prisoner meets EM criteria. If one (1) or more of the following exists, the prisoner is **not** eligible for the TWO EM:

1. The current or related charge is one of domestic violence (AS 33.30.061(c));
2. The prisoner has an active warrant;
3. The prisoner has more than five (5) years left or less than three (3) days to serve; and / or
Note: If prisoner exhibits exceptional rehabilitative progress (i.e. Offender Management Plan compliance), a prisoner's application can be forwarded for an exception to the five (5) year timeframe. The Director of Institutions or designee may override and grant an approval.
4. The prisoner has been classified as close custody.
5. The prisoner has a current or past conviction for a sexual related or kidnapping related offense.

B. TWO EM Application Requirements:

All TWO EM eligibility packets should include the following:

1. *EM Information Form* (Attachment A);
2. *Transitional Work Opportunity EM Terms And Conditions* (Attachment R);
3. *EM Permission To Enter And Search Form* (Attachment C); and
4. The following documents if available:
 - a. Court Order or Judgment;
 - b. Pre-sentence Report (PSR) or police report;
 - c. Time Accounting Record (TAR) sheet;
 - d. Treatment / programing documentation; and
 - e. Summary / Recommendation from the Probation Officer (PO).

C. TWO EM Eligibility Form Processing:

1. An *EM Scoring Matrix* (Attachment D) shall be completed for all TWO prisoner applicants. Prisoners with a matrix score of 20 or less shall move on in the review process.

- a. A score of 21, or more, would require an override in order to move forward in the review process.
2. The PO will complete a summary and recommendation when placement in the TWO is not being recommended.
3. Short term (366 days or less) placements shall be reviewed by the local supervisor or Superintendent for approval / denial. Long term (more than 366 days) placements shall be approved by the local supervisor / Superintendent or designee, unless an override is required.
4. The Director of Institutions or designee will review all packets that require an override for timeframe, custody level and / or scoring matrix total.
5. Final review of necessary documents and final approval of placement in the TWO electronic monitoring will be performed and documented on the *EM Checklist* (Attachment E).

D. Denial Of TWO EM Placement:

1. If a prisoner is denied TWO EM placement, they will be notified in writing via the *EM Denial Form* (Attachment F), by telephone, e-mail, or via the IPO. At this time the DOC offender management system shall also be updated in order to record the denial and the date the prisoner was notified of the denial.
2. If a prisoner is denied, they will have the right to appeal the denial to the Director of Institutions or their designee.
 - a. The prisoner must submit the *EM Appeal Form* (Attachment G) within five (5) business days of notification of the denial in order to be processed.
 - i. The appeal form shall be submitted to the office that processed their original prisoner eligibility form. The supervisor shall forward the appeal to the Director's Office within five (5) days of receipt of the appeal.
 - ii. Prisoners may resubmit collateral documentation that supports their completion of any requirements recommended by EM staff.
3. The Director or their designee will have 10 business days to respond to the appeal.
 - a. The Director, or designee, may affirm, reverse, or modify the decision.
 - b. Any decision rendered by the Director or their designee is final.
 - c. If no response is received after this time period, the original findings stand.

E. TWO EM Placement And Release:

1. Residence Inspection:

A residence inspection shall take place prior to a prisoner's placement on TWO EM. Prisoners with sentences of 10 days or less are not required to have a pre-inspection of their residence unless deemed necessary by an EM Officer.

2. Victim Notification:

- a. In accordance with DOC P&P 1000.01, Victim Notification, the victim(s) of a prisoner's current crime(s) shall be notified of the prisoner's eligibility for EM consideration as part of the TWO. The PO shall make such notification upon receipt of a prisoner eligibility form.
- b. A minimum 30 day period shall take place prior to placement unless the victim(s) responds sooner.

3. Fees / Costs:

Prisoners are required to pay costs incurred by their placement on electronic monitoring as part of the TWO:

- a. Prisoners who have been designated to serve a term of imprisonment or period of temporary confinement, or a part of the term or period, by EM will be assessed a fee of \$12 per day to pay the costs of the monitoring.
- b. Prisoners who are required to use an alcohol breath monitor as a component of electronic monitoring will be assessed a fee of \$14 per day to pay the costs of monitoring.
- c. Prisoners shall pay weekly and payment shall be in the form of cash, money order or cashier's check.
- d. Prisoners may be charged for any damaged or lost EM equipment, depending on the circumstances of the damage or loss.
- e. Should a prisoner be returned to an institution for reasons beyond his or her control, fees paid for that week or portion of that week shall be refunded.
- f. An indigent individual may request lowered fees, or fees waived based on financial need:
 - i. The prisoner shall provide information on income, bills, child support, etc.
 - ii. The EM Officer shall examine the financial record, complete the *EM Indigent Form* (Attachment H) and make a recommendation for or against indigent status and forward to the EM Supervisor who will endorse or reverse said recommendation and in turn forward to the Superintendent or their designee for final determination.
 - iii. A prisoner who has been approved for a reduction must continue to provide justification by way of documentation when requested.
 - iv. Indigent status may reduce the weekly cost to the prisoner of which shall be determined following the review and ability to pay.

4. Reporting:

All prisoners must report to the supervising EM office, as directed, on the day of their transfer or remand. Any exceptions must be approved in advance by the supervisor.

5. Exceptions:

If a prisoner has an established remand date, they may start on the program prior to that date.

6. Release from EM:

Prisoners shall be released in accordance with DOC P&P 818.01, Offender Reentry Program and DOC P&P 818.06, Release Procedures.

F. TWO EM Equipment:

Each office will determine the appropriate equipment for each prisoner and process them accordingly.

G. Supervision Of Prisoners On TWO EM:

1. All prisoners participating in TWO for more than seven (7) days shall report to the supervising EM office weekly, or as directed by the PO or designee.
2. All prisoners shall complete an *EM Weekly Report Form* (Attachment I).
3. The prisoner and EM staff shall establish an *EM Weekly Schedule* (Attachment J), to include:
 - a. A *Transitional Work Opportunity Employment Verification Form* (Attachment S) that must be completed by the prisoner's employer and be returned to the supervising EM office within seven (7) working days;
 - b. Employment details;
 - c. Treatment details;
 - d. Appointments;
 - e. Curfews;
 - f. A pass of up to four (4) hours (depending on the prisoner's phase) to allow the prisoner to attend to specific personal business at specific times which must be approved by the PO;
 - g. Religious services of up three (3) hours per week; and
 - h. Any other approved activities. An *EM One Time Schedule Form* (Attachment L) must be completed prior to the prisoner attending any non-routine appointments.
 - i. Exceptions to the EM weekly schedule above and beyond (3.) (a. – h.) listed above must be pre-approved by the Director of Institutions or their designee.
4. The prisoner shall maintain an *EM Movement Log* (Attachment M), which shall be reviewed by EM staff during their office visits.
5. Contacts made by a PO at the approved residence, work, treatment, or other locations shall occur on an irregular and unscheduled basis.
6. Approved residence contacts shall be conducted with no less than two (2) officers. If another PO is not available, officers shall request the assistance of a Correctional Officer (CO), Prisoner Transport Officer (PTO) or local law enforcement official or an Alaska State Trooper. Under exigent circumstances an officer may make an unassisted residence contact if it can be executed without endangering the public or the officer.
7. When a prisoner contact is scheduled to be made outside of an office, the PO planning the contact should notify their supervisor in advance of the planned contact.
8. Prisoners are subject to urinalysis testing and re-testing in compliance with DOC P&P 808.14, Substance Abuse Testing:
 - a. UA testing shall be conducted on a schedule to be established by the EM Supervisor.
 - b. Positive substance abuse tests are a violation of EM conditions. (See section H. of this policy

below.)

9. All office contacts, field contacts, or other contacts will be recorded in the DOC offender management system.
10. Driving may be authorized on a case-by-case basis for work related purposes. Offenders who are approved to drive shall be provided with an approved *EM Driving Authorization Form* (Attachment N).

H. Violations Of TWO EM Conditions:

1. Violations of the conditions of the TWO electronic monitoring will be addressed in a timely fashion by the EM Officer. Modifications to the Re-Entry Work Group placement may be made and / or the prisoner may be terminated from the program and returned to custody. EM staff will determine and choose the appropriate response to issue to a prisoner based on the violation that was committed.
2. Standard Operating Procedures (SOP) will be developed to identify and handle TWO EM violations in accordance with the guidelines set out in DOC P&P 809.04, Disciplinary Committee, Hearing Officers And Basic Operation.
3. If a prisoner has committed a violation that has been determined to be serious in nature, or has received multiple violations / warnings regarding good conduct during one block of incarceration while on EM, then the prisoner may be terminated from the TWO for the remainder of their sentence:
 - a. An incident report shall be completed in accordance with DOC P&P 104.01, Special Incident Reporting, and forwarded to the receiving institution.
 - b. A prisoner that is terminated as a result of a violation, may be eligible to reapply for TWO. The length of time will be dependent on the type of violation (i.e. 90–120 days for high moderate, 30-60 days for low moderate).
4. If a prisoner is terminated from a TWO, they have a right to appeal the termination to the Director of Institutions, or their designee:
 - a. The prisoner must submit the *EM Appeal Form* (Attachment G) within five (5) business days of notification of the termination.
 - i. The appeal form shall be submitted to the office that processed the termination of the TWO participation. The supervisor shall forward the appeal to the Director's Office within five (5) days of receipt of the appeal.
 - b. The Director or their designee will have 10 business days to respond to the appeal.
 - i. The Director or designee may affirm, reverse or modify the decision.
 - ii. Any decision rendered by the Director or their designee is final.
 - iii. If no response is received after this time period, the original findings stand.
 - c. The Offender may not appeal an EM termination if:
 - i. The prisoner has been charged with a new crime; or

- ii. The prisoner's housing is no longer viable and they have no other options for residency.

- I. Escape:

If a TWO prisoner's whereabouts are unknown for more than two (2) hours or they have removed, tampered with, or disabled their ankle monitor they will be considered an escape from EM. Escape procedures per DOC P&P 1208.16, Institutional Emergency Plan, shall be followed. The EM Officer will confirm that there is an unauthorized absence by physically checking the residence or unauthorized location. The prisoner's status shall be updated in the DOC offender management system and in the electronic monitoring database. If the prisoner returns to his / her residence prior to the issuance of a warrant, the EM Officer shall contact the prisoner and transfer them to the nearest correctional institution.