

	<b>State of Alaska Department of Corrections Policies and Procedures</b>	<b>Index #:</b> 818.15	<b>Page</b> 1 of 6	
		<b>Effective:</b> 10/14/08	<b>Reviewed:</b>	10/08
		<b>Distribution:</b> Public	<b>Due for Rev:</b>	10/09
<b>Chapter:</b>	Release Preparation and Temporary Release			
<b>Subject:</b>	House Arrest Electronic Monitoring			

I. Authority

In accordance with 22 AAC 05.155, the Department will maintain a manual comprised of policies and procedures established by the Commissioner to interpret and implement relevant sections of the Alaska Statutes and 22 AAC.

II. References

Alaska Statutes

AS 33.30.011, AS 33.30.061, AS 33.30.065

Alaska Administrative Code

22 AAC 05.200

Standards for Adult Correctional Institutions; 4<sup>th</sup> Edition 2003

4-4295, 4296

Standards for Adult Local Detention Facilities; 3<sup>rd</sup> Edition 1991

3 ALDF 4B-01, 4B-02

Standards for Adult Probation and Parole Field Services; 3<sup>rd</sup> Edition 1998

No Pertinent Standards Apply

III. Purpose

To provide a cost effective alternative to the use of hard beds within a correctional institution, consistent with protection of the public, respecting the rights of victims of crime, and holding offenders accountable.

IV. Application

Staff and Offenders

V. Definitions

None.

VI. Policy

The Department will identify offenders appropriate for electronic monitoring through application by the offender and screening by Department Personnel. Offenders accepted for placement in the House Arrest Electronic Monitoring (EM) Program shall be supervised in such a manner as to ensure their compliance with conditions of the program.

VII. Procedures

A. House Arrest Electronic Monitoring Notice form 818.15A; and Application Form 818.15B.

1. In communities where House Arrest Electronic Monitoring (EM) is available, notices shall be posted in all institutional living areas informing offenders of the existence of the EM program, eligibility requirements, and application process. Information about the EM program will be part of the orientation program at every facility, to include new remands and transferred prisoners. EM presentations shall be made by institutional Probation Staff and may be done in conjunction with an audio/visual presentation.
2. The Superintendent shall implement procedures to insure institutional probation staff supply and process applications. Institutional probation staff shall review all applications and complete EM Matrix form 818.C for offenders with more than 10 days to serve, or EM Designation form 818.15D for offenders with 10 days or less to serve; and forward applications to EM staff promptly.
3. Institutional Probation staff shall prepare an EM packet to include:

- a. The Completed EM Matrix or Designation Form.
  - b. Court order or Judgment (in some cases a rule 11 may be used).
  - c. Want and Warrants check.
  - d. Charging Document.
  - e. Pre-sentence report if applicable.
  - f. Time Accounting Computation (TAC) sheet.
- B. Applications received by the EM Unit shall be processed in the following manner:
1. Received applications shall be logged into the Access database no later than the next day after which the application was received. Data entered shall include:
    - a. Offender's name;
    - b. Institution/Location;
    - c. Date of application;
    - d. OTIS number.
  2. Review EM packet and verify the prisoner/offender meets EM criteria to include:
    - a. An EM Matrix form 818.15C for offenders with more than 10 days to serve or EM Designation form 818.15D for offenders with 10 days or less to serve. An offender with an EM matrix score of 20 or less or an EM Designation score of 7 or less shall move on in the process unless:
      - (1) The current or related charge is one of domestic violence.
      - (2) The current or past conviction is for a sex offense.
      - (3) The offender has more than 3 years or less than 3 days to serve.
      - (4) The offender has an in-state want or warrant or an extraditable out-of-state misdemeanor want or warrant. Felony non-extraditable warrants shall be considered on a case by case basis.
      - (5) The offender is illegally using a controlled substance, as defined under AS 11.71.100.
    - b. The officer shall prepare a written summary to include:
      - (1) Details of current offense.
      - (2) Pertinent treatment issues.
      - (3) Victim statements.
      - (4) Risk considerations.
      - (5) Recommendation on the suitability of the offender for the program.
    - c. Short term (365 days or less) placement shall be approved or disapproved by the local on duty EM Office Supervisor. The Chief Classification Officer shall be the approving authority for long term (more than 365 days) originating outside the Anchorage-Mat-Su area. The POIV responsible for the Anchorage EM office shall be the approving authority for long term placements originating in the Anchorage and Mat-Su region.
  3. A home inspection may take place prior to remand. Minimum sentence standards triggering mandatory home inspections shall be established in the local EM/home confinement office and approved by the Director of Probation and Parole.
    - a. Home inspections shall be conducted by two (2) officers. The inspecting staff shall:
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- (1) Ensure the offender completes Electronic Monitoring Terms and Conditions form 818.15 E.
  - (2) Ensure the offender completes Electronic Monitoring Permission to Enter and Search form 818.15 F.
  - (3) Shall prepare a sketch of the home floor plan.
  - (4) Ensure the telephone meets program requirements.
  - (5) Answer any questions in regards to the program that may be posed by the offender or other residents of the home.
  - (6) The offender and EM staff will agree to a Daily/Weekly Schedule, form 818.15G, to include:
    - (a) Employment Form 818.15H must be completed by the offender's employer prior to employment being added to an approved daily/weekly schedule.
    - (b) Treatment
    - (c) Appointments
    - (d) Curfews
    - (e) Driving form 818.15 I Electronic Monitoring, Authorization to Drive, must have the EM Supervisor's approval prior to the offender being allowed to drive. Each supervising office shall have a written policy on whether and under what conditions driving by the offender shall be approved.
    - (f) Any other activities form 818.15J must be completed prior to the offender attending any non-routine appointments.
4. Victim notification shall be made prior to remand or designation. If the offender has a victim listed in OTIS, regardless if it pertains to the current offense, the victim is to be contacted.
    - a. A phone call to the victim prior to placement is required. (P&P 1000.01 VII C. 5.)
    - b. If phone contact is not possible, a certified letter shall be sent and documented in OTIS.
    - c. A minimum 30 day period shall take place prior to placement unless the victim responds sooner.
  5. Final review of necessary documents and final approval of EM placement will be performed on form 818.15L, House Arrest Electronic Monitoring Checklist.
  6. All offenders must report to the EM office, as directed, the day of transfer or remand. Exceptions must be approved by the EM supervisor.
  7. Remands to EM House Arrest shall be listed on Form 818.15M, Court Order Report Memo. This form shall be distributed to correctional facilities and courts as appropriate.
- C. Offenders are required to pay costs incurred by their participation in the EM Program:
1. The cost of participation is \$12.00 per day or \$14.00 per day for a Sobrieter.
  2. The offenders shall pay weekly, consistent with local Standard Operating Procedures.
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3. Participating offenders are additionally required to pay \$10.00 per week to cover the cost of U.A. testing. This cost will be added to the weekly amount due.
  4. Payment shall be in the form of cash, money order, or cashier's check. The offender will receive a receipt at the time of payment.
  5. If an offender violates conditions he/she forfeits fees paid for that week.
  6. If an offender is returned to a facility for reasons beyond his or her control, fees paid for that week or portion of week shall be refunded.
  7. An indigent individual may request lowered fees based on need:
    - a. The prisoner shall provide pay advices and full information on income, bills, child support, etc.
    - b. The reviewing officer shall examine the financial record, complete the House Arrest and Electronic Monitoring Program Indigent form 818.15N, 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 appropriate Division Director for final determination.
    - c. An offender who has been approved as "Indigent" must continue to provide justification by way of documentation listed in 5a. and b. above on a weekly basis.
    - d. Indigent status reduces the weekly cost to the Prisoner to \$5.
- D. Offenders will be supervised by EM staff as follows:
1. All offenders participating in the EM Program for more than 7 days shall report to the EM Office as directed (approximately once a week) from the date of remand or transfer at hours determined by the EM staff. During the office visit the offender shall submit a U.A. sample for testing in accordance with d. (1) below, and:
    - a. Pay their weekly fee or provide continued documentation to maintain indigent status.
    - b. Complete Electronic Monitoring House Arrest Office Appointment form 818.15 O.
  2. Home, work, treatment, etc. contacts shall occur on an irregular and unscheduled basis:
    - a. Home contacts will be conducted with no less than 2 officers.
    - b. Monitoring will be conducted 7 days a week. An individual offender will be contacted at least weekly.
    - c. A record of offender contacts is to be maintained.
    - d. Offenders are subject to U.A. testing and re-testing in compliance with 808.14, Urinalysis Testing.
      - (1) Offenders with a positive test result will be immediately transferred to institutional housing. If a re-test is requested, the offender will remain in institutional housing until results of the re-test are obtained.
      - (2) Positive results from a U.A. will make the offender ineligible to participate in the EM Program for a period of time to be determined by the local EM supervisor, based on the nature of the violation, public safety, and program needs.
  3. All office, home, or other contacts will be recorded in the OTIS database field contact list.
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4. The offender shall maintain a Movement Log, Form 818.15 P, which shall be reviewed by EM staff at home and office visits.
- E. A pass of up to 4 hours to allow the offender to attend to specific personal business at specific times is Form 818.15J which must be approved by the EM Supervisor.
- F. Escape Procedures per 1208.16, Institutional Emergency Plan, will be followed when an offender's whereabouts are unknown for 2 hours.
  1. The officer will confirm that there is an unauthorized absence by physically checking the residence or authorized location.
  2. BI shall be notified and instructed to place the offender on lockdown status.
  3. If the offender returns to his or her home prior to the issuing of a warrant, the monitoring officer will contact the offender and transfer the offender to the nearest correctional facility.
- G. Release. Offenders may release from the program as follows:
  1. Normal projected release date:
    - a. Thirty (30) days prior to release:
      - (1) Complete a Notice of Release and forward to appropriate field office.
      - (2) Notify victim of pending release.
      - (3) Transfer field file and send certificate of good time to the appropriate field probation office.
    - b. Day of release:
      - (1) Schedule an appointment with the offender to retrieve monitoring equipment from the home.
      - (2) Delete the locate from APSIN.
      - (3) Verify release in OTIS.
      - (4) Update the offender in the database.
      - (5) Contact BI to take field monitoring device, transmitter, and alcohol monitoring device out of service.
  2. Transfer from EM to the Offender Supervision Program (OSP)
    - a. EM staff will complete OSP forms with the participant. The approved OSP packet will be forwarded to the receiving CRC for review. Upon acceptance by the CRC/OSP contractor, the participant will be transferred to OSP.
    - b. Transfer the participant in OTIS; update the APSIN locate.
    - c. Update the database.
    - d. Forward discharge summary to CRC case manager.
    - e. Make any required victim notification.
    - f. Remove EM monitoring equipment from participant's home.
    - g. Contact BI to take equipment out of service.
  3. Release to discretionary parole
    - a. Verify with the field probation officer that the Parole Board has approved the release plan and that conditions have been requested.
    - b. Receive parole conditions and obtain signatures from participant.
    - c. Provide field probation officer with Notice of Release as far in advance of release as practicable.
    - d. Delete locate in APSIN.
    - e. Verify transfer to the appropriate field office in OTIS.
    - f. Update database.

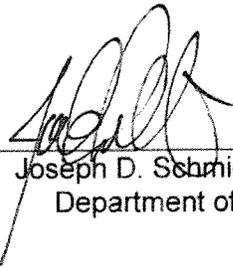
- g. Remove EM monitoring equipment from participant's home.
  - h. Contact BI to take equipment out of service.
4. Violated from EM program and returned to correctional facility; voluntary program termination and return to correctional facility; abscond/escape; death.
- a. Delete locate in APSIN unless inmate escaped, in which case wait for the escape warrant to be issued.
  - b. Make any required victim notification.
  - c. Update MIS as necessary.
  - d. Update EM database.
  - e. Remove EM monitoring equipment from inmate's home.
  - f. Contact BI to take equipment out of service.

VIII. Implementation

This policy and procedure is effective 14 days following the date signed by the Commissioner. Each Manager shall incorporate the contents of this document into local policy and procedure. All local policies and procedures must conform to the contents of this document; any deviation from the contents of this document must be approved in writing by the Division Director.

9-30-08

Date



Joseph D. Schmidt, Commissioner  
Department of Corrections

Attachments

818.15A  
818.15B  
818.15C  
818.15D  
818.15E  
818.15F  
818.15G  
818.15H  
818.15I  
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