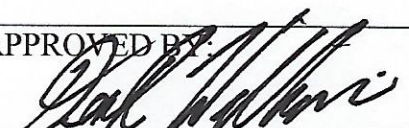


**STATE OF ALASKA
DEPARTMENT OF CORRECTIONS**



POLICIES & PROCEDURES

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APPROVED BY:  Dean R. Williams, Commissioner		DATE: 10/06/17

ATTACHMENTS / FORMS:

- (A.) EM Information Form.
- (B.) EM Terms And Conditions.
- (C.) EM Permission To Enter And Search Form.
- (D.) EM Scoring Matrix.
- (E.) EM Checklist.
- (F.) EM Denial Form.
- (G.) EM Appeal Form.
- (H.) EM Indigent Form.
- (I.) EM Weekly Report Form.
- (J.) EM Weekly Schedule.
- (K.) EM Employment Verification Form.
- (L.) EM One Time Schedule Form.
- (M.) EM Movement Log.
- (N.) EM Driving Authorization Form.
- (O.) EM Application Form For First Time DUI / Refusals.
- (P.) EM Terms And Conditions For First Time DUI / Refusals. (Regular EM.)
- (Q.) EM Terms And Conditions For First Time DUI / Refusals. (Home Confinement.)

AUTHORITY / REFERENCES:

- 22 AAC 05.155 AS 44.41.035
- 22 AAC 05.620 DOC P&P 104.01
- AS 33.05.010 DOC P&P 808.14
- AS 33.16.180 DOC P&P 809.04
- AS 33.30.011 DOC P&P 818.01
- AS 33.30.021 DOC P&P 818.06
- AS 33.30.061 DOC P&P 902.16
- AS 33.30.065 DOC P&P 902.18
- AS 44.28.030 DOC P&P 1000.01
- AS 44.41.025
- Standards For Adult Correctional Institutions, 4th Ed.
- Standards For Adult Local Detention Facilities, 3rd Ed.
- Standards For Adult Probation And Parole Field Services, 3rd Ed.

POLICY:

- I. It is the policy of the Department of Corrections (DOC) to utilize electronic monitoring (EM) as a tool to effectively manage field and institutional populations for a successful re-entry and transition to the community.
- II. It shall be the policy of the Department to screen all offenders for review to determine if they are eligible and appropriate for placement on EM. DOC staff will process all offender eligibility forms received and those who are accepted will be supervised in a manner to ensure their compliance with the terms and conditions of the program.

APPLICATION:

This policy and procedure will apply to all Department employees and offenders.

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DEFINITIONS:

As used in this policy the following definitions will apply:

Electronic Monitoring (EM):

A type of monitoring that allows prisoners, probationers / parolees and others who meet certain requirements to serve time at an approved residence and / or other DOC approved locations and to be monitored via electronic monitoring equipment.

Electronic Monitoring (EM) Officer:

A Probation Officer (PO) assigned to perform probation / parole duties under the electronic monitoring program.

Home Confinement:

Offenders who are serving their time at an approved residence with or without electronic monitoring equipment dependent on their geographic location.

PROCEDURES:

I. Standard / Regular Electronic Monitoring (EM) With Equipment:

A. EM Eligibility:

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

1. The current or related charge is one of domestic violence (AS 33.30.061(c));
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;
3. The offender has an active warrant;
4. The offender has more than three (3) years left or less than three (3) days to serve; and / or
NOTE: If offender exhibits exceptional rehabilitative progress, an offender's application can be forwarded for an exception to the three (3) year timeframe. The Director of Probation and Parole or designee may override and grant an approval.
5. The offender has been classified as close custody.

B. EM Offender Eligibility Requirements:

All EM offender eligibility packets should include the following:

1. *EM Information Form* (Attachment A);

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2. *EM Terms And Conditions* (Attachment B);

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 Institutional Probation Officer (IPO).

C. EM Offender Eligibility Form Processing:

1. An *EM Scoring Matrix* (Attachment D) shall be completed for all offenders. Offenders 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 on EM is not being recommended.

3. Short term (366 days or less) placements shall be reviewed by the supervisor for approval / denial. Long term (more than 366 days) placements shall be approved by the Director of Probation and Parole or designee.

4. The Director of Probation and Parole 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 on electronic monitoring will be performed and documented on the *EM Checklist* (Attachment E).

D. Denial Of EM:

1. If an offender is denied for standard / regular 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 offender was notified of the denial.

2. If an offender is denied, they will have the right to appeal the denial to the Director of Probation and Parole or their designee.

- a. The offender must submit the *EM Appeal Form* (Attachment G) within five (5) business days of notification of the denial in order to be processed.

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- i. The appeal form shall be submitted to the office that processed their original offender eligibility form. The supervisor shall forward the appeal to the Director's Office within five (5) days of receipt of the appeal.
- ii. Offenders 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. EM Placement And Release:

1. Residence Inspection:

A residence inspection shall take place prior to an offender's remand / placement on EM. Offenders 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 an offender's current crime(s) shall be notified of the prisoner's eligibility for EM consideration. The PO shall make such notification upon receipt of an offender eligibility form.
- b. A minimum 30 day period shall take place prior to placement unless the victim(s) responds sooner.

3. Fees / Costs:

Offenders are required to pay costs incurred by their placement on electronic monitoring:

- a. Offenders 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. Offenders 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. Offenders shall pay weekly and payment shall be in the form of cash, money order or cashier's check.
- d. Offenders may be charged for any damaged or lost EM equipment, depending on the circumstances of the damage or loss.
- e. Should an offender 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.

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f. An indigent individual may request lowered fees, or fees waived based on financial need:

- i. The offender 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 Director of Probation and Parole or their designee for final determination.
- iii. An offender 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 offender of which shall be determined following the review and ability to pay.

4. Reporting:

All offenders 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 an offender has an established remand date, they may start on the program prior to that date.

6. Daily Court Report:

The court will be notified daily of all of the new EM intakes via e-mail or fax by DOC staff.

7. Release from EM:

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

F. EM Equipment:

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

G. Supervision Of Offenders On EM:

1. All offenders participating in the EM program for more than seven (7) days shall report to the supervising EM office weekly, or as directed by the PO.
2. All offenders shall complete an *EM Weekly Report Form* (Attachment I).
3. The offender and EM staff shall establish an *EM Weekly Schedule* (Attachment J), to include:
 - a. An *EM Employment Verification Form* (Attachment K) that must be completed by the offender's employer and be returned to the supervising EM office within seven (7) working days;
 - b. Employment details;
 - c. Treatment details;

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- d. Appointments;
- e. Curfews;
- f. A pass of up to four (4) hours to allow the offender 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 offender 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 Probation and Parole or their designee.

4. The offender 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 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 an offender 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. Offenders 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. Offenders who are approved to drive shall be provided with an approved *EM Driving Authorization Form* (Attachment N).

H. Violations Of EM Conditions:

1. Violations of the conditions of the electronic monitoring program will be addressed in a timely fashion by the EM Officer. Modifications to the placement may be made and / or the offender may be terminated from the program and returned to custody. EM staff will determine and choose the appropriate response to issue to an offender based on the violation that was committed.
2. Standard Operating Procedures (SOP) will be developed to identify and handle EM violations in

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accordance with the guidelines set out in DOC P&P 809.04, Disciplinary Committee, Hearing Officers And Basic Operation.

3. If an offender has committed a violation that has been determined to be serious in nature, or has received multiple violations during one block of incarceration while on EM, then the offender may be terminated from the program 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. An offender that is terminated as a result of a violation, may be eligible to reapply for EM placement. 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 an offender is terminated from the EM program, they have a right to appeal the termination to the Director of Probation and Parole, or their designee:

a. The offender 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 EM placement. 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 offender has been charged with a new crime; or
- ii. The offender's housing is no longer viable and they have no other options for residency.

I. Escape:

If an offender'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 offender's status shall be updated in the DOC offender management system and in the electronic monitoring database. If the offender returns to his / her residence prior to the issuance of a warrant, the EM Officer shall contact the offender and transfer them to the nearest correctional institution.

II. Field Supervision (Probation / Parole):

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A. EM Eligibility:

1. EM officers will work with field officers to accept placements for those on parole and probation supervision, to include emergency releases by the Alaska Board of Parole and those referred by DOC's medical department.
2. *EM Information Forms* (Attachment A) received by the supervising EM office shall be reviewed in order to verify the probationer / parolee meets EM criteria. If one (1) or more of the following criteria exists, then the probationer / parolee is **not** eligible for EM:
 - a. The probationer / parolee cannot have a pending criminal charge with a domestic violence element;
 - b. The probationer / parolee has been ordered to serve a sentence for a domestic violence conviction or violation unless EM placement is a specific condition of their probation / parole supervision; and / or
 - c. The probationer / parolee has an active warrant.

B. EM Offender Eligibility Requirements:

All EM offender eligibility packets should include the following:

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

C. EM Offender Eligibility Form Processing:

1. The PO will complete a summary.
2. Final review of necessary documents and final approval of placement on EM will be performed and documented on the *EM Checklist* (Attachment E).

D. EM Placement And Release:

1. Residence Inspection:

If a recent (within the last 90 days) residence visit by the supervising Field PO has not been

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conducted, the EM Officer shall complete a residence inspection prior to the placement of a probationer / parolee.

2. Reporting:

Probationers / parolees on field supervision may request to report to their assigned Field PO in lieu of their assigned EM PO, for the duration of their EM. If the probationer / parolee is on EM only as a probation and / or parole placement, they will only report to their assigned EM PO. If the probationer / parolee is on EM as “alcohol placement only” or pending a violation with the Court or Parole Board, they will only report to their assigned Field PO.

3. Release from EM:

EM PO’s will notify Field PO’s when the probationer / parolee has completed their EM requirements.

E. EM Equipment:

Each EM office will determine the appropriate equipment for each probationer / parolee and process them accordingly.

F. Supervision Of Probationers / Parolees On EM:

1. All probationers / parolees participating in the EM program for more than seven (7) days shall report to the supervising EM office weekly, or as directed by the EM Officer.
2. All probationers / parolees participating in the full EM program must complete an *EM Weekly Report Form* (Attachment I).
3. The probationer / parolee and EM staff shall establish an *EM Weekly Schedule* (Attachment J), to include:
 - a. An *EM Employment Verification Form* (Attachment K) that must be completed by the offender's employer and be returned to the supervising 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 to allow the offender 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 offender attending any non-routine appointments.
4. The probationer / parolee shall maintain an *EM Movement Log* (Attachment M), which shall be reviewed by staff at office visits.
5. Contacts made by a PO at an approved residence, work, treatment, or other locations shall occur on

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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 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. Offenders are subject to urinalysis testing and re-testing in compliance with DOC P&P 808.14, Substance Abuse Testing:
8. All office contacts, field contacts, or other contacts will be recorded in the DOC offender management system.
9. Driving may be authorized on a case-by-case basis in consultation with the Field PO. Offenders who are approved to drive shall be provided with an approved *EM Driving Authorization Form* (Attachment N). A case update entry indicting approval to drive shall be completed in the DOC offender management system.

G. Violations Of EM Conditions:

1. Violations of the EM program by a probationer / parolee will be addressed in a timely fashion by the EM PO. The EM PO shall work with the Field PO for an appropriate response and resolution.
2. Standard Operating Procedures (SOP) will be developed concerning violations of the EM program, to include the principles laid out in DOC P&P 902.16, Incentives And Graduated Responses To Supervision Violations.

H. Abscond / Failure To Report:

If a probationer / parolee fails to report to their EM PO or Field PO, the procedures as stated in DOC P&P 902.18, Absconder Procedures shall be followed.

III. First Time DUI / Refusals / Home Confinement:

A. EM Eligibility:

An applicant who was sentenced on their First Time DUI conviction or their first Refusal conviction may be eligible to complete their sentence on EM. These convictions need to be stand alone and **cannot** be combined with any other convictions.

B. EM Requirements:

All EM packets should include the following:

1. *EM Application Form For First Time DUI / Refusals* (Attachment O);
 2. *EM Terms And Conditions For First Time DUI / Refusals* (Attachments P & Q); and
- Note: For those being placed on regular EM Attachment P must be completed. For those being placed on home confinement, Attachment Q must be completed.

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3. Court Order or Judgment.

C. Processing Of First Time DUI / Refusal Cases:

Upon receipt of judgments received directly from the Court and / or notification from defendants and attorneys, staff will prepare cases for placement on EM. The *EM Scoring Matrix* (Attachment D) is not required for First Time DUI and Refusal conviction cases.

D. EM Placement And Release:

1. Residence inspections and victim notification are not required.

2. The EM Officer shall determine placement on either EM or Home Confinement.

3. Reporting:

All offenders must report to their supervising EM office, as directed by the Court and / or PO the day of transfer or remand. Any exceptions to the reporting dates must be approved in advance by the supervisor.

4. Daily Court Report:

The Court will be notified daily of all new EM intakes via e-mail and / or fax by DOC staff.

5. Release From EM:

Offenders are to be released in accordance with DOC P&P 818.06, Release Procedures.

E. Costs:

First Time DUI / Refusal offenders will be assessed incarceration fees by the Alaska Court System to account for their time on EM. Offenders are required to pay those fees directly to the Alaska Court System and EM Officers are not responsible for the collection of said fees.

F. EM Equipment:

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

G. Supervision Of First Time DUI / Refusal Cases:

First Time DUI and Refusal cases will be on lockdown for their first day. If the individual needs to leave their residence for any activity such as work, treatment, appointments, church, etc., they will need to provide their schedule to their assigned PO. If they do not have any of these activities, they will be required to remain at their residence for the length of their sentence.

H. Violations Of EM Conditions:

Should a First Time DUI / Refusal individual violate the conditions while on EM, the violations shall be reported within 24 hours to the District Attorney's Office.

I. Escape:

If an offender's whereabouts are unknown for more than two (2) hours or they have removed, tampered with, or disabled the ankle monitor, they will be considered an escape from EM. Escape Procedures per

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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 offender's status shall be updated in the DOC offender management system and in the electronic monitoring database.

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