



**STATE OF MONTANA  
DEPARTMENT OF CORRECTIONS  
POLICY DIRECTIVE**

Policy No. DOC 3.1.32	Subject: <b>ELECTRONIC MONITORING SYSTEM</b>
Chapter 3: FACILITY/PROGRAM OPERATIONS	Page 1 of 4
Section 1: Security Operations	Effective Date: 07/01/08
Signature: /s/ Mike Batista, Director	Revised: 07/07/2016

## **I. POLICY**

The Department of Corrections monitors certain offenders through use of electronic technology as a cost effective means to hold them accountable for their behavior, prioritize the use of valuable state and local resources, and provide a viable alternative to incarceration when appropriate.

## **II. APPLICABILITY**

Divisions, facilities and programs Department-owned and contracted, as specified in contract.

## **III. DEFINITIONS**

Administrator – The official, regardless of local title (division or facility administrator, bureau chief, warden, superintendent), ultimately responsible for the division, facility or program operation and management.

Electronic Monitoring System (EMS) – A term used to refer to methods of recording or transmitting information about an offender's location with an electronic device, including radio frequency monitoring and satellite-based monitoring.

Exclusion Zone – An area that an offender is prohibited from entering that has been established by a district court, pursuant to §46-18-202, MCA.

Inclusion Zone – A feature of satellite-based monitoring that determines an area in which the offender is required to stay for predetermined periods of time (i.e., home, work, or rehabilitation programs).

Radio Frequency Monitoring (RF) – A monitoring system which detects an offender's presence or absence from a home base by using a bracelet attached to the offender that is electronically tethered to a receiver with phone communication capability.

Satellite-Based Monitoring – A type of electronic monitoring made up of a network of satellites that transmit signal information to a monitoring center and/or device to determine location of a receiving device placed on an offender.

## **IV. DEPARTMENT DIRECTIVES**

### **A. Offender Participation**

1. After July 1, 2005, a sentencing judge is required to sentence all tier level 3 sex offenders to participate in continuous satellite-based monitoring as a condition of probation, parole or conditional release.

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2. The Board of Pardons and Parole, or the sentencing court may order an offender to be placed on satellite-based monitoring as a condition of probation or parole.
3. The Department may require an offender to be supervised using electronic monitoring as a condition of conditional release; juvenile parole; or in order to participate in certain programs including, but not limited to, living at the Montana State Prison work dorm.
4. The community corrections administrator may require offenders to participate in a sanction or the Intensive Supervision Program (ISP) using radio frequency monitoring.

**B. Residence Plan**

1. Community corrections procedures will establish requirements for a residence plan for offenders under electronic monitoring that include, but are not limited to:
  - a. residence location and telephone services;
  - b. orientation to EMS features and limitations; and
  - c. supervisory inspections and monitoring
2. Department residential work and prerelease programs will establish orientation and supervision requirements for offenders using electronic monitoring devices.

**C. EMS Orientation/Activation**

1. Supervising officers will require offenders to review and sign the conditions of the EMS and any other appropriate forms, i.e. schedules, itineraries, etc.
2. If the offender's circumstances are incompatible with the EMS, the supervising officer may order any necessary changes to the offender's case plan.
3. The probation and parole officer will conduct an offender orientation. This includes, but is not limited to:
  - a. EMS background information;
  - b. procedures for the proper maintenance and operation of the EMS equipment, both oral and written instructions will be provided;
  - c. procedures outlining proper conduct while the offender is participating in the EMS (see section E.); and
  - d. an opportunity for offender questions.
4. For satellite-based monitoring, all applicable restrictions and limitations, including exclusion zones must be clearly defined and the offender must acknowledge, in writing, that he/she understands the nature and limitations of each as well as the possible consequences for violating the determined boundaries.

**D. Offender Conduct and Responsibilities**

1. Offenders are expected to know, understand, and comply with the regulations of the EMS. These regulations will be reviewed with the offender at the time of activation and include, but are not limited to:
  - a. for satellite-based monitoring, all restrictions and limitations, including exclusion zones;

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- b. proper maintenance and operation of all EMS equipment;
  - c. procedures regarding potential violations; and
  - d. any schedule itinerary requirements.
2. Offenders must notify their supervising officer of emergencies, equipment failures, itinerary changes, host/residence problems, and any and all other situations that may affect their status on the EMS.
  3. To prevent possible collaborated tampering and/or evasion efforts, offenders participating in the EMS are not allowed to contact or reside with other EMS participants unless approved by their supervising officer.

**E. EMS Supervision**

1. The supervising officer must perform an onsite field test of the proposed residence, prior to residence plan approval, to ensure that the EMS technology can properly function in the geographical location.
2. For RF monitoring, the level of offender supervision is determined by the conditions of their sanction in the Intensive Supervision Program.
3. The administrator will establish criteria for levels of supervision for offenders on satellite-based monitoring.

**F. Violations**

1. The supervising officer must investigate the following occurrences:
  - a. equipment tampering;
  - b. for satellite-based monitoring, violation of restrictions or limitations such as exclusion zone boundaries;
  - c. power and/or equipment failure;
  - d. damage or theft of the EMS equipment;
  - e. evidence of willful evasion of tracking system;
  - f. violation of other predetermined stipulations;
  - g. failure to pay the cost of services; and
  - h. any other suspicious or abnormal occurrences.
2. If a violation alert is received, the supervising officer will:
  - a. attempt to contact the offender by telephone or by personal contact to resolve the alert and/or discuss how to avoid future alerts;
  - b. go to the offender's residence to determine the cause of the alert, if necessary;
  - c. alert authorities, supervisors, and victims if the alert is confirmed as a violation, if necessary; and
  - d. review the violations with the appropriate supervisory staff and write a violation report when appropriate.
3. Alerts that result in violation may be cause for sanctions or termination of the violating offender from the EMS.

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4. Frequent non-violation alerts (equipment failure, system interruption, power outage, etc.) may indicate that either the offender or the offender's residence is unsuitable for the EMS and termination from the EMS may still be an option. Equipment reliability is crucial to the success of the program.
5. With satellite-based monitoring, exclusion zone violations involving victims or their families, re-incarceration, violation reports or sanctions are grounds for immediate termination from the EMS.

#### **G. Records/Reports**

1. The monitoring service company or vendor is required, per contract, to provide records and reports to the Department of Corrections. The supervising officer will maintain these records.

#### **H. Victim Notification**

1. Victims who have registered for notification through the Department must be notified before the offender is released to, and released from, EMS.
2. Depending on the victim's desired involvement, reasonable measures will be taken to keep the victim informed of offender movements within exclusion zones.

#### **I. EMS Termination**

1. Offenders may be terminated from the EMS for the following reasons:
  - a. their length of sentence has been completed;
  - b. their place of residence is no longer suitable for EMS and a suitable replacement cannot be found;
  - c. they have serious or repeated violations;
  - d. their violations returned them to a high level of custody; or
  - e. they have fulfilled the requirements of EMS participation.
2. If an offender is terminated from the EMS, it is the offender's responsibility to arrange to return all EMS equipment to the supervising officer. Failure to do so is criminal theft.

#### **V. CLOSING**

Questions concerning this policy should be directed to appropriate division administrator.

#### **VI. REFERENCES**

- A. 46-18-202; 46-18-206; 46-23-509; 46-23-1010; 46-23-1031, MCA
- B. *Administrative Rules of Montana 20.7.402*
- C. *DOC Policy 1.8.1 Victim Services*

#### **VII. ATTACHMENTS**

None