



## POLICY DIRECTIVE

Policy:	<b>DOC 3.1.32 ELECTRONIC MONITORING SYSTEM (EMS)</b>
Effective Date:	07/01/2008 <span style="float: right;">Page 1 of 3</span>
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Signature/Title:	/s/ Eric Strauss, Director

### I. POLICY

The Department 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 (see Glossary)

### IV. REQUIREMENTS

#### 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.
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 Facilities and Programs Chief may require offenders to participate in a sanction or the Intensive Supervision Program (ISP) using radio frequency monitoring.

#### B. Residence Plan

1. Community corrections facilities 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 (for example, 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. P&P Officers will conduct an offender orientation, including but not limited to:
  - a. EMS background information;
  - b. oral and written instructions for the proper maintenance and operation of the EMS equipment;
  - c. proper conduct while the offender is participating in the EMS (see IV.D below); 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 the offender 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 requirements of the EMS.
  - a. These requirements will be reviewed with the offender at the time of activation and include, but are not limited to:
    - 1) for satellite-based monitoring, all restrictions and limitations, including exclusion zones;
    - 2) proper maintenance and operation of all EMS equipment;
    - 3) disciplinary action for potential violations; and
    - 4) any schedule itinerary requirements.
2. Offenders must notify their supervising officer of emergencies, equipment failures, itinerary changes, host or 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 the 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.
4. Equipment reliability is crucial to the success of the program; frequent non-violation alerts (for example, equipment failure, system interruption, power outage, etc.) may indicate that:
  - a. either the offender or the offender's residence is unsuitable for the EMS; and
  - b. termination from the EMS may still be an option.
5. For offenders on **satellite-based monitoring**, the following are grounds for immediate termination from the EMS:
  - a. exclusion zone violations involving victims or their families;
  - b. re-incarceration;
  - c. violation reports; or
  - d. sanctions.

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

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

#### **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:
  - 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 about this policy should be directed to appropriate administrator.

#### **VI. REFERENCES**

- A. §§ 46-18-202; 46-18-206; 46-23-509; 46-23-1010; 46-23-1031, MCA
- B. ARM 20.7.402
- C. DOC 1.8.1 Victim Services