

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE		EFFECTIVE DATE 09/01/2015	NUMBER 06.03.105
SUBJECT ELECTRONIC MONITORING OF OFFENDERS		SUPERSEDES 06.03.105 (12/15/2010)	
		AUTHORITY MCL 771.3; MCL 791.203; MCL 791.236; 791.285.; MCL 769.1k; MCL 771.3f; Administrative Rule 791.7730, *2014-2015 Boilerplate FOA Section 603.	
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POLICY STATEMENT:

Electronic monitoring systems (EMS) enhance the supervision of offenders in the community through remote monitoring of curfew compliance, alcohol use, and/or movement within the community. Offenders shall be electronically monitored as set forth in this policy.

RELATED POLICIES:

- 06.02.105 Offender Reimbursement
- 06.04.100 Lifetime Electronic Monitoring of Sex Offenders

POLICY:

GENERAL INFORMATION

- A. For purposes of this policy, “offenders” refers to probationers and parolees.
- B. EMS is a tool used by the Department to effectively and cost-efficiently increase the supervision of offenders in the community. Differences in EMS technology permit the monitoring of an offender in a way that will most likely impact his/her criminal behavior; current technology includes curfew monitoring, community based alcohol monitoring, and global positioning system (GPS) monitoring. Only those systems approved by the Director or designee are to be used to monitor offenders under the Department’s jurisdiction. The Deputy Director of Field Operations Administration (FOA) shall ensure standards are issued identifying the offender population targeted for each approved system and the requirements for monitoring the population, consistent with requirements set forth in this policy and state law.
- C. FOA shall operate at least one EMS Center. The Center shall provide 24-hour, seven-day per week monitoring of all FOA offenders for whom electronic monitoring is required. In conjunction with the Training Division, Budget and Operations Administration (BOA), EMS Center staff shall provide field staff with necessary training in the installation, use, and security of EMS equipment.
- D. The FOA Deputy Director shall annually establish a statewide per diem reimbursement rate for offenders who are being electronically monitored which shall be posted in each field office. Offenders are required to pay EMS fees as outlined in PD 06.02.105 “Offender Reimbursement.”
- E. All requirements set forth in this policy for electronically monitoring probationers shall be followed unless otherwise directed by the sentencing court.
- F. A person shall not knowingly and without authority remove, destroy, or circumvent the operation of an electronic monitoring device or knowingly interfere with a signal, impulse, or data that is being transmitted by or stored with an electronic monitoring device worn or otherwise used by an individual. A person is also prohibited from requesting or soliciting another person to remove, destroy, or circumvent the same. A person who violates this provision is guilty of a felony punishable by imprisonment for not more than two years, a fine of not more than \$4,000, or both.
- G. A sex offender sentenced by the court to lifetime electronic monitoring shall be monitored as set forth in PD 06.04.100 “Lifetime Electronic Monitoring of Sex Offenders” and MCL 791.285.

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EMS PLACEMENT REQUIREMENTS

- H. Probationers shall be placed on EMS only when ordered by the sentencing court as a special condition of probation. Upon receipt of notice of a special condition of probation requiring electronic monitoring, the supervising agent shall ensure that the probationer is placed on EMS no later than the first business day after the probationer is available to report to the supervising field office.
- I. Parolees shall be placed on EMS only when ordered by the Parole Board as a special condition of parole; however, if the supervising agent has submitted a recommendation to the Parole Board to add the special condition, the parolee shall be placed on EMS pending the decision by the Parole Board. The request to the Parole Board to add the special condition shall be processed in accordance with procedures issued by the FOA Deputy Director. The parolee shall be immediately removed from EMS if the Parole Board does not approve the special condition.
- J. A parolee with a special condition of parole requiring electronic monitoring shall be placed on EMS no later than the first business day after the parolee's release on parole. If the special condition is requested during the course of supervision, the parolee shall be placed on EMS no later than the first business day after the agent gives the parolee written notice of the request to add the special condition. The Parole Board shall be notified of the need to modify the special condition if monitoring the parolee is impractical or unmanageable due to the parolee's physical or mental disability.
- K. An offender shall be placed on EMS only after the home placement investigation has been completed and approved by the appropriate field agent and the offender has agreed in writing to comply with all rules and conditions of supervision, including those regarding electronic monitoring.
- L. The supervising field agent or designee shall promptly notify the EMS Center through the designated computerized data entry program of all changes in the status of an offender on EMS which affects electronic monitoring of the offender. This includes termination from electronic monitoring supervision and changes in the monitoring system used, as well as changes in curfews, telephone numbers, addresses, and employment.

SPECIAL REQUIREMENTS FOR MONITORING OFFENDER'S PRESENCE WITHIN RESIDENCE

- M. An offender who is on EMS to monitor curfew compliance shall be permitted to leave that residence only as set forth in procedures issued by the FOA Deputy Director. The procedures shall identify the purposes for which the offender may leave the residence as well as any applicable curfew hours or other restrictions. At a minimum, the offender shall be permitted to leave the residence for the following reasons, as approved by the supervising agent:
 - 1. To seek or work at paid employment and, if employed, to eat meals off-site during hours of employment.
 - 2. To enroll in and attend an approved educational, training, and/or treatment program.
 - 3. To obtain necessary medical services.
 - 4. To participate in required community service work.
 - 5. To attend religious services.

EMS VIOLATIONS

- N. EMS Center staff is responsible for documenting specified reported electronic monitoring alerts of EMS violations. EMS Center staff shall send written notification of the alert, and actions taken in response to the alert, to the offender's supervising field agent or designee. Field agents shall promptly investigate all reported alerts, and take appropriate action consistent with Department policy. Field agents shall document all alerts that are determined to be the result of offender behavior (e.g. Battery Alerts caused by the offender's failure to charge the device, any form of tampering, Motion No GPS, Bracelet Strap, all Home or Exclusion Zone Alerts, confirmed Alcohol Consumption and Tamper Alerts, Critical Communication, etc.). Field agents are not required to make individual entries for each alert but may combine multiple alerts if a

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singular behavior resulted in multiple alerts.

- O. Field staff shall follow the Probation Violation Response Guide (CFJ-267) to determine appropriate action to be taken when a probationer fails to abide with EMS requirements; in the case of a parolee, field staff shall follow the Parole Violation Response Guideline (CFJ-175) to determine appropriate action.

EMS EQUIPMENT ISSUANCE/INVENTORY

- P. The EMS Center is responsible for the issuance of all EMS equipment to field offices. The EMS Center Manager shall ensure an inventory of all non-disposable EMS equipment is maintained, including the location assignment. The inventory shall be available to the field office supervisor. At least quarterly, the field office supervisor shall ensure that physical inspection of equipment on hand is conducted and reconciled with the inventory. The field office supervisor shall ensure that the EMS Center Manager is notified of any discrepancies.
- Q. Field office supervisors or designee shall account for all EMS equipment issued to their office. Questions regarding the retrieval of EMS equipment shall be referred through the chain of command. Equipment stored on site shall be secured in an area inaccessible to offenders and other unauthorized persons. Any issued EMS equipment that is determined to be lost, damaged, or stolen shall be immediately reported in writing to the EMS Center Manager. The report shall include the specific equipment and offender (if any) involved and fully describes the circumstances resulting in the loss of or damage to the equipment.

PROCEDURES

- R. The FOA Deputy Director shall ensure that procedures are developed as necessary to implement requirements set forth in this policy directive within 60 calendar days after the effective date.

AUDIT ELEMENTS

- S. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist with self audit of this policy pursuant to PD 01.05.100 "Self Audit of Policies and Procedures."

APPROVED: HEW 07/30/2015