

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: Electronic Monitoring and Global Positioning Systems	PAGE 1 OF 8 NUMBER: 108-ABC-04
RULE/CODE REFERENCE: ORC 2929.01	SUPERSEDES: 108-ABC-04 dated 04/06/15
RELATED ACA STANDARDS:	EFFECTIVE DATE: June 23, 2016
	APPROVED:

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to provide guidelines for the selection and supervision of parole, post release control, interstate compact, community control, and judicial release offenders placed on electronic monitoring (EM) or global positioning system (GPS) who are supervised by the Adult Parole Authority (APA).

III. APPLICABILITY

This policy applies to all employees of the APA, including parole officers, unit supervisors and employees of the Division of Parole and Community Services (DPCS) who are involved in the supervision of parole, post release control, interstate compact, community control, and judicial release offenders. This policy affects the directors of residential facilities with whom the DPCS contracts for electronic monitoring/global positioning system monitoring.

IV. DEFINITIONS

Active Global Positioning System (GPS) Tracking Device - A tracking device that instantly tracks the exact location of an offender in real time.

Approved Residence Placement - The place in which the offender is given permission by the APA to reside when released pursuant to DRC policy 101-PLA-01, Reentry Supervision Release Process.

Community Control - A sanction that is not a prison term and that is described in section 2929.16, 2929.17, and 2929.18 of the Ohio Revised Code. Community Control replaces the term "probation" and applies to all offenders given non-prison sanctions for felony offenses committed on or after July 1, 1996. Community Control offenders are sentenced directly to sanctions without a prison sentence being

imposed and the prison sentence suspended. The maximum period of Community Control is five (5) years.

Earned Credit - The diminution of a prison sentence for productive participation in DRC approved programs in accordance with the appropriate sentencing law. Inmates sentenced pre- 7/1/96 may earn up to four (4) days per month. Inmates sentenced 7/1/96 and later may earn one (1) day per month. In addition, pre- 7/1/96 inmates may earn an additional three (3) days per month for maintaining a minimum security status. Under HB86 (crime committed 9/30/11 and after) inmates may earn 0, 1, or 5 days monthly based on their offense.

Electronic Monitoring (EM) - A specified period during which an offender is restricted to a specified premise, during which period the eligible offender wears an EM device and meets all other requirements as defined in Ohio Revised code 2929.23.

Electronic Monitoring Device - Any device that can be operated by electrical or battery power and meets all other requirements as defined in ORC 2929.01.

Exclusion Zone - A geographical location where an offender is not permitted to be, such as a victim's neighborhood.

Failure To Complete Mandated Programming - An unacceptable behavior on the part of an offender that results in the offender failing mandated programming, unsuccessful termination from the mandated programming or non-compliance with mandated programming.

Field Officer Tablet (FOT) - Computerized data maintained by the parole officer assigned to the case that contains the chronological details involving contact with the offender, social services agencies, law enforcement, etc. The tablets also contain all demographic information pertaining to the offender and documentation of staffing decisions.

Global Positioning System (GPS) - A collection of satellites used to triangulate signals that determine the GPS receiver's position on earth.

Halfway House (HWH) - A facility licensed by the DRC, pursuant to Section 2967.14 of the Ohio Revised Code, as a suitable facility for the care and treatment of adult offenders.

Host - The primary owner or tenant of an approved residence where an offender will be residing during a term of EM.

Host Agreement - A signed agreement between the host and the APA in which the host agrees to a specified set of requirements in allowing an offender on a monitoring device to reside in the residence during the monitoring period.

Inclusion Zone - A geographical location where the offender is permitted to be, to include but not limited to, treatment, programming or job location.

Interstate Compact - The agreement codified in ORC 5149.21 governing the transfer and supervision of adult offenders under the administration of the National Interstate Commission for Adult Offender Supervision.

Judicial Release - A form of release pursuant to the Ohio Revised Code 2929.20 effective July 1, 1996. Judicial Release replaces Shock Probation.

NOTE - A section in the Community Corrections Information Systems (CCIS) to record information regarding the offender's activity while under supervision.

Notification - The reporting of any violation, serious equipment failure, itinerary change, emergency or any situation that would affect an offender's adjustment to the EM Program or impact public safety.

Ohio Risk Assessment System (ORAS) - A collection of risk and needs assessment tools to accurately determine the risk of Ohio offenders.

Parole - The release from confinement in any state penal or reformatory institution by the APA that is created by section 5149.02 of the Ohio Revised Code and under any terms and for any period of time that is prescribed by the APA in its published rules and official minutes. A parolee so released shall be supervised by the Adult Parole Authority, pursuant to section 2967.16 of the Ohio Revised Code. The above applies to all persons who have committed felonies prior to July 01, 1996.

Passive Global Positioning System (GPS) Tracking Device - A tracking device that tracks the exact location of an offender, and stores the information to be viewed at a later time.

Post Release Control (PRC) - A period of supervision for an offender by the APA following release from imprisonment that includes one or more post-release control sanctions imposed by the parole board pursuant to section 2967.28 of the Ohio Revised Code.

Probation - A period of supervision for a convicted offender (felony or misdemeanor) in lieu of prison/jail term for a specified length of time. The execution of the sentence is suspended and the defendant is placed under the supervision of the court. The period of supervision can be up to a period of five (5) years. Once placed on probation, the offender is expected to abide by the conditions the court imposed. The probation services can be one by either the Common Pleas Court probation department or by APA field services. The term probation applies to all persons placed on probation for felonies or misdemeanors committed prior to July 01, 1996 and all misdemeanors thereafter.

Sanction - Any penalty imposed on an offender who is found guilty of an offense or violation of conditions of supervision. Sanction includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 of the Revised Code.

Sexually Violent Predator - A person who has been convicted of or pleads guilty to committing, on or after 1/1/97, a sexually violent offense and is likely to engage in the future in one or more sexually violent offenses.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) to ensure that an electronic monitoring or global positioning system may be used as a sanction or supervision tool for offenders on parole, post release control (PRC), interstate compact, community control, or judicial release supervision pursuant to Ohio Revised Code 2929.01 who are supervised by the APA.

VI. PROCEDURES

A. Eligibility

1. The following criteria are used to determine those offenders eligible for participation on EM/GPS:
 - a. Parole, post release control, and interstate compact offenders.
 - b. Interstate compact cases are eligible for EM/GPS for a minimum of fourteen (14) calendar days and a maximum of 120 days, and will be subject to modifications and potential removal from EM/GPS in compliance with Ohio supervision standards and policies.
 - c. Probation, community control or judicial release offenders shall not be placed on EM/GPS, unless EM/GPS is ordered, journalized, and paid for by the sentencing court or the offender.
 - d. Referrals shall be based on criteria below.
 - i. Preferred referrals are those offenders who have failed to complete mandated programming and are being supervised at the very high supervision level.
 - ii. Discretionary referrals may include, but not be limited to, high risk offenders, sex offenders, or offenders with pending charges or recent violation behavior involving a victim.
 - iii. Mandatory referrals are for sexually violent predators per DRC policy 103-SPS-02, Sex Offender Supervision.
 - iv. Post Release Control offenders who have earned sixty (60) days or more of earned credit shall be placed on active GPS for the first fourteen (14) calendar days after release from the institution.
2. Placement Requirements for EM/GPS

The APA officer conducting the home investigation shall:

- a. Conduct an onsite evaluation of the residence in accordance with DRC policy 101-PLA-01, Reentry Supervision Release.
- b. Review program requirements with the prospective host and obtain his/her signature acknowledging the review and agreement to comply with the requirements of the program on the Host Agreement (DRC3281). If the offender resides alone, his/her signature shall be obtained on the host agreement.
- c. Determine if the residence would be conducive to the offender making a satisfactory adjustment to the monitoring period.
- d. Review the current technological/phone requirements of the EM/GPS device with the HWH prior to visiting the proposed residence and verify the technological/phone is in conformance with the requirements of the HWH while investigating the site for EM/GPS approval. The following phone features may be limited or prohibited by some EM/GPS services: call forwarding, call waiting, conference calling, three-way calling, speed dialing, caller ID blocks, privacy manager and dial-up internet service on EM phone line.

B. Imposing Electronic Monitoring

1. Preferred EM/GPS shall be imposed by the following APA staff:
 - a. Unit supervisor/designee after staffing the case with the parole officer.
 - b. Parole board hearing officer after determining with the local office that EM is available in that area.
 - c. Through the recommendation of an Offender Services Network (OSN) staff member to the unit supervisor/designee.
2. Discretionary EM/GPS may be imposed similar to the above preferred referral except the final approval for discretionary EM must come from the regional administrator.
3. An initial period of EM/GPS may be imposed for period of 14 - 120 calendar days. Any modifications, including extension requests for timeframes exceeding 120 calendar days, must be approved by the appropriate regional administrator/designee. All modifications shall be for a specific time frame and reviewed every thirty (30) calendar days. All modifications shall be documented in NOTEC.
4. Incoming interstate compact cases with GPS conditions shall be reviewed by APA to see if EM/GPS can be accommodated and if yes, the APA shall notify the sending state prior to acceptance that the offender is responsible for the cost and EM/GPS may be imposed for a minimum period of fourteen (14) calendar days and a maximum period of 120 days, and will be subject to modifications and potential removal from EM/GPS in compliance with Ohio supervision standards and policies. If the APA cannot accommodate EM/GPS, the APA shall notify the sending state of Ohio's inability to accommodate EM/GPS, allowing the sending state the opportunity to amend or withdraw the condition or the transfer request.

C. APA Documentation Requirements:

1. The parole officer shall require the offender to sign new conditions that include the length of time the EM/GPS is imposed when the EM/GPS is imposed because the offender has a sexually violent predator status, or when a PRC offender has earned more than sixty (60) days of earned credit
2. The parole officer shall document or verify that a hearing officer documented the length of time the EM/GPS is imposed on the sanction receipt when the EM/GPS is imposed as a violation sanction.
3. The parole officer shall document that the EM/GPS was imposed in the field officers tool (FOT) within three (3) business days.
4. The parole services supervisor shall document that the EM/GPS was imposed in NOTEC within three (3) business days.

D. Referral Process

1. APA shall:
 - a. Submit the Electronic Monitoring Referral Form (DRC3470), the completed Host Agreement Form (DRC3281) and the violation sanction if applicable to the HWH.
 - b. Submit an initial schedule with at least the first week of monitoring to include any curfews, inclusion zones, and exclusion zones to the HWH.
 - c. Approve all itinerary changes and submit the updates to the HWH.
 - d. Indicate itinerary parameters (e.g. time frames, approved activities allowed, etc.) on the Electronic Monitoring Referral Form (DRC3470). Approved activities may include, but are not limited to, verified employment, required treatment or programming and required medical care. Also, indicate the program completion date.
 - e. Confirm a date and time for an orientation session with the HWH and notify the offender.
 - f. Explain itinerary parameters and the procedure for modification to the offender.
2. Halfway House shall:
 - a. Review eligibility based on the Electronic Monitoring Referral Form (DRC3470), itinerary etc. for required information.
 - b. Conduct orientation session at a time agreed upon by the HWH and APA not to exceed seven (7) calendar days from receipt of referral form unless EM/GPS equipment is not readily available.
 - c. Complete orientation to include:
 - i. Identify the offender;
 - ii. Explain EM equipment;
 - iii. Confirm activation of equipment at residence; and
 - iv. Notify APA by email immediately of the successful hook up date or if the offender fails to appear for orientation.

E. Supervision Activities

1. APA shall:
 - a. Conduct home visit to verify proper operation of equipment if requested by the HWH.
 - b. Notify the HWH by email of any schedule changes approved by the supervising officer.
 - c. The officer and/or unit supervisor shall maintain an accurate record of offender activation/deactivation dates. Documentation is to be independent of facility documentation and shall be recorded in the officer FOT notes.
 - d. Assist the HWH in recovery of equipment upon deactivation and return equipment to HWH as soon as possible, but not to exceed seven (7) calendar days.

2. Halfway House shall:
 - a. Maintain twenty-four (24) hour/seven (7) day week monitoring of offender by means of an “EM device” as defined in ORC 2929.01.
 - b. Maintain staffing at the monitoring facility pursuant to minimum licensing standards denoted in Administrative Rule 5120:1-3-06, Halfway House Licensing Standards.
 - c. Maintain accurate records of the number of days each offender is being actively monitored by the HWH. This is to include, but is not limited to, the name of the offender, the institution number of the offender, the date of activation (connection) of monitoring, the date of deactivation of monitoring (disconnect), the address of the offender and the telephone number of the offender. These records are to be provided upon the request of DRC.
 - d. Provide a written progress report on a monthly basis to the APA supervising officer.
 - e. Provide written daily activity summary reports generated by the EM equipment upon request by DRC.
 - f. When necessary, provide staff to testify at violation hearings scheduled by the APA.
 - g. Provide a written termination summary report to DRC within three (3) business days of deactivation. These reports are to include at a minimum: name of offender, institution number, and date of activation, date of deactivation, summary of monitoring violations and whether monitoring equipment was recovered.

F. Response to Violations

1. The HWH staff shall investigate unusual occurrences or abnormal situations which may include, but are not limited to: tampering, itinerary violations, out of range, power and/or equipment failure.
2. The investigation completed by HWH staff shall include, but is not limited to:
 - a. Attempts to contact the offender, host/s, parole officer, emergency contact person, employer, local jails, hospitals etc.
 - b. Documentation of all contacts and/or attempted contacts, including time of contact, person/place contacted and summary of response.
3. The HWH shall complete its investigation within two (2) hours of an unusual occurrence.
4. Upon completion of their investigation, HWH staff shall report their findings to the APA in the event a violation has occurred.
 - a. Notification shall occur immediately by telephone or email during normal office hours or by the next business day following after hours violations.
 - b. In all cases, written notification shall be provided to the APA no later than the next business day.
5. After notification of a monitoring violation, APA field staff shall:

- a. Staff and document a summary of the findings from the HWH, in accordance with DRC policy 100-APA-23, APA Field Officer Tablet and File Policy;
- b. Inform the HWH of any change in supervision status or requests to discontinue EM/GPS service;
- c. Should the offender's whereabouts remain unknown, refer to DRC policy 102-FUG-02, Violator at Large. APA shall notify the HWH to terminate monitoring when submitting the whereabouts unknown violator at large header (WUVL). The APA shall attempt to recover equipment from offender's residence as soon as possible;
- d. Should the offender's conduct meet the criteria for a violation hearing, refer to DRC policy 100-APA-14, Sanctions for Violations of Conditions of Supervision;
- e. Should the offender's conduct not warrant a violation hearing, refer to DRC policy 100-APA-14, Sanctions for Violations of Conditions of Supervision. Progressive sanctioning may include a return to EM with added stipulations. All added stipulations shall be communicated to the HWH.

G. Suspension of Monitoring

Monitoring of an offender may become temporarily suspended if necessary. In the event of monitoring suspension, the following shall occur:

1. The APA shall take possession of the device from the offender's residence and notify the HWH of request to suspend monitoring;
2. The bracelet shall remain on the offender; however, monitoring shall not occur;
3. The suspension shall be terminated after five (5) days unless an extension is agreed upon by both the APA and HWH. Should no agreed upon extension be granted, the offender shall be terminated from monitoring services.

H. Completion of Electronic Monitoring

1. Offenders shall be successfully terminated from EM when they meet the following requirements:
 - a. Complete the specified period of EM;
 - b. Return all EM equipment to the HWH in working and undamaged condition.
2. Within three (3) business days of the offender's release from EM, the HWH shall provide a Termination Report to the APA.

Related Department Forms:

Electronic Monitoring Program Host Agreement
Electronic Monitoring Referral

DRC3281
DRC3470