

	DEPARTMENT OF PUBLIC SAFETY CORRECTIONS ADMINISTRATION POLICY AND PROCEDURES	EFFECTIVE DATE: APR 21 2010	POLICY NO.: COR.14.22
		SUPERSEDES (Policy No. & Date): COR.14.22 & 10/30/95	
	SUBJECT: ELECTRONIC MONITORING SERVICE (EMS)		Page 1 of 7

1.0 PURPOSE

To establish an electronic method of monitoring in-community offenders awaiting court adjudication who are participating in an intermediate sanction or an alternative to incarceration program. This method is open to other offenders who may benefit from closer monitoring when in a community program. Including those on pretrial release, furlough, probation, and parole.

2.0 DEFINITIONS

.1 Electronic Monitoring (Surveillance)

A system in which an offender's location is monitored totally or partially by an electronic devise attached to a part of his/her body.

.2 Wristlet

A coded identification devise placed around an offender's wristlet or ankle.

.3 Home Monitoring Unit (HMU – Verifier)

A box-like device connected to the offender's telephone in which the wristlet is inserted to cause an electronic communication with the central computer system.

.4 Program Manager

The manager of a criminal justice program that provides services to clients in the community. This would include programs such as the Hawaii Paroling Authority (HPA), Community Correctional Centers (CCC), Adult Probation Division, Intake Service Centers (ISC), and any other criminal justice agency that promote the monitoring of clients in the community as part of the services provided by their operations.

.5 Program Case Worker

A client-supervising caseworker from a criminal justice agency other than the ISC.

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3.0 OBJECTIVES

The Electronic Monitoring Service (EMS) is not a program in itself but a service which will enhance the user agency the capability to extend its supervisory/monitoring responsibility from the normal 8 hours a day, 5 days a week to 24 hours a day, 7 days a week. The objectives of the service are:

- .1 To provide a more effective monitoring of offenders in the community by providing extensive supervision electronically on a 24-hour basis.
- .2 To provide "after hour" monitoring of offenders engaged in an alternative to incarceration and furlough programs.

4.0 POLICY

The Department of Public Safety (PSD) shall provide an EMS to extend its responsibility beyond eight hours a day, five days a week, for eligible offenders requiring close monitoring in a release program. The service is not intended to replace the supervisory responsibilities of the caseworker but enhance offender monitoring. The ISC Division shall manage the application of this service.

5.0 SERVICE ELEGIBILITY

- .1 The following types of offenders that may require electronic monitoring in the Home Detention Program are:
 - a. Pretrial Inmates: These detainees are not able to post monetary bail or may require closer monitoring while in the community.
 - b. Sentenced Misdemeanants, Petty Misdemeanants, and Sentenced Petty Misdemeanant Probationers: These inmates are serving relatively short terms (less than one year) and have committed relatively minor offenses.
 - c. Sentenced Felon Probationers: Although felons, these inmates are serving relatively short terms and are not seen as a great threat to the community.
 - d. Long-term Sentenced Felons: Inmates who are community custody and eligible for the Furlough Program may, as a test of their behavior, be considered for EMS.

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- e. Physically Handicapped: These offenders require considerable staff time and attention because of a physical disability.
 - f. Ill or Injured: Inmates whose medical status could be complicated by incarceration or whose medical needs cannot easily be accommodated in the custodial setting, including the aged.
 - g. Other types of offenders may be admitted to the program on a case-by-case basis. Inmates who may not ordinarily receive parole may be placed in a program and EMS as an extra measure of monitoring their behavior. In addition, offenders who may have violated a condition of probation or parole, but may be placed in a program in lieu of incarceration may use this service.
- .2 In order to use the EMS, the offender must be a participant in an established program and meet the following requirements.
- a. Must have suitable residence.
 - b. A telephone in proper working condition that can communicate with the central computer system.
 - c. No wonder phone, cordless phone or remote capabilities.
 - d. No special features such as call forward or smart ring.
 - e. Tenants understand the inconvenience.
 - f. Must comply with all of the rules of his/her program as well as agreeing to abide by all terms and conditions of the EMS.
- .3 EMS is not intended to be a replacement for supervision by caseworkers but is, instead, an enhancement of offender supervision.

6.0 RESPONSIBILITIES

- .1 Intake Service Centers Division Administrator (ISCDA)
 - a. The ISCDA shall be responsible for the administration of the EMS. This responsibility shall involve the performance of executive duties including, but not limited to, solicitation and budgeting of resources, purchasing of service, managing of funds, and the evaluation of the services provided.

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b. The ISCDA or designee shall review and provide final approval on all written agreements from other criminal justice programs for EMS.

.2 ISC Managers

a. ISC managers shall be responsible for the management of the EMS within their respective program operations.

b. ISC managers shall be responsible for coordinating the delivery of services with other criminal justice program managers within their jurisdiction. Agreements for the provision of EMS shall be in writing and submitted to ISCDA or designee for final approval.

c. ISC managers shall be responsible for the management and application of the EMS within their respective jurisdiction. The responsibility shall involve the coordination and directing of services within the respective jurisdiction including, but not limited to, delivery and maintenance of EMS, inventory or equipment, accounting of funds, training of personnel, and collection and distribution of service's information.

.3 Program Managers

a. Program managers shall be responsible for the administration and management of their respective programs. It is important to understand that the EMS is not a program in itself but a service, which will enhance the program's ability to monitor its clientele. Therefore, although ISC has the responsibility for the delivery of EMS, the program managers are responsible for the operations of their own programs.

b. Program managers requiring the EMS shall coordinate with the ISCs the desired services to be delivered. Agreements for the provision of EMS shall be in writing and submitted to ISCDA or designee for final approval.

c. Program managers shall be responsible for the collection of EMS information and data concerning their respective clientele. Submittal of this information and data to the ISCDA shall be required for budgeting and program evaluation purposes.

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.4 ISC Case Workers

- a. ISC caseworkers shall be responsible for the installation and recovery of the EMS equipment.
- b. ISC caseworkers shall be responsible for reviewing the daily activity report from the central computer and reporting any violations to the respective programs in their jurisdiction. Notification shall be completed by phone at the first available opportunity and followed up with a copy of the portion of the report that reflects the violation.
- c. ISC caseworkers shall attempt to resolve any problems concerning the EMS equipment or telecommunication lines with the central computer host.

.5 Program Case Workers

- a. Program caseworkers shall be responsible for the supervision of the client. This supervision shall include, but not limited to, assessment of the client's needs, development of the client's prescriptive plan, documentation of the program's terms and conditions, monitoring of the client's compliance, maintenance of the case records, and the pursuit of remedial action in the event of violations.
- b. Program caseworkers shall be responsible for informing the client and household members of the features of EMS. The offender and the adult responsible for the telephone account shall document by their signatures their acknowledgement of the terms and conditions of the service.
- c. Program caseworkers shall inspect the client's premises and determine the appropriateness of the telephone and living environment.
- d. Program caseworkers shall be responsible for determining the hours of curfew. Curfew hours shall be documented on the appropriate form and forwarded to ISC for implementation. Client's authorization for temporary exemption from the hours of curfew shall be the responsibility of the program caseworker.
- e. Program caseworkers shall make arrangements with ISC for the discontinuation of EMS and the return of the equipment.

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7.0 PROCEDURES

Evaluations of the EMS shall be completed at the end of each year. The EMS Director shall be responsible for coordinating the development of this evaluation. The completed evaluation report shall be forwarded to the ISCDA no later than January 15th of each year. The evaluation shall focus on the following:

- .1 Number of offenders who have completed program without arrests or violations of terms and conditions.
- .2 Length on program, estimated cost savings by diverting from incarceration.
- .3 Number of offenders on program, referral source, legal status of offender.
- .4 Problems encountered, future needs, recommendation to continue or terminate program.
- .5 The number of clients who have been prematurely terminated from the EMS and the reason for the termination.

8.0 PROCEDURES

- .1 Case Worker/Designee
 - a. The program case worker/designee shall explain the EMS to the offender and the responsible adult party of the household (telephone account owner) and secure their signatures on form DOC 8703 (sample attached).
 - b. Each workday morning the ISC case worker/designee shall review the previous evening calls as recorded on the daily client history report.
 - c. The ISC case worker/designee will initiate necessary paperwork with the vendor for the enrollment of the offender into the EMS.
 - d. The ISC case worker/designee will retrieve/arrange for the retrieval of the electronic equipment upon termination of the service.
 - e. The case worker/designee will attempt to retrieve equipment, receive reimbursement for lost/damage equipment and document such activity in case file.

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f. If the equipment is damaged/lost, the case worker/designee will file an incident report with the ISCDA through the island program manager.

.2 ISC Manager

- a. Assign equipment to caseworker and other criminal justice agencies.
- b. Keep a record of all equipment issued and shall assure that equipment is returned in good working order.
- c. Arrange for the repair and/or replacement of damaged/lost equipment with the vendor.
- d. In incidents of theft or damage, the police may be informed and appropriate criminal proceedings may be taken against the offender/client.

9.0 SCOPE

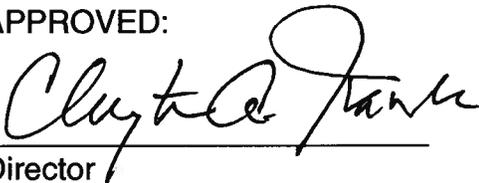
This policy applies to all ISC and CCC personnel. If EMS is used by other criminal justice agencies, the provisions of this policy shall apply.

APPROVAL RECOMMENDED:


 Deputy Director for Corrections

APR 21 2010
 Date

APPROVED:


 Director

4/21/10
 Date

**STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY**

**ELECTRONIC MONITORING SERVICE
Terms and Conditions**

Client Name: _____ SSN: _____

Residence: _____

Phone: _____ Equipment No.: _____

1. I understand that unless ordered by the Court, participation in the Electronic Monitoring Service (EMS) is voluntary.
2. I understand that my participation in this service will be monitored by a tamper-proof, non-removable wristlet or ankle bracelet, which I agree to wear 24 hours a day while being electronically monitored. I also understand that my location will be monitored by electronic devices. I further agree that the computer printout or audiotape may be used as evidence in a court of law to prove that a violation has occurred.
3. I know that it will be necessary for a monitoring device to be connected to my home telephone and agree to install such device as instructed by the caseworker/designee. I agree to allow the caseworker/designee to enter my home to install, maintain, and inspect this device if required.
4. All expenses of special adapters necessary in the installation of the electronic equipment and/or the expense of telephone calls incurred to monitor this equipment shall be borne by me.
5. I understand that as part of the EMS, unannounced home visits and/or worksite visits may be made. My refusal to allow access to my home or worksite may result in my arrest and/or termination from the EMS.
6. I agree to remain at my residence at all times, except for those hours authorized by the court and/or caseworker to fulfill my employment, community program responsibilities, and for medical emergencies or to prevent injury to myself or to others. I shall inform my social worker/designee of the facility immediately after the emergency.
7. I understand that I shall not indulge in drugs, alcohol. Or other specified substances while being electronically monitored. I shall be subjected to random urinalysis.

Electronic Monitoring Service
Terms and Conditions

8. I understand that I must keep the monitor on my wrist or ankle and the receiver and phone plugged into the appropriate outlets at all times. Care and maintenance of the equipment have been explained to me, and I will not tamper or attempt to fix nor allow someone else to tamper or attempt to fix any of the equipment. All equipment malfunctions shall be reported to the caseworker/designee or to the facility immediately.
9. All equipment shall be returned to the facility upon termination from the EMS. If I do not return the equipment in good condition, I may be charged with theft or vandalism and/or required to pay for the repair/replacement of said equipment.
10. I understand that I must abide by all other terms and conditions imposed as a condition of my release into the community as set forth by the court, department, or facility.
11. Special conditions of the program (work, appointments, curfew hours, etc.)

ACKNOWLEDGMENT OF CLIENT AND RESPONSIBLE PARTY

I fully understand the above terms and conditions of electronic monitoring and further understand that any violation of these terms and conditions may result in my removal from the service and return to secure detention.

Client Signature	Date	Caseworker/Detainee	Date
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Responsible Party Signature	Date	Caseworker/Designee	Date
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