

 <p>Massachusetts Department of Correction</p> <h1>POLICY</h1>	Effective Date 2/15/2023	Responsible Division Deputy Commissioner, Prisons	
	Annual Review Date 5/30/2023		
Policy Name 103 DOC 468 ELECTRONIC MONITORING PROGRAM	M.G.L. Reference: M.G.L. c. 124, § 1, and M.G.L. c. 127, §§ 48, 49 and 49A; M.G.L. c. 152.		
	DOC Policy Reference: 103 CMR 430; 103 DOC 461		
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Attachments Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Inmate Library Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Applicability: Staff/Inmates	
Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Location: Department Central Policy File Each Superintendent's Policy File	
<p>PURPOSE: To establish a Department of Correction (Department) policy for monitoring an inmate's movements and location via global positioning system when on an authorized transfer to home confinement or residential reentry program from a Department institution. The Electronic Monitoring Program promotes reentry by maximizing an inmate's time in the community prior to release which allows the inmate to demonstrate their ability to function in a realistic living environment while monitored under strict conditions of accountability.</p> <p>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY: Deputy Commissioner of Clinical Services and Reentry Deputy Commissioner of Prisons Assistant Deputy Commissioner of Field Services Assistant Deputy Commissioner of Reentry Superintendents</p> <p>CANCELLATION: 103 DOC 468 cancels all previous institutional and Departmental policy statements, bulletins, directives, orders, notices, rules and regulations regarding Electronic Monitoring Procedures which are inconsistent with this policy.</p> <p>SEVERABILITY CLAUSE: If any part of 103 DOC 468 is, for any reason, held to be in excess of the authority of the Commissioner, such decision shall not affect any other part of this policy.</p>			

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DEFINITIONS

Agency Transfer Coordinator (ATC): A Department staff member designated by the Deputy Commissioner to coordinate transfers to and from institutions.

Case Officer: An officer assigned to the Office of Investigative Services (OIS) who is responsible for the management and oversight of each inmate participating in the Electronic Monitoring Program. These duties shall include, but are not limited to, providing orientation, conducting home checks, conducting urine and alcohol testing, conducting surveillance and apprehension and warrant service.

Correctional Offender Management Profiling for Alternative Sanctions (COMPAS): A case management and decision support tool developed and owned by Equivant, used to assess the likelihood of an inmate becoming a recidivist.

Criminal Offender Record Information (CORI): CORI is defined as records and data in any communicable form compiled by a Massachusetts criminal justice agency which concern an identifiable individual and relate to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceedings, previous hearings conducted pursuant to M.G.L. c. 276, § 58A where the defendant was detained prior to trial or released with conditions under M.G.L. c. 276, § 58A(2), sentencing, incarceration, rehabilitation, or release. Such information shall be restricted to information recorded in criminal proceedings that are not dismissed before arraignment. Criminal offender record information shall not include evaluative information, statistical and analytical reports and files in which individuals are not directly or indirectly identifiable, or intelligence information. Criminal offender record information shall be limited to information concerning individuals who have attained the age of eighteen (18) and shall not include any information concerning criminal offenses or acts of delinquency committed by any individual before they attained the age of eighteen (18); provided, however, that if an individual under the age of eighteen (18) was adjudicated as an adult in superior court or adjudicated as an adult after transfer of a case from a juvenile session to another trial court department, information relating to such criminal offense shall be criminal offender record information. Criminal offender record information shall not include information concerning any offenses which are not punishable by incarceration.

Electronic Monitoring Program (ELMO): A program which promotes reentry by maximizing an inmate's time in the community prior to release, thereby allowing the inmate to demonstrate their ability to function in a realistic living environment while monitored under strict conditions of accountability.

Global Positioning System (GPS): a system consisting of both hardware and software, used to monitor individuals wearing a GPS device twenty-four (24) hours a day, seven (7) days a week.

Inmate Management System (IMS): The Department's automated information system that provides processing, storage, and retrieval of inmate related information needed by Departmental personnel and other authorized users within the criminal justice system.

Objective Classification: The standardized evaluation and custody assignment of an inmate based on objectively defined criteria. The criteria are weighed, scored, and organized into a valid and reliable classification instrument accompanied by an operational manual for applying the instrument to inmates in a systematic manner.

Office of Investigative Services: The office that is comprised of the following units: Central Intelligence Unit (CIU), Criminal Investigations Bureau (CIB), the Criminal Prosecution Unit (CPU), the Professional Standards Unit (PSU), the Department Duty Station, the Electronic Monitoring Unit and the Fugitive Apprehension Unit (FAU).

Supervising Agency: The agency that will monitor an inmate placed into the community on the Electronic Monitoring Program, including but not limited to the Massachusetts Probation Services, the Massachusetts Department of Correction, or a County Sheriff's Office.

468.02

POLICY STATEMENT

The Department's mission is to promote public safety by managing inmates while providing them care and appropriate programming in preparation for successful reentry into the community. The Electronic Monitoring Program is a tool used by the Department to effectively and cost-efficiently increase the supervision of eligible and suitable inmates in the community in line with the Department's established mission statement.

468.03

ELECTRONIC MONITORING

Inmates placed in the community while participating in the program shall be required to wear a tamper-proof, non-removable Global Positioning System (GPS) device, which will verify the inmate's location in the community. The GPS device is attached to the inmate's ankle and will be supervised to ensure compliance with the Electronic Monitoring Program. In addition, electronic monitoring staff members, working for the Department or the supervising agency in collaboration with the Department, monitor inmates placed on a GPS device.

The GPS device ensures reliable information concerning the inmate's location and whereabouts; however, it only serves to supplement a system of staff intervention, field checks, evaluations, urinalysis, etc., which will ensure accountability of all inmates participating in the program.

ELIGIBILITY AND SUITABILITY

1. Inmates incarcerated and in the custody of the Massachusetts Department of Correction who are within fifteen (15) months of parole eligibility or a confirmed discharge date (adjusted maximum date) are eligible for participation in the Electronic Monitoring Program. Inmates must also meet the following additional requirements:
 - A. Inmate's who meet the statutory requirement for pre-release placement and have achieved pre-release status and inmates who have achieved minimum security status and meet the statutory requirements of pre-release and who score as a low risk for violence and a moderate risk to recidivate on their COMPAS Risk Assessment.
 - B. An inmate's objective point base classification score must have resulted in a preliminary custody level determination of minimum security or below;
 - C. Inmates must attend an orientation that outlines the guidelines and protocols for ELMO program participation; the orientation will be administered by the Office of Investigative Services (OIS).
 - D. Inmates shall be expected to participate in community programs noted on their individualized program plan;
 - E. Inmates shall be required to secure and maintain employment or an educational program during their participation in the Electronic Monitoring Program. Exceptions may include inmates who, due to a medical or mental health issue, cannot be employed or participate in an education program; however, a suitable alternative (e.g., a rehabilitative program) may be substituted, subject to approval of the supervising authority. Inmates released to the community whose employment was interrupted for reasons outside their control, must demonstrate that they are actively pursuing employment;
 - F. Inmates must have a suitable home plan.
 - G. Inmates approved for participation must sign an agreement for use of the electronic monitoring equipment, including but not limited to acceptance of financial responsibility for damaged, lost, or stolen equipment.
2. The following conditions make an inmate *ineligible* for participation in the Electronic Monitoring Program:

- A. Sex offenders, sexually dangerous persons as identified in M.G.L. c.123A, §1, any person who commits a sexual offense as defined in M.G.L. c.123A, §1, or any person who violates M.G.L. c.265, §24B;
- B. An inmate serving a sentence containing a mandatory restriction from temporary release and/or work release (e.g., under M.G.L. c. 94C for drug related crimes, and M.G.L. c. 269 for crimes involving possession of dangerous weapons) while that mandatory component is being served;
- C. An inmate has a lifetime restraining order. Inmates with other domestic violence incidents or restraining orders will be considered on a case-by-case basis.

468.05

SCREENING, SELECTION AND TRANSFER

- A. Inmates who meet eligibility and suitability requirements may be recommended for the Electronic Monitoring Program through the classification process.
- B. Once the inmate is approved by the Commissioner/designee for participation in the Electronic Monitoring Program, the Office of Investigative Services shall prepare the inmate for participation in the Electronic Monitoring Program. The preparation includes, but is not limited to, employment verification, site visits, housing placement, preparation of initial itinerary, completion of all related and required forms, and an orientation for the inmate.
- C. In conjunction with the Office of Investigative Services and Reentry Services Division, the Classification Division's County, Federal and Interstate Unit Designee shall coordinate the transfer from the institution to the Electronic Monitoring Program, pursuant to 103 DOC 461, *Inmate Transfer*.
- D. In conjunction with the Office of Investigative Services, the Classification Division's County, Federal and Interstate Unit Designee and/or the supervising agency's designee, shall arrange for the inmate transfer. The Reentry Services Division shall ensure that all required forms and documents are provided to the Office of Investigative Services ELMO Case Officer or supervising agency's designee at the time of the inmate's transfer.

- E. The Office of Investigative Services or the supervising agency's designee shall coordinate the electronic monitoring process and monitor inmates participating in the Electronic Monitoring Program.
- F. Inmates screened and approved for placement in a county facility may be eligible for the Electronic Monitoring Program at the respective county as long as the program meets the requirements outlined in 103 DOC 468.04.

468.06

SCHEDULES AND ITINERARIES

Inmates classified to the Electronic Monitoring Program shall submit and obtain advance approval of all proposed itineraries from the Office of Investigative Services or supervising agency's designee. Regularly scheduled meetings shall be scheduled between the inmate and designee for the purpose of submitting, reviewing, and approving itinerary activities.

Approved or restricted zones shall also be created within the GPS monitoring software. If an inmate enters a restricted area or fails to appear in an area they are scheduled to be, an alert is generated and the supervising agency is immediately notified.

Inmates are expected to adhere to arrival and departure times as scheduled on their itinerary, unless a change has been authorized. They are also expected to adhere to pre-arranged transportation and to notify the designee immediately of any change in transportation method, schedule, and/or itinerary.

468.07

RULES OF CONDUCT

- A. All inmates who participate in the Electronic Monitoring Program shall agree to abide by the rules of conduct of the program. Inmates shall be required to read and sign an agreement which specifies those rules. Each inmate shall sign the agreement in the presence of a staff person, acknowledging the inmate's responsibilities.
- B. A graduated sanction in accordance with the policies and procedures of the supervising agency and/or a disciplinary report pursuant to 103 CMR 430, *Inmate Discipline* may be issued whenever there is a violation of the disciplinary code of offenses or program agreement.
- C. Inmates cannot leave Massachusetts. Inmates cannot take a bath, or go swimming, as such activity could damage the GPS device; showers only.
- D. Inmates must ensure the GPS device is charged at all times.
- E. Inmates must stay out of restricted zones and be in by curfew.

INMATE ACCOUNTABILITY AND SUPERVISION

- A. All inmates participating in the Electronic Monitoring Program are expected to conduct themselves in an appropriate manner while residing in the community. They are required to comply with all federal, state and local laws and Department regulations, policies and procedures.
- B. Scheduled and random checks, both by telephone and by on-site visits, will be conducted by the Office of Investigative Services or supervising agency's designee.
- C. Inmates shall not leave the Commonwealth of Massachusetts.
- D. Inmates shall contact the Office of Investigative Services or supervising agency's designee in any emergency or unforeseen incident.
- E. Inmates shall be observed for restricted zone violations, the use of alcohol, and the use of marijuana or illegal/unauthorized drugs. Inmates shall be subject to the rules and regulations of the supervising agency's Substance Abuse Monitoring and Testing policies and procedures.
- F. The Office of Investigative Services or the supervising agency shall be responsible for monitoring inmates participating in the Electronic Monitoring Program and for the review and approval of changes to all itineraries. The supervising agency shall maintain copies of all itineraries and shall provide copies of these documents to the Department upon request.
- G. Inmates shall report in person when directed by the supervising agency designee.
- H. Inmates will be required to make at least one (1) telephone call each day, at a time determined by the supervising agency's designee, including weekends and holidays.
- I. When an inmate is terminated from the Electronic Monitoring Program, the Office of Investigative Services or supervising agency's designee shall notify the Department Duty Station, ensure that the inmate is taken into custody, and arrange for the removal of the GPS device.
- J. Inmates participating in the Electronic Monitoring Program shall be responsible for all issued global positioning equipment. Any damage to such equipment shall result in the replacement cost being charged to the inmate and/or disciplinary action pursuant to 103 CMR 430, *Inmate Discipline*.

468.09**ESCAPE AND/OR DISCIPLINARY ACTION**

An escape may be declared or disciplinary action may result if the inmate:

- A. Fails to return to their home within two (2) hours of the designated time of return;
- B. Fails to arrive at a location specified on the itinerary by the scheduled time, and does not arrive there or return to their home within two (2) hours;
- C. Leaves the location specified on the itinerary prior to the approved departure time and does not return to the location within two (2) hours;
- D. Fails or refuses to return to the designated location within two (2) hours after being ordered to do so by the designee of the supervising agency;
- E. Is determined not to be at a location specified on the itinerary as confirmed by a telephone spot check, physical spot check or GPS notification.
- F. Destroys, tampers, removes, or otherwise renders inoperable, the electronic monitoring equipment;
- G. Leaves the boundaries of the Commonwealth of Massachusetts at any time while on the program;
- H. Becomes whereabouts unknown.

In all cases of escape, the Department duty station shall be notified by the Office of Investigative Services or supervising agency immediately. The Fugitive Apprehension Unit will then be deployed.

468.10**RECORD-KEEPING AND EVALUATION**

A copy of all approved itineraries, a record of all telephone and spot checks and all other relevant documents shall be maintained by the supervising agency, and copies of these documents shall be provided to the Department upon request.

468.11**HEALTH SERVICES/MEDICATION**

During the period of eligibility determination, the Department shall utilize existing re-entry resources to enroll the inmate in MassHealth or the equivalent for the provision of medical, dental, and mental health services.

If the inmate is not eligible for MassHealth or the equivalent, or if a determination on eligibility is pending, the supervising agency's designees, along with re-entry staff, shall coordinate arrangements for medical, dental and mental health care through a community health center located near the inmate's home.

Should an inmate receive emergency medical care, or routine preventative care while on the Electronic Monitoring Program, all such care shall be reported by the inmate to the supervising agency's designee.

468.12

INDUSTRIAL ACCIDENTS

Any injury sustained by an inmate while at their work site shall not be treated as an industrial accident, in accordance with M.G.L. c. 152, §74. The work release employer may be responsible for the cost of related medical treatment arising from an inmate's participation in an outside work release program. In no case shall the supervising agency or Department be deemed the "employer" of the inmate laboring under the provisions of M.G.L. c. 127, §§ 48-49A. Any inmate participating in the Electronic Monitoring Program is deemed to be an incarcerated inmate laboring under the provisions of M.G.L. c.152, §§ 48-77.

468.13

EMERGENCIES

Whenever, in the opinion of the Commissioner or their designee, an emergency exists which requires suspension of all or part of this policy, the Commissioner or their designee may authorize such suspension.