

**COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS DEPARTMENT OF CORRECTION
ELECTRONIC MONITORING PROGRAM
103 DOC 468**

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Massachusetts Department of Correction	Division: Deputy Commissioner of the Classification, Programs and Reentry Divisions
Title: Electronic Monitoring Program	Number: 103 DOC 468

PURPOSE: To establish a Department of Correction ("Department") policy for monitoring an offender's movements and location via electronic equipment when on an authorized release from the facility. This program is designed to promote reintegration and to prepare the offender for eventual release by maximizing an offender's time in the community prior to release. The program allows an offender to demonstrate his/her competence in a realistic living environment while monitored under strict conditions of accountability.

REFERENCES: M.G.L., Chapter 124 § 1, and M.G.L., Chapter 127 §§ 48, 49 and 49A.

APPLICABILITY: Staff/Inmates

PUBLIC ACCESS: Yes

LOCATION: Department Central Policy File
Each Superintendent's Policy File
Each Inmate Law Library

RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:

- Deputy Commissioner of Classification, Programs and Reentry Divisions
- Assistant Deputy Commissioner of Classification
- Superintendents

PROMULGATION DATE: 5/24/2011

EFFECTIVE DATE: 6/23/2011

CANCELLATION: 103 DOC 468.00 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.

SEVERABILITY CLAUSE: If any part of 103 DOC 468.00 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.

468.01 Definitions

Electronic Monitoring System (EMS) - A term used collectively for technology that determines the location of offenders who have restricted movement while being supervised in their respective community.

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.

COMPAS - A computerized data base and analysis system for criminal justice practitioners who must make decisions regarding the placement, supervision, and case management of offenders.

Institutional Transfer Coordinator (ITC) - A staff member designated by the Superintendent to coordinate transfers to and from the institution.

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.

468.02 Policy Statement

The Department's mission is to promote public safety by managing offenders while providing care and appropriate programming in preparation for successful reentry into the community. The Electronic Monitoring System 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 established mission statement.

468.03 Electronic Monitoring

Offenders placed in the community while participating in the program shall be required to wear a tamper-proof, non-removable bracelet, which will verify the offender's location in the community. The bracelet is worn on the ankle and transmits a radio frequency to a receiver which, in turn, transmits to a base computer at the office.

The radio frequency function is backed up by a system which will provide positive verification that the offender is at home when he/she is required to be home. The central or base computer is programmed to automatically call the inmate for random and periodic status checks and will automatically call for positive I.D. when there is a loss of signal from the radio frequency unit. While this electronic technology will ensure reliable information concerning the offender's whereabouts, it only serves to supplement a system of staff intervention, field checks, evaluations, urinalysis, etc., and will ensure accountability of all offenders participating in the program.

468.04 Eligibility and Suitability

1. Offenders incarcerated in the Massachusetts Department of Correction who are within one-hundred-eighty (180) days of a confirmed discharge date are eligible for participation in the program. Additionally:
 - A. Offenders must have achieved pre-release status and meet the statutory requirements for pre-release placement;
 - B. An offender's objective classification score, which rates variables such as the severity of current offense, severity of prior convictions, history of escapes, history of prior institutional violence, disciplinary involvement, age, and program participation, must show a custody level determination of minimum or below;

- C. Offenders shall be expected to participate in community programs noted on their individualized program plan as determined by COMPAS;
 - D. Offenders shall be required to have a job or an educational program in the community during their participation under electronic monitoring supervision. Exceptions to this may include inmates who, due to medical or mental health reasons, cannot partake in education and/or employment; however, a suitable alternative (e.g., a rehabilitative program) may be substituted, subject to approval by the facility superintendent or designee;
 - E. Offenders approved for participation must sign an agreement for use of the electronic monitoring equipment. The approved sponsor must also sign this agreement, acknowledging the offender's responsibility for the electronic monitoring equipment;
 - F. Offenders must have a suitable home to live in and must have an appropriate sponsor who shall generally be a family member or other appropriate member of the community.
2. The following conditions make an offender *ineligible* for participation in the Electronic Monitoring Program:
- A. No sex offender, or sexually dangerous person as identified in M.G.L. c.123A, §1 or 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, shall be eligible for participation in the Electronic Monitoring Program;
 - B. An offender serving a mandatory sentence (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);

- C. An offender has a known history of domestic violence and/or restraining orders.

468.05 Sponsor Requirement

Offenders participating in the program shall have a sponsor who has agreed to provide the offender with a residence. The sponsor shall be at least twenty-one (21) years of age and not be an employee, contractor or volunteer of the Department. The sponsor shall generally be a member of the offender's family or other appropriate member of the community. The residence provided by the sponsor shall be conducive to the offender making a satisfactory adjustment and must have a telephone service compatible with the electronic monitoring equipment and free from features which may impact the effectiveness of the equipment. No victim or co-defendant involved in any of the offender's past or present offenses shall reside at the proposed sponsor's residence. Sponsors shall be encouraged to act as a positive influence while the offender is participating in the program and provide reliable transportation, if possible. If the sponsor is unable to provide transportation for the offender, it is expected the sponsor will assist the offender with transportation needs and services to maximize offender success. The sponsor shall agree to comply with all program requirements by obtaining a signature on the sponsor agreement form. In addition to the sponsorship agreement, and if the offender is currently on probation or parole, the respective agency shall be contacted communicating the Department's intention for placement consideration of electronic monitoring for the offender.

Prior to being accepted into the program, an investigation of the sponsor and the sponsor's home shall be completed by a member of the Office of Investigative Services. The investigation shall consist of, but not be limited to, obtaining Criminal Offender Record Information (CORI) on all adults living in the home. A signed written consent shall be obtained from each adult prior to obtaining the CORI.

Screening, Selection and Transfer

- A. Offenders who meet eligibility and suitability requirements may be recommended for the Electronic Monitoring Program through the classification process.
- B. Once the offender is approved by the Commissioner/designee for participation in the Electronic Monitoring Program, institutional staff of the facility in which the offender is currently residing shall prepare the offender for participation in the Electronic Monitoring Program. The preparation includes, but is not limited to, verification of completed sponsor investigation and background checks, employment verification, site visits, preparation of initial itinerary (limited to work only for the first week), completion of all related and required forms, and an orientation for the inmate and sponsor.
- C. The Institutional Transfer Coordinator shall effect the transfer from the institution to the Electronic Monitoring Program, provided the inmate is within six (6) months of a defined release date. No offender shall participate in the Electronic Monitoring Program for more than six (6) months. The Institutional Transfer Coordinator shall comply with all applicable sections of 103 DOC 461, *Inmate Transfer*.
- D. The Institutional Transfer Coordinator shall arrange for transportation of the offender to the approved home and ensure that all required forms and documents are sent to Boston Pre-Release Center for males and South Middlesex Correctional Center for females.
- E. Boston Pre-Release Center Staff shall coordinate the electronic monitoring process and shall monitor male offenders participating in the Electronic Monitoring Program. South Middlesex Correctional Center shall coordinate the electronic monitoring process and shall monitor female offenders participating in the Electronic Monitoring Program.

- F. Offenders 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 section 468.04.

468.07 Schedules/Itineraries

Offenders classified to the program shall arrange all itineraries with their respective assigned Department staff person in advance. Meetings shall be arranged between the inmate and staff person for the purpose of reviewing and approving itinerary activities and submission of same. Itineraries shall be signed by the offender and staff member.

Offenders must have a signed, authorized itinerary in their possession at all times for release activities. Offenders are expected to adhere to arrival and departure times as scheduled on their itinerary papers, unless a change has been authorized. They are also expected to adhere to pre-arranged transportation and to notify program staff of any change in transportation method.

468.08 Rules of Conduct

- A. All offenders who participate in the program shall agree to abide by the rules of conduct of the program. Offenders shall be required to read and sign an agreement which specifies those rules. Each inmate and sponsor shall sign the agreement in the presence of a staff person, acknowledging the inmate's responsibilities.
- B. A disciplinary report may be issued pursuant to 103 CMR 430, *Inmate Discipline* whenever there is a violation of the disciplinary code of offenses.

468.09 Inmate Accountability and Supervision

- A. All offenders participating in the program are expected to conduct themselves in an appropriate

manner while residing in the community. They are expected to conduct themselves in accordance with the laws of the Commonwealth of Massachusetts and the community.

- B. Scheduled and random checks, both by telephone and by on-site visits, will be conducted by staff at either Boston Pre-Release Center for male offenders or South Middlesex Correctional Center for female offenders.
- C. Offenders shall not leave the Commonwealth of Massachusetts at any time.
- D. Male offenders shall contact Boston Pre-Release Center in the event of any emergency or unforeseen difficulties. Female offenders shall contact South Middlesex Correctional Center in the event of any emergency or unforeseen difficulties.
- E. Offenders will be observed for out of place violations, the use of alcohol, and for the use of illegal drugs. Participants shall be subject to the rules and regulations outlined in 103 DOC 525, *Substance Abuse Monitoring and Testing*.
- F. Staff from Boston Pre-Release Center and South Middlesex Correctional Center shall be responsible for monitoring offenders participating in the program and for the approval of all itineraries and changes to itineraries. Staff shall maintain copies of all itineraries and sponsorship agreements.
- G. Male offenders will report to Boston Pre-Release Center in person as scheduled or whenever so ordered. Female offenders shall report to South Middlesex Correctional Center in person or whenever so ordered.
- H. Offenders will be required to make at least one (1) telephone call each day, at a time determined by the Department of Correction, including weekends and holidays, to the oversight facility.

- I. When an offender is terminated from the program for any reason (including a disciplinary violation), the staff member at Boston Pre-Release Center or South Middlesex Correctional Center shall ensure that the offender is taken into custody and will arrange for the removal of the electronic monitoring equipment.
- J. Offenders will be required to pay for the use of the monitoring service equipment during their period of participation in the program. If the offender is indigent as outlined in 103 CMR 481, this fee may be waived by the Superintendent of Boston Pre-Release Center for male offenders or the Superintendent of South Middlesex Correctional Center for female offenders.
- K. Offenders participating in the program will be responsible for the equipment. Any damage to such equipment shall result in the replacement cost being charged to the inmate or other appropriate sanction. Appropriate disciplinary action shall be taken.

468.10 Escape and/or Disciplinary Action

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

- A. Fails to return to his/her 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 his/her 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 Department within two (2) hours after being ordered to do so;
- E. Is determined not to be at a location specified on the itinerary as confirmed by a telephone spot check or physical spot check;
- F. Destroys, tampers, removes, or otherwise renders inoperable, the monitoring equipment;

- G. Leaves the boundaries of the Commonwealth of Massachusetts at any time while on the program;
- H. Whereabouts become unknown.

468.11 Record-Keeping and Evaluation

A copy of all approved itineraries, a record of all telephone checks and the record of all participants who report in person to the facility shall be maintained by Boston Pre-Release Center for male participants and South Middlesex Correctional Center for female offender participants. Additionally, all relevant IMS screens shall be completed.

468.12 Health Services/Medication

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

If the offender is not eligible for MassHealth, or if a determination on eligibility is pending, the institutional Transfer Coordinator along with re-entry staff, shall coordinate arrangements for medical, dental and mental health care through a community health center located near the home of the sponsor.

Should an offender receive emergency medical care, or routine preventative care while on the Electronic Monitoring Program, all such care shall be reported by the offender to the Boston Pre-Release Center or the South Middlesex Correctional Center as appropriate.

468.13 Industrial Accidents

Any injury sustained by an inmate while at his/her work site shall be treated as an industrial accident. 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 Department be deemed the "employer" of the inmate.

468.14 Emergencies

Whenever, in the opinion of the Commissioner or his/her designee, an emergency exists which requires suspension of all or part of this regulation, the Commissioner or his/her designee may authorize such suspension. Whenever, in the opinion of the Superintendent of a state correctional facility, an emergency exists within that facility, which requires suspension of all or part of this regulation, the Superintendent may authorize such suspension, provided, that any suspension lasting more than forty-eight (48) hours shall be approved by the Commissioner.