

| | | | |
|--|---|----------------------|--------------------|
|  Corrections and Community Supervision DIRECTIVE | TITLE | | NO. 9295 |
| | Electronic Monitoring (EM) Program – Community Supervision | | DATE 05/17/2019 |
| SUPERSEDES DOP P&P Manual Item 9205.03 | DISTRIBUTION A | PAGES PAGE 1 OF 8 | DATE LAST REVISED |
| REFERENCES (Include but are not limited to) Directives #9050, #9301, #9800; NYS Mental Hygiene Law Article 10; | APPROVING AUTHORITY  | | |

- I. DESCRIPTION:** This directive provides information regarding the use of Electronic Monitoring (EM) as a case management tool. EM systems can be used in Community Supervision to assist in addressing public safety concerns presented by a particular case, as well as to assist parolees/respondents to the successful completion of their sentence and/or compliance with an order of Strict and Intensive Supervision and Treatment (SIST) under Article 10 of the NYS Mental Hygiene Law (MHL).
- II. POLICY:** It is the policy of the New York State Department of Corrections and Community Supervision (DOCCS) to employ the use of EM when deemed appropriate in order to further structure the supervision process, as well as to provide enhanced public safety and community protection. The Department utilizes active Global Positioning System (GPS) technology as a case management tool to enforce compliance with specific Parole Officer (PO), Parole Board, or court-ordered conditions of Community Supervision. EM technology may be employed in the following case categories, upon Bureau Chief (BC) case review and determination of need:
- A. All SIST cases, unless otherwise directed by a court order;
 - B. Parolees identified by the DOCCS Research Unit as the highest to re-offend and identified as UBER cases;
 - C. Parolees identified as high-risk cases (due to extreme violence, diagnosis of serious mental illness, severe domestic violence history, serious sex offense, or other aggravating factors).
- NOTE: Directive #9301 delineates Department (DOCCS) policy as it relates to the UBER case type for purposes of enrollment in the Electronic Monitoring Program.
- III. DEFINITIONS**
- A. Global Positioning System (GPS): An EM system used to track a parolee's/respondent's whereabouts. The system assists the PO in enforcing a parolee's/respondent's curfew and geographical restrictions, and in monitoring travel to/from, and presence at, mandated programs and employment. GPS allows for near real-time monitoring via cellular transmission of collected GPS data points to an automated system for processing. Reports on parolee/respondent movements are provided via email and/or fax to staff. Equipment consists of an ankle bracelet with a GPS tracking device and a charger. The bracelet is worn by a parolee/respondent 24/7; has a dual tamper feature; is remotely programmable; and permits two-way communication.
 - B. Exclusion Zone: A perimeter entered into GPS software that specifies the location/area where a parolee/respondent is restricted from entering.

- C. Inclusion Zone: A perimeter entered into GPS software that specifies the location/area where a parolee/respondent is required to be present during certain periods of time.
- D. Ankle Bracelet Strap: Attachment used to secure a GPS device to a parolee/respondent.
- E. Ankle Bracelet Tamper: Accidental damage to, or possible attempt to cause damage to or remove, the GPS device that results in an alarm.
- F. Points: Refers to the point location of the tracking device at the time of sampling by the GPS receiver. The GPS software may show this as dots if the tracking device is motionless and as arrows if the device is in motion.
- G. Drift: Occurs when a parolee's/respondent's GPS point is fixed at a distance from the parolee's/respondent's actual location due to the position of GPS satellites relative to the GPS unit. This may result in an inaccurate report of a parolee's/respondent's location.
- H. Alert Notification: A communication from the EM contractor via fax and/or email message that a possible violation of a parolee's/respondent's EM program/condition(s) has occurred.
- I. Track Logs: A record of GPS points identifying a parolee's/respondent's location, including time, geographic position, and speed.

IV. GPS PROCEDURE – CASE IDENTIFICATION

- A. The PO will review available case folder materials, community preparation package materials, any materials associated with MHL Article 10 case processing, Article 10 court orders and conditions of SIST, victim information if applicable, and/or other available information to determine if the case is ordered to, or is suitable for, GPS. The PO will conference the case with the Senior Parole Officer (SPO) to determine if EM is to be applied and to confirm any court imposed mandate(s) that may be applicable to the case. To determine suitability for placement on GPS, the following circumstances must be verified by the PO, in consultation with the SPO:
 - 1. The case fits one of the case categories listed in Section II;
 - 2. Any court order of SIST prohibiting the use of active GPS;
 - 3. The parolee/respondent is not currently residing in a secure facility operated by Office of Mental Health, Office for People with Developmental Disabilities, or other secure residential facility where such monitoring would be duplicative of other services or is not permitted by the operator of the secure facility;
 - 4. The parolee/respondent does not have a documented medical condition that renders GPS inadvisable; and
 - 5. Supervision of the parolee/respondent would be enhanced by participation in the program.
- B. Once suitability is established, written documentation of the recommended GPS monitoring plan by the PO and SPO will be given to the GPS Review Committee. The Committee, comprised of the SPO, BC, and Assistant Regional Director (ARD) or designee will determine the appropriateness of GPS for the specific case. Once a final approval for GPS is established, documentation will be made in the Case Management System (CMS).

- C. The PO, in consultation with the SPO, will begin preparations to administer the GPS Program by:
1. Determining the residential setting and associated environmental factors where the parolee/respondent will reside;
 2. Ascertaining the date of release and/or anticipated release date, if appropriate;
 3. Ordering, obtaining, and testing all required GPS equipment for functionality;
 4. Obtaining and recording any required consents from the operator of a residential facility, if applicable;
 5. Obtaining all tools required to administer the program (i.e., internet access, cell phone device, etc.) and testing to ensure functionality; and
 6. Establishing a plan for GPS supervision including, but not limited to, victim notification requirements, exclusion and/or inclusion zones, curfew times, other schedule times, and any other case-specific conditions.
- D. For any parolee/respondent who is assigned a COMPAS Supervision Level 3 or Level 4 and demonstrates delinquent behavior, an Alternative to Incarceration (ATI) other than GPS should be considered and utilized. If, however, the delinquent behavior should escalate and continue, and the parolee is approved for GPS, staff will ensure that a COMPAS override is completed to either a Level 1 or Level 2 depending on the specific case behaviors demonstrated.

V. GPS ENROLLMENT

- A. Upon release to SIST and/or Community Supervision, the PO will:
1. Ensure that the case is enrolled in the GPS EM program, following enrollment instructions. At the time of enrollment, the PO will create the inclusion and exclusion zones applicable to the case.
 2. Select, at a minimum, priority Alert Notifications for Cut Strap/Master Tamper, Jamming/Shielding, and Critical Battery/Dead Battery, along with case-specific inclusion and exclusion zone violations.

Once approved for GPS enrollment, parolees/respondents will be placed on GPS monitoring at the time of the Arrival Report. Parolees/Respondents who are already under supervision in the community will be placed on GPS monitoring no later than the next scheduled office report.

Two staff will be present at any time when EM equipment is being placed on or removed from a parolee/respondent, both in the office and in the field, unless a waiver of this requirement is obtained from the BC and is documented in CMS.

- B. The PO will review the special conditions of the GPS EM Program with the parolee/respondent. Special conditions ([Form #CS9295](#), "GPS Tracking Device - Special Conditions") governing GPS must be placed on the parolee/respondent in writing, specifying curfew restrictions and requirements for participation in the program. [Form #CS9295](#) will be signed by the parolee/respondent and witnessed by the PO. A copy of the form will be provided to the parolee/respondent, a copy will be placed in the case folder, and a copy will be sent to Central Files.
- C. The PO will explain supervision requirements to the parolee/respondent, outlining special conditions of supervision. All imposed GPS special conditions must be case-

specific. The parolee/respondent will be informed of all device rules and Alert Notifications. The PO and parolee/respondent will be notified if equipment procedures and protocols are not followed. The PO will review the possible consequences of violating the conditions of the program with the parolee/respondent.

- D. The PO will complete the Community Supervision Operation Center (CSOC) [Form #9301](#), “Electronic Monitoring Program Enrollment Form,” for those cases that meet the criteria for CSOC enrollment, and transmit it to CSOC for monitoring on the same day that the GPS device is fastened onto the parolee/respondent.
- E. Once the case is enrolled, the PO will make a CMS entry and enter the required information into the CMS Program screen. The parolee’s/respondent’s status on GPS will be reviewed with the SPO during case conferences and recorded in the CMS Case Contacts screen.

VI. PAROLE OFFICER RESPONSIBILITIES

- A. The PO will be trained by the contractor to install, remove, and monitor GPS EM equipment prior to use.
- B. The PO will conference the case with the SPO to discuss the reasons for placing the parolee/respondent on EM. A GPS unit will be obtained prior to the installation date so that it can be charged.
- C. Once the case has been authorized for GPS, the PO will impose the special conditions of supervision for GPS ([Form #CS9295](#)).
- D. The PO will create a Program record in CMS and ensure that the appropriate Public Safety (PS) enrollment reason is selected and that the equipment serial numbers are included.
- E. The PO will ensure that all contacts and equipment issues regarding the case are entered into the CMS Case Contacts screen.
- F. The PO will be responsible for keeping written curfew schedules, inclusion and exclusion zones, and approved scheduled activities away from the residence updated in CMS, and data entered into the GPS vendor software.
- G. When on duty, the PO or designated DOCCS staff member will review daily summaries of a parolee’s/respondent’s activities by reviewing tracking points and comparing them with approved schedules of routes for travel to confirm compliance with the approved activity schedule and/or to determine patterns of behavior that may require further investigation.
- H. In the event of a Cut Strap/Master Tamper, Jamming/Shielding, or Critical Battery/Dead Battery GPS Alert on an active GPS case during regular business hours (8:30 am - 4:30 pm, Monday - Friday, excluding holidays), field staff will attempt to make immediate contact with the parolee/respondent. If staff are unable to make contact with the parolee/respondent, a field visit to the last known residence and place of last GPS contact (if different from the residence) will be conducted immediately.

If the parolee/respondent cannot be located, the case will be conferenced immediately with the SPO for absconder warrant issuance. The PO will complete the Violation of Release Report and assist the Office of Special Investigations (OSI) lead if additional manpower is needed.

- I. For all other Alerts not described in Section III, the PO will respond to Alert Notifications within 24 hours and no later than the next business day, and will case conference these notifications with the SPO.
- J. POs who have been trained in GPS and who supervise any parolees who are being monitored by GPS will notify CSOC when working outside of normal business hours (4:30pm - 8:30am, Monday - Friday, weekends and holidays) and advise of their scheduled work hours and coverage area. POs will respond to any specified Alert as directed by the CSOC supervisor. Once the Alert has been addressed, the PO will immediately inform CSOC that the Alert has been closed. By the next business day, the PO who responded to the Alert will email the assigned bureau PO, SPO, and BC of the response and outcome, and document all activity in CMS.
- K. All routine reports and/or track logs generated by the contractor will be reviewed on an ongoing basis by the PO and disseminated to the SPO to determine equipment operation and case compliance with the program ([Form #9301](#)).
- L. All action taken to resolve Alert Notifications must be documented in CMS.
- M. The PO will notify the Regional EM Coordinator of all EM equipment issues (i.e., requests for equipment, return of equipment, recycling of equipment, and lost, stolen or damaged equipment). Equipment updates and/or modifications must be recorded in CMS and GPS vendor software.
- N. The PO will prepare an Unusual Incident Report in accordance with, Directive #4004, (UIR) within 24 hours, or by the next business day, of learning that EM equipment has been lost, stolen, or damaged.
- O. During case conferences, the PO and the SPO will discuss GPS monitoring and future case planning regarding GPS.
- P. In the event of transfer of a case on GPS to another PO, the sending PO will ensure that no break in GPS coverage occurs, unless equipment or other case issues prevent uninterrupted use. Additionally, the sending PO will ensure that all Alerts have been closed.
- Q. The PO will enter information pertaining to the entry, transfer, or removal of a case from the GPS Program into CMS and the GPS vendor software. The PO will also email the Regional EM Coordinator with applicable information, including case name, NYSID, PON, EM type, equipment serial numbers, start date, end date, and reason for program termination.

VII. SENIOR PAROLE OFFICER RESPONSIBILITIES

- A. The SPO will be trained by the contractor regarding GPS equipment before supervising its use by staff.
- B. The SPO is responsible for ensuring that cases being considered for GPS enrollment, being transferred out of the bureau, and/or being removed are reviewed by the BC.
- C. The SPO will case conference all Alert Notifications with the PO, and ensure that all Alerts are properly addressed, and that all contacts are entered into CMS.
- D. The SPO will ensure that an absconder warrant is issued for any active GPS case parolee/respondent who could not be contacted after a Cut Strap/Master Tamper, Jamming/Shielding, or Critical Battery/Dead Battery GPS Alert occurs during business hours.

- E. The SPO will then notify CSOC of the absconder warrant issuance, who will then immediately assign and transfer the case to the identified OSI Threat and Apprehension Division (TAD) Investigator. A Point of Information (POI) Report will also be completed by the SPO, noting the assigned OSI TAD Investigator. The SPO will ensure that the Violation of Release Report, Bureau Analysis, and [Form #CS9218OSITAD](#), “OSI TAD Absconder Transfer Checklist,” are completed.
- F. For any cases as described in Section II, the SPO will be part of the GPS Review Committee that will determine if placement on GPS is appropriate.
- G. The SPO will ensure that where there is a transfer of supervision of a case on GPS from one PO to another, arrangements are made to ensure continued EM coverage as deemed appropriate.
- H. The SPO will conference the case with the PO and the BC on an ongoing basis in order to make recommendations regarding whether or not GPS monitoring provides a benefit in the supervision of the case.

VIII. BUREAU CHIEF RESPONSIBILITIES

- A. The BC will conference all cases to be placed under GPS monitoring with the SPO prior to enrollment. For any cases as described in Section II, the BC will be part of the GPS Review Committee that will determine if placement on GPS is appropriate.
- B. The BC is responsible for approving cases being assigned to and removed from GPS enrollment, and providing written case-specific Alert Notification instructions, specific to [Form #9301](#), to the SPO and PO at the time of enrollment, and documented in CMS.
- C. The BC is responsible for reviewing all cases on GPS monitoring which are transferred to and from the bureau, to ensure proper case handling and required notifications.
- D. The BC will provide direction and guidance regarding the monitoring and/or responses to Alert Notifications, including coordinating field staff assistance when requested by the OSI lead for cases transferred to OSI.
- E. The BC will be responsible for ensuring the Declaration of Delinquency.
- F. The BC is responsible to monitor all GPS cases in the bureau as follows:
 - 1. All Community Supervision cases on GPS as an Alternative to Incarceration (ATI) case are to be evaluated every three months.
 - 2. All Community Supervision cases, including TAG, UBER, SIST cases, and/or SIST/CS cases with a special condition imposed by the court, or the PO, to be on GPS monitoring will be reviewed every 12 months from enrollment by the SPO, with the BC, to determine whether GPS monitoring continues to provide a supervision benefit in the case and whether GPS should be continued.
 - 3. All SIST cases ordered by the court to be on GPS as a mandatory condition of SIST will not be removed from GPS unless a modification of the condition has been obtained from the court through the Office of the Attorney General.

IX. REGIONAL DIRECTOR (RD)/ASSISTANT REGIONAL DIRECTOR RESPONSIBILITIES

- A. The ARD or designee will be part of the GPS Review Committee that will determine if placement on GPS is appropriate for cases described in Section II. The ARD or designee will have the final say if consensus cannot be reached.

- B. The RD or designee is responsible for all EM equipment assigned to their region and will conduct an internal audit of all EM equipment every six months.
- C. The RD or designee must submit a UIR regarding lost, stolen, or missing EM equipment to the Deputy Commissioner of Community Supervision and the Director of Human Resources.
- D. The RD is responsible to ensure the efficient and effective operation of the EM Program in the region.

X. CENTRAL OFFICE EM COORDINATOR RESPONSIBILITIES

- A. The Central Office EM Coordinator will be the liaison for the Deputy Commissioner for Community Supervision with each regionally assigned EM Coordinator, PO(s), SPO(s), and BC(s), as well as the EM contractor(s).
- B. The Central Office EM Coordinator will assist in resolving any problems and/or concerns that staff may have regarding the EM Program.
- C. The Central Office EM Coordinator will review invoices received from the EM vendor(s) and determine whether said invoices accurately reflect services provided. Approved invoices will be forwarded to the DOCCS Finance Office for payment purposes.

XI. REGIONAL EM PROGRAM COORDINATOR RESPONSIBILITIES

- A. The Regional EM Program Coordinator will be the liaison with the EM contractor(s), the field PO(s), and the Central Office EM Coordinator.
- B. The Regional EM Program Coordinator will be responsible for ordering, returning, and inventorying all EM equipment for their region. The Regional EM Program Coordinator will also coordinate all requests for training in their region with the EM contractor(s), the Director of Training, and the Central Office EM Coordinator.
- C. The Regional EM Program Coordinator will inventory all EM devices assigned to their region in the DOCCS EM Equipment Tracking System. They will also notify the contractor(s) of any lost or missing equipment for reconciliation of inventory purposes.

XII. COMMUNITY SUPERVISION OPERATIONS CENTER (CSOC) RESPONSIBILITIES

Three specific Alerts will be targeted for 24-hour monitoring of active GPS cases by the NYC Community Supervision Operations Center: Cut Strap/Master Tamper, Jamming/Shielding, and Critical/Dead Battery. These Alerts are significant and are deemed to require response no later than the following morning. These Alerts indicate a willful disregard for compliance and indicate an aggravating act on the part of the parolee/respondent. Below are the protocols to be established and implemented by the CSOC.

- A. Upon receipt of a Cut Strap/Master Tamper, Jamming/Shielding, or Critical/Dead Battery Alert, between the non-business hours of 4:30 pm and 8:30 am, Monday - Friday, holidays and weekends, CSOC staff will take the following actions:
 - 1. Review the CSOC [Form #9301](#) for any case-specific instruction;
 - 2. Check the Veritracks system for last coordinates;
 - 3. Make all efforts to locate the parolee including, but not limited to, cell phone, home phone, family, and paramours. If the parolee can't be located and/or contacted, go to step (5). If the parolee is contacted, proceed to step (4);
 - 4. Attempt to resolve the issue with the parolee. If successful, direct the parolee to report to the supervision bureau at 8:30 AM the next business day and proceed to

- step (8). If additional vetting is necessary, direct the parolee to remain in the residence until he or she is contacted by a local PO;
 5. Conference the case with the CSOC SPO. If a warrant is authorized, proceed to step (6); if no warrant is authorized, proceed to step (8);
 6. Issue a warrant and complete the 4030 Warrant Issuance Procedure, using the SPO of record as the issuing authority;
 7. Post Want for the Subject as a Fugitive in the National Crime Information Center (NCIC);
 8. Email the PO, SPO, CSOC PO, BC, and RD regarding activity on this Alert and if a warrant was issued, include the Alerts Bureau indicating the warrant number and Fugitive posting on NCIC;
 9. Immediately assign the case to the identified OSI TAD Investigator. CSOC will maintain the OSI TAD call list in order to make immediate notifications (and assignment) including to the Deputy Commissioner of OSI or designee, and to the OSI TAD Investigator;
 10. Issue the POI relative to these cases, which must include advising of the OSI assignment during non-business hours;
 11. Create the official case transfer immediately; and
 12. Document ALL of the above activity in CMS.
- B. All-Points Bulletin (APB) Protocol: This protocol will be followed only after consultation with, and at the direction of, the CSOC SPO or BC, and after a warrant has been issued:
1. Create an APB in the Criminal Justice Information Management System (CJIMS) with the following wording: Male/Female, Height, Weight, Eye Color, Tattoos...is a wanted person by the Department of Corrections and Community Supervision under NCIC wanted number and is believed to have tampered with or removed an electronic monitoring bracelet, last known to be at or near (address), and could possibly be traveling in a (vehicle info). If apprehended, or information is developed that would lead to the whereabouts of this individual, contact the DOCCS Community Supervision Operation Center (CSOC) at 212-239-6159;
 2. Email the PO, SPO, CSOC PO, BC, and RD indicating that an APB was sent to the New York State Intelligence Center (NYSIC); and
 3. Document ALL activity in CMS.

NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
OSI TAD ABSCONDER TRANSFER CHECKLIST

Absconder Information:

Last Name, First Name

NYSID; DIN

Date of Birth: Click or tap to enter a date.

Bureau Requesting Transfer

Required Documentation*:

- Completed and Signed Violation of Release Report
- Conditions of Release Sheet
- Certified Copy of the Warrant
- Most Recent Identifying Photo
- Fingerprint Card
- Sex Offender Registry Change of Address Form (only if applicable)

* Please note that all of the above documentation (except if not applicable) must be attached for the case to be transferred in SOURCE by a member of OSI TAD.

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
SPECIAL CONDITIONS OF RELEASE TO PAROLE SUPERVISION
GPS TRACKING DEVICE - SPECIAL CONDITIONS

Name: _____ NYSID: _____

Date of Release: _____ Supervision Maximum: _____

I, _____, acknowledge that under the provisions of my (Conditions of Release) and/or (Conditions of Strict and Intensive Supervision and Treatment) that the following Special Conditions have been imposed upon me and that these Special Conditions will remain in effect until the termination of my Strict and Intensive Supervision and Treatment or my legal period of supervision, _____, unless otherwise amended, in writing, by DOCCS or the court, if applicable.

- 1) GPS1: I agree to wear the blu tag GPS device on my person, as attached by my Parole Officer, at all times, twenty-four hours each day, seven days each week for the duration of my enrollment.

- 2) GPS2: I will not tamper with the blu tag GPS device or any related equipment, nor will I permit any other person to do so. I will not remove or attempt to remove the device without written permission from my Parole Officer. I will not behave in such a manner that is likely to result in damage to or malfunctioning of the equipment. If tampering, removal, damage, or malfunctioning of the device does occur, I am under an immediate and continuing duty to do all of the following:
 - a. Notify my Parole Officer.
 - b. Notify the Community Supervision Operations Center at 212-239-6159.
Additionally,
 - i. I will accept all incoming calls from the Community Supervision Operations Center.
 - ii. I will return all calls to the Community Supervision Operations Center.
 - c. I am to report directly to the assigned area office. If an equipment related issue arises during non-business hours, I will report to the office at 8:30 am the following business day.
 - d. I will remain (or go to) my parole approved address until I report to the area office or until I receive further instructions from DOCCS staff.

- 3) GPS3: I will not submerge the GPS device in water or other liquids. I will not swim or submerge the device while bathing. I understand that I may shower.

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

- 4) GPS4: I will charge my GPS device twice a day (approximately every 12 hours) for 45 minutes each time. I will charge the device as required and/or directed by DOCCS staff.

- 5) GPS5: If the device vibrates, I will immediately put it on the charger and contact my Parole Officer. During non-business hours, I will immediately place the device on the charger and contact the Community Supervision Operations Center at 212-239-6159.

- 6) GPS6: If the device makes a noise or beep, I will immediately contact my Parole Officer. If this occurs during non-business hours, I will immediately contact the Community Supervision Operations Center at 212-239-6159.

I hereby certify that I have read and understand the above Special Conditions of my release and/or Strict and Intensive Supervision and Treatment and that I have received a copy of these Special Conditions.

Signed this _____ day of _____, _____.

Parolee/Respondent: _____ Witness: _____

cc: case folder; central file; respondent/parolee

State of New York – Department of Corrections and Community Supervision

Community Supervision Operation Center (CSOC)

Electronic Monitoring Program Enrollment Form

Parolee name: _____

NYSID #: _____ DIN: _____ Compas Level: _____

Date enrolled: _____ Reason enrolled: _____

Date removed: _____ Reason removed: _____

Approved residence: _____

Resides with/relationship: _____

Home phone: _____ Cell phone: _____

Emergency contact: _____

Crime of conviction: _____ Release date: _____

Release type: _____ Maximum Expiration: _____

Gender: _____ Ethnicity: _____

Scars / Tattoos: _____

Excl. zone: _____ Victim excl. zone: _____ Victim notify: _____

Victim name (if applicable): _____

Victim phone: _____ Victim cell: _____

Victim address: _____

Field precautions: _____

Bureau contact info:

SPO: _____ Cell: _____ Email: _____

PO: _____ Cell: _____ Email: _____

BC: _____ Cell: _____ Email: _____

RD: _____ Cell: _____ Email: _____

LE Agency: _____ Phone #: _____

Point of contact (if applicable): _____

