

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE  
PAROLE DIVISION**



**POLICY AND  
OPERATING PROCEDURE**

**NUMBER: PD/POP-3.5.1**

**DATE: 02/17/11**

**PAGE: 1 of 22**

**SUPERSEDES: 09/01/09**

**SUBJECT:** ELECTRONIC MONITORING PROGRAM

**AUTHORITY:** TEXAS GOVERNMENT CODE ANN. §§ 508.227 & 508.315, CODE OF CRIMINAL PROCEDURES, ARTICLE 56.11

**PURPOSE:** To establish the administrative guidelines for the Electronic Monitoring (EM) Program.

**PROCEDURE:**

**I. ELIGIBILITY CRITERIA**

- A. Offenders who are placed on EM caseloads shall have a Special Condition "T" imposed by the Board of Pardons and Paroles (Board).
1. Special Condition "T" can be imposed upon release from incarceration or as an intervention for non-compliance.
  2. Sex offenders, as defined in PD/POP-3.6.1 *Sex Offender Program Administrative Guidelines*, who have a Special Condition "T" shall be assigned to a sex offender caseload in the Offender Information Management System (OIMS), monitored by active or passive Global Positioning System (GPS) equipment and supervised by a Super Intensive Supervision Program (SISP) officer in accordance with PD/POP-3.15.1 *Super Intensive Supervision Program Administrative Guidelines*.
  3. Offenders that meet the following criteria and have Special Condition "T" imposed shall be monitored by active or passive GPS equipment and supervised by an SISP officer in accordance with PD/POP-3.15.1 *Super Intensive Supervision Program Administrative Guidelines*:
    - a. Released on or after 09/01/2009.
    - b. Is identified as a member of a criminal street gang in the TXGang database that is maintained by the Texas Department of Public Safety.

- c. Has three or more felony convictions (at least one must have an offense date on or after 09/01/09).

B. All EM offenders released to supervision shall reside in one of the following:

1. A private residence with active telephone service and a householder who has agreed in writing to the placement of a Home Monitoring Unit (HMU) on the telephone line.
2. A private residence with a householder who has agreed in writing to have other monitoring technology, such as a cellular unit, placed in the residence.
3. A contract facility, including but not limited to Residential Reentry Centers (RRCs), residential treatment centers, and county jail work release programs. Offenders residing in this type of facility will not have the monitoring equipment installed until transferred to an approved residence plan. If EM has been imposed as a special condition along with Special Condition "X" (sex offender), monitoring equipment shall be required.
4. An approved non-contract facility with a householder who has agreed in writing to the placement of an HMU on the telephone line or another monitoring technology, such as a cellular unit, placed in the residence.

II. EM OFFICER SELECTION

- A. The region director (RD) shall select the most qualified parole officers to supervise specialized caseloads. Qualifications shall include current parole officer experience, Specialized Officer Supervision School (SOSS), performance evaluations and may include specific degrees, certifications, licenses, training, and prior experience that would benefit the caseload.

Justification shall be maintained by the RD for any parole officers that may meet the qualifications to supervise the specialized caseload and are not selected.

- B. The RD shall ensure an adequate number of parole officers are pre-trained so that offenders assigned to the specialized caseload are supervised according to the guidelines and all duties and responsibilities are completed in the absence of the primary parole officer.

C. Training Requirements

The selected parole officer shall complete the next available SOSS. In the event a parole officer is supervising a caseload and has not attended the required training, the region director shall document justification and identify the next training date the parole officer will attend.

- D. Region directors are responsible for submitting a staffing plan no later than the last business day of each month. The staffing plan shall identify all primary EM parole officers, unit supervisors that supervise the EM unit, parole supervisors and assistant region directors. The plan shall also identify back-up personnel for all positions listed.

### III. CASELOAD RATIOS

- A. Offenders shall be supervised at a 25:1 offender to officer caseload ratio. Exceptional caseloads are those with offender to officer ratios of less than 20:1 or more than 30:1.
- B. Offenders supervised on a mixed caseload shall be supervised at a constructive maximum 75:1 ratio. For purposes of calculating maximum caseloads, EM and SISP cases shall be weighted relative to their respective statutory caseload ratios. Special Needs Offender Program (SNOP) cases shall count 1.66 times towards mixed caseload totals; EM cases shall count three (3) times towards mixed caseload totals; and SISP cases shall count five and a half (5.5) times towards mixed caseload totals. Sex offenders with Special Condition "T" shall count five and a half (5.5) times towards a mixed caseload, the same as offenders on the SISP caseload. Courtesy supervision cases shall count as one-fourth (.25) times towards mixed caseload totals.

### IV. PLACEMENT INVESTIGATION PROCEDURES

- A. In addition to procedures outlined in PD/POP-2.1.11 *Pre-Release (Placement) Investigation*, the EM officer shall:
  - 1. Verify the placement residence and determine if telephone service is currently available.
  - 2. Notify the householder that the offender shall be electronically monitored and explain that the HMU to be installed on the telephone line will require the removal of answering machines and all optional telephone services (call forwarding, call waiting, caller ID, call notes or voice mail, anonymous call block, call manager, digital service, etc.) from the telephone. Cordless phones will not be allowed.
  - 3. Explain to the householder that the offender shall be responsible for ensuring that electrical and telephone services are continuously maintained during the period the offender is electronically monitored and that failure to maintain such services may constitute a violation.
  - 4. Have the householder sign the Householder Memorandum of Agreement (PSV-162) if the householder has current telephone service and agrees to remove and/or not install the optional telephone features noted above. Place the signed PSV-162, with an original signature, in the pre-release placement investigation folder. A copy of the PSV-162 shall be forwarded to the appropriate location to be imaged into the OIMS.

5. If the householder does not have telephone service, email the EM program supervisor, Warrants Section, Central to determine if use of a cellular HMU is feasible.
  6. If the householder will not be obtaining telephone service and a cellular unit is not appropriate or available, obtain an alternate residence plan in accordance with PD/POP-2.1.11 *Pre-Release (Placement) Investigation*.
  7. After obtaining the householder's signature on the PSV-162, update the Proposed Residence screen in the OIMS, or the mainframe PPU screen, to "Passed". Indicate in the Comments section that the householder has signed the PSV-162. This entry will confirm that the proposed plan was investigated as an EM placement.
  8. If Special Condition "T" is imposed after the initial plan has been approved, the Huntsville Placement and Release Unit (HPRU) shall initiate a new placement investigation noting the offender will be placed on EM.
- B. The residential placement plan may be denied under any of the following conditions:
1. Electric service is not available.
  2. Telephone and cellular service are not available.
  3. The householder refuses to sign the PSV-162.
  4. The parole supervisor has reviewed the case to determine denial is appropriate.
- C. If for any reason EM equipment has not been successfully installed and activated at the time of the offender's release, a case staffing shall be conducted with the parole supervisor, immediately, to determine the need for and frequency of home/office/telephone contacts as warranted, considering the offender's criminal history and adjustment on supervision.
- D. If the offender is being released from an Intermediate Sanction Facility (ISF) or a Substance Abuse Felony Punishment Facility (SAFPF), the facility officer shall obtain a potential plan from the offender and enter it on the Proposed Residence screen for investigation by the EM officer. If the EM offender does not have an approved residence plan within 30 calendar days of the scheduled release date, the facility officer shall complete the Residential Reentry Center Placement Request (RRC-10), submit it to the HPRU, clearly noting the EM special condition on the ISF to Facility Placement Request (CMS-42), and update the request in the OIMS.

## V. EM RELEASE NOTIFICATION AND CONFIRMATIONS

### A. Release notification for EM offenders shall occur as follows:

1. From Texas Department of Criminal Justice (TDCJ) Correctional Institutions Division (CID) units:
  - a. The HPRU shall submit email notification of the EM offender's scheduled release date not later than five (5) business days prior to the scheduled date or immediately upon becoming aware of an unanticipated release scheduled to occur in less than five (5) business days.
  - b. Upon notification of an offender's confirmed release, HPRU shall generate a release confirmation notice or email containing the offender's name, TDCJ number, date and time of release, monitoring equipment serial number, destination, estimated time of arrival, and any pertinent comments.
  - c. Notification and confirmation shall be sent to the appropriate assistant region director (ARD), designated parole supervisor (PS), EM unit supervisor, and Warrants Section.
  - d. If the offender is not released from CID as scheduled, the HPRU shall immediately notify appropriate staff of the new tentative release date.
  - e. Upon receipt of such notice, the PS or designee shall immediately advise the EM officer of the change in the offender's release status. The EM officer shall then update the offender's release information on the EM vendor's website.
2. From an Intermediate Sanction Facility:
  - a. The facility officer shall send a written pre-release notification or email to appropriate staff not later than five (5) business days prior to the offender's scheduled release date.
  - b. The facility officer shall send a written post-release notification by email on EM offenders released from the ISF within one (1) hour of the offender's actual departure. If the ISF departure is scheduled to occur after the facility officer is off-duty but before the officer returns to duty, the officer shall:
    - (1) Send the post-release confirmation one (1) business day before the offender is actually transported.

- (2) Indicate in the notification that the offender is scheduled for transport after regular work hours. If the offender's departure does not occur as scheduled, the facility officer shall immediately notify all recipients of the post-release notification of the change in the departure date and/or time.
    - c. The pre-release and post-release notification shall be distributed to the region ISF coordinator, the designated parole supervisor, EM unit supervisor, and Warrants Section.
    - d. The pre-release and post-release notification shall include the:
      - (1) Offender's name and TDCJ number.
      - (2) Householder's name, home telephone number, and complete address.
      - (3) Contract residential facility's name and complete address.
      - (4) Serial number of the EM transmitter assigned for the staff to install on the offender.
      - (5) Scheduled or actual release date, time, and mode of transportation.
  - B. Immediately upon receipt of a pre-release notification for private residential placement, the receiving EM unit supervisor shall assign the case to an EM officer who shall determine if the residence plan remains acceptable and if so, that the HMU is installed no less than five (5) calendar days prior to the offender's release. The HMU start date should reflect the date of the offender's release.
  - C. Offenders who are released from medical facility, In-Prison Therapeutic Community (IPTC) or Parole in Absentia (PIA) will be processed for release on a case-by-case basis.

## VI. FIELD REFERRALS FOR PLACEMENT

In the event Special Condition "T" was imposed by the Board post-release, the unit supervisor shall coordinate immediate placement on the EM caseload. For field referrals to EM, the supervising unit supervisor shall contact the EM unit supervisor to advise of the referral to the EM caseload, update the OIMS, and proceed in accordance with PD/POP-3.2.17 *Transfer Investigations*. The EM unit supervisor shall complete the referral of the offender within three (3) business days.

- A. EM officers assigned to investigate placement plans for field referrals shall follow instructions detailed in Section IV. A. 1-8.

- B. Upon notification of an acceptable plan, prior to the imposition of Special Condition "T", the referring officer shall:
1. Submit a request to the Board via the OIMS to have Special Condition "T" imposed.
  2. After the special condition has been approved by the Board:
    - a. Provide written reporting instructions to the offender for reporting to the assigned EM officer within five (5) business days.
    - b. Have the offender sign the Electronic Monitoring Equipment Acknowledgement Form (SP-0605), and update the instructions in the OIMS.
  3. On the same day that reporting instructions are given to the offender, send notice to the receiving EM unit supervisor by email that reporting instructions have been issued.
  4. Initiate an investigation if the offender fails to report.
  5. If the case is being transferred due to a residence change, update the Residence Screen in the OIMS. If there is no residence change, the case shall be transferred in the OIMS by the unit supervisor on the "View Others Work" screen.
- C. Within one (1) business day of the specified report date, the receiving officer shall:
1. Notify the sending officer that the offender has reported.
  2. Notify the sending officer to initiate an investigation if the offender fails to report.

## VII. AVAILABILITY OF EQUIPMENT – HPRU

- A. HPRU shall maintain an inventory of monitoring equipment and shall distribute the EM equipment in accordance with the following procedures:
1. When assigning monitoring equipment to a particular offender, the assigned staff in HPRU shall update the inventory database with the monitoring equipment serial number, installation date, offender's name, TDCJ number, State Identification (SID) number, releasing unit, and the District Parole Office where the offender will report upon release. At no time shall the same monitoring equipment be assigned to more than one offender.
  2. The monitoring equipment shall be tagged with the offender's name and TDCJ number.

3. If the release occurs at a location other than Huntsville, the monitoring equipment, strap, and clips shall be forwarded to the designated releasing officer at the releasing unit no later than five (5) business days prior to the scheduled release date.
  4. If the release occurs at a location other than Huntsville and sufficient prior notice was not received, HPRU shall immediately send, by overnight mail, the monitoring equipment to the releasing officer.
- B. When available, HPRU will send spare EM equipment to releasing units to use when designated monitoring equipment malfunctions or must be reinstalled.
- C. Releasing officers shall ensure that monitoring equipment is maintained in a secure environment prior to installation on the offender.

## VIII. INVENTORY

All equipment is to be cleaned in accordance with established vendor guidelines prior to being reinstalled, returned or transferred. Each office shall maintain no more than ten (10) percent of the number of HMU's and/or transmitters as "spare" HMU's and/or transmitters. Cellular units cannot be kept as spares.

- A. Region directors shall assign a region inventory coordinator (RIC) to monitor inventory, oversee the retrieval of equipment, order and maintain region equipment, ensure all equipment is no longer enrolled and properly shut down, return spare equipment in accordance with agency policy, and monitor timely submission of required reports.
- B. Equipment Requests – The District Office EM/SISP unit supervisor shall request all equipment by submitting the Equipment Order Form to the RIC.
1. The RIC shall fill equipment requests and coordinate transfer of equipment within the region whenever possible.
  2. If equipment is not available within the region, the RIC shall review the vendor's automated inventory system to determine if equipment is available in another region. If available, the RIC shall coordinate equipment transfer with the RIC for that region.
  3. If equipment is not available statewide, the RIC shall sign the Equipment Order Form and email the form to the vendor.
  4. The RIC shall maintain a copy of all equipment orders and follow up as needed to ensure that orders are filled in a timely manner.

- C. Equipment Received – Upon receipt of equipment from the vendor, the RIC shall reconcile the equipment received with the packing slips. The RIC shall inform the vendor of any discrepancies.
1. Upon receipt of equipment from another district office or region, the EM/SISP unit supervisor shall reconcile the equipment received with the Transfer Form and email the Transfer Form to the vendor and to the RIC within the same business day. The RIC shall inform the sending EM/SISP unit supervisor of any discrepancies.
  2. The RIC shall maintain a copy of all packing slips and Transfer Forms. The RIC shall follow up as needed to ensure that equipment is properly accounted for on the respective vendor’s automated inventory system.
  3. Transmitters in excess of the allotted ten percent (10%) of spares shall be returned to the Huntsville Placement and Release Unit daily.
  4. EM officers are responsible for updating all equipment in the OIMS on the business day that the equipment is received or transferred.
- D. Equipment Retrieval – The officer shall make a diligent effort to retrieve all equipment within seven (7) calendar days of termination from the EM Program.
- E. Lost Equipment – In the event the officer is unable to retrieve the equipment, a loss report shall be emailed within seven (7) calendar days from the date the offender was terminated from the program and/or the issuance of a warrant.
1. Distribution of the Loss Report shall be as follows:
    - a. Vendor.
    - b. Region inventory coordinator.
    - c. EM program supervisor, Warrants Section.
  2. The RIC shall maintain a copy of all Loss Reports. The RIC shall follow up as needed to ensure that equipment is removed from the respective vendor’s automated inventory accounting system.
  3. In the event equipment has been retrieved after the loss report has been submitted, the EM unit supervisor shall send an email stating the type of equipment that was recovered, serial number, and date of recovery, to the same persons listed in Section VIII. E. 1.

- F. Defective Equipment – A Return Material Authorization Form (RMA) shall be submitted by the EM/SISP unit supervisor to the RIC within one (1) business day of the officer learning that the equipment has become defective.
1. Within one (1) business day of receipt of the RMA, the RIC shall review to determine if replacement equipment is needed and sign and email the RMA to the submitting unit supervisor and vendor. Equipment shall be returned using the provided vendor shipping labels.
  2. The RIC shall maintain a copy of all RMA's. The RIC shall follow up as needed to ensure that replacement equipment is received and defective equipment is removed from the respective vendor's automated inventory accounting system.
- G. Exceptions Report – The RIC shall be responsible to collect the Daily Exceptions Report for each District Parole Office and email the report to the Central Office Warrants Unit no later than 10:00 a.m. each business day.

## IX. INSTALLATION OF EQUIPMENT

- A. EM offenders released from the Correctional Institutions Division
1. The releasing parole officers shall install designated monitoring equipment on offenders with Special Condition "T".
  2. The releasing parole officers shall be responsible for the installation of monitoring equipment on offenders with Special Condition "T" prior to initial release from county jails or detention facilities and secure the offender's signature on the SISP/EM Instructions Sheet (SSS-9731) and the Electronic Monitoring Equipment Acknowledgement Form (SP-0605). If the offender refuses to sign either form, note "Refused to Sign" in the space provided for the offender signature. If the offender refuses to sign the SP-0605, advise the offender that they will be responsible for the equipment whether the form is signed or not.
  3. If an offender's release is delayed for an indeterminate period of time, the releasing parole officer shall return the designated monitoring equipment and related equipment to HPRU.
  4. It is recommended that staff wear latex gloves and observe blood and body fluid precautions when installing monitoring equipment on an offender's ankle.
  5. The staff that installs the monitoring equipment shall confirm that the correct monitoring equipment is to be installed by checking that the monitoring equipment serial number matches the serial number noted on the release notification.

- B. EM offenders released from an ISF, SAFPF, State Jail, County Jail, residential, treatment or other correctional facility:
1. The facility officer shall be responsible for the installation of the designated EM equipment on offenders with Special Condition "T" prior to release. The facility officer shall secure the offender's signature on the SISP/EM Instructions Sheet (SSS-9731) and the Electronic Monitoring Equipment Acknowledgement Form (SP-0605).
  2. The supervising parole officer shall be responsible for the installation of monitoring equipment on offenders with Special Condition "T" prior to release from a county jail and a residential, treatment or other correctional facility.
  3. In the event the facility officer or assigned parole officer is not available, the region director shall designate a local EM unit supervisor to assign staff accordingly.

X. EM REFUSAL PROCEDURES

If the offender refuses to allow the transmitter to be installed, the releasing parole officer shall:

- A. Stop the release process immediately.
- B. Inform the offender that refusal to allow EM equipment to be installed on his/her person will result in the immediate issuance of a Parole Division warrant and that the offender will not be released from custody until a final Board decision.
- C. Complete the SISP/EM Refusal Form (SP-0412), which shall be signed by the releasing parole officer.
- D. If the offender's initial release is to Parole or Mandatory Supervision, phone the Warrants Section or a region warrant specialist (RWS) and request an emergency warrant be issued.
- E. If there is not a Parole Division warrant in effect, advise the detaining authority that a Parole Division warrant will be issued for the offender and request that the offender's release be delayed.
- F. If the offender was to be initially released to Parole or Mandatory Supervision, HPRU will contact the parole supervisor or office manager at the District Parole Office by phone or email to provide notice that a warrant has been issued and case assignment is required.

## XI. RELEASE PROCEDURES

After installing monitoring equipment on the offender and prior to the offender's release, designated staff shall:

- A. Read the EM/SISP instructions and obtain the offender's signature on the EM/SISP Instructions Sheet (SP-0508) and the Equipment Acknowledgement form (SP-0605).
- B. Instruct the offender to report directly and without delay according to their residential plan, contact their parole officer within one (1) business day of release, and remain at the residence until their EM officer schedules a face-to-face contact.
- C. Confirm that the monitoring equipment is operating correctly by activating the portable (drive-by) receiver and viewing the display on the portable receiver. The serial number displayed should match the serial number of the monitoring equipment installed on the offender.
- D. If the releasing parole officer does not receive a display of the monitoring equipment serial number on the portable receiver or a display of a tamper signal, the monitoring equipment shall be removed and spare monitoring equipment installed and retested with the portable receiver. If the offender is being released from CID, the releasing parole officer shall immediately notify HPRU of the change in the offender's assigned monitoring equipment serial number. HPRU shall then notify all applicable staff of the new monitoring equipment number. If the offender is being released from CID, the equipment shall be sent to HPRU to be returned to the vendor. If the offender is being released from a facility other than CID, return the equipment to the EM vendor through established equipment return procedures.
- E. Once the offender has been physically released from CID, the releasing parole officer or assigned staff shall immediately notify HPRU by phone or email of the offender's release date, time of release, monitoring equipment serial number, mode of transportation, estimated time of arrival, and other pertinent information.

## XII. ASSIGNMENT PROCEDURES

Prior to release, the EM officer shall take the following actions within five (5) business days of case assignment:

- A. Contact the householder to confirm that telephone service is operational and obtain verification that any optional telephone features have been or will be removed prior to installation of the HMU. This will not be necessary in cases where a cellular unit will be used.
- B. Inform the householder that the HMU will be installed by the EM officer and make an appointment for installation.

- C. Install the HMU in the residence and update the appropriate fields on the vendor's website.
- D. Once installation has been completed and the offender has been released, update the EM/SISP Equipment Screen in the OIMS.

### XIII. INITIAL CONTACT WITH EM OFFENDERS

- A. Upon assuming supervision of an EM case, the EM officer shall update the OIMS Caseload Type to Electronic Monitoring and the Supervision Level to SI-2. In the event the EM offender is under courtesy supervision (Section XX), the primary supervising parole officer shall update the OIMS and ensure that the EM indicator is checked in the Indicators screen.
- B. EM officers shall complete the EM Program Terms and Conditions (PSV-159) and the Electronic Monitoring Program/Daily Curfew Schedule (SSS-0901).
- C. A home visit shall be scheduled and a range check conducted within five (5) business days of the offender's release or placement on the EM caseload.

### XIV. EM OFFENDER TRANSFERS

The following guidelines apply to EM offenders transferring from one District Office to another.

- A. The EM officer shall add a residential placement request to the OIMS.
- B. Upon receipt of an approved transfer request, the immediate unit supervisor for the sending officer shall contact the receiving EM unit supervisor assigned to the District Office where the EM offender will be transferred. Both supervisors shall coordinate all aspects of the transfer including, but not limited to, ensuring that the following actions occur:
  - 1. The sending officer shall conduct a visual check of the offender's transmitter to ensure that it fits properly.
  - 2. The sending officer shall confirm that the transmitter is operating correctly, notify the vendor to change the officer assignment, terminate alert notifications and retrieve the offender's HMU prior to transfer.
  - 3. The receiving officer shall coordinate the actual date and time of installation of the HMU with the sending officer, update equipment on the vendor's website and the Equipment screen in the OIMS, instruct the vendor to "marry" the transmitter to the HMU and resume alert notifications on the day the offender is to report.

4. The sending officer shall instruct the offender to report directly to the receiving officer or approved residence and update the EM/SISP Equipment Screen in the OIMS.
- C. When considering a request for interstate transfer, the offender's past history and current adjustment to EM shall be reviewed.
  - D. When transferring an EM offender who is not currently being monitored, the following shall apply:
    1. The sending unit supervisor shall contact the receiving unit supervisor to expedite the reporting instructions and case assignment, in accordance with Section VI of this policy, within one (1) business day of the supervising parole officer's learning of the event giving impetus to the transfer requirement (e.g. HWH transfers and pre-revocation releases).
    2. The EM officer shall conduct a scheduled home visit to verify the residence and install the EM equipment within three (3) business days of the offender's arrival and update the EM/SISP equipment screen.

## XV. ALERT NOTIFICATIONS

- A. Curfew alerts, tamper alerts, and equipment status alerts are all considered potential violations requiring investigation. During business hours, Monday - Friday, 8 a.m. - 5 p.m. except holidays, the vendor shall page the EM officer with the alert. The Warrants Section Command Center will receive all alerts from the vendor after hours Monday - Friday, weekends, and holidays.
- B. The EM officer shall review all events on the vendor website for each offender as early as possible each business day.
- C. The EM officer is required to investigate and resolve all alerts by the end of the same business day to determine the offender's location, cause of the alert, and whether or not the alert constitutes a violation. All investigations of potential violations shall be documented in the OIMS and the vendor website.
- D. The EM officer shall make a diligent effort to locate the offender before submitting a Violation Report requesting a warrant. A diligent effort may include, but is not limited to, communication with the:
  1. Vendor to obtain information regarding the details of the alert and determine the offender's current monitoring status.
  2. Householder to attempt to determine if the offender is present.
  3. Offender's employer to determine if the offender is working at an unscheduled time.

4. Local city and county jails to determine if the offender has been arrested.
  5. Local or county hospitals to determine if the offender has been hospitalized.
- E. If the investigation is for a Band Tamper or Band Open alert, the EM officer shall make a face-to-face visit within one (1) business day to inspect the equipment and determine whether there is evidence of tampering.
- F. If there is an alert from an Unauthorized Phone Number, the EM officer shall determine if the phone has been disconnected or moved by the offender.
1. If the phone has been disconnected, proceed in accordance with Section XVII of this policy.
  2. If the phone has been moved without authorization from the supervising parole officer, a Violation Report shall be submitted.
- G. If the investigation is a low battery alert, the EM officer shall make arrangements to replace the transmitter within three (3) business days.
- H. EM officers shall not compromise their personal safety when investigating EM alerts after hours and shall follow procedures set forth in PD/POP-4.1.8 *Safety Guidelines for After-Dark Investigations*.
- I. Violations discovered after hours shall be processed in accordance with PD/POP-4.1.3 *Processing Violations of Release After Hours*.
- J. In the event an officer is away from their assigned headquarters for the day, the EM unit supervisor shall assign backup responsibilities. The unit supervisor or assigned backup officer(s) shall review all offender events on the vendor website and perform all other essential duties of the absent officer.
- K. After the officer has concluded their investigation and has determined the offender did commit a Type I or Type II violation, per PD/POP-4.1.1 *Processing Violations of the Rules and Conditions of Release*, the offender will be extended for no less than 60 days for Type I violations and no less than 30 days for Type II violations.

#### XVI. END OF SERVICE

- A. Once a warrant has been issued, active offender monitoring shall be terminated no later than the next business day following the issuance of the warrant.
- B. If the supervising parole officer, along with the unit supervisor, agrees to withdraw the warrant, a Warrant Cancellation (PSV-0701) shall be submitted no later than the next business day following the issuance of a warrant.

- C. If a warrant has been requested for a "To Texas" Interstate Compact case with EM services and the offender's whereabouts are unknown, active offender monitoring shall be terminated no later than the next business day following the submission of the Violation Report (VR).
- D. If an offender becomes hospitalized for more than one (1) calendar day, the officer shall terminate active offender monitoring. Once the offender is released from the hospital, the officer shall re-enroll the offender and begin monitoring.

## XVII. INOPERABLE TELEPHONE SERVICE OR POWER OUTAGE

In the event telephone service at the EM offender's private residence is disconnected or becomes inoperable for any reason:

- A. The EM vendor will notify the designated officer of the EM alert during normal business hours, Monday - Friday, 8 a.m. - 5 p.m. except holidays. The Command Center will receive all alerts from the vendor after hours and on holidays.
- B. The EM officer shall investigate the situation and ensure that one of the following occurs within 24 hours of the initial loss of telephone or electrical service:
  - 1. Telephone service or electricity is reconnected or is confirmed to be operating properly.
  - 2. Arrangement has been made to resume monitoring on a temporary basis using a cellular unit.
  - 3. In the event of a power outage or a cellular unit is not available, the region director may, on a case-by-case basis, allow the offender to remain at the residence provided phone service is scheduled to be restored within seven (7) calendar days.
    - a. The region director shall place the offender on home confinement or a more restrictive schedule as deemed appropriate under the circumstances.
    - b. A case staffing shall be conducted to determine the need for and frequency of home/office/telephone contacts, considering the offender's criminal history and adjustment on supervision.
  - 4. The EM offender establishes residence at another location that does not violate any release condition specific to the offender, has active telephone service and a householder who agrees in writing to placement of the HMU on the telephone line.
  - 5. The offender is placed in a contract facility until the EM officer confirms that telephone service in the offender's private residence has been restored.

6. The case is staffed and the team decides to request that Special Condition “T” be withdrawn by the Board.

## XVIII. DAILY SCHEDULES

- A. EM is designed to provide the offender with structure and accountability. EM offenders shall remain under home confinement unless given permission, in writing, by the supervising parole officer.
- B. Officers may allow offenders time away from their residence between 6 a.m. – 8 p.m., Monday through Friday. Some examples of authorized activities are:
  1. Search for employment.
  2. Maintain employment.
  3. Medical appointments.
  4. Daily living needs.
  5. Religious activities.
  6. Treatment or counseling.
  7. Any activity the parole officer deems appropriate.
- C. If an offender requests time out of their residence outside of the normal hours, including Saturday and Sunday, the supervising EM officer shall send an email to the parole supervisor stating the times, dates and reason for the deviation. The parole supervisor shall either approve or deny the request via email. All decisions shall be documented in the OIMS. Parole supervisor approval is not required for:
  1. Employment.
  2. Required counseling.
  3. Religious activities.
  4. Medical appointments.
- D. Scheduled time outside of the offender's residence shall be on a case-by-case basis. An offender's adjustment while on supervision, threat to public safety and criminal history will be taken into account when allowing an offender outside their residence.
- E. All activities shall be documented on the SSS-0901.

## XIX. CONTACT REQUIREMENTS

The following minimum monthly contact standards apply:

### A. Face-to-Face Offender Contacts

1. One (1) office contact – Along with other visit requirements (e.g. scheduling, drug testing, etc.), officers shall visually inspect the transmitter to verify the integrity of the transmitter and strap.
2. One (1) home contact – Along with other visit requirements, officers shall visually inspect the HMU or cellular unit to verify the integrity of the equipment.
3. One (1) contact at the office, home, or place of employment – Along with other visit requirements, officers shall verify the offender's employment or job search.
4. All contacts shall be documented in the OIMS within three (3) business days after the contact or within three (3) business days after return to the designated headquarters from contacts made in the field. Delay of entry due to unanticipated leave may occur, but the goal is to maintain current information in the OIMS.

### B. Collateral Contacts

A minimum of two (2) collateral contacts are required monthly and shall be obtained in person or by phone.

1. If the offender is employed, one (1) collateral contact is required with the employer.
2. If the offender is attending counseling or therapeutic services, one (1) collateral contact is required to verify the offender's attendance.
3. Collateral contacts shall be entered in the OIMS in accordance with Section XIX. A. 4 of this policy.

C. In the event the offender is not employed and/or not attending counseling or therapeutic services, the officer is required to obtain the collateral contact(s) from any other person that can provide information relevant to the offender's progress.

D. If an offender is in custody for the first 14 days in the month of release and is released from the CID, ISF, SAFPF, or other correctional facility on or after the 15<sup>th</sup> of the month, no collateral contacts will be required during the first month, provided custody did not result from a violation during the offender's current term of supervision.

- E. EM offenders that reside in a state contracted residential facility shall be supervised utilizing the same contacts as an offender on maximum supervision as defined in PD/POP-3.2.8 *Contact Standards for Regular Supervision Cases*.

## XX. SPECIALIZED CASELOADS

Offenders with an EM special condition are to be supervised on an EM caseload except as noted below.

- A. Sex offenders, as defined in PD/POP-3.6.1 *Sex Offender Program Administrative Guidelines*, who have a Special Condition “T” shall be assigned to a sex offender caseload in OIMS, monitored by active or passive GPS equipment and supervised by an SISF officer in accordance with PD/POP-3.15.1 *Super Intensive Supervision Program Administrative Guidelines*.
- B. Offenders that meet the following criteria and have Special Condition “T” imposed shall be monitored by active or passive GPS equipment and supervised by an SISF officer in accordance with PD/POP-3.15.1 *Super Intensive Supervision Program Administrative Guidelines*.
  - 1. Released on or after 09/01/2009.
  - 2. Is identified as a member of a criminal street gang in the TXGang database that is maintained by the Texas Department of Public Safety.
  - 3. Has three or more felony convictions (at least one must have an offense date on or after 09/01/2009).
- C. Offenders on the SNOP and TC program, who are accepted for the EM Program, shall NOT be transferred to the EM officer for primary supervision. The SNOP or TC specialized officer retains responsibility for primary supervision of the offender in accordance with their specific program policies and procedures.
- D. The specialized unit supervisor shall contact the receiving EM unit supervisor to expedite reporting instructions and equipment installation within one (1) business day of receiving the case or imposition of Special Condition “T”. TC offenders shall not be placed on EM equipment until they have successfully completed Phase I of the TC program.
- E. The EM officer is responsible for enrolling the offender with the EM vendor’s monitoring center, ensuring that the EM equipment is installed, monitoring the offender’s compliance with the EM schedule, and communicating on all relative matters of supervision with the offender’s primary supervising parole officer.
- F. EM officers shall notify the primary supervising parole officer each time a violation has occurred. All information shall be updated in the Contacts section of the OIMS.

- G. The EM officer shall confer with the supervising parole officer to determine if the offender is eligible to be removed from the EM Program. Once the offender has met all criteria for withdrawal and an agreement has been reached between the officers, the assigned EM officer shall forward the courtesy supervision file to the supervising or referring officer for placement in the offender's original case file. The supervising parole officer is responsible for submitting the request to withdraw the Special Condition "T" to the Board.

#### XXI. WITHDRAWAL OF SPECIAL CONDITION "T"

- A. All EM offenders shall be placed on EM for the amount of time specified by the Board or a 60 day minimum if no timeframe has been specified.
- B. The OIMS will automatically generate a notice to the Victim Services Division upon release from custody or imposition of Special Condition "T" (whichever date is later). The Victim Services Division will then be responsible for notifying any registered victim(s) and/or witness(es) of the possibility the special condition may be withdrawn.
- C. The Board has the sole authority to withdraw Special Condition "T". Removal of the EM offender from the EM Program may be requested after 60 days if the offender meets the following criteria:
  - 1. No positive urinalysis during the current monitoring period. In the event the offender tested positive, he/she shall be required to successfully complete the SACP Level II program.
  - 2. Attended full-time educational or vocational training or maintained stable, full-time employment in the 30 calendar days prior to submission, unless the offender has verifiable documentation prohibiting employment.
  - 3. No arrests or pending charges indicated on a National Crime Information Center/Texas Crime Information Center (NCIC/TCIC) Criminal History Record Check.
  - 4. No Type I violations, as defined in PD/POP-4.1.1 *Processing Violations of the Rules and Conditions of Release*, for 60 consecutive days.
  - 5. No Type II violations, as defined in PD/POP-4.1.1 *Processing Violations of the Rules and Conditions of Release*, for 30 consecutive days.
- D. A request to withdraw Special Condition "T" shall be submitted to the Board for all offenders who have resided for a minimum of 60 days in a residential facility without electronic monitoring, but have met all other conditions for withdrawal.
- E. A request to withdraw Special Condition "T" shall be submitted to the Board if, after staffing the case, it is determined that the offender, due to a verifiable and documented mental or physical disability, is unable to adequately interact with the equipment or otherwise meet the demands of the EM Program.

- F. A request to withdraw Special Condition "T" shall be submitted to the Board, with approval from the parole supervisor, after 90 days if the offender is unemployed and has provided verified documentation of job search to his supervising parole officer and has met all other conditions for withdrawal.

## XXII. EM STATISTICAL REPORTS

- A. No later than the 5<sup>th</sup> business day of each month, the EM unit supervisor shall email the EM Program Monthly Statistical Report (SSS-9718) to the EM program supervisor, Warrants Section. To ensure accuracy, prior to submitting the SSS-9718, the EM unit supervisor shall reconcile the Monthly Statistical Report with the vendor's report for cases added and terminated during the report month for the last day of the report month. The SSS-9718 shall reflect the:
1. Total number of offenders monitored on EM on the first day of the preceding month.
  2. Number of EM placement referrals.
  3. Number of actual EM placements throughout the preceding month.
  4. Number of EM terminations throughout the preceding month.
  5. Number of EM transfers throughout the preceding month.
  6. Resulting number of offenders being monitored at the end of the preceding month.
- B. HPRU shall submit the following statistical reports to the EM program supervisor, Warrants Section:
1. Received Reports Daily/Monthly (no later than the 5<sup>th</sup> business day) – Reflects the serial numbers and whether shipped by the District Parole Office or vendor.
  2. Attached Reports Daily/Monthly (no later than the 5<sup>th</sup> business day) – Reflects the serial number and relevant information on all transmitters installed on offenders.

## XXIII. EM VENDOR INCIDENTS

All major or significant incidents or problems involving the vendor(s) of the EM Program, as well as problems that cannot be resolved by the EM unit supervisor, shall be reported by email to the EM program supervisor, Warrants Section, citing details of the noted incident.

#### XXIV. EM REPORTS

- A. No later than the 20th calendar day of each month, the EM unit supervisor shall run the enrolled roster and identify all offenders that have been enrolled in the EM Program for more than 60 days to determine eligibility for withdrawal of Special Condition "T".
- B. No less than one (1) time per week, the EM unit supervisor shall review and resolve any offender identified as having notifications suspended to the Command Center and officer suspended.
- C. No less than one (1) time per business day, the EM unit supervisor shall review and resolve alerts on the Alerts not Viewed report.
- D. No less than one (1) time per business day, the EM unit supervisor shall review and resolve the Daily Events not Viewed report.

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Stuart Jenkins  
Director, Parole Division