SUBJECT: ELECTRONIC MONITORING PROGRAM (EM)

AUTHORITY: TEX. GOV’T CODE § 508.227, CODE OF CRIMINAL PROCEDURE, art. 56.11

PURPOSE: To establish administrative procedures and supervision guidelines for the EM program.

DEFINITIONS:

Approved Residence - A dwelling where a client is approved to live. It does not include any areas beyond the front or back door of a private residence or beyond the property line of a Residential Reentry Center (RRC).

Client - A person, for the purposes of this policy, under the supervision of the Texas Department of Criminal Justice (TDCJ), whether incarcerated in a TDCJ-Correctional Institutions Division (CID) unit, a county jail, an Intermediate Sanction Facility (ISF), a Substance Abuse Felony Punishment Facility (SAFPF) or on parole or mandatory supervision.

Consumables - Accessories used to install electronic monitoring devices and discarded after each use.

Daily Living Needs - Activities to obtain basic necessities, not including recreational, entertainment or hobbies.

Global Positioning System (GPS) - A satellite-based navigation system that provides location, date, and time information. “Active” GPS information is downloaded every hour into the vendor software, immediately upon alert, and when a parole officer (PO) downloads data from the vendor software. “Passive” GPS information is downloaded every six hours, immediately upon alert, and when a PO downloads data from the vendor software.

GPS Tracking Device - A device worn by a client that tracks their location and movement using GPS.

Home Confinement - A period of time when a client is restricted to their approved residence.

Home Monitoring Unit (HMU) - A stationary device used to monitor the presence of the transmitter that relays data via telephone line or cellular signal.
**Medical Emergency** - An injury or illness that poses an immediate risk to a client’s or an immediate family member’s life or long-term health.

**Pro-Social Activity** - A positive social activity that supports a client’s successful reintegration into society by permitting the client an opportunity to demonstrate acceptable behavior.

**Radio Frequency (RF)** - Electromagnetic wave frequencies used for communication signals.

**Standard Activity Hours** - Established timeframes for which the client may be away from approved residence.

**Transmitter** - A device placed on a client’s ankle that communicates with the HMU by a RF signal.

**Vendor Software** - The tracking and monitoring software used to provide access to client information, reports, and alert notifications.

**PROCEDURE:**

I. **ELECTRONIC MONITORING PROGRAM REFERRAL AND IMPOSITION**

   Special Condition T - Electronic Monitoring, may be imposed by the Texas Board of Pardons and Paroles (BPP) prior to release on parole or mandatory supervision or as an intervention for non-compliance with special conditions.

   **NOTE**: An EM client (except for sex offenders) shall be placed on RF equipment unless the region director (RD) approves a client to wear GPS equipment due to cellular technology needs or medical or mental health needs.

   **NOTE**: EM/Super-Intensive Supervision Program (SISP) trained POs are required to install all electronic monitoring equipment.

II. **CASELOAD RATIOS**

   A. An EM PO caseload ratio shall be 25:1.

   B. A mixed EM and regular caseload ratio shall be a weighted maximum 75:1.

   C. An exceptional caseload ratio shall be less than 20:1 or more than 30:1.

III. **PLACEMENT INVESTIGATIONS**

   A. When assigned a residence investigation for an EM client, the PO shall refer to PD/POP-2.1.11, *Pre-Release Placement Investigation (PPI)* and within five business days:

      1. Physically verify the address and obtain a telephone number;
2. Explain equipment requirements of the EM program to the sponsor, sign the Sponsor Memorandum of Agreement form (PSV-162), and scan it into OnBase;

3. Determine whether a landline or cellular HMU will electronically monitor the client;

**NOTE:** If a landline HMU is installed, a cordless telephone is not allowed and no answering machines or optional telephone services, such as, call forwarding, call waiting, caller ID, call notes, voicemail, anonymous call block, or call manager are permitted.

4. Obtain any alternate residence plans in the event effective electronic monitoring cannot occur; and

5. Update the residence screen in the Offender Information Management System (OIMS) or the Parole Plan Update screen in the mainframe.

B. The PO shall not approve a residential placement plan if:

1. Electrical service is not available;

2. Landline service or cellular technology is not available;

3. The sponsor refuses to sign the PSV-162;

4. The victim of the instant offense lives in the residence; or

5. The proposed residence plan does not comply with current law or terms and conditions of supervision as outlined in PD/POP-3.6.5, *Child Safety Zones*.

C. If Special Condition T is imposed after the initial plan was approved prior to release, the Huntsville Placement and Release Unit (HPRU) shall initiate a new placement investigation, noting the client will be placed on the EM Program.

D. A failed plan shall be referred to the parole supervisor (PS) through the unit supervisor (US) according to PD/POP-2.1.11, *Pre-Release Placement Investigations*.

E. Refer to PD/POP-3.6.2, *Sex Offender Program Supervision Guidelines*, for additional residential placement procedures for an EM client identified as a sex offender who is scheduled to be released from a TDCJ-CID unit, ISF, or SAFPF.

IV. RESIDENTIAL PLACEMENT

A. Clients with Special Condition T imposed shall reside in one of the following:

1. A private residence with a sponsor who has agreed, in writing, to the placement of an HMU in the residence;
2. RRC or Therapeutic Treatment Center (TTC) clients will not have RF equipment installed at these facilities; or

**NOTE**: This will not affect the Special Condition T withdrawal timeframes.

3. An approved alternate housing resource with a sponsor who has agreed, in writing, to the placement of an HMU in the residence.

B. Clients identified as a sex offender with Special Condition T imposed are required to be monitored by a GPS tracking device regardless of residential placement.

V. RELEASE NOTIFICATIONS AND CONFIRMATIONS

Assigned staff shall send release notification and confirmation emails for EM clients released from TDCJ-CID, a state jail, a county jail, ISF, SAFPF, or if releasing as a parole in abstention.

A. The HPRU or the Central Coordination Unit (CCU) staff shall email pre-release notifications and post-release confirmations to the appropriate assistant region director (ARD), PS, EM US, Warrants Section EM PO IV, and the Command Center at (warrant.command@tdcj.texas.gov).

**NOTE**: Pre-release notifications shall be sent no later than five business days prior to the scheduled release date, if applicable.

B. The US shall assign the case to a PO within one business day after receiving a pre-release notification to determine if the residence plan remains valid.

C. The PO will receive a post-release confirmation email indicating the client’s expected arrival time no later than the close of business on the actual departure date.

**NOTE**: If a client does not release as scheduled, the assigned releasing staff shall notify the staff noted in Section V. A. of this policy, the same business day, of the new tentative release date. Upon notification, the PS or designee shall immediately advise the proposed receiving US and PO of the changes in the client’s release status.

VI. ASSIGNMENT PROCEDURES

A. The following shall occur within one business day prior to release for a client released from TDCJ-CID, ISF, or SAFPF with Special Condition T imposed and not identified as a sex offender:

1. The Reentry and Integration Division (RID) or CCU staff shall install the transmitter on the client’s ankle and provide the client with reporting instructions.

2. The field PO shall:
a. Enroll the client and assign the designated EM equipment in the vendor software;

b. Suspend alert notifications in the vendor software until the day the client is released;

c. Activate and install the HMU in the approved residence; and

d. Update the EM/SISP equipment screen in the OIMS.

B. The field PO shall complete the following within one business day prior to release for a client released from a TDCJ state jail, a county jail, residential treatment facility, or other correctional facility with Special Condition T imposed and not identified as a sex offender:

1. Install the transmitter on the client’s ankle;

2. Provide the client with reporting instructions; and

3. Follow the steps outlined in Section VI A. of this policy.

NOTE: For a client with Special Condition T imposed and identified as a sex offender, refer to PD/POP-3.15.1, Super Intensive Supervision Program Administrative Guidelines, for releasing procedures.

VII. CORRECTIONAL INSTITUTIONS DIVISION RELEASING UNIT AND INVENTORY

1. The HPRU shall:

   A. Assign EM monitoring transmitters to clients using established procedures; and

   B. Maintain an inventory of EM monitoring transmitters and consumables.

VIII. PREPARING THE CLIENT FOR RELEASE

A. Before a client with Special Condition T is released, staff shall read and explain the EM/SISP Instruction Sheet (SSS-9731) and Electronic Monitoring Equipment Acknowledgement Form (SP-0605) to the client, have the client sign both forms, and scan them into OnBase. Releasing staff is responsible for clients released from TDCJ-CID, ISF, or SAFPF. The PO is responsible for clients released from TDCJ state jail, county jail, residential treatment facility, RRC, or other correctional facility.

B. A copy of the client’s reporting instructions shall be provided to the designated PO.

IX. ELECTRONIC MONITORING REFUSAL PROCEDURES
A. If a client releasing from TDCJ-CID on mandatory supervision refuses the EM monitoring equipment, releasing staff shall fill out the SISP/EM Refusal Form, (SP-0412) and notify HPRU.

1. HPRU shall
   a. Obtain a copy of the client’s signed SP-0412 from the RID;
   b. Call the Warrants Section director or designee to request an emergency warrant; and
   c. Email the PO of the receiving District Parole Office (DPO) to notify a warrant has been issued and to proceed according to PD/POP-4.1.1, Processing Violations of the Rules and Conditions of Release.

B. If a client is releasing from TDCJ-CID on parole supervision refuses the EM monitoring equipment, releasing staff shall fill out the SP-0412 and notify the HPRU.

   The HPRU shall:

   1. Obtain a copy of the client’s signed SP-0412 from the RID;
   2. Notify the Classification and Records Office and Review and Release Processing (RRP) of the client’s refusal.

C. If a client releasing from a county jail or other detaining facility refuses the EM monitoring equipment and no warrant is in effect, the PO shall:

   1. Attempt to obtain a signature on the SP-0412;
   2. Staff the refusal with the PS;
   3. Notify the HPRU of the client’s refusal;
   4. Call the Warrants Section director or designee to request an emergency warrant; and
   5. Notify the detaining authority of warrant issuance and proceed according to PD/POP-4.1.1, Processing Violations of the Rules and Conditions of Release.

X. FIELD REFERRALS

A. If a request for the imposition of Special Condition T is made post-release as an intervention, the sending officer shall submit an e-transmittal to the BPP via the OIMS including the reason(s) for the request and secure a valid home plan.
B. The receiving officer for the field referral placement plan shall follow instructions in Section III of this policy.

C. Upon approval of Special Condition T by the BPP, the sending and receiving POs shall follow instructions in Section XV.A. of this policy.

XI. SUPERVISION LEVELS

A. EM clients shall be supervised on High. The EM officer shall update the OIMS Supervision Level to High;

B. Refer to PD/POP-3.2.5 Case Assessment for information regarding EM clients and the Texas Risk Assessment System (TRAS) procedures.

XII. CONTACT STANDARDS

Refer to PD/POP-3.2.34, Contact Standards, for EM contact standards.

XIII. INITIAL CONTACT

A. After a client is released from a non TDCJ correctional facility or has Special Condition T imposed after release on parole or mandatory supervision, the PO shall complete the following within five business days:

1. Conduct a face-to-face contact with the client;

2. Ensure the HMU is placed in an appropriate location within the residence, according to vendor guidelines; and

3. Conduct a range check of the EM equipment.

B. In addition to the requirements set forth in PD/POP-3.1.1, Initial Interview and Final Summary, the PO shall:

1. Update the client’s enrollment date and assigned equipment in the OIMS;

2. Replace the strap on the client’s transmitter device and ensure it is properly installed, fitted, and operational;

3. Read, explain, and have the client sign:

   a. The EM Program Terms and Conditions (PSV-159);

   b. The SISP/EM Instructions Sheet (SP-0508); and

   c. The curfew schedule printed from the vendor software.
5. Provide a copy of each form to the client; and
6. Scan the documents into OnBase.

XIV. SPECIAL CONDITIONS RELATIVE TO THE EM CASELOAD

Clients with Special Condition T shall be supervised on an EM caseload except for the following:

A. Clients identified as sex offenders shall be assigned to a sex offender caseload in the OIMS and supervised in accordance with PD/POP-3.15.1, Super Intensive Supervision Program Administrative Guidelines.

B. Clients who meet the following criteria shall be monitored by GPS equipment and supervised by a SISP officer in accordance with PD/POP-3.15.1, Super Intensive Supervision Program Administrative Guidelines:
   1. Released on or after September 1, 2009;
   2. Identified as a member of a criminal street gang in the TXGang database maintained by the Texas Department of Public Safety; and
   3. Has three or more felony convictions (at least one must have an offense date on or after September 1, 2009).

C. Clients on the Special Needs Offender Program (SNOP) or the Therapeutic Community (TC) caseload shall be assigned to a SNOP or TC caseload type in the OIMS; however, will be supervised by an EM officer. The client will be assigned to a SNOP or TC officer upon successful completion of the EM program.

   EXCEPTION: If a TC client is released to a TTC they shall be assigned to a TC caseload in the OIMS and supervised by a TC officer for supervision, until released from the TTC.

XV. HOME CONFINEMENT

A. All EM clients shall comply with standard activity hours.
   1. If unemployed - Standard activity hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.
   2. If employed – Standard activity hours are Monday through Sunday for up to 12 consecutive hours, dependent upon employment schedule.

   NOTE: All clients with Special Condition T imposed will have a curfew schedule open reflecting the standard activity hours. For sex offenders with Special Condition T, refer to PD/POP-3.15.1, Super Intensive Supervision Program Administrative Guidelines for scheduling authorized activities.

B. The PO shall:
1. Review and approve the EM curfew schedule with the client and obtain a signature from the client on the EM curfew schedule;

2. Authorize all activities outside standard activity hours except for daily living needs and pro-social activities;

3. Add additional time outside standard activity hours to the EM curfew schedule as needed for travel, employment, treatment, counseling, education, medical or dental appointments, and religious activities or services;

4. Obtain approval from the US to add additional time to the EM curfew schedule for daily living needs and pro-social activities outside standard activity hours;

5. Update the client’s schedule in the vendor software to reflect the curfew prior to the schedule taking place;

6. Provide the client with a signed copy of the approved EM curfew schedule;

7. Place the original signed EM curfew schedule in the client’s district case file;

8. Instruct the client to follow the EM curfew schedule and immediately call the PO if they deviate from the approved EM curfew schedule due to unforeseen circumstances or medical emergency; and

   a. If the client requires a schedule change and they are not able to report face-to-face, the client shall acknowledge and accept electronic confirmation of the updated EM curfew schedule from the PO by text message or email. The PO may not approve schedule changes verbally.

   b. The PO shall update the schedule in the vendor software immediately and document the approved change in the OIMS within three business days.

XVI. TRANSFERS

A. In-office, In-City, and In-State Transfers

A PO assigned to investigate a proposed transfer residence plan shall follow PD/POP-3.2.17, Transfer Investigations, and Section III of this policy.

1. Upon approval of a transfer request, the sending PO shall:

   a. Provide the client with signed reporting instructions as determined by the receiving PO and forward the reporting instructions to the receiving PO;

   b. Provide the client with a curfew schedule for at least one week after the scheduled report date and scan it into the client’s record in OnBase;

   c. Visually inspect the client’s transmitter to ensure it is properly installed, fitted, and operational prior to transfer;
d. Update all demographic information, hardware information, and curfew schedule in the vendor software;

e. Suspend alert notifications in the vendor software the day the client transfers to prevent erroneous alerts from occurring;

f. Retrieve the HMU from the client’s residence the same day the client departs; and

g. Contact the vendor to transfer the client’s record to the receiving DPO in the vendor software the same day the client departs.

2. The sending US shall:

   a. Email the receiving US the date of the client’s transfer, mode of transportation, estimated time of arrival, and the exact reporting instructions given to the client;

   b. Ensure the sending PO completed the required tasks; and

   c. Transfer the client’s record in the OIMS.

3. The receiving PO shall:

   a. Install an HMU in the client’s approved residence;

   b. Notify the sending PO of the date and time for the client to report;

   c. Update the EM/SISP equipment screen in the OIMS;

   d. Restore alert notifications in the vendor software the same day the client arrives; and

   e. Conduct a visual check of the client’s transmitter to ensure it is properly installed, fitted, and operational upon arrival.

B. RRC and Pre-Revocation Release Transfers

1. To transfer a client to an RRC, the PO shall refer to PD/POP-3.9.1, Residential Reentry Center Placements;

2. To transfer a client from an RRC or a county jail, the following shall occur:

   a. After receiving a transfer request, the sending PO on approval of the residence plan shall:
i. Provide the client with signed reporting instructions as determined by the receiving PO and forward the reporting instructions to the receiving PO;

ii. Coordinate the date and time of the installation of the HMU with the receiving officer;

iii. Install a transmitter on the client’s ankle and ensure it is properly installed, fitted, and operational prior to transfer;

iv. Provide the transmitter number to the receiving PO and update the EM/SISP equipment screen in the OIMS; and

v. Suspend alert notifications in the vendor software the day the client transfers to prevent erroneous alerts from occurring.

b. The sending US shall:

i. Email the receiving US the date of the client’s transfer, mode of transportation, estimated time of arrival, and the exact reporting instructions given to the client;

ii. Ensure the sending PO completed the required tasks; and

iii. Transfer the client’s profile in the OIMS.

c. After approving the residence plan, the receiving PO shall:

i. Install the HMU in the client’s approved residence no later than one business day prior to the client’s transfer date;

ii. Notify the sending PO of the date and time for the client to report;

iii. Restore alert notifications in the vendor software the same day the client arrived;

iv. Update the EM/SISP equipment screen in the OIMS;

v. Follow the procedures outlined in Section XII of this policy; and

vi. Conduct a visual check of the client’s transmitter to ensure it is properly installed, fitted, and operational upon arrival.

C. Interstate Compact Transfers

1. **From Texas:** If an EM client is approved to transfer to another state:
Refer to PD/POP-3.10.4, *Supervision Procedures for Interstate Compact Offenders* for further instruction.

2. **To Texas:** If Texas accepts an Interstate Compact client whose sending state release certificate requires electronic monitoring, the PO shall:

   a. Scan the sending state’s release certificate or notice of special conditions into OnBase;
   
   b. Email the Warrants Section EM PO IV to add the electronic monitoring special condition into the OIMS;
   
   c. Install RF electronic monitoring equipment on the client and at the residence within three business days of the client’s arrival; and
   
   d. Follow the procedures outlined in Section XII of this policy.

1. While supervising an Interstate Compact client, the PO shall:

   a. Supervise the client according to the manner and degree of supervision for the state of Texas and refer to PD/POP-3.2.34, *Contact Standards*, for guidance on the EM program contact requirements;
   
   b. Email the Warrants Section EM PO IV to remove Special Condition T from the OIMS when the client has satisfied all the requirements of the EM program; and
   
   c. Coordinate with the US to complete a detailed progress report to notify the sending state the client has successfully completed the EM program requirements and the conditions have been satisfied.

**XVII. NOTIFICATION AND INVESTIGATION OF ALERTS**

**A.** The PO and US will receive alert notifications from the vendor’s monitoring center during regular business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m. The Warrants Section receives alert notifications from the vendor after-hours Monday through Friday, weekends, and holidays, and enters all investigative responses into the vendor software.

**B.** When an alert notification is received the PO shall:

1. Acknowledge the alert within 30 minutes indicating the PO is aware of a potential violation;

2. Investigate to determine if client is suspected to have intentionally caused a strap alert. If it is determined the client is suspected of intentionally causing the strap alert, proceed with a thorough investigation by conducting a face-to-face contact
within four hours to inspect the bracelet and determine if a tamper occurred, replace the bracelet strap or, if applicable, request a warrant.

**NOTE:** Under Texas Penal Code 38.112, a client who intentionally removes, disables, or causes, conspires, or cooperates with another person to remove or disable a tracking device, commits a state jail felony.

3. Investigate all other alert notifications suspected to have been caused intentionally by the client within one business day and document the findings in the vendor software, except for strap alert notifications.

4. If the investigation results in probable cause that the client intentionally caused the alert, complete a Violation Report (VR) according to PD/POP-4.1.1, *Processing Violations of the Rules and Conditions of Parole*;

**NOTE:** Additional time to investigate may be granted by a region director (RD) or designee (not to exceed an additional two hours) prior to requesting an emergency warrant if a thorough investigation is not possible within the set time frame. Emergency warrants shall be determined by the Warrants Section; and


C. By the end of each business day, the PO shall:

1. Review all base points for the previous 24 hours, to include weekends and holidays, if applicable, to determine patterns of behavior, schedule deviations, or any other unauthorized travel; and

2. Resolve case management notes by thoroughly investigating and documenting the cause of any alerts suspected to have been caused intentionally by the client and how the alert was addressed;

3. Complete the PO EM/GPS Checklist (Attachment A) and turn into the US daily

D. The US shall assign a PO to perform backup responsibilities for a PO who will be away from their assigned headquarters for approved leave, scheduled trainings, hearings, etc. The US or backup PO shall perform the essential duties of the absent PO, including acknowledging and investigating alerts.

E. The US shall complete the US EM/GPS Checklist (Attachment B) and turn in to the PS weekly.

F. The PS shall complete the PS EM/GPS Checklist (Attachment C) and turn into the ARD monthly.
G. The ARD shall complete the ARD EM/GPS Checklist (Attachment D) and turn into the RD monthly.

NOTE: All EM/GPS Checklist attachments (A, B, C and D) are in the Parole Division Document Library.

XVIII. CASE MANAGEMENT NOTES IN THE OFFENDER INFORMATION MANAGEMENT SYSTEM

A. The PO shall ensure case management notes are entered into the vendor software and uploaded into the OIMS.

NOTE: A resource report (PDSUU052E Vendor Events Notification Record) is available in OnBase to assist in identifying case management notes that did not upload in the OIMS properly.

B. If case management notes are not displayed by the next business day, the PO shall:
   1. Contact the Warrants Section EM PO IV by the close of business; and
   2. Enter case management notes into the OIMS if the issue is not resolved within three business days.

XIX. INTERVENTIONS, WARRANTS, AND PRE-REVOCATION STATUS

A. Interventions

The PO shall apply interventions identified in PD/POP-4.1.1, Processing Violations of the Rules and Conditions of Release.

B. Warrants

1. If a warrant is issued after-hours by the Command Center, the PO shall investigate the cause to determine if the warrant shall remain in effect within one business day;

2. If the PO and US concur to withdraw the warrant, the PO shall submit a warrant closure no later than the next business day according to PD/POP-4.2.2, Warrant Closure/Return to Supervision; and

3. If a warrant remains in effect and the vendor software can be used to determine the client’s location, the PO shall coordinate with law enforcement to apprehend the client.

NOTE: The PO shall NOT deactivate equipment for a client with an active warrant when the equipment is providing useful information.
4. If a warrant has been requested for a to-Texas Interstate Compact case with EM services and the client’s whereabouts are unknown, terminate client monitoring no later than the next business day following the submission of the VR in the Interstate Compact Offender Tracking System.

C. If a client is in the hospital for more than one calendar day, terminate client monitoring in the vendor software. The officer shall re-enroll the client in the vendor software within one business day of the client’s release.

D. Pre-Revocation Process

An EM/SISP-trained PO shall retain an EM/SISP pre-revocation case and follow it throughout the process according to PD/POP-4.2.1, Pre-Hearing and Hearing Process.

XX. WITHDRAWAL OF SPECIAL CONDITION T

A. When requesting the withdrawal of Special Condition T, the PO shall first consider the client’s compliance, and if appropriate, may submit an e-transmittal via the OIMS after 60 days has elapsed. The transmittal shall include the following for the period on the EM program:

1. Employment status;
2. Drug test results;
3. Any Type I, II, or III violations or pre-revocation warrants issued;
4. Any pending charges or new arrests;
5. Status of fees;

NOTE: Fees alone will not prevent the review for withdraw of Special Condition “T”.

6. Status of compliance with the special conditions; and
7. PO’s recommendation.

B. If the removal of Special Condition T is denied by the BPP, a subsequent transmittal may be submitted every 30 days thereafter, and only after further review of the client’s compliance.

C. A request to withdraw Special Condition T may be submitted anytime due to documented chronic, severe, and permanent physical or mental impairment or intellectual developmental disability (IDD).

D. Upon receipt of the BPP’s decision to remove Special Condition T, the EM officer shall complete the following within one business day:
1. Notify the client;

2. Un-assign the equipment and disable the client’s profile from the vendor software;

3. Retrieve the equipment;

4. Update the OIMS and have the client sign the Notice of Special Conditions form; and

5. Prepare the case for transfer to an appropriate caseload and provide the client with reporting instructions.

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