
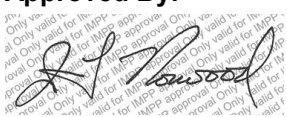


# KANSAS DEPARTMENT OF CORRECTIONS

 <b>INTERNAL MANAGEMENT POLICY AND PROCEDURE</b>	<b>SECTION NUMBER</b>  <b>14-114A</b>	<b>PAGE NUMBER</b>  <b>1 of 7</b>
	<b>PAROLE SERVICES: Global Positioning Tracking System</b>	
<b>Approved By:</b>  <b>Secretary of Corrections</b>	<b>Original Date Issued:</b> <b>05-27-15</b>	<b>Replaces Version Issued:</b> <b>05-27-15</b>
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<b>APPLICABILITY:</b>	<input checked="" type="checkbox"/> <b>ADULT Operations Only</b>	<input type="checkbox"/> <b>JUVENILE Operations Only</b>	<input type="checkbox"/> <b>DEPARTMENT-WIDE</b>
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## POLICY STATEMENT

Global positioning system (GPS) monitoring may be utilized by Field Services staff to monitor the movement of selected offenders and house arrest offenders, or as a mechanism to provide interventions for condition violators. It may also be utilized as an intermediate intervention alternative to lend structure in lieu of other available resources. Provisions shall be made for notification to parole staff of offender GPS violations, and responses made appropriate to the risk category of the offender.

Global positioning system monitoring shall require a condition of supervision imposed by the Prisoner Review Board or a court, or as a special condition or diversion agreement imposed by the parole officer.

## DEFINITIONS

Active GPS Supervision: A mode of GPS monitoring that provides near real time tracking.

Alert: Transmission of information from the contractor indicating that either the GPS equipment is malfunctioning, or a violation of GPS protocols has been committed by the offender.

Curfew: A designated time that an offender will be required to be in or out of his/her residence.

Curfew violation: Offender violation of the predetermined away hours allocated at enrollment by the parole officer.

Diversion Agreement: An agreement citing the offender with violation(s) and listing further conditions that must be satisfied. In order for a diversion agreement to be valid, the offender must freely admit that the violation(s) being cited have occurred.

Global Positioning System (GPS) Monitoring: Tracking an offender's movement by use of equipment with the ability to communicate with the 24 Department of Defense satellites, which ultimately provides offender location information to designated staff.

Global Positioning Satellite Device: Equipment used to track an offender's presence in a designated area and/or non-designated area.

Exclusion Zone: Defined areas where an offender may not go. An exclusion zone alert indicates the offender has entered a restricted area.

House Arrest: Excepting leave approved by the appropriate parole officer, an offender's confinement within his/her residence as enforced through the use of global positioning monitoring equipment.

House Arrest Offender: A KDOC offender who is authorized to live in the community per IMPP 11-126 and is monitored with GPS equipment.

Inclusion Zone: Designated area where an offender must be during a given time frame. The violation, very similar to a curfew violation, indicates that the offender is not at that location during the given time frame.

Intervention: A measure taken to influence offender behavior. The goal of imposing an intervention is to increase the likelihood of successful offender re-entry by addressing an offenders risk or need, or in making progress under his or her case plan. An intervention can include any of the options set out on the Behavior Response Guide, or other strategies that may affect a behavioral change in the desired direction. Interventions may be imposed either proactively or in response to a violation.

Passive GPS Supervision: A mode of GPS monitoring that either provides delayed notification to staff of offender movements, or fewer tracking points than active GPS monitoring. This mode is used for offenders whose location is not immediately required.

GPS Liaison: A KDOC staff person(s), designated by the Parole Director, to oversee GPS referrals and administrative procedures for a specific geographic area.

Special Condition: A condition of release which may either be imposed by the Prisoner Review Board or added upon the parole officer's notice of a specific problem or condition which, if left unattended, could likely lead to impairment of successful release status and/or the safety of the community.

Strap Tamper: Offender has intentionally cut the GPS unit strap or attempted to remove the unit.

Device Tamper: Offender has attempted to foil the GPS device by interfering with its communication or has attempted to dismantle the unit.

## **PROCEDURES**

### **I. Placement Criteria**

- A. GPS monitoring may be used as a supervision tool in the following circumstances:
  - 1. Offenders requiring restriction of, or monitoring of, movement;
  - 2. Offenders who are required to be placed on electronic monitoring by their sentence or a special condition imposed by a Court or the Prison Review Board (PRB);
  - 3. Offenders whose risk level or case circumstances indicate a need for increased structure;
  - 4. Offenders awaiting in-patient treatment placement; and/or
  - 5. As a sanction or intervention for condition violators.
- B. When the assigned parole officer identifies the need for GPS monitoring during the course of supervision, the parole officer shall staff the offender's case with the parole supervisor. If the parole supervisor concurs with GPS placement then the parole officer may proceed with referral and placement procedures.

### **II. Offender Financial Responsibility**

- A. Offenders who are placed on GPS monitoring shall be expected to pay for the cost of the service as feasible, based on their financial status and ability to pay.
- B. As part of the GPS referral process the assigned parole officer shall evaluate the offender's financial status and ability to pay using the Financial Statement Form and process identified in IMPP 14-107A.

1. The GPS service fee assessed to offenders after the financial review may range from zero to 25%, 50%, 75% or 100%.
- C. The assigned PO shall indicate the payment rate on the GPS Referral Form and the GPS technician shall use the payment rate indicated to assess fees to the offender.
- D. If an offender's financial status changes significantly during the course of the GPS placement the Financial Statement Form and review process shall be used to re-assess the offender's financial status.
- E. The financial review shall be initiated by the assigned parole officer when he/she becomes aware of significant changes, or when requested by an offender because of a significant change in his/her financial status.
  1. Any changes needed in the payment rate shall be forwarded to the GPS Technician, who shall modify the amount assessed to the offender.
- F. Willful failure to pay for GPS services should be addressed as a violation in accordance with IMPP 14-137A. Interventions should be utilized to encourage payment and compliance with GPS and supervision requirements.

### **III. GPS Referral and Placement Procedures**

- A. Offenders placed on GPS supervision shall have a special condition for GPS supervision in place, or a diversion agreement, pursuant to provisions of IMPP 14-137A if applicable and if underlying condition violations exist.
- B. The assigned parole officer is responsible for coordinating GPS referrals and placements. The referral and placement process shall include the following:
  1. Determine the need for any restrictions such as exclusion zones, inclusion zones or curfews.
    - a. The addition of exclusion zones shall be based upon knowledge of a specific victim location or a determination that the offender would pose a risk if permitted to enter certain locations.
    - b. Inclusion zones may be utilized if there is a need to restrict the offender to certain geographic areas in order to minimize a specific risk or a risk to a designated person.
    - c. Curfews may be imposed if a determination is made that the offender's activity should be restricted based upon risk level or behavior exhibited by the offender.
- C. Review the offender's financial status and determine the level of payment required by the offender for the GPS service, in accordance with Section II.
- D. Provide a completed Referral Form to the GPS technician and schedule a time and date for installation of GPS equipment.
- E. Notify the offender of the date, time and location of the GPS hook-up and the need to attend.
- F. For offenders who are in a correctional facility and require GPS placement at release, the assigned parole officer is responsible to coordinate the referral and placement as part of the release plan. Actions needed include;
  1. Communicating with the facility release planner, victim services staff, and any other staff involved in the case.

2. Identifying any areas of risk related to the GPS placement and if there is a need to impose restrictions or inclusion/exclusion zones.
3. Determining if the GPS installation/hook-up needs to occur before release from the facility, or after the offender arrives at the residence plan or parole office.
  - a. Offenders for whom GPS monitoring is required due to a Prison Review Board Special Condition or the criminal sentence should be placed on GPS monitoring at or soon after the time of release. The time frame for the installation and activation of the GPS equipment shall be commensurate with the circumstances of the case and with the criteria set forth in IMPP 14-110A.
- G. Determine if a GPS Response Plan for Tier 1 notifications of GPS alerts is necessary due to specific risk-based concerns. If so, develop the plan using attachment A.
  1. GPS Response Plans shall be approved by the parole supervisor and forwarded to the duty officer and the designated electronic repository prior to the offender's placement on GPS.
- H. Determine if a victim related safety plan and Tier 1 notifications of GPS alerts are necessary.
  1. Victim related safety plans shall be developed in collaboration with Victim Services staff and approved by the Parole Supervisor prior to being implemented.
  2. The Safety Plan shall be forwarded to the duty officer and the designated electronic repository prior to the offender's placement on GPS.
- I. Notifications of GPS placements should be made to the regional GPS liaison, if necessary per local practice.
- J. An intervention shall be placed in TOADS citing placement on GPS.
- K. Offenders whose immediate location is not required to be known may be placed on a passive mode of electronic supervision, if available.
- L. Offenders being placed on GPS shall be notified, either by KDOC or through the contractor's enrollment process; that tampering with, disabling, altering, removing or damaging the monitoring equipment may result in a new felony charge, pursuant to K.S.A. 21-6322.

#### **IV. Alert Notifications and Response Coverage**

- A. Immediate alert notification of GPS violations shall be provided to designated KDOC staff, by the contractor, via cell phone, email or text messaging.
  1. The assigned parole officer is to be notified of all alerts and shall respond during regular business hours: 8:00 a.m. – 5:00 p.m.
    - a. The supervisor of the assigned parole officer should also be notified of the alerts and should respond to the alert if the parole officer is unavailable to respond due to leave status or extenuating circumstances.
  2. The duty officer shall be notified of all alerts for Tier 1 cases and shall respond to those that occur outside of regular business hours.

#### **V. Response to Alert Notifications**

- A. Upon notification of an alert, the officer who is responding shall attempt to determine the validity and resolution of the violation(s) by calling the offender, looking at GPS website, speaking with the contractor, or using multiple methods.

1. If it is determined that the alert is valid and unable to be resolved and the offender can't be located, the officer shall take action necessary to resolve the alert, which may include attempting to contact others who may have information on the offender's status or whereabouts, requesting the assistance of a Special Agent or other law enforcement officer to travel to the offender's last known location, and/or issuing an Order to Arrest and Detain for immediate delivery to the appropriate law enforcement agency.
  2. If the alert is not resolved by the next working day and the offender's location is unknown, a Secretary's warrant shall be issued and processed for entry into NCIC by the officer of record.
  3. All actions taken in the case shall be documented in the contact notes as soon as possible after their occurrence.
- B. Immediate response to alerts is required for offenders in the Tier 1 category. The responding officer shall attempt to resolve the alert via procedures mentioned in section V.A. However, if the officer is unable to resolve the alert, and the offender's location is unknown or presents a safety risk, the officer shall:
1. Execute the safety plan or response plan provided by the parole officer of record;
  2. Issue an Order to Arrest and Detain and relay it as soon as possible to a Parole Enforcement Officer, Special Agent, or other relevant law enforcement officers (LEO) or agencies if the offender's location is known or the LEO involved are likely to encounter the offender in the immediate time period.
  3. If the alert is not resolved by the next working day and the offender's location is unknown, a Secretary's warrant shall be issued and processed for entry into NCIC by the officer of record.
  4. Documentation of actions taken in the case shall be placed in the contact notes as soon as possible after their occurrence.

#### **VI. Program Duration**

- A. House Arrest as specified in IMPP 14-137A shall not exceed a period of 30 days without approval from the Parole Director.
- B. The duration of GPS monitoring for all other offenders shall be based upon statutory requirements or case management needs, as determined by the parole officer and parole supervisor.

#### **VII. Program Completion/Termination**

- A. The assigned parole officer shall notify the contractor when an offender needs to be removed from GPS and provide any necessary documentation.
- B. In the case of unsuccessful termination, the assigned parole officer shall respond to the violation in accordance with IMPP 14-137A.
- C. The GPS completion date shall be entered in the Intervention record in TOADS.

#### **VIII. Lost or Damaged Equipment**

- A. When it is determined that GPS equipment has been intentionally damaged, damaged due to inadequate care or disposed of by the offender, parole staff shall work cooperatively with the contract provider to help recover any equipment that may be missing.
- B. The Contractor may pursue criminal charges against the offender, per K.S.A. 21-6322, and request compensation for equipment loss or damage.

## IX. Criminal Charges for GPS Failures

- A. With approval of the Parole Director, KDOC staff may recommend to the local prosecutor that new criminal charges be filed pursuant to K.S.A. 21-6322 when an offender has altered, damaged, removed or destroyed GPS equipment.
- B. If an offender has removed, damaged or lost his/her GPS equipment, the assigned parole officer and/or Special Agent involved shall discuss the case with the parole supervisor. If a determination is made that criminal charges should be pursued, the Parole Director should be consulted for approval.
  - 1. The decision to recommend criminal charges shall be based on the overall circumstances of the case, including any public safety indicators and whether or not GPS equipment was lost or damaged.
  - 2. Charges may be pursued only with the approval of the Parole Director.
- C. If a new charge is being requested, the parole officer or designee should contact the local prosecuting authority regarding the case and provide supporting documentation, which may include:
  - 1. A standard offense report that contains specific detail regarding the extent of the loss or damage sustained to the equipment and shall include the approximate date of equipment damage or loss;
  - 2. An Affidavit or Statement of Probable cause, as needed based on local procedures; and/or
  - 3. Copies of related documents such as the Special Condition or contractor's service agreement signed by the offender.
- D. If the County/District Attorney declines to prosecute, the parole supervisor may direct the parole officer to impose a special condition pursuant to IMPP 14-110A requiring that restitution be paid to the GPS vendor in an amount equivalent to equipment loss or damage.
- E. If the offender is returned to the facility as a violator, information shall be included in the Closing Summary citing the monetary loss incurred due to loss or damage of equipment and may include a recommendation to the Prisoner Review Board for imposition of a special condition requiring restitution to the GPS vendor.

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

### REPORTS REQUIRED

None.

**REFERENCES**

KSA 21-6322  
IMPP 11-126A, 14-110A, 14-137A, 14-138A, 14-143A, 14-147A

**ATTACHMENTS**

<b>Attachments</b>	<b>Title of Attachment</b>	<b>Page Total</b>
A	GPS Response Plan	1 page

## GPS Tier 1 Response Plan

Offender Name and Number: \_\_\_\_\_

Date: \_\_\_\_\_

Assigned PO: \_\_\_\_\_

Reason for Tier 1 placement:

- Threats made toward specific persons, agency or location.
- Recent comments and/or behavior indicating volatility or potential for high risk behavior.
- Other \_\_\_\_\_

Provide a case summary and explain any specific areas of concern for the Duty Officer:

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Specify the after-hours responses needed in the event of GPS violations:

GPS Violation	Response to Confirmed Violation
Curfew violation	
Low battery	
Strap tamper	
No GPS signal	
Location unknown	
Inclusion or Exclusion Zone violation	

If notifications are needed in response to the GPS violations noted above, indicate who and provide contact information (mark all that apply):

- Parole Officer \_\_\_\_\_
- Parole Supervisor \_\_\_\_\_
- Special Agent \_\_\_\_\_
- Local LEO Agency \_\_\_\_\_
- Other \_\_\_\_\_

Submitted by:

Approved by:

\_\_\_\_\_  
Parole Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parole Supervisor

\_\_\_\_\_  
Date

Provide a copy of approved plan to the Duty Officer and the electronic storage site for safety and response plans.