	DEPARTMENT OF CORRECTIONS AND REHABILITATION CORRECTIONS ADMINISTRATION POLICY AND PROCEDURES	EFFECTIVE DATE: January 01, 2024	POLICY NO.: COR.14.22
		SUPERSEDES (Policy No. & Date): COR.14.22 of March 30, 2016	
	SUBJECT: ELECTRONIC MONITORING SERVICE (EMS)		Page 1 of 8

1.0 PURPOSE

To establish an electronic method of monitoring in-community defendants awaiting court adjudication or offenders who are participating in an intermediate sanction or an alternative to an incarceration program. This method is open to other offenders who may benefit from closer monitoring when in a community program, including those on pretrial release, furlough, probation, and parole.

2.0 SCOPE

This policy shall apply to all Intake Service Center (ISC) and Community Correctional Center (CCC) personnel. If the EMS is contracted with ISC by other criminal justice agencies, the provisions of this policy shall apply.

3.0 REFERENCES, DEFINITIONS & FORMS

.1 References

- a. Hawaii Revised Statutes (HRS)§ 353-10.5, Intermediate Sanctions; Eligibility; Criteria and Conditions.
- b. HRS § 353-63.5, Intermediate Sanctions; Eligibility; Criteria and Conditions.
- c. HRS§ 353G-7, Conditions of Parole or Other Release from a Correctional Center or Facility.
- d. HRS § 706-605.1, Intermediate Sanctions; Eligibility; Criteria and Conditions.
- e. HRS§ 706-624, Conditions of Probation.
- f. HRS§ 706-672, Place of Imprisonment.

.2 Definitions

- a. CCC - Community Correctional Centers including Hawaii Community Correctional Center, Kauai Community Correctional Center, Maui Community Correctional Center, Oahu Community Correctional Center, and Women's Community Correctional Center.

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- b. Defendant - Any person charged as an adult under State criminal law who has been released by the court to ISC supervision or by the Director pursuant to HRS §353-8.
- c. Electronic Monitoring Service (EMS) - A surveillance system in which an offender's or defendant's location is monitored totally or partially by an electronic device attached to a part of his/her body, which transmits electronic communications to a central computer system monitored by a company contracted by the Department of Corrections and Rehabilitation (DCR) to provide this service.
- d. Home Detention Program – A program in which an offender or defendant is released under the conditions that the offender or defendant refrains from leaving his/her place of dwelling except to go to and from his/her place of employment, the office of his/her physician or dentist, probation office, or any other location as may be approved by the individual's probation officer, parole office, caseworker, and/or other monitoring officer pursuant to court order. For individuals on probation only, the dwelling shall include the individual's yard, or in the case of condominiums, shall include the common elements.
- e. Home Monitoring Unit (HMU - Verifier) - A box-like device connected to the offender's telephone in which the wristlet is inserted to cause an electronic communication with the central computer system.
- f. ISC – Intake Service Center.
- g. Landline - A traditional telephone line in which a telephone is connected to the public network by a cable and/or telephone service provided through a cable. The landline **shall not include** "Wonder" phones, cordless phones, and/or services such as call forwarding, remote call transfer, "answer anywhere," conferencing, three-way calling, etc.
- h. Offender - A person incarcerated or detained in a prison or jail (community correctional center).
- i. Program Caseworkers - A caseworker from a criminal justice agency or community correctional center other than the ISC.
- j. Program Manager - The Warden of a community correctional center or manager of a criminal justice program that provides EMS to offenders in the community other than ISC. This would include programs such as

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the Hawaii Paroling Authority (HPA), Community Correctional Centers (CCC), Adult Probation Division, and any other criminal justice agency that promotes the monitoring of clients in the community as part of the services provided by their operations.

- k. Release Program - Sentencing alternatives and/or authorized disposition of crimes and/or suspension of a sentence which releases an offender and/or defendant from incarceration which includes but may not be restricted to: suspension of sentence, probation, probation with limited incarceration, fine and probation, and/or Home Detention Program, etc.
- l. Termination of EMS - Determination of termination of EMS shall be done on a case-by-case basis. Reasons for termination may include but is not limited to court order, ending of probation, ending of parole, and/or ending of release program(s).

4.0 POLICY

The Department of Corrections and Rehabilitation (DCR) shall provide an EMS to extend its monitoring responsibility to 24 hours a day, 7 days a week, for eligible offenders and defendants requiring close monitoring in a home detention program or other release program(s). EMS is not intended to replace the supervisory responsibilities of the caseworker but enhances the offender and defendant monitoring. The ISC Division shall manage the administration of this service. ISC managers and Wardens/Program Managers shall be responsible for the management of the EMS within their respective program operations.

The Electronic Monitoring Service (EMS) is not a program in itself but a service that will allow the user agency to expand its capability to supervise/monitor an offender or defendant from the normal eight hours a day, five days a week, to 24-hours a day, seven days a week. The objectives of this service are:

- .1 To provide a more effective monitoring of defendants and offenders in the community by providing extensive electronic supervision on a 24-hour basis.
- .2 To provide "after hours" monitoring of defendants and offenders engaged in a Home Detention Program as an alternative to incarceration and/or furlough.

5.0 PROCEDURES

- .1 Caseworker/Designee

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- a. The caseworker/designee shall explain the EMS to the offender or defendant and the responsible adult party of the household (telephone account owner) and secure their signatures on DCR 8703.
- b. Each workday morning, the caseworker/designee shall review the previous evening calls as recorded on the daily offender history report.
- c. The caseworker/designee will initiate necessary paperwork with the vendor for the enrollment of the offender or defendant into the EMS.
- d. The caseworker/designee will retrieve/arrange for the retrieval of the electronic equipment upon termination of the service.
- e. The caseworker/designee will attempt to retrieve equipment, receive reimbursement to ISC for lost/damage equipment, and document such activity in case file.
- f. If the equipment is damaged/lost, the caseworker/designee will file an incident report with the ISCDA through the island Warden or Program Manager.

.2 ISC Manager

- a. Assign equipment to caseworker and other criminal justice agencies.
- b. Keep a record of all equipment issued and shall assure that the equipment is returned in good working order.
- c. Arrange for the repair and/or replacement of damaged/lost equipment with the vendor.
- d. In incidents of theft or damage, the police may be informed and appropriate criminal proceedings may be taken against the offender/defendant/client.

.3 Responsibilities of Intake Service Center Division Administrator (ISCDA)

- a. The ISCDA shall be responsible for the administration of the EMS. This responsibility shall involve the performance of executive duties including, but not limited to, solicitation and budgeting of resources, purchasing of service and equipment, managing of funds, and the evaluation of the services provided by a third-party monitoring service company.

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- b. The ISCDA or designee shall review and provide final approval on all written agreements from other criminal justice programs for the EMS.

.4 Responsibilities of ISC Managers

- a. ISC managers shall be responsible for the management of the EMS within their respective program operations.
- b. ISC managers shall be responsible for coordinating the delivery of services with other criminal justice program managers within their jurisdiction. Agreements for the provision of the EMS shall be in writing and submitted to ISCDA or designee for final approval.
- c. ISC managers shall be responsible for the management and application of the EMS within their respective jurisdiction. This responsibility involves coordinating and directing of the EMS within each respective jurisdiction including, but not limited to, delivery and maintenance of the EMS, inventory of the equipment, accounting of funds, training of personnel, and determining the collection and distribution of service information.

.4 Responsibilities of Program Managers/Wardens

- a. Program managers and Wardens shall be responsible for the administration and management of their respective home detention and/or release programs in the criminal justice agencies and community correctional centers. ISC has the responsibility for the delivery of the EMS and the overall administration of the service.
- b. Program managers and Wardens requiring the EMS shall coordinate with the ISCs for the desired EMS services to be delivered. Agreements for the provision of the EMS shall be in writing and submitted to ISCDA or designee for final approval. Wardens shall have the discretion to expand their use of the EMS in their release program.
- c. Program managers and Wardens or designees, shall be responsible for the collection of the EMS information and data from the third-party monitoring service company, concerning their respective defendants or offenders. Submittal of this information and data to the ISCDA shall be required for budgeting, home detention program, and release program evaluation purposes.

.5 Responsibilities of ISC and Program Caseworkers

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- a. Caseworkers shall be responsible for the installation and recovery of the EMS equipment.
- b. Caseworkers assigned to install the EMS equipment on defendants and/or offenders shall receive proper training.
- c. Caseworkers shall be responsible for reviewing the daily activity report from the central computer maintained by the third-party monitoring service company and reporting any violations to the respective home detention and/or release programs in their jurisdiction.
- d. Caseworkers shall attempt to resolve any problems concerning the EMS equipment or telecommunication lines with the central computer host.
- e. Caseworkers shall be responsible for the supervision of the client, documentation of the program's terms and conditions, monitoring of the offender or defendant's compliance, maintenance of the case records, and the pursuit of remedial action in the event of violations.
- f. Caseworkers shall be responsible for informing the offender or defendant and household members of the features of the EMS. The offender or defendant and the adult responsible for the landline telephone account shall document by their signatures their acknowledgment of the terms and conditions of the EMS.
- g. Caseworkers shall inspect the offender or defendant's premises and determine the appropriateness of the telephone and living environment.
- h. Caseworkers shall be responsible for determining the hours of curfew. Curfew hours shall be documented and the central computer of the third-party monitoring company shall be programmed with the curfew hours. Offender's or defendant's authorization for temporary exemption from the hours of curfew shall be the responsibility of the program caseworker.
- i. Caseworkers shall determine the termination of monitoring the offender and/or defendant, and the return of the equipment to ISC.

.6 Eligible For EMS

- a. The following types of offenders and/or defendants that may require electronic monitoring in a home detention program or other release programs are:

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1. Pretrial Defendants: These defendants are placed on pretrial supervision with ISC and may require closer monitoring while in the community.
 2. Sentenced Misdemeanants, Petty Misdemeanants, and Sentenced Petty Misdemeanant Probationers: These offenders are serving relatively short terms (less than one year) and have committed relatively minor offenses.
 3. Sentenced Felon Probationers: Although felons, these offenders are serving relatively short terms and are not assessed as a great threat to the community.
 4. Long-term Sentenced Felons: Offenders who are classified as community custody and eligible for the Furlough Program who are, as a test of their behavior, determined eligible for an EMS.
 5. Physically Handicapped: Offenders with a physical disability, requiring a high level of care.
 6. Ill or Injured: Offenders whose medical status could be complicated by incarceration or whose medical needs cannot easily be accommodated in the custody setting, including conditions related to aging.
 7. Other types of offenders: Other offenders may be admitted to the home detention program or other release program, on a case-by-case basis. Offenders who may not ordinarily receive parole may be placed in a home detention or release program, utilizing EMS as an extra measure of monitoring their behavior; this includes offenders who may have violated a condition of probation or parole, but placed in a home detention program or release program in lieu of incarceration.
- b. In order to use EMS, the offender or defendant must be a participant in an approved home detention program or release program and meet the following requirements.
1. Must have suitable housing.
 2. A landline telephone in proper working condition that can communicate with the monitoring service company's central computer system.
 3. "Wonder" phones, cordless phones or phones with remote capabilities are not allowed.

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4. Phones with special features such as call forward, smart ring, conferencing, three-way calling, answering anywhere, etc., are not allowed.
 5. People living with the defendant or offender shall understand the inconvenience that an EMS can present.
 6. Shall comply with all of the rules of his/her home detention or release program as well as agree to abide by all terms and conditions of the EMS.
 7. At the discretion of the Warden/Program Manager, Cellular/GPS EMS equipment shall be used when the offender is unable to meet the phone requirements listed above.
- c. EMS is not intended to be a replacement for supervision by caseworkers, but an enhancement of offender or defendant supervision while the offender or defendant is under a home detention program or other release program.

APPROVAL RECOMMENDED:




Deputy Director for Corrections

JAN 0 1 2024

Date

APPROVED:



DIRECTOR

JAN 0 1 2024

Date

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