

## 1.4.B.10 Parole-GPS Monitoring Program

### I Policy Index:



**Date Signed:** 11/17/2014  
**Distribution:** Public  
**Replaces Policy:** N/A  
**Supersedes Policy Dated:** 05/23/2013  
**Affected Units:** Adult Units  
**Effective Date:** 11/18/2014  
**Scheduled Revision Date:** August 2015  
**Revision Number:** 9  
**Office of Primary Responsibility:** Director of Parole Services & DOC Administration

### II Policy:

Offenders under Parole Services' supervision, including those housed in Community Transition Program (CTP), can be required to wear a GPS electronic monitoring device,

### III Definitions:

#### Sex Offender:

For the purposes of this policy, a sex offender is any adult offender convicted or adjudicated of a sex crime as listed in SDCL § 22-24B-1, regardless of the offense date or date of conviction, an offender serving a current prison term as a condition of a suspended imposition of sentence for the commission of a sex crime and offenders who have a history of sexually abusive or violent behavior (including sexually abusive or violent behavior while incarcerated) or a factual basis exists that a crime for which they were charged or convicted/adjudicated of involves sexual violence or sexual abuse and who have been identified as having a Sexual Behavior Issue (SBI) (designated by sexual behavior code of 2) (See DOC policy 1.4.B. [Sexual Behavior Issue Review](#)).

#### Exclusion Zone:

For the purposes of this policy, an exclusion zone is the identified locations determined by DOC personnel that an offender is prohibited from entering (See SDCL §§, [22-24B-22](#) to [22-24B-28](#)).

#### MnSOST – R:

Minnesota Sex Offender Screening Tool – Revised. A sex offender specific actuarial test that includes both static and dynamic factors. The MnSOST – R is designed to predict the sexual recidivism potential for sex offenders.

#### Psychosexual Report:

A clinical interview combined with sex offender specific testing that is utilized for treatment, risk management and supervision purposes.

#### Special Treatment of Perpetrators (STOP) Program:

Special Treatment of Perpetrators (STOP) is a sex offender treatment program operated through the DOC. The STOP program consists of therapy, educational treatment and relapse prevention.

### **Sex Offender Management Program (SOMP) Team:**

The Sex Offender Management Program (SOMP) is delivered by the SOMP team, which consists of the program manager, clinical director, SOMP counselors, unit staff, transitional case managers, parole agents and community treatment providers.

### **Global Position System (GPS):**

The Global Positioning System is a worldwide radio-navigation system that uses satellites and ground stations as reference points to calculate positions accurate to a matter of meters.

### **Monitor Polygraph:**

A polygraph examination that reviews an offender's sexual behavior or sexual deviancy. Used to assess an offender's treatment risk level or to verify an offender's behavior while on supervision.

## **IV Procedures:**

### **1. Location of GPS Program:**

- A. The GPS program is available through the Sioux Falls and Rapid City Parole offices.
- B. All offenders placed on GPS will reside in the Sioux Falls or Rapid City region, unless otherwise authorized by the Board of Pardons and Parole or Parole Service staff.

### **2. Use of GPS Monitoring:**

- A. Staff will review the offender's current and/or prior offenses, overall criminal history, risk assessments, psychosexual assessment and pre-release psychosexual assessment when considering placement of an offender on GPS monitoring. The following factors will also be considered:
  - 1. History of escape and/or absconding behavior.
  - 2. Offender is a "high risk" sex offender (See DOC policy 1.4.A.3 [Sex Offender Management Program](#)) with indiscriminate victims.
  - 3. Violent criminal history (includes victims under the age of 13 and/or sexual force).
  - 4. Offender scores as a "Level 3" or "Level R" on the MnSOST-R (located in the Offender Assessment Questionnaire section in the Comprehensive Offender Management System (COMS)).
  - 5. Offender has failed a polygraph exam or the exam contained deceptive results.
  - 6. Offender has refused STOP programming.
- B. The Board of Pardons and Paroles may order GPS monitoring as a condition of parole, or the Executive Director of Parole may order GPS monitoring be included as a condition of the offender's release plan.
- C. Offenders placed on GPS monitoring must sign and abide by the terms of the [GPS Electronic Monitoring Agreement](#) (See [Attachment 1](#)).

- D. Parole agents may utilize GPS monitoring as a medium to high level response to an offender's violation/failure to comply with conditions listed on his/her supervision agreement (See DOC policy 1.5.G.6 [Parole Services-Response to Violations](#)).

### **3. Criteria for Placement of Sex Offenders on GPS:**

- A. Sex offenders released to parole supervision who have a MnSOST-R score of level 3 or who are level R will initially be placed on GPS monitoring for a minimum of sixty (60) days.
1. Prior to the conclusion of the sixty (60) days, the offender will be required to pass a monitor polygraph(s) with no new significant admissions.
  2. The polygraph results may be used to establish an offender's compliance with his/her supervision agreement.
  3. Monitor polygraph exam results indicating deception, inconclusive results and/or new admissions may result in a policy driven response.
- B. Sex offenders identified by the SOMP team who do not benefit from traditional group programming may be placed on an Individualized Supervision Agreement for community programming. These offenders will be placed on GPS monitoring for sixty (60) days upon initial release to supervision.
1. Prior to the conclusion of the sixty (60) days, the offender will be required to pass a monitor polygraph(s) with no new significant admissions.
  2. The polygraph results may be used to establish an offender's compliance with his/her supervision agreement.
  3. All monitor polygraph exam results indicating deception, inconclusive results and/or new admissions may result in a policy driven response.
- C. Sex offenders may be recommended for GPS monitoring by the SOMP team. The SOMP team will notify the case manager, transitional case manager or parole agent of the recommendation.

### **4. Criteria for Placement of Non-Sex Offenders on GPS:**

- A. Non-sex offenders on intensive supervision may be placed on GPS monitoring with approval from the Director of Field Services.
- B. The Parole Board may order an offender be placed on GPS monitoring.

### **5. Criteria for Removal of Sex Offenders from GPS:**

- A. A sex offender who passes the monitoring polygraph with no inconclusive results, deception or new significant admissions is eligible for removal from GPS monitoring.
1. Significant admissions consist of high risk behaviors relevant to the offender's community supervision plan and treatment risk factors. Significant admissions may prevent a sex offender from being removed from GPS monitoring.

## **6. Criteria for Removal of Non-Sex Offenders from GPS Monitoring:**

- A. An offender who completes a sixty (60) day period in overall compliance with his community supervision agreement is eligible for removal from GPS.

## **7. Funding for GPS Monitoring:**

- A. Sex offenders who are not able to pay for GPS monitoring may request financial assistance (See Parole Services OM 7.3.D.1 [Sex Offender Community Funding](#))
- B. Non-sex offenders who are not able to pay for GPS monitoring may request financial assistance through their parole agent, who will staff the request with the Director of Field Services.

## **8. Release Planning for GPS:**

### **A. Offenders releasing from institutions.**

1. Release Plans.
  - a. Sex Offenders: SOMP staff will make recommendations for placement on GPS monitoring a part of the offender's case plan in the Comprehensive Offender Management System (COMS). This information/recommendation will be available in the offender's psychosexual report.
  - b. Non-Sex Offenders: Transition case managers will make recommendations for GPS monitoring to the Director of Field Services and the parole agent prior to approval of the offender's parole plan. The recommendation will be included as part of the offender's case plan in COMS.
  - c. Offenders ordered to GPS monitoring will have GPS monitoring included as a part of their Board conditions in COMS. The order will be incorporated into the offender's case plan in COMS by the case manger, transition case manager or parole agent during the release plan process and prior to the offender's release to parole supervision.
  - d. The transition staff will then complete the GPS Checklist ([See Attachment 2](#)) and provide a copy of the checklist to the GPS provider.
3. Institutional release into the community.
  - a. Offenders releasing from a DOC institution to parole supervision who are ordered to GPS monitoring will have the GPS unit activated and placed on their person upon release to the community.
    - 1) The parole agent may place the GPS unit on the offender with or without the GPS provider or
    - 2) The parole agent will make arrangements with the GPS provider to meet with the agent and offender at the institution on the day of release to place the GPS unit on the offender or
    - 3) The parole agent can transport the offender from the institution to the GPS provider on the day of their release or
    - 4) The parole agent will create a community alert of "GPS" in COMS for the offender indicating the date the GPS unit was placed on the offender to assist with identification and tracking.

## 9. Parolee Placement on GPS:

- A. Offenders currently on parole supervision may be placed on GPS monitoring by the Parole Board; or Director of Field Services:
1. The offender's parole agent or SOMP staff may contact the Director of Field Services if they have reason to believe the offender should be placed on GPS monitoring.
  2. Information, evidence and/or facts warranting an offender's placement on GPS monitoring may be discovered at any time while an offender is on parole supervision.
- B. If an offender currently on parole supervision is ordered to be placed on GPS monitoring, the offender will be informed by their respective parole agent of the condition. Usually notification will take place within (1) working day of the determination to place the offender on GPS monitoring.
1. The offender's parole agent will make arrangements with the GPS provider to meet the agent and offender at the parole office on the day of notification to place the GPS unit on the offender; or,
  2. The parole agent may transport the offender to the GPS provider on the day of notification; or,
  3. The parole agent may contact the South Dakota State Penitentiary transition case manager to place the offender at the Sioux Falls Unit C (CTP) until arrangements can be made to place the GPS unit on the offender.
- C. The parole agent will document the activity in the offender case notes in COMS, add the condition to the offender's case plan and creating a Community Alert of "GPS" for the offender which includes the date the GPS unit was placed on the offender to assist with identification and tracking.

## 10. GPS Provider Response to GPS Removal/Tampering:

- A. The GPS provider will immediately notify any confidential notifications identified on the GPS Checklist that have requested GPS notification, local law enforcement, the offender's county of commitment law enforcement and the victim's local law enforcement when:
1. The offender has removed the GPS device without permission.
  2. The offender is entering an exclusion zone and is not responding to instructions.
- B. The GPS provider will notify the offender's parole agent (or next point of contact) when:
1. Offender removes GPS device without permission.
  2. Offender does not keep the GPS battery charged.
  3. Offender is entering an exclusion zone and not responding to instructions.
  4. Offender is not complying with instructions of the monitoring center.

## 11. Parole Agent Response to GPS Removal/Tampering:

- A. The parole agent will verify the offender's status and that the [GPS Checklist](#) notification was completed (See [Attachment 2](#)). victim when an offender's status changes

- B. Records staff, or the offender's parole agent, will check the Victim Module of COMS to determine if there are victims that require notice of the offender's change in status. All notices provided to a victim will be documented in the Victim Module of COMS.
- C. The parole agent may impose sanctions when:
  1. Offender is not complying with the GPS program.
  2. Fails to follow instructions of the monitoring center or the parole agent.
  1. Does not keep the GPS battery charged.

## 12. Notice to Victims of change in GPS monitoring status.

- A. Transition staff will contact DOC central records to identify any victim(s) of an offender releasing from a DOC institution who have requested notification of changes in the offender's status, in accordance with DOC policy 1.1.E.4 [Release and Status Change Notification Requests](#).
- B. The transition staff will contact all of the offender's victims (listed in the Victims Module of (COMS) when the offender is placed on GPS monitoring or removed from GPS monitoring (See SDCL § [23A-28C-13](#)).

## V Related Directives:

SDCL §§ [22-24B-1](#), [22-24B-22](#), [22-24B-28](#) and [23A-28C-13](#).

DOC policy 1.1.E.4 -- [Release and Status Change Notification Requests](#)  
 DOC policy 1.4.A.3 – [Sex Offender Management Program](#)  
 DOC policy 1.4.B.9 – [Sexual Behavior Issue Review](#)  
 DOC policy 1.4.G.1 – [Transition Programs & Services](#)  
 DOC policy 1.5.G.6 – [Response to Violations](#)  
 Parole Services OM 7.3.D.1 – [Sex Offender Community Funding](#)).

## VI Revision Log:

**August 2007:** New policy.

**August 2008:** **Revised** formatting of policy and attachments in accordance with DOC policy 1.1.A.2. **Revised** title of policy to "GPS Monitoring Program". **Replaced** electronic with GPS throughout policy. **Revised** definition of GPS. **Added** the following sections to policy: "Location of GPS Programming, new content to Use of GPS Monitoring, Criteria for Placement of Sex Offenders on GPS, Criteria for Placement of Non-Sex Offenders on GPS, Criteria for Removal of Sex Offenders on GPS, Criteria for Placement of Non-Sex Offenders on GPS, Criteria for Removal of Non-Sex Offenders on GPS, Funding for GPS, Release Planning for GPS, Parole Placement on GPS, GPS Provider Response to GPS Removal/Tampering and Parole Agent Response to GPS Removal/Tampering and **deleted** the "Treatment Team" section. **Deleted** the following definitions: "Typology, P-Scan, and Psychopathy and **added** SOMP. **Added** "DOC policy" in section V and DOC policy 1.4.A.3. **Revised** title of Attachment 1 to be consistent with policy, attachment and WAN and **created** new Attachment 1. **Added** Attachment 2 to the policy. **Revised** minor grammatical and wording throughout policy.

**August 2009:** **Revised** Affected Units with section I. **Added** definition of Immediate Vicinity. **Added** ss (B1 of Location of GPS Program). **Revised** wording throughout Criteria for Removal of Sex Offenders on GPS and Criteria for Removal of Non-Sex Offenders on GPS to include, are eligible or may prevent the removal from GPS. **Added** reference to Parole Services OM 7.3.D.1 within Funding for GPS and section V. **Revised** title of DOC policy 1.5.G.6. **Revised** minor wording throughout policy.

**August 2010:** Revised formatting of Section I. Added electronic to the definition of GPS Monitoring and added GPS to electronic monitoring throughout policy to provide consistency. Replaced Immediate Vicinity with Exclusion Zone and revised definition, as well replaced throughout policy. Added reference to Rapid City within (Location of GPS Program). Revised ss (C of Criteria for Placement of Sex Offenders on GPS) into ss (C and C1). Revised ss (A) to state upon approval v. following a recommendation of the Field Services Director, deleted ss (A1-A3) regarding who recommendations can come from and added new ss (B) stating the Parole Board can order any offender on GPS all within (Criteria for Placement of Non-Sex Offenders on GPS). Deleted former ss (A, B and C) regarding 14 days of free service, offenders responsible for 50% and offenders in financial need may be eligible for 25% and replaced with new ss (A and B) regarding sex offenders and non-sex offenders both within (Funding for GPS). Added ordered by the Parole Board in ss (A1c), replaced "prior" with "upon" in ss (A3a), added new ss (A3a1), added "or" after ss (A3a1 - A3a3) and deleted reference to Phase 2 in ss (A3a4) all with (Release Planning for GPS). Deleted former ss (A and A1), revised former ss (A1a, now A) to state that parolees may be placed on GPS by the Parole Board or by recommendation to the Director of Field Services, deleted former ss (A1a2) referencing offender's treatment provider, revised wording in ss (B) and deleted Phase 2 within ss (B3) all within (Parolee Placement on GPS). Deleted SDCL 22-24B-8(3) from policy.

**December 2010:** No changes

**October 2011:** Added "prior to removal from GPS services" to Section 3 C 1. Added D. "The agent will contact the victims(s) and or sentencing judge(s) when an offender is place on GPS monitoring or removed from GPS monitoring to Section 9. Added "identified on the GPS Checklist" to Section 10 A.

**September 2012:** Reviewed with no changes.

**March 2013:** Added "unless otherwise authorized by the Parole board or parole services staff in Section 1 B. Deleted 1. "Offenders may be placed on GPS outside the Sioux Falls or Rapid City region if ordered by the Board of Pardons and Parole" in Section 1 B. Added "Case plan in COMS. This information/recommendation will also be available in the offender's psychosexual report" in Section 8 A. 1. a. Added "The recommendation will be part of the offender's case plan in COMS" in Section 8 A. 1. b. Added "Board conditions in COMS. The order will be incorporated into the offender's Case Plan in COMS by the CM/Transition/Parole Agent during the release plan process prior to the offender's release to supervision" in Section 8 A. 1. c. Added 5) to Section 8. A. 3. Added 4 to Section 9 B.

**August 2014:** Deleted "Phase 2" and Replaced with "those housed in" in policy statement. Replaced definition of "Sex Offender". Added definition of "Monitor Polygraph". Added "Pre-release psychosexual assessment" in Section 2 A. Added "includes victims under the age of 13 and/or sexual force" in Section 2 A. 3. Added "or deceptive results" in Section 2 A. 5. Added 6. to Section 2 A. Added 2. and 3. to Section 3 A. Added "identified by the SOMP team who" and Added "traditional" to Section 3 B. Added 2. and 3. to Section 3 B. Deleted "based upon assessments and community provider reports" and Added "The SOMP team will notify the case manager, transitional case manager or parole agent of the recommendation" in Section 3 C. Added "inconclusive results, deceptions" to Section 5 A. Deleted "The parole agent may contact the South Dakota State Penitentiary transition case manager to place the offender at the Sioux Falls Unit C (CTP) until arrangements can be made to place the GPS unit on the offender" in Section 8 A. 3. a) 4. and 9 B. 3. Added Section 12.

*Denny Kaemingk* (original signature on file)

Denny Kaemingk, Secretary of Corrections

11/17/2014

Date


## Attachment 1: GPS Electronic Monitoring Agreement

The **GPS Electronic Monitoring Agreement** form is located on the state's WAN.

A copy may be printed using **Microsoft Word** as follows:

1. Click [here](#) to access the **GPS Electronic Monitoring Agreement** by:
  - a. Placing mouse on the word "here" above
  - b. Press and hold the "Ctrl" key on the keyboard
  - c. Click the left button of mouse.
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **GPS Electronic Monitoring Agreement**.

The gray areas indicate the information that is to be entered.

|   |  |
|---|--|
| South Dakota Department of Corrections<br>Policy<br>Distribution: Public  | Attachment: GPS Electronic Monitoring Agreement<br>Please refer to DOC policy 1.4.B.10<br>GPS Monitoring Program   |
|   | <b>DEPARTMENT OF CORRECTIONS</b><br><b>Parole Services</b><br>408 S 2nd Ave, Suite 104<br>Sioux Falls, SD 57104-6919<br>Phone: (605) 367-5780<br>Fax: (605) 367-5785 |
| <b>GPS ELECTRONIC MONITORING AGREEMENT</b><br><i>GPS Supervision Agreement</i>  |  |
| <p>I understand and agree to abide by the conditions of this agreement, and to GPS electronic monitoring as a condition of my Parole/Suspended Sentence supervision, and/or as a condition of my sex offender treatment.</p> <p>I agree to wear a Global Positioning Satellite (GPS) monitoring device to continuously track my whereabouts in the community. I understand that I will be financially responsible for all or part of the cost associated with GPS monitoring.</p> <p>I also understand and agree, if any of the equipment is damaged, lost, or not returned, I am liable for any and all costs associated with the repair, recovery or replacement of such equipment.</p> |  |
|   |  |
|   |  |
| Parolee Name (Printed)  |  |
|   |  |
|   |  |
| Parolee Signature   | Date   |
|   |  |
|   |  |
| Witness Name (Printed)  |  |
|   |  |
|   |  |
| Witness Signature   | Date   |
|   |  |
| Created: 8/21/2008  | Page 1 of 1  |



## Attachment 2: GPS Checklist

The **GPS Checklist** form is located on the state's WAN.

A copy may be printed using **Microsoft Word** as follows:

1. Click [here](#) to access the **GPS Checklist** by:
  - a. Placing mouse on the word "here" above
  - b. Press and hold the "Ctrl" key on the keyboard
  - c. Click the left button of mouse.
  
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **GPS Checklist**.

The gray areas indicate the information that is to be entered.

|  |               |  |  |
|--|---------------|--|--|
| South Dakota Department of Corrections<br>Policy<br>Distribution: Public   |               | Attachment: GPS Checklist<br>Please refer to DOC policy 1.4.B.10<br>GPS Monitoring Program |  |
| <b>GPS CHECKLIST</b>   |               |  |  |
| The information in this checklist is considered confidential, and will not be disclosed to any unauthorized personnel. Upon the offender's termination from the GPS program, this document is to be destroyed or returned to the parole agent. The offender is not allowed access to this information. |               |  |  |
| Offender   |               | Number   |  |
| Offender's Phone Number  |               | Offender's Cell Phone Number   |  |
| <b>Law Enforcement Contact Numbers:</b>  |               |  |  |
| Offender's Local Law Enforcement   |               | Offender's County of Commitment  |  |
| Offender's Local Law Enforcement Phone Number  |               | Offender's County of Commitment Phone Number   |  |
| <b>Placement on GPS:</b>   |               | <b>Removal from GPS:</b>   |  |
| Recommended By:  |               | Recommended By:  |  |
| Date on GPS:   |               | Polygraph Date:  |  |
|  |               | Polygraph Results:   |  |
| Funding Agreement:   |               | Date off GPS:  |  |
| <b>Confidential Notification Information</b>   |               |  |  |
| Name   |               | C/N Request to be Notified: <input type="checkbox"/> Yes <input type="checkbox"/> No       |  |
| Street   |               | Date Requested   |  |
| City   |               | <b>C/N Request to be Notified</b>  |  |
| State  | County        | Agency   |  |
| Home Phone #:  | Cell Phone #: | Phone #:   |  |
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