

## 1.5.G.10 Parole-GPS and Electronic Monitoring

### I Policy Index:



**Date Signed:** 02/22/2016  
**Distribution:** Public  
**Replaces Policy:** N/A  
**Supersedes Policy Dated:** 11/17/2014  
**Affected Units:** Adult Units  
**Effective Date:** 02/22/2016  
**Scheduled Revision Date:** August 2016  
**Revision Number:** 10  
**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), with specific and measured criminal risk and need factors, may be subject to Global Position System (GPS) monitoring to help continue the offender's rehabilitation and aid and encourage the offender to improve his/her conduct and reduce the risk of recidivism.

### 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*).

#### Parolee:

An individual who has been conditionally released to parole or suspended sentence from a South Dakota DOC facility prior to the expiration of the individual's sentence under the supervision of the DOC (See ARSD 17:60:01:00(6)). This also includes an offender received from another state under interstate parolee supervision (See SDCL Chapter 24-16A).

#### 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. GPS is used on offenders that require Direct, Immediate Notification if they abscond.

**Electronic Monitoring (EM):**

Electronic Monitoring is GPS that is used as a means of extra monitoring, sanction to a violation of the supervision agreement, or in tandem with a containment plan.

**Monitor Polygraph:**

A polygraph examination that reviews an offender's sexual behavior or sexual deviancy. Monitor polygraphs can be used to help assess an offender's treatment risk level or compliance with treatment, supervision and community safety while on supervision. The frequency an offender on parole supervision will be required to complete a monitor polygraph examination will be determined by parole staff.

**IV Procedures:****1. Placement of Direct, Immediate Notification Offenders on GPS:**

- A. Staff will review the following factors when considering placement of a Direct, Immediate Notification Offender on GPS:
  1. Criminal history, including history of violence, violent crimes.
  2. Supervision history, including any previous absconding.
  3. Risk System Level, as determined by the Risk Reduction Manager (See DOC policy 1.4.G.6 [System Risk Classification](#)).
  4. Assessments, including (CRA/CRR, MnSOST-R, Psychosexual report).
  5. Results of polygraph testing (non –compliance deception, in conclusion or new admissions).
  6. Refusal of STOP programming or failure to attend scheduled sessions in the community with a treatment provider.

- B. Sex offenders releasing to parole supervision with a MnSOST-R score of Level 3, who are Level R or placed on an Individualized Supervision Agreement for community programming, will be placed on GPS monitoring for a minimum of 60 days.
- C. If the determination is made prior to release to place an offender on Direct, Immediate Notification on GPS, the requirement for placement on GPS will be included in the Supervision Agreement.
  - 1. If ordered by the Board of Pardons and Paroles, the requirement for placement on GPS will be listed under the Board Ordered Conditions in Comprehensive Offender Management System (COMS).
  - 2. Offenders placed on GPS monitoring must sign and abide by the GPS Electronic Monitoring Agreement (See [Attachment 1](#)).
  - 3. The supervising parole agent will collaborate with the GPS provider to ensure a GPS unit is placed on the offenders' person upon release.
- D. The supervising parole agent is responsible for activating the GPS alert in COMS.
- E. The GPS provider will notify the supervising parole agent, any victim or interested party requesting notification identified on the GPS check list, local law enforcement, the offender's county of conviction and the victim's local law enforcement when an offender:
  - 1. Has removed the GPS unit without permission
  - 2. Is entering an exclusion zone and not responding to instructions
  - 3. Is not keeping the GPS battery charged.
  - 4. Is not complying with instructions from the monitoring center/GPS provider.
- F. The parole agent may issue a sanction to the offender for committing any of the above cited behaviors in accordance with DOC policy 1.5.G.6 [Parole Services-Response to Violations](#) . The parole agent may complete a violation report and request a warrant for any offender who has removed an electronic monitoring device without permission and can not be located or contacted (See SDCL § [24-15-20](#)).
- G. Information, evidence and/or facts supporting the placement of an Immediate Notification Offender on GPS monitoring may be discovered at any time while the offender is placed on parole supervision.

## 2. Non-Direct Notification Offenders on Electronic Monitoring:

- A. Electronic monitoring may be authorized by the offender's parole agent for the following reasons:
  - 1. As a medium to high level sanction to an offender's violation/failure to comply with conditions listed on their supervision agreement (See DOC policy 1.5.G.6 [Parole Services-Response to Violations](#)).
  - 2. To monitor an offender's containment plan (See DOC policy 1.5.G.6 [Parole Services-Response to Violations](#)).

3. To provide additional surveillance of an offender in lieu of placement in the Community Transition Program (CTP) or detainment.
- B. The Board of Pardons and Paroles and/or the Executive Director of Parole may order Electronic monitoring be included as a condition of an offender's release to parole supervision.
- C. The supervising parole agent will activate the electronic alert in COMS.
- D. The parole agent will make arrangements with the electronic monitoring provider to ensure a monitoring unit is activated and placed on the offender's person.
- E. The electronic monitoring provider will notify the parole agent when any of the following occur:
  1. The offender has removed the electronic monitoring device without permission.
  2. The offender is entering an exclusion zone and not responding to instructions.
  3. The offender is not keeping the device's battery charged.
  4. The offender is not complying with instructions from the electronic monitoring provider.
- F. The parole agent may issue a sanction to the offender for committing any of the above cited behaviors in accordance with DOC policy 1.5.G.6 *Parole Services-Response to Violations*. The parole agent may complete a violation report and request a warrant for any offender who has removed an electronic monitoring device without permission and can not be located or contacted (See SDCL § 24-15-20).
- G. The offender will complete and abide by the [Electronic Monitoring Agreement](#) (See [Attachment 1](#)).
- H. Information, evidence and/or facts supporting a Non-Direct Notification offenders' placement on electronic monitoring may be discovered at any time while the offender is placed on parole supervision.

### **3. Authorized Removal of GPS Monitoring Device from the Offender:**

- A. Sex offenders placed on GPS monitoring may have the device removed after 60 days provided the offender passes a monitor polygraph with no new significant admissions at the conclusion of the initial monitoring period.
  1. Polygraph results may be used in conjunction with other information to make a decision regarding an offender's compliance with his/her supervision agreement and to extend the monitoring period.
  2. Non-compliance or monitor polygraph exam results indicating deception, inconclusion or new admissions may result in a policy driven response.
- B. Offenders ordered to GPS or electronic monitoring by the parole agent will be removed from monitoring at the parole agent's discretion.
- C. Offenders ordered to GPS or electronic monitoring by the Board of Pardons and Paroles may have the requirement for monitoring terminated at the Board's discretion.
- D. The supervising parole agent will terminate the GPS or electronic monitoring alert in COMS.

#### 4. Notifications to Victim's Services Coordinator:

- A. The Victim's Services Coordinator will be notified whenever an offender is placed on GPS or electronic monitoring and when an offender is removed from GPS or electronic monitoring (authorized or unauthorized) (See SDCL § [23A-28C-13](#)).
  - 1. The Transition Case Manager will notify the Victim's Coordinator of any offender releasing to parole supervision who has GPS or electronic monitoring requirements included as a condition of parole supervision.
  - 2. The supervising parole agent will notify the Victim's Coordinator when an offender is placed on GPS or electronic monitoring and when an offender is removed from GPS or electronic monitoring.
- B. The Victim's Coordinator will complete the GPS Checklist (See Attachment 2) and send this to the GPS provider.
- C. The Victim's Coordinator will complete and record notification to victims or interested parties in COMS, in accordance with DOC policy 1.1.E.4 [Release and Status Change Notification Requests](#).

#### 5. Funding for GPS and Electronic Monitoring:

- A. Offenders placed on GPS or electronic monitoring is responsible for the payment of the established amount for the service.
- B. The parole agent may make exceptions to the payment requirements if the offender is deemed indigent.
  - 1. Sex offenders who are not able to pay for the GPS monitoring may request financial assistance from SOMP (See SOMP OM 11.3.D.1 [Sex Offender Community](#)).
- C. The supervising parole agent will create the obligation in COMS and enter the total amount the offender will owe for the time period assigned to GPS or electronic monitoring based on the established amount.

#### V Related Directives:

SDCL §§ [24-16A](#), [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.B.9 -- [Sexual Behavior Issue Review](#)

DOC policy 1.4.G.6 -- [System Risk Classification](#).

DOC policy 1.5.G.6 -- [Response to Violations](#)

Parole Services OM 7.1.A.4 -- [Reporting Information to the Director](#)

SOMP OM 11.3.D.1 -- [Sex Offender Community](#)

#### 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.

**January 2016:** Extensive revisions to the policy. Revised title of policy from GPS Monitoring Program to GPS and Electronic Monitoring and changed title code from 1.4.B.10 to 1.5.G.10

*Denny Kaemingk (original signature on file)*

*02/22/2016*

Denny Kaemingk, Secretary of Corrections

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 Policy Distribution: Public	Attachment: GPS Electronic Monitoring Agreement Please refer to DOC policy 1.4.B.10 GPS Monitoring Program
	<b>DEPARTMENT OF CORRECTIONS</b> <b>Parole Services</b> 408 S 2nd Ave, Suite 104 Sioux Falls, SD 57104-6919 Phone: (605) 367-5780 Fax: (605) 367-5785
<b>GPS ELECTRONIC MONITORING AGREEMENT</b> <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.

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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 Policy Distribution: Public		Attachment: GPS Checklist Please refer to DOC policy 1.4.B.10 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>CITIZEN LEADERSHIP CENTER</b>	
State	County	Agency	
Home Phone #:	Cell Phone #:	Phone #:	
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