



SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE		POLICY NUMBER 1400-08	PAGE NUMBER 1 OF 6
		DISTRIBUTION: Public	
		SUBJECT: Parole - GPS and Sobriety Monitoring	
RELATED STANDARDS:	None	EFFECTIVE DATE: November 01, 2023	
		SUPERSESSION: 02/22/2016	
DESCRIPTION: Parole Services	REVIEW MONTH: October	 KELLIE WASKO SECRETARY OF CORRECTIONS	

I. POLICY

It is the policy of the South Dakota Department of Corrections (DOC) that Offenders under Parole supervision with specific and measured criminal risk and need factors, may be subject to Global Position System (GPS) and/or sobriety monitoring to help continue the offender's rehabilitation, aid the offender in improving his/her conduct and reduce recidivism.

II. PURPOSE

The purpose of this policy is to provide guidance to staff for the utilization of GPS and sobriety monitoring programs.

III. DEFINITIONS

24/7 Sobriety Program:

A twenty-four (24) hour and seven (7) day a week sobriety program in which a participant submits to the testing of the participant's blood, breath, urine, or other bodily substances in order to determine the presence of alcohol, marijuana, or any controlled substance in the participant's body (see ARSD 2:06:01:01 *Definitions for 24/7 Sobriety Program*).

Exclusion Zone:

The specific identified locations determined by DOC personnel which the offender is prohibited from entering. These places include areas such as the vicinity of a victim's residence, public parks, or school zones (see SDCL §§, 22-24B-22 to 22-24B-28).

Global Position System (GPS):

A worldwide radio-navigation system that uses satellites and ground stations as reference points to calculate positions accurate to a matter of meters.

Inclusion Zone:

The specific identified locations determined by DOC personnel in which the offender is to remain. These places include areas such as the offender's residence and employment.

Psychosexual Report:

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

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Remote Breath Device (RBD):

A handheld, wireless, portable breath alcohol device with automated facial recognition that provides point-in-time results reporting and GPS mapping with each test.

Secure Continuous Remote Alcohol Monitoring (SCRAM):

The Secure Continuous Remote Alcohol Monitoring (SCRAM) program requires an offender to be monitored using a SCRAM bracelet. The SCRAM bracelet is to be worn around the ankle of the offender at all times and tests for the presence of an alcohol concentration that is emitted as vapors through the skin. When the SCRAM bracelet detects the presence of ethanol, it will record a positive reading in the buffer of the bracelet and will transmit an alcohol alert to the SCRAM base station upon download. The stored information in the bracelet is downloaded and transmitted to alcohol monitoring systems (AMS) using an analog base station or digital direct connect device for reporting.

Twice Daily PBTs:

As one of the testing capabilities of the 24/7 Sobriety Program, Twice Daily PBTs require an offender to report to a designated agency (i.e., law enforcement center, halfway house, etc.) twice daily, seven (7) days per week, to submit to a portable breath test (PBT) that detects the presence of alcohol in the offender's body. The twice daily testing is performed approximately twelve (12) hours apart (See ARSD 2:06:01:01 *Definitions for 24/7 Sobriety Program*). Designated agencies for the administering of this testing capability are located in various regions across the State of South Dakota.

IV. PROCEDURES

1. Placement of Offenders on GPS:

- A. Staff will review the following factors when considering placement of an offender on GPS:
 1. Criminal history, including a history of violence or violent crimes.
 2. Supervision history, including any previous history of absconding.
 3. System risk level, as determined through the system risk process.
 4. Assessments, including CRA/CRR, MnSOST-R, Violence Risk Evaluations, and recommendation of Psychosexual report.
 5. Results of polygraph testing/monitor polygraph (non-compliance deception, inconclusive or new admissions).
 6. Refusal of special treatment of perpetrators (STOP) programming, or failure to attend scheduled sessions in the community with a treatment provider.

- B. GPS monitoring can also be authorized for the following reasons:
 1. Ordered by The Board of Pardons and Paroles and/or the director of Parole as a condition of an offender's release to parole supervision.
 2. As a medium to high level sanction to an offender's violation/failure to comply with conditions listed on their supervision agreement.
 3. To monitor an offender's containment plan or provide additional surveillance of an offender.

- C. If the determination is made to place an offender on GPS prior to release, the requirement for placement on GPS will be included in the offender's *Standard Supervision Agreement* (see DOC policy 1400-05 – *Parole Services Response to Violations*).
 1. The parole agent will collaborate with the GPS provider to ensure a GPS unit is available for the offender, including situations where the offender is placed on GPS upon release.

- D. The offender will complete and abide by the *Enhanced Monitoring Agreement* (see attachment #1).

2. Agent Responsibilities for Offenders on GPS:

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- A. Parole agents will utilize the GPS vendor's database to track and monitor offenders on GPS.
1. When adding an offender to the database, agents will enter the offender's name, DOC number, date of birth, and supervision level at the on-set of GPS monitoring.
- B. Parole agents will review GPS information on the vendor's database weekly to monitor offender whereabouts. All reviews will be placed in COMS.
- C. The vendor will notify the parole agent of the following critical events, normally within five minutes of the event occurring, but no later than fifteen (15) minutes. Parole agents will respond to the listed critical events by confirming the critical incident and attempting to locate the offender as soon as they become aware of the critical incident. If the critical incident is confirmed and/or offender cannot be immediately located, the agent will directly notify the regional supervisor of the event. An attempt to locate (ATL) will be issued. Agents will staff the case with their supervisor to determine the need to notify local law enforcement to determine the issuance of a warrant, and/or the need to notify the director of Parole:
1. Device Tamper.
 - a. The vendor will send an e-mail to the assigned agent notifying them of the event.
 - b. The vendor will call the assigned agent to notify them of the event. If there is no answer, the vendor will leave a voicemail.
 - c. If the assigned agent does not answer, the vendor will call the assigned agent's supervisor. If there is no answer, the vendor will leave a voicemail.
 - d. If the assigned agent's supervisor does not answer, the vendor will call a second supervisor. If there is no answer, the vendor will leave a voicemail.
 2. Strap Tamper.
 - a. The vendor will send an e-mail to the assigned agent notifying them of the event.
 - b. The vendor will call the assigned agent to notify them of the event. If there is no answer, the vendor will leave a voicemail.
 - c. If the assigned agent does not answer, the vendor will call the assigned agent's supervisor. If there is no answer, the vendor will leave a voicemail.
 - d. If the assigned agent's supervisor does not answer, the vendor will call a second supervisor. If there is no answer, the vendor will leave a voicemail.
 3. Exclusion zone violation.
 - a. The vendor will send an e-mail to the assigned agent notifying them of the event.
 - b. The vendor will call the assigned agent to notify them of the event. If there is no answer, the vendor will leave a voicemail.
 - c. If the assigned agent does not answer, the vendor will call the assigned agent's supervisor. If there is no answer, the vendor will leave a voicemail.
 4. Inclusion zone violation.
 - a. The vendor will send an e-mail to the assigned agent notifying them of the event.
 - b. The vendor will call the assigned agent to notify them of the event. If there is no answer, the vendor will leave a voicemail.
 - c. If the assigned agent does not answer, the vendor will call the assigned agent's supervisor. If there is no answer, the vendor will leave a voicemail.
- D. The vendor will make the following notifications for the below listed battery events: :
1. Low battery.
 - a. The vendor will send the assigned agent an e-mail notifying them of the low battery.
 - b. The vendor will call the offender and notify the offender to charge the GPS device. The vendor will leave a voicemail if there is no answer. If the offender does not answer or does not charge the GPS device, the vendor will call the offender again fifteen (15) minutes after the first call.
 2. Battery critical.
 - a. The vendor will send the assigned agent an e-mail notifying them of the critical battery status.
 - b. The vendor will call the offender and notify the offender to charge the GPS device. The vendor will attempt to leave a voicemail if there is no answer.

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- c. If the alert remains open (GPS is not charged) for fifteen (15) minutes following the call to the offender, the vendor will call the assigned agent and notify them of the alert. The vendor will leave a voicemail if there is no answer.
 - d. Parole agents will respond to this notification by attempting contact, either by phone or physically meeting with the offender, within two (2) hours of receiving the notification. If no contact is made, the parole agent will list the offender as Attempt to Locate (ATL).
3. Potential dead battery.
- a. The vendor will send the assigned agent an e-mail notifying them of the potential dead battery status.
 - b. The vendor will call the offender and notify the offender to charge the GPS device. The vendor will attempt to leave a voicemail if there is no answer.
 - c. If the alert remains open (GPS not charged) for ten (10) minutes, the vendor will call the assigned agent. The vendor will leave a voicemail if there is no answer. The vendor will then call the agent a second time five (5) minutes after the first call to the agent if the alert remains open (GPS not charged). The vendor will again leave a voicemail if there is no answer.
 - d. Parole agents will respond to this notification by attempting to contact the offender, either by phone or physically meeting with the offender, within two (2) hours of receiving the alert. If no contact is made, the parole agent will list the offender as ATL.
- E. Parole agents will clear all alerts once action has been applied in the GPS vendor's database by the end of the business day after receiving the alert notification.
- F. Any violation of GPS requirements (failure to charge, zone violations, tampers, etc.) may be addressed via a *Parole Services Policy Driven Response* (see DOC policy 1400-05 – *Parole Services Response to Violations*). All violations will be **documented in COMS** via the Policy Driven Response (PDR) screens (if a PDR is warranted) or case notes.

3. Authorized Removal of GPS Monitoring Devices:

- A. Offenders ordered to GPS or electronic monitoring by the parole agent may only be removed from monitoring after recommendation from the parole agent and approval from the supervisor. The agent and supervisor will consider the following:
 - 1. Compliance with current attempt at parole supervision
 - 2. Criminal history, including a history of violence or violent crimes.
 - 3. Supervision history, including any previous history of absconding.
 - 4. System risk level, as determined through the system risk process.
 - 5. Assessments, including CRA/CRR, MnSOST-R, Violence Risk Evaluations, and recommendation of Psychosexual report.
 - 6. Results of polygraph testing/monitor polygraph (non-compliance deception, inconclusive or new admissions).
 - 7. Refusal of special treatment of perpetrators (STOP) programming, or failure to attend scheduled sessions in the community with a treatment provider.
- B. Offenders ordered to GPS or electronic monitoring by the Board of Pardons and Paroles may be removed from monitoring at the direction of the South Dakota Board of Pardons and Paroles.
- C. The supervising parole agent will terminate the GPS or electronic monitoring alert in COMS.

4. Funding for GPS and Electronic Monitoring:

- A. Offenders placed on GPS or electronic monitoring are responsible for the payment of the established amount for the service.

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- B. The parole agent and/or sex offender management program (SOMP) may make exceptions to the payment requirements at the request of the offender if the offender is deemed indigent.
- C. The parole staff 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.

5. Placement on a Sobriety Monitoring Program:

- A. Sobriety monitoring programs (SCRAM, 24/7, RBD, drug patch, etc.) 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.
 - 2. To monitor an offender's containment plan.
 - 3. To provide additional surveillance of an offender in lieu of placement.
 - 4. The Board of Pardons and Paroles and/or the director of Parole may order sobriety monitoring be included as a condition of an offender's release to parole supervision.
 - 5. Offenders will be placed in an alcohol monitoring program if they are sentenced to a DUI 6th/subsequent offense (identified by the "Chronic DUI" alert in COMS) under SDCL § 32-23-4.9.
 - 6. When an offender is placed in an alcohol monitoring program, the supervising parole agent will activate the corresponding Community Alert in COMS specifying the program (24/7 Ignition Lock, 24/7 SCRAM Bracelet, 24/7 Twice Daily PBTs, 24/7 UA testing, or Remote Breath Device).
- B. The parole agent will make arrangements with the sobriety monitoring provider to ensure the method of monitoring is confirmed and prepared for the offender to start the program.
- C. The offender will complete and abide by the Enhanced Monitoring Agreement and/or other agreements based on the sobriety monitoring program.
 - 1. The offender is responsible for all costs associated with the sobriety monitoring program.

6. Parole Agent Responsibilities for Supervising Sobriety Monitoring Programs:

- A. Parole agents will attempt to use the 24/7 sobriety monitoring programs to help monitor and support the skills and material taught through chemical dependency treatment and/or behavioral treatment programs.
- B. 24/7 sobriety monitoring programs may be used as a response to drug use via agent directive or a formal response through a policy driven response even if the offender is not actively participating in chemical dependency treatment and/or behavioral treatment programs.
- C. The parole agent may issue a policy driven response resulting in a formal sanction, to the offender for failing to abide by the monitoring program's rules, failing to submit sobriety test, or submitting a test with inconclusive or substance-positive result.

V. RESPONSIBILITY

The director of Parole is responsible for the annual review and maintenance of this policy.

VI. AUTHORITY

SDCL §§ 22-24B-22 to 22-24B-28, 32-23-4.9

VII. HISTORY

October 2023
 January 2016
 August 2014

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March 2013
September 2012
October 2011
December 2010
August 2010

ATTACHMENTS (*Indicates document opens externally)

1. Enhanced Monitoring Agreement (*Generated in COMS - GPSAGREE-5*)
2. DOC Policy Implementation / Adjustments



ENHANCED MONITORING AGREEMENT

I understand and agree to abide by the conditions of this agreement and to Electronic Monitoring as a condition of my placement on Extension of Confinement/Parole Supervision/Suspended Sentence Supervision.

I agree to utilize the device indicated below as instructed by my Parole Agent to continually track my whereabouts in the community and/or monitor my sobriety while in the community. I understand that I will be financially responsible for all or part of the cost associated.

I agree to properly maintain all equipment in good working order, keep the equipment charged at all times, and to report any issues regarding the equipment to my supervising agent immediately. I understand and agree that if any of the equipment is damaged, lost, or not returned, I am liable for all costs associated with the repair, recovery, or replacement of such equipment.

Global Position Satellite (GPS) Daily Cost up to \$4.35/Unit Replacement Cost \$604.48

Remote Breath Device (RBD) Daily Cost up to \$4.50/Unit Replacement Cost \$700.00

Continuous Alcohol Monitoring (CAM) Daily Cost up to \$6.00; \$30.00 Activation Fee/Unit Replacement Cost \$1,000.00

Start Date: _____

End Date: _____

_____ days X \$ _____ = \$\$ (total)

Parolee Name (Printed)

Parolee Signature

Date

Staff Name (Printed)

Staff Signature

Date