

EMP Edit Summary

1. "Application"
 - a. Rename to Referral Process
 - b. Section 2. (a)(3) (b) use language in the bill
 - c. Section 3 Language edit made on document
2. Brochure edits- see edited DOC version but in general need and purpose of a brochure is not clear. EMP is a court ordered condition of release. Who is audience? If continuing to use needs editing.
3. EMP -001: see track edited changed document
4. EMP-002: see track edit changed document
5. EMP-003: see track edit changed document
6. EMP-004: see track edit changed document
7. EMP-005: see track edit changed document
8. EMP-006: Eliminate- Not needed as Court sets credit for time.
9. EMP-007,008 & 009: Eliminate- These are all Job descriptions and not policies and procedures.
10. EMP-0010: see track edit changed document
11. EMP-0011: DOC recommended a separate set of Policies and Procedures for victims. The current and newly submitted Victim Policy and Procedure needs to be reviewed for: consistency against the other P&P's; by Victim Services; and by AGO.

General Notes:

1. Attention to language:
 - a. all pronouns used to refer to defendant should be standardized to "defendant"
 - b. all references to the defendant's residence should be stated as "residence" not abode or domicile
2. Previously submitted forms were not resubmitted to DOC for review and comment.
3. Previously submitted Participant (Defendant) Handbook was not resubmitted to DOC for review and comment so we are unable to review for any changes that may have been made.

STATE OF VERMONT

SUPERIOR COURT
Windham Unit

CRIMINAL DIVISION
Docket No. _____

STATE of VERMONT	v.	Defendant's Name	DOB
			/ /

APPLICATION FOR ELECTRONIC MONITORING PROGRAM

Comment [EC1]: Referral

The above named Defendant hereby requests that the Court order that he/she be placed in the Electronic Monitoring Program per 13 V.S.A. § 7554d pending acceptance by the Windham County Sheriff's Office. As grounds for the request, Defendant hereby states as follows:

Comment [EC2]: What is the level of acceptance the EMP has if court orders? Does statute allow sheriff to accept or is this a court decision/order?

1) Charges: Defendant is charged with the following offenses:

Docket No.	Offense

2) ~~Defendant has been detained at a correctional facility in the custody of the Commissioner of Corrections for lack of bail, or the defendant has been placed on 24/7 home confinement furlough from the Commissioner of Corrections custody to the Windham County Sheriff.~~

Comment [EC3]: Use the language as set in statute 7554 a3b

Comment [dh4]: What about just conditions of release?

3) ~~The court has considered the following factors Release on the Electronic Monitoring Program is ordered by the court based on criteria as set forth in Title 13 V.S.A. § 7554.~~

Comment [dh5]: Is this the correct term after the committee meeting discussion?

- Nature of offense
- Defendant's prior convictions
- History of violence
- Medical/mental health needs
- History of supervision
- Risk of flight
- Risk/undue burden to other persons who reside at proposed residence, third parties, or public safety

Comment [EC6]: If a list it should include all the factors. This should not be an order if the sheriff has authority to accept, if he does not than it can be an order.

4) If defendant is approved for the Electronic Monitoring Program, he/she agrees to reside at the following address:

Street and Apt#, if any	
Town/City	
State	Zip code
Contact Name/Telephone Number	

5) The residents of the household include:

Name/Telephone Number
Name/Telephone Number
Name/Telephone Number

6) If other than defendant, the owner of the residence approves of defendant's residence at the home and will comply with electronic monitoring equipment.

7) There is cellular and/or landline telephone service at the residence that can be used in connection with the Office's electronic monitoring equipment. The equipment is
 cellular landline

8) If approved for the program, Defendant requests that the court approve his absence from the home for the following purposes:

- Court appearances for these proceedings (no transport required)
- Employment at _____
- Treatment appointments at _____
- Medical appointments at _____
- Attorney appointments at _____
- Educational services operated by the Department of Corrections
- Other approved absences: _____

9) ~~If approved for the electronic monitoring program Defendant is willing to comply with his conditions of release and the standard conditions of the electronic monitoring program.~~

Comment [EC7]: Court order no need to discuss willingness to comply

Comment [dh8]: You mentioned probation in your notes – does this (or the program as a whole) have to be discussed/agreed to through them now before we move forward?

10) If approved for the electronic monitoring program the Defendant will be financially responsible for any lost or damaged electronic monitoring equipment that is assigned to him by the Windham County Sheriff's Office.

Date

Defense Attorney

Cc: State's Attorney
WCSO

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Windham County Sheriff's Office

Electronic Monitoring Program

Title:

Eligibility and Court Process

Procedure Number

EMP - 001

Effective Date

Revision Date

Policy

The Electronic Monitoring Program of Windham County shall accept court referrals for EMP and shall ensure suitability of the residence and advise the court of acceptance and denial. establish a procedure for determining eligibility for admission to the Electronic Monitoring Program and the process of receiving applications for placement of individuals onto the Electronic Monitoring Program.

Comment [kdc1]: Reviewd, minor changes made

Procedures

- 1. If the judicial officer determines that conditions of release imposed to ensure appearance will not reasonably protect the public, the judicial officer may impose, in accordance with Title 13 VSA § 7554d, a defendant in an Electronic Monitoring Program as a community-based electronic monitoring program of this title if:
a. The monitoring program is available in the jurisdictional county,
b. The monitoring program agrees to supervise him/her,
c. The defendant is charged with an offense that is not a nonviolent misdemeanor or nonviolent felony as defined in 28 V.S.A. § 301;
2. The Court shall use the following criteria in section 7554b for determining if whether home detention/community based electronic monitoring is appropriate;
a. the nature of the offense with which the defendant is charged;
b. the defendant's prior convictions, history of violence, medical and mental health needs, history of supervision, risk of flight;
c. any risk or undue burden to other persons who reside at the proposed residence or risk to third parties or to public safety that may result from the placement.
3. The Court may:
a. Place restrictions on the travel,
b. association,
c. place of abode of the defendant during the period electronic monitoring,
d. require the defendant to participate in an alcohol or drug treatment program. The judicial officer shall take into consideration the defendant's ability to comply with an order of treatment and the availability of treatment resources.
4. Any EMP personnel or defendant shall disclose any past or current relationship with the other party which may result in a transfer Any applicant presenting a potential conflict of interest with a staff member of the jurisdictional Sheriff's Office will be transferred to the closest county in which the monitoring program is in use in which a conflict does not occur.
5. Participants of the Electronic Monitor Program are required to abide by the court ordered conditions and also to rules of the Electronic Monitoring Program to include, but not limited to, adhering to:
a. inclusion zones.

Comment [EC2]: If court ordered what would be the reason the sheriff would need to agree

Comment [EC3]: This has nothing to do with eligibility and is post determination of the residence approval and the courts order to participate in EMP

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Comment [EC4]: Is this necessary? How would this work? Would the person have to move? Would the other sheriff be required to travel to meet the defendant or would the defendant have to travel to meet the other sheriff for weekly schedule meetings?

Comment [EC5]: This should be based on conditions the court sets

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	<i>Windham County Sheriff's Office</i> Electronic Monitoring Program	Procedure Number	EMP - 001
		Effective Date	
	<u>Title:</u>	Revision Date	
	Eligibility and Court Process	Page 2 of 2	

- ~~b. exclusion zones;~~
- ~~e. schedules;~~
- ~~d. time restrictions;~~
- ~~e. home visits (announced and unannounced)~~
- ~~f. care and charging of the electronic device(s).~~

~~6.5. Failure to comply with any of these conditions may result in a court appearance in response to violation of conditions of release being filed with the Court, and/or removal from the Electronic Monitoring Program.~~

~~7.6. The Electronic Monitoring Program or Sheriff's staff will provide the potential participant with initial information and application regarding the Electronic Monitoring Program.~~

	<p>Windham County Sheriff's Office</p>	<p>Procedure Number</p>	<p>EMP-002</p>
	<p>Electronic Monitoring Program</p>	<p>Effective Date</p>	
	<p>Title:</p>	<p>Revision Date</p>	
	<p>Housing Requirements</p>	<p>Page 1 of 1</p>	


Policy

The Electronic Monitoring Program shall ~~ensure that defendant's residence meets the requirements of the court conditions and EMP establish a procedure for identifying housing requirements for participants entering the Electronic Monitoring Program.~~

Procedure

1. ~~Defendants~~ Participants are required to provide a residence in which cellular service may be maintained matching one of the companies used by the monitoring program ~~or:~~
2. The ~~defendant~~ participant must provide, at ~~their his or her~~ cost, a land-line telephone service if ~~the residence he/she resides is~~ in a location in which no cellular/GPS service is available,
3. A check of the proposed ~~residence domicile of the participant~~ will be conducted for the following, but not limited ~~to,~~ reasons:
 - a. ~~Agreement by other occupants~~ for the participant to reside in the domicile ~~by other occupants,~~
 - b. ~~Agreement by housing director if government housing authority if applicable~~ facility,
 - c. ~~Agreement of any landlord if applicable~~
 - d. ~~Removal of unauthorized items per court ordered conditions of release,~~
 - e. ~~Identification and/or determination if weapons are in the residence and the willingness~~ Agreements of the all occupants to secure the weapons at another location. This is an officer safety concern. Weapons (i.e.: firearms, knives, etc) for officer safety.
4. ~~If the participant is not the sole occupant of the residence, all occupants over the age of 18 shall willingly agree to an Occupation of Home Agreement indicating willingness to have participant reside in the domicile.~~
5. ~~Participant's requested housing location(s) will be determined~~ determination and acceptability will consider the distance restrictions established by the court's conditions of release as it relates to a known victim's place of residence, employment or education facility. to at least the minimum restriction in relation to the victim(s) as set forth in any court sanctions.

Comment [kdc1]: During our initial pilot this was not an issue. Residences identified by potential participants wherein there were other occupants, all were willing to enter into the agreement and be supportive of the participant. This included on one occasion an employer who opened his/her home to the participant.

	<p>Windham County Sheriff's Office</p>	<p>Procedure Number</p>	<p>EMP - 003</p>
	<p>Electronic Monitoring Program</p>	<p>Effective Date</p>	
	<p>Title:</p>	<p>Revision Date</p>	
	<p>Installation and Removal of Monitoring Device</p>	<p>Page 1 of 4</p>	


Policy

The Electronic Monitoring Program shall ~~ensure that qualified staff install and remove equipment in accordance with the manufacturer. establish a procedure for the installation and removal of the electronic monitoring device upon a participant of the Electronic Monitoring Program.~~

Procedure

Installation of the monitoring device

1. Cell coverage
 - a. Each brand of monitoring device operates on a separate cellular service provider.
 - b. During the course of the participant's domicile inspection, a cellular service check shall be conducted to determine which cellular service provides the appropriate service;
 - c. ~~In the absence of cell coverage, the availability of a Plain Old Telephone Service ("landline") and the availability of EMP base station.~~
2. Address for device attachment
 - a. The ~~defendant participant~~ will be transported to the Criminal Division of the ~~jurisdiction Superior Court~~ for attachment and activation of the monitoring device.
 - b. Transportation of ~~defendant participant~~ shall occur through the court transport request system.
 - c. The Electronic Monitoring Program staff, or designee, may determine an alternate location for the ~~purpose of meeting with the defendant for attachment of EM device anklet and finalizing the EM vendor application and activation.~~
3. Physical installation of the monitoring device
 - a. ~~The defendant will sign all court and monitoring program documentation. At which point the participant will be considered to be under monitoring of the program.~~
 - ~~a.b~~ Each ~~defendant participant~~ remains in custody of a deputy of the Sheriff's Office until full activation of monitoring program device.
 - c. Installation and activation process will be based on vendor installation documentation ~~and instructions.~~
 - ~~b.d~~ At time of device activation ~~application~~ two photographs (front view, side view) of the ~~defendant participant~~ are to be taken and entered in the tracking software database.
4. ~~Entering the limitations for the defendant based on court conditions in to the software Connection to software~~
 - a. ~~Upon device activation, finalization of current data input occurs.~~

	Windham County Sheriff's Office Electronic Monitoring Program	Procedure Number EMP - 003	
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	Installation and Removal of Monitoring Device	Revision Date	
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- b. Electronic Monitoring Program staff reviews the conditions of release data with the defendant ~~participant~~ to ensure accuracy. ~~Data review shall~~ Staff enter the court ordered limitations which may include accuracy and size of inclusion and exclusion zones, schedules to include but not limited to work, treatment or education and future court dates or curfew.
- 5. ~~Release of individual to domicile upon completion of the above:~~
 - a. ~~Prior to release of custody by the deputy or coordinator~~ ~~release~~ participant will sign all court and monitoring program documentation. ~~At which point the participant will be considered to be under monitoring of the program.~~
 - b. ~~Upon completion of activation and signing of any documentation, participant~~ the defendant shall adhere to the court conditions of release including authorized location. ~~released to an approved individual for transportation to the participant's domicile.~~
 - c. If a defendant ~~participant~~ is unable to arrange his/her own transportation, a deputy may, with approval of a patrol sergeant or higher, transport the defendant. ~~participant to this/her approved domicile.~~

Removal of device

- 1. ~~Release from program by lodging at a~~ Transport to/removal at a correctional facility
 - a. ~~The Electronic Monitoring Program staff will be contacted when the need occurs to return a detainee to a Department of Corrections facility, or if the detainee has already arrived at a Department of Corrections facility.~~
 - b. Upon notification from a dispatcher, patrol supervisor, or on-duty employee of a Department of Corrections facility, an Electronic Monitoring Program staff member or designee will deactivate the monitoring device in the corresponding software program.
 - c. Upon deactivation, the device ~~device anklet~~ will be removed by a member of the EMP staff or their designee and the participant entered escorted into the Department of Corrections housing facility.
 - d. ~~The monitoring device will be removed from the participant as appropriate.~~
 - e. Upon removal and if requested the victim(s) will be notified immediately by means identified by victim(s) (i.e.; telephone, email, etc.) of the removal of the participant from the program and the reason for removal. VANS?
 - f. The device and associated equipment will be returned to Electronic Monitoring Program staff where it will be properly cleaned and stored.
 - f.g. ~~The monitoring device will be returned to the Electronic Monitoring Program staff where it will be properly cleaned and stored and prepared for re-issue.~~
- 2. Release from program by court proceedings

Comment [EC1]: Are we legally allowed to tell the victim the reason?



Windham County Sheriff's Office

Electronic Monitoring Program

Title:

Installation and Removal of Monitoring Device

Procedure Number

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- a. Upon determination that a defendant participant is to be released from the Electronic Monitoring Program due to completion of court sanctions/final disposition of case, the defendant will contact the EMP staff and shall be removed from the EMP system. defense counsel or court system is to notify the monitoring program staff.
- b. An Electronic Monitoring Program staff member and deputy will arrange to meet with the defendant participant at the Criminal Division of the Superior Court or the Sheriff Department for the removal of the monitoring device.
- c. Once deactivation is completed and the monitoring device removed as appropriate, the participant is considered officially removed from the Electronic Monitoring Program.
- d. Upon removal and if requested the victim(s) will be notified immediately by means identified by victim(s) (i.e.; defense attorney, telephone, email, etc.) of the removal of the participant from the program; and the reason for removal. VANS?
- e. The device and associated equipment will be returned to Electronic Monitoring Program staff where it will be properly cleaned and stored.


Comment [EC2]: Why both?

Comment [EC3]: Are we legally allowed to tell the victim the reason


3. Medical Response

- a. In the event a dispatcher is notified by medical personal or the defendant that the device needs to be removed for medical treatment ~~The When a dispatcher will be notified of an emergency care providers need for removal, or the actual removal of a monitoring device for medical treatment either by telephone call by medical staff, software alert, or telephone on alert through by the monitoring company's operation center, the~~ The the dispatcher will notify the Electronic Monitoring Program staff, supervisor on-call, and Sheriff of the emergent need for device anklet removal alert.
- b. If time allows, arrangements will be made for the custodial control by a deputy of the participant's needs while the monitoring device is removed.
- c. A deputy will be assigned to monitor the defendant for custodial control of detainee while being treated during which time the device is removed.
- d. As soon as possible, the monitoring device will be deactivated within the software system.
- e. Upon completion of medical treatment attention, a monitoring device will be reinstalled.
- f. If the custodial deputy is unable to attach and activate the monitoring device, an Electronic Monitoring Program staff member, or designee, will respond to attach and activate a monitoring device.
- g. The removed device will be retrieved from the treating medical personal ~~of~~ facility.

Comment [EC4]: The statutory language says monitor not take custodial control

	<i>Windham County Sheriff's Office</i> Electronic Monitoring Program	Procedure Number	EMP - 003
		Effective Date	
	<u>Title:</u> Installation and Removal of Monitoring Device	Revision Date	
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- h. Upon re activation of the ~~new~~ monitoring device, the ~~defendant participant~~ will follow court conditions of release. be returned to his/her required program schedule.

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	<p>Electronic Monitoring Program</p>	<p>Effective Date</p>	
	<p>Title:</p>	<p>Revision Date</p>	
	<p>Restrictions and Scheduling</p>	<p>Page 1 of 2</p>	

Policy

The Electronic Monitoring Program shall ensure the restrictions and scheduling adhere to the court conditions of release. ~~establish a procedure for restrictions and scheduling for participants of the Electronic Monitoring Program.~~

Procedure

Restrictions and Scheduling

1. ~~The electronic monitoring device will monitor the court ordered conditions participant will be confined to his/her domicile continuously, 24/7, as ordered through court ordered conditions of release, or under Electronic Monitoring Program requirements.~~
2. ~~Notification will be provided to the State's Attorney, defense council, victim's advocate, and vietim regarding inclusion and exclusion zones, and scheduling.~~

Scheduling

1. When a defendant participant is placed on the Electronic Monitoring Program all mandated obligations will be reviewed and scheduled including,
 - a. Date
 - b. Time
 - c. Location
 - d. Reason
2. ~~On the first Monday following initial placement on the program a monitoring program staff member and detainee the participant will confirm on going mandated court sanctions.~~
3. Once a week a monitoring program staff member and defendant participant shall review the following weeks schedule to approve schedule modifications of court ordered conditions of release. ~~determine if allowable exceptions are to be scheduled based on~~ Modifications of the schedule that are not stated in the conditions of release cannot be approved and can only be approved by the court modifying the conditions of release:
 - a. ~~Doctor's appointments not previously scheduled~~
 - b. ~~Attorney's appointments not previously scheduled~~
 - e. ~~Employment search/interview~~
 - d. ~~Education related events~~
 - e. Community service
4. Any changes to the defendant participant's schedule that meet the above criteria will be reflected documented and appropriate notifications indicated in the scheduling software.
5. Defendant's requests for schedule changes shall be made no less than 72 hours in advance of the requested change ~~Changes to the schedule are to be reported within 72~~

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Windham County Sheriff's Office

Electronic Monitoring Program

Title:

Restrictions and Scheduling

Procedure Number

EMP - 004

Effective Date

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~~hours of the requested change~~ to the State's Attorney, defense attorney, victim's advocate (if applicable), and victims (if requested and or applicable).

- ~~If the defendant has a Notification of medical emergency for themselves, their spouse/partner, child or parent requiring an immediate variance from the schedule changes they need to contact EMP staff as soon as possible, will be sent made as soon as possible~~ through the most appropriate means in relation to the situation (i.e.: email, phone call, on-call state's attorney).

Comment [EC1]: Is notification required by statute?

Comment [EC2]: Is notification required by statute

	<i>Windham County Sheriff's Office</i> Electronic Monitoring Program	Procedure Number	EMP - 005
		Effective Date	
	Title: Program Termination	Revision Date	
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Policy

The Electronic Monitoring Program shall ensure establish a procedure for the defendant's completion termination of participants from the Electronic Monitoring Program.

Procedure


Successful Completion

1. A defendant has completed EMP when the court case is disposed and the conditions are no longer enforceable. The successful completion of the Electronic Monitoring Program is determined when the participant is released from the monitoring program at the request of the court not due to a violation of court ordered sanction or violation of the rules of the monitoring program.
2. The defendant or court will notify the Electronic Monitoring Program staff when EMP is no longer a court ordered condition of release, will be notified by the defense counsel, or legal representative, of the pending monitoring program completion with proposed release date and/or when bail status has been meet.
3. Upon receiving notification that EMP is no longer a condition of release the EMP staff will remove the device and deactivate the defendant's schedule with the vendor. The participant is not formally removed from the Electronic Monitoring Program until monitoring program staff has been officially notified of the released from judicial sanctions and or conditions of release, the monitoring device is removed, and all associated equipment has been returned to the Sheriff's Office.
- 3.4. All equipment must be returned in good working order with normal wear and tear otherwise the defendant is financially responsible for the value at the current replacement rate.

Unsuccessful Completion

1. Any removal from the program not defined above. The completion of the monitoring program will be deemed unsuccessful if the participant is removed from the program due to violation(s) of court ordered ~~sanctions/conditions of release~~ and/or rules of the monitoring program.
2. The court will be advised of any unsuccessful completion. , State's Attorney's Office, and defense counsel will be notified within 1 (one) business day of the participants change in program status.
3. The participant will not be eligible to reenter in the monitoring program for at least 12 months after removal.
4. The participant shall be returned to a pre-Electronic Monitoring Program judicial status.

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- ~~5. Upon removal the victim(s) will be notified immediately by means identified by victim(s) (i.e., telephone, email, etc.) of the removal of the participant from the program and the reason for the removal.~~
- ~~6.1. The participant is responsible for the return of all Electronic Monitoring Program equipment. Missing or damaged equipment may result in fees and/or criminal charges.~~

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Comment [EC1]: Is this legal?

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	<i>Windham County Sheriff's Office</i> Electronic Monitoring Program	Procedure Number	EMP – 010
		Effective Date	
	Title: Data and Records Management	Revision Date	
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Policy

The Electronic Monitoring Program shall ensure data and record retention and management adheres to Vermont State record retention laws. ~~establish and maintain a procedure for records management and data retention and use.~~

Comment [kdc1]: Reviewed - No changes

Procedures

Records Management

1. The Windham County Sheriff's Office and participating Sheriffs shall maintain and store records of Electronic Monitoring Program participants in accordance with guidance provided by the Secretary of State.
2. All records and documents shall be considered public record unless exempt under the provisions of Title 1 VSA § 317.
3. The WCSO shall maintain a database which shall contain at a minimum the following:
 - a. Name of participant with contact information
 - b. Offense(s) charged
 - c. Date of Acceptance into program
 - d. Date of Rejection and Reason for Rejection
 - e. Date of Release from program and reason for release
 - f. Date and Times of Site Visit(s)
 - g. Court of Jurisdiction
 - h. Sheriff Office providing electronic monitoring
 - i. If there is a victim(s)
4. Victim information will be maintained confidential within the monitoring program database pursuant to Title 13 V.S.A. § 5310.
- ~~4.5. Records will be made available every month to the evaluator for the purposes of establishing if the stated goals have been attained, the cost and savings of the program, identifying what goals or objectives were not met and if not what could be changed to meet the goals and objectives.~~

Evaluation


- ~~1. The Crime Research Group will conduct a program evaluation per contract signed with the Joint Fiscal Office~~
2. Minimum data to be collected will reflect
 - a. Program participants
 - b. Offense(s) participant was charged
 - e. Number of participants who violate conditions of the program
3. The Crime Research Group shall provide an electronic database to the program coordinator in which the required data may be collected.

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	<i>Windham County Sheriff's Office</i> Electronic Monitoring Program	Procedure Number	EMP – 010
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~~! Data will be transferred to the Crime Research Group on a monthly basis.~~