

Prince George's County Department of Corrections



Home Monitoring Program *for* *Pretrial Defendants and Sentenced Offenders*

Standard Operating Procedures Manual

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Introduction

In accordance with departmental policy, Chapter 20.3, the Prince George's County Department of Corrections' Home Monitoring Program (HMP), formerly known as Home Detention, is an alternative-to-incarceration program for both the pretrial defendant and sentence offender. The HMP uses an active monitoring system to track and ensure the participant's presence remains within the confines of their residence or any other authorized area, 24 hours per day, 7 days-a-week. The system's equipment is placed on the participant and installed within the participant's home. Any tampering with the ankle bracelet, installed equipment, leaving the confines of residence, or a pre-authorized area will alert the department. All HMP participants will be monitored by this system. Random visits are conducted by departmental staff to ensure program compliance.

The Prince George's County Department of Corrections (PGCDOC) is responsible for the custodial care of pretrial and sentenced individuals. The *commitment* is the legal document that authorizes the incarceration. There are different types of commitments that employees are to familiarize themselves with the different types so they can see the correlation between the courts, the participant, and the HMP program. Below are the various types of commitments:

Types of Commitments

1) In Jail Court Referred Commitments

Defendants incarcerated/detained who are court-referred to the HMP for eligibility determination.

2) Split Sentence Commitments

Split Sentence Commitments are those in which a Judge sentences a Defendant to serve a prescribed period of incarceration and recommends the remainder of the sentence to be served on the HMP.

3) Deferred Commitments

At the time of sentencing, the Judge may defer the start date of a Defendant's sentence. Upon receipt of the commitment, unless the defendant has been ordered to report on a specific date by the Court, the Defendant will contact the Monitoring Service and schedule an interview prior to the start date. A Defendant reporting to HMP on a deferred commitment will be handled in the following manner:

- a) The Defendant must turn himself/herself in to the PGCDOC based on the court's deferred commitment sentence turn-in date.
- b) Once the Defendant is processed into the facility, s/he will be met by the HMP Program Manager or his/her designee.
- c) If an interview has not already been completed, one will be completed at that time.
- d) If an interview has been completed, the information will be reviewed with the Defendant to ensure information is still accurate.
- e) The HMP Program Manager or designee will conduct an updated criminal history check for any new or pending charge(s), warrant(s) check, and NCIC.

- f) The completed case will be submitted to the HMP Unit Coordinator for review.
- g) The HMP Unit Coordinator will submit the recommendation through the chain-of-command for final approval. In the absence of the Division Chief or Assistant Division Chief, the Section Chief of Community Supervision will make a recommendation.

Note: In cases where the court orders electronic monitoring and the Defendant is reporting to the Department of Corrections to immediately start the program, the procedures under “Deferred Commitments” will be followed. At no time will an inmate being released from the facility be permitted to drive themselves home. The Records Unit will forward a copy of all deferred commitments to HMP. The HMP Program Manager will keep an electronic index file/tickler system of all deferred commitments to ensure Defendants report to the facility/PGCDOC as directed. In the event a Defendant does not appear, it will be the responsibility of the Program Manager to notify the Records Unit Coordinator. The Records Unit Coordinator will complete a request for a Bench Warrant and send it to the Sentencing Judge.

Definitions

1. Courts: The judicial system or a court official associated with either the Fifth Judicial District Court and/or the Seventh Judicial Circuit Court.
2. Home Monitoring Program: The Department of Corrections’ alternative-to-incarceration program where pretrial defendants and sentenced offenders are court-ordered, given the option, or selected to participate in the program.
3. Radio Frequency Device (RFD): – ankle bracelet device that attaches to the participant and monitors the participant while confined to residence.
4. Global Positioning System (GPS): satellite tracking that identifies the location the whereabouts of participant while in the community.
5. Road Sheet: Departmental form used by HMP Investigators to verify status of the participant to ensure program compliance. The form collects participant demographic information such as: participant’s name participant’s status (pre-trial or sentenced), residence address and phone number, date/time visited/checked, equipment check verification, type of check (phone/on-site), staff name/signature and comments.
6. Level IV Electronic Monitoring – court-ordered electronic monitoring for pretrial Defendants.
7. Forthwith Bench Warrant – a show cause warrant requested by DOC and issued by the Courts for program non-compliance.

Program Eligibility

Participants are either pretrial or sentenced Defendants that are authorized to eligibility determination. All participants must meet these HMP's eligibility requirements:

- 1) Must have a verifiable Prince George's County address as documented by a rental agreement or mortgage statement and a government-issued picture ID.
- 2) No outstanding warrants, detainers, and/or pending charges from other jurisdictions.
- 3) Have and maintain an operable landline (telephone) or cellphone.
- 4) Conditions of the residence are a consideration of eligibility, e.g., illicit substance use, condemn properties, and known criminal activity.

Additional considerations are given to the criteria stated in Maryland Rule 4-216.1.

Program Overview

1. The HMP staff will daily check the sentence commitment report to determine potential program participants. Also, a sentenced Defendant may request to participate in the program. The Pretrial Investigation Unit will send the daily bond hearing sheets to the HMP for its notification of potential pretrial Defendants court-referred to Level IV electronic monitoring evaluation. Once the HMP receives a referral, the program will have 72 hours to complete an interview with the detainees. All cases must have a prescreening interview and criminal history compiled before program placement date. All prescreening interviews will be scheduled and set up by the HMP staff.
2. The HMP Program Manager or designee will interview and conduct a criminal history profile on the offender and forward a recommendation through the Section Chief of Community Supervision to the Assistant Division Chief/Division Chief for approval. If the HMP manager or designee discovers an ineligible criminal history, the HMP manager will have the Asst. Division Chief or Division Chief to affix signature to ineligibility form and notification will be made to the offender within 5 days.
3. The HMP staff will conduct a complete criminal history record check. The check will be conducted in the following format:
 - a) Offender Management System (OMS).
 - b) Police PIX3.
 - c) Sheriff Warrants (RMS).
 - d) Court System (CAP).
 - e) Maryland State (SID):
 - f) Meters (NCIC).
 - g) Parole & Probation (OBII)

4. The HMP staff will interview the prospective participant using the Unit's Interview Form. The form will be completed in its entirety to obtain the Defendant's demographics. Individuals coming from the community must have proper identification to be allowed into jail for an interview.
5. Employment/educational/vocational verification_– Employment and vocational activities must be verified before the Defendant's involvement. The supervisor must agree to provide a work schedule to HMP staff. If during the investigation discrepancies appear in residence, employment, or criminal history, the HMP manager will notify the Court in writing. The program manager will be guided by the Court's decision.
6. Review Process– when HMP staff completes the verification process, the case file will be submitted to the program manager for their review and initial approval. The program manager will submit it through the Chain-of-Command (Section Chief of Community Supervision, Assistant Division Chief/and or Division Chief of Community Corrections) for final review and approval.
7. If the staff has been unable to verify necessary case information within ten (10) business days of receipt of the courts bond determination order, a note will be placed in OMS to that effect, and the Court, State's Attorney's Office, Office of the Public Defender, and/or private counsel will be notified via email, and Defendant will be notified via departmental mail. If the Defendant is not eligible for release, a letter will be submitted to the Court as soon as a determination of ineligibility is made but all eligibility determinations must be made within 10 business days of receipt of the courts bond determination order. Court Correspondence will be used for Defendants who received a court authorization for eligibility determination but are ineligible for program placement and the correspondence will explain the reason(s) for the determination of ineligibility. The detainee, defense attorney, and prosecutors will be copied on all correspondences.
8. Approval Process – The Chain-of-Command reviews and approves the case file. Upon final approval, the information contained in the file must be signed by at least two of the following: Section Chief of Community Supervision, Assistant Division Chief/and or Division Chief of Community Corrections:
 - a. The HMP Case Manager will notify and ensure the appropriate Release Form is submitted to the Records Unit with a complete NCIC/MILES/1029 printout.
 - b. The transporting staff, typically an Investigator, will verify that the Defendant's Prince George's County residence is still valid.
 - c. The transporting staff will call the residence to ensure someone is readily available at the residence before the detainee is released.

- d. A copy of the HMP Road Sheet will be given to the transporting staff before transporting the defendant to their residence.
 - e. The transporting staff will notify the Records Unit and the Records Unit will prepare the defendant for release.
8. Release Process – When a Defendant is ready for release, the following will take place:
- a. Security staff escorts the Defendant to the Release Team for clearance. The Release Team turns over the participant to the HMP transporting staff.
 - b. HMP staff transports the participant to the approved residence and connects monitoring equipment.

Program Acceptance/Enrollment

Orientation and Agreement

The approved Defendants and the authorized residence owner will receive an orientation from the HMP staff before the Defendant is placed on the program. The purpose of the orientation is to inform the stakeholders about program expectations and the importance of remaining in compliance with program guidelines.

The following information will be fully explained to Defendants, and they must sign the Program Agreement acknowledging their understanding of the rules of the program before release:

- 1) Operation & Use of Equipment
 - a) Abuse or misuse of equipment is grounds for violation.
- 2) Rules & regulations of the program & Court-Ordered restrictions
- 3) Enrollment in required programming
- 4) Financial Obligations
 - a) Program fees if applicable
 - b) Program fees waived for unemployed participants
 - c) Family responsibilities, etc.
- 5) Schedule of Approved Activities
- 6) Residential visits by monitoring Services Investigators
- 7) Rule Violations
 - a) Adjustment procedures and possible sanctions.

Substance Use Treatment and Testing

Defendants are required to remain drug and alcohol-free. Defendants will be required to report to the PGCDOC Drug Lab for random drug testing. The HMP Program Manager will maintain a weekly rotating file of all program participants. The Drug Monitoring Lab will notify the Program Manager within 48 hours of any positive test results.

The Program Manager, with administrative approval, may modify these procedures based on individual circumstances. Participation in substance use treatment or support groups is encouraged and may be required if participant tests positive for drugs. The Investigator suspecting a violation will notify the Program Manager who will schedule a random test

Defendants will be required to remain drug and alcohol-free. However, those who submit sixteen (16) consecutive negative urinalysis tests may be reduced to once per week. If a positive test is provided or a participant fails to report, they will be required to increase their testing days and attend a community-based treatment program. Notification of this sanction will be provided to the Court.

HMP Staff Daily Duties and Responsibilities

I. Program Manager or Designee:

A. Will examine and review the following:

1. Check daily monitoring violations, to include equipment failures and follow up.
3. Review previous night's Road Sheet and submit to Section Chief.
 - a. Incident reports and recommendations must be forwarded through the chain of command.
 - b. Notify staff of any action taken because of their report on home visits.
4. Review all court-ordered commitments.
5. Examine all program files for accuracy and complete documentation quarterly.
6. Forward all cases and subsequent recommendations through the chain-of-command for approval.
7. Ensure disciplinary and adjustment procedures are followed as outlined in P&P 14.
8. Submit all violations requiring court notification through the chain of command.
9. Submit monthly statistical report of program activities through the chain of command. (Number of investigations; number of hearings; number of new installs).
10. Maintain a 31-day file (tickler)of cases to be terminated, added to the program, deferred commitments, or to be reinstated to the program.
11. Review monthly bills and payments to ensure accuracy.
12. Ensure and document that violations are communicated up the chain-of-command and the Courts as necessary, within 48 hours.

II. Case Manager:

When a Defendant is referred to participate in HMP, they will be assigned a Case Manager. The Case Manager will be responsible for the following:

1. Ensure complete criminal history.
2. Contact owner/leaser of participant's address to explain program and obtain their approval.
3. Review Pre-Trial Fact Sheet, commitment, and attached records.
4. Ensure complete interview and verifications. Staff will complete only those areas not verified by pre-trial staff.
5. Contact owner/leaser of participant's address to explain program and obtain their approval.

III. Investigator:

A. Investigators will conduct the following tasks:

1. Submit a Road Sheet to the Program Manager for approval.
2. Conduct on-site visits to Defendant's home, school, and work at least three times per week.
3. Review and respond to all special requests from program participants, specifically, approval/denial of leaving residence, attending church, employment interviews, etc.
4. Maintain drug monitoring file.
5. Maintain equipment as directed by the Program Manager.
6. Transport new participants and connect monitoring equipment as directed.
7. Conduct random checks with participant's employer, household members, etc. to verify compliance.
8. Submit copies of the On-site Form to Program Manager.
9. Complete On-site Form in its entirety.

III. Transport Responsibilities:

A. When transporting a Defendant to their residence for equipment hook-up, Investigators or staff will:

1. Notify Central Control of the program participant's address.
 - a. Central Control will log unit #, time, and location.
2. Upon arrival at Defendant's residence:
 - a) Notify Central Control of arrival
 - b) Central Control will log unit #, time, and location
 - c) Begin equipment hook-up to last twenty (20) minutes
3. If hook-up takes longer than twenty (20) minutes, Investigator will advise Central Control of estimated time to complete

4. Central Control will log the time projected.
5. If hook-up is not completed in projected time, Investigator will notify Central Control via telephone and ask for a time check.
6. Central Control will log the time of the time check request.
 - a) If Investigator does not contact Central Control at expiration of time, Central will attempt to contact the Investigator or program participant's telephone number located on the log.
 - b) If contact cannot be made, immediate notification to Shift Commander will be made for further instruction. Shift Commander will then initiate a welfare check.
7. Investigator will contact HMP manager and Central Control upon completion assignment.
8. Upon completion of assignment, investigator will return to workplace or personal home.

B. Random On-site checks:

Random on-site checks are to be done 3 times-a-week

1. Investigator will contact Central Control by phone, notifying their location.
2. Central Control Officer will log the location and the time.
 - a. If the on-site checks last longer than ten (10) minutes, Investigator will check back in every 10 minutes until complete.
 - b. If Central Control does not hear back from the Investigator as scheduled, Central Control will initiate a call back to the Investigator.
 - c. If no contact is made, Central Control will immediately contact the shift Commander for further instructions.
 - d. Shift Commander should authorize contacting Prince George's County Police to have site immediately checked including checking for the Investigator's vehicle. The Vehicle ID number and description of the vehicle will be placed on the Locator List next to the Investigators' names.
 - e. If contact is made and investigator responds with 10-59 (hostage) or SIG 13 (need help, in trouble), Central Control will immediately contact Prince George's County Police Communications advising we have an investigator in trouble: give location, name of program Defendant, name and other relevant information.
 - f. Notify Shift Commander
 - i. Shift Commander will:
 - a. Contact Processing instructing them to:
 - b. Retrieve Personnel Identifiers of Defendant from Inmate Accounting system
 - c. Retrieve picture of Defendant
 - d. Ensure incident report is written
 - e. Will ensure notification procedure is initiated

3. If the investigator believes the location may not be safe, the investigator may call the participant and ask the participant to come outside for verification. Investigator shall document the reason for the location being unsafe on the Road Sheet.

Violation Procedures

Home Monitoring Program Responsibilities:

Once a Defendant is released to HMP, they are expected to follow all program guidelines. Any program violation(s) will result in appropriate disciplinary action.

HMP Staff has approximately three hours to investigate alleged violations and make notification through the chain of command. Written notification of the violation shall be made to the **Director and the Courts within 24 hours**. If the immediate supervisor is unavailable, staff is to move up the chain-of-command until they reach the supervisor.

Violations Occurring During Non-Operational Hours:

- 1) Upon notification of a violation, immediately call the program Defendant's residence via a telephone:
 - A) Contact made
 - 1) Ascertain problem and resolve.
 - B) No contact made
 - 1) Call the Monitoring Program voice mail to determine if the program Defendant left any messages.
 - 2) Call other Prince George's County Public Safety/Police/Hospitals to determine if they responded to any assistance calls for the program Defendant's residence.
 - 3) Notify the HMP Program Manager.

Cell Phone Alerts

Program Manager Responsibilities:

1. Manager must be available in emergency situations to provide supervision to the staff working the call and ensures communication moves in accordance with departmental policies and procedures and to the appropriate chain-of-command as needed.

Staff Responsibilities:

- 1) Responds to reported violations received from their assigned cellphone. For any violation that cannot be resolved during business hours, the staff contacts the Program Manager for instruction.
 - a) Anklet Tampered – Goes to location and investigate; Checks Anklet for damage (cut, tear, etc.). If intentionally damaged, contact the Program Manager.
 - b) If there is no damage, reset tamper.
- 2) Upon arrival at the Defendant's residence (participant home)

- a) Check equipment for proper working order.
- b) Re-explain program rules and regulations of remaining within the control area.
- 1) If the participant is not home:
 - a) Gather information from other residents and/or neighbors about the Defendant's whereabouts and when they were last seen.
 - a. Contact the Public Safety Communication System to see if Police/Fire has any call(s) for assistance at this address.
 - b. Contact the Defendant's employer if possible.
 - b) If whereabouts cannot be explained, contact the HMP Program Manager.
 - c) Complete an Incident Report.

Disciplinary/Adjustment Procedures

Any violation of the HMP rules or court-ordered restrictions will result in some form of disciplinary action. Disciplinary action may range from counseling to re-incarceration. All disciplinary actions must be reviewed and approved by the Program Manager or above.

The following procedures will be utilized:

- 1) The Defendant will be required to report to PGCDoc for an administrative hearing.
- 2) Staff will follow the PGCDoc policy for Disciplinary Hearing
- 3) The Court, SAO, OPD and/or private defense counsel must be notified the Defendant is being re-incarcerated.
- 4) In cases involving emergent circumstances (**anytime a Defendant poses a threat or a danger to others**), staff may request a Bench Warrant without an Administrative Hearing with the approval of management.

Infractions:

Minor Infractions

- 1) Failure to notify staff if delayed and not able to return to residence by scheduled time.
- 2) Failure to make scheduled call-in.
- 3) Failure to respond to page/message if acknowledged.
- 4) Failure to cooperate with or obey requests by staff.

Major Infractions

- 1) Failure to maintain an operable cellphone or a landline.
- 2) Changing telephone number without obtaining staff approval.
- 3) Use of an extension telephone, cordless telephone, I.D. block, or other unauthorized telecommunications equipment or features.
- 4) Failure to reside at approved residence.

- 5) Failure to inform staff immediately of a change in school/work status or location, reduction or increase in hours, or schedule change.
- 6) Failure to go or return directly from school/work or other authorized locations.
- 7) Failure to be able to account for time whole on authorized leave from residence.
- 8) Unexcused absence from school/work or other authorized destination.
- 9) Threatening language or combative posture toward staff and or threatening staff with bodily harm or with any offense against his/her person.
- 10) Lying or knowingly providing a false statement to staff.
- 11) Two (2) documented minor violations.
- 12) Re-arrest.

Note: Loss of phonenumber, housing, or other program requirements that occur outside of the Defendant's control are not to be considered rule violations.

Sanctions:

For minor and major infractions, one or more of the following sanctions may be imposed:

- 1) Verbal counseling (2) by the case manager.
- 2) Written warning (final warning)
- 3) Decrease the number of pre-authorized locations.
- 4) Bench warrant requested for re-incarceration.

Reincarceration Process

1. When evidence indicates a need to re-incarcerate, the following steps will be initiated:
 - a) A decision to re-incarcerate must be reached by the appropriate supervisor.
 - b) Monitoring Program staff processing the reincarceration must notify the Shift Commander.
 - c) The Records Unit will be notified by either the Program Manager or the responsible Investigator.
 - d) Program staff will cut the anklet off the participant prior to their release to Security staff.
 - e) The program participant's family will be notified by the Monitoring Program staff.
 - f) The Presiding Judge will be notified in writing.
 - g) HMP vendor will be contacted to deactivate equipment and discharge the participant from their system.
 - h) Arrangements will be made to pick up the equipment at the residence.
 - i) Incident Report will be completed in OMS, and a copy will be distributed to the Records Unit and the chain of command.
 - j) A copy of the hearing will be submitted to the Classification Unit.
 - k) A copy of the hearing will be placed in the detainee's Monitoring Program base file folder.

- l) In cases where Defendants are incarcerated by agencies outside of HMP, staff will coordinate with Security to retrieve the equipment.

Obtaining Arrest Warrants

When obtaining an arrest warrant the following procedures are to occur:

- 1) The Investigator must complete the “Application for Statement of Charges” in its entirety.
- 2) The Investigator must appear before a District Court Commissioner and present the completed application for the arrest warrant to be issued.
- 3) Once the arrest warrant is issued by the District Court Commissioner, it will be hand-carried to the Prince George’s County Sheriff’s Department to be processed.