

Interim Guidance - Milwaukee County House Of Correction Inmate Electronic Monitoring Program

Mission Statement:

The Milwaukee County House of Correction is committed to operating a post-conviction inmate Electronic Monitoring Program, which will provide a cost effective alternative to incarceration, while also ensuring public safety is paramount. This objective will be achieved by utilizing an objective evidence-based screening criterion to determine eligibility for any House of Correction inmate sentenced to serve custody time in Milwaukee County and strict adherence to the Electronic Monitoring Program's policies and procedures as set forth herein.

Policy:

Section 973.03 (4)(a) to (d) of the Wisconsin State Statutes provides that the court may, in lieu of a sentence of imprisonment, impose a sentence of detention at the defendant's residence or other suitable place. The law requires that an appropriate electronic device monitor detention. The use of electronic home detention, as an alternative to incarceration, is a cost effective means of managing the jail inmate population of the Milwaukee County House of Correction.

Section 302.425, paragraph 2, of the Wisconsin State Statutes grants the Superintendent and/or his designee the authority to administratively modify an inmate's sentence and place that inmate under an electronic surveillance program, requiring that the individual live at his/her place of residence, or other place designated by the Superintendent.

Definitions:

- A. **HOC:** Milwaukee County House of Correction.
- B. **Huber Release Inmate:** A sentenced inmate who, by the order of the court, has been granted privileges to be temporarily released for work, child care or for other reasons ordered by the court.
- C. **Administrative Sentence Modification:** The Superintendent or Assistant Superintendent of the Electronic Monitoring Unit, or designee, may order an inmate's sentence to be modified and served on a form of electronic monitoring, at the offender's residence.
- D. **Sentencing Referral Form:** A form completed by the bailiff in the sentencing court room, detailing the length of the inmate's sentence, the date on which the inmate is to report to begin serving the sentence and any additional release privileges.
- E. **Due In To Report Inmate (DITR):** An inmate sentenced by the court, but given a date in the future to report in to begin serving the sentence.
- F. **Failure To Report Inmate (FTR):** An inmate that has failed to report to the HOC to begin serving a court ordered sentence.

- G. **Electronic Monitoring Program:** A judicially referred technical support system, which monitors an offender's adherence to a mandated schedule for work or home confinement and provides community supervision. This program includes the Electronic Monitoring Unit (EMU), Global Positioning System (GPS), Voice Print (VP), Secure Continuous Alcohol Monitoring (SCRAM).
- H. **Electronic Monitoring Unit (EMU):** Contract vendor personnel and HOC employees assigned to work with and monitor the offenders placed in the EM program. The tasks listed in this procedure, which are to be completed by EMU staff, includes tasks and work completed by HOC employees, contract vendor personnel and/or a combination of both.
- I. **Voice Print (VP):** The method of using telephonic voiceprint verification for offender reporting.
- J. **Global Positioning System (GPS):** A one-piece transmitter worn by the offender to detect the presence or the absence of an offender in their residence and within the community by tracking their movement. The GPS can record the offender's movement in real time as well.
- K. **Secure Continuous Alcohol Monitoring Device (SCRAM):** A transdermal alcohol detection bracelet, worn by the offender, which detects alcohol through the offender's skin.
- L. **Level Of Service Inventory-Revised (LSIR):** A quantitative survey of offender attributes and their situations relevant to level of supervision. This is also referred to as a *risk assessment score* for the purposes of determining an offender's eligibility for the EM Program.
- M. **Alert:** A computer generated notification, to EMU staff that an inmate is not in compliance with VP, GPS or SCRAM programs.
- N. **Escape From Custody (EFC):** An inmate that fails to return to the Huber facility, cuts, interferes with, or otherwise disables a GPS or SCRAM bracelet or fails to report in to the EMU offices when order to do so by EMU staff.
- O. **Day Reporting Center (DRC):** The Milwaukee County Day Reporting Center under the administration of the Superintendent of the HOC.
- P. **Arrest And Detention Report (ADR):** A document that must be completed by the arresting officer or correctional staff, listing the details of the arrest or sentence of the court, for the inmate to be accepted at the HOC.

Procedures:

I. Eligibility Criteria

- A Offenders sentenced in Milwaukee County to a term in custody at the HOC with Huber/work release privileges will be considered for the EM Program. This includes inmates sentenced to participate in the Day Reporting Center (DRC) Program.
 - 1. Inmates sentenced and allowed to participate in the Day Reporting Center Program will only be allowed to participate in and/or be supervised by the EM Program following an assessment and recommendation from the DRC staff that the subject inmate should be considered for supervision on the EM Program.

2. If a DRC Program enrolled inmate is recommended for supervision on the EM Program by DRC staff, the subject inmate's final eligibility determination for the EM Program will be processed as outlined in this procedure.

B. Offenders sentenced from a county outside of Milwaukee County with Huber/work release privileges will be considered for acceptance on a case-by-case basis and will be monitored by EMU staff. If an out of county transfer inmate is accepted to the HOC EM Program, they are subject to all HOC EM Program eligibility criteria, fees, policies and procedures.

C. If the offender is serving a sentence for one of the following criminal offenses listed below (Section I. C. 1. through 3. of this procedure), the offender's eligibility to participate in the EM Program will be determined on a case-by-case basis depending on the specifics of the offense and/or special circumstance(s). And, the offender's participation must be approved by an Assistant Superintendent or the Superintendent of the HOC.

1. Possession of a Controlled Substance With Intent To Deliver
2. Delivery of A Controlled Substance
3. Any current (reason for confinement) charge/conviction resulting in an active "No Contact Order" and/or an active "No Contact" order or stipulation from a previous conviction

D. Inmates serving a sentence or term in custody for a conviction of an OWI 4th or 5th offense will not be eligible for the EM Program until said inmates have served a portion of their current sentence in the HOC without incident and/or major violation of the HOC inmate rules and regulations. For a OWI 4th conviction, an inmate must serve at least 30 days of their current sentence in the HOC – for an OWI 5th conviction an inmate must serve at least one third (1/3) of their current sentence/term in custody in the HOC.

1. After serving 30 days (OWI 4th) or a third (OWI 5th) of their current sentence or term in custody without incident and/or major violation of the HOC inmate rules and regulations, OWI 4th and 5th offenders may submit a request to the EMU staff to be considered for transfer to the EM Program. The request will be processed and eligibility for the EM Program will be determined as outlined in this procedure.
2. Inmates serving a sentence or term in the HOC for an OWI 4th or 5th conviction will be supervised while on the EM Program by SCRAM or SCRAMx monitoring.
3. On a case-by-case basis to address special circumstance(s) the requirement to serve at least 30 days or a third of the current OWI 4th and 5th sentence maybe waived at the discretion of an Assistant Superintendent or Superintendent of the HOC.

E. Eligible offenders will:

1. Have a completed an LSIR interview by EMU staff. The offender must have a score of 31 or less to be eligible. If the offender has been sentenced

to participate in the DRC, the offender must have an LSIR score of **40** or less to be eligible.

2. Be able to pay a daily fee and set up costs of the program, **UNLESS** waived or modified by an Assistant Superintendent or Superintendent of the HOC.
3. Have a suitable residence, which will be verified with a Home Verification Agreement. The Home Verification Agreement will be completed upon the offender being enrolled in the EM Program. If the offender is not the home owner or primary resident, the person that does own the home or is the primary occupant of the residence the offender will be living at must sign the agreement.
4. If supervised through SCRAM or SCRAMx, possess a valid landline telephone number, verified by EMU staff.
5. Have a baseline drug test.
6. Successfully clear CIB/NCIC Warrant Check and Criminal History.
7. Have an Administrative Modification of Sentence form approved and signed by an Assistant Superintendent or Superintendent of the HOC.

II. Ineligible Offenders

A. If the offender is serving a sentence for one of the following criminal offenses, the inmate will be deemed ineligible for the EMU Program:

1. Sexual Assault
2. Any Domestic Violence Charge
3. Physical Abuse of Children or Elderly
4. Child Neglect
5. Felon In Possession of a Firearm
6. 1st and 2nd Degree Reckless Endangerment of Safety
7. Armed Robbery
8. Robbery – Party To A Crime
9. Causing Great Bodily by Use of a Vehicle
10. Burglary While Armed
11. Escape
12. OWI 6th or above

B. If any of the criteria listed below exist (Section II. B. 1. through 7. of this procedure), offenders will be considered ineligible for supervision on the EM Program.

1. The offender does not have Huber/work release privileges and/or is not allowed to participate on the DRC Program.
2. The offender does not have a landline telephone; this only applies for inmates supervised on the EM Program by VP, SCRAM or SCRAMx monitoring. A telephone line is not required for inmates supervised/monitored by GPS.
3. The offender has an Escape or “Walk Away” charge within the past five years.

4. The offender has an extensive criminal history which includes multiple misdemeanor arrests and convictions, domestic violence arrests and convictions, and/or any combination of criminal actions and/or offenses which will lead to a reasonable determination the subject inmate is not a good candidate for and will most likely not be successful, if supervised on the EM Program.
5. The offender violated the terms of the EM Program, resulting in removal from the program, within the last two years.
6. The offender has active warrants, commitments, or other holds from another agency.
7. Information is received from the court, Probation and Parole or other judicial or law enforcement entity that deems the offender ineligible for supervision on the EM Program.

III. Caseloads

- A. The EMU staff will be responsible for primary caseload management of a designated number depending on program needs. Offenders will be managed exclusively by the assigned EMU staff (i.e., office visits, drug testing, request for passes).
- B. Caseload Supervision of the offender will include, but not be limited to, offender contacts (office, and residence), case management, drug testing, report writing, monitoring, trouble shooting, escape from custody/tamper alerts, etc.
 1. Each offender placed on the program will have an active case file.
- C. The EMU supervisory staff will ensure that all offenders are supervised in accordance with HOC EM Program policies and procedures, will conduct offender file audits and will provide assistance and direction to the EMU staff.

IV. Offender Orientation

- A. During orientation the EMU staff will:
 1. Conduct offender interview and complete an offender case file which will consist of the following information/forms:
 - a. Sentencing referral form
 - b. The name and badge number of the assigned EMU officer
 - c. Offender's current photograph
 - d. Copy of commitment (if applicable)
 - e. Pre-incarceration form, which includes the offender's name, case number, sentencing information, charged offense(s), sentencing judge and branch, date and time to report in.
 - f. Signed sentencing modification from
 - g. LSI-R form and score
 - h. Criminal history and warrant check
 - i. Copy of the offender's initial drug testing results
 - j. BK30 print out
 - k. BK 15 print out
 - l. BK 35 print out

- m. CC25 print out
- n. BK37 print out
- o. ID15 print out
- p. Arrest and Detention Report
- q. HOC EM Electronic Monitoring Agreement and EM rules for the offender's respective program, signed and dated by the offender and EMU officer.
- r. Work Release assignment of wages
- s. Copy of the inmate's receipt for the first two full weeks of monitoring fees
- t. Medication release form
- u. All documentation/schedules for any inmate with Huber privileges
- v. DNA documentation, if required by the court

V. Offender Contacts/Supervision Levels.

- A. Each offender will be assigned a required number of contacts/office visits and drug tests. The applicable EMU supervisory staff will note reporting terms on the Modification of Sentence form. This will be determined by the offender's current sentence, nature of the offense, LSIR score and criminal history.
- B. Office visits are defined as a face-to-face contact between the EMU staff and the offender at the EMU offices.

VI. Global Positioning Systems (GPS) Inclusion and Exclusion Zones

- A. The EMU staff will establish tracking zones when using a global positioning system for offenders assigned to the program.
 - 1. An inclusion zone is an area in which the program participant must remain during a specific time frame.
 - a. An Inclusion Zone will be established around the program participant's place of residence when an offender has a schedule or is restricted from leaving their residence. Place of employment(s) as well as any treatment or programming locations will have an area of interest zone established.
 - b. The EMU staff will establish the appropriate zone to cover the offender's residency, place of employment(s) as well as any treatment or programming locations. This zone will not be larger than a 1000-foot radius without the approval from the EMU supervisory staff.
 - c. The duration of the zone will be determined based on the activity of that location.
 - d. An Exclusion Zone is an area in which the program participant will not enter. If an Exclusion Zone exists, an Inclusion Zone will be established for the offender's routes of travel to any permitted location. This route shall be the most direct route and will not permit the program offender to be within a minimum of five miles from the exclusion address/area.