

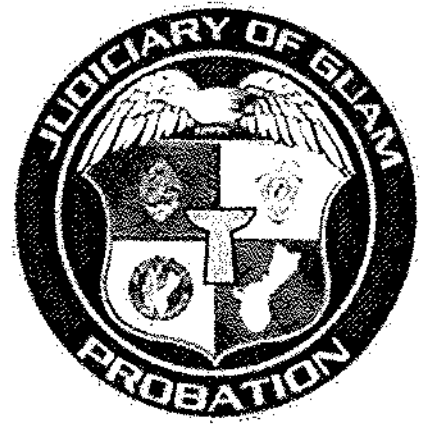


**JUDICIARY OF GUAM
POLICY AND PROCEDURES**

 Judiciary of Guam	Department: ADMINISTRATIVE OFFICE OF THE COURTS
TITLE: ELECTRONIC MONITORING POLICY AND PROCEDURES	EFFECTIVE DATE: August 15, 2019
REVISED DATE:	APPROVED BY:  John Q. Lizama, Administrator of the Courts

NOTE: Pursuant to 5 GCA 10108(b), certain information has been redacted from this document prior to public posting.



JUDICIARY OF GUAM

Probation Services Division Policy and Procedures

Electronic Monitoring Program

(August 15, 2019)

Overview

The Judiciary of Guam's (hereinafter "Judiciary") Electronic Monitoring (EM) Program, uses Radio Frequency (RF) or Global Positioning System (GPS), to support it's house arrest release conditions. Defendants may be required to participate in the program as a condition of their court-ordered release in lieu of detention. No defendant will be denied access to the EM Program on the basis of race, creed, national origin, religion, gender, or sexual orientation.

House arrest, also known as home confinement, is a cost-effective alternative to pretrial detention that may be judicially imposed as a condition of release requiring defendants to remain in their residence for any portion of the day.

House arrest provides two release alternatives: curfew and house arrest.

- *Curfew* restricts program defendants to their residence during limited, specified hours, generally at night.
- *House arrest* requires defendants to remain at home at all times unless the Court permits them to leave for employment; education; medical, substance abuse, or mental health treatment; religious activities; or other specified reasons such as to purchase food.

The levels of restriction may range from a nighttime curfew to 24-hour house arrest. The degree to which persons are permitted to leave their residence is determined case by case and depends on the purpose and the intent of the Court.

Authority

8 GCA § 40.20 authorizes the pretrial release of a defendant to supervision with electronic monitoring, including electronic monitoring with alleged victim stay-away alert technology, if available, and subject to the payment of fees or the exemption of fees, and other rules established by the Court for electronic monitoring.

Public Law 34-115 appropriated monies to the Judiciary of Guam to implement an electronic monitoring program for Guam's pretrial and criminal offender population in Fiscal Year 2019.

Defendants who meet the criteria will have the opportunity to experience detention within their home. They will be required to adhere to a mandated schedule of electronically monitored house arrest which, through the equipment, is designed to track their movement.

The EM Program is administered through the Judiciary's Probation Services Division (also referred to as Probation Office). The EM Program's mission is to provide risk control through monitoring equipment, surveillance, and case management. With the Court's authorization, the Probation Office will administer sanctions, enhance existing alternative sanctions, and provide a cost-effective alternative to detention while allowing the defendants to maximize their contribution to the community and their families. The EM Program is overseen by Probation Officers to minimize community risk, ensure compliance with conditions of pretrial supervision, and promote law-abiding behavior.

General Selection Considerations

How a defendant fares on house arrest depends to a large degree on what factors an officer should consider when assessing the defendant's suitability for the EM Program. In general, the selection considerations should include assessing the defendant's background and residence. The advanced technology eliminates the need for land line telephone capabilities in the home, however, this instrument may still be considered as a monitoring tool itself, in addition to supplementing the electronic monitoring equipment if there are challenges with the advanced technology, such as limited wireless or cellular service.

Background Assessment

Assessing the defendant's background includes appropriate consideration of prior criminal record, history of violence, medical and mental health condition and needs, prior supervision failures, community risk, and the defendant's willingness to participate in the EM Program.

Officers should make assessments on an individual basis to determine whether the increased level of surveillance and assistance the house arrest provides, will offset any of the identified risks that a defendant poses to community safety. While a defendant's medical or mental health condition and needs often can be addressed through supervision activities, a history of violence may not be a risk that can be adequately addressed through house arrest.

Residence Assessment

Assessing the living arrangements includes considering home ownership, other occupants in the home, and other factors such as firearms on the premises. The assessment also includes cooperation from the residential owner/lessee or head of household. Typically, semi-private facilities, such as boarding houses, are not suitable locations for participation in the EM Program. Probation Officers may review real estate documents or lease/rent agreements and utility bills to verify residence.

The assessment further includes third-party risk issues associated with other occupants in the residence. For example, female defendants residing with individuals who have a history of domestic abuse might be at risk of harm. On the other hand, if the defendant candidate for house arrest has a history of domestic abuse or sex offenses, the safety of the other occupants in the household should be carefully considered as part of the community risk assessment.

Specific Selection Considerations

House arrest supervision in the EM Program has two components: curfew, and house arrest. Probation Officers should consider each program component to determine the most suitable option for the defendant. The program components and purposes are described below.

Curfew

Curfew requires the defendant to remain at home every day during set time periods of the day. Of the two house arrest components, curfew is the least structured, but more structured than regular supervision. It provides more flexibility and is suitable for defendants who pose the lowest risk in the program. Curfew can also be used as a "step down" from house arrest after consideration of a defendant's compliance in that

component for a period of time. For example, after a successful period, house arrest may no longer be the least restrictive means for ensuring community safety and future appearances in Court. In such instances, an Officer might recommend to the Court that curfew is a more appropriate restriction.

House arrest

House arrest requires a defendant to remain at home at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court-ordered obligations, or other activities as approved by the Court. House arrest should be used when curfew is deemed inappropriate. By requiring pre-approval of all absences from home and verification of location during these times, house arrest provides increased structure and accountability, thus enabling an Officer to address the defendant's present and future needs. Other activities that the Officer may pre-approve are: necessary household responsibilities (when there is no one else in the household/family to assume these activities) such as child-care responsibilities or grocery shopping.

Employment

When defendants are in the curfew or house arrest components of the EM Program, it is important that they have a structured leave plan, especially if it includes employment or school attendance. Those with a reasonable expectation of employment and the resources to maintain themselves while searching for employment may be considered. Daily agenda and verification of employment contacts for defendants undertaking job searches should be provided to the Probation Officers in advance. The number of hours in the defendant's work schedule should be reasonable. Likewise, overtime work and unusual work hours are not recommended while released under the EM Program.

Alternatives to Electronic Monitoring

While electronic monitoring is the tool recommended to assist Probation Officers to verify compliance when released to house arrest, when a defendant's medical condition or other circumstances preclude the use of electronic monitoring, Probation Officers can verify house arrest program participation through land line telephone contacts, home contacts, or collateral contacts.

Procedures

I. Placement Process

(See the PROCESS TO RELEASE ON ELECTRONIC MONITORING Flowchart and with associated documents – Packet A)

- A. The Magistrate Judge will make a determination to release or detain the defendant.
 1. If the Magistrate Judge releases the defendant on cash bail or PR bond, the defendant will be released and ordered to obey conditions of pretrial release.
 2. If the Magistrate Judge detains the defendant with no cash bail, the defendant will not be qualified for EM supervision.
 3. If the Magistrate Judge detains the defendant on cash bail, the

defendant's counsel may request for the defendant to be released on EM supervision.

- a. The Magistrate Judge will inform defendant's counsel to complete the EM assessment packet and submit to the Probation Office.
 - b. The Magistrate Judge will order the Probation Office to complete an EM assessment and file a report indicating the defendant's eligibility for the EM Program.
4. Defendant's counsel shall file a Motion and Application for Bail Redetermination for Release on Electronic Monitoring if Probation's assessment determines that the defendant is eligible for EM supervision.

B. Defendants who are ordered release to the EM Program:

1. The Court will order the defendant to be released from DOC at 1:00 pm the following business day and to report immediately to the Judiciary of Guam Probation Office for intake and processing into the EM Program.
2. EM Probation Officers will meet the defendant at DOC, escort the defendant to the Probation Office, install the EM device on the defendant, and process the defendant for the EM Program.
 - a. EM Probation Officers will orient the defendant with the EM Program rules and requirements.
 - b. The defendant will be required to demonstrate their understanding and acknowledgement of program rules and proper usage of all EM equipment assigned to them.
 - c. EM Probation Offices will follow the defendant to their residence and again orient the defendant to EM rules and requirements at the residence.
 - d. EM Probation Officers will explain examples of violations which will cause immediate detention and removal from the EM Program.

All defendants placed on the EM Program are required to have a data sheet completed. The Intake Form (refer to Attachment 8) will be completed and entered into the JustWare Information System within 14 days of the Intake date.

II. Eligibility Criteria:

- A. Pretrial defendants will be considered for the EM Program if they meet the following requirements:
 1. Have a completed Ohio Risk Assessment System – Pretrial Assessment Tool (ORAS-PAT) to determine the level of supervision [REDACTED].
 2. Be able to pay the cost of the program, if ordered.
 3. Have a suitable residence which will be verified with a Home Verification Agreement. The Home Verification Agreement will be completed as part of the assessment for defendant's qualification for the EM Program prior to the installation of the EM equipment (refer to Attachment 2). A landlord authorization letter will be

completed if the home owner is someone other than the defendant.

4. Have basic telephone (landline) service with no answering machine and no special features such as call forwarding, call waiting, etc.
5. Must have a residence located where cell phone signals can be received.
6. Must have a residence with no known felons, or other defendants supervised by the Probation Office living in the residence.
7. On a case by case basis and will be monitored by the Probation Office.

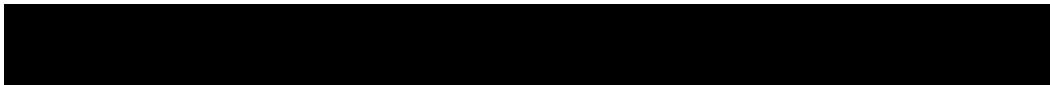
B. Eligible defendants will:

1. Be enrolled into the EM Program, all Program rules must be followed by the participating defendant and all movement by the defendant will be approved and closely monitored by the Probation Office and/or the EM vendor. The defendant will be scheduled for an appointment to meet with the EM Probation Officer for orientation and ensure complete understanding of program requirements.
 - a. If the defendant is ordered to pay fees and does not stay current on their program or pay fees, the Probation Office will be notified. The defendant will assume responsibility for the fees owed or the defendant will be terminated from the program and detained.
 - b. The Probation Office reserves the right to refuse any courtesy supervision requests from other jurisdictions or law enforcement agencies.

C. Only defendants on pretrial release may be placed on the Program and may be monitored using EM equipment.

D. Victims will have appropriate access to information concerning defendants placed on the EM Program who have been charged with crimes against persons (e.g., Domestic Violence) through the local victims' rights advocacy group, Attorney General's (AG) Office, or the AG's Office's Victims Services Center.

- Alee Women's Shelter – 635-1441
- Victim Advocates Reaching Out (VARO) 477-5552
- Attorney General Victims Services Center – 475-3354



III. Defendants who are not eligible:

A. The following individuals will not be considered for the Program:

1. The person pled guilty to or was convicted of an offense, which has a firearm specification within the past five (5) years.
2. The defendant's attitude and behavior while on previous probation supervision will be taken into consideration prior to approval.

3. Had escaped or attempted escape from a secured detention or prison facility within the last five (5) years; or walkaways from a non-secured custody hold within the last three (3) years, i.e. leaving the designated drug testing waiting room.
4. Had been terminated from the EM Program for a violation of any rule, regulation, or condition of the Program within the last 12 months.
5. Had been convicted of a violent felony.
6. Have warrants within the last three (3) years or failure to pay fines or costs. Defendants with warrants from an outside jurisdiction are also not qualified.
7. Defendants with active cases who are not incarcerated will be considered on an individual basis.
8. Defendants who failed to pay EM fees and who have a past due amount, if previously ordered.
9. Have been convicted of crimes involving assault on a peace officer.
10. Defendants who do not meet the assessment criteria as explained under the General Selection Considerations of this Policy.

B. A Declaration Re: Qualification for Participation in the Electronic Monitoring Program, which includes the assessment, will be filed and submitted to the assigned judge and the respective parties regarding the defendant's eligibility for the Program. Defendants will also be notified of the assessment results. Reports with denied applications will remain on file for statistical and record keeping purposes.

III. Notification of Law Enforcement Officials

- A. Upon the defendant's placement on the EM Program, the Probation Office will notify the appropriate Guam Police Department (GPD) Precinct where the defendant resides.
 1. This notification will specify the contact information for the assigned EM Probation Officer who will be monitoring the offender (*refer to Attachment 5*).
- B. The appropriate GPD precincts will also be notified when EM Program defendants transfer residential jurisdictions while on electronic monitoring. The appropriate law enforcement agency will be notified when a defendant has violated an exclusion zone (the defendant has entered an area that the defendant should not have entered as designated by the Court).
- C. At the discretion of the Probation Office, the Judiciary's Deputy Marshals and/or GPD will be contacted before taking a defendant into custody in the field. If necessary, the EM Probation Officer will secure assistance from the Judiciary's Deputy Marshals and/or GPD, if available, before transporting the noncompliant defendant to a holding facility.
- D. Appropriate law enforcement, to include GPD, will be immediately notified of serious program violation alerts and any victim information.

- E. Probation Officials will immediately notify GPD dispatch when a warrant of arrest has been issued for any defendant on EM Program supervision.

IV. Notification of Court Personnel

- A. The Court will be notified when the defendant has completed the EM Program, whether successful or unsuccessful.
- B. Violation reports, termination summaries, and requests for supervision revocation will be forwarded to the assigned Judge or Court immediately as well as a copy to the Probation Officer.

V. Caseloads

- A. The EM Probation Officer will be responsible for primary caseload management of a designated number depending on program needs. Caseloads will be managed exclusively by the assigned EM Probation Officer (i.e., office visits, field contacts, request for movement, etc.).
- B. Caseload management supervision of the defendant will include, but not be limited to, a review of the daily monitoring reports, defendant contacts (office, field, residence), case management, surveillance, report writing, monitoring, trouble shooting, etc.
 - 1. Each defendant placed on the EM Program will have an active case file which shall be readily accessible.
- C. The EM Program Supervisor will ensure that all clients are supervised in accordance with EM policies and will provide assistance and direction to the defendants ensuring adherence and compliance with the EM Program and the defendant's pretrial release conditions. Daily monitoring reports will also be reviewed to verify that the EM Probation Officers are responding appropriately to alerts received from the monitoring center.
- D. Case files will be audited to ensure records are current, complete, and accurate as follows.
 - 1. The EM Program Supervisor or designee will randomly review active and closed case files for stats.
 - 2. The Case Record Audit Checklist (*refer to Attachment 10*) will be filled out to verify compliance and attached on the inside of the case file. Any deficiencies will be noted and corrected immediately.
 - (1) If a deficiency was found by a designee, the defendant's case file and Case Record Audit form will be forwarded to the EM Program Supervisor for review.

VI. Defendant Orientation

On the day the defendant enters the EM Program, EM Probation Officers will conduct intake and program orientation with the defendant to cover the specific

details of the program. The defendant's spouse, a family member, or other household members should be encouraged to attend so that they can become familiar with the program requirements. The orientation will take place at the Probation Office and at the defendant's home, if time permits.

Before covering specific House Arrest Program requirements with the defendant, the EM Probation Officer will review the defendant's conditions of pretrial release. The EM Probation Officer will provide the defendant with a copy of the court order releasing the defendant to EM supervision.

- A. Every effort will be made to ensure that the defendant's questions regarding the EM Program are answered.
- B. During orientation, the EM Probation Officer and/ or the EM vendor will:
 1. Conduct defendant interview and complete an offender case file which will consist of the following forms:
 - a. Ohio Risk Assessment Instrument (Attachment 1)
 - b. Home Verification Agreement (Attachment 2)
 - c. Authorization to Release Information on Telephone Subscriber Service to Deny or Terminate Special Telephone Service (Attachment 3)
 - d. House Arrest Program Residential/Telephone Requirements Checklist (Attachment 4)
 - e. Notification to Law Enforcement (Attachment 5)
 - f. Electronic Program Eligibility Agreement (Attachments 6A and 6B)
 - g. Electronic Monitoring Program Intake Form (Attachment 7)
 - h. Electronic Monitoring Program Termination Form (Attachment 8)
 - i. Case Record Audit Checklist (Attachment 9)
 - j. Electronic Monitoring Program Evaluation Exit Survey (Attachment 10)
 - k. Probation Services Division Intake (Attachment 11A)
 - l. Defendant's Residential Map (Attachment 11B)
 - m. Financial Agreement (Attachment 12)
 - n. Home/Field Contact Form (Attachment 13)
 - o. Order of Conditional Release and Appearance Bond
 2. Provide a copy of and explain the EM Offender Handbook which consists of:
 - a. Contact information for Probation Office
 - b. Defendant Contract (Rules and Regulations Governing Offender Conduct and Supervision)
 - c. Financial Responsibility
 - d. Check-In Procedures
 - e. Electronic Monitoring Program forms
 - (1) Schedule and Request form (*refer to FORM 1*)
 - (2) Employment Overtime and Attendance Verification form (*refer to FORM 2*)
 - (3) Church Application (*refer to FORM 3*)
 - f. Calls to Probation Office During and After Hours
 - g. Dress code for Defendants and Visitors
 - h. Termination Process
 - i. Monitoring Device Information
 - j. Acknowledgement of Handbook
 3. Have the defendant demonstrate the proper understanding and use of the Electronic Monitoring equipment.

4. Provide program staff with the necessary information for the development of their initial schedule for movement out of the residence.
5. Submit to a 12 panel urinalysis test and breathalyzer (if appropriate).
6. Have a photograph taken.
7. Provide an explanation of financial obligations and collect the first weekly payment fee, if applicable.
8. Explain the defendant's reporting and supervision requirements.
9. Provide an overview of behavior which may lead to rule violations and possible loss of program privileges.
10. Review EM Program violations informing the defendant that any violation of any EM Program rules will result in immediate confinement at DOC and may result in termination for EM supervision.

VII. Defendant's Contacts/Supervision Levels

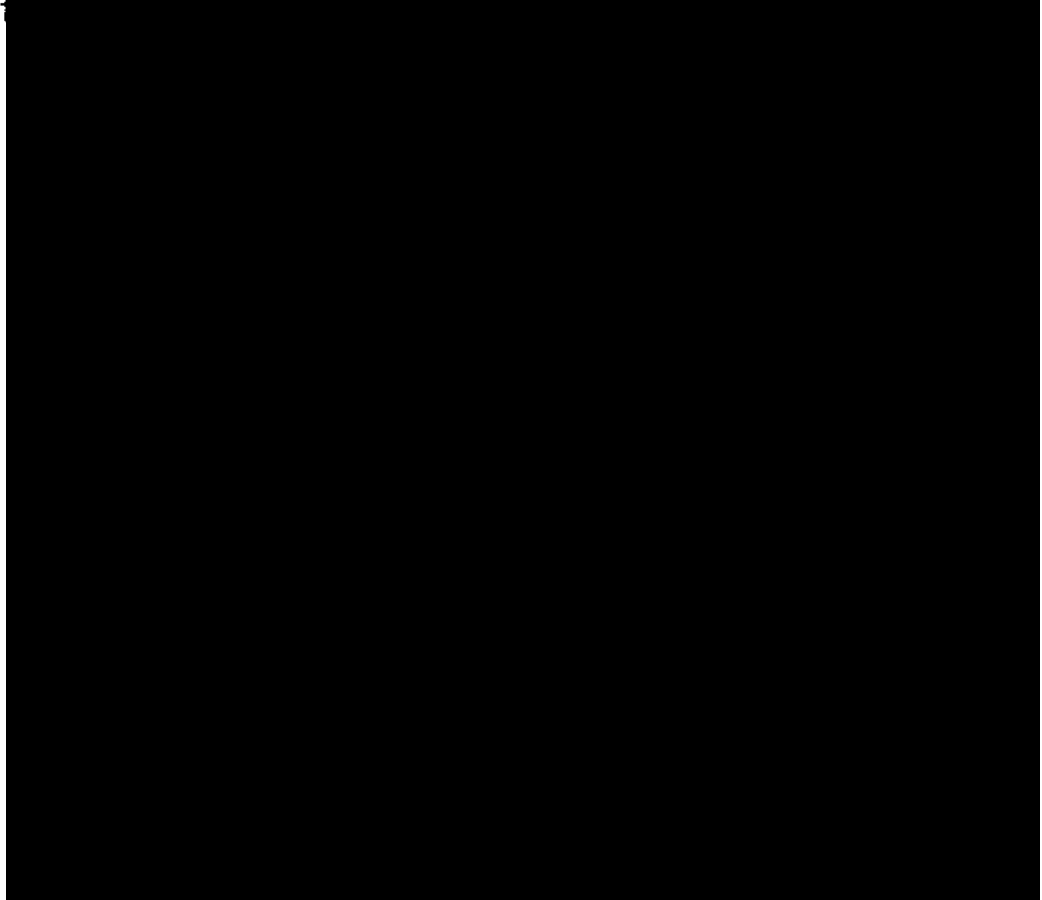
- A. Defendants enrolled in the EM Program will be closely monitored and supervised by EM Probation Officers throughout the time they are on the EM Program. Defendants will be required to meet with EM Probation Officers at a minimum of once a week to as much as daily contacts depending on risk levels. Contacts will include announced and unannounced home visits (at least once a month), employment visits, and office visits. Contacts will be conducted randomly and not limited to normal daily work hours. If the need arises due to the defendant's accountability or equipment, increased office visits or field contacts will be conducted.
 1. Sex Offenders will be supervised as high risk offenders regardless of their ORAS score.
 2. Office visits are defined as a face-to-face contact between the EM Probation Officer and the defendant at the Probation Office and will be conducted in conjunction with field contacts.
 3. Field contacts are defined as a face-to-face contact with the defendant at their residence or place of employment to provide the required checks on the defendant, in a discreet manner, such as work site verification or attendance at a program. The office visit will not replace the required face to face contacts if the defendant is at his or her residence.

VIII. Electronic Monitoring Device Installation

- A. Installation of EM Tag will take place immediately upon the defendant's release from DOC and reporting in person to the Probation Office.
 1. The defendant will undergo EM Program intake and orientation

after the EM device has been installed on the defendant at the Probation Office.

- a. The defendant will wear a Tag on their person and adhere to a pre-approved schedule as ordered by the Court and indicated on the defendant's Order of Conditional Release and Appearance Bond.
- B. Radio Frequency (RF) Beacon. The use of an RF Beacon will be dependent on the location and type of residence the defendant lives. EM Probation Officers will meet the defendant at his residence to establish proper use of the equipment and complete range testing if needed.



- C. Upon return to the Probation Office, the type of residence and range test will be documented into JustWare in Non-Court Event Notes. Document the range given to the defendant.

IX. Global Positioning System (GPS) Inclusion and Exclusion Zones

- A. The EM Probation Officer will establish tracking zones when using GPS for EM Program defendants.
 1. An Inclusion Zone is an area in which the defendant must remain during a specific time frame.
 - a. An Inclusion Zone will be established around the defendant's place of residence, place of employment, or any medical treatment facilities, when the defendant has a schedule or is restricted from leaving his or her residence. Place of employment as well as any treatment or programming location with each of the interest zone

established.

- b. The EM Probation Officer will establish appropriate zone to cover the defendant's residency, place of employment(s) as well as any treatment or programming locations. [REDACTED]

- c. The duration of the zone will be determined based on the activity of that location.

- d. If an Exclusion Zone exists, an Inclusion Zone will be established for the defendant's routes of travel to any permitted location. [REDACTED]

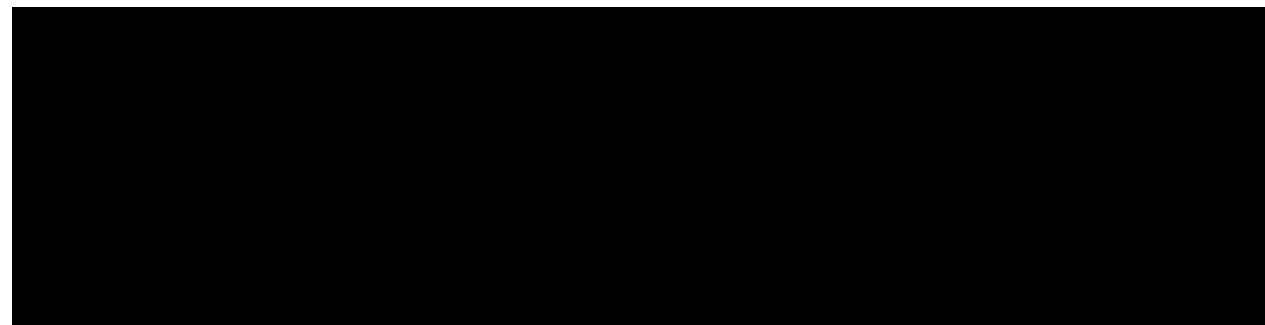
- 2. An Exclusion Zone is an area in which the defendant will not enter. Exclusion Zones will only be assigned by a Court Order.

- a. [REDACTED]

X. Case Notes/Non-Court Events

- A. The EM Probation Officer will utilize the JustWare System to document the following case notes:

- 1. Successful hook-up completion and indicate range testing and setting.
- 2. Office visit with defendant and any unusual occurrences or warnings for minor violations.
- 3. Serious violations, to include defendant's unsuccessful removal from the program to incarceration.
- 4. Field visits conducted.



Changing Defendant Schedules

It is not uncommon for program defendants to make frequent requests to change their schedules. However, frequent schedule changes defeat the purpose of the program for defendants to plan their activities ahead and maintain a regular schedule. Schedule changes are authorized only in rare circumstances for appropriate reasons and in accordance with absences authorized by the Court.

- A. In order to assist the defendant, the EM Program has several forms to facilitate any requests. If a schedule change is needed, during the check-in time, defendants will fill out and submit to the Probation Office the Schedule and Request form with the appropriate date and time requested for scheduled time out of the residence. This schedule will include all activities the defendant needs time out to complete, as previously stated.

Defendants authorized to be away from home are to proceed directly from home to their destination and back home again, by the shortest route, and which will be determined by the EM Probation Officer. Travel variations to include detours or stops on the way home will be considered violations. The EM Probation Officer will review the schedule for compliance to the program policy and either approve or disapprove the schedule. Should a schedule be disapproved, the EM Probation Officer will work with the defendant until an approved schedule is completed. It is important that the defendant use the forms correctly, and in the proper manner, so the appropriate EM Probation Officer is able to approve or disapprove the defendant's request(s).

- B. It is important that the defendant place all the information that is known on the form. Actual work hours, time leaving the place of residence and time returning to the place of residence, shall be placed on this form. The defendant must provide documentation for any movement out of the residence to the EM Probation Officer upon request or at the next check-in. Leaving the house for any unapproved reason, with the exception of a Medical Emergency, may result in being removed from the EM Program. If a medical emergency occurs, the defendant will contact the EM Probation Officer at the earliest opportunity. At a minimal, the defendant is required to leave a message at the earliest opportunity to inform the EM Probation Officer of the medical emergency. The defendant is required to obtain documentation verifying the location, date, and time the defendant or someone in the defendant's household received emergency medical attention. If the defendant was with a household member when they received emergency medical treatment, the defendant must obtain documentation from the hospital stating the date and time the defendant was there and who the defendant was there for.

- C. Any additional or special circumstance schedule request to the EM Probation Officer (e.g., hospital visit or funeral service) must also be approved by the court. Each case will be determined on an individual basis or circumstance. Falsifying or attempting to give false information will result in immediate removal from the EM Program.
 - 1. Schedule and Request Form
 - a. Schedules are to be submitted one week or at a minimum, 24 hours in advance, and are to be strictly adhered to with the exception of medical emergencies.
 - (1) All initial schedules and subsequent changes will be entered into JustWare by the EM Probation Officer.
 - b. The defendant will only be permitted to leave their residence for pre-approved and scheduled time out, which will include the following:
 - (1) Work or school (Defendant must have a set schedule for work).
 - (2) Court/legal appointments and court ordered treatment and/or community service work
 - (3) Doctor appointments
 - (4) Church (restricted to same village if a Catholic)
 - (5) For employment opportunities only: the total time

the defendant is absent from home will not exceed 2 hours.

(6) Grocery shopping: the total time the defendant is absent from home will not exceed 2 hours a week at a location approved by their EM Probation Officer. This privilege depends on each defendant's individual situation and will only be considered if no other person in the household can provide this service.

(7) Laundry: the total time the defendant is absent from home will not exceed 2 hours a week at a location approved by the EM Probation Officer. This privilege depends on each defendant's individual situation and will only be considered if no other person in the household can provide this service.

(8) Holiday gatherings or other special occasions are subject to court approval.

5. Employment and Attendance Form

a. The defendant will use this form to document all employment schedules if they work side/odd jobs where the hours cannot be verified by an employment paycheck stub, participate in a program, or attend appointments such as AA/NA, private counseling, doctor/dentist, Court/Probation. This form must be filled out completely, to legibly include the authorizing person's name and contact information.

6. Church Application

a. The defendant must complete the requested information and submit at check-in. The defendant will submit one church application and is required to be at that address.

(1) The defendant will submit the requested time out for church on the Schedule and Request form, and the service schedule will be a permanent set time.

(2) If the defendant is a Catholic, the defendant is limited to the church within his residential village.

b. The EM Probation Officer will call the church to verify the information from the church application form. This application does not serve as verification of attending the church service; the defendant must provide documentation of attending the church service every check-in day.

(1) If the defendant fails to provide proper documentation, the request for attending church services will be reviewed with by the EM Probation Officer for further consideration.

7. Holiday/Special Occasion Application

a. The Holiday/Special Occasion Application will be considered for Thanksgiving, Christmas or any special occasion only if the defendant has complied with the rules and regulations of the Electronic Monitoring Program. Authorization must be granted by the court.

b. The defendant must provide the Probation Office with the information of the person, their address and phone

- c. number for where they will be on the date requested.
- c. This request, if approved, is subject to be denied at any time prior to the date of the event if the defendant is non-compliant with any program rules or regulations.
- d. The EM Probation Officer may verify information and compliance with this request at any time.
- e. The total time the defendant is absent from their residence will not exceed 2 hours.

XI. Alerts

(SEE DEFENDANT ON ELECTRONIC MONITORING SUPERVISION Flowchart with associated documents – Packet B)

EM Probation Officers will receive electronic monitoring alerts via cell phone twenty-four hours a day, seven days a week. Upon receipt of an alert, the on-call EM Probation Officer will respond and follow the procedures established for the alert. Each workday the EM Probation Officer will review the daily monitoring report from the monitoring center for those on their caseload and will respond appropriately to any problems indicated in the review. After review, all alerts will be cleared.

If an alert is generated and the EM Probation Officer is unable to contact or otherwise verify the location of the defendant and is satisfied that the defendant's whereabouts are unknown, the EM Probation Officer will call the EM Supervisor and inform them of the situation. The EM Probation Officer will then immediately contact the Marshals/GPD to assist to locate the defendant and contact the ex parte Judge to secure a Warrant of Arrest. If the defendant has a victim notification requirement, the EM Probation Officer will contact the victim or victim advocate immediately once the whereabouts of the defendant is unknown.



EM Tag / RF Beacon Alerts

The EM vendor, Buddi, receives alerts generated by the EM devices and immediately begins analyzing the alert. As soon as the alert has been confirmed by Buddi, Buddi will immediately notify the EM Probation staff utilizing the email / sms / phone tree call format: The following alerts will be monitored:

- Missed Curfew [REDACTED]
- Strap Tamper [REDACTED]
- Low Battery [REDACTED]
- Exclusion Zone [REDACTED]
- Inclusion Zone [REDACTED]
- Power Fail/Power Fail Restore [REDACTED]
- Tag Missed Call [REDACTED]

- RF Beacon Tamper [REDACTED]

1. Upon receipt of the alert, the EM Probation Officer will attempt to contact the defendant via home phone/cell phone to determine the accuracy of the alert. If no contact is made with the defendant, the EM Probation Officer will check the office phone for any messages from the defendant. [REDACTED]
2. If contact was made with the defendant, the EM Probation Officer will troubleshoot until the equipment is properly functioning, to include working with the monitoring center.
3. If unable to resolve the issue, the EM Probation Officer will contact the EM Supervisor who will assist in the resolution of the problem until the equipment is functioning properly or the equipment is replaced. If necessary, approved alternative monitoring methods will be established.
4. If the EM Probation Officer is unable to contact or otherwise verify the location of the defendant and is satisfied that the defendant's whereabouts are unknown, the EM Probation Officer will notify the EM Supervisor and inform them of the defendant's name, how long they have been gone, their offense, when they started the program, the length of sentence, the court, and what type of charges the defendant is charged. VARO will also be advised of any victim notification requirements.
5. If the result of the investigation indicates a program violation, the EM Supervisor will be contacted concerning the violation. The EM Probation Officer will notify the assigned Judge and complete all necessary violation paperwork revoking electronic monitoring privileges.

XII. Violations

- A. The EM Program is designed to protect the community by providing accountability, supervision, and surveillance.
 1. When a defendant in the EM Program violates any of the rules, that defendant is subject to the disciplinary action from probation staff or the court and will be confined pending the Court's decision to continue release on EM supervision or terminate from EM supervision.
 2. Violations may include failure to obey pretrial release or probation conditions in any of the defendant's cases for which the defendant is supervised by the Probation Office.
 3. The Incident Report form will be prepared stating the program violation and filed with the court. The Incident Report form should have a Preliminary/Supplemental Probation Written Report attached documenting the violation(s). Also, the Probation's Request to Terminate Electronic Monitoring form should also be filed requesting termination of electronic monitoring as a result of the violation.
- B. Minor Violations
 1. Minor rule violations (e.g., returning home late (missed curfew), substance abuse, law violations, and habitual violations, failure to

pay program fees (if ordered),) may be dealt with informally by Program staff and will be recorded in the JustWare Case Management System.

2. Sanction options may include:
 - a. Verbal reprimand
 - b. Increased level of monitoring
 - c. Revoke privileges excluding work schedule, court/legal appointments, medical appointments and/or medical emergency
3. The nature of the minor violation and action taken will be documented in the defendant's file, and reported to the court.
4. Continued minor violations will lead to confinement at DOC, the issuance of a violation report to the court, and may result in revocation of the defendant's release.
5. Arrests for serious and heinous crimes will be reported immediately to the Supervisor and the court of jurisdiction: assigned Court.

C. Serious Violations

1. Serious violations include, Strap Tamper Alerts, Exclusion Zones Violation Alerts, and House Arrest Violation Alerts such as unauthorized movement and failure to return home for an extended period of time when the whereabouts of the defendant are unknown and the movement was not authorized or verifiable as outlined in the policy, refer to Section XII. Schedules/Movement/Program Forms, A., 1., a. and b.
2. Serious violation alerts will result in immediate apprehension and detention to DOC. When it has been determined that a serious violation has occurred, the following actions will be taken:
 - a. The EM Probation Officer will immediately secure a Commitment Order (or Warrant of Arrest) from the assigned Court or Ex Parte Judge. (*Ex Parte Contact No.* [REDACTED])
 - b. The EM staff will immediately mobilize to search and apprehend the defendant. The defendant will be taken into DOC for detention.
 - c. A written report shall be prepared immediately for the next business day if the incident occurred in the evening or on the weekend.
3. Those who fail to complete the program will be referred back to the adjudicating authority by the probation staff for violation proceedings and may result in a defendant's release being revoked and taken into custody.
4. The nature of the serious violation and action taken will be documented in the defendant's file as needed. Non-court events will be added in JustWare

XIII. Notification to the Electronic Monitoring Probation Officer

- A. The defendant will call their EM Probation Officer at the appropriate office during office hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, weekends and holidays excluded, with any unexpected schedule changes. If the EM Probation Officer is not immediately available, the

defendant will leave a message. The EM Probation Officer will return the call as soon as he or she is available. No schedule is approved until the EM Probation Officer has granted authorization. The defendant will not leave the residence without first speaking to the EM Probation Officer or an EM/Probation support staff for a non-emergency situation. Leaving a message does not mean that the request has been approved. The request must be submitted 24 hours or more before the unexpected appointment or activity.

- B. After hours, the assigned EM Probation Officer has a voice mail extension which will only be used for non-emergency schedule change requests. Voice mail after hours will also be used to inform the assigned EM Officer if the defendant has or had a medical emergency.
 - 1. After Hours Voice Mail Extension is at 671-475-3318.

XIV. Program Costs

- A. All EM defendants can be assessed a monitoring fee of \$8.00 per day. If applicable, defendants are expected to make the first week's payment prior to placement on the program and weekly payments thereafter until released from the program. At time of orientation and placement on the program the defendant will sign the Financial Agreement (*refer to Attachment 13*).
- B. A defendant may be determined indigent by the court for EM until further ordered.
- C. Applicable fees will be collected by the Judiciary's Financial Office. Defendants will receive the original receipt. The Probation Officer will attach a copy of the receipt to the payment and placed in defendant's file.
- D. Non-payment of fees
 - 1. Program staff will send notification to the appropriate Court for defendants failing to remain current on program fees at the time of their office visit.
- E. Any revision of program costs will be approved by the Administrator of the Courts/Judicial Council.
- F. Any damage resulting from negligence, purposeful destruction, or failure to return Electronic Monitoring equipment will be the defendant's responsibility, as agreed upon by the during the initial orientation and hook-up. The Judiciary of Guam reserves the right to file charges or to bill the defendant for destruction of property or any other applicable charges for the purpose of recouping program costs.

XV. Program Participation Reports

The EM vendor provides daily monitoring reports that document defendants' 24-hour activities, including all key events such as leaving home early or returning home late. Reports are available 24/7 and may be emailed, if desired, the following morning.

EM Probation Officers should review them each day. Because the EM vendor stores defendant monitoring information, EM Probation Officers do not need to store monitoring reports for any designated length of time. However, EM

Probation Officers must file reports containing evidence of potential infractions or violations of the house arrest program participation agreement. EM Probation Officers may want to consider reviewing monitoring reports weekly as an oversight function of the program. In addition to providing alert notification of possible electronic monitoring violations, the reports provide useful information about defendants' activities and often reveal patterns or problems with adherence to program rules that pretrial officers would be unaware of otherwise.

- A. The EM vendor stores equipment information and defendant data.
 1. It is also capable of generating a variety of different types of reports upon request.
 2. It will be the responsibility of EM Staff to utilize stored information and provide reports when appropriate.

- B. The EM staff will also utilize the following documents:
 1. Schedule and Request form (*refer to FORM 1 of the Offender Handbook*)
 - a. The defendant must submit a weekly form for the purpose of verifying their current employment status (current pay stub), residence, and contact information. This form will be placed in the defendant's case file.
 - b. The Probation Officer will utilize the JustWare to document the following information:
 - (1) Successful hook-up completion and indicate range testing and setting
 - (2) Office visit with defendant and any unusual occurrences or warnings
 - (3) Field visit contacts
 - (4) Note if RF Beacon is moved, verify range test complete.
 2. Special Reports
 - a. Staff will, on occasion, prepare information reports (e.g., serious violations, progress reports) to be filed with the court of jurisdiction with a copy to the Supervisor and the defendant's case file.
 - b. Additionally, staff may be required to prepare information reports containing special information requested by the defendant's assigned Judge.
 - c. Violation and termination reports will be forwarded to the court of jurisdiction; however, it will be the responsibility of the Court to request specific information.
 - d. Every effort will be made to respond to all requests in a timely manner.
 3. Monthly Composite Reports
 - a. The Probation Office will prepare monthly reports to research supervisorial Judicial contact delineating the involvement and progress of defendants under that respective court's jurisdiction. This is to include the following, but not be limited to:
 - (1) The number of defendants accepted/rejected.
 - (2) The number of defendants terminated and type of termination.
 - (3) The number of serious violations and types of violations.
 - b. Reports will be provided to the courts upon their request.

4. Yearly Report
 - a. The Chief Probation Officer or designee will prepare an annual (fiscal) program report to be submitted to the Judicial Council.
 - b. It will summarize activities for the year.
 - c. It will be presented no later than September 30 of the following fiscal year.
 - d. These reports will be consistent with the defendant's rights to confidentiality and privacy.
 - e. All records pertaining to the supervision of defendants will be retained for a period of no less than five (5) years from the date of orientation.

XVI. Terminations

- A. Successful Completion
 1. Completion will be deemed to be successful if the defendant completes the contract and/or court document without being removed due to violation.
 - a. That defendant will be eligible to re-enter the program at any time in the future after undergoing eligibility requirements.
 2. Upon the defendant's successful completion, the assigned Probation Officer will file with the Court the Probation's Request to Terminate Electronic Monitoring form informing of the successful completion and requesting the Court's termination of electronic monitoring.
- B. Removal
 1. If a defendant is removed from the EM Program, the defendant's termination will be deemed "unsuccessful" and so documented in the file. If the commitment order allows, the defendant will be remanded back into custody until further notice. A violation report will be written and filed immediately to the court.
 - a. That defendant will not be qualified to participate in the program again for twelve (12) months. If the defendant has absconded while on the program, they are not qualified to re-enter the program unless overruled by the assigned judge.
 - b. The reasons an offender can be removed include, but are not limited to, the following:
 - (1) Escape/Abscond: A defendant whose whereabouts are unknown for 24 hours, or when the EM Probation Officer is reasonably certain that the defendant has absconded within a 24 hour period, may be considered to have absconded. The EM Probation Officer will prepare a violation report and file with the court with a request that a warrant be issued.
 - (2) Arrest, prosecution, or the admission of committing a new law violation.
 - (3) Refusal of the defendant to further participate in the program.
 - (4) Administrative termination for cases involving defendants who fail to make appropriate adjustment

within the program, but are not involved in major program violations.

(5) Failure to pay program fees, if applicable.

c. The Incident Report form will be prepared stating the program violation and filed with the court. The Incident Report form should have a Preliminary/Supplemental Probation Written Report attached documenting the violation(s). Also, the Probation's Request to Terminate Electronic Monitoring form should also be filed requesting termination of electronic monitoring as a result of the violation.

2. EM Probation Office staff may coordinate with the appropriate law enforcement agency to assist with remanding a defendant back into custody from the field.

3. At the Probation Office, once it is determined that a defendant will be taken into custody, the Probation Officer will:

- a. Have the defendant remove all items from their person and place in a bag.
- b. Pat-down the defendant to ensure all items were removed from their person.
- c. Handcuff the defendant immediately, and complete necessary paperwork for transport to Hagatna Lock-Up/DOC Mangilao.

D. Termination Procedure

1. When a defendant is terminated for successful completion, removed, or early release from the Program, the following procedure is to be followed:

- a. The defendant will turn in the equipment which has been issued to them. If the equipment is in any way damaged, it will be forwarded to the vendor for repair.
 - (1) If a defendant absconds, a member of the EM staff will immediately make arrangements to visit the defendant's residence in an attempt to locate and recover the electronic monitoring equipment.
 - (2) If the equipment is damaged or not recovered, the defendant will be held financially responsible for the replacement cost and legal fees accrued in attempting to collect any cost incurred.
 - (3) Theft charges will be filed immediately no more than (7) days of the incident.
- b. The defendant's master file will be kept for a period of five (5) years.
- c. A termination report will be filed with the court and placed in file.
- d. A Termination Form (*refer to Attachment 7*) will be completed by the Probation Office and placed in the defendant's file. The termination should be documented in JustWare within 14 days of the termination date.

- e. A Program Evaluation Exit Survey (*refer to Attachment 9*) will be completed by the defendant and forwarded to the Federal Programs/AG for statistical purposes.

XVII. Release Process

- A. Upon release, the EM staff will discuss the time that will be set for the defendant and what will happen the day of release as well as review the defendant's balance to ensure all fees are paid in full prior to the defendant's release if applicable. All equipment, including the Tag, the RF Beacon, EM battery and charger, and any other monitoring equipment accessory must be returned to the Probation Office in good condition, as instructed.
 - 1. The defendant must not remove the Tag from his or her ankle. The Tag must be worn until all equipment is returned to the Probation Office as instructed. Once the equipment is returned, the Tag will be removed by the EM Probation Officer or vendor.
 - a. If the electronic monitoring equipment is not returned within three (3) business days, the program defendant will be charged with theft and/or criminal mischief.

XVIII. Staff Training

- A. All employees assigned to work with the EM Program will participate in an initial training program designed to familiarize them with the surveillance system software and operation, the application process for defendants, and all related policies and guidelines.
- B. Program staff will be required to complete additional specialized training as determined by the Judiciary and EM vendor in light of technological advancements.

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OHIO RISK ASSESSMENT SYSTEM: PRETRIAL ASSESSMENT TOOL (ORAS-PAT)

Name: _____ Date of Assessment: _____

Case #: _____ Name of Assessor: _____

Criminal History Check Completed by: _____

Date: _____

Pretrial Items

Verified

1. Age at First Arrest
0 = 33 or older
1 = Under 33

2. Number of Failure-to-Appear Warrants Past 24 Months
0 = None
1 = One Warrant for FTA
2 = Two or More FTA Warrants

3. Three or more Prior Jail Incarcerations
0 = No
1 = Yes

4. Employed at the Time of Arrest
0 = Yes, Full-time
1 = Yes, Part-time
2 = Not Employed

5. Residential Stability
0 = Lived at Current Residence Past Six Months
1 = Not Lived at Same Residence

6. Illegal Drug Use During Past Six Months
0 = No
1 = Yes

7. Severe Drug Use Problem
0 = No
1 = Yes

Total Score:

Scores	Rating	% of Failures	% of Failure to Appear	% of New Arrest
0-2	Low	5%	5%	0%
3-5	Moderate	18%	12%	7%
6+	High	29%	15%	17%

ATTACHMENT 1

JUDICIARY OF GUAM
ELECTRONIC MONITORING
PROGRAM HOMEOWNER /
PRIMARY TENANT HOME
VERIFICATION AGREEMENT

In accordance with authority conferred, _____ is being considered for placement on the Electronic Monitoring Program. As the homeowner or primary tenant of the residence and the party responsible for the telephone service, I hereby agree to the following conditions:

1. I acknowledge that the above referenced telephone has a modular (wall____) jack. I am aware that the telephone service can NOT have any additional options, such as a modem, call forwarding, call waiting, caller I.D., or any extra features attached.
2. I agree NOT to tamper, move, or disconnect the installed monitoring unit unless so directed by Electronic Monitoring Program staff.
3. I agree to be responsible for the telephone and electricity expenses and to maintain both in proper working order.
4. I agree that Probation Electronic Monitoring Program staff can enter my residence at any time, day or night, either announced or unannounced, to install, maintain, repair, inspect, or remove the monitoring equipment, search the premises for weapons, drugs, or alcohol, and/or to verify that the named defendant above is in compliance with the conditions of the Electronic Monitoring Program throughout the duration
5. I understand that NO illegal drugs, alcohol, or weapons will be permitted in the home or on its premises.

Location of residence: _____

Names of other adults in residence and relationship to the defendant.

Name: _____ Relationship: _____ Contact No: _____

Name: _____ Relationship: _____ Contact No: _____

Name: _____ Relationship: _____ Contact No: _____

Name: _____ Relationship: _____ Contact No: _____

I, as Homeowner / Primary Tenant, approve the defendant's placement and the rules that must be adhered to and verify that there are NO weapons, illegal drugs, and alcohol on the premises of the home.

Signature of Home Owner/Primary Tenant *Date*

**AUTHORIZATION TO RELEASE INFORMATION
ON TELEPHONE SUBSCRIBER SERVICE
AND TO DENY OR TERMINATE -
SPECIAL TELEPHONE SERVICE**

TO:

(TELEPHONE COMPANY)

(ADDRESS)

FROM:

(SUBSCRIBER)

(TELEPHONE NUMBER)

(ADDRESS)

I, _____, the subscriber of the telephone number listed above, hereby authorize the telephone company listed above to **release any and all telephone service subscriber information** to representatives of the Judiciary of Guam Probation Services.

I further authorize the telephone company to **terminate** any or all of the following special telephone services: CALL FORWARDING, CALL WAITING, CALLER ID, or (specify) _____
_____.

I further authorize the telephone company to deny any request to provide the above special services during the effective term of this authorization.

This authorization will become effective on _____, and will terminate on _____.

Early termination will occur only upon written authorization from the Judiciary of Guam Probation Officials.

(SUBSCRIBER)

(DATE)

(WITNESS)

(DATE)

**ELECTRONIC MONITORING HOUSE ARREST PROGRAM
RESIDENTIAL/TELEPHONE REQUIREMENTS CHECKLIST**

Participant's Name: _____

House Arrest Program component (*Check One*):

- Curfew House Arrest

Residence Address: _____

Home Phone: _____ Second Home Phone: _____ Work Phone: _____

Will a telephone line be available for house arrest program requirements? Yes: __ No: __

If Yes, this line must have (*check box if requirement is met*):

- Telephone Hook-up
 RJ-1 1 Jack
 Electrical Outlet Accessible

Have the following telephone services been removed? (*check box if requirement is met*):

- Party Line
 Call Waiting
 Call Forwarding
 3-Way Dialing
 Voice Mail
 Call Block (In/Out)
 Caller ID

Have the following devices been disconnected from the telephone line? (*check box if requirement is met*):

- Answering Machine
 Computer Modem/Fax Machine
 Cordless Phone
 Other Devices

Officer's Name (print and sign)

Date

Notification to Law Enforcement

TO: GUAM POLICE DEPARTMENT

ATTN:

Please be informed that the individual has been placed under electronic monitoring and is supervised by Superior Court Probation Officer.

Defendant Name: _____ Social Security #: _____

Case Number: _____ DOB: _____

Date placed on EM: _____ Proposed release date: _____

Home address: _____

Home phone: _____ Tag #: _____

Please contact me for clarity of any information and defendant status.

EXCLUSION ZONE NOTICE FOR VICTIM:

Yes, see following commitment Exclusion Zone Address for Victim:

No Exclusion Zone

Sincerely,

EM Probation officer

Contact no.: _____

Electronic Monitoring Program Eligibility Agreement

Defendant Name: _____
Address of Hook-up: _____
Village/State/Zip: _____
Landline Phone # for Hook-up: _____
Emergency Contact Person: _____ Phone _____

In order to be placed on the Electronic Monitoring Program, I agree to do the following:

1. On _____, I agree to have transportation to the Probation Office located at 110 West O'Brien Drive, Hagatna, Guam 96910 by 8:00 A.M. *Initials:* _____
2. I agree that I **MUST** have my first payment in the form of cash or money order in the amount of \$ _____ for EM Program **at the time of my hook-up**. I further agree to remain current on my program fees each week thereafter while on the monitoring program, if applicable. *Initials:* _____
3. I agree that failing to provide payment or not adhering to any of the above conditions will result in me being placed back into custody and returned immediately to DOC to serve until further order of the Court. *Initials:* _____
4. I agree that failing to report to the Probation office, as instructed for my hook-up, will result in an ESCAPE charge being filed. *Initials:* _____

Defendant's Signature

Date

Probation Officer's Signature

Date

JUDICIARY OF GUAM ELECTRONIC MONITORING PROGRAM

YOU MUST REPORT WEEKLY!!

OFFICE REPORTING DAYS ARE:

CALL BEFORE YOU COME INTO THE OFFICE

You **MUST** bring in your weekly payment, paycheck stub, receipts, AA Stamps, etc.

Probation Services Division

110 West O'Brien Drive, Hagatna, Guam 96910

Phone No. 671-475-3318 / Fax No. 671-477-4944

TO THE CANDIDATE OF THE ELECTRONIC MONITORING PROGRAM:

You have been given an opportunity by the court to participate in the Electronic Monitoring Program..

Electronic Monitoring is an opportunity to serve your detention while still being able to maintain your employment and support yourself and your family, while living at home. Please understand that Electronic Monitoring is a privilege which will be revoked should you fail to follow all rules and regulations.

Please provide the following information when reporting to the Probation office:

1. Most recent pay stub.
2. Driver's license.
3. Letter from your employer verifying your employment with the company, address of your work location, and your daily work schedule. The letter **MUST** be signed by your work Supervisor.
4. Mandatory attendance requirements for any court orders, if applicable.
5. For paying defendants only, a payment of \$_____ **is required on the day you're hooked up** and a weekly fee as agreed must be paid thereafter for the remainder of your time on the program in the form of cash, money order, cashier's check (you will receive a receipt for payment made). Daily Program fees are \$_____. Should you happen to pay over the total amount due by the end of the Program, you will receive a refund check within 6 to 8 weeks, if applicable.

You will receive random Home Visits on a regular basis and, if necessary, have your home searched at any time. You will also receive random visits at your job site to verify your work hours.

You will be required to report to the Electronic Monitoring Probation officer once a week and are subject to random alcohol/drug testing.

While on the Program you will be required to maintain continuous telephone service. You must contact your local phone company immediately to have any added features (call waiting, call forwarding, etc.) removed from your telephone service. You will also need a wall jack phone system. Additional program requirements and rules will be explained to you during your program orientation.

Once you are on the Electronic Monitoring Program you will be required to schedule all appointments in advance. To schedule any work, school, or other appointments, please contact Probation office between the hours of 8:00 A.M. and 4:00 P.M. Monday through Friday (Weekends and Holidays excluded). You must speak to the Probation officer directly to schedule all appointments.

Electronic Monitoring Program Intake Form

1. Last Name: _____ First name; _____
2. DOB: _____
3. Funded Program Type: Indigent or paying client
4. Reason Placed on program: **Pretrial Status** **Disposition:**
5. Social Security #:
6. Case Number:
7. Start Date:
8. Sex:
9. Race:
10. Marital Status:
11. Current charge:
12. Education:
13. Employed at Time of Program Admission: Yes No
14. History of Drug Abuse: Yes No
15. History of Alcohol Abuse: Yes No
16. Level / Most Serious Instant Offense:
17. Offense Category (Most Serious Instant Offense):
18. Total # of Prior Felony Convictions: _____
19. Previous Conviction of Violent Offense? Yes No
20. Total # Adult & Juvenile Convictions _____
(excluding moving Traffic Violations)
21. Is the Defendant Required to: **Pay Supervision Fees** YES NO

Electric Monitoring Program Termination Form

1. Last Name:
2. DOB:
3. Funded Program Type:
4. Termination yes or no
5. Termination Date:
6. Employed at Time of Termination yes or no
7. Type of Defendant's Fees Collected While in Program: (Check all that apply)
 - Restitution
 - Court Costs and/Fines
 - Child Support
 - Supervision
 - Other Program Fees
 - None
8. Other Services Provided While in Program:

Drug and Alcohol Testing: yes ___ or no ___.
9. Did defendant complete house arrest, electronic monitoring, or curfew monitoring since intake/last reassessment? Yes _____ or no _____ .
10. Was defendant convicted of a felony since intake?
11. Reason for termination from program:

Case Record Audit Checklist

Defendant Name: _____

File Audit Date: _____

File Status at audit: Active Closed

Documents Reviewed - Magistrate/Indictment Deficiency Noted

Documents Reviewed and deficiency noted (check all that apply):

- Commitment _____
- Biographic Profile Form _____
- Risk Assessment Offender Contract _____
- Home Owner Agreement _____
- Financial Agreement Court _____
- Notification Informational _____
- Notification Intake _____
- Schedule & Request form _____
- Pay Check stubs and/or Other Appropriate _____
- Verification as required _____
- Home/Field Contact Form, if applicable _____
- Exit Survey _____
- Termination _____
- Other _____

Audit by (signature): _____

Program Supervisor: _____

Corrective Action Taken, if necessary: _____

**Electronic Monitoring Program
Program Evaluation Exit Survey**

1. How long have you been on Electronic Monitoring? (check one)
 1-59 days 2-9 months 10-18 months

2. What other programs/treatment were you involved with while on the program?
(check all that apply)
 None Drug Abuse Alcohol Abuse Anger Management
 Other: _____

3. Was being on Electronic Monitoring a positive experience?
 Strongly Agree Agree Disagree
 Comments (optional): _____

4. How often did you have conflicts with Probation office Electronic Monitoring staff?
 Never Sometimes Often
 Comments (optional): _____

5. Did you have any rule violations? If yes, explain. _____

6. Were you employed when you began Electronic Monitoring? _____
Are you employed now, upon your release? _____

7. Right now, if you were to get (or have) a good job, how would you rate your chance of being successful? Good Fair Poor

8. What are your goals since you have completed your Electronic Monitoring?
 Maintain/seek employment Maintain stable residence
 Avoid illegal activity I have no goals set
 Other: _____

Print Name: _____

Date: _____

Signature: _____

PROBATION SERVICES DIVISION
Intake & Residential Map (Please PRINT all Information)

CASE NO: _____ PO: _____ DATE: _____

NAME: _____ SOCIAL SECURITY: _____

EMAIL ADDRESS: _____

ETHNICITY: _____ CITIZENSHIP: _____ MILITARY BRANCH: _____

EMPLOYER: _____ WORK No: _____

FULL-TIME / PART-TIME EMPLOYMENT / SCHOOL SCHEDULE HOURS: _____

MEDICAL INSURANCE CARRIER: _____ HEALTH STATUS: _____

EDUCATION LEVEL: _____ SCHOOL: _____

DISTINGUISHING MARKS / TATTOOS: _____

VEHICLE INFORMATION

Vehicle Make / Model / Color / Year: _____

License Plate No.: _____

Vehicle Make / Model / Color / Year: _____

License Plate No.: _____

Vehicle Make / Model / Color / Year: _____

License Plate No.: _____

WARNING: Failure to provide accurate information is a VIOLATION of your pretrial or release conditions. If at any time you change residence, you must notify your Probation officer immediately and provide a current map.

PROBATION SERVICES DIVISION
Intake & Residential Map (Please PRINT all Information)

Home Address: _____

Major Landmark: _____

Home Phone Number: _____ Cell Number: _____

Dwelling Type (i.e. concrete, semi-concrete, wood, tin): _____

Color i.e. beige w/ blue trim, brown) _____

Do You Own Any Pets? Yes / No Type: _____ Indoor /
Outdoor

Do You Own, Rent, Live With Family? _____ Monthly Rent: _____

PLEASE DRAW A MAP TO YOUR RESIDENCE BELOW

WARNING: Failure to provide accurate information is a VIOLATION of your pretrial release conditions. If at any time you change residence, you must notify your Probation officer immediately and provide a current map.

DEFENDANT'S SIGNATURE: _____ DATE: _____

ATTACHMENT 11B

Electronic Monitoring Program Financial Agreement

Defendant's Name _____ Case No. _____

In-Date _____ Outdate _____

You have been accepted into the Electronic Monitoring Program and will be responsible for the following Program fees:

Total # of days on EM Monitor _____	x \$ <u>8.00</u> per day	\$ _____
_____	x \$ _____ per day	\$ _____
_____	x \$ _____ per day	\$ _____
_____	x \$ _____ per day	\$ _____
_____	x \$ _____ per day	\$ _____
Other charges _____		\$ _____

Total amount due: \$ _____

I further agree, if I am declared indigent by the Court, I am required to pay the amount over \$10.00 per day (based on equipment type), weekly and for the remainder of my time on the program. All Program fees must be paid in full before disconnection from the program. All equipment must be returned in the same condition as when you started the program. Any amount overpaid will be processed and mailed to you within 6 to 8 weeks after your release date.

Defendant's Signature	Date
-----------------------	------

Probation Officer Signature	Date
-----------------------------	------

(Account Clerk use only)

Upon release you served _____ days x \$ <u>8.00</u> per day	=	\$ _____
Other charges _____	=	\$ _____
Total	=	\$ _____
Total amount received	=	\$ _____
Amount refunded to defendant	=	\$ _____

Account Clerk	Date
---------------	------

JUDICIARY OF GUAM
Home/Field Contacts Form

Defendant's Name: _____

Date: _____

Program: Electronic Monitoring

Visit Type: Home Visit Work Site Drive

Home Visit: Yes No N/A

Home Visit Comments: _____

Work Site Visit: Yes No N/A

General Comments: _____



Program: AA/NA Lighthouse OASIS

Visit Type: Work Site

Employer: _____

Contact Person: _____

Attendance: Very Good Satisfactory Poor

On time: Yes No Comments: _____

Attitude: Very Good Satisfactory Poor

Job Performance: Very Good Satisfactory Poor

General Comments: _____

Probation Officer Signature

Date

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JUDICIARY OF GUAM

Electronic Monitoring Program Defendant Handbook

Administration Telephone (671) 475-3462

Fax Number (671) 477-4944

Electronic Monitoring Is A Privilege And A Positive Alternative To Incarceration

Judiciary of Guam EM Program

Dear Program Defendant:

As a result of a court order, you have been placed in our Electronic Monitoring Program. We share a common goal – for you to satisfactorily complete your detention and return to the community as a responsible and productive citizen. Our Program operates on the premise that every Program defendant has the potential to achieve that goal. Your time on electronic monitoring may not be easy, it may be filled with challenges, but we believe that you can accomplish this or the Court would not have placed you in this Program.

During your placement in our Electronic Monitoring Program, you can expect the Probation Office to assist you in this effort by prioritizing your participation. The Program has many rules and guidelines which are designed to guarantee your accountability and encourage a change in negative behavior. Our expectation is that you attend all meetings with the Probation Officer and that you abide by the rules and guidelines of the EM Program, and that you demonstrate a positive attitude and put forth the effort required to change your behavior.

The following material, along with the Program contract, outlines the rules, guidelines, and behavior that are expected of you. Our staff will explain the following information to you during the intake process and you are encouraged to ask questions. It is recommended that you keep this material and review it carefully, as a violation of the rules will result in the failure to successfully complete our Program.

If you have any questions, do not hesitate to contact a member of our Electronic Monitoring Program staff.

Respectfully,

Rossanna Villagomez-Aguon
Chief Probation Officer
Judiciary of Guam

Probation ELECTRONIC MONITORING PROGRAM STAFF

Chief Probation Officer:

Rossanna Villagomez-Aguon

Deputy Chief Probation Officer:

Trisha Suzuki

Electronic Monitoring Officers:

Hill C. Leon Guerrero – Senior Probation Officer

Matthew G. Calvo – Probation Officer II

Anthony S. Duenas – Probation Officer I

Erik K. Cruz – Probation Officer I

Probation Office: 671-475-3462

Fax #: 671-472-4944

After Hours Message Extensions:

Call 671-475-3462

*** Any Probation Office Staff may perform a field contact with the Program defendant.**

DEFENDANT CONTRACT

Rules and Regulations Governing Offender Conduct and Supervision

Defendant's Name: _____

Date: _____

As a defendant of the Electronic Monitoring Program, I will be required to abide by the following rules and regulations. I will also be required to abide by any lawful directives given by Electronic Monitoring Program Staff and my Probation Officer. I am signing this contract with the understanding that failure to comply with any of these conditions may result in a violation being filed with the Court and/or Probation Office.

I. WEEKLY SCHEDULES, MEETING AND MOVEMENT IN THE COMMUNITY

- A. I agree to report to the Probation Office immediately upon request, whether written or verbal.
- B. I understand that the Electronic Monitoring Probation Officer or Probation Office Staff is the only agency that may approve any schedule and/or change in schedule, and that I must seek approval **at least** 24 hours prior to any change, excluding weekends and holidays. I will be required to submit a detailed schedule of my movements in the community to Electronic Monitoring Staff for approval. This will be accomplished by completion of the Electronic Monitoring Schedule and Request form one week in advance. Once submitted, weekly schedules may only be changed for the following reasons:
 - 1. Emergency (Medical). I must contact the Electronic Monitoring Probation Officer or Probation Office as soon as possible to inform staff of the extent and nature of the problem. The emergency must involve me or someone in my immediate household. Medical emergency is defined as a serious or life threatening situation.
 - 2. Change in work hours. If I am employed and unable to report to work for any reason, I must contact the Probation Office prior to my scheduled departure time. If I am required to work overtime or am released from work early, I must contact the Probation Office prior to leaving or working late. I will also be required to provide verification of overtime or early release from work.
- C. If assigned a RF Beacon, I agree to remain within range of the RF Beacon, with the only exceptions being: my actual work hours; my travel to and from work; appointment with the Court, Probation Office or Electronic Monitoring Staff. In addition, I may attend regularly scheduled religious services, educational, and other programs approved by the Court and/or Probation Office. I understand that it is my responsibility to provide written documentation immediately upon request to confirm that my absence from the home was due solely to a permissible purpose and the activities were scheduled.
- D. I understand when my curfew begins, I must be inside my home.
- E. I will report directly to my authorized destination. Any side stops not scheduled or approved prior to leaving home will be considered a violation and subject to pretrial release revocation.
- F. I may be given grocery shopping and/or laundry privileges for up to 2 hours, at a location approved by my EM Probation Officer. This privilege depends on my individual situation and will only be considered if no other person in the household can provide these services.

ii. **ALCOHOL AND OTHER DRUGS**

- A. While on Electronic Monitoring I will not consume, or possess on my person, or in my home, any alcohol or drugs unless prescribed by a physician. I will submit to drug and alcohol tests immediately upon request. Failure to submit to a test or tests will be considered an admission of guilt. I understand I have up to one (1) hour from the time I was notified to produce a urine specimen for drug testing.
- B. I will not use or consume any illegal drugs, controlled substances, hemp, hemp products, or extracts. I will not take any drugs unless I possess a current and valid prescription from a legally licensed physician.
- C. I will not consume anything containing alcohol, including but not limited to an alcoholic beverage or medication with alcohol in it (e.g., liquid cold medicine, cough syrup, or medicated mouthwashes).
- D. I will not be in the company of anyone that is using or possessing alcohol or illegal drugs.
- E. By signing this contract I waive any objection to the admissibility of the results of the test as they are received by the court into evidence at any Revocation Hearing. If test screen results return diluted, it will be a violation of the contract.

iii. **EMPLOYMENT**

- A. While on Electronic Monitoring I will be allowed to work if approved by the Court. I will also be allowed to participate in a court-approved education and or vocational program.
- B. If unemployed, I will comply with the Electronic Monitoring Probation Officer's instructions regarding job search procedures, if approved by the Court.
- C. I understand that if during the term of Electronic Monitoring my employment is terminated for reasons beyond my control, I may continue on the Electronic Monitoring Program as long as I begin an intensive job search which will require five (5) verifiable employment inquiries per weekday. The employment inquiries will be documented on the Employment and Program Attendance Verification form.

iv. **RESIDENCE AND TELEPHONE**

- A. I agree to allow the Electronic Monitoring Probation Officers/Probation Officers to enter my residence at any time, without prior notice, and to make reasonable inquiry into my activities and the activities of others in the home. I agree to waive my right against search and seizure, and permit the Electronic Monitoring Probation Officers/Probation Officers to search my person, residence, motor vehicle, or any location where my personal property may be found, to insure compliance with my conditions of Electronic Monitoring.
- B. I understand that I must have a permanent place of residence and must have approval from Electronic Monitoring Probation Officer at least 72 hours prior to any change of residence. I further understand that a change in residence will be pre-arranged and approved by the Electronic Monitoring Probation Officer and will be done Monday-Friday before noon. Loss of my approved residence will be cause for removal from the program and possible revocation of my pretrial release.
- C. While on Electronic Monitoring, I will be required to maintain continuous telephone service, if this instrument is required. If I lose telephone service for failure to pay the bills, I will be subject to removal from the program. If I lose phone service through circumstances not within my control, I will contact the Probation Office immediately. I understand that I must have a working landline

telephone with no special calling features for the entire time of my placement on the Electronic Monitoring Program.

- D. I understand that I will be required to maintain continuous power service while on Electronic Monitoring. I must contact the Probation Office immediately if I lose power to my home. If my home loses power because of non-payment of the power bill, I understand that I may be removed from the Electronic Monitoring Program and possible revocation of my pretrial release.
- E. I understand that I must keep the Tag on my ankle and the Beacon plugged in to the power outlet at all times.

v. **EQUIPMENT RULES**

- A. I understand that I am responsible for any damage to the electronic surveillance equipment; I will not tamper with, attempt to fix, or allow anyone else to tamper with or attempt to fix the equipment. I further understand if there are any problems with the equipment, I will call Electronic Monitoring Probation Officer during regular office hours. Torn or broken straps must be reported to Electronic Monitoring Probation Officer immediately and replaced. I agree to never tamper with the strap or remove the Tag even if the strap becomes damaged.
- B. **I will charge the EM Tag each day at 2:00 pm for two (2) hours. If I am allowed to maintain employment and not able to charge the EM Tag at 2:00 pm, I will charge the Tag each day at 8:00 pm for 2 hours. Failure to charge the EM Tag will result in termination from EM supervision.**
- C. **I understand that I should never allow the EM Tag battery to run down. A DEAD BATTERY VIOLATION IS CONSIDERED A ZERO TOLERANCE VIOLATION!**
- D. All equipment must be returned to Electronic Monitoring Probation Officer upon termination from the Electronic Monitoring Program. If I damage the equipment or fail to return the equipment in good condition, the Judiciary of Guam will charge me with theft and/or criminal mischief.
- E. I acknowledge that I will be financially responsible for any and all damages, destruction, or loss of any and all Electronic Monitoring devices assigned to me.

vi. **LAWS**

- A. I understand that I am to obey all laws and not commit any new crimes while on the Electronic Monitoring Program. I understand that if my license is suspended or I have restrictions on my license, I will follow not restrictions and not operate a motor vehicle. If I am unable to drive, it is my responsibility to arrange transportation with a licensed, warrant-free driver to work, office visits, and other required functions. I will only drive if I have a valid driver's license and insurance.
- B. If I am arrested or have contact of any kind with any law enforcement agents, I am to report this to my Electronic Monitoring Probation Officer/Probation Officer immediately. I understand that I am to identify myself as an Electronic Monitoring Program defendant to law enforcement officers.
- C. If I leave the Territory of Guam, with or without permission of the Electronic Monitoring Program, I understand that I waive (give up) my extradition rights and will voluntarily return to Guam.

vii. **COURT AND PRETRIAL/PROBATION/PAROLE COMMITMENTS**

- A. While under supervision of the Electronic Monitoring Program, I will still be required to comply with the other conditions that may be ordered such as pretrial

release, probation or parole.

- B. I understand that while on Electronic Monitoring, I will have no contact at my home with anyone on pretrial release, probation or parole.

VIII. **VICTIM CONTACT**

- A. If there is a victim in my case, under no circumstances am I to have contact with my victim unless there is court approval.

IX. **PROGRAM FEES**

- A. If ordered by the Court, I understand that I will pay a fee upon hook-up and a weekly fee as agreed thereafter for the remainder of my time on the Program. Payments will be made by cash, cashier's check, certified check, money order. No personal checks will be accepted.
- B. I understand that failure to make payments as required, or departure from the Program with a balance of payments in arrears may result in any or all of the following:
- 1) I will be removed from the Program and a violation may be filed against me with the Court and/or Probation Office.
 - 2) The Court may enter a civil judgment against me in the criminal case for the amount that I owe;
 - 3) I may be sued in civil court or subject to collection proceedings and attorney fees.
- C. Fees may be waived by order of the Court.
- D. The Electronic Monitoring Probation Officer will send notification to the appropriate court for defendants failing to remain current on program fees at the time of their office visit. The defendant will receive the appropriate consequence as ordered by the Court.

X. **OTHER**

- A. Tampering: I understand that the use of banned products or any effort to interfere with the Tag is an attempt to tamper with the unit and will be considered a violation of this agreement.
- B. Swimming & Bathing: I understand that only the EM Tag may be submerged in no more than 3 feet of water. I understand that all other EM equipment must not be exposed to water. I understand that I will be held liable for any damages caused by submerging the EM battery, battery charger, or RF Beacon as well as for additional hook-up fees when new equipment is required.
- C. Personal Hygiene: I agree that when showering, I will thoroughly clean the area around the EM Tag with soap and water. I will thoroughly rinse with clean water and dry the Tag. I understand that failure to rinse away all soap and dry the area around the Tag may result in a mild skin rash.
- D. Current Health Status or Pre-Existing Medical Conditions: I agree that I will reveal my current health status to my probation officer and will also notify them of any pre-existing medical conditions that I am aware of such as pregnancy, diabetes, or any type of known skin disorder or heart condition.
- E. While on the Electronic Monitoring Program I release the Judiciary of Guam of any responsibilities for medical care or expenses that may occur while on the Electronic Monitoring Program.
- F. I will be expected to return all equipment in the same condition as it was when I received it. Failure to do so may result in my being charged for the cost of

damage or loss of equipment. Failure to pay the cost of damaged or lost equipment will result in criminal prosecution.

- G. I understand that a violation may be filed if I fail to comply with any other probation cases which I am being supervised by the Probation Office.

Special Conditions: _____

During my term of Electronic Monitoring, if a determination is made that I had violated any of the conditions, the Court may, after a hearing, may continue placement, modify my release conditions, or revoke pretrial release.

This contract has been read and explained to me, and my signature below acknowledges that I have fully read and fully understand all the terms and conditions of this contract. I hereby agree to comply with all of the above rules and regulations of the Electronic Monitoring Program. I further acknowledge that I have read and understood the Judiciary of Guam Electronic Monitoring Program Handbook and agree to comply with all the rules and procedures set forth in it.

Defendant Signature

Date

Electronic Monitoring Probation Officer Signature

Date

FINANCIAL RESPONSIBILITIES

If ordered by the Court, your fees are assessed at daily rate of: \$ 8.00 for EM supervision, as per the signed Financial Agreement. You will pay your weekly fees in the following manner:

1. Fees must be paid weekly during the Program defendant's office visit and remain current from each office visit thereafter for the duration of your time on the Program.
2. All fees will be paid by cash, cashier's check, certified check, or money order. No financial transactions, other than fee payments, are permitted between the program defendant and the Electronic Monitoring Program staff. A receipt will be provided upon payment.
3. If the Program defendant falls behind in fees, you will be subject to immediate removal from the Program, according to the Judge, as stated in the Defendant Contract.

Financial Agreement & Equipment Liability:

CHECK BOX & INITIAL	LEVEL OF SUPERVISION <small>PASSIVE, ACTIVE OR HYBRID</small>	MONTHLY FEE	SET-UP FEE	JAIL FEE	TOTAL DUE BEFORE SERVICE
<input type="checkbox"/>					
<input type="checkbox"/>	GPS EQUIPMENT REPLACEMENT COSTS LOST OR DAMAGED		Tag\$1300.00 Strap\$ 20.00 Charger\$ 50.00	Beacon\$ 450.00 Retrieval Fee\$ 150.00	
<input type="checkbox"/>	ACKNOWLEDGEMENT OF EQUIPMENT RECEIPT		GPS/Tag Unit #:	Beacon Unit #:	1 Charger

Initial Here:

_____ I understand that I am required to pay the monthly costs of my GPS monitoring in advance. In the month of service termination, any credits will be prorated on a daily basis assuming a 30-day month.

_____ I further acknowledge that if I terminate this agreement prematurely, regardless of reason that all monies received from the date of initiation of this contract to the date of termination shall not be returned.

_____ I also understand that any late payments will result in an additional \$25.00 fee added to my account per billing cycle. Failure to pay any late fees incurred due to late payments will also result in a deactivation of my monitoring device and notification to the proper authorities. As stated above, in order to reinstate my installment agreement with the monitoring company and reactivate my monitoring device, I must pay all delinquent and past due balances in full

_____ I understand that I will be held liable for any equipment damage other than that caused by normal wear. I will pay for repairs or replacement costs (listed and initialed above) and will be charged additional set-up fees if the monitoring device is lost, stolen, or intentionally damaged. I understand that if I damage the monitor in any way, I must **CONTACT A SERVICE AGENT**

IMMEDIATELY to arrange an inspection. I will allow authorized personnel to inspect and maintain the GPS device for functionality and damage.

_____ Outstanding charges not paid immediately shall accrue at an interest rate of Eighteen Percent (18%) per annum compounded monthly at a pro rata of one and one-half percent (1.5%) per month, not to exceed maximum amount established by law.

_____ I understand that there are **NO EXCEPTIONS** to this financial policy.

CHECK-IN PROCEDURES

1. Each Program defendant is required to report to the appropriate Electronic Monitoring Program Office. Electronic Monitoring staff will advise the defendant of the date and time of check-in (subject to change upon notice).
2. Weekly fees will be paid at check-in if applicable.
3. It is the responsibility of the defendant to have available all documentation for approved movements from the previous week and submit to Electronic Monitoring staff at check-in. The following are examples of documentation as they apply to you: Pay check stub, Employment/Program Attendance Verification Sheet, grocery store receipt, AA/NA stamps, religious services pamphlet, doctor's slip, court appearance, probation meeting, and hospital discharge paperwork, if applicable.
4. Defendants may be asked to submit to urine screen, breathalyzer, or search of their person.
5. When entering the facility for check-in you will be required to:
 - a. Fill out a Weekly Reporting Sheet.
 - b. Fill out a Schedule and Request Form.
 - c. Have all documentation readily available.
 - d. After completing the schedule, wait until Electronic Monitoring staff calls the defendant.

ELECTRONIC MONITORING PROGRAM FORMS

In order to assist you, the Electronic Monitoring Program has several forms to facilitate any requests. It is important that you use the forms correctly, and in the proper manner, so that you will get the appropriate Program staff to approve/disapprove your requests.

Schedule and Request Form:

As a defendant of the Electronic Monitoring Program, you will only be permitted to leave your residence for pre-approved and scheduled time out, which will include the following:

- Work or school
- Court/legal appointments
- Doctor appointments
- Church
- Grocery shopping and/or laundry for up to 2 hours a week, at a location approved by your EM Probation Officer. This privilege depends on each defendant's individual situation and will only be considered if no other person in the household can provide these services.
- Holiday gatherings with the family for Thanksgiving, Christmas or other special

occasion, after providing the address and telephone contact information and **only if** you have complied with the rules and regulations of the Electronic Monitoring Program. This privilege will be the discretion of the Court as recommended by the EM Probation Officer.

During the check-in time you will fill out and submit to the EM Probation Officer, The Schedule and Request Form with the appropriate date and time requested for scheduled time out of the residence. This schedule will include all activities that you need time out to complete, as previously stated. The EM Probation Officer will review the schedule for compliance to the Program Policy and either approve or disapprove the schedule. Should a schedule be disapproved, the EM Probation Officer will work with you until an approved schedule is completed.

It is important that you place all the information that is known on the form. Actual work hours shall be placed on this form. The EM Probation Officer will determine the time to leave and return in range. You must provide documentation for any movement out of the residence to the EM Probation Office upon request or at the next check-in. **You will not be permitted out of range from your residence unless you, someone in your household, or your immediate family have a medical emergency.**

Any additional or special circumstance schedule request (e.g., Hospital visit or Funeral for immediate family) to the EM Probation Officer must be approved by the Court, upon recommendation from the EM Probation Officer. Each case will be determined on an individual basis or circumstance. Any privilege(s) may be revoked at any time by the EM Probation Officer or Supervisor, if you fail to comply as outlined in the Defendant Contract and Handbook. **Falsifying or attempting to give false information will result in immediate removal from the Electronic Monitoring Program. Remember – Electronic Monitoring is a privilege and a positive alternative to detention.**

Employment Overtime and Attendance Form:

You will use this form to document all employment schedules if they are paid bi-weekly, overtime, participation in a program or appointments such as: doctor/dentist, Court/Probation, when proper documentation is not available. This form must be filled out completely, to legibly include the authorizing person's name and contact information.

Church Application:

The Church Application Form must be completed and turned in at check-in with all the information about the time and place of the church service on the application. You will submit one church application and are required to be at that address. **The total time that you are absent from home to attend church will be dependent on the service time. For Catholics, Mass attendance will be at the church in the residential village.**

The EM Probation Officer will call the church to verify the information from the church application form. This application **does not** serve as verification of attending the church service. You will have to provide documentation of attending the church service every check-in day.

Holiday/Special Occasion Application:

The Holiday/Special Occasion Application is for Thanksgiving, Christmas or special occasions must be approved by the Court. You must provide the Electronic Monitoring Probation Officer with the information of the person, their address and phone number for where you will be on the

date requested. **This request, if approved, may be denied at any time prior to the date of the event if a violation is committed.**

Leaving the house for any unapproved reason, with the exception of a verified Medical Emergency, may result in being removed from the Electronic Monitoring Program.

Calls to the EM Probation Officer and Messages During and After Office Hours:

The defendant will call his or her EM Probation Officer at the appropriate office (671-475-3318) during office hours of 8:00 A.M. to 4:00 P.M., Monday through Friday, weekends and holidays excluded, with any unexpected schedule changes. If the Probation Office is not immediately available, the defendant will leave a message. The Probation Office will return the call when they are available. **No schedule is approved until the EM Probation Officer and defendant speak to each other. Under NO circumstances will the defendant leave the residence without first speaking to the EM Probation Officer for a non-emergency situation. Leaving a message does not mean that the request has been approved.** The EM Probation Officer will return the call to the defendant when available and the request can be made at that time. The request must be submitted 24 hours prior to the desired change and must be for an unexpected appointment or activity.

After hours your assigned EM Probation Officer has a voice mail extension which will only be used for work schedule changes (i.e., if you have mandatory overtime that requires you to report to work early or work later than expected). Voice mail after hours will also be used to inform your assigned EM Probation Officer if you have or had a medical emergency. You are required to leave a message at the earliest opportunity to inform the EM Probation Officer of the medical emergency situation. You are required to obtain documentation verifying the location, date and time you or someone in your household received emergency medical attention. If you were with your household member when they received emergency medical treatment, you must obtain documentation from the hospital stating the date and time you were there and who you were there for. **You must provide this documentation upon request from the EM Probation Officer or have it available at your next office visit.**

After Hours Voice Mail Extensions: Hill C. Leon Guerrero 671-475-3462

DRESS CODE FOR OFFENDERS AND VISITORS

Defendants and visitors entering the facility are expected to be fully clothed and properly dressed at all times, to include footwear. At no time will a midsection of the torso be showing or the shoulders bare, and shorts cannot be shorter than 6" above the top of the kneecap. Proper attire is at the discretion of Electronic Monitoring staff. Defendants, visitors, and their property are subject to search at the discretion of the Electronic Monitoring staff.

TERMINATION PROCESS

Officially, the program defendant's time of release is date and time of termination on a case by case basis. All equipment, including the Tag, the RF Beacon, Tag Battery, and Battery Charger, must be returned to the Electronic Monitoring office in good condition, as instructed. **DO NOT remove the Tag from your ankle.** The Tag must be worn until all equipment is returned to the Electronic Monitoring office, as instructed.

If the Electronic Monitoring equipment is not returned within three (3) business days, the Program defendant will be charged with theft and/or criminal mischief.

USING THE PHONE

1. The telephone must be on the hook when not in use.
2. You may NOT have any special features placed on the phone (e.g., call waiting, call forwarding, conference, or three way calling).
3. You must stay current with phone bills, so as not to have disconnected services. If while on the Electronic Monitoring program the electricity or phone is disconnected, then you may remain at the place of residence only if it will be turned back on in the allotted amount of time. If the electricity and/or the phone will not be turned on in the allotted amount of time, you will need to find another approved location to move the monitoring equipment to until the electricity and/or phone has been restored. This residence must be in the same village you reside in.
4. Neither the monitor nor the telephone is to be unplugged for any reason.
5. If there are any questions the defendant can call the Electronic Monitoring office.

**THIS SPACE
INTENTIONALLY LEFT
BLANK**

Electronic Monitoring Schedule and Request Form

Defendant Name (print): _____ Request Date: _____

Defendant Home Phone #: _____ Cell Phone #: _____

Home Address: _____

Emergency Contact & Phone #: _____

Employer & Address: _____

Employer Phone #: _____

Day / Date	Actual Time/Event	Leave Time	Return Time	Remarks
Sunday				
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				
Saturday				

Request additional allowed movements below:

1. _____

2. _____

Staff Comments: _____

- Office Visit with Defendant
- Verification received
- Fees paid
- Urine Screen conducted
- Time Sheet / Pay Stub received
- Weekly Schedule Reviewed/ Updated

Defendant's Signature: _____

Probation Officer Signature: _____

EMPLOYMENT OVERTIME and ATTENDANCE VERIFICATION

DATE	EVENT	ARRIVAL TIME	LEAVE TIME	PRINTED NAME / SIGNATURE OF VERIFYING AUTHORITY	VERIFYING AUTHORITY PHONE #	EM Staff Recd Verification

Example - EVENT: Work overtime, Church Service

CHURCH APPLICATION
Electronic Monitoring Program Defendants Only

NOTE: The total time that the defendant is absent from home to attend church will not exceed 2 hours.

Name: _____ Probation officer: _____

Date Of Request: _____ Day Going To Church: _____

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

CHURCH INFORMATION

Name: _____

Address: _____

City, State, Zip Code: _____

Phone Number: _____

The defendant will submit one church application and is required to be at that address. Each week the defendant is required to submit the requested time out for church service on the Schedule and Request Form. If the defendant wants to attend church at another location, a new application must be submitted with the appropriate information, to be considered.

The Program defendant has been advised that verification forms are required and the Probation Services Division Electronic Monitoring Program Staff may call to verify at any time.

JUDICIARY OF GUAM ELECTRONIC MONITORING DEFENDANT HANDBOOK RECEIPT

I, _____, hereby acknowledge receipt of the Judiciary of Guam/Probation Services Division Electronic Monitoring Defendant Handbook. The handbook has been reviewed and explained to me and it contains the rules governing my conduct while in this Electronic Monitoring Program. If a revision takes place, it will be properly posted and distributed and I will need to conduct myself according to the change made.

Signed: _____

Rules delivered by: _____

Time and date: _____