

IN THE SUPREME COURT OF THE STATE OF ARIZONA  
ADMINISTRATIVE OFFICE OF THE COURTS

---

In the Matter of:	)	
	)	
POLICIES AND PROCEDURES FOR	)	Administrative Directive
STATEWIDE GLOBAL POSITION	)	<u>No. 2009 - 29</u>
SYSTEM MONITORING PROGRAM	)	
	)	
	)	

---

Administrative Order No. 2006-90 orders the Administrative Director of the Administrative Office of the Courts (AOC) to adopt policies and procedures that are necessary to implement a statewide Global Position System monitoring program.

On June 27, 2007, the Administrative Director adopted the policies and procedures for a statewide global position system monitoring program through Administrative Directive No. 2007-02.

Administrative Order No. 2008-73 orders the Administrative Director of the Courts to adopt guidelines that are necessary to charge all local probation fees accounts one hundred percent of the cost of the GPS monitoring devices. It also orders that the Administrative Director of the Courts adopts guidelines to retain, on behalf of the adult probation departments contributing to the Judicial Collection Enhancement Fund (JCEF) probation surcharge revenues, a subsidy of up to fifty percent of the monitoring devices cost.

On September 16, 2008, Administrative Directive No. 2008-01 was issued to comply with legislative changes, Administrative Order No 2008-73, and to implement the new Smart One Wearable Tracking Device (WMTD).

On November 3, 2008, Administrative Directive No. 2008-02 was issued to revise and replace the policies and procedures for a statewide global position system monitoring program in order to afford flexibility for probation departments dealing with offenders who cannot purchase or access a land line telephone by allowing them to place these offenders on a device that uses cell phone communication.

On July 13, 2009, the Governor signed legislation modifying A.R.S. § 13-902 (G).

A.R.S. § 13-902 (G) provides “After conviction of a dangerous crime against children as defined in § 13-705, if a term of probation is imposed, the person is required to register pursuant to § 13-3821 and the person is classified as a level three offender pursuant to §§ 13-3825 and 13-3826, the court shall require global position system or electronic monitoring for the duration of the term of probation. The court may impose a fee on the probationer to

offset the cost of the monitoring device required by this subsection. The fee shall be deposited in the adult probation services fund pursuant to § 12-267, subsection A, paragraph 3. This subsection does not preclude global position system or electronic monitoring of any other person who is serving a term of probation.”

In order to comply with legislative changes, it is necessary to replace the policies and procedures for a statewide global position system monitoring program as adopted in Administrative Directive No. 2008-02. Therefore, after due consideration,

IT IS DIRECTED that the policies and procedures, attached hereto, governing the Global Position System monitoring program, be adopted and replace the policies and procedures adopted on November 3, 2008.

IT IS FURTHER DIRECTED that these policies and procedures are effective on and after the date of signature.

Dated this 15th day of October, 2009.

---

David K. Byers  
Administrative Director

**ARIZONA SUPREME COURT**  
**ADMINISTRATIVE OFFICE OF THE COURTS**  
**GPS POLICIES AND PROCEDURES**

**A. Definitions**

- **Dangerous Crime Against Children (DCAC):**

Conviction as defined by A.R.S. § 13-705.

- **Pro Tech:**

Statewide contractor for the GPS program.

- **Global Position System (GPS):**

Worldwide satellite navigational system formed by 24 satellites orbiting the earth and their corresponding receivers on the earth. The GPS satellites continuously transmit digital radio signals that contain data on the satellites location and the exact time to the earth-bound receiver by using three satellites, GPS can calculate the longitude and latitude of the receiver based on where the three spheres intersect. By using four satellites, GPS can also determine altitude.

- **GPS Monitoring:**

The Adult Probation Department and the Regional Monitoring Center upon receiving a violation notification from Pro Tech shall initiate an appropriate response 24 hours a day seven days a week within a specific time frame pursuant to provisions K, L and M.

The Adult Probation Department and the Regional Monitoring Center do not monitor a screen 24 hours a day, seven days a week.

- **Miniature Tracking Device (MTD):**

Mechanism that receives information wirelessly from the ankle bracelet transmitter and GPS satellites. The MTD also receives the violation notifications sent automatically by Pro Tech's server, as well as text messages sent by the supervising officers or the Monitoring Analyst. The probationer is required to acknowledge receiving the text messages.

- **Smart One Wearable Miniature Tracking Device (WMTD)**

Mechanism that receives information wirelessly from GPS satellites. The WMTD also stores rules input in the Pro Tech Client Enrollment Application (PCE) software and notifies the probationer of violations via vibration and LEDs. The probationer is required to acknowledge receiving the violation notifications by pressing the acknowledge button.

- **Ankle Bracelet:**

The transmitter and strap installed on the probationer's ankle, which serves as a wireless electronic tether to the MTD and the WMTD.

- **Docking Station (Base Unit):**

A small stationery device used to recharge the MTD and transmit all location history information and violation information to the vendor's server. The Docking Station is programmed to call Pro Tech every 6 hours to report its status.

- **Inclusion Zone:**

If the probationer leaves this area an alarm will issue.

- **Exclusion Zone:**

If the probationer enters this area an alarm will issue.

- **Pro Tech Client Enrollment Application (PCE):**

PCE is tracking and monitoring software installed on the APD computers system. PCE provides access to reports, maps and offender's information. It also allows users to enter and change data *i.e* probationer's information, exclusion and inclusion zones, case notes.

- **Daily Violation Summary Report (DVSR):**

This report lists daily violations of all probationers. This report is available for active and all passive monitoring.

This report is generated once per day every day of the week and is automatically sent to the APD's designees and the Monitoring Analyst by email, the following morning around 7 am.

- **Violation Notification:**

Pro Tech's computer sends automatically notifications for active and passive levels 2 and 3 monitoring. The notifications are sent for the violations selected in PCE by the APD's designee. The APD's designee shall select to receive violation notifications for all category A violations: bracelet strap, base unit unable to connect, MTD unable to connect (passive and active), hot zone, MTD battery (active), motion no GPS (active), MTD bracelet gone (active), MTD tamper, WMTD unable to connect (passive and active), WMTD battery (active and passive) and WMTD tamper.

For active monitoring, the violation notification is sent to the APD's designees and the Monitoring Analyst within 2 minutes of Pro Tech's computer receiving the alert (once receiving the cellular communication) by email (sent to a desktop computer, a laptop or any devices that can receive a text message *i.e.* cell phones, alphanumeric pagers, PDA), page, or fax.

For level 2 passive, the violation notification is sent to the APD's designees and the Monitoring Analyst by email (sent to a desktop computer, a laptop or any devices that can receive a text message *i.e.* cell phones, alphanumeric pagers, PDA) within 2 minutes of the server receiving the alert (once MTD is docked).

For level 3 passive, the violation notification is sent to the APD's designees and the Monitoring Analyst by email (sent to a desktop computer, a laptop or any devices that can receive a text message *i.e.* cell phones, alphanumeric pagers, PDA), fax or page within 2 minutes of the server receiving the alert (once MTD is docked).

- **Active Global Position System Monitoring:**

Collects coordinate information from satellites once per minute and transmits via cellular communications each hour. However, when in a "violation" status, the person's location is collected every 15 seconds; the first violation point is transmitted upon the violation, and the following violation points are transmitted after the violation clears or after a download command is sent to the Miniature Tracking Device (MTD) or to the Smart One Wearable Miniature Tracking Device (WMTD).

Pro Tech's computer automatically generates a Daily Violation Summary Report (DVSR) once per day, everyday of the week which is sent to the Adult Probation Department (APD)'s designees and Monitoring Analysts by email the following morning around 7 am (mountain zone).

Pro Tech's computer also automatically generates Violation Notifications every day of the week which are sent within 2 minutes of Pro Tech's computer receiving the alert (by cellular communication) to the APD's designees and the Monitoring Analyst by email (sent to a desktop computer, a laptop or any devices that can receive a text message *i.e.* cell phones, alphanumeric pagers, PDA), page, or fax.

- **Passive Global Position System Monitoring:**

For the MTD: Collects and stores in the Miniature Tracking Device (MTD) a full day of coordinate information from satellites once per minute. However, when in a "zone violation" status, the person's location is collected once every 15 seconds until the violation is cleared.

The information is transmitted to Pro Tech's computer upon the MTD is being placed in the docking station via a land line telephone (presumably once per day, but can be multiple times).

- level 1: Pro Tech's computer automatically generates a DVSR once per day every day of the week which is sent to the APD's designees and the Monitoring Analyst by email, the following morning at approximately 7 am (mountain zone).
- level 2: Pro Tech's computer automatically generates a DVSR once per day every day of the week which is sent to the APD's designees and the Monitoring Analyst by email, the following morning at approximately 7 am (mountain zone).

Pro Tech's computer also automatically generates Violation Notifications which are sent every day of the week within 2 minutes of the computer receiving the alert (once the MTD is docked) to the APD's designees and the Monitoring Analyst by email. E-mail may be sent to a desktop computer, a laptop or any devices that can receive a text message *i.e.* cell phones, alphanumeric pagers, PDA.

- level 3: The same as level 2 monitoring. The only difference is that the violation notification is sent not only by email (to a desktop computer, a laptop or any devices that can receive a text message *i.e.* cell phones, alphanumeric pagers, PDA), but also by fax or page.

For the WMTD: Collects and stores in the Smart One Wearable Miniature Tracking Device (WMTD) a full day of coordinate information from satellites once per minute. However, when in a "zone violation" status, the person's location is collected once every 15 seconds until the violation is cleared.

The information is transmitted to Pro Tech's computer every 12 hours via cellular communication.

Pro Tech only offers level 1 passive monitoring for the WMTD.

- level 1: Pro Tech's computer automatically generates a DVSR once per day every day of the week which is sent to the APD's designees and the Monitoring Analyst by email, the following morning at approximately 7 am (mountain zone).

- **Manual Screening of Alerts:**

Pro Tech will provide manual screening of alerts for passive monitoring levels 2 and 3 and active monitoring utilizing call center staff for an additional fee of one dollar per day, per probationer. When a violation cannot be otherwise cleared the call center staff will make phone calls to the probationers and/or to the APD's designees. Pro Tech does not offer Manual Screening of Alerts for level 1 passive monitoring.

- **Case Management:**

The Case Management tool allows officers to add notes on probationer activity and address equipment and technology issues with the ability to sort data by date or probationer name. The Case Management also contains Pro Tech Call Center staff outcome of the telephone contact made with the probationer.

This Case Management is accessible on-line through the PCE website.

- **Regional Monitoring Center (RMC):**

For the purpose of the GPS program, the State of Arizona is divided into 3 Regional Monitoring Centers.

The northern center (Yavapai County) serves 7 counties: Apache, Coconino, Gila, La Paz, Mohave, Navajo, and Yavapai.

The central center (Maricopa County) serves 1 county: Maricopa.

The southern center (Pima County) serves 7 counties: Cochise, Graham, Greenlee, Pima, Pinal, Santa Cruz, and Yuma.

- **Monitoring Analyst:**

Officers assigned to a RMC. Monitoring Analyst is responsible for monitoring duties in the APDs geographically falling into the same RMC.

## **B. Applicability**

In 2006, the legislature passed A.R.S. § 13-902(G) which provided: “Beginning November 1, 2006 after conviction of a dangerous crime against children as defined in § 13-604.01, if a term of probation is imposed, the court shall require global position system monitoring for the duration of the term of probation”.

In 2008, the legislature modified A.R.S. § 13-902(G) as follows: “After conviction of a dangerous crime against children as defined in section 13-705, if a term of probation is imposed, the court shall require global position system monitoring for the duration of the term of probation. The court may impose a fee on the probationer to offset the cost of the monitoring device required by this subsection. The fee shall be deposited in the adult probation services fund pursuant to section 12-267, subsection A, paragraph 3”.

On July 13, 2009, the governor signed legislation modifying A.R.S. § 13-902(G). A.R.S. § 13-902(G) provides that: “After conviction of a dangerous crime against children as defined in § 13-705, if a term of probation is imposed, the person is required to register pursuant to § 13-3821 and the person is classified as a level three offender pursuant to §§ 13-3825 and 13-3826, the court shall require global position system or electronic monitoring for the duration of the term of probation. The court may impose a fee on the probationer to offset the cost of the monitoring device required by this subsection. The fee shall be deposited in the adult probation services fund pursuant to § 12-267, subsection A, paragraph 3. This subsection does not preclude global position system or electronic monitoring of any other person who is serving a term of probation”.

A.R.S. § 13-3725 provides that: “A. A person commits interference with monitoring devices by either:

1. Being required to be on electronic monitoring or global position system monitoring and removing or bypassing any device or equipment that is necessary for the electronic monitoring or global position system monitoring.
2. Assisting any person who is required to be on electronic monitoring or global position system monitoring in removing or bypassing any device or equipment that is necessary for the electronic monitoring or global position system monitoring.

B. A violation of this section is a class 4 felony”.

A.R.S. § 12-267(C) provides that “the state monies in the adult probation services fund, and probation fees collected pursuant to section 13-901 and section 13-902 subsection G, shall be used in accordance with guidelines established by the supreme court or the granting authority”.

A.R.S. § 12-267(G) provides that “the administrative office of the courts shall periodically charge each local probation fees account an amount established annually by the supreme court to cover a proportional share of the cost of monitoring devices required pursuant to section 13-902, subsection G, and consistent with guidelines established to implement section 13-902, subsection G”.

Administrative Order 2006-90 provides that the Administrative Director of the AOC shall adopt policies and procedures that are necessary to implement a statewide GPS monitoring program.

Administrative Order No 2008-73 provides that the Administrative Director of the Courts shall adopt guidelines that are necessary to charge all local probation fees accounts one hundred percent of the cost of the GPS monitoring devices. It also provides that the Administrative Director of the Courts shall retain on behalf of the adult probation departments contributing to the state Judicial Collection Enhancement Fund (JCEF) probation surcharge revenues a subsidy of up to fifty percent of the monitoring devices cost. This subsidy shall apply to all local probation departments contributing to the probation surcharge revenues and is subject to the availability of JCEF probation surcharge revenue funds. Finally, this Administrative Order provides that each local probation department shall cover the cost of monitoring devices from the adult probation fees account.

### **C. Purpose**

These policies and procedures apply to all probationers convicted of a dangerous crime against children and placed on GPS monitoring (mandatory and discretionary) pursuant to A.R.S. § 13-902(G).

These Policies and Procedures establish statewide minimum requirements for active and passive GPS monitoring for APDs. Each APD may enhance these minimum requirements to promote community safety.

### **D. Criteria to Determine the Placement on Active or Passive Monitoring**

1. Offenders who committed a DCAC covered by A.R.S. § 13-902(G) before July 13, 2009 and sentenced after July 13, 2009.

Level 3 notification will not be established at the time of sentencing, therefore probation officers shall recommend GPS tracking for offenders based upon their criminogenic risks in their DCAC pre-sentence reports. The probation officers must also inform the court of the date the offense was committed and request the court to determine if A.R.S. § 13-902(G) as amended in 2009 is applicable.

Judges have judicial discretion to order GPS for these offenders prior to any determination of level 3 notification. If the statute is applicable, the conditions of probation must include the requirement that if the offender has to register as a sex offender and is assessed as level 3 notification the offender shall be placed on GPS.

Once the offender is assessed as a level 3 notification by the local law enforcement or the sheriff, probation departments shall place the probationers on GPS for the duration of their probation.

2. Offenders who committed a DCAC covered by A.R.S. § 13-902(G) after July 13, 2009 and sentenced after July 13, 2009.

The statute, whether regulatory or punitive, is clearly applicable to this category.

Level 3 notification will not be established at the time of sentencing, therefore probation officers shall recommend GPS tracking for offenders based upon their criminogenic risks in their DCAC pre-sentence reports.

Judges have judicial discretion to order GPS for these offenders prior to any determination of level 3 notification. The conditions of probation must include the requirement that if the offender has to register as a sex offender and is assessed as level 3 notification the offender shall be placed on GPS.

Once the offender is assessed as a level 3 notification by the local law enforcement or the sheriff, probation departments shall place the probationers on GPS for the duration of their probation.

3. At sentencing, the judge shall determine the placement of a probationer on active or passive monitoring pursuant to the recommendations of the APD.

The APD shall recommend the placement of the probationer on active or passive monitoring device that uses cell phone communication in case the probationer cannot purchase or access a land line telephone.

#### **E. Determination of the Level of Passive Monitoring**

At sentencing, the judge placing a probationer on passive monitoring shall designate the level of passive monitoring pursuant to the recommendations of the APD.

During supervision of the probationer, any modification of the level of passive monitoring based upon a modification of the level of supervision, shall be as

required by the probationer's placement on Standard or Intensive Probation consistent with Arizona Code of Judicial Administration (ACJA) § 6-201 or 6-202.

## **F. Caseload Ratios**

### **1. Probation Teams' Caseloads**

- a. According to Administrative Order 2006-90, "Each offender sentenced to standard probation under the requirements of A.R.S. § 13-902 (G) shall equate to 3 offenders for determining compliance with caseload limit requirements of A.R.S. § 12-251 (A)".
- b. According to Administrative Order 2006-90, "Notwithstanding the requirements of ACJA § 6-202: Adult Intensive Probation, specifically § 6-202 (K)(1) and (K)(2), an intensive probation team or any component of the team may supervise probationers sentenced to A.R.S. § 13-902 (G), if caseload capacity allows".

### **2. Monitoring Analyst's Caseload**

Each Monitoring Analyst shall monitor full time no more than 30 probationers on GPS, except in cases of, notably, vacancy of position, vacation or covering of cases for another Monitoring Analyst.

## **G. Regional Monitoring Center's Responsibility**

1. The department that operates each RMC shall hire and supervise Monitoring Analysts using the GPS funding allocated to them by the AOC for this purpose.

Each RMC shall have at least two Monitoring Analysts dedicated to the GPS program. Except for cases noted in F.2 above, once the number of cases monitored full time by each Monitoring Analyst exceeds 30 cases, the Presiding Judge may apply to the AOC for an additional Monitoring Analyst position.

Each RMC is in charge of determining the schedule of the Monitoring Analysts to ensure that the DVSR are reviewed and that the officers are contacted by noon each day of the week.

2. The RMC are in charge of reviewing and approving the monthly GPS monitoring invoices.

Each Department that operates an RMC, Maricopa, Yavapai and Pima shall designate a person in charge of reviewing and approving the monthly

Pro Tech GPS monitoring invoices. The person in charge shall review the invoices, indicate approval or disapproval, and send the reviewed invoices to the Adult Probation Division of the AOC within 7 days of receipt. The person in charge shall state in detail the reason for disapproval of any invoice.

#### **H. Tracking of Offenders Prior to Sentencing or Releasing for DCAC**

Prior to sentencing or release of a DCAC offender, the APD shall designate a person in charge of tracking the offenders. That person shall be responsible for:

1. Obtaining from the pre-sentence officers upon assignment of a DCAC case the last and first name of the offender, the case number, the sentencing date, any jail time imposed or any other information deemed necessary.
2. Communicating the information once received to the RMC monitoring their county.
3. Ensuring that the APD has the necessary equipment inventory on hand to place a probationer on GPS monitoring upon report by the probationer sentenced for DCAC to the APD for supervision.

#### **I. APD's Designee General Responsibility**

The Policies and Procedures below establish statewide minimum requirements for active and passive GPS monitoring for APDs. Each APD may enhance these minimum requirements to promote community safety.

1. Enrollment of a probationer
  - a. For the offenders who committed a DCAC offense and were sentenced on or after November 1, 2006 and before July 13, 2009 with a probation tail after jail or the Arizona Department of Corrections and not yet on probation:

Probation officers shall place offenders on GPS as provided in their existing conditions of probation.

Probation officers shall enroll and activate the GPS monitoring upon report by the probationer to the APD with the assistance of the Monitoring Analyst.

- b. For the offenders sentenced for DCAC on or after July 13, 2009, the court:
- (1) May exercise its discretion by placing the probationer on GPS monitoring notwithstanding the level of notification. In such a case, the APD's designee shall enroll and activate the GPS monitoring with the assistance of the Monitoring Analyst upon the probationer's initial report to the APD;
  - (2) Shall order GPS monitoring for probationers required to register pursuant to A.R.S. § 13-3821 and assessed as a level 3 notification pursuant to A.R.S. §§ 13-3825 and 13-3826. In such a case, within 72 hours of the APD's designee obtaining the information that the local law enforcement or sheriff has placed the offender into a level 3 notification, the APD's designee shall enroll and activate the GPS monitoring with the assistance of the Monitoring Analyst.
- c. For the offenders sentenced for DCAC on or after July 13, 2009, the APD's designee shall:
- (1) Contact local law enforcement agency or sheriff within 72 hours of sentencing to probation without jail time, release from confinement, or registration after change of name, address or residence to request via email that the notification level be provided;
  - (2) If the local law enforcement agency or sheriff has not provided APD with the level of notification within the forty five days time frame specified in A.R.S. § 13-3825, the APD's designee shall follow up the request via email.
- d. The APD's designee shall ensure before activating monitoring of the probationer that at least the following information is entered in PCE with the assistance of the Monitoring Analyst:
- probationer's information,
  - inclusion and exclusion zones defined under the supervision of a supervisor,
  - victim's information,
  - APD's recipients of the DVSR,
  - APD's recipients of the phone calls and violation notifications pursuant to provision K "Specific Actions for Category A of violations".
- e. The APD's designee shall ensure that all the information entered in PCE is accurate.

2. Ongoing information to enter in the PCE application
  - a. Upon receipt of new information, APD's designee shall with the assistance of the Monitoring Analyst update the information available in PCE to reflect any modification of the information required in paragraph 1.b. above.
  - b. The APD's designee with the assistance of the Monitoring Analyst shall ensure that a picture of the offender is available in PCE within a maximum of 30 days upon activating a probationer on GPS monitoring.

3. Procedure to place a probationer on GPS monitoring

After installing the GPS monitoring equipment on the probationer and prior to activation, the APD's designee shall:

- Read and explain the APD Global Positioning System Rules document to the probationer and obtain the probationer's signature on the document (see Exhibits A, B and C),
- Instruct the probationer on how to respond to messages sent to the MTD,
- Provide Pro Tech Monitoring Inc. Participant User Guide to the Probationer,
- Confirm that the GPS monitoring equipment is operating correctly.

4. Supervision of a probationer on GPS monitoring

The APD's designee shall provide specific information and response to each category of violations pursuant to provisions K (Specific Actions for Category A), L (Specific Actions for Category B) and M (Specific Actions for Category C) of these policies and procedures.

5. Deactivation of GPS monitoring of a probationer

- a. A probationer shall be deactivated from PCE in the following cases:
  - Expiration, termination or revocation of probation status,
  - Probationer is considered an absconder,
  - Arrest of the probationer,
  - Death of the probationer,
  - Court order.
- b. Within 24 hours of expiration, termination, revocation of probation

status, determination of absconder status, arrest of the probationer, death of the probationer or court order, APD's designee shall:

- Request the Monitoring Analyst to deactivate the probationer from PCE indicating the reasons of this deactivation,
  - Return available deactivated equipment to the person in charge of the equipment in each APD.
- c. APD's designee shall make every effort to retrieve GPS equipment and return it to the person in charge of equipment in each APD.

#### **J. Monitoring Analyst's General Responsibility**

The Policies and Procedures below establish statewide minimum requirements for active and passive GPS monitoring for APDs. Each Regional Monitoring Center may enhance these minimum requirements to promote community safety.

1. Monitoring Analysts shall, notably but not exclusively:
  - a. Assist the APD's designee in enrolling and activating a probationer on GPS monitoring,
  - b. Assist the APD's designee in entering and updating the data in PCE,
  - c. By noon each day of the week, review the DVSR and make a voice contact with the APD's designee(s) if a violation has occurred. Until the violation is cleared, the Monitoring Analyst shall maintain communication with the APD's designee(s) pursuant to provisions K, L and M of these policies and procedures.
  - d. Be the liaison with AOC and Pro Tech Call Center unless otherwise designated by local APD,
  - e. Function as a back up to the APD's designees in responding to violation alerts in exceptional circumstances and upon approval of the Monitoring Analyst's supervisor,
  - f. Deactivate a probationer from PCE upon request of the APD's designee. Insure that Pro Tech deactivates the probationer from PCE,
  - g. Serve as a resource and mentor to officers with GPS cases.
  - h. Update PCE maps with private and public schools, as well as with licensed day cares with the assistance of the APD's designee.

2. In exceptional circumstances, a Monitoring Analyst of one county may provide temporary coverage for an RMC of another county. In such a case, the RMC requesting the coverage shall:
  - Obtain the approval of the chief probation officers or designees of each RMC,
  - request Pro Tech to send the DVSR to the Monitoring Analyst providing coverage,
  - indicate the email address of the Monitoring Analyst providing coverage to Pro Tech,
  - specify the period of time of the coverage to Pro Tech.
4. Each RMC may increase and add duties to the Monitoring Analyst.

#### **K. Specific Actions for Category A Violations.**

1. The policies and procedures below establish statewide minimum requirements for active and passive GPS monitoring for APDs. Each APD may enhance these minimum requirements to promote community safety.
2. Violations Category A are considered the highest violations, because the location of the probationer is unknown or the equipment integrity is compromised (even though still functional).
3. Information APD's designee shall enter in PCE for category A of violations:
  - a. For active and all levels of passive monitoring, APD's designees receive a DVSR each day of the week from Pro Tech.

Upon activation of the GPS monitoring system, the APD's designee shall enter the email addresses and cell phone numbers of at least the following person in PCE software:

- Monitoring Analyst,
- Probation officer,
- Surveillance officer, if any.

APD's designee is in charge of keeping the information of the recipients of the DVSR accurate with the assistance of the Monitoring Analyst.

- b. For active and levels 2 and 3 of passive monitoring, APD's designees receive telephone calls from Pro Tech.

Upon activation of the GPS monitoring system, the APD's designee shall indicate for each probationer in PCE under "Notes Tab" the following information:

- the names, and the cellular or pager numbers of the first and the second person on-call of the APD during business hours,
- the names, and the cellular or pager numbers of the first and the second person on-call of the APD after business hours,
- the names, and the cellular or pager numbers of the first and the second person on-call of the APD during the weekends and holidays,
- definition of business hours and holidays.

APD's designee is in charge of keeping the on-call persons information accurate with the assistance of the Monitoring Analyst.

- c. For active and levels 2 and 3 of passive monitoring, APD's designees receive Violation Notification from Pro Tech.

Upon activation of the GPS monitoring system, the APD's designee shall indicate for each probationer in PCE:

- For active monitoring, the contact information of at least the first person on call and by which means (email, fax or page) the person(s) shall be notified,
- For Level 2 passive monitoring, the email address(es) of at least the first person on call,
- For Level 3 passive monitoring, the contact information of at least the first person on call and by which means (email, fax or page) the person(s) shall be notified.

APD's designee is in charge of keeping the information on the recipient of the Violation Notification accurate with the assistance of the Monitoring Analyst.

***[left blank intentionally]***

4. Response to category A violations for active and all levels of passive:

VIOLATIONS	DESCRIPTION OF THE VIOLATIONS	AUTOMATIC MESSAGE OR VIOLATION NOTIFICATION SENT TO THE PROBATIONER BY PRO TECH	FOR ACTIVE AND ALL LEVELS OF PASSIVE MONITORING : MONITORING ANALYST AND APD'S DESIGNEES ACTION FOR ALL VIOLATIONS IN THIS CATEGORY
MTD Unit - Bracelet strap	The bracelet strap has been compromised or removed from the bracelet.	No	<p><b>1. Monitoring Analyst's Response</b></p> <p>a. Review the DVSR by noon each day of the week. If a violation has occurred, make a voice contact with the APD's designee(s) by noon each day of the week. Until the violation is cleared, the Monitoring Analyst shall maintain communication with APD's designee to ensure APD's designee has received notification of the violation and that an appropriate response is initiated.</p> <p>b. The Monitoring Analyst shall inform the APD's designee that the violation is a category A, indicate the nature of the response and the timeframe to provide it according to provision 2 below (APD's Designee Response).</p> <p>c. The Monitoring Analyst shall document the details of the contact made with the probation officer in PCE and APETS within a time that shall not exceed 72 hours. At least the following information shall be entered in APETS:</p> <ul style="list-style-type: none"> <li>• When violation has occurred,</li> <li>• When violation was transmitted by Pro Tech,</li> <li>• Nature of violation,</li> <li>• Time and duration of the violation,</li> <li>• Date and time of the contact made with APD's designee,</li> <li>• Details of the contact,</li> <li>• When violation is cleared.</li> </ul> <p><b>2. APD's Designee Response</b></p> <p>a. Nature of APD's Designee Response:</p> <ul style="list-style-type: none"> <li>• APD's designee shall determine with the assistance of the Monitoring Analyst, the</li> </ul>
MTD Unit - Base unit Unable to Connect	Base unit programmed to call Pro Tech every 6 hours, alerts when no contact within 6.5 hours	No	
MTD Unit - MTD Unable to Connect – Passive	MTD has not called in within past 24 hours	No	
MTD Unit - MTD Unable to Connect – Active	On active, the MTD calls Pro Tech's server every hour. Violation when MTD has not called in within past 2.5 hours	No	
MTD Unit -	Probationer	Inclusion	

Hot zone	has violated a Hot Zone (either inclusion or exclusion)	Zone - Yes Exclusion Zone – No	appropriate response to the violations. The appropriate response includes but is not limited to telephone calls to the probationer, and/or visual contacts with the probationer, and/or inspection of the equipment, and/or requesting assistance of law enforcement, and/or arresting the probationer and filing a petition to revoke.
MTD Unit - Motion No GPS – Active	MTD has accumulated 5 min. of motion in 60 min. without the probationer regaining GPS signal within the 10 min. grace period	Yes	<ul style="list-style-type: none"> <li>In case of bracelet strap or MTD/WMTD tamper: <ul style="list-style-type: none"> <li>-the compromised equipment shall be replaced,</li> <li>-The MTD or WMTD shall be returned to the person in charge of the equipment in each county and the bracelet strap shall be thrown away,</li> <li>-the APD's designee may request if appropriate a petition to revoke pursuant to ARS § 13-3725 with approval of supervisor.</li> </ul> </li> <li>Officers shall consider personal safety when responding in person to violation alerts (especially bracelet strap violations). Consideration should be given to doing so with another officer or with law enforcement assistance.</li> </ul>
MTD Unit - Bracelet Gone – Active	Probationer (transmitter) is out of range of the MTD	Yes	<p>b. Time frame for APD's Designee to Initiate an Appropriate Response during business hours, after hours, weekend and holidays:</p> <p>The APD's designee shall immediately initiate an appropriate response upon receiving the information.</p>
MTD Unit - MTD Battery – Active	MTD battery is low and needs to be placed in the Base Unit	Yes	<p>c. Documenting the response</p> <ul style="list-style-type: none"> <li>Data to enter in: <ul style="list-style-type: none"> <li>- PCE: indicate if a response has been initiated and when the violation is cleared,</li> <li>- APETS: document in details the response initiated and the outcome.</li> </ul> </li> </ul>
MTD Unit – MTD Tamper	The MTD has been compromised in some manner but information can still be transmitted	No	<ul style="list-style-type: none"> <li>Timeframe to enter the data: The APD's designee shall document the response provided in PCE and APETS within a time that shall not exceed 72 hours.</li> </ul> <p>d. Time frame to request a warrant against absconders</p>
WMTD Unit - Bracelet Strap	The bracelet strap has	No	If the probationer is not located within 72 hours, the APD's designee shall file a petition to revoke probation and request that the court issue a

	been compromised or removed from the bracelet		warrant.
WMTD Unit - WMTD Unable to Connect – Passive	WMTD has not called in within past 24 hours	No	
WMTD Unit – WMTD Unable to Connect – Active	On active, the WMTD calls Pro Tech’s server every hour. Violation when WMTD has not called in within past 2.5 hours	No	
WMTD Unit – Hot Zone	Probationer has violated a Hot Zone (either inclusion or exclusion)	Inclusion Zone – Yes Exclusion Zone – No	
WMTD Unit – WMTD Motion no GPS – Active	WMTD has accumulated 20 min. of motion in 60 min. without the probationer regaining GPS signal within the 10 min. grace period	Yes	

WMTD Unit – WMTD Battery – Passive and Active	WMTD battery is low and needs to be placed in an electrical outlet	Yes	
WMTD Unit – WMTD Tamper	The WMTD has been compromised in some manner but information can still be transmitted	No	

**L. Specific Actions for Category B Violations.**

1. The Policies and Procedures below establish statewide minimum requirements for active and passive GPS monitoring for APDs. Each APD may enhance these minimum requirements to ensure community safety.

2. Information to enter in PCE for category B of violations:

- a. For active and all levels of passive monitoring, APD’s designees receive a DVSR each day of the week from Pro Tech.

Upon activation of the GPS monitoring system, the APD’s designee shall enter contacts information and email addresses in PCE software of at least the following persons:

- Monitoring Analyst,
- Probation officer,
- Surveillance officer, if any.

APD’s designee is in charge of keeping the information of the recipients of the DVSR accurate with the assistance of the Monitoring Analyst.

- b. For active and levels 2 and 3 of passive monitoring, Pro Tech shall make telephone calls to the probationers.

Upon activation of the GPS monitoring system, the APD's designee shall indicate for each probationer in PCE:

- The home and cellular phone number of the probationer if any,
- The primary and second phone number Pro Tech shall contact.

In such a case, Pro Tech shall note in the Case Management if they have reached a person identifying themselves as the probationer, the questions asked to the probationer or any other person that has answered and the answers given.

The Monitoring Analyst shall in all cases review the Case Management, inform the APD's designee that a violation category B has occurred and request the APD to initiate a response pursuant to provision B below (Response to category B violations for active and all levels of passive).

3. Response to category B violations for active and all levels of passive:

VIOLATIONS	DESCRIPTION OF THE VIOLATIONS	AUTOMATIC MESSAGE OR VIOLATION NOTIFICATION SENT TO THE PROBATIONER BY PRO TECH	FOR ACTIVE AND ALL LEVELS OF PASSIVE MONITORING : MONITORING ANALYST AND APD'S DESIGNEES ACTION FOR ALL VIOLATIONS IN THIS CATEGORY
MTD Unit - Home Curfew	MTD is not in Base Unit when Home Curfew is scheduled	Yes	<p><b>1. Monitoring Analyst's Response</b></p> <p>a. Review the DVSR by noon each day of the week. If a violation has occurred, make a voice contact with the APD's designee(s), by noon each day of the week. Until the violation is cleared, the Monitoring Analyst shall maintain communication with APD's designee to ensure APD's designee has received notification of the violation and that an appropriate response is initiated.</p> <p>b. The Monitoring Analyst shall inform the APD's designee that the violation is a category B, indicate the nature of the response and the timeframe to provide it according to provision 2 below (APD's Designee Response).</p>
MTD Unit - Base unit a/c power	Base Unit has lost electricity power and is running on backup battery	Yes	

<p>MTD Unit - Phone number caller ID</p>	<p>Base Unit has possibly been moved to new phone line</p>	<p>Yes</p>	<p>c. The Monitoring Analyst shall document the details of the contact made with the probation officer in PCE and APETS within a time that shall not exceed 72 hours.</p> <p>At least the following information shall be entered in APETS:</p> <ul style="list-style-type: none"> <li>• When violation has occurred,</li> <li>• When violation was transmitted by Pro Tech,</li> <li>• Nature of violation,</li> <li>• Time and duration of the violation,</li> <li>• Date and time of the contact made with APD's designee,</li> <li>• Details of the contact,</li> <li>• When violation is cleared.</li> </ul> <p><b>2. APD's Designee Response</b></p> <p>a. Nature of APD's Designee Response:</p> <p>APD's designee shall determine with the assistance of the Monitoring Analyst, the appropriate response to the violations. The response includes but is not limited to telephone calls to the probationer, and/or visual contacts with the probationer.</p> <p>b. Time frame for APD's Designee to Initiate an Appropriate Response:</p> <p>During business hours, weekend and holidays, the APD's designee shall initiate an appropriate response upon receiving the information but not later than 24 hours.</p> <p>c. Documenting the response</p> <ul style="list-style-type: none"> <li>• Data to enter in: <ul style="list-style-type: none"> <li>- PCE: indicate if a response has been initiated and when the violation is cleared,</li> <li>- APETS: document in details the response initiated and the outcome.</li> </ul> </li> <li>• Timeframe to enter the data: The APD's designee shall document the response provided in PCE and APETS within a time that cannot exceed 72 hours.</li> </ul>
--	--	------------	---

**M. Specific Actions for Category C of Violations.**

1. The Policies and Procedures below establish statewide minimum requirements for active and passive GPS monitoring for APDs. Each APD may enhance these minimum requirements to ensure community safety.
2. Information to enter in PCE for category C of violations:

For active and all levels of passive monitoring, APD’s designees receive a DVSR each day of the week from Pro Tech.

Upon activation of the GPS monitoring system, the APD’s designee shall enter contacts information and email addresses in PCE software of at least the following persons:

- Monitoring Analyst,
- Probation officer,
- Surveillance officer, if any.

APD’s designee is in charge of keeping the information of the recipients of the DVSR accurate with the assistance of the Monitoring Analyst.

3. Response to category C violations for active and all levels of passive:

VIOLATIONS	DESCRIPTION OF THE VIOLATIONS	AUTOMATIC MESSAGE OR VIOLATION NOTIFICATION SENT TO THE PROBATIONER BY PRO TECH	FOR ACTIVE AND ALL LEVELS OF PASSIVE MONITORING : MONITORING ANALYST AND APD’S DESIGNEES ACTION FOR ALL VIOLATIONS IN THIS CATEGORY
MTD Unit - Bracelet battery	Bracelet battery is getting low, needs replacement within 72 hours	Yes	<b>1. Monitoring Analyst’s Response</b>  a. Review the DVSR by noon each day of the week. If a violation has occurred, make a voice contact with the APD’s designee(s) by noon each day of the week. Until the violation is cleared, the Monitoring Analyst shall maintain communication with APD’s designee to ensure APD’s designee has received notification of the violation and that an appropriate response is initiated.
MTD Unit – MTD Motion no	MTD has accumulate	Yes	

GPS – passive	d 5 min. of motion in 60 min. without the probationer regaining GPS signal within the 10 min. grace period		<p>b. The Monitoring Analyst shall inform the APD’s designee that the violation is a category C, indicate the nature of the response and the timeframe to provide it according to provision 2 below (APD’s Designee Response).</p> <p>c. The Monitoring Analyst shall document the details of the contact made with the probation officer in PCE and APETS within a time that shall not exceed 72 hours.</p>
MTD Unit - Bracelet gone – passive	Probationer (transmitter) is out of range of the MTD	Yes	<p>At least the following information shall be entered in APETS:</p> <ul style="list-style-type: none"> <li>• When violation has occurred,</li> <li>• When violation was transmitted by Pro Tech,</li> <li>• Nature of violation,</li> <li>• Time and duration of the violation,</li> <li>• Date and time of the contact made with APD’s designee,</li> <li>• Details of the contact,</li> <li>• When violation is cleared.</li> </ul>
MTD Unit - MTD battery - Passive	MTD Battery is low and needs to be placed in the Base Unit	Yes	<p><b>2. APD’s Designee Response</b></p> <p>a. Nature of APD’s Designee Response:</p> <ul style="list-style-type: none"> <li>• APD’s designee shall determine with the assistance of the Monitoring Analyst, the appropriate response to the violations. The response includes but is not limited to telephone calls to the probationer, and/or visual contacts with the probationer, and/or inspection of the equipment.</li> </ul>
MTD Unit - Base Unit Battery	The Base Unit has been running on the backup battery and is about to go dead. The battery shall be replaced	Yes	<ul style="list-style-type: none"> <li>• In all cases of base unit tamper (even though the equipment remains functional):</li> <li>-the compromised equipment shall be replaced.</li> <li>-the base unit shall be returned to the person in charge of the equipment in each county,</li> <li>-the APD’s designee may request if appropriate a petition to revoke pursuant to ARS § 13-3725 with approval of supervisor.</li> </ul>
MTD Unit - Base unit tamper	Base Unit has been compromised	No	<p>b. Time frame for APD’s Designee to Initiate a Response.</p> <p>During business hours, after hours, weekends and holidays, the APD’s designee</p>

MTD Unit - Base unit phone line disconnect	Phone line has been removed from Base Unit, receive alert when re- connected	Yes	shall initiate an appropriate response upon receiving the information but no later than 72 hours.  c. Documenting the response • Data to enter in: - PCE: indicate if a response has been initiated and when the violation is cleared, - APETS: document in details the response initiated and the outcome.
WMTD Unit – WMTD Motion no GPS - Passive	WMTD has accumulate 20 min. of motion in 60 min. without the probationer regaining GPS signal within the 10 min. grace period	Yes	• Timeframe to enter the data: The APD's designee shall document the response provided in PCE and APETS within a time that cannot exceed 72 hours.

## N. Equipment

Each APD has the ability to order equipment directly from the vendor Pro Tech.

Each APD shall designate two persons in charge of keeping, tracking and ordering new and replacement equipment and sending the failed equipment back to the vendor. Each APD shall maintain an inventory not to exceed equipment currently in use.

The assigned staff shall maintain an up-to-date database of the GPS equipment inventory.

When assigning GPS equipment to a probationer, the assigned staff in each county shall update the inventory database with the GPS monitoring equipment serial number, installation date, offender's name and the probation officer's name in charge of monitoring the probationer.

The assigned staff shall ensure that the GPS monitoring equipment is maintained in a secure environment prior to installation on the probationer.

**O. Inter County Transfers of Probationers on, or subject to be placed on, GPS Monitoring**

The transfer of a probationer on, or subject to be placed on, GPS monitoring from one county to another county in the state shall be governed by Rule 27.2 of Arizona Rules of Criminal Procedure, and Arizona Code of Judicial Administration section 6-211.

**P. Review of the Policies and Procedures**

These policies and procedures shall be reviewed and revised as necessary.

**Q. GPS Fee**

The Arizona Supreme Court has established a fee to be charged to each APD probation fees account pursuant to A.R.S. § 12-267(G). The purpose of this fee is to cover a proportional share of the monthly cost of the probationers' leasing of the GPS equipment. The fee is based upon a calculation of the total number of offenders on GPS per month per county, including offenders on GPS since November 1, 2006. Beginning September 26, 2008 (effective date of A.R.S. § 12-267(G)), AOC will charge one hundred percent (100%) of the cost of the GPS monitoring devices to the probation fees account of the fifteen adult probation departments on a quarterly basis. AOC will retain on behalf of the adult probation departments contributing to the JCEF probation surcharge revenues a subsidy of up to fifty percent (50%) of the cost described above. Maricopa County does not contribute to the JCEF probation surcharge revenues pursuant to A.R.S. § 12-269 (C) and (D).

APD may request and the court may impose a fee to offset the cost of the monitoring device to each probationer sentenced for DCAC on or after November 1, 2006.

For probationers sentenced for DCAC on or after September 26, 2008, a probation officer may recommend in the pre-sentence report that the Court impose a GPS fee in addition to the monthly probation fee pursuant to A.R.S. § 13-901(A).

For probationers sentenced for DCAC on or after November 1, 2006, but before September 26, 2008, and currently on GPS monitoring, a probation officer may request the Court to modify the conditions of probation to include a GPS fee. This fee is prospective only.

The fee collected by the adult probation departments shall be deposited in the adult probation services fund.

## APPENDIX A

### **SUPREME COURT OF ARIZONA Adult Probation Department (APD) Active Global Positioning System (GPS) Rules**

A.R.S. § 13-902 provides Global Position System (GPS) monitoring for the duration of the term of probation for people convicted of a dangerous crime against children on or after November 1, 2006.

Probationers shall comply with the following rules:

1. You shall plug the docking station in an electrical outlet at all times, unless approved by the APD. In case the docking station is unplugged from the electrical outlet, the probationer shall reconnect the plug and immediately contact the APD.
2. You shall place the tracking device in the docking station immediately upon returning to your residence at all times.
3. You shall take your tracking device with you every time you leave your residence.
4. You shall charge the tracking device in the docking station for at least eight (8) hours each day.

You are responsible for ensuring that the tracking device remains charged. This may require you to take the docking station to your place of employment or make other arrangements.

5. When not in the docking station, you shall carry your tracking device free from obstruction at all times.

The tracking device shall not be placed in any covered container or enclosed space as notably locker, trunk, hidden under clothing, car seats, purses, backpacks, briefcases, or in any other obstructed manner unless approved in advance by the APD.

6. You shall respond immediately to all alarms and messages on the tracking device assigned to you. You shall acknowledge the notification and follow any instructions on the tracking device screen.

7. If a low battery message is displayed on the tracking device, you shall contact the APD and dock the tracking device in the docking station immediately.
8. You are responsible for the care of the equipment issued to you. You will be held responsible for any loss or damage to the equipment. The equipment checked below will be assigned to you and the replacement costs is as follows:

Tracking Device	\$ _____
Bracelet Transmitter	\$ _____
Base Unit	\$ _____

9. You shall not tamper with the equipment in any manner.
10. You shall not remove or bypass any of equipment assigned to you. According to A.R.S. § 13-3725, a probationer who violates this rule will have committed a class four felony.
11. You agree that you may be required to report to the APD for equipment inspections, which may interfere with your scheduled activities.

I acknowledge that I have received a copy of this document and that these rules have been explained to me. I fully understand these rules and that any failure to comply with these rules will constitute a violation of probation.

My signature below confirms my understanding of the above as well as my receipt of the GPS equipment.

\_\_\_\_\_  
 Probationer's Name

\_\_\_\_\_  
 Officer's Name

\_\_\_\_\_  
 Probationer's Signature

\_\_\_\_\_  
 Officer's Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Date

## **APPENDIX B**

### **SUPREME COURT OF ARIZONA Adult Probation Department (APD) Passive Global Positioning System (GPS) Rules**

A.R.S. § 13-902 provides Global Position System (GPS) monitoring for the duration of the term of probation for people convicted of a dangerous crime against children on or after November 1, 2006.

Probationers shall comply with the following rules:

1. You shall plug the docking station in an electrical outlet and an analog phone line at all times, unless approved by the APD. In case the docking station is unplugged from either the electrical outlet or the telephone line, the probationer shall reconnect the plug and contact immediately the APD.

The analog phone shall not have the caller identification (ID) blocked.

2. You shall place the tracking device in the docking station immediately upon returning to your residence at all times.
3. You shall take your tracking device with you every time you leave your residence.
4. You shall charge the tracking device in the docking station for at least eight (8) hours each day.

If you do not have or cannot have access to an analog phone line connection, each day of the week, you shall dock your tracking device in the docking station available at the address and the hours indicated by the APD.

If you do not have an electrical connection or cannot access an electrical connection, each day of the week, you shall charge your tracking device for at least eight (8) hours in the docking station available at the address indicated by the APD.

5. When not in the docking station, you shall carry your tracking device free from obstruction at all times.

The tracking device shall not be placed in any covered container or enclosed space as notably, locker, trunk, hidden under clothing, car seats, purses, backpacks, briefcases or in any other obstructed manner unless approved in advance by the APD.

6. You shall respond immediately to all alarms or messages on the tracking device assigned to you. You shall acknowledge the notification and follow any instructions on the tracking device screen.
7. If a low battery message is displayed on the tracking device, you shall contact the APD and dock the tracking device in the docking station immediately.
8. You are responsible for the care of the equipment issued to you. You will be held responsible for any loss or damage to the equipment. The equipment checked below will be assigned to you and the replacement costs is as follows:

Tracking Device	\$ _____
Bracelet Transmitter	\$ _____
Base Unit	\$ _____

9. You shall not tamper with the equipment in any manner.
10. You shall not remove or bypass any of the equipment assigned to you. According to A.R.S. §13-3725 a probationer who violates this rule will have committed a class four felony.
11. You agree that you may be required to report to the APD for equipment inspections, which may interfere with your scheduled activities.

I acknowledge that I have received a copy of this document and that these rules have been explained to me. I fully understand these rules and that any failure to comply with these rules will constitute a violation of probation.

My signature below confirms my understanding of the above as well as my receipt of the GPS equipment.

\_\_\_\_\_  
 Probationer's Name

\_\_\_\_\_  
 Officer's Name

\_\_\_\_\_  
 Probationer's Signature

\_\_\_\_\_  
 Officer's Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Date



My signature below confirms my understanding of the above as well as my receipt of the GPS equipment.

\_\_\_\_\_  
Probationer's Name

\_\_\_\_\_  
Officer's Name

\_\_\_\_\_  
Probationer's Signature

\_\_\_\_\_  
Officer's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date