Introduction:

Electronic Monitoring (EM) is a program of Stearns County, and is administered by Midwest Monitoring & Surveillance (MMS).

Placement on the EM Program is a privilege and failure to comply with any program rules may result in disciplinary action, up to and including termination from the EM Program.

Please read this Electronic Monitoring Offender Handbook carefully and make sure you ask the Field Service Officer completing your enrollment any questions you might have. Failure to read and understand these rules will not be an acceptable excuse for non-compliance.

Fees Types:

Monitoring Fees –

- Daily Monitoring Fee: You will be charged a daily fee for each day that you are monitored. Daily fee amount will be determined by which type of monitoring you are on. You will be required to pay this fee for every day the unit is active on the EM program.

Service Fees –

- **Enrollment Fee:** There will be a $20.00 Enrollment Fee due at the time of enrollment. This fee will be waived if enrollment is completed at one of the MMS offices.
- **Dispatch Fee:** MMS will send Field Service Officer to your residence to troubleshoot issues if necessary. You will be required to pay a fee of $45.00 if it is determined that the issue is on your end, and not related to an equipment malfunction.
- **Re-Enrollment Fee:** If you are terminated from the program, and then need to come back on to complete your sentence, there will be a $45.00 Re-enrollment Fee. This fee will also apply if being re-enrolled after a furlough.

Other Fees –

- **Returned Check Fee:** There will be a $25.00 fee applied for any checks that are returned for insufficient funds, closed account, etc…
- **Non-Returned Equipment Fee:** Upon completion of your sentence, all monitoring equipment must be returned within 3 business days to an approved
equipment drop-off location. Failure to do so will result in a $15.00 per day fee for each day after, until equipment is returned. **Failure to return equipment within 30 days will result in criminal theft charges being filed. Intentionally damaged equipment will result in criminal property damage charges being filed.**

- **Strap Fee:** You will be charged $25.00 for cutting any transmitter strap without being instructed to by MMS (regardless of whether the strap is re-attached or not).

- **Lost or Damaged Equipment Fee:** You will be responsible for any repair/replacement costs incurred due to lost or damaged equipment while assigned to you. This includes damages caused by acts of nature.

**Fee Payment:**

- The EM Program is a “Pre-Pay” program, meaning that fees for service must always be paid in advance. It is the responsibility of the offender to pay all fees related to the EM program. You will be required to pay 2 weeks of fees at the time of enrollment. This is NOT a deposit. You will begin making your weekly payments exactly 1 week after your enrollment, and the payment must be received by MMS on the date due. For instance, if you were enrolled on Monday the 7th, your first weekly payment must be received no later than Monday the 14th.

- Program fees are Non-Negotiable.

- Any Service Fees must be paid immediately.

- Failure to pay fees on time will be considered a program violation and will result in termination from the EM Program.

- MMS will accept cash, money order, personal check and credit card (Visa, Mastercard and Discover only). Fees can be mailed to or dropped off at:

  **Midwest Monitoring & Surveillance Office**
  **2500 West County Road 42, Suite 5**
  **Burnsville, MN 55337**

  **Toll Free:** 1-800-247-5933

  **Metro:** 952-435-9300

  **Fax:** 952-435-9301
Monitoring:

You will be monitored by a 24/7 Monitoring Center while on the EM program. This monitoring requires 2 way communications between the EM unit and the Monitoring Center Server by way of standard Analog Landline Telephone connections (unless otherwise specified). It is your responsibility to ensure that you have a working telephone line, with no extra features such as 3 way calling, voicemail, or call waiting. Caller ID is acceptable (and recommended). Failure to maintain a working telephone line is considered a violation of the EM Program rules.

Scheduling:

Depending on the type of monitoring you are on, there will be restrictions to your allowed “out time” and/or scheduled alcohol tests. Requests for additions or changes must be called in to MMS a minimum of 24 hours in advance, and will only be accepted Monday – Friday from 8AM to 8PM. Please plan your schedules carefully and record them. You will only be allowed to change your schedule once per day.

Employment:

Employment must be verifiable and must be verified prior to being enrolled in the program. If your employment is not verified, you will not be allowed to participate. Verification for work and all appointments must be submitted to MMS by mail or fax on a weekly basis. If you are self-employed or paid a regular (non-hourly) salary, verification will need to be accomplished using alternate means. It is the expectation that the business you work for be legitimate and/or registered as a business with the Office of the Secretary of the State.

EHM allows for an average workweek of 40 hours not including travel time. Schedules can be set based on the needs of your employer within the 40-hour time frame. In instances where overtime is mandatory the offender may have up to 12 hours, including travel time, in any given day provided; however, you may not exceed 60 hours per week. All overtime has to be mandatory and verified by the staff. If an offender does not have mandatory overtime, he/she will only be allowed a 40-hour workweek plus travel time any exceptions to the 40-hour requirement will be determined by a MMS staff officer based upon your employment situation.

The “banking” of work hours is strictly prohibited. For instance, if you work five (5) hours today and were scheduled to work eight (8), you WILL NOT be allowed to work three (3) extra hours the next day to make up for lost time. The only exception may be employment that is affected by the weather, such as construction.
A schedule will be completed with you at intake. You are expected to abide by this schedule at all times. Any variation from your schedule is a program violation and you may be terminated from the program. Any schedule changes must be pre-approved by the MMS staff.

**Fire or Medical Emergency:**

In the event of a fire or medical emergency, the primary concern is the health and well being of the offender. Therefore it is expected that the medical emergency will be dealt with first. Once the emergency has been dealt with, the offender or their designee should advise MMS staff of the emergency and subsequent action. At that time, the staff will secure verification of the emergency.

All scheduled doctor, dentist and other approved appointments must be approved by MMS staff at a minimum of 24 hours in advance. Written verification of these appointments will also be required.

**Weather:**

If local law enforcement, radio, television or the Emergency Broadcast System is advising that you take immediate shelter due to an impending severe storm or tornado, the primary concern is your health and well being. Take shelter. If this disrupts monitoring or testing in any way, contact MMS staff as soon as it is safe to do so.

**Holidays:**

EHM offenders will not be given any special privileges for various holidays either civil or religious. It is assumed that offenders will be off from work on generally acknowledged holidays. If the offenders are scheduled to work on a particular holiday, they must advise the MMS staff a minimum of 24 hours in advance.

**Business**

You will be allowed up to three (3) hours per week for personal time. This time can be used for necessities, such as banking, shopping, laundry, etc.... All requests for personal time must be pre-approved by MMS staff, and will not be counted against your 40 hours allowed for work.

**Grievances:**

All EHM offenders have a procedure available to express a grievance without retaliation regardless of the action taken during grievance procedures. It is expected that offenders will first attempt to resolve issues with whom the dispute exists. If the dispute/grievance is not satisfactorily resolved in this manner, offenders will be permitted to file a formal written grievance within seven (7) days
from the time of the incident. The written grievance should be clear and concise and must be sent to Midwest Monitoring and Surveillance. The written grievance will be considered only if it contains information that directly relates to the matter being grieved. MMS will respond within seven (7) working days relating to his/her evaluation, decision or settlement.

Appeals:

If an offender is not satisfied with the result of the grievance it may be appealed in writing within five (5) business days. The appeal must be sent to: Stearns County Community Corrections, 705 Courthouse Square, Room 445, St. Cloud, MN 56303, ATTN: Steve Klein. This appeal should be clear and concise. Community Corrections will respond within seven (7) business days with his/her evaluation, decision or settlement.

Equipment:

Upon intake, each offender signs an agreement which specifies that upon completion of the program, all equipment will be returned to MMS office. All MMS equipment must be returned within 3 business days. If you do not return the equipment within three (3) days of your completion date, you will be charged for every day that equipment is in your possession at the rate of $15.00 per day. The equipment you are using is very expensive. You will be responsible for any intentional breaking or loss of EHM equipment. Failure to return the equipment within 15 days or returning damaged equipment may result in felony theft charges and/or criminal property damage charges.

Problems with Equipment:

After having read the entire handbook thoroughly, if you believe your equipment may be malfunctioning, please call 800-247-5933. Our operators may be able to diagnose the problem and resolve it over the phone. If you believe that the problem has not been resolved, you may request a service call. If, however, it is determined to be a problem not related to our equipment, you will be required to pay a service.

Optional Program Change:

There will be a $45.00 service fee charged if you request to be changed to a different type of equipment than you were originally enrolled on.
Discipline:

Disciplinary guidelines have been established to provide a uniform response to program violations, aid in consistent enforcement of program rules and clearly communicate the importance of following program expectations.

Should violations be sufficient to result in termination from the EHM program, you may be required to serve your remaining sentence in the Stearns County Jail. Removal of the EHM ankle bracelet and absconding from the program may be charged as an escape from custody and a violation of the conditions of your probation.

Although it is anticipated that you will complete the EHM program without incident, the violations below are a non-exclusive list of behaviors that may result in verbal or written warning, filing of criminal charges, termination from the EHM program and/or return to the Stearns County jail.

The following rules apply to Alcohol Monitoring via the SCRAM Unit:

MMS staff will contact AMS for client’s finale download.

The following violations will be reported to you probation officer for evaluation, possible discipline and/or return to custody.

1. Placing anything between the SCRAM Anklet and the skin.
2. Using over the counter (non-prescription) liquid medications such as Nyquil or cough syrup.
3. Tampering in any way with the SCRAM Unit or Modem.
4. Using cologne, air freshener or any other type of product or aerosol that may contain alcohol in a way that it interferes with the SCRAM unit readings.
5. I understand that I may take a shower while wearing the SCRAM bracelet, but **cannot** take a bath or submerge the bracelet in any way.
6. I understand that I am **NOT** allowed to cut the bracelet off, unless specifically directed to by MMS staff.
7. I will report home at the time(s) decided upon by MMS or Stearns County for downloading data and remain within 15 feet of the modem for no less than 30 minutes.
The following rules apply to Alcohol Monitoring via the ElmoTech MEMS VB/VBR:

The following violations will be immediately reported to your probation officer, for evaluation, possible discipline and/or return to custody.

1. Failure to take tests as scheduled with MMS staff.
2. Any attempt to block or disrupt reference picture from being taken.
3. Having a positive alcohol reading.
4. Using over the counter (non-prescription) liquid medications such as Nyquil or cough syrup.
5. Failure to take follow up tests sent to prove your sobriety.
6. Disconnecting or moving alcohol equipment without permission from MMS staff.
7. Tampering with the alcohol monitor.
8. Leaving the phone off the hook or not surrendering the phone line to computer demand.
9. Failure to wait at least fifteen (15) minutes after test to use phone or before leaving. This is necessary, as follow-up tests will be sent if you fail your test.

The following rules apply to RF (ankle bracelet) Equipment:

The following violations will be reported to your Probation Officer, the Court System and/or County Law Enforcement for evaluation, possible discipline and/or return to custody.

1. Failure to provide verification of work, treatment, AA or other authorized appointments attended as required.
2. Late return or early departure from home, work or other authorized activities.
3. Failure to immediately report any variations from the approved schedule. (I.e. use of sick leave requiring early return home from employment.)
4. Not answering the telephone, hanging up on computer or MMS staff or otherwise avoiding or interfering with contact.
5. Going beyond transmitter limits. (outside of home)
6. Leaving the phone off the hook or not surrendering the phone line when prompted.
7. Tampering with ankle bracelet and/or any EHM equipment.
8. Failure to wait at least fifteen (15) minutes after arriving home before using your phone. The equipment must have time to call in once you come into range.
The following rules apply to GPS Equipment:

The following violations will be reported to your Probation Officer, the Court System and/or the County Law Enforcement for evaluation, possible discipline and/or return to custody.

1. Any contact (even third party) with the victim or alleged victim of your charges. (If applicable) Failure to charge the unit at least 2 hours per day.
2. Any deliberate attempts to shield block or disturb GPS communications.
3. Tampering with ankle bracelet and/or any GPS equipment.
4. Any deliberate attempt to enter a restricted zone or failure to leave immediately upon entering a restricted zone.
5. Leaving a lock down zone during a lock down time.
6. Removal of the band or anklet prior to completion. And without consent of MMS or Probation Officer, the Court System and/or County Law Enforcement.

The following rules apply to those on AnyTrax Monitoring:

The following violations will be reported to your probation officer for evaluation, possible discipline and/or return to custody.

1. Failure to maintain working landline phone service.
2. Failure to check-in or checking in late (check-in must be done within 7 minutes of the notification call).
3. Checking in from the wrong location (somewhere other than your home phone).
4. Having someone else check in for you. (grounds for immediate removal from the program).
TECHNICAL VIOLATIONS:

1. Failure to provide verification of work, treatment, AA or other authorized appointments attended as required.
2. Late return or early departure from home, work or other authorized activities.
3. Failure to immediately report any variations from the approved schedule. (i.e. use of sick leave requiring early return home from employment.)
4. Not answering the telephone, hanging up on computer or MMS staff or otherwise avoiding or interfering with contact.
5. Leaving the phone off the hook or not surrendering the phone line when prompted.
6. Tampering with ankle bracelet and/or any EHM equipment.
7. Failure to wait at least fifteen (15) minutes after arriving home before using your phone. The equipment must have time to call in once you come into range.
8. Failure to check in with AnyTrax within the required timeframe.
9. Discourteous, rude or belligerent behavior directed toward MMS staff.
10. Failure to be paid 2 weeks in advance.

TECHNICAL VIOLATION SANCTIONS:

First Technical Violation and Second Technical Violation will result in verbal and/or written warnings.

Third Technical Violation will result in loss of all credit for time served as of the date of the third violation.

Sixth Technical Violation will result in termination from the program and loss of all credit for days served.
FORMAL VIOLATIONS:

1. Not reporting for scheduled or requested urinalysis or meeting with MMS or Stearns County Community Corrections.
2. Arrest for new charges or serious traffic citation.
3. Failure to provide breath or urine sample when requested, including answering phone during scheduled time home OR unauthorized absence from home, work, or other approved location as scheduled by MMS.
4. Failure of breath or urinalysis testing.
5. Failure to comply with any directive, restriction or condition imposed by MMS or Stearns County Community Corrections.
6. Failure to report change in living status (moving, change of address or phone number) or change in job status. (new hire, laid off, etc.)
7. Refusal or failure to pay required fees. The (1st) first day of services not paid for by 4:00 pm will result in immediate termination.
8. Repeated Technical Violations
9. Removal of the ankle monitor, tampering with the equipment, and/or otherwise rendering the monitoring unit inoperable.

FORMAL VIOLATION SANCTIONS:

First Formal Violation will result in loss of all credit for time served.

Second Formal Violation will result in result in termination from the program and loss of all credit for days served.
Program Completion:
Upon completion of the EM Program, you must call the MMS Monitoring Center no earlier than 8AM on the day you are done. They will verify your completion of the program and instruct you when it is time to remove/disconnect your equipment. A completion report will not be submitted to Stearns County until equipment is returned and all fees are paid. In the event that you are paid ahead, any unused fees will be returned to you after equipment is returned. *Refund processing generally takes 4 to 6 weeks.

Access to Courts:
Nothing within these policies or procedures limits or removes your rights to appeal any action directly to the courts.

Questions:
If you have any questions, please visit:  www.midwestmonitoring.com/offenderFAQ.htm
OR
Contact us at: 1-800-247-5933 (You will need to provide your OPIN # each time you call)
Acknowledgement of Understanding:

I, ________________________________, have read, or have had read to me, and fully understand the rules contained within this Electronic Monitoring Offender Handbook. I have been given the opportunity to ask questions and have them answered by MMS staff. I fully understand, and agree to comply with, all EM Program rules, as well as any instruction given by MMS and county staff. I understand all policies regarding my responsibility for monitoring equipment and agree to comply with them. I understand the fee payment policy and agree to comply with it.

______________________________  _____________
Offender Signature                Date

______________________________  _____________
Parent Signature                 Date