



**Court Services and Offender Supervision Agency
for the District of Columbia**

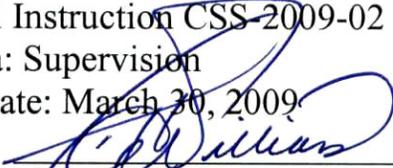
OPERATIONAL INSTRUCTION

Operational Instruction CSS-2009-02

Policy Area: Supervision

Effective Date: March 30, 2009

Approved:


Thomas H. Williams, Associate Director
Community Supervision Services

GPS Anti-Tampering Emergency Act of 2008

I. COVERAGE

This Operational Instruction applies to Community Supervision Officers (CSOs), Supervisory Community Supervision Officers (SCSOs), Branch Chiefs (BCs), and Global Positioning System (GPS) Unit staff who monitor or place offenders on GPS tracking.

II. BACKGROUND

On December 16, 2008, the Council of the District of Columbia enacted emergency legislation entitled, "GPS Anti-Tampering Emergency Act of 2008." The Act provides, in pertinent part, that:

[it] shall be unlawful for a person who is required to wear a device as a condition of supervision pursuant to the protection order, pretrial, presentence, or predisposition release, probation, supervised release, parole, or commitment to remove or intentionally alter the device, or to intentionally interfere with or mask, or attempt to interfere with or mask, the operation of the device, or to allow any unauthorized person to remove or intentionally alter the device, or to intentionally interfere with or mask, or attempt to interfere with or mask, the operation of the device...."

In addition, the legislation specifies that whoever violates the Act shall be fined not more than \$1,000, or imprisoned for not more than 180 days, or both. Furthermore, a law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person committed an offense prohibited under the GPS Anti-Tampering Emergency Act of 2008.

This Operational Instruction (OI) provides guidance to staff in complying with the intent of the Act.

III. GUIDANCE

A. Offenders Placed on GPS.

- (1) GPS Placement Prior to February 4, 2009. If the offender was placed on GPS prior to February 4, 2009, the CSO shall meet with the offender within 30 days of the issuance of this OI and explain the Act to the offender. The CSO shall have the offender sign a revised GPS Basic Guidelines Agreement (Appendix A) and the new GPS Anti-Tampering Emergency Act (Appendix B) signature page.

(2) GPS Placement On or After February 4, 2009. For offenders placed on GPS on February 4, 2009 or later, the GPS Unit staff shall have the offender sign the revised GPS Basic Guidelines Agreement and the new GPS Anti-Tampering Emergency Act form.

B. Offender Arrested by the Metropolitan Police Department (MPD) in the Community for GPS Tampering

If an MPD Officer approaches an offender in the community, and it is evident to the MPD Officer that the offender's GPS unit has been tampered with, the MPD Officer may effectuate an arrest. Upon the CSO learning of an offender's arrest, the CSO shall prepare and submit an Alleged Violation Report (AVR) to the United States Parole Commission (USPC) or provide notice of the arrest to the sentencing Court.

C. CSOSA Staff Identifies GPS Tampering—Masking the GPS Signal

If the CSO determines from the GPS Unit staff that an offender has tampered with his or her GPS device by masking the GPS signal, or is informed by the GPS Unit staff that the offender masked his or her GPS signal, the CSO shall follow Community Supervision Services' existing policy with regards to sanctioning the offender. (See OI CSS-2008-04, GPS Monitoring and Discovery of No Tracking Points, dated August 21, 2008). Upon receipt of evidence that demonstrates the offender's continued effort to tamper with his or her GPS device, the CSO shall submit to the sentencing Court an AVR requesting a Show Cause Hearing, or shall submit an AVR to the USPC.

D. CSOSA Staff Identifies GPS Tampering—Bracelet Cut Off

If the GPS Unit staff determines that the offender has cut off the GPS bracelet, the CSO or GPS Unit staff shall immediately contact the MPD. MPD will conduct an investigation of the GPS tampering incident as a new criminal matter. Based on the information provided to the CSO by MPD, the CSO shall prepare an AVR to the sentencing Court requesting a Show Cause Hearing for probationers or an AVR to the USPC for parolees and supervised releasees. MPD shall be contacted regardless of whether or not the offender signed the GPS Anti-Tampering Acknowledgment form.

APPENDIX A
CSOSA's GPS Basic Guideline Agreement Contract

The following rules apply to the Global Positioning Satellite System (GPS) Electronic Monitoring (EM) Program. Failure to comply with the following conditions would constitute a violation of your parole/probation/supervised release and subject you to possible revocation.

1. You will wear an ankle bracelet at all times and will not remove the bracelet yourself for any reason.
2. You will charge the GPS equipment twice a day for a minimum of forty-five (45) minutes to an hour each time.
3. You will respond to any and all efforts to communicate with you initiated by your Community Supervision Officer (CSO) or other representative of this Agency.
4. You will report any perceived defects, damage or malfunctions of the equipment immediately to your CSO or other representative of this Agency.
5. You will return the GPS equipment in good working order once this Agency determines that it is time for you to be removed from the GPS system.
6. You will allow any representative of this Agency to inspect the equipment assigned to you upon request.
7. You are responsible for the care of the equipment issued to you. You may be held financially responsible for any malicious damage to the equipment and may be criminally prosecuted under the provisions of the "GPS ANTI-Tampering Emergency Act of 2008" (The Act). The Act provides, in pertinent part, that "[it] shall be unlawful for a person who is required to wear a device as a condition of supervision pursuant to the protection order, pretrial, presentence, or predisposition release, probation, supervised release, parole, or commitment to remove or intentionally alter the device, or to intentionally interfere with or mask, or attempt to interfere with or mask, the operation of the device, or to allow any unauthorized person to remove or intentionally alter the device, or to intentionally interfere with or mask, or attempt to interfere with or mask, the operation of the device...."
8. The first day that you are installed on this system, DO charge this device prior to going to bed. **The following day, you are required to charge the device twice a day for approximately forty-five (45) minutes to one (1) hour, one time in the morning, and one time in the evening.** The "green" light indicates that you have a fully charged device. Once you get the green light and it stays green, the charger can be removed. **There needs to be an eight (8) to ten (10) hour gap in between charging the device.**
9. The device is water-proof and taking a shower will not affect the operation of the GPS device; however, DO NOT submerge the device in large bodies of water such as a bathtub, hot tub or swimming pool.
10. DO NOT go to sleep while charging the device because it could increase the chance of the charger being accidentally broken.
11. If you have any problems with the device or have any questions, please call the GPS office for assistance. **The telephone number is (202) 585-7348. Staff are available Monday through Friday from 8:30 a.m. to 5:00 p.m.**
12. If the GPS vibrates on your leg, this warning means that the device battery is low and needs to be charged ASAP. Failure to charge the device in a timely manner will result in the device not working. When the GPS device goes into low battery status, your charging time will be increased for at least one hour. Therefore, it is important to maintain charging the device.

OTHER INSTRUCTIONS

1. You understand that all of your movements will be tracked and stored as an official record.
2. You will follow all established home, work, etc. rules. Deviation from your schedule and/or approved travel routes is a violation.
3. You will not enter areas that are defined as off limits.
4. You will notify your CSO of all court proceedings and the outcomes of such proceedings while you are being electronically monitored.

The rules of the Electronic Monitoring Program have been provided to me. I fully understand what is expected of me, and the possible consequences of my failure to comply with these rules. I also understand that if I deliberately cut, tamper, mangle, destroy, or mask the GPS device, I may be subject to sanctioning that may include a recommendation for revocation of my community supervision period and/or an arrest on a new charge.

My signature below (1) confirms my understanding of all of the above cited provisions, and (2) acknowledges my receipt of the Electronic Monitoring Equipment.

OFFENDER NAME

X OFFENDER SIGNATURE

DATE

GPS TECHNICIAN NAME

X GPS TECHNICIAN SIGNATURE

DATE

APPENDIX B
“GPS Anti-Tampering Emergency Act of 2008”

Sec. 2. Tampering with detection device.

- (a) It shall be unlawful for a person who is required to wear a device as a condition of supervision pursuant to a protection order, pretrial, presentence, or predisposition release, probation, supervised release, parole, or commitment to remove or intentionally alter the device, or to intentionally interfere with or mask, or attempt to interfere with or mask, the operation of the device, or to allow any unauthorized person to remove or intentionally alter the device, or to intentionally interfere with or mask, or attempt to interfere with or mask, the operation of the device. For the purposes of this section, the term “device” includes a bracelet, anklet, or other equipment equipped with electronic monitoring capability or global positioning system technology.
- (b) Whoever violates this section shall be fined not more than \$1,000, or imprisoned for not more than 180 days, or both.

Sec. 3. Section 23-581 of the District of Columbia Official Code is amended by adding a new subsection (a-4) to read as follows:

- (a-4)** A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed an offense as provided in the GPS Anti-Tampering Emergency Act of 2008, passed on emergency basis on December 16, 2008.

A copy of the “GPS Anti-Tampering Emergency Act of 2008” was provided to me. I fully understand what is expected of me as well as the possible consequences of my failure to comply with the law.

I understand that if I deliberately cut, tamper, smash, destroy, or mask the GPS device, I may be subject to arrest. In addition to the foregoing, I understand that I may also be subject to sanctioning by my Supervision Officer for violating the GPS Anti-Tampering Emergency Act of 2008, which may include a recommendation for revocation of my community supervision period.

My signature below confirms (1) that I have read, or have had read to me, the provisions of the GPS Anti-Tampering Emergency Act of 2008 cited above and fully understand its application to me as a recipient of an electronic monitoring device, and (2) acknowledges my receipt of the Electronic Monitoring Equipment.

Offender Name

Offender Signature

Date

Technician Name

Technician Signature

Date