2024

BOARD FOR JUDICIAL ADMINISTRATION



**Electronic Monitoring with Victim Notification Technology Model Policy**

Electronic Monitoring with Victim Notification Technology Workgroup

Washington State Administrative Office of the Courts

June 2024

**Introduction**

This model policy for Electronic Monitoring with Victim Notification Technology (EMVNT) in Washington State was developed by the Board for Judicial Administration’s Electronic Monitoring with Victim Notification Technology Workgroup. This model policy provides a framework for jurisdictions to implement EMVNT. This policy aims to establish uniformity in EMVNT use, enhance victim protection, and streamline monitoring processes.

**When reviewing this policy keep in mind:**

1. This document is not intended to support any specific vendor application.
2. Technological changes occur frequently. When implementing EMVNT, adapt these policies considering any technology changes, jurisdiction needs, and available resources.
3. We provided sample policy language throughout this document.

While this policy is addressing EMVNT in the criminal context, it can be adapted to EMVNT for civil protection orders.

**What Should Be Included in Your Policy**

EMVNT is used for individuals deemed at risk of causing serious harm to others, especially in cases involving domestic violence. This technology monitors the restrained party’s location in real time and generates alerts for violations. The protected party can opt into receiving alerts through email, text, push notifications or use an application on their mobile phone to alert the monitoring company when a protection order is being violated.

1. **Technology and Equipment**: Jurisdictions must specify the technological requirements for equipment chosen for EMVNT operations in their policies. This includes details on GPS (Global Positioning System) ankle bracelets, monitoring software, and victim notification.
2. **Ordering EMVNT**: EMVNT may be ordered under RCW [7.105.450,](https://app.leg.wa.gov/RCW/default.aspx?cite=7.105&full=true#7.105.450) which defines domestic violence and provides guidelines for protection orders.
3. **Parameters and Protocols for Use**: Jurisdictions should ensure that the exclusion zones in the EMVNT system align with the distance requirements specified in each protection order, which can vary case by case. Each jurisdiction should clearly outline protocols for responding to violations, assigning specific roles and responsibilities. Additionally, they should define a detailed process for installing and removing monitoring devices, including procedures for after-hours response.
4. **Agencies Involved and Their Roles and Responsibilities:** Jurisdictions should establish clear roles and responsibilities at each step of the process for agencies involved with EMVNT, including law enforcement, dispatch, judicial officers, prosecutors, court administrators, clerk, jails, monitoring companies, and jurisdictions with pre-trial release programs.
5. **Data:** Agencies participating in EMVNT should track multiple data points including demographics, violation rates, number of participants served, agency paid participants vs. self-pay participants, and the number of EMVNT arrests.
6. **Accessibility:** All agencies will implement measures to ensure the accessibility of EMVNT for individuals with disabilities, providing reasonable accommodations as needed.
7. **Frequency of Review**: Users should consider reviewing and updating their EMVNT policies annually to ensure they are keeping up to date with current laws, current technology, and best practices.
8. **Training and Education**: Users shall provide training and education to personnel involved in EMVNT operations to ensure they are proficient in using the technology and equipment.

**Model Policy**

# Purpose

The purpose of this policy is to establish guidelines, priorities, and protocols for EMVNT use in [jurisdiction name]. EMVNT utilizes GPS ankle bracelets to track the restrained party in real-time, primarily intended for use in cases of domestic violence as defined in chapter 7.105 RCW, allowing for prompt notification of violations to victims, law enforcement and court.

# Policy Statement

It is the policy of [Jurisdiction name] to follow established standards and protocols for each referral to an EMVNT Program. EMVNT notification services can be ordered by a judge without the participation of the protected party. Judicial officers are responsible for ordering EMVNT and law enforcement is responsible to enforce protection order violations.

# Definitions

**III.1 Buffer Zones**: Zones surrounding an exclusion zone that offer early notification to the protected party when the restrained party is nearing the exclusion zone. Buffer zone sizes can be established by the agency, based on the location of the stationary exclusion zones, the victim’s safety plan, and the unique circumstances of each victim and restrained party or by a judicial officer at the time EMVNT is ordered. Buffer zones are areas where the restrained party can legally enter and exit.

**III.2 Electronic Monitoring with Victim Notification Technology** (EMVNT): Utilizes a GPS ankle monitor to track, in real-time, offenders who have been found to pose a risk of serious danger to a victim of domestic violence. HB 1715 authorizes this technology's use, especially in domestic violence cases per chapter 7.105 RCW. It monitors the restrained party’s location and movements, notifying the protected party and Law Enforcement promptly of safety risks or violations by the restrained party, enhancing protection beyond what a protection order or No Contact Order can provide without EMVNT. Notifications can be sent through a dedicated application on the victim’s cell phone.

**II.3 Exclusion Zones**: A specific geographic area that the restrained party is prohibited from entering by a valid and served protection order. The intent of EMVNT is to increase victim safety, discourage violations, and increase restrained party accountability.

**III.4 Global Positioning System (GPS)**: Is a satellite-based navigation system that “links” to a GPS-enabled device in order to determine the restrained party’s precise geographical location and track their movement. It relies on a network of satellites to provide accurate information related to positioning and timing, facilitating various applications such as mapping, navigation, and location-based services.

**III.5 Monitoring Agency**: An EMVNT provider who is contracted to oversee and manage the monitoring of individuals under EMVNT supervision. In the event of an order violation the monitoring agency may also be responsible for notifying 911 dispatch, law enforcement, protected party, probation/pretrial/corrections agencies, and courts.

**III.6 Protected Party**:Is the person named in a protection order who is protected from contact by the restrained party.

**III.7 Restrained Party:** The respondent in a protection order who is prohibited from contacting the protected party.

# Protocols

## IV.1 Installation

**IV.1.A Court Order Review:** Upon receiving a court order for EMVNT, promptly review the order to understand its specific requirements, including the type of monitoring device, duration of being monitored, and specified exclusion zones.

**IV.1.B Schedule Installation:** When a defendant is eligible for release, the jail and monitoring agency should coordinate to schedule the installation of the GPS ankle bracelet. The installation must occur prior to release If permitted by the court order, the jail may hold the defendant for a reasonable period of time to ensure the installation is completed.

Courts should consider establishing a clear procedure for when EMVNT is ordered as a condition of release in an Order Establishing Release Conditions.

**IV.1.C Device Preparation:** The designated party installing the monitoring device shall verify the monitoring device is fully charged, functional and programmed according to the Court’s order prior to installation. After preparation, the designated party or agency will activate the monitoring device and perform additional testing to confirm it is operable and communicating with the monitoring center prior to releasing the restrained party.

**IV.1.D Educational Session for Restrained Party:** Provide a thorough orientation to the restrained party, explaining the functions of the device, the geographic areas included in the exclusion zones, and the consequences of a violation. Ensure they understand their responsibilities and the monitoring process (**Appendix D** EMVNT Training Templatefor training.) This must include showing the restrained party, on a map, how far the exclusion zone extends from each address (unless the protected party’s address is confidential).

**IV.1.E Educational Sessions for Protected Parties:** The protected party shall be contacted and given the option of participating in an EMVNT program. If the protected party agrees to participate in the program, they must be provided with education around the use of phone application/notification system and safety planning. This educational session should occur at a time when the restrained party is not present. Additionally, it is important to emphasize that safety is not guaranteed by EMVNT but is a tool to help reduce risk. (**Appendix E** Q&A Handout for Protected Party)

**IV.1.F Support Contacts**: Provide both parties written information about EMVNT. Provide the restrained party and protected party with contact information for technical support and emergency assistance in case of device malfunction or other issues. Remind the protected party that in the case of any emergency or violation the protected party should immediately call 911 if they do not have the app downloaded on their cell phones.

**IV.1.G Monitoring**: Provide the monitoring center with the contact number for the designated local dispatch to be used for reporting a violation. The monitoring center should use a script as determined by the dispatch or monitoring agency’s protocol.

**IV.1.H Exclusion Zone Management:** Maintain and update exclusion zones as necessary, as specified by the court order. Ensure both parties are aware of any changes to these zones, unless the protected party’s address is confidential. Order the restrained party to report to the installation vendor to sign updated paperwork showing the new exclusion zone.

**IV.1.I Data Collection:** Collect essential information from the restrained party, including contact information, the location of their residence, employment, and emergency contacts.

## IV.2 Set Up of Device

While setting up the equipment enter the following information:

1. Size of mobile **exclusion buffer zone**: matching the distance provision of the protection order issued by a judicial officer.
2. Size of **stationary exclusion buffer zone**: matching the distance provision of the protection order issued by a judicial officer.
3. Size of mobile **exclusion zone**: matching the distance provision of the protection order issued by a judicial officer.
4. Size of **stationary exclusion zone**: matching the distance provision of the protection order issued by a judicial officer.

## IV.3 Protocols for Vendor

You will need to develop specific language based on your vendors technology. We have incorporated various aspects of EMVNT that may not be included with the vendor you choose. The following example comes from a specific vendor that is currently being used in Clark County. It is being used to provide a framework for developing protocols. Tailor the protocol framework to align with your chosen vendor’s technology and capabilities. It is not the intention of AOC to endorse any vendor by providing this example:

**Mobile Exclusion Buffer Zone Alert: (enter and exit)**

1. Protected party - Push notification, text, and email.

**Mobile Exclusion Zone Alert: (enter and exit)**

1. Protected party will call 911 and activate a safety plan at their discretion. *monitored by [vendor] under the alert notification program. Provide details of the violation (example: when the zone was violated, if the offender is still actively in the zone or if the offender has left the zone.”*

**Stationary Exclusion Buffer Zone Alert**

1. Protected party - Push notification, text, and email.

**Stationary Exclusion Zone Alert**

1. Protected party - Push notification, text, and email
2. Law Enforcement - Notified through Dispatch. Live phone call to Dispatch and [add phone number]. *“This is [Monitoring Center] calling in regard to a protection order violation in progress. The subject named in the protection order is - Offender’s name/DOB – who is monitored by [vendor] under the alert notification program. Provide details of the violation (example: when the zone was violated, if the offender is still actively in the zone or if the offender has left the zone”*
3. Restrained party’s device is audible alert is activated.
4. Restrained party device is called by [Monitoring Center] informing the monitored person that they have breached an exclusion zone. This call is recorded and kept on file. The offender must be notified that that the line is being recorded per RCW 9.73.030. (this is specific to the technology being used depending on the vendor that you want to use.)

**Tamper Alerts: (Case and Strap Tamper)**

1. Protected party - Push notification, text and email.
2. An Alert is sent to [Name of Monitoring Agency]
3. Restrained party - Call to monitored person from [Name of Monitoring Center] on monitored person’s device.
4. [Name of Monitoring Agency] calls law enforcement for tamper alert.
5. Law enforcement performs welfare check on Protected Party.

**Ankle Monitor Battery Critical Alerts - 28% Battery Life Remaining**

1. Vibration on restrained party’s device.
2. Call to monitored persons device by [Name of Monitoring Center].
3. An alert is sent to [Name of Monitoring Agency.

**Ankle Monitor Battery Escalated Alerts - 22% battery life remaining**

1. Vibration on restrained party’s device.
2. Call to restrained party via the device by [Name of Monitoring Center].
3. An alert is sent to [Name of Monitoring Agency.

**Ankle Monitor Battery Sleep Mode - 14% Battery Life Remaining**

1. 14% battery life left on restrained party’s device. Unit wakes up every 6 hours to provide 10 minutes’ worth of data.
2. Protected party - Push Notification, text and email.
3. An alert is sent to [Name of Monitoring Agency.

**Ankle Monitor Device Shut Down**

1. Protected party - Push Notification, auto text and email.
2. An alert is sent to [Name of Monitoring Agency
3. Welfare check of protected party by monitoring agency and/or law enforcement.

**Types of Notifications**

1. Buffer zone violation (mobile and stationary).
2. Exclusion zone violation (mobile and stationary).
3. Device tamper alerts.
4. Battery critical alerts.
5. Device shut down/loss of communication alerts.

## IV.4 Agency Responsibilities with Notifications

Clearly establish each agency’s roles/responsibilities in your specific jurisdiction. Each agency has a key role in this process, including law enforcement, judicial officers, and monitoring companies. Using a standardized script can streamline communication and actions, leading to more efficient and effective responses.

1. [Jurisdiction name] law enforcement agencies will be notified through [dispatch] if a restrained party enters a stationary exclusion zone.
2. [Jurisdiction name] law enforcement agencies will be notified through [dispatch] if a restrained party removes their bracelet after hours (Monday through Thursday, 4:30pm to 6:30am and Friday, 4:30pm through Monday at 6:30am). The purpose for this notification is for law enforcement to conduct a welfare check of the protected party.
3. Protected party will be notified if the restrained party is within the buffer zone (mobile and stationary).
4. Protected party and law enforcement will be notified if a restrained party enters an exclusion zone (stationary only).
5. [Name of Monitoring Center] will be notified when:
   1. Any violation of these protocols occurs.
   2. The restrained party tampers with the device.
   3. The restrain party’s battery device is running low.
   4. If the battery on the device is not charged or operational.

# Communication Between Monitoring Center and Dispatch

A script should be developed for your jurisdiction to outline communication standards between the monitoring company and dispatch when a violation or tamper alert has occurred.

**Sample Language for 911 Dispatch Call**

“*Hi, this is the* [Name of Monitoring Center] *calling in regard to a protection order or No Contact order violation in progress.  The subject named in the protection order is (Restrained Party Name/DOB) who is monitored by [insert Monitoring Center name here] under the Alert Notification Program*.” Then provide details of the violation (example: when the zone was violated, if the restrained party is still actively in the zone or if the offender has left the zone).

**Sample Language for Strap Tamper Alert**

“*This is [insert name here] Monitoring Center. We are calling to report a strap tamper by a monitored offender and request a welfare check of the protected party*.”

State when the strap tamper violation occurred and the current location of the

offender. Give DOB of restrained party / [phone number here] and they will need to know who the protected party is and their address if the protected party is not using the mobile app or does not have their phone on them

## V.1 Handling Priority Notifications and After-hours Notification

It is important to identify the priority level and type of notifications. Handling high priority calls for EMVNT requires a prompt and coordinated response from law enforcement and other relevant agencies. When a high priority call regarding a potential violation or threat to the safety of the protected party is received by 911 or the 911 dispatch system, dispatchers should prioritize the call accordingly. Dispatch should relay the information received to the responding officers, providing details of the violation, the locations of the incidents, and any relevant background information.

**Sample Language for After Hours Removal**

**Protocol for Contact After Hours Notification for the Removal of a Bracelet**

*Monday through Thursday, 4:30pm to 6:30am and Friday, 4:30pm through Monday at 6:30am*

1. Protected party - Push notification, text, and email.
2. Law Enforcement - Notified through [dispatch] Live phone call to [dispatch] at [phone number].

**V.2 Sample of 911 Dispatch Prioritization**

EMVNT calls should be dispatched in the same manner and same priority as any other restraining order in progress call type.

Violations of a protection order can represent a significant safety risk to the protected party.

|  |  |  |
| --- | --- | --- |
| **CAD EVENT TYPE** | **SUB-TYPE** | **PRIORITY** |
| **RO – Restraining Order** | 1 – In Progress | 2 |
| 2 – Just Occurred | 3 |
| 3 – Cold | 4 |

* 1. **Restraining Order Violation – In Progress**

1. Indicates a violation is in progress.
2. Monitoring Center - [Name of Monitoring Center] calls dispatched indicating a restrained party has entered an exclusion zone.
   * 1. Monitoring Center - [Name of Monitoring Center] will update dispatch of location updates via GPS coordinates if there is a need.
3. Verify the restraining order exists via ACCESS or with the issuing agency, if appropriate.
4. Follow the call-taking procedure.

# Device Removal

**VI.1 Court Order Review**: Confirm that the court order authorizes the removal of the EMVNT device and specifies the conditions under which it can be removed.

**VI.2 Schedule the Removal:** Contact the restrained party to schedule the removal of the device, which should be completed as soon as the court order allows. Contact the protected party and inform them of the date/time of anticipated device removal. If the protected party has the application on their phone, provide instructions for the removal of the application.

**VI.3 Final Meeting:** Meet with the retrained partyto discuss their experience, address any questions or concerns, and provide information on the return of any equipment and the termination of services**.**

**VI.4 Documentation:** Maintain records of the removal process, including the device’s serial number, date and time of the removal, and the condition of the device.

**VI.5 Court Notification:** Notify the court and any relevant parties that the device has been removed, providing a summary of the restrained party’s compliance during the monitoring period.

**VI.6 Data Handling:** Ensure all data collected during monitoring is properly stored, adhering to data privacy and security regulations.

**VI.7 End of Services:** Close the case and record the end of monitoring services. Retain records for the agreed upon time duration.

# Related policies, procedures, forms, guidelines, and other resources

* 1. [Monitoring Company] referral form
  2. RCW [2.56.260](https://app.leg.wa.gov/rcw/default.aspx?cite=2.56.260)
  3. RCW [7.105.450](https://app.leg.wa.gov/RCW/default.aspx?cite=7.105.450)
  4. RCW [9.94A.030](https://app.leg.wa.gov/rcw/default.aspx?cite=9.94A.030)
  5. [HB 1715](https://app.leg.wa.gov/billsummary?BillNumber=1715&Year=2023&Initiative=false) Session Law Chapter 462, Laws of 2023