



## Illinois Department of Corrections

### Administrative Directive

Number: <b>04.45.100</b>	Title: <b>Electronic Detention</b>	Effective: <b>5/11/2020</b>
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Authorized by:	<i>[Original Authorized Copy on File]</i>	<b>Rob Jeffreys</b> Acting Director
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<b>Authority:</b> 730 ILCS 5/5-8A 20 IAC 530:Subpart A	<b>Related ACA Standards:</b> 5-ACI-7D-20
<b>Referenced Policies:</b> 04.50.105, 04.50. 110, 04.50.115	<b>Referenced Forms:</b> DOC 0162 – Electronic Detention Host Agreement DOC 0180 – Electronic Detention Agreement

#### I. POLICY

The Department may allow eligible offenders to voluntarily serve a specified period of their sentence on electronic detention.

#### II. PROCEDURE

##### A. Purpose

The purpose of this directive is to establish the criteria under which electronic detention may be utilized and to provide guidelines for the management of offenders on electronic detention.

##### B. Applicability

This directive is applicable to the Office of the Chief of Programs and Support Services and all correctional facilities, program sites and parole services within the Department.

##### C. Facility Reviews

A facility review of this directive shall be conducted at least annually.

##### D. Designees

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

##### E. Definitions

Electronic Detention – an alternative form of incarceration whereby an offender serves a specified period at his or her host site in lieu of a facility and is monitored through an approved electronic device. This program shall not include offenders on electronic monitoring during parole or mandatory supervised release.

##### F. General Provisions

1. Approval for and management of offenders on electronic detention shall be in accordance with the eligibility requirements and guidelines established herein.
2. The provisions for electronic detention provided herein shall only apply to offenders serving a sentence of incarceration. This shall not apply to offenders on electronic monitoring as a condition of parole or mandatory supervised release (MSR).

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3. Offenders may notify his or her counselor if he or she qualifies for and is interested in the electronic detention program. All offenders shall be screened in accordance with the provisions herein; however, participation in the electronic detention program is voluntary.
4. Violation of any rules may result in termination of electronic detention and the offender may be immediately returned to the facility to serve the remainder of his or her sentence. Disciplinary procedures shall be in accordance with DR 504.

**G. Statutory Eligibility**

In accordance with 730 ILCS 5/5-8A:

1. Offenders convicted of first degree murder, escape, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated battery with a firearm as described in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section 12-3.05, bringing or possessing a firearm, ammunition or explosive in a penal institution, any violation of Section 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D); Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B), (C), or (D) of the Illinois Controlled Substances Act; or calculated criminal drug conspiracy or street gang criminal drug conspiracy, or any predecessor or successor offenses with the same or substantially the same elements, or any inchoate offenses relating to the foregoing offenses, shall be ineligible for electronic detention.

**NOTE:** The prohibited offenses in Paragraph II.G.1 are not applicable to offenders who may qualify for electronic detention under Paragraph II.G.5.

2. Offenders serving a sentence for a conviction for a Class 2, 3 or 4 felony, other than an offense listed in Paragraph II.G.1 may be eligible for participation in the program.
3. Offenders serving a sentence for a conviction of a Class 1 felony, other than an offense listed in Paragraph II.G.1., may be eligible for electronic detention for a period not to exceed the last 90 days of incarceration.
4. Offenders sentenced on or after August 11, 1993 for a conviction of a Class X felony other than an offense listed in Paragraph II.G.1.a., may be eligible for electronic detention for a period not to exceed the last 90 days of incarceration and provided that the court has not prohibited program participation in the sentencing order.
5. Offenders serving a sentence for conviction of an offense other than for predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, or felony criminal sexual abuse, may be eligible for electronic detention for a period not to exceed the last 12 months of incarceration if:
  - a. The offender is 55 years of age or older;
  - b. The offender is serving a determinate sentence;
  - c. The offender has served at least 25% of his or her sentenced prison term; and
  - d. Electronic detention placement is approved by the Prisoner Review Board.

**H. Screening**

1. On the first business day of each calendar month, or more frequently as ordered by the Director, the Office of the Chief of Programs and Support Services shall identify and

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communicate to each facility all offenders who are statutorily eligible for the electronic detention program.

2. Upon receipt of identification eligibility, a counselor shall initiate a comprehensive review of the offender's master file and disciplinary history.
3. Eligibility for participation in the electronic detention program shall not be denied solely for a history of MSR violations, outstanding municipal warrants, current security classification, or prior criminal history. However, these factors shall be considered during the review. Additional factors for consideration shall include:
  - a. The offender's institutional behavior, including disciplinary history during the previous 12 months;
  - b. Participation in educational, vocational, life skills, and/or reentry programming;
  - c. Job assignment history;
  - d. History of violations during ATC, electronic detention, work release, impact incarceration or similar program participation.
  - e. Grade status and length of time in status;
  - f. Score on the risk assessment tool;
  - g. Escape risk;
  - h. History of conviction for crimes involving escape, weapons, or violence;
  - i. Additional legal requirements such as screening as a Sexually Violent Person;
  - j. Any other relevant information that would indicate the offender's suitability for the electronic detention program or risk to public safety if approved for electronic detention.
4. Offenders committed to the Department as a sexually dangerous person, offenders with active orders of protection or outstanding judicial warrants, and offenders currently participating in an Impact Incarceration Program shall not be considered for eligibility.
5. Offenders who may be eligible for participation in the program shall only be considered if they have a low or moderate risk assessment score and they have not received any major infractions within the 12 months prior to being considered.
6. If an offender appears to meet all eligibility requirements, a counselor shall meet with the offender to determine if he or she is interested in participation and that a viable host site has been provided. The offender shall be given information on the program including requirements. Participation in the electronic detention program is voluntary. If the offender does not want to participate, the counselor shall note the offender's decision in O360.
7. If the offender is interested in participation, the counselor shall complete the review packet and forward same to the Clinical Services Supervisor and Assistant Warden of Programs for review. Upon completion, the packet shall be forwarded to the Office of the Chief of Programs and Support Services for final approval.

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**NOTE:** Eligibility is conditional until final approval is granted by the Chief of Programs and Support Services. Offenders shall not be considered accepted in the program until the day they are transferred to their host site.

**I. Program Description**

Electronic detention shall be served under the following conditions:

1. The offender must remain within the interior premises or within the property boundaries of his or her approved residence at all times during the hours designated by the Department unless he or she has an approved absence. Such instances of approved absences from the home may include, but are not limited to:
  - a. Working or employment approved by the court or the Department or traveling to or from approved employment;
  - b. Unemployed and seeking employment approved for the participant by the court or the Department;
  - c. Undergoing medical, psychiatric, mental health treatment, counseling, or other treatment programs approved for the participant by the court or the Department;
  - d. Attending an educational institution, or a program approved for the participant by the court or the Department;
  - e. Attending a regularly scheduled religious service at a place of worship;
  - f. Participating in a community work release or community service program approved for the participant by the Department; or
  - g. For another compelling reason consistent with the public interest, as approved by the Department.
2. The offender must admit any person or agent designated by the Department into his or her residence at any time for purposes of verifying compliance with the conditions of electronic detention.
3. The offender must make the necessary arrangements to allow for any person or agent designated by the Department to visit his or her place of education or employment at any time, based upon the approval of the educational institution, employer, or both, for the purpose of verifying compliance with the conditions of electronic detention.
4. The offender must acknowledge and participate with the approved electronic monitoring device as designated by the Department at any time for the purpose of verifying his or her compliance with the conditions of electronic detention.
5. The offender must maintain:
  - a. A working telephone in the approved residence.
  - b. A monitoring device in the approved residence, or on the offender's person, or both.
  - c. A monitoring device in the approved residence and on the offender's person in the absence of a telephone.

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6. The offender must obtain approval from the Department before changing residence or the schedule described in subsection H.1.a.
7. The offender must not commit another crime during the period of electronic detention.
8. The offender shall be provided notice that a violation of the terms of electronic monitoring may subject the participant to prosecution for the crime of escape as described in Section 5-8A-4.1 of the Electronic Monitoring and Home Detention Law.
9. The offender must abide by all conditions set by the Department.

**J. Case Management**

1. Upon approval for electronic detention, the Chief of Programs and Support Services shall notify the facility who shall initiate pre-release procedures in accordance with Administrative Directive 04.50.110.
2. Within three days of an offender's transition to electronic detention, public notice is required. Notice shall include a recent photo of the offender, the name, alias, date of birth, physical characteristics, residence address, commitment offense and county of conviction. The public notice shall be posted on the Department's website until the first year of MSR has been completed or the offender returns to a Department facility.
3. Notification of the transfer to electronic detention shall be provided in writing to the State's Attorney and sheriff of the county from which the offender was committed, and the State's Attorney and sheriff of the county into which the offender is to be transferred to for electronic detention. The written notification shall, when possible, be given at least 14 days before release of the person from custody, or as soon thereafter as possible. The written notification shall be provided electronically if the State's Attorney, sheriff, proper law enforcement agency, or public housing agency has provided the Department with an accurate and up to date email address.
4. Notification of the transfer to electronic detention shall be provided to the Prisoner Review Board for purposes of providing victim notifications.
5. The applicable Parole District Supervisor shall assign a Parole Agent who shall, within 72 hours, review the offender's proposed host site. The host must complete and sign the Electronic Detention Host Agreement, DOC 0162. If the host refuses to sign the DOC 0162, the host site shall be denied, and the offender shall not be approved for electronic detention unless another host site can be identified.
6. Once a host site is approved, the offender shall receive orientation to the electronic detention program that shall include, but not be limited to, the terms and conditions of the electronic detention program, including the requirement to secure transportation to the approved host site. The offender shall be required to sign the Electronic Detention Program Agreement, DOC 0180. Refusal to sign the DOC 0180 shall result in termination of approval to participate.
7. On the day the offender is scheduled to leave the facility an electronic monitoring device shall be activated.
  - a. The offender must go directly to the host site by the preapproved party or agent of the Department.
  - b. Upon arrival at the host site, the offender must connect the receiver box and contact AMS in accordance with the instructions provided before departing the facility.

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8. Throughout the duration of the electronic monitoring period, the assigned Parole Agent shall monitor offender in accordance with Administrative Directive 04.50.105.
  - a. Initial in-person contact shall be made by the assigned Parole Agent at the offender's approved host site within 72 hours of arrival.
  - b. The Parole agent shall meet with the offender no less than once per month thereafter.
  - c. Electronic monitoring equipment shall be checked at each visit for functionality and evidence of tampering.
  - d. Movement should be increased on a monthly basis based on compliance with the rules.

**K. Termination of Electronic Detention**

Any violation of the terms and conditions of electronic monitoring may result in termination from the Electronic Detention Program. For disciplinary violations, the offender shall be afforded the process and hearing provided for in Department Rule 504. Offenders for whom electronic monitoring participation has been terminated shall be returned to the facility to serve the remainder of his or her sentence.

**L. Release from Electronic Monitoring**

1. Upon completion of the offender's term of electronic detention, he or she shall be required to serve the applicable term of mandatory supervised release (MSR).
2. Prior to the MSR date, the assigned Parole Agent shall contact the offender and initiate release procedures in accordance with Administrative Directive 04.50.115.