A photograph of a classical building facade with several tall, fluted columns supporting a pediment. The building is made of light-colored stone or concrete. The sky is a clear, bright blue. The text is overlaid on the image in a bold, blue font.

# **Office of Inspector General**

**City of New Orleans**

## **Evaluation of the Electronic Monitoring Program Part 2: Implementation and Supervision**

**E. R. Quatrevaux  
Inspector General**

**Final Report**

**December 3, 2014**

OFFICE OF INSPECTOR GENERAL  
CITY OF NEW ORLEANS



ED QUATREVAUX  
INSPECTOR GENERAL

December 3, 2014

Re: Electronic Monitoring Program Part 2: Implementation and Supervision

I certify that the inspector general personnel assigned to this project are free of personal or other external impairments to independence.

A handwritten signature in blue ink, appearing to read 'E.R. Quatrevaux', is positioned above the printed name.

E.R. Quatrevaux  
Inspector General

# Electronic Monitoring Program Part 2: Implementation and Supervision

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## EXECUTIVE SUMMARY

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The Office of Inspector General of the City of New Orleans (OIG) conducted an evaluation of the City's Electronic Monitoring Program (EMP) administered by the Orleans Parish Sheriff's Office (OPSO).<sup>1</sup> The objectives of the evaluation were to examine EMP operations, review the program's protocols, assess how the monitoring deputies responded to alerts, and determine whether adequate performance measures were in place to gauge the effectiveness of the program.

The EMP allows defendants who might otherwise be detained avoid detention while awaiting trial by agreeing to wear a monitoring device (i.e. "ankle bracelet") that uses tracking technology to locate and monitor their movements. Stakeholders interviewed by evaluators (e.g., judges, City officials, OPSO) supported the use of electronic monitoring in New Orleans because it prevents the significant financial cost of detention while allowing selected pretrial defendants to continue to work, attend school, and otherwise avoid negative consequences of being detained in a correctional facility. Despite this widespread support, evaluators found significant weaknesses in program operations and a lack of clearly defined responsibilities and expectations among the OPSO, the City, and judges.

Evaluators reviewed a total of 359 files for all 281 juvenile and adult program participants from April 1, 2012 through September 30, 2012.<sup>2,3</sup>

This report includes the following major findings:

- EMP records maintained by OPSO were inaccurate and incomplete;
- OPSO did not enter exclusion zone restrictions in the monitoring system for 35 of 37 defendants with court-ordered "stay away" zones;

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<sup>1</sup> A previous OIG report found that neither the City nor OPSO implemented effective financial controls or ensured the program's fiscal accountability. See City of New Orleans Office of Inspector General, *Evaluation of the City's Electronic Monitoring Program Administered by the Orleans Parish Sheriff's Office, Part I: Budget and Billing* (New Orleans: Office of Inspector General, 2014), accessed November 26, 2014, <http://www.nolaoig.org/uploads/File/I&E/Inspections/OIG%20EMP%20Pt%201%20Final%20Report%20140402.pdf>.

<sup>2</sup> There were a total of 281 defendants enrolled in the EMP during the sample period. However, some of these individuals were enrolled in EMP multiple times during the sample period. These defendants had multiple files that evaluators recorded as separate entries during data collection. For the purposes of this report, EMP participants are referred to as "defendants" because they were under court supervision.

<sup>3</sup> Evaluators conducted interviews with EMP personnel in 2013 and compared April 2012 alert data to April 2013 alert data to determine if changes had been made as a result of the NIJ assessment of the EMP program in late 2012.

- EMP protocols for responding to alerts were not specific enough to provide clear instruction to monitoring deputies;
- More than half of the inclusion zone alerts remained active for more than 30 minutes and measures taken to respond to these alerts were undocumented;
- Monitoring deputies only tagged two percent of the total alerts generated in April 2012; and
- The City did not establish program objectives, minimum expectations, or performance measures to assess the program’s overall effectiveness or monitor OPSO’s performance.

Based on these findings, the OIG makes the following recommendations related to EMP implementation and supervision practices:

- EMP supervisors should carefully review and maintain all records to ensure accuracy;
- EMP staff should enter all court-ordered “stay away” orders into the monitoring system;
- The City and the EMP contractor should incorporate specific information related to time thresholds and graduated responses into the cooperative endeavor agreement between the two entities, and the EMP monitoring supervisor should provide oversight to ensure monitoring staff are in compliance;
- Monitoring staff should relocate to a defendant’s location as soon as they determine that a violation of curfew or territorial restriction has occurred;
- Monitoring staff should document all actions taken in response to alerts; and
- The EMP contractor and the City should develop meaningful performance measures to assess the effectiveness of the program.

OPSO has stated that it plans to discontinue its administration of the EMP beginning in January 2015. The City has expressed an interest in continuing the use of electronic monitoring as an alternative to detention for selected pre-trial defendants. The OIG recommends that the City consider the findings contained in this report and incorporate the recommendations into any future electronic monitoring initiatives.

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## I. OBJECTIVES, SCOPE, AND METHODS<sup>4</sup>

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The Office of Inspector General of the City of New Orleans (OIG) conducted an evaluation of the City's Electronic Monitoring Program (EMP) administered by the Orleans Parish Sheriff's Office (OPSO). The Deputy Mayor for Public Safety oversaw the EMP on behalf of the City. He was the point of contact for the Cooperative Endeavor Agreement (CEA) between the City and OPSO, received OPSO invoices, authorized payment, and met additional administrative obligations on the City's behalf.<sup>5</sup>

The objectives of this evaluation were to identify the goals of the program, review the EMP's annual budget allocation and expenses, assess its performance measures, and examine OPSO's administration and implementation of the EMP. Part 1 of this report focused on the EMP budget and billing practices;<sup>6</sup> Part 2 examines EMP operations, OPSO's supervision of program participants, and the measures used to evaluate the program's effectiveness.

Evaluators reviewed a total of 359 files for all 281 active program participants from April 1, 2012 through September 30, 2012 and recorded relevant information in separate spreadsheets for juveniles and adults.<sup>7</sup> Evaluators interviewed OPSO personnel, City officials, and Councilmembers and submitted questions in writing to judges from Juvenile, Municipal, and Criminal District courts. Evaluators also reviewed the following:

- Relevant documents such as the Cooperative Endeavor Agreement (CEA) between the City of New Orleans and OPSO, EMP intake forms, reports of violations, and other documents included in defendant files;
- Reports generated from Omnilink's database, the web-based monitoring service that provided case management for OPSO's electronic monitoring program; and
- OPSO's online "Docket Master" system regarding adult defendants in Criminal District Court. Evaluators reviewed court minutes to determine whether defendants failed to appear for court hearings or were subsequently arrested on new charges while

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<sup>4</sup> A more detailed explanation of methods is available in **Appendix D: Methods**.

<sup>5</sup> Evaluators use EMP to refer to the New Orleans electronic monitoring program administered by the Orleans Parish Sheriff's Office; EM refers to the practice of electronic monitoring.

<sup>6</sup> OIG, *EMP, Part 1: Budget and Billing*. <http://www.nolaoig.org/uploads/File/I&E/Inspections/OIG%20EMP%20Pt%201%20Final%20Report%20140402.pdf>

<sup>7</sup> Evaluators reviewed documents from hard-copy files EMP monitoring deputies maintained in the EMP office. Some individuals were enrolled in EMP multiple times, and each enrollment resulted in a separate file that evaluators recorded as a separate program entry. For purposes of this report, EMP participants are referred to as defendants because they were under court supervision.

participating in the EMP. Evaluators also compared start and end dates for court-ordered monitoring to invoices and data collected from files.<sup>8</sup>

This evaluation was performed in accordance with *Principles and Standards for Offices of Inspector General for Inspections, Evaluations, and Reviews* and includes findings and recommendations relating to the efficiency and effectiveness of the OPSO's management and implementation of the Electronic Monitoring Program paid for by the City of New Orleans ("City").<sup>9</sup>

OIG evaluators were assisted in the preparation of this report with the cooperation of City and OPSO employees and officials, as well as Criminal District Court and Juvenile Court judges and staff.

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<sup>8</sup> Louisiana Code of Criminal Procedure Article 334 sets out criteria for courts to consider when determining the appropriate amount of bail to be set to ensure the return of a defendant to court and the safety of the defendant and community. These factors are: (1) the seriousness of the charges, (2) the weight of the evidence, (3) the defendant's criminal record, (4) the defendant's ability to pay bail, (5) the nature and seriousness of the possible danger posed by the defendant's release, (6) voluntary participation in pretrial drug testing, (7) absence or presence of controlled dangerous substances at the time of arrest, (8) whether the defendant is currently bonded out for a felony arrest, (9) circumstances that may affect the defendant's return to court, and (10) the type or form of bail. This evaluation did not examine whether judges were using these factors to determine appropriateness of the EMP as a form of bail.

<sup>9</sup> "Quality Standards for Inspections, Evaluations, and Reviews by Offices of Inspector General," *Principles and Standards for Offices of Inspector General* (Association of Inspectors General, 2004).

## II. INTRODUCTION

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Electronic Monitoring (EM) is the use of electronic monitoring equipment to track defendants' locations and assess their compliance with court-ordered geographic restrictions, including court-ordered curfews. Many states have authorized electronic monitoring programs as an accepted alternative to traditional detention in state or local correctional facilities.<sup>10</sup> Electronic supervision of defendants' movements provides jurisdictions with an alternative to the high cost of custodial care when administered efficiently and effectively.<sup>11</sup> Electronic monitoring programs may also allow defendants to continue to work, attend school, and otherwise avoid the negative effects of being detained in a correctional facility.

Electronic monitoring has been an alternative to pretrial detention in New Orleans since at least 2004. In 2010 OPSO entered into a **Cooperative Endeavor Agreement** (CEA) with the City to provide EM services.<sup>12</sup> OPSO contracted with Omnilink Systems, Inc. ("Omnilink") to provide leased equipment (monitoring devices) and web-based monitoring technology ("electronic monitoring system"). Monitoring devices or "**ankle bracelets**" use a **Global Positioning System** (GPS) as well as cellular tracking to locate and monitor the movements of defendants. Omnilink's case management system included monitoring services and technical support.

The monitoring services included sending alerts twenty-four hours per day, seven days per week. Generally, the devices recorded defendants' locations every 60 seconds, and every 15 minutes the monitoring service reported their locations to monitoring deputies via computer or mobile device.<sup>13</sup> The system also had the ability to report location data in real time. Monitoring deputies received an electronic notification or "**alert**" when a defendant tampered with the device, failed to properly charge the device, left the court-ordered restricted area (inclusion

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<sup>10</sup> Over 40 states and Washington, D.C. have adopted laws to regulate the use of electronic monitoring.

<sup>11</sup> In New Orleans, pretrial defendants are under the supervision of OPSO and are housed in the jail unless released on bond or enrolled in the EMP. The per diem (charge per inmate per day) for custodial care in the New Orleans jail was \$22.39, established by the Settlement Judgment, *Hamilton v. Morial*, March 26, 2003. The cost of incarceration also included other costs, such as medical costs, that more than doubled the actual per inmate per day cost. For an examination of the per person daily rate of incarceration in New Orleans, see New Orleans Office of Inspector General, *Inspection of Taxpayer/City Funding to Orleans Parish Sheriff's Office in 2011* (New Orleans: Office of Inspector General, 2013). [http://www.nolaog.org/uploads/File/All/OIG\\_Final\\_Report\\_Inspection\\_of\\_Taxpayer-City\\_Funding\\_to\\_OPPO\\_2011\\_130606.pdf](http://www.nolaog.org/uploads/File/All/OIG_Final_Report_Inspection_of_Taxpayer-City_Funding_to_OPPO_2011_130606.pdf) The EMP fee for juvenile defendants was \$14.75 per day and \$13.25 per day for adult defendants.

<sup>12</sup> OPSO and the City signed subsequent CEAs in 2011, 2012, and 2013. The scope of this evaluation was limited to the 2011 and 2012 CEAs.

<sup>13</sup> Deputies could change the frequency with which the device reports its locations. Collectively, three OPSO deputies and one NOPD officer will be referred to as "monitoring deputies." An NOPD officer was assigned to EMP but maintained an office in the Juvenile Court building and only reported to the EMP office as needed to obtain equipment.

zone), or entered an exclusion zone (an area the court-ordered the defendant not to enter as a condition of his participation in the EMP). Monitoring deputies also received an alert if the device was unable to communicate with the monitoring system.

### III. IMPLEMENTATION OF OPSO'S ELECTRONIC MONITORING PROGRAM

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Judges determined whether a defendant was an appropriate candidate for the EMP, and the OPSO's **EMP Policy and Procedure** governed the program's intake, administrative, and removal procedures. Judges who assigned defendants to the EMP consistently cited the following program objectives: promoting public safety, realizing cost savings, and ensuring the defendant's return to court.<sup>14</sup> All judges who responded to evaluators' questions saw the program as a positive alternative to detaining defendants awaiting disposition of pending charges.

Evaluators reviewed a total of 359 files from April 1, 2012 through September 30, 2012 and found that Juvenile and Criminal District Courts used the EMP most frequently.<sup>15</sup> The presiding judges assigned defendants to the EMP and issued orders that outlined **restrictions** on the EMP participants' movements.<sup>16</sup> The presiding judge was the only individual authorized to modify the terms of those requirements.

OPSO's EMP Policy and Procedure outlined monitoring deputies' responsibilities, procedures for enrolling defendants in the program, and protocols for how deputies should respond to alerts. Monitoring deputies were responsible for maintaining defendants' file folders, monitoring defendants' compliance with court orders, and reporting violations to judges. On average, two deputies monitored between 25 and 30 defendants per day, a third deputy averaged 17 defendants daily, and the NOPD Officer assigned to Juvenile Court monitored an average of eight defendants per day.

Adult and some juvenile defendants went to the EMP office located in OPSO's Intake Processing Center to enroll in the EMP pursuant to a judge's order. Upon enrollment, the defendant received a monitor and instructions on participating in the program.<sup>17</sup> EMP Policy and Procedure required the monitoring deputy and the defendant to sign the **Electronic Monitoring Agreement** ("Agreement"), a contractual document that informed the defendant of any court-

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<sup>14</sup> Juvenile Court judges responded to evaluator questions *en banc*, three Criminal District Court judges responded via e-mail, telephone, or in person; Municipal Court did not respond.

<sup>15</sup> Municipal Court assigned only nine defendants to the EMP during the six-month review period; Traffic Court assigned none.

<sup>16</sup> Restrictions included curfews, stay-away orders, house arrest at all times, and any other geographic restrictions that could be tracked by the electronic monitoring system.

<sup>17</sup> Juvenile defendants assigned to the EMP received their monitors and signed the Agreement at Juvenile Court if the NOPD officer assigned to that court was available.

ordered restrictions, the EMP rules regarding compliance, and the penalties for not complying.<sup>18</sup>

According to the monitoring supervisor and OPSO's EMP Policy and Procedure, monitoring deputies were expected to create a new file each time a judge ordered a defendant to electronic monitoring. Therefore, every defendant should have a new file for each arrest, and a defendant could have multiple files for same offense if they were removed from and then ordered back on EM.

OPSO's EMP Policy and Procedure also stipulated that every EMP file for each defendant must include hard copies of the court orders, the signed Electronic Monitoring Agreement ("Agreement"), the defendant "**data sheet**," case disposition, and any reports of violations.<sup>19</sup> Monitoring deputies were instructed to record all restrictions ordered by a judge, such as curfews and stay-away orders, in both the defendant files and the **electronic monitoring system**.

**Finding 1. EMP defendant records were incomplete and inaccurate: files frequently lacked one or more documents, including court orders and violations reports, and 79 percent of Electronic Monitoring Agreements contained errors or omissions, including incorrect or omitted restrictions.**

The documentation required by OPSO's EMP Policy and Procedure established the terms and conditions under which the defendant participated in the program and documented the process by which the defendant was informed of EMP requirements. Each of the required documents was necessary to ensure that the judges' orders to track and limit defendants' movements resulted in the appropriate level of supervision.

Only 21 percent of the Agreements reviewed by evaluators were complete and error-free; almost half of the Agreements reviewed had three or more errors or missing information.<sup>20</sup>

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<sup>18</sup> The Policy and Procedure stipulated that Electronic Monitoring Agreements for juveniles must also be signed by the defendant's guardian.

<sup>19</sup> Judges had the ability to call in orders or issue orders in writing after court hours. These orders should also have been included in each defendant's file since faxed copies of orders were acceptable and should be submitted to the EMP office by the next business day. OPSO's EMP Policy and Procedure required monitoring deputies to complete a data sheet on each defendant; the form included basic identification and contact information.

<sup>20</sup> Evaluators noted files with missing defendant signatures/initials, device numbers, and monitoring deputies' names. In addition, evaluators noted instances when a deposit amount was indicated and/or initialed even though the participant was not a "self-pay" defendant.

**Missing court orders:** Evaluators did not find court orders in 47 of 359 (13 percent) participant files reviewed. Monitoring deputies and defendants could not be certain that they were adhering to the terms of the court's orders without these documents. A similar problem could occur if the court's orders were not properly recorded in the Agreement, and ten of the 359 participant files did not include any Agreement. The lack of complete documentation in both of these instances increased the likelihood that a monitoring deputy would not enforce the specific terms and conditions imposed on the defendant by the judge. For example, a defendant whom a judge ordered to strict house arrest might not have limitations on his/her movements either established or enforced if the judge's orders were not included in the defendant's file, the Agreement, and the Omnilink computer monitoring system.

**Missing violations reports:** Violations reports were missing from 75 percent of defendants' files who were arrested, remanded, or whose program termination was recorded as "unsuccessful."<sup>21</sup> Monitoring deputies could request a **remand** from the court if a defendant violated the EMP terms outlined by the judge. A defendant who was remanded by the court could be removed from the program and returned to jail. To begin the process, monitoring deputies submitted a violations report that described the defendant's history with the program and the circumstances that prompted the monitoring deputy to file the report. According to the monitoring supervisor, monitoring deputies were required to place violation reports in the individual defendant files.

Evaluators could not find a consistent method by which monitoring deputies recorded the reason a defendant was removed from the program. Monitoring deputies often wrote the dates when the defendant began and ended the EMP on the front cover of folders; sometimes the note read "unsuccessful" or "new arrest," indicating the defendant had not successfully completed the court-ordered program. Evaluators identified 150 files with a notation indicating the defendant had not successfully completed the program.<sup>22</sup> All of those files should have contained a violations report, but 112 of the 150 files (75 percent) did not contain violations reports or arrest reports.

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<sup>21</sup> "Unsuccessful" meant the defendant was taken off monitoring for violating EMP orders, which could include device tampering, curfew violations, or violations of any part of the Electronic Monitoring Agreement. "New arrest" meant the defendant was arrested for a new charge unrelated to the charge that caused him to be placed on EM.

<sup>22</sup> Indications of unsuccessful program completion could include an arrest report or violation report for a new arrest, an EMP violation, an "unsuccessful" notation, or the omission of a reason for the end of the defendant's participation if that date preceded the court-ordered date. Evaluators only counted these files once even if there was some indication that participation in the EMP ended more than one time. For example, files could have "unsuccessful" noted and also contain an EMP violation or arrest report, but evaluators counted that file once.

**Missing defendant data sheets:** OPSO’s EMP Policy and Procedure required monitoring deputies to complete data sheets for each defendant and verify the defendant’s identification, employer, references, current charges, and contact information. However, monitoring deputies did not comply with Policy and Procedure regarding the data sheets; so few files contained completed forms that evaluators could not use them as reliable document sources.

**Missing end dates and end-of-service dates:** The Omnilink case management system noted two end points at which a defendant exited the program: “End Date” and “EOS” (end-of-service), which included the option to enter a reason for the end of service.

**Figure 1.** Defendant Profile Information with Start Date, and Missing End and EOS (End-of-Service) Dates

The screenshot displays the Omnilink system interface for managing a defendant's profile. The browser address bar shows the URL: <https://focalpoint.omnilink.com/focalpoint/ManageTargetEntity/ManageTargetEntity>. The page title is "Omnilink Systems FocalPoint". The navigation menu includes "Location", "Reports", "Configuration", and "Administration". The main content area is titled "Manage Offender" and "Personal Information".

**Personal Information:**

- \*First Name: [Redacted]
- Middle Name: [Redacted]
- \*Last Name: [Redacted]
- \*Start Date: 02/14/2014 (mm/dd/yyyy)
- End Date: [Redacted] (mm/dd/yyyy)
- EOS: [Redacted] (mm/dd/yyyy)
- Reason: [Redacted]

**Optional Details...**

- Home Phone: [Redacted]
- Cell Phone: [Redacted]
- Work Phone: [Redacted] Ext. [Redacted]
- Fax: [Redacted]
- Pager: [Redacted]
- Date of Birth: [Redacted] (mm/dd/yyyy)
- Marital Status: Single
- Offender Language: English (Translator Required: )
- Unit of Measure: English (Metric: )
- Company ID: OPSO\_Criminal
- Company Name: Orleans Parish S
- Personal Id/SS: [Redacted]
- Assigned Officer: Gant, Karen
- Status: Active
- Assigned Device: A100003E40228D
- Height: 0 ft 0 in
- Weight: 0 lbs
- Hair: [Redacted]
- Color: [Redacted]
- Eye Color: [Redacted]
- Optional Identifier: [Redacted]
- Location Identifier: [Redacted]

**Address:**

- \*Address Line 1: [Redacted]
- Address Line 2: [Redacted]
- \*City: NEW ORLEANS

Other Info: Only 4000 characters will be saved. [Redacted]

(Note: Empty boxes with heavy black borders indicate information deleted to protect privacy.)

End dates indicated the end of the judge-ordered EMP term; for example, if a defendant was ordered to 30 days of EM, the start and end dates might be June 1 and June 30, respectively. However, judges could remand defendants briefly for EMP violations and then order their re-enrollment in the program; if so, the end-of-service (EOS) date for that pending case should be recorded in the case management system as the actual date the defendant was removed from the program. For instance, if the defendant was remanded or arrested on new charges, the end date would reflect a date sooner than the judge-ordered end date. End dates and end-of-service dates should match only for those defendants who served the full EMP term without revocation or early release.

Accurately recording end dates and end-of-service dates was essential for determining both the length of time and the number of times a defendant was enrolled in the EMP. An accurate count of days enrolled in the program was essential for audit purposes, and data entry of all fields would provide necessary information to compare dates of service to billing records. However, evaluators were unable to identify how monitoring deputies determined EMP end dates.

According to the monitoring supervisor, deputies were instructed to write end dates on the outside cover of defendant files, but monitoring deputies did not follow the practice consistently nor did they reliably enter this information into the case management system.

**Missing monitoring deputy signatures on EMP Agreements:** By signing the Agreement, a monitoring deputy accepted responsibility for making sure the defendant understood the EMP's rules and the judge's orders and that the information in the Agreement was accurate and complete. Monitoring deputies did not sign 158 of the 359 Agreements (44 percent), making it difficult for EMP managers to hold individual monitoring deputies responsible for errors or omissions. Also, evaluators could not determine if all monitoring deputies were responsible for the errors and omissions in the contracts or if poor record keeping practices were limited to individual deputies.

**Missing defendant signatures on EMP Agreements:** Upon enrollment in the EMP, defendants were required to complete and sign the Agreement and acknowledge program rules such as applicable curfew restrictions, battery charging requirements, and the cost of replacing damaged equipment by initialing each individual provision of the Agreement.<sup>23</sup> The Agreement

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<sup>23</sup> "For an electronic supervision program to work effectively, offenders should be given explicit instructions, both verbally and in writing, about the times they may and may not leave home or other program expectations (e.g., automated reporting, taking alcohol tests, inclusion/exclusion zones) and consequences for violations." Ann H.

also included instructions for defendants who were ordered to pay for their monitoring, including a deposit amount for the monitoring device.

Evaluators found that 39 of the 359 files (11 percent) did not have Agreements signed by the defendants. Holding either the defendant or the monitoring deputy accountable for compliance with the judge's orders would be difficult in the absence of a file complete with both the court orders and the Agreement.<sup>24</sup>

The Agreement concluded with three statements, and defendants indicated whether or not they chose to participate in the program and understood the terms of participation by initialing one of the statements:

- "I have read the above information and understand the conditions of my release and/or probation."
- "The above information has been read to me and I understand the conditions of my release and/or probation."
- "I **REFUSE** to take part in the OPSO Electronic Monitoring Program."

Six defendants "refuse[d] to take part in the OPSO Electronic Monitoring Program"; however, they were still enrolled despite their refusal. Enrolling defendants who had signaled their refusal to participate negated the purpose of the Agreement and is cause for concern. Taken at face value, the defendants had indicated their decision not to participate, which raises questions about why they were then enrolled. The discrepancy could also indicate a language barrier, defendants' inability to read and/or understand what they were signing, or defendants' lack of comprehension regarding the conditions of their release from detention to the EMP.

**Missing or incorrect restrictions:** Finally, 92 of 359 participant Agreements (26 percent) had curfew restrictions either missing or different from the restrictions listed in the court order assigning the individual to the EMP. A defendant could not be expected to comply with the EMP's terms unless the Agreement clearly outlined the conditions of a defendant's program participation. For instance, the absence of a court-ordered curfew in the Agreement could lead

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Crowe et al., *Offender Supervision with Electronic Technology* (Lexington, KY: American Probation and Parole Association, 2012), 100-101.

<sup>24</sup> Criminal District Court judges authorized monitoring deputies to arrest adult defendants for violating conditions of their release through the EMP as a form of "Constructive Contempt" under Code of Criminal Procedure Article 23. Judicial penalty is allowed for the "willful disobedience of any lawful judgment, order, mandate, writ, or process of court." Monitoring deputies described a more complicated supervision process for juveniles who violated judicial orders because deputies had to obtain the judge's permission to remand before taking action.

a defendant to conclude he/she did not have curfew restrictions even when the judge had explicitly ordered a curfew or other **geographic restrictions**.

Also, in 31 of 37 files with “**stay away orders**” (84 percent), monitoring deputies did not record the order as a “territorial restriction” in the EMP Agreement. Defendants would be unlikely to understand that they were violating the judge’s order or the consequences for doing so if information essential to their compliance—such as stay away orders or **territorial restrictions**—was not included in the Agreement.

**Recommendation 1. EMP supervisors should carefully review EMP records completed by staff assigned to monitor participants and hold monitoring staff accountable for maintaining accurate and complete Agreements and files.**<sup>25</sup>

The high frequency of errors indicated a lack of careful, systematic supervisory review of files, a failure to follow intake protocols, and a lack of compliance with OPSO’s EMP Policy and Procedure. The monitoring supervisor stated that he reviewed files “every two weeks or so,” but mandatory documentation was consistently missing from the files and errors were not corrected. The number of errors and omissions suggests that the level of oversight was neither frequent nor thorough enough to hold monitoring deputies accountable for accurate record keeping.

Moving forward, the next EMP contractor and the City should implement quality control measures to confirm the accuracy and consistency of judges’ orders, signed Agreements, and monitoring system schedules. For example, the EMP contractor could require a form the EMP supervisor would sign for every new admission in the program by which he/she attests that the files and monitoring system profiles contain complete and accurate information, including all court orders.

Second, all documents required by an EMP statement of policies and procedures should be kept in defendant files. Greater attention should be paid to procedural aspects of the admission process; significant deficiencies in documentation indicated a general disregard of protocols designed to ensure public safety and the effective implementation of the EMP.

Third, the Agreements between program staff and participants should be accurate, complete, and signed by all parties. Inaccurate curfews and “territorial restrictions” could lead a defendant to follow a different set of rules from those ordered by the judge. These problems

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<sup>25</sup> All recommendations are relevant for any contractor the City engages to run future EMPs.

indicated a lack of attention to detail and the need for better supervision, oversight, training, and clarification of protocols.

Fourth, the EMP monitoring system should have start, end, and end-of-service dates entered for each defendant. EMP supervisors should use supervision tools available with the electronic monitoring system that enable supervisors to evaluate individual monitoring staff performance including the completeness of defendant profiles in the monitoring software.

**Finding 2. Monitoring deputies entered exclusion zones in the Omnilink monitoring system for only two of the 37 defendants with judicial “stay away” orders.**

Judges often relied on “stay away” orders to prevent a defendant from gaining access to victims, places of business, and co-defendants. Approximately 12 percent (37 of 312) of the court orders reviewed by evaluators specified a “stay away order” from alleged victims, co-defendants, or properties where crimes allegedly occurred.<sup>26</sup>

Monitoring deputies could designate in the monitoring system specific geographic areas the defendant was prohibited from entering. OPSO’s EMP Policy and Procedure described these areas as “exclusion zones” for both domestic violence and non-domestic violence cases. Evaluators found that only two of the 37 defendants with stay-away orders had exclusion zones recorded in the electronic monitoring system.<sup>27</sup>

For these two defendants, the electronic monitoring system could function as intended: if these two defendants entered the area surrounding their prohibited addresses, the monitoring deputy would receive an alert and, according to the protocol, should take action to determine if the victim was at risk.<sup>28</sup> However, judges’ stay-away orders could not be enforced using the electronic monitoring system for the other 35 defendants: the monitoring deputy would not receive an alert if the defendant approached the alleged victim’s address.

The monitoring system also allowed monitoring deputies to add a “buffer zone” surrounding the exclusion zone, and the system would send monitoring deputies a warning if the defendant entered the buffer zone around the prohibited area. OPSO management stated that buffer

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<sup>26</sup> Only 312 of the 359 files had judges’ orders in the folders. Evaluators did not review court files to see if the remaining 47 files should have included “stay away” orders.

<sup>27</sup> General orders for juvenile defendants to stay away from other juveniles or stay-away orders for which physical addresses could not be determined were not included as part of this analysis.

<sup>28</sup> A third adult defendant’s profile had the alleged victim’s address in the notes with the following instruction: “observe stay away order.” However, there was no corresponding exclusion zone for that address in the monitoring system.

zones were implemented in domestic violence cases; however, instructions regarding buffer zones were not included in OPSO's EMP Policy and Procedure.

When properly implemented and monitored, the exclusion zone combined with a buffer zone warning could effectively prevent defendants from accessing alleged victims, co-defendants, or businesses. However, monitoring deputies did not have the ability to enforce court orders for 95 percent of defendants whom judges had ordered to stay away from alleged victims, co-defendants, or businesses, because proper exclusion zones were not set up in the case management system. Monitoring deputies' and supervisors' failure to use the electronic monitoring system to enforce judges' stay away orders could place victims at risk.

**Recommendation 2. EMP staff should enter prohibited addresses pursuant to judicial “stay away” orders as exclusion zones in the electronic monitoring system.**

Monitoring deputies failed to include exclusion zone territorial restrictions in the Agreement in 84 percent of the files with “stay away” orders. This omission increased the likelihood that the information necessary for OPSO deputies to enforce judicial orders would not be entered into the monitoring system, and monitoring deputies could only be alerted to a defendant entering a prohibited geographic area if the court-ordered restrictions were accurately entered into the system.

Future monitoring staff should enter prohibited addresses pursuant to judicial “stay away” orders as exclusion zones and use “buffer zones” designed to warn monitoring staff when defendants approach exclusion zones. The “stay away” orders and territorial restrictions in the Agreements should always match the orders and restrictions in the monitoring system, and the monitoring supervisor should specifically look for these entries to assure court orders are being properly executed. Failure to improve this process could endanger victims relying on the electronic monitoring of defendant whereabouts to protect them from additional harm.

## IV. ALERTS AND DOCUMENTING DEPUTY ACTIONS

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OPSO's EMP Policy and Procedure defined six different types of alerts (inclusion zones, exclusion zones, strap tamper, device tamper, low battery, and no location/no communication) and described the response protocol for each alert type. (See **Appendix B** for descriptions of alert types and response protocols.) Monitoring deputies received alerts via computer, laptop, or smartphone when a defendant violated a court-ordered restriction entered into the monitoring system. Omnilink also notified deputies and supervisors by phone for certain types of alerts (e.g., strap and device tamper alerts).

An alert "automatically cleared" in the monitoring database when the violation was corrected. For example, if a defendant triggered an alert by exiting an inclusion zone during his court-ordered curfew, the alert would "clear" as soon as the defendant re-entered the inclusion zone; low battery alerts automatically cleared when the battery was charged above a specific level; and no communication or no location alerts cleared when the signal transmission resumed.<sup>29</sup>

**Finding 3. OPSO protocols for responding to alerts were neither detailed nor comprehensive enough to provide adequate instruction for monitoring deputies.**

OPSO's EMP Policy and Procedure provided guidelines for how the monitoring deputies should respond to each type of alert. The policy instructed monitoring deputies to attempt to make contact with the defendant by phone and, if necessary, go to the defendant's last known location. However, OPSO's EMP Policy and Procedure instruction to locate the defendant "if necessary" did not specify the maximum amount of time the deputy was permitted to wait between failing to make contact by phone and locating the defendant in person. As a result, the protocol inappropriately vested the monitoring deputy with the authority to follow arbitrary and inconsistent criteria for responding to individual alerts.

Monitoring deputies indicated in interviews that there was no standard for determining when to respond, and each had his or her own threshold for deciding when to respond to the defendant's last known location. EMP personnel also told evaluators that the type of alert and time of day or night influenced how monitoring deputies might respond. For instance, deputies reported that defendants who did not charge their devices sufficiently could have low battery alerts while at work, school, or in some cases, if attempting to charge at night while sleeping. According to monitoring deputies, no effort would be made to go to the defendant's last known

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<sup>29</sup> Alerts could also be "manually cleared." According to the monitoring supervisor, monitoring deputies manually cleared alerts to test for false alerts.

location in response to a low battery alert; instead, if the alert persisted or continued to reoccur, they would report the violation to the presiding judge.

The protocol for inclusion zone alerts stated that monitoring deputies must attempt to make telephone contact to determine whether “schedule variances” or legitimate reasons existed for the alert, but it provided no specific instructions for how to proceed if efforts to contact the defendant by phone failed. As a result, evaluators observed alerts **tagged** with notations that indicated multiple attempts to contact defendants by phone over a period of several hours but no indication that the deputy went to the defendant’s last known location.<sup>30</sup> This observation was supported by testimony from the monitoring supervisor who stated that it was OPSO’s practice to ignore inclusion zone alerts in the middle of the night even though defendants were violating judicial orders.<sup>31</sup>

**Recommendation 3. The City and the EMP contractor should include in the CEA and the EMP statement of policies and procedures specific information about the actions monitoring staff should take in response to alerts, including time thresholds for graduated responses; the EMP supervisor should provide sufficient oversight to ensure EMP personnel comply with the policy.**

*Offender Supervision with Electronic Technology: Community Corrections Resource*, produced with funding from the Bureau of Justice Assistance (BJA), provides a clear and thorough roadmap for implementing an electronic monitoring program.<sup>32</sup> The authors note that “the lack of clear policies results in uncertainty on the part of staff” and “continuity from one staff member to another in the implementation of the program can be achieved only through clearly written policies and procedures.”

Vague protocols for responding to alerts vested deputies with an inappropriate amount of discretion when deciding how to respond. Monitoring deputies reported allowing defendants to violate judge orders and EMP rules several times before they reported violations to the judge. However, the judge should have sole discretion over determining the consequences for

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<sup>30</sup> Tagging an alert enabled monitoring deputies to record additional information about the alert in the monitoring system. Tagged alerts appeared with a yellow box around the alert icon; the information popped up in a dialog box when the cursor hovered over the alert.

<sup>31</sup> The specific example discussed by the monitoring supervisor was how deputies responded to defendants violating curfew in the Eighth District. There was no explanation provided for why that example was used or if the Eighth District was the exception to standard protocols.

<sup>32</sup> Matthew DeMichele and Brian Payne, *Offender Supervision with Electronic Technology* (Washington, D.C.: Community Corrections Resource, Second Edition, 2009), 85.

violating court orders, and monitoring deputies should have clear instructions for how and when to respond to alerts and whether to report violations to judges.

Future EMP protocols should clearly establish minimum time requirements for making telephone contact and explicit escalation procedures, including going to the defendant's last known location if deputies fail to make contact within a specified period of time after receiving the initial alert. Protocols should also establish specific requirements for any variations in how deputies should respond to alerts based on the time of day.

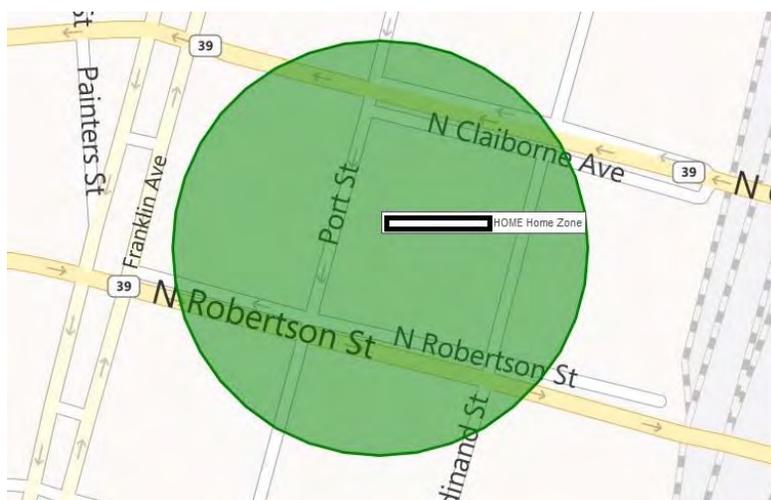
To ensure public safety and consistent staff implementation, all regulations governing monitoring staff responses to alerts should be codified in the EMP statement of policies and procedures. In addition, policymakers should clearly outline their expectations for effective monitoring and responsiveness in future CEAs to ensure the appropriate and effective use of public safety dollars funding the EMP.

The CEA should also specify the method by which the EMP contractor will document monitoring staff responses to alerts and ensure compliance with written policy, including any consequences it will impose on the contractor for non-compliance with agreed-upon procedures.

**Finding 4. More than half of the inclusion zone alerts remained active for longer than 30 minutes, and evaluators could not determine what, if any, action monitoring deputies took in response.**

Inclusion zone alerts occurred more frequently than any other type of alert. A defendant generated an inclusion zone alert when he left the geographic area in which a judge had ordered him to remain. An inclusion zone usually confined a defendant to his or her home for 24 hours a day, in the case of court-ordered house arrest, but it could also be limited to designated “curfew” hours. Figure 2 shows an example of how the inclusion zone appeared in the monitoring system.

**Figure 2:** Example of Omnilink Inclusion Zone



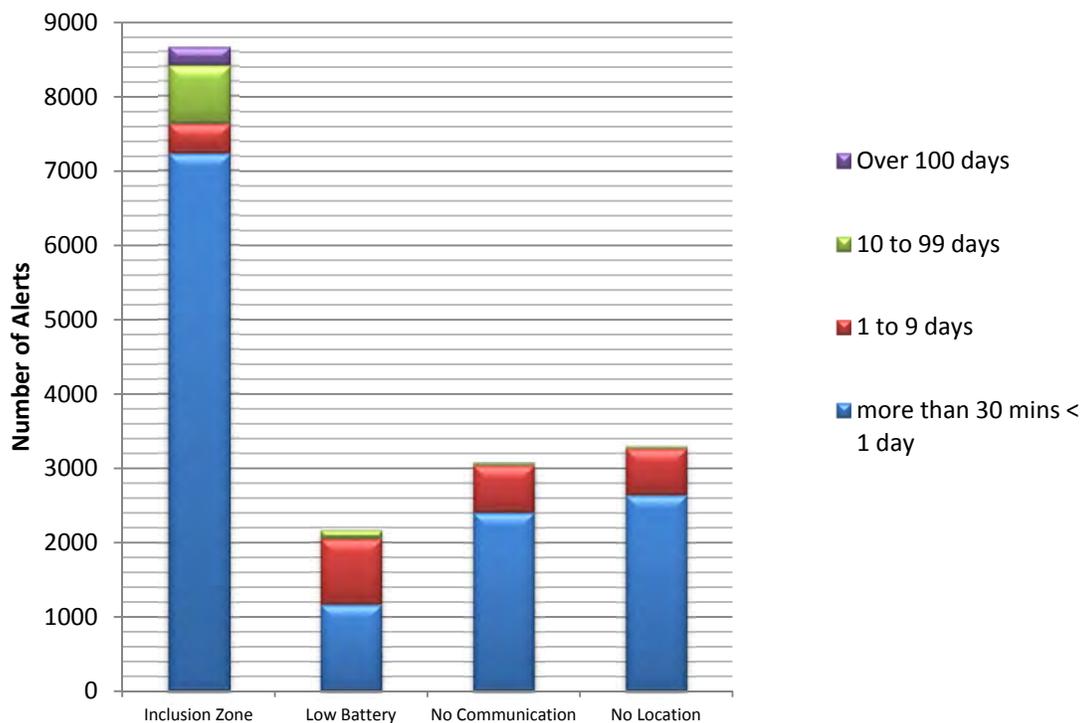
Judges and EMP personnel stated that they considered the need to work late or attend an appointment scheduled after school or work as an acceptable reason for a curfew violation. As a result, they allowed defendants a “grace period” of fifteen to twenty minutes to take into account unexpected or uncontrollable delays in returning home.

Evaluators obtained alert data from the monitoring system for April through September 2012 to determine how much time elapsed before alerts were cleared. Evaluators used a threshold of 30 minutes to eliminate alerts generated during the grace period afforded to defendants who ran late and alerts caused by errors in technology.<sup>33</sup>

<sup>33</sup> There were a total of 15,290 inclusion zone alerts during the six month review period, of which 6,624 (43 percent) were cleared within 30 minutes and 8,666 (57 percent) remained active for 30 minutes or longer. There were fewer low battery alerts than other types of alerts, a total of 2,436, of which only 264 (11 percent) cleared

Approximately 47 percent (7,232) of the 15,290 inclusion zone alerts that occurred during the six-month period under review remained active longer than the 30-minute grace period but less than one day. Figure 3 shows the number of alerts (inclusion zone, low battery, no communication, and no location) that remained active for 30 minutes or longer.

**Figure 3. EMP Alerts lasting 30 minutes or longer (April 2012 – September 2012)<sup>34</sup>**



The large number of inclusion zone alerts that remained active longer than 30 minutes were in part due to two informal policy decisions made by OPSO: monitoring deputies allowed defendants to violate curfew overnight, and they did not enter defendants’ schedule changes into the monitoring system. These decisions significantly reduced the public safety benefits of the EMP and undermined defendants’ need to take court-ordered restrictions seriously.

within 30 minutes. There were 4,449 no communication alerts, of which 1,368 (31 percent) cleared within 30 minutes. Of the 4,018 no location alerts, only 713 (18 percent) cleared within 30 minutes.

<sup>34</sup> So few back plate and strap tamper alerts occurred during the review period that they were not visible on the chart and were therefore not included.

Inclusion zone alerts cleared automatically when defendants re-entered the court-ordered restrictive geographic zone, so defendants who left the restricted zone but returned after a brief amount of time would not have alerts that remained active for extended periods. Yet inclusion zone alerts often remained active for several hours, indicating that defendants were not in their homes for long periods of time. This practice permitted defendants to be non-compliant with court-ordered restrictions for extended timeframes. Moreover, evaluators were unable to discern what actions monitoring deputies took in response, if any, since 75 percent of defendants' folders did not contain violations reports.

Monitoring deputies might not respond to inclusion zone alerts because they were aware that many of the alerts were false. False alerts often occurred if monitoring deputies had not adjusted a defendant's schedule to reflect an approved exception to inclusion zone restrictions. For example, if a defendant had a doctor or court appointment, his schedule on that date could be adjusted in the monitoring system to reflect the approved absence plus travel time.

Adjusting the schedule would help limit alerts to unapproved absences that signaled an actual violation; in contrast, not adjusting a defendant's schedule unnecessarily increased both the number of alerts and the likelihood that serious alerts would not receive the appropriate attention and response.<sup>35</sup> In the case of inclusion zone alerts, the larger number of alerts, compounded by the false alerts that resulted from not adjusting defendants' schedules in the electronic monitoring system, undermined the system's ability to help deputies monitor defendants' whereabouts.

Regardless of the reasons for these practices, monitoring deputies ignored inclusion zone alerts in large numbers and for extended lengths of time without confirming whether the defendant was violating the curfew and/or geographic restrictions ordered by the court. The consequences for not responding quickly to an inclusion zone alert could be serious: electronic monitoring's potential to protect public safety was compromised when monitoring deputies did not enforce court-ordered restrictions on defendants' movements. At the very least, monitoring deputies' lack of response to alerts could lead defendants to assume there were no consequences for disobeying court-ordered restrictions.

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<sup>35</sup> The practice encouraged "alert fatigue," a recognized phenomenon in the medical field. Alert fatigue is the "digital version" of the "boy who cried wolf" and results when large numbers of prompts or alarms designed to alert the recipient to potential problems become so commonplace that the monitor becomes less responsive to them. See, for instance, "Alert Fatigue," *Healthcare IT News*, accessed October 2, 2014, <http://www.healthcareitnews.com/directory/alert-fatigue>.

**Recommendation 4. Monitoring staff should detain defendants who violate curfew or house arrest orders as soon as valid inclusion zone alerts are confirmed; instructions to this effect should be codified in the EMP statement of policies and procedures.**

One of the expected benefits of having a law enforcement agency administer an EMP is that personnel would be able to respond immediately whenever violations of curfew or house arrest occurred. The BJA guidebook unequivocally states the need for consistent and quick response to alerts. According to the guidebook “all alerts must be responded to in a timely fashion.”<sup>36</sup> In addition, an American Probation and Parole Association report on offender supervision with electronic technology states that staff “should be required to promptly complete written information about schedule and other changes ... and enter changes within a specified time of receipt.”<sup>37</sup>

Future monitoring staff should arrest or detain individuals who violate court-ordered curfew or house arrest rather than waiting until the next morning to file a report.<sup>38</sup> Criminal District Court judges have issued a standing contempt order for any adult defendant who violates the terms of his participant in the EMP; the order gives monitoring staff specific authority to arrest or detain defendants for violating curfew or court-ordered house confinement. In cases involving juveniles, monitoring deputies’ options may be more limited: they may only be able to pick up the non-compliant defendant, return him to his court-ordered address, and submit a report on the violation the next morning.

Last, in the instances of defendant schedule adjustments for approved reasons, monitoring staff should make changes in the monitoring system in a timely manner to reduce both the number of “false” inclusion zone alerts and the overall number of alerts.

**Finding 5. Monitoring deputies tagged only 2 percent of the total alerts generated in April 2012.**

The EMP supervisor instructed monitoring deputies to document actions taken in response to alerts by using the tagging function of the monitoring system; however, this was not specified in OPSO’s EMP Policy and Procedure.<sup>39</sup>

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<sup>36</sup> DeMichele and Payne, *Offender Supervision*, 160.

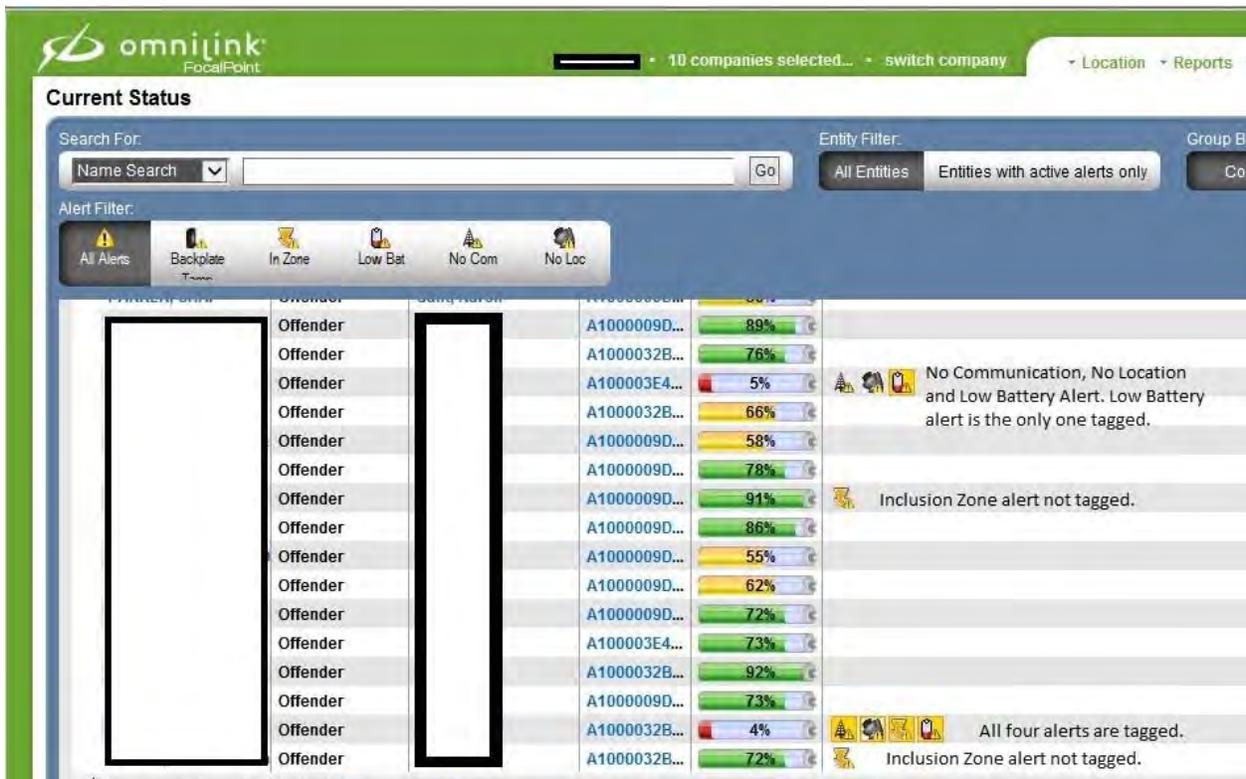
<sup>37</sup> Crowe, et al., *Offender Supervision*, 101.

<sup>38</sup> The City should designate a law enforcement entity to fulfill this function if a subsequent EMP contractor is not a law enforcement agency and monitoring staff do not have the authority to arrest or detain.

<sup>39</sup> Monitoring deputies also had the option of recording more extensive notes in a window available as a drop-down option that appeared when the cursor hovered over the defendant’s name. However, these notes did not

The following screenshot from Omnilink depicts a selection of active participants (names omitted), the monitoring deputies (names omitted), the device number, battery life, and any outstanding alerts. In this selection, four defendants had at least one alert. A yellow box surrounding the alert indicates it was tagged. This dashboard depicting defendants' status can be viewed by all deputies and supervisors at any time.

**Figure 4.** Example of Omnilink Monitoring System Dashboard Showing Enrolled Participants, Battery Life, and Alerts



**Note:** In the right-hand column of the dashboard, explanations of the symbols were added by evaluators for clarification; they are not a feature of Omnilink's dashboard.

appear on the same screen as the alerts. For this reason, tagging was helpful because supervisors could see at a glance if responsive action to an alert was taken and documented.

**Figure 5.** Example of Omnilink Monitoring System Depiction of Alerts with Tags



The top image in Figure 5 shows one defendant from the dashboard pictured in Figure 4. This defendant's device has only 4 percent battery life, and there are four alerts—no communication, no location, inclusion zone, and low battery—pictured at the far right of the bar. All four alerts are surrounded by a yellow box indicating they have been tagged. The bottom image in Figure 5, "List of tags for: Inclusion Zone Alert," appears as a pop-up dialog box when the cursor hovers over the tag. In this example, the information in the box relates to the inclusion zone alert and notes that a capias (or warrant for the defendant's arrest) was requested from the court.<sup>40</sup>

Monitoring deputies stated that they were unable to use their laptop computers when in court or in the field so they were not always able to tag alerts immediately.<sup>41</sup> Regardless, the EMP supervisor stated that he expected monitoring deputies to tag alerts as soon as they returned to the office or had access to their laptops.

Electronic monitoring can serve as a reliable case management system only if actions in response to alerts are timely, consistent, and carefully documented. When deputies did not tag alerts, there was no documentation of what actions, if any, they took in response to alerts. Appendix B summarizes the expected response for each alert type from OPSO's EMP Policy and Procedure.

<sup>40</sup> The alerts were tagged by the monitoring supervisor on July 3, 2014; this information was captured from the Omnilink monitoring system on July 10, 2014; therefore, the alerts were active for over one week waiting for the judicial order to arrest even though this was an adult defendant. Evaluators did not determine why OPSO did not execute the standing order to arrest for "Constructive Contempt" under Code of Criminal Procedure Article 23.

<sup>41</sup> The New Orleans Police and Justice Foundation Grant paid for air cards for each deputy's laptop. For more information, see the Office of Inspector General's *Evaluation of the City's Electronic Monitoring Program Administered by the Orleans Parish Sheriff's Office Part 1: Budget and Billing* (New Orleans: Office of Inspector General, 2014). <http://www.nolaog.org/uploads/File/I&E/Inspections/OIG%20EMP%20Pt%201%20Final%20Report%20140402.pdf>

Evaluators compared the alerts tagged in April 2012 to those tagged in April 2013. The monitoring system generated 5,054 alerts during April 2012, but deputies tagged 102 (2 percent) of those alerts.

- Monitoring deputies tagged the small number of device and strap tamper alerts most frequently; monitoring deputies tagged 77 percent of back plate tamper alerts and 86 percent of strap tamper alerts, most often as a “false tamper” or “tamper during installation.”
- Low battery alerts were tagged 12 percent of the time, often noting that monitoring deputies spoke to or attempted to contact the participant.
- Monitoring deputies tagged less than one percent of inclusion zone, no communication, and no location alerts.

Monitoring deputies improved the overall number of alerts tagged in 2013, but documentation of their responses to alerts was infrequent; as a result, evaluators were still unable to determine if appropriate actions were taken. In April 2013 monitoring deputies tagged 12 percent, or 411, of the 3,480 alerts.<sup>42</sup>

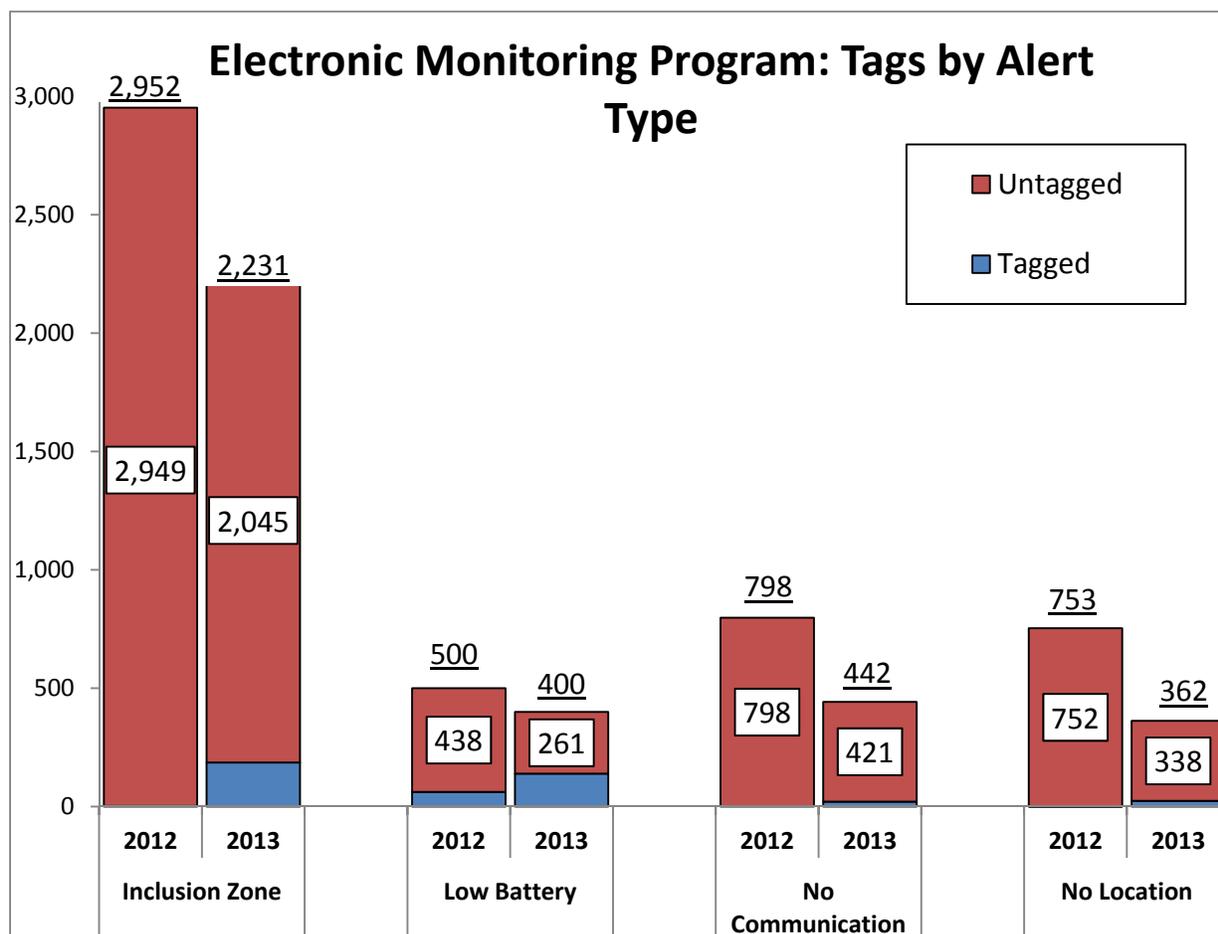
- Monitoring deputies tagged 81 and 97 percent of the 45 back plate tamper and strap tamper alerts, respectively.
- Thirty-five (35) percent (139 of 400) of low battery alerts were tagged.
- Eight (8) percent (186 of the 2231) of inclusion zone alerts were tagged.
- No communication and no location alerts had a combined tagging rate of 12 percent.

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<sup>42</sup> Evaluators included 82 notes for inclusion zone alerts and two notes for strap tampers in this calculation since monitoring deputies said they were expected to enter information in both tags and notes beginning in 2013.

Figure 6 illustrates the number of alerts and tagged alerts for inclusion zone, low battery, no communication, and no location alerts in April 2012 and 2013.

**Figure 6. EMP Alerts and Tags (April 2012 and April 2013)**



**Recommendation 5. Monitoring staff should tag all alerts and document actions taken in response to verified alerts.**

Tagging alerts appeared to be the best way to link an alert with the action taken by the monitoring deputies: tags linked relevant information directly to and saved that information with the alert. Monitoring deputies said they began using the notes section to indicate actions taken, but that information was available only in a separate window accessed through the drop-down menu under the defendant’s name. Moreover, deputies would not necessarily know that the information existed unless they went through the extra step of opening the additional window. Since monitoring deputies received over 100 alerts per day, using the notes option to

document deputies' responses to alerts would require unnecessary additional steps and make it difficult to determine which note(s) applied to a given alert.

Future monitoring staff should be required to tag all alerts. Tagging alerts could record all actions taken in response to each alert, provide information for other monitoring staff when the assigned monitor was not available, make possible improved supervision and oversight, and properly document defendants' repeated violations of judge orders.

## V. EMP PERFORMANCE MEASURES

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Monitoring deputies did not consistently record the necessary information from judges' orders and did not maintain all documentation in the files. They also did not document actions taken in response to alerts. These deficiencies made it difficult to measure program performance and accountability.

Evaluators requested EMP performance measures from OPSO and received quarterly and weekly reports provided to Juvenile and Criminal District Courts in 2012. Quarterly reports submitted to Juvenile Court included:

- the total number of defendants served;
- counts of enrollees by race and gender;
- the number of defendants accepted pre-trial versus post-trial;
- the number of individuals accepted from intake officers versus during court; and
- a count of individuals who were released from the program successfully or unsuccessfully.

The only metric in the Juvenile Court reports that could be relevant for measuring the EMP's performance was the number of "successful" individuals removed from the program after meeting the terms of the Agreement versus the number of "unsuccessful" individuals remanded or released from the program due to violating the Agreement or judicial orders. Figure 7 lists the number of successful and unsuccessful defendants based on the 2012 Juvenile Court Quarterly Reports.

**Figure 7:** Juvenile Court 2012 Quarterly Report Summary

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total	% of Total
<b>Successful</b>	62	56	36	41	<b>195</b>	<b>71%</b>
<b>Unsuccessful</b>	18	21	22	19	<b>80</b>	<b>29%</b>

OPSO provided Juvenile Court with aggregate numbers of "successful" and "unsuccessful" defendants, but without additional data, the numbers provided Juvenile Court with limited information. For example, the report did not provide Juvenile Court with any information about *why* juvenile defendants were removed from the EMP. In the form received by the court, this metric assessed the participants' performance rather than that of the program. The quarterly

reports provided no information regarding the program’s administrative performance or the effectiveness of its implementation.

OPSO provided evaluators with the weekly reports it submitted to Criminal District Court for July 12, 2012 through October 7, 2012. These reports included the defendant’s name, case number, entry date, address, offense, total number of days on the program, curfew restrictions, and the monitoring deputy’s name. Unlike the report sent to Juvenile Court, the Criminal District Court reports did not track the number of “successful” versus “unsuccessful” program participants. Instead, the comment section in its weekly reports noted whether the defendant was compliant, non-compliant, or incarcerated at the time the report was generated.

Figure 8 summarizes the weekly reports submitted to Criminal District Court between July 12, 2012 and October 7, 2012.

**Figure 8:** Criminal District Court Weekly Report, Summary of Enrolled Adult Defendants’ Status, July 2012 through October 2012

	<b>11-Week Average</b>	<b>Percent of Adult Defendants</b>
<b>Compliant</b>	66	70%
<b>Non-Compliant</b>	2	2%
<b>Incarcerated</b>	26	28%

The reports included defendants who were incarcerated yet remained on the reports for several weeks at a time. It was unclear why these defendants were incarcerated, why they remained on the list, and whether they were still active participants in OPSO’s EMP.

For both adult and juvenile defendants, separately tracking and analyzing the number of technical violations, arrests on new charges, and failures to appear could enable program administrators and court officials to identify ways to improve rates of successful program completion.<sup>43</sup>

<sup>43</sup> “Technical” violations, an arrest on new charges, and failure to appear in court were frequently reasons for participant failures in the program. “Technical violations” were violations associated with EMP restrictions, such as curfew or low battery violations; they were “essentially a function of ‘being on’ bond supervision.” Keith W. Coopriider and Judith Kerby, “A Practical Application of Electronic Monitoring at the Pretrial Stage,” *Federal Probation* 54, no. 1 (March 1990): 28, accessed August 21, 2012, [http://www.19thcircuitcourt.state.il.us/resources/Documents/Smaart/StaffPubPretrialElectronicMonitoring\\_0390.pdf](http://www.19thcircuitcourt.state.il.us/resources/Documents/Smaart/StaffPubPretrialElectronicMonitoring_0390.pdf).

**Finding 6. The City did not establish program objectives or performance measures to assess OPSO's implementation of the EMP and the overall effectiveness of the program, and data OPSO provided the City had little useful information for measuring program performance.**

The EMP was a City-funded program, and the City had a responsibility to ensure the program was an efficient and effective use of taxpayer funds. In its guidebook on electronic monitoring supervision, the Bureau of Justice Assistance advised EM program administrators that public scrutiny and limited resources required agencies to evaluate outcomes and determine the most effective strategies for implementing alternatives to detention or incarceration.<sup>44</sup> However, the City assigned to OPSO the responsibility to “develop, institute and implement” the program without providing OPSO with clear criteria, guidelines, and objectives for program operations. Without articulating clear program objectives, the City had no criteria for measuring how effectively the EMP operated.

OPSO has faced the City Council's scrutiny and garnered negative media attention for its operation of the EMP,<sup>45</sup> but the City should also be held accountable for the responsible management of public safety tax dollars. However, the City could not ensure public dollars were spent on an efficient and effective EMP, because it had not articulated desired EMP outcomes or demanded metrics that could demonstrate whether those outcomes had been achieved. The quarterly and weekly reports OPSO submitted to the courts provided little useful information about program effectiveness or OPSO's implementation of the EMP.

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<sup>44</sup> DeMichelle and Payne, *Offender Supervision*, 184.

<sup>45</sup> See, for example: *Presentation and discussion of the electronic monitoring program operated by the Orleans Parish Sheriff's Office*, New Orleans City Council, Criminal Justice Committee, June 27, 2012, [http://cityofno.granicus.com/MediaPlayer.php?view\\_id=7&clip\\_id=1250](http://cityofno.granicus.com/MediaPlayer.php?view_id=7&clip_id=1250); “N.O. teen arrested for second time while wearing GPS bracelet,” Katie Moore, aired June 13, 2013, on WWLTV, accessed June 21, 2012, <http://www.wwltv.com/news/eyewitness/arrestongpsbraceletsecondforteen-123778544.html>; John Simerman, “Ankle monitor data places 13-year-old at site of fatal shooting,” *Times Picayune* (New Orleans, LA), May 31, 2012, accessed June 21, 2012, [http://www.nola.com/crime/index.ssf/2012/05/ankle\\_monitor\\_places\\_13-year-o.html](http://www.nola.com/crime/index.ssf/2012/05/ankle_monitor_places_13-year-o.html); Charles Maldonado, “The Ankle Monitor Strategy,” *Gambit* (New Orleans, LA), June 12, 2012, accessed June 21, 2012, <http://www.bestofneworleans.com/gambit/the-ankle-monitor-strategy/Content?oid=2020118>; Tom Gogola, “Budgetary shell game: Case of the missing \$200G for juvy monitors,” *The Lens* (New Orleans, LA), July 10, 2012, accessed July 11, 2012, <http://thelensnola.org/2012/07/10/confusion-over-bracelet-budget/>; “Does Orleans' electronic monitoring work?,” Carolyn Scofield, aired October 4, 2012, on Fox 8 WVUE, accessed October 10, 2012, <http://www.fox8live.com/story/19740454/council-wants-investigation-on-ankle-bracelets>; Jonathan Bullington, “Man skipped out on electronic monitoring prior to shooting death: Orleans Parish sheriff,” *The Times-Picayune* (New Orleans, LA), July 21, 2014, accessed October 8, 2014, [http://www.nola.com/crime/index.ssf/2014/07/man\\_18\\_skipped\\_out\\_on\\_electron.html](http://www.nola.com/crime/index.ssf/2014/07/man_18_skipped_out_on_electron.html); and “New Orleans Council president blasts Sheriff's Office over ankle monitors after slaying of Domino's Pizza driver,” Travers Mackel, aired October 3, 2014, on WDSU, accessed October 8, 2014, <http://www.wdsu.com/news/local-news/new-orleans/new-orleans-council-president-blasts-sheriffs-office-over-ankle-monitors-after-slaying-of-dominos-pizza-driver/28396346>.

Based on the summary information in Figures 7 and 8, the overall failure rate (non-compliance and new arrests) for OPSO's EMP was 30 percent. Without additional information, however, OPSO would be unable to improve compliance rates or overall program effectiveness and the City would not have true performance measures for purposes of contract management.

Evaluators distributed a questionnaire to Juvenile Court and Criminal District Court judges and asked if judges would like to have any additional information included in the OPSO's program reports. All responding judges requested a count of the total number of alerts for each defendant. Juvenile Court judges also requested the number of previous violations and the length of time on the program for each defendant.

**Recommendation 6. The EMP contractor and the City should develop meaningful performance measures for judges, City administrators, and the City Council to evaluate the EMP.**

The National Institute of Justice and the Bureau of Justice Assistance funded two editions of a guidebook for evaluating whether electronic monitoring programs achieve their stated objectives.<sup>46</sup> The guidebook recommended collecting information for the following data points:

- Name, date of birth, sex, race, and address;
- The presenting offense and any criminal history of the defendant;
- Total number of defendants supervised;
- Length of time each defendant was supervised through EMP;
- The number of violations committed while enrolled in the EMP;
- Responses to violations by both monitors and judges;
- Case management activities (e.g., drug tests, referrals to other resources, financial payment records); and
- When and why EMP supervision was terminated.<sup>47</sup>

OPSO tracked some of these elements; however, it failed to capture some of the most important information, such as the number of violations, responses to violations, and the reasons for termination. These measures should be incorporated into the reports provided to the courts as performance measures for the EMP and each defendant.

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<sup>46</sup> Crowe, et al., *Offender Supervision*; and DeMichele and Payne, *Offender Supervision*.

<sup>47</sup> Crowe, et al., *Offender Supervision*, 194-201; and DeMichele and Payne, *Offender Supervision*, 196.

The purpose of performance measures is to determine whether program objectives are being met and to identify potential areas for improving efficiency and effectiveness. OPSO's objectives as outlined in their 2013 Mission Statement were to:

- “Provide a cost effective alternative to incarceration for low level pre-trial defendants who otherwise may be held in custody as they await the disposition of their court cases...;
- Enhance public safety by reducing the overall population recidivism of adult and juvenile defendants on the EMP by quickly identifying defendants who choose to re-offend; and
- Electronically supervise court-ordered pre-trial defendants to ensure compliance with curfews, territorial restrictions, court appearances, and court-ordered sanctions.”

The next EMP contractor should develop measures designed to determine whether the program is:

- i. A cost effective alternative to the detention of pretrial defendants;
- ii. Appropriately enrolling pretrial defendants according to established eligibility criteria;
- iii. Enhancing public safety by reducing recidivism; and
- iv. Meeting program goals for defendants' compliance with curfews, territorial restrictions, court appearances, and court-ordered sanctions.

The guidebook identified variables designed to measure the value and effectiveness of EMPs and the fidelity of program implementation with its stated objectives, policies, and procedures. To determine “how and why” program activities had specific effects, the guidebook also suggests that program administrators and policymakers ask a series of subjective questions, such as:

- Did the program accept defendants who did not meet eligibility criteria?
- Was the response time to alerts of violations adequate?
- Were graduated sanctions in place and used?
- How well did the equipment work?<sup>48</sup>

Besides limiting participants to pretrial defendants, it is unclear whether the EMP employed eligibility criteria, and, if so, what they were. It would be advisable to identify minimum

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<sup>48</sup> Crowe, *et al*, *Offender Supervision*, 194 – 201; DeMichele and Payne, *Offender Supervision*, 195 – 196.

acceptance criteria for the program with the input from Juvenile and Criminal District Court judges. The EMP contractor should seek input from judges and policymakers annually on the EMP's reported performance measures to determine whether the program meets stakeholder expectations.

The weekly and quarterly reports should include additional information for judges to assess each defendant's participation. Juvenile Court judges specifically requested the number of alerts, the number of previous violations, and the length of time a defendant had been on the program. The number and type of alerts for each defendant would enable judges to see the frequency of defendant non-compliance and deputy actions in response. If the EMP contractor adds previous violations and length of time to the Juvenile Court report, Criminal District Court reports should include the same information.

## VI. CONCLUSION

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The Electronic Monitoring Program is a program funded by the City and administered by OPSO for the purpose of reducing the financial and social costs of detaining pretrial defendants. Evaluators concluded that program expectations and the lines of authority and responsibility for the program were not clearly defined. The City delegated authority and responsibility to OPSO to “[d]evelop, institute and implement a pretrial Electronic Monitoring Program” but did not clearly define program objectives or monitor program outcomes. OPSO developed policies and procedures that were often vague and frequently not followed. Alerts were routinely ignored and record keeping was lax, compromising the EMP’s integrity and posing potentially serious consequences for public safety. OPSO relied on guidance from the judges about how and when to react when a defendant violated the terms of monitoring, but the judges had not actively engaged with OPSO and the City to develop consistent supervision policies even though they were the starting point for and deciding factor regarding defendant participation.

Supervision of the program was lax: the EMP supervisor did not ensure monitoring deputies were entering information correctly, recording proper curfews and geographic restrictions, and maintaining proper and accurate information in defendant files. OPSO’s protocols for responding to alerts and violations were vague; as a result, monitoring deputies’ inconsistent and/or insufficient responses to alerts did not foster consistent compliance from defendants. In instances when monitoring deputies responded to alerts, they did not reliably record their actions in the monitoring system. Poor record keeping and lack of documentation resulted in an inability to hold monitoring deputies accountable or provide data for meaningful performance measures.

OPSO has stated that it plans to discontinue its administration of the EMP beginning in January 2015. The City has expressed an interest in continuing the use of electronic monitoring as an alternative to detention for selected pre-trial defendants. The City should incorporate the recommendations contained within this report into all future electronic monitoring initiatives and require the next EMP contractor to comply.

Consistent and accurate information on EMP defendants, including judicial orders, should be available at every level of the EMP. Judicial orders must be unambiguous and implemented precisely; evidence of this must be present in folders and maintained in the monitoring system. The EMP contractor’s response to non-compliance must be timely, consistent, and reported to judges. Information and metrics for each step of the process should be available and reported to the City to demonstrate the EMP’s effectiveness.

Finally, the City should set forth clear expectations for the EMP and demand more accountability from the EMP contractor. In consultation with participating judges, the CEA should outline the terms of Agreement for participants of the EMP, including the terms of participation for qualifying defendants, expected actions by deputies for alerts and violations, and conditions for remand. The City should also provide greater oversight through the implementation of specific performance measures used to make substantive program improvements and enhance public safety. In the interest of transparency, all EMP performance reports should be made available to the City, judges, and general public.

## VII. APPENDICES

### Appendix A: Types of Restrictions Ordered by Judges

The chart below describes the types of restrictions evaluators found in judge orders for both juvenile and adult defendants, including the percentage of the total population receiving the restriction. Evaluators examined a total of 359 files during the six-month review period (April 2012 through September 2012).

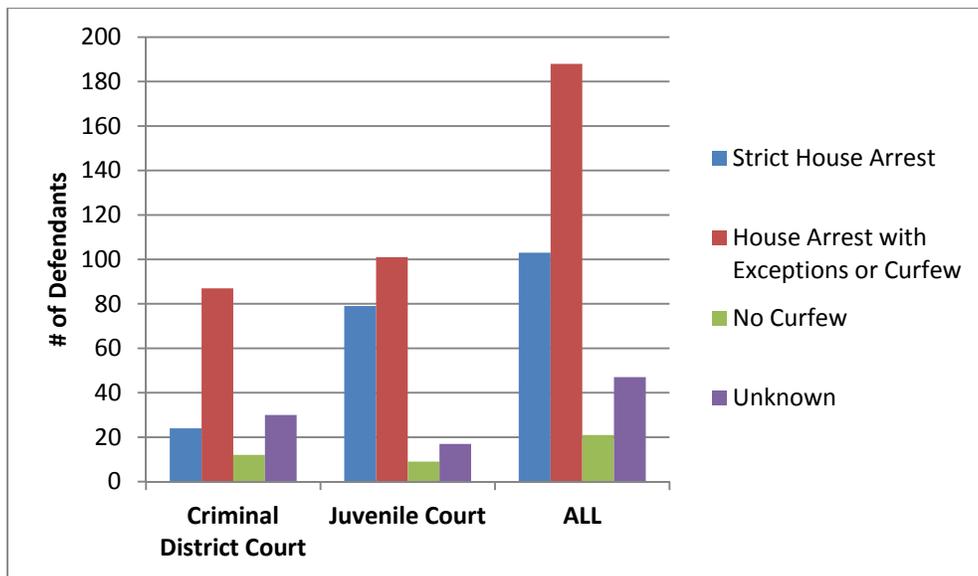
<b>Judicial Order</b>	<b>Description</b>	<b>% of All Defendants</b>
Strict House Arrest	Defendants were not allowed to leave their home at any time.	29% (103 defendants)
House Arrest with Exceptions	Defendants were required to be at home unless they were at work, school, or some other exception explicitly stated by judicial order.	16% (59 defendants)
Curfew	Defendants were required to be at home during a specific period of time every day. Curfews were frequently assigned for twelve-hour periods (i.e. 6 p.m. to 6 a.m.). If they were not home during the curfew period, they were in violation of judicial order.	36% (129 defendants)
No Curfew or geographic limitations	Judicial orders did not explicitly designate house arrest, or other geographic restrictions.	6% (21 defendants)
Unknown	There were no judicial orders in the defendant's folder.	13% (47 defendants)

Of the 312 juvenile and adult defendant files with judicial orders included, 291 specified house arrest or a curfew. Defendants ordered to EM with court-ordered curfews represented the largest group, 36 percent of all defendants. These 129 defendants enjoyed complete freedom of movement except when confined to their homes during court-ordered curfew hours.

Criminal District Court judges placed fewer geographic restrictions on adults than Juvenile Court judges placed on juvenile defendants. Almost all of the adult defendants ordered to EM were allowed to move freely throughout the day. Of the 123 Criminal District Court orders, 111 of adult defendants were ordered to either house arrest or had a curfew imposed, but only 24 of those were ordered to strict house arrest without any exceptions.

In contrast, almost half of the Juvenile Court orders (79 of 189) required house arrest; 59 of 189 juveniles were ordered to house arrest with exceptions; and juvenile court judges ordered curfews in 48 of the 189 files with orders.<sup>49</sup>

Defendant Restrictions Based on Judicial Orders



<sup>49</sup> Most frequent exceptions for house arrest in juvenile files were for school and extracurricular activities.

Appendix B: Alert Types and Protocols for Response from  
OPSO Policy and Procedure

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Type of Alert	Description	Protocols for Response
<b>Inclusion Zone</b>	Occurs when a defendant is not at a designated location during the specified period of time as ordered by the judge.	OPSO should verify location, attempt to determine any schedule variances, and attempt to make contact with the defendant by telephone to determine whether a legitimate reason caused absence from inclusion zone. If OPSO cannot make contact or establish a legitimate reason for infraction, OPSO may respond to the defendant's location.
<b>Exclusion Zone</b>	Occurs when the defendant is ordered to stay away from a particular location. Often occurs in domestic violence cases.	<u>Non-Domestic Violence Related:</u> OPSO investigates and verifies the defendant's location; attempts to contact the defendant by telephone. If unable to reach by telephone, OPSO should dispatch to the defendant's location. OPSO determines whether remand should be requested. <u>Domestic Violence:</u> OPSO investigates and verifies the defendant's location, and dispatches a patrol officer to victim's address. OPSO attempts to make telephone contact with the defendant and victim. If the defendant is apprehended in the exclusion zone, he is immediately remanded if so stated in the judge's order; otherwise, OPSO determines whether to request a remand.
<b>Device Tamper</b>	Occurs when sensors on the unit lose connectivity. False alerts can occur if the device is jarred.	OPSO should clear the alert. If it immediately reappears, it is likely a true alert. OPSO must respond to all device tampers to inspect the unit physically. If tampering is evident, OPSO determines whether to remand and pursue criminal charges.
<b>Strap Tamper</b>	Occurs when strap sensors lose connectivity.	OPSO must respond to all Strap Tamper Alerts. Device must be physically inspected; if evidence suggests tampering, OPSO determines whether to remand.
<b>Low Battery</b>	Occurs when the unit's battery life falls below a specified percentage; alert remains active until the battery charge rises above a specified level.	OPSO attempts to reach the defendant by telephone to instruct them to charge the battery. All defendants must begin to charge devices by 10:00 p.m. daily. OPSO will dispatch to the defendant's location, if necessary.
<b>No Communication / No Location</b>	These appear as two separate alerts; however, they usually coincide. This alert appears due to problems with signal transmission to the satellite or cellular towers.	OPSO will manually clear the alert to see if it reappears. OPSO will also attempt to reach the defendant by telephone and instruct him to place the unit on the battery charger, which may clear the alert. OPSO will dispatch to the defendant's last known location, if necessary.

## Appendix C: Glossary of Terms

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**Alert:** An email message notifying monitoring deputies that the defendant may have violated the terms of EMP by tampering with the equipment, failing to properly charge the monitor, entering or exiting a geographic restriction, or losing satellite or cellular signal. The alert also appears in the monitoring system as an icon on a line with the name of the defendant.

**Cooperative Endeavor Agreement (CEA):** Pursuant to Section 9-314 of the Code for the City of New Orleans, the City may enter into agreements with the state or political subdivisions for public purposes. Any CEA having a term of greater than one year must be properly advertised and approved by a majority vote of the City Council. The Supreme Court used a three-prong test to determine whether the use of public funds was proper as allowed by Louisiana Constitutional Article VII, §14(A). The three elements for a valid CEA are:

1. The expenditure or transfer of public funds or property, taken as a whole, does not appear to be gratuitous;
2. The expenditure must be for a public purpose that comports with the governmental purpose which the entity has legal authority to pursue; and
3. Evidence demonstrating that the public entity has a demonstrable, objective, and reasonable expectation of receiving a benefit or value at least equivalent to the amount expended or transferred.<sup>50</sup>

**Data Sheet:** Monitoring deputies were directed to complete data sheets for adult and juvenile program participants. Participant information collected included: name, race/sex, date of birth, charge(s), magistrate or judge/court section, arrest item number, home address and additional occupants at that address, phone numbers, a reference and the person's relationship to the participant, school or employment information (employer/school, address, hours, supervisor/principal), information about means of transport (driver's license and vehicle information or route used to school), emergency contact information, and an e-mail address and Facebook page information. The adult form also included questions about drug and alcohol use, folder number, and case number.

**Electronic Monitor:** A battery-operated device attached to the defendant (frequently referred to as an "ankle bracelet"). A Global Positioning System (GPS) and cell phone triangulation collect defendant locations at a designated rate, and the data are transmitted to the monitoring system.

**Electronic Monitoring Agreement ("Agreement"):** The contract signed by the defendant and monitoring deputy with all terms of participation included. This document is required to be in each defendant's file according to the EMP Policy and Procedure.

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<sup>50</sup> *Board of Directors of Indus. Development Bd. of City of Gonzales, Louisiana, Inc. v. All Taxpayers, Property Owners, Citizens of City of Gonzales, et al*, 938 So.2d 11 (La. 9/6/06).

**Electronic Monitoring System:** Refers to the web-based software used to report the location and status of devices using GPS and cellular tower communications. The software enables OPSO to supervise each participant using detailed profiles, schedules, and geographic restrictions.

**EMP Policy and Procedure:** The document developed by OPSO that articulates the “Program Mission;” provides definitions of terms commonly used in the electronic monitoring program (EMP); and defines deputy roles and responsibilities, grounds for removal and termination of program participation, case file and equipment requirements, and protocols for responding to alerts.

**Geographic restrictions:** A judicially imposed order that requires a defendant to refrain from entering or exiting a designated location for a specific duration of time. This can be a restriction for several hours a day (in cases with a curfew established) or a 24-hour restriction (in cases of strict house arrest or exclusion zones).

**Global Positioning System (GPS):** A collection of satellites used to triangulate signals that determine the position of the electronic monitor.

**Remand:** For purposes of this report, Black’s Law Dictionary defines “remand” as “[t]o send (a case or claim) back to the court or tribunal from which it came for some further action.”

**Stay Away order:** Black’s Law Dictionary defines as:

- “1. In a domestic violence case, an order forbidding the defendant to contact the victim.  
...  
2. Restraining Order.<sup>51</sup>  
3. In a juvenile-delinquency case, an order prohibiting a youthful offender from frequenting the scene of the offense or from being in the company of certain persons.”

**Tagging:** The process of recording additional information regarding a particular alert in the electronic monitoring system. The tag appears as a yellow box around the alert icon, and when the deputy’s or supervisor’s cursor “hovers” over the alert, a pop-up dialog box appears with the information from the tag.

**Territorial Restrictions:** A judicially imposed requirement that the defendant must refrain from entering a specified geographic area, generally a 24-hour exclusion from an area, a place, or a person.

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<sup>51</sup> Restraining Order is defined by Black’s Law Dictionary as “[a] court order prohibiting family violence; esp., an order restricting a person from harassing, threatening, and sometimes merely contacting or approaching another specified person.”

## Appendix D: Methods

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Evaluators took a census of EMP participants for the six-month period of April 1, 2012 through September 30, 2012: evaluators reviewed the files of EMP participants at the EMP Intake office and manually recorded information for all active and enrolled defendants during the review period.<sup>52</sup> Evaluators subsequently requested additional information on juvenile participants from Juvenile Court (e.g., additional services ordered by the Court, whether the juvenile had been assigned to Youth Study Center, and release information). The following data were recorded into two Excel spreadsheets: one for juveniles and one for adults.

### Adult and Juvenile Records:

- Name – the name of the defendant.
- Identification number or Case number – provided by the court or intake form.
- Court section – judge assigned to preside over the case.
- Arrest Item number – New Orleans Police Department’s number assigned to the case.
- Date of birth – the defendant’s date of birth.
- Race – the defendant’s race.
- Gender – the defendant’s gender.
- Original offense – the offense for which the defendant was arrested, leading to release on EMP.
- Date of arrest – the date of the arrest for the original offense.
- Judge orders – the document included in the file to notify the defendant and OPSO what the conditions for release were. Criminal District Court (adults) frequently included other conditions of release such as drug testing, Intensive Probation, and obtaining a GED.
- Contract restrictions – the curfew or other geographic restricts included in the Agreement, filled out by the monitoring deputy upon enrollment in the EMP.
- Deputy Monitor – the monitoring deputy who signed the Agreement or whose name appeared on the file as the assigned monitoring deputy.
- Device number – the number assigned to the monitoring device (“ankle bracelet”).
- Contract issues – any problems with the Agreement (e.g. missing signatures, deposit amounts, and missing or blank Agreements).
- Major contract issues – a separate count of Agreements with three or more errors or omissions, or missing signatures or acknowledgments by the defendant.
- EMP begin date – the date the defendant was enrolled in EMP if written on the front of the file.

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<sup>52</sup> A census captures data on the entire population being studied.

- EMP end date – the date the defendant was removed from EMP if written on the front of the file.
- EMP End Reason – noted when a judge order, arrest report, or violation report was included. Evaluators also used “success” or “unsuccessful” notes written on the front of the file.
- Report information – a summary of the information from any violation reports included in the files.

Juvenile Records only: (This information is unique to juvenile defendants or otherwise unattainable through Docket Master.)

- RAI (Risk Assessment Instrument) score – this assessment is conducted upon intake of a juvenile at Juvenile Court.
- Other services – if a juvenile defendant was released with additional services such as Orleans Detention Alternative Program (ODAP) or Evening Reporting Center (ERC).
- FTA (Failure to appear) dates – if the defendant did not attend any court date after being placed on EM.
- New arrest dates – the date of a new arrest if the defendant was arrested subsequent to the original offense for which the defendant was enrolled on EM.
- New arrest charges – the charges for any subsequent arrest.
- Total days in YSC – the number of days a defendant served in the detention facility for juvenile defendants.

There were 206 juvenile files and 153 adult files actively enrolled from April 1, 2012 through September 31, 2012. Defendants could have multiple files if they were enrolled in the EMP more than once. For that reason, there were fewer enrolled individuals: 146 juveniles and 135 adults.

### Implementation of OPSO’s Electronic Monitoring Program

Evaluators conducted analyses based on the data points collected from the defendant files. Evaluators determined the number of files with court orders and error-free Agreements and also determined the number of files with different conditions of house arrest (e.g., 24/7 or curfew). Evaluators also compared defendant files that included “stay away” orders to the exclusion zone information in defendant profiles in the Omnilink monitoring system.

### Alerts and Documenting Deputy Actions

Omnalink generated reports at the request of evaluators to show all alerts generated during the six-month review period. The report included the defendant’s name, monitoring deputy name, the type of alert, the alert start time and date, the alert end time and date, “clear notes” and

“tag notes.” Evaluators used the report to calculate the number of alerts that remained active for various lengths of time.

The National Institute of Justice (NIJ) conducted an assessment of the EMP at the request of OPSO in November 2012. Evaluators compared April 2012 alert data to alert data in an Omnilink report for April 2013 to determine whether NIJ’s assessment prompted monitoring deputies to tag alerts more frequently.

## VIII. OFFICIAL COMMENTS FROM THE CITY OF NEW ORLEANS

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City Ordinance section 2-1120(8)(b) provides that a person or entity who is the subject of a report shall have 30 working days to submit a written explanation or rebuttal of the findings before the report is finalized, and that such timely submitted written explanation or rebuttal shall be attached to the finalized report.

On October 15, 2014 the OIG distributed an Internal Review Copy of this report to the entities who were the subject of the evaluation and gave them an opportunity to comment on the report prior to the public release of this Final Report. Comments were received from the City of New Orleans and the Orleans Parish Sheriff’s Office jointly; these comments are attached in this section of the report.

The OIG would like to clarify the following points:

**Recommendation 1:** In its response, OPSO stated, “all participants who enter the program are required to have the judicial order in place before acceptance.” Evaluators did not assert that defendants were placed in EMP without judge orders; rather, that EMP recordkeeping was incomplete and inaccurate.

**Recommendation 2:** Evaluators found that monitoring deputies did not enter court-ordered exclusion zones into the monitoring system for 35 of 37 (95 percent) of defendants with “stay away” restrictions. In its response, OPSO asserted that the EMP has not had 37 people assigned to stay away orders during the entire history of the program (4+ years).

Evaluators identified the following defendants and their associated court-ordered restrictions following a thorough review of judges’ orders contained in OPSO’s files for program participants from April 1 through September 30, 2012, the period under review for this evaluation.

Name	Judge's Orders
<b>Defendant 1</b>	DRUG TEST; STAY AWAY ORDER FROM VICTIM; 24/7 CURFEW EXCEPT FUNERAL AND CT DATE
<b>Defendant 2</b>	7P-7A UNLESS ACCOMPANIED BY PARENT; STAY AWAY ORDER; CANNOT LEAVE LA
<b>Defendant 3</b>	WEEKLY DRUG TEST; 24/7 CURFEW; STAY AWAY FROM

	VICTIM
<b>Defendant 4</b>	WEEKLY DRUG TEST; 8P CURFEW; STAY AWAY ORDER
<b>Defendant 5</b>	WEEKLY DRUG TEST; DRUG CT PROGRAM; DV PROGRAM; MENTAL HEALTH CT PROGRAM; INT PROB; GED AND JOB; STAY AWAY ORDER; 6P CURFEW

<b>Defendant 6</b>	WEEKLY DRUG TEST (Mon); STAY AWAY ORDER 8P-6A
<b>Defendant 7</b>	WEEKLY DRUG TEST; STAY AWAY ORDER; 6P-6A CURFEW
<b>Defendant 8</b>	6P CURFEW AND STAY AWAY FROM FQ
<b>Defendant 9</b>	STAY AWAY ORDER / DV RESTRAINING ORDER
<b>Defendant 10</b>	DV PROGRAM; STAY AWAY ORDER; 24/7 CURFEW EXCEPT WORK, ATTY, COURT
<b>Defendant 11</b>	7P CURFEW EXCEPT WORK; STAY AWAY FROM VICTIM
<b>Defendant 12</b>	"CITY 24 HR ADULT SUPV"; STAY AWAY FROM VICTIMS ATTEND SCHOOL
<b>Defendant 13</b>	24/7 CURFEW EXCEPT SCHOOL; STAY AWAY ORDER
<b>Defendant 14</b>	24/7 HOUSE ARREST EXCEPT SCHOOL; STAY AWAY ORDER
<b>Defendant 15</b>	24/7 STRICT HOUSE ARREST EXCEPT SCHOOL; STAY AWAY ORDER
<b>Defendant 16</b>	24/7 STRICT HOUSE ARREST EXCEPT SCHOOL; STAY AWAY ORDER
<b>Defendant 17</b>	24/7 STRICT HOUSE ARREST EXCEPT SCHOOL; STAY AWAY ORDER
<b>Defendant 18</b>	24/7 STRICT HOUSE ARREST EXCEPT SCHOOL; STAY AWAY ORDER
<b>Defendant 19</b>	24/7 STRICT HOUSE ARREST EXCEPT SCHOOL; STAY AWAY ORDER
<b>Defendant 20</b>	24/7 STRICT HOUSE ARREST; STAY AWAY ORDER
<b>Defendant 21</b>	24/7 STRICT HOUSE ARREST; STAY AWAY ORDER
<b>Defendant 22</b>	24/7 STRICT HOUSE ARREST; STAY AWAY ORDER
<b>Defendant 23</b>	24/7 STRICT HOUSE ARREST; STAY AWAY ORDER
<b>Defendant 24</b>	24/7 STRICT HOUSE ARREST; STAY AWAY ORDER
<b>Defendant 25</b>	24/7 STRICT HOUSE ARREST; STAY AWAY ORDER

<b>Defendant 26</b>	24/7 STRICT HOUSE ARREST; STAY AWAY ORDER
<b>Defendant 27</b>	24/7 STRICT HOUSE ARREST; STAY AWAY ORDER
<b>Defendant 28</b>	24/7 STRICT HOUSE ARREST; STAY AWAY ORDER
<b>Defendant 29</b>	24/7 STRICT HOUSE ARREST; STAY AWAY ORDER
<b>Defendant 30</b>	24/7 STRICT HOUSE ARREST; STAY AWAY ORDER
<b>Defendant 31</b>	24/7 STRICT HOUSE ARREST; STAY AWAY ORDER
<b>Defendant 32</b>	5P CURFEW EXCEPT SCHOOL; STAY AWAY ORDER
<b>Defendant 33</b>	5P CURFEW; STAY AWAY FROM FQ AND CANAL ST AREA
<b>Defendant 34</b>	6A - 6P CURFEW; STAY AWAY FROM CANAL STREET; ATTEND SCHOOL
<b>Defendant 35</b>	6P CURFEW; STAY AWAY FROM FQ
<b>Defendant 36</b>	6P CURFEW; STAY AWAY ORDER; ATTEND SCHOOL
<b>Defendant 37</b>	CITY CURFEW; STAY AWAY ORDER

**Recommendation 3:** Guidelines for responding to inclusion zone alerts in the EMP Policy and Procedure cited in OPSO’s response do not differ from those in the EMP Policy and Procedure provided to the OIG in 2013: the guidelines fail to establish specific time thresholds for graduated responses and continue to give monitoring deputies an inappropriate level of discretion to determine when and how to respond to these alerts.<sup>53</sup>

**Recommendation 4:** OPSO monitoring deputies had the authority to detain adult defendants immediately who violated their EMP terms and to pick up juveniles and take them home. In its response, OPSO confirmed that “when a satisfactory reason cannot be obtained for an inclusion zone, the subject is remanded, *normally the next day when the subject is in a fixed location (sleeping or charging) and can be easily tracked*” [emphasis added]. However, this practice falls short of the recommendation contained within the report, undermines the purpose of supervising the defendant by monitoring his movements using GPS and cellular tracking, and raises public safety concerns.

**Recommendation 5:** Evaluators found that monitoring deputies tagged only two percent of the total alerts generated in April 2012. OPSO’s response stated that they have made improvements in response to the NIJ report that was issued in November 2012. However, as noted in the report, evaluators repeated their analysis of tags in April 2013, six months after the NIJ report, and found that monitoring deputies tagged twelve percent of alerts; i.e., after the NIJ report, monitoring deputies did not document actions taken in response to 86 percent of alerts (see Figure 6).

**Recommendation 6:** Evaluators found a lack of performance measures and useful information to evaluate the overall effectiveness of the EMP. Evaluators recommended that the EMP contractor and the City develop meaningful performance measures by which judges, City administrators, and the City Council could assess the program.

OPSO’s response outlined the individual client information collected and available; however, aggregate data to measure the program’s value and effectiveness were not routinely compiled and distributed to stakeholders.

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<sup>53</sup> The only differences between the version cited in OPSO’s response and the Policy and Procedure OPSO provided to the OIG in 2013 was the language following the two notes under Alert Protocols: “NOTE” and “NEW AS [of] June, 2014.” However, a Policy and Procedure faxed to a New Orleans City Councilmember in September 2014 did not include either of those additions.

OFFICE OF INSPECTOR GENERAL  
**CITY OF NEW ORLEANS**



MANAGEMENT RESPONSE FORM

Electronic Monitoring Program Part 2: Administration and Supervision

Response from City Dept. of Public Safety & Homeland Security and the Orleans Parish Sheriff's Office

Submitted on November 14, 2014

PLEASE COMPLETE THIS FORM AND RETURN AS SPECIFIED BELOW. SUPPLY YOUR RESPONSES IN THE SHADED BOXES.

PLEASE INDICATE YOUR AGREEMENT OR DISAGREEMENT WITH EACH OF THE FOLLOWING RECOMMENDATIONS BY SELECTING A RESPONSE. IF YOU REJECT OR PARTIALLY ACCEPT THE RECOMMENDATION, PLEASE EXPLAIN WHY IN THE SPACE PROVIDED. PLEASE DESCRIBE EACH ACTION YOUR AGENCY WILL TAKE TO IMPLEMENT THE RECOMMENDATION, OR FIX THE PROBLEM, ALONG WITH THE NAME AND CONTACT INFORMATION OF THE PERSON(S) RESPONSIBLE FOR THE ACTION AND THE COMPLETION DATE (IF ONE IS ALREADY NOT PROVIDED).

RETURN THIS COMPLETED FORM TO NADIENE VAN DYKE AT NVANDYKE@NOLAIG.ORG BY **NOVEMBER 14, 2014**.

ENTER NAME HERE: CAPT. WILLIAM H DEVLIN

<p><b>FINDING 1.</b> EMP DEFENDANT RECORDS WERE INCOMPLETE AND INACCURATE: FILES FREQUENTLY LACKED ONE OR MORE DOCUMENTS, INCLUDING COURT ORDERS AND VIOLATIONS REPORTS, AND 79 PERCENT OF ELECTRONIC MONITORING AGREEMENTS CONTAINED ERRORS OR OMISSIONS, INCLUDING INCORRECT OR OMITTED RESTRICTIONS.</p>	<p>RESPONSIBLE PERSON: (CAPT. DEVLIN)</p>	<p>RESPONSE CHOICE (SELECT ONE):</p>
<p><b>RECOMMENDATION #1</b> REQUIRING IMMEDIATE ACTION: OPSO'S MONITORING SUPERVISOR SHOULD CAREFULLY REVIEW EMP RECORDS COMPLETED BY MONITORING DEPUTIES AND HOLD MONITORING DEPUTIES ACCOUNTABLE FOR MAINTAINING ACCURATE AND COMPLETE AGREEMENTS AND FILES.</p>		<p>Accept</p>
<p>If you <u>REJECT</u> or <u>PARTIALLY ACCEPT</u> RECOMMENDATION #1, PLEASE EXPLAIN WHY:</p> <p>IN NOVEMBER, 2012, THE NATIONAL INSTITUTE OF JUSTICE (NIJ) EXAMINED OUR POLICIES AND PROCEDURES, REVIEWED OUR FILES, MET WITH OUR STAFF, JUDGES (BOTH CRIMINAL COURT AND JUVENILE COURT), AND THE DISTRICT ATTORNEY TO EVALUATE AND IMPROVE THE PROGRAM. WE REVISED OUR POLICIES AND PROCEDURES BASED ON THE NIJ REPORT. WE SENT THE REVISED POLICIES AND PROCEDURES TO THE NIJ AND COUNCILMEMBER GUIDRY.</p> <p>PRIOR TO THE REVISION OF OUR POLICIES AND PROCEDURES, SOME JUDGES WOULD CALL IN THEIR ORDERS TO THE EMP OFFICE. THIS PRACTICE IS NO LONGER PERMITTED. ALL PARTICIPANTS WHO ENTER THE PROGRAM ARE REQUIRED TO HAVE THE JUDICIAL ORDER IN PLACE BEFORE ACCEPTANCE. JUVENILES HAVE <u>NEVER</u> BEEN ACCEPTED WITHOUT A COURT REFERRAL OR INTAKE REFERRAL. THESE DOCUMENTS ARE PROVIDED TO THE EMP OFFICE BEFORE ENROLLMENT INTO THE PROGRAM.</p> <p>PRIOR TO THE NIJ REVIEW, CHANGES TO THE RESTRICTIONS WERE MADE IN THE MONITORING SYSTEM, BUT NOT ALWAYS RECORDED IN THE HARD FILE. THE PRACTICE OF UPDATING THE NOTES FUNCTION OF THE MONITORING SYSTEM, WHEN CHANGES ARE MADE TO A CLIENT'S RESTRICTIONS, IS USED NOW FOR ALL CHANGES TO THE PROGRAM RESTRICTIONS AND COURT DOCUMENTS ARE MAINTAINED</p>		

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IN THE HARD FILE, THIS CHANGE CAN BE ATTRIBUTED TO THE NIJ REPORT AND EDUCATION SESSIONS WITH SGT. SCHEPPAGRIL AND THE VENDOR. WE HAVE ALSO REQUESTED THE COURTS TO FORWARD MINUTE ENTRIES TO EMP FOR INCLUSION IN THE FILES WHENEVER CHANGES ARE MADE.

WE WILL REQUIRE ALL QUESTIONS TO BE COMPLETED, EVEN WHEN NOT APPLICABLE.

AT THE TIME OF THIS SURVEY, REPORTS WERE KEPT IN INDIVIDUAL FILES MAINTAINED BY DEPUTIES ON THEIR PC'S ON DEDICATED NETWORK HARD DRIVES RATHER THAN IN THE FOLDERS, FOR SECURITY AND CONFIDENTIALLY REASONS. SINCE THE NIJ REPORT AND EDUCATION SESSIONS, REPORTS AND SUBSEQUENT NOTES ARE KEPT IN THE HARD FILES FOR IMMEDIATE ACCESS BY ALL EMP STAFF.

DESCRIBE THE ACTIONS YOU WILL TAKE TO IMPLEMENT RECOMMENDATION #1 OR FIX THE PROBLEM:	RESPONSIBLE PERSON:	COMPLETION DATE:
1.1 FOLDERS ARE REVIEWED DAILY	CAPT. DEVLIN	NOVEMBER, 2012
1.2 THE COURTS HAVE BEEN REQUIRED TO SUBMIT JUDICIAL ORDERS AND ARE NO LONGER ALLOWED TO CALL IN THEIR REQUESTS FOR SUBMISSION.	CAPT. DEVLIN	NOVEMBER, 2012
1.3 REPORTS ARE NO LONGER KEPT IN INDIVIDUAL FILES ON PC'S ONLY; THEY ARE NOW KEPT IN THE FOLDERS AS WELL.	CAPT. DEVLIN	NOVEMBER, 2012
1.4 EMP SUPERVISOR WILL REQUIRE SOME FORM OF MARK OR NOTATION BE APPLIED TO THE QUESTION WHEN NOT APPLICABLE.	CAPT. DEVLIN	OCTOBER, 2014
1.5 THE PRACTICE OF UPDATING THE NOTES FUNCTION OF THE MONITORING SYSTEM, WHEN CHANGES ARE MADE TO A CLIENT'S RESTRICTIONS, IS USED NOW FOR ALL CHANGES TO THE PROGRAM RESTRICTIONS AND COURT DOCUMENTS ARE MAINTAINED IN THE HARD FILE, THIS CHANGE CAN BE ATTRIBUTED TO THE NIJ REPORT AND EDUCATION SESSIONS. WE HAVE ALSO REQUESTED THE COURTS TO FORWARD MINUTE ENTRIES TO EMP FOR ADDITION TO THE FILES WHEN CHANGES ARE MADE.	CAPT. DEVLIN	NOVEMBER, 2012

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FINDING 2. MONITORING DEPUTIES ENTERED EXCLUSION ZONES IN THE OMNI LINK MONITORING SYSTEM FOR ONLY TWO OF THE 37 DEFENDANTS WITH JUDICIAL "STAY AWAY" ORDERS.	RESPONSIBLE PERSON: (NAME AND CONTACT)	RESPONSE CHOICE (SELECT ONE):
<p><b>RECOMMENDATION #2</b> REQUIRING IMMEDIATE ACTION:</p> <p>MONITORING DEPUTIES SHOULD ENTER PROHIBITED ADDRESSES PURSUANT TO JUDICIAL "STAY AWAY" ORDERS AS EXCLUSION ZONES IN THE OMNI LINK ELECTRONIC MONITORING SYSTEM.</p>	<p>CAPT. DEVLIN</p>	<p>ACCEPTED – (PRIOR TO THE NIJ REPORT, THE EMP STAFF WAS NOT ROUTINELY NOTIFIED BY THE COURT OF THE PARAMETERS OF THE STAY AWAY ORDERS.)</p>
<p>IF YOU <u>REJECT</u> OR <u>PARTIALLY ACCEPT</u> RECOMMENDATION #2, PLEASE EXPLAIN WHY:</p> <p>PRIOR TO THE NIJ REPORT. WHEN A JUDGE ORDERED A STAY AWAY ORDER, EMP DID NOT ROUTINELY GET A COPY OF THE PHYSICAL DOCUMENT OR THE INFORMATION CONTAINED WITHIN. EVEN NOW, THE EMP MUST CONTACT THE APPROPRIATE DA IN JUVENILE COURT TO GET THE INFORMATION ON THE VICTIM AND ANY ADDRESSES THAT THE CLIENT MUST REFRAIN FROM GOING TO. EMP WAS NOT GIVEN THE ORDER OR THE VICTIM'S NAME. FOR CRIMINAL COURT THE EMP STAFF HAD TO FIRST GO TO THE CLERK OF COURT FOR THE SECTION AND ATTEMPT TO OBTAIN THE ORDER. IF THE CLERK HADN'T RECEIVED THE ORDER, THE STAFF THEN WENT TO THE COURT AND DEALT DIRECTLY WITH THE MINUTE CLERK. STAY AWAY ORDERS ARE THEN NOTED AND EXCLUSION ZONES WITH BUFFERS ARE ESTABLISHED. THE ABOVE ACTIONS ARE DONE IMMEDIATELY AFTER THE ADMISSIONS ORDER HAS BEEN RECEIVED AND ARE USUALLY PROCESSED LATER THE SAME DAY AND IN SOME CASES THE NEXT DAY WHEN THE INFORMATION IS MADE AVAILABLE.</p> <p>(THE EMP HAS NOT HAD 37 PEOPLE IN THE HISTORY OF THE PROGRAM WITH STAY AWAY ORDERS).</p> <p>STAY AWAY ORDERS ARE TAKEN VERY SERIOUSLY AND ARE ACTED UPON IMMEDIATELY. WE HAVE ADDRESSED THIS ISSUE WITH BOTH JUVENILE AND CRIMINAL COURTS. WE HAVE REQUESTED COPIES OF THE ORDERS AND HAVE BEEN ASSURED WE WILL RECEIVE STAY AWAY ORDERS IN THE FUTURE FROM CDC. HOWEVER IN JUVENILE COURT WE MUST STILL GET OUR INFO FROM THE JUVENILE DA'S OFFICE. THE COURTS DOES NOT RECEIVE THE INFORMATION.</p>		

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DESCRIBE THE ACTIONS YOU WILL TAKE TO IMPLEMENT RECOMMENDATION #2 OR FIX THE PROBLEM:	RESPONSIBLE PERSON:	COMPLETION DATE:
2.1 OPSO EMP WILL RECEIVE THE STAY AWAY ORDERS FROM CRIMINAL COURT AND JUVENILE DA'S OFFICE.	EMP CASE MANAGER	MARCH, 2014
2.2		
2.3		
2.4		
2.5		

FINDING 3. OPSO PROTOCOLS FOR RESPONDING TO ALERTS WERE NEITHER DETAILED NOR COMPREHENSIVE ENOUGH TO PROVIDE ADEQUATE INSTRUCTION FOR MONITORING DEPUTIES.	RESPONSIBLE PERSON: (NAME AND CONTACT)	RESPONSE CHOICE (SELECT ONE):
<b>RECOMMENDATION #3</b> REQUIRING IMMEDIATE ACTION: THE CITY AND OPSO SHOULD INCLUDE IN THE CEA AND THE POLICY AND PROCEDURE SPECIFIC INFORMATION ABOUT THE ACTIONS MONITORING DEPUTIES SHOULD TAKE IN RESPONSE TO ALERTS, INCLUDING TIME THRESHOLDS FOR GRADUATED RESPONSES; THE EMP SUPERVISOR SHOULD	CAPT. DEVLIN	PARTIALLY ACCEPT

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PROVIDE SUFFICIENT OVERSIGHT TO ENSURE EMP PERSONNEL COMPLY WITH THE POLICY.

IF YOU REJECT OR PARTIALLY ACCEPT RECOMMENDATION #3, PLEASE EXPLAIN WHY:

SINCE THE NIJ REPORT, THERE HAVE BEEN SIX REVISIONS TO THE POLICY AND PROCEDURES MANUAL. THE REVISIONS HAVE INCLUDED ALERT NOTIFICATIONS AND THE PROTOCOLS FOR RESPONSE. EMP HAS LEARNED TO BETTER ADJUST SCHEDULES AND NOTE THE EVENT IN THE MONITORING SYSTEM WITH RESPONSE DECISIONS. WE HAVE ALSO INCLUDED OPSO COMMUNICATIONS SECTION, A 24 HOUR FUNCTION, INTO THE PROCESS OF MONITORING ALERTS.

ATTACHED IS THE LATEST REVISIONS OF POLICY AND PROCEDURES FOR HANDLING OF ALERTS.

**Alert Protocols:**

The following Guideline is a general overview of how Orleans Parish Sheriff's Office Electronic Monitoring Program responds to offender alerts. Keeping in minds the various offender risk levels and other variables out of our control, this information will only serve as guidelines. Each alert should be handled in a timely manner with corresponding tags and notes being made in the data system.

**\*\*NOTE\*\*** THE EMP HAS, SINCE THE TIME OF THIS SURVEY AND NIJ REPORT, GONE TO AN UPDATED DEVICE THAT ALLOWS FOR DIRECT COMMUNICATIONS WITH THE CLIENT THROUGH VIBRATION AND BEEPING SIGNALS. THESE NEW FEATURES HAVE GREATLY REDUCED THE NUMBER OF LOW BATTERY ALERTS AS WELL AS INCLUSION ZONE ALERTS. EMP HAS ALSO ADJUSTED ZONES AND SCHEDULES TO ACCOMMODATE CHANGES IN SCHEDULES AND ENVIROMENTAL CAUSES OF INCLUSION ZONES.

- Low Battery - Maintaining a proper charging schedule is very important to the overall success of the program. Offenders are given the responsibility to properly charge their monitors on a daily basis. If an offender fails to properly charge their monitor, officers in the Orleans Parish Sheriff's Office Electronic Monitoring Unit will receive an alert. The monitoring center will also be notified of the alert. The officers will attempt to make contact with the offender. If the officer is unable to make contact with the offender, officers will monitor the battery level, and if necessary, dispatch to the offenders location. The offender should be warned for failure to properly charge the device and be notified that they are in violation of the electronic monitoring agreement. Offenders must start their charging process prior to 2200 hours each day. If offenders are not charging by 2200 hours, offenders will be contacted and instructed to charge. Tag the alert and if need be make a note in offender's notes. Failure to charge should be noted and relayed to the Judge on a daily bases. More than 3 failures to charge warnings should result in a remand request being made to the court.

**\*\*NEW AS June, 2014\*\*** The EMP can now instruct the client (wearing a 400 series device) to charge his/her device by sending a vibrate signal. This signal is to be used as a means of direct communications with the client. From 2000hrs to 0600hrs all low battery alert will be directed to OPSO Communications who will make contact for the Client to charge. They too can use either or both the phone calls or vibrate method.

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**Suggested response for "Failure to Charge" by Judges:**

- (01) Verbal reprimand
- (02) Letter of reprimand
- (03) Enhanced restrictions
- (04) Remand

- **No Location & No Communication** - No Location and No communication alerts are often due the environment where the offender is located or loss of battery power. No location and No communication alerts often clear within minutes when the offender moves to a different location, or places their monitor on charge. These alerts should be tracked to determine the cause. If the alert is due to low battery, immediate response is necessary to prevent loss of data and equipment. The Orleans Parish Sheriff's Office Electronic Monitoring Program will attempt to make phone contact with the offender. If the offender cannot be contacted by phone, or if the device is not placed on charge, an officer will be dispatched to the offender's last known location. Tag the alert and if need be make a note in offender's notes. 30 minutes after a NO COMMUNICATION and/or NO LOCATION alerts are activated and the officer had already been called a second alert will be generated to the officer who will then respond to the NO COMMUNICATION and/or NO LOCATION alert. Responses will include dispatching a unit to the Client's last known location to get compliance. If this is a recurring issue with the device and or location a notation should be made in the OMNI LINK SYSTEM so their engineers can diagnose the problem. Step one will be to switch the device and see if the issue returns. If it is still a recurring issue OMNI should be consulted right away.
  
- **Exclusion Zone**
  - **Non-Domestic** - If the offender is on electronic monitoring and is excluded from a location or area not related to a domestic violence offense, the following protocol should be followed:
    - Investigate the offender's location history track to verify the violation.
    - If the offender remains in the exclusion zone, an attempt to contact the offender by phone should be made.
    - If the offender cannot be reached by phone, the Orleans Parish Sheriff's Office Electronic Monitoring Program should respond to the offender's location.
    - The offender should be warned about the violation and notified that they are in violation of the Electronic Monitoring agreement.
    - The Orleans Parish Sheriff's Office Electronic Monitoring Program will determine if a remand order should be requested from the assigning judge.

**Suggested response for "Entering and Exclusion Zone, Non-Domestic" by Judges:**

- (01) Verbal reprimand
- (02) Letter of reprimand
- (03) Enhanced restrictions
- (04) Remand

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- o Domestic Violence and Stay Away orders - if the offender is on electronic monitoring for a domestic related case and enters an exclusion zone established by the courts; the following protocols should be followed:

1. Immediately investigate the offender's location history track to verify the violation.
  2. If the offender's track indicates that the offender appears to be on a path towards the victim, a division patrol officer should be immediately dispatched to the victim's work or home address
  3. OPSO Electronic Monitoring Program should attempt to make phone contact with the offender to notify them of the violation
2. OPSO Electronic Monitoring Program should attempt to make phone contact with the victim

If the offender is apprehended in the exclusion zone, it should be determine if the offender is in violation of a domestic violence order which would authorize an Immediate remand. If no order exists, the OPSO Electronic Monitoring Program should determine if a remand should be requested for the violation If the offender is in violation of their condition of release, the facts of the violation will be Documented in the offender's electronic monitoring case file. **Tag the alert and Make a note in offender's notes.**

**Suggested response for "Entering and Exclusion Zone, Domestic Violence" by Judges:**

- (01) Verbal reprimand
- (02) Letter of reprimand
- (03) Enhanced restrictions
- (04) Remand

- Inclusion Zone: Court Order inclusion zones are established to keep an offender at a specific location during a specific period of time. If the offender violates, the following procedures should be followed: Investigate the offender's location history track to verify the violation.

1. Attempt to determine if any schedule variances exist that were not entered into the offender's schedule.
2. Ensure that the violation is true and not a result of environmental factors such as Wave points and Cell Tower Rotation.
3. Attempt to make contact with the offender by phone to determine if any possible legitimate reasons exist for the offender to be away from the inclusion zone. The Case Manager may also "Beep" the individual; this will alert the client to contact his/her case manager.
4. If the Orleans Parish Sheriff's Office Electronic Monitoring Program cannot make contact with the offender, or establish a legitimate reason, the Orleans Parish Sheriff's Office Electronic Monitoring Program will determine if it is necessary to responds to the offender's location.

An inclusion zone can be caused by a physical location and power failures (be they intentional or accidental) of satellite towers. The Monitoring Deputy must take into account the time of night and points of accuracy when determining if the inclusion alert is true and not a false alarm **If an inclusion zone alert is determined to be a direct violation of curfew hours and no acceptable reason can be established the courts will be notified on the following court day and if need be a remand will be requested. If on the weekend and a remand order is warranted the Judge**

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will be notified of the situation and a remand will be requested at that time. A remand will be requested at any time, but must be after 3 documented unacceptable curfew violations through the courts system or if need be verbally over the phone.

**Suggested response for "Inclusion Zone Violation" by Judges:**

- (01) Verbal reprimand
- (02) Letter of reprimand
- (03) Enhanced restrictions
- (04) Remand

- **Device Tamper and or Back Plate Tamper:** Device tamper alerts occur when the sensors on the back plate lose connectivity with sensors embedded in the monitor. False device tamper alerts sometimes occur if the device is sharply jarred, causing the back plate to slightly move. The only way to determine if an alert is false involves inspecting the device. When a device tamper alert occurs, the Orleans Parish Sheriff's Office Electronic Monitoring Unit will follow the procedures below:
  1. If possible, clear the device tamper alert in a timely manner. If the alert immediately reappears, it is highly likely that the device has been tampered with. If the device tamper remains clear, it is likely a false tamper. The Orleans Parish Sheriff's Office Electronic Monitoring Program will respond to all device tamper alerts in order to inspect the equipment.
  2. OPSO-EMP officers will conduct a visual inspection of the equipment.
    - a. The device should be checked for any visual signs or pry marks
    - b. The strap size should be examined to determine if it has been changed
  3. The device locking pins will be checked to determine if they have been removed. Check the pins by pulling on the top pin and examining the bottom pin.
  4. If the device does not appear to have been tampered with, and the pins appeared to be intact, OPSO-EMP officers will remove and replace the locking pins to verify that they are locked into place.
  5. If evidence suggests that the device has been tampered with, the OPSO-EMP will determine if the offender needs to be remanded. If the monitor is damaged by the offender attempting to remove the property, the offender should be charged with damage to property and tampering with an electronic monitoring device.
  6. If no signs of tampers exist, the offender should be questioned to determine possible cause for the device tamper alert, such as falling, or striking the monitor.

Tag the alert and make a note in offender's notes. If it is determined that a DEVICE and/or STRAP TAMPER are true and the device has been removed the presiding judge will be notified immediately. Notification should be made to the Commander of the Electronic Monitoring Program, the presiding Judge or on-call judge and an initial verbal remand must be obtained. Subsequently a bench warrant for the EMP violation should be requested. A warrant will also be issued by the assigned officer for RS 14-56 Criminal Damage to Property and RS 14-110.3 Tampering with an Electronic Monitoring Device.

**Suggested response for by Judges:**

- (01) Remand

- **Strap Tamper:** Strap tamper alerts occur when the fiber optic lines in the strap lose connectivity.

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Strap tamper alerts are rare and should be treated as a critical incident. Improper responses to strap tamper alerts can result in the loss of offender equipment. OPSO-EMP will follow procedures below if a Strap Tamper Alert occurs: To ensure the alert is true the Monitoring Officer will first clear the alert and see if it reappears. If it does OPSO-EMP will respond to all Strap Tamper Alert

1. Device will be examined to determine if the strap has been tampered with or cut.
  2. If no signs of tampering exist, the offender should be questioned to determine possible causes for the strap tamper alert.
  3. If evidence suggests that the device has been tampered with, the OPSO\_EMP will determine if the offender needs to be remanded. (NOTE: debris (such as sand, or soap scum) can cause a false strap tamper. The device should be removed and reattached to determine if debris is the cause of the tamper.)

Tag the alert and make a note in offender's notes. If it is determined that a DEVICE and/or STRAP TAMPER are true and the device has been removed the presiding judge will be notified immediately. Notification should be made to the Commander of the Electronic Monitoring Program, the presiding Judge or on-call judge and an initial verbal remand must be obtained. Subsequently a bench warrant for the EMP violation should be requested. A warrant will also be prepared and issued by the assigned officer for RS 14-56 Criminal Damage to Property and RS 14-110.3 Tampering with an Electronic Monitoring Device.

**Suggested response by Judges:**  
(01)Remand

DESCRIBE THE ACTIONS YOU WILL TAKE TO IMPLEMENT RECOMMENDATION #3 OR FIX THE PROBLEM:	RESPONSIBLE PERSON:	COMPLETION DATE:
3.1 SINCE THE NIJ REPORT, WE HAVE REVISED THE POLICY AND PROCEDURES 6 TIMES. BEST PRACTICES DICTATE THAT THE POLICY AND PROCEDURES BE UPDATED CONTINUOUSLY.	CAPT. DEVLIN	DONE – ON GOING
3.2		
3.3		
3.4		
3.5		

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<p><b>FINDING 4.</b> MORE THAN HALF OF THE INCLUSION ZONE ALERTS REMAINED ACTIVE FOR LONGER THAN THIRTY MINUTES, AND EVALUATORS COULD NOT DETERMINE WHAT, IF ANY, ACTION MONITORING DEPUTIES TOOK IN RESPONSE.</p>	<p><b>RESPONSIBLE PERSON:</b> (NAME AND CONTACT)</p>	<p><b>RESPONSE CHOICE</b> (SELECT ONE):</p>
<p><b>RECOMMENDATION #4</b> REQUIRING IMMEDIATE ACTION: MONITORING DEPUTIES SHOULD DETAIN DEFENDANTS WHO VIOLATE CURFEW OR HOUSE ARREST ORDERS AS SOON AS VALID INCLUSION ZONE ALERTS ARE CONFIRMED; INSTRUCTIONS TO THIS EFFECT SHOULD BE CODIFIED IN OPSO'S EMP POLICY AND PROCEDURE.</p>		<p>Accept</p>
<p><b>IF YOU <u>REJECT</u> OR <u>PARTIALLY ACCEPT</u> RECOMMENDATION #4, PLEASE EXPLAIN WHY:</b></p> <p>SINCE THE NIJ REPORT, THE EMP HAS SUBSTANTIALLY REDUCED THE NUMBER OF ALERTS BECAUSE DEPUTIES ARE TAGGING AND ADJUSTING FOR THE EVENTS AS THEY OCCUR. WITH ADJUSTMENTS TO SCHEDULES AND ADJUSTMENTS OF ZONES, PARTICULARLY ONES CAUSED BY ENVIROMENTAL CONDITIONS AND CELL TOWER ALIGNMENT, ALERTS DECREASED DRAMATICALLY. EMP INCLUSION ZONES ARE BEING HANDLED WITH A GOAL OF 30 MINUTES OR LESS FROM RECEIVING THE ALERT TO TAGGING AND NOTATION. THE NOTES SECTION SHOULD REFLECT THE ACTIONS TAKEN AND IF IT IS A VALID ALERT OR NOT. IF IT IS CONSIDERED A VALID ALERT THEN THE CLIENT IS CONTACTED VIA "BEEPING" OR PHONE CALLS. IF NECESSARY THE EMP STAFF WILL RELOCATE TO THE CURRENT LOCATION AND GAIN COMPLIANCE. PLEASE NOTE EMP HAS ALSO RECOMMENDED TO THE VENDOR THAT A FUNCTION BE ADDED TO THE SMARTPHONE APP THAT ALLOWS FOR TAGGING AND NOTING OF EVENTS. AT THE PRESENT TIME ONLY CLEARING IS PERMISSABLE AND AS THE REPORT STATED AN ALERT WILL CONTINUE TO APPEAR UNTIL THE TIME THE CLIENT RETURNS TO THE HOME ZONE, SO CLEARING IT IS NOT PRODUCTIVE. THE VENDOR HAS TOLD THE EMP THE CHANGES ARE IN THE WORKS AND SHOULD HOPEFULLY COME ON LINE IN THE NEAR FUTURE. SO A DELAY ON TAGGING OR NOTING AN INCLUSION ZONE MAY NOT BE ABLE TO TAKE PLACE TILL THE TIME THE MONITORING OFFICER IS ABLE TO GET TO A COMPUTER. AT NO TIME HAS A MONTIORING OFFICER BEEN TOLD TO IGNORE INCLUSION ZONE ALERTS. WITH THE RECOMMENDATION OF THE NIJ THE EMP EMPLOYES THE PRACTICE OF <u>COUNCIL, REPREMAND AND REMAND</u> WHEN IT COMES TO INCLUSION ZONE ALERTS. WHEN A SATISFACTORY REASON CAN NOT BE OBTAINED FOR AN INCLUSION ZONE THE SUBJECT IS REMANDED, NORMALLY THE NEXT DAY WHEN THE SUBJECT IS IN A FIXED LOCATION (SLEEPING OR CHARGING) AND CAN BE EASILY TRACKED. PLEASE REMEMBER EVEN THOUGH THE GPS IS TRACKING THE INDIVIDUAL THE EMP STAFF IS STILL ONE MINUTE BEHIND THE REAL CURRENT LOCATION AND IF THE INDIVIDUAL IS TRAVELING BY CAR, THAT ONE MINUTE COULD MEAN A MILE AND/OR THREE OR FOUR TURNS. SOMETIMES IT IS BETTER TO WAIT TILL THEY GET INTO A FIXED LOCATION, TO BE AT THE SAME PLACE AT THE SAME TIME FOR THE REMAND.</p>		

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DESCRIBE THE ACTIONS YOU WILL TAKE TO IMPLEMENT RECOMMENDATION #4 OR FIX THE PROBLEM:	RESPONSIBLE PERSON:	COMPLETION DATE:
4.1 WE WILL CONTINUE TO MONITOR THIS AREA AND ADJUST AS NEEDED.	CASE MANAGER	ON GOING
4.2 WE WILL ATTEMPT TO MAINTAIN A THIRTY MINUTE WORKING TIME ON INCLUSIONS ZONES.	CASE MANAGER	ON GOING
4.3 ADULTS: CASE BY CASE REVIEW, BUT ARE GIVEN AUTHORITY TO MAKE AN IMMEDIATE REMAND IF WARRANTED	CASE MANGER	ON GOING
4.4 JUVENILES: A VIOLATION IS REFERRED TO THE JUDGE FOR APPROVAL TO REMAND OR REMEDY.	CASE MANAGER	ON GOING
4.5		

FINDING 5. MONITORING DEPUTIES TAGGED ONLY 2 PERCENT OF THE TOTAL ALERTS GENERATED IN APRIL 2012.	RESPONSIBLE PERSON: (NAME AND CONTACT)	RESPONSE CHOICE (SELECT ONE):
<b>RECOMMENDATION #5</b> REQUIRING IMMEDIATE ACTION: MONITORING DEPUTIES SHOULD TAG ALL ALERTS AND PROVIDE OTHER DOCUMENTATION FOR ACTIONS TAKEN IN RESPONSE TO VERIFIED ALERTS.	CASE MANAGER	Accept

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IF YOU REJECT OR PARTIALLY ACCEPT RECOMMENDATION #5, PLEASE EXPLAIN WHY:

SINCE 2012 THE TAGS AND NOTES ARE A QUICK AND RELIABLE COMMUNICATIONS TOOL THAT IS USED BY THE EMP STAFF TO KEEP OTHERS INFORMED WITHOUT DIRECT CONVERSATION. EMP RELIED ON VERBAL COMMUNICATION AMONGST EACH OTHER AS WELL AS INDIVIDUAL NOTES AND NOTE PADS, WITH REPORTS BEING GENERATED FROM SAME.

WE HAVE BEEN ABLE TO MAINTAIN A CLEAN BOARD WITH PROPER NOTATION AND TAGS. THE ADVANTAGE WE HAVE FOUND WITH USING THE TAGGING AND NOTATION SYSTEM IS THAT ANY MONITORING OFFICER CAN PICK UP THE CASE OF ANOTHER'S CLIENT AND WORKS THE CASE, WHERE AS PREVIOUSLY THE CASE MANAGER ALWAYS HAD TO TAKE THE LEAD.

DESCRIBE THE ACTIONS YOU WILL TAKE TO IMPLEMENT RECOMMENDATION #5 OR FIX THE PROBLEM:	RESPONSIBLE PERSON:	COMPLETION DATE:
5.1 WE HAVE ADDRESSED THIS ISSUE AFTER THE NIJ REPORT AND HAVE BEEN UTILIZING THE MONITORING SYSTEM.	CAPT. DEVLIN	PRESENTLY BEING ADDRESSED, AND ADJUSTED AS NEEDED.
5.2		
5.3		
5.4		
5.5		

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<p><b>FINDING 6.</b> THE CITY DID NOT ESTABLISH PROGRAM OBJECTIVES OR PERFORMANCE MEASURES TO ASSESS OPSO'S ADMINISTRATION OF THE EMP AND THE OVERALL EFFECTIVENESS OF THE PROGRAM, AND DATA OPSO PROVIDED THE CITY HAD LITTLE USEFUL INFORMATION FOR MEASURING PROGRAM PERFORMANCE.</p>	<p><b>RESPONSIBLE PERSON:</b> (NAME AND CONTACT)</p>	<p><b>RESPONSE CHOICE</b> (SELECT ONE):</p>
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<p><b>RECOMMENDATION #6</b> REQUIRING IMMEDIATE ACTION:          OPSO AND THE CITY SHOULD DEVELOP MEANINGFUL PERFORMANCE MEASURES FOR JUDGES, CITY ADMINISTRATORS, AND THE CITY COUNCIL TO EVALUATE THE EMP.</p>	<p>CHARLES WEST</p>	<p>Accept</p>
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IF YOU REJECT OR PARTIALLY ACCEPT RECOMMENDATION #6, PLEASE EXPLAIN WHY:  
 A SAMPLE OF THE INFORMATION SUPPLIED TO THE CITY IS ATTACHED BELOW.

MONTH
Year
START
A/I
NAME
CRT CODE
SECTION
Charge
MONITOR
Zip Code
OFFICER
Race
Sex
DOB
YEAR OF BIRTH
Referral Source
ADULTS/FINS/DELINQ
Pre or Post Trial

END
SUCC
UN-SUCC
EMP VIOLATION
RESTRICTIONS
Day Count
Last Month Totals
Total Time on Program
CRT CODE
Out
In
Month Total

EACH CATEGORY WILL CONTAIN A DROP DOWN SCREEN WITH OPTION FOR EXAMPLE...THE DROP DOWN SCREENS FOR "SUCC" "UN-SUCC" AND "EMP VIOLATION" LOOK LIKE SO:

NLC	EMP Viol	Fail to Charge
Sent	New Arrest	Curfew
CRT Rem		Cut Device

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HOSPITAL		Other
OTHER		

IF IT IS "UN-SUCC" AND OPTION "NEW ARREST" THE "RESTRICTION" COLUMN IS CHOSEN AND YOU WILL HAVE THE FOLLOWING OPTIONS TO CHOOSE FROM:

Before EMP
In Violation
Not in Violation

"BEFORE EMP" - THIS TELLS YOU IF A CLIENT GOT NEW CHARGES AND THEY WERE ACTUALLY ATTRIBUTED TO BEFORE THE CLIENT WAS ON EMP. "IN VIOLATION" OF PROGRAM RULES AT THE TIME OF NEW CHARGES OR FINALLY "NOT IN VIOLATION" MEANS THE CHARGES OCCURRED WHILE THE CLIENT WAS NOT UNDER COURT ORDERED RESTRICTIONS, IE.. CURFEW IS FROM 8P TO 6A AND HE/SHE COMMITS AN OFFENSE AT 2:30P.

FOR THE YEAR 2013 AND UP TO SEPT. 30, 2014, THE EMP HAS THE FOLLOWING RESULTS CONCERNING RE-OFFENDING WHILE ON EMP:

- BEFORE EMP: CHARGES WERE FROM OFFENSES BEFORE CLIENT WAS PUT ON EMP, OPEN INVESTIGATIONS = 1.6%
- IN VIOLATION: CLIENT WAS UNDER COURT RESTRICTIONS, CURFEW OR TERRITORIAL, AT THE TIME OF THE NEW OFFENSE = 2%
- NOT IN VIOLATION: CLIENT WAS NOT UNDER COURT RESTRICTIONS, CURFEW OR TERRITORIAL, AT THE TIME OF THE NEW OFFENSE = 5.9%

AT THE PRESENT TIME WE GIVE CDC WEEKLY REPORTS ON THEIR CLIENTS AND WE GIVE JUV CRT BI MONTHLY REPORTS ON PARTICIPATION AS WELL AS MONTHLY AND QUARTELY REPORTS ON ALL ACTIVITIES. IF THE COURTS HAVE A SPECIFIC REQUEST, AND THE DATA IS BEING RECORDED, WE CAN USUALLY HAVE AN ANSWER WITHIN THE HOUR. IF ADDITIONAL INFORMATION IS REQUESTED, AND IS NOT BEING RECORDED, WE CAN ADD IT TO THE DATA COLLECTION FOR FUTURE COLLECTION AND HAVE A PAST HISTORY REPORT WITHIN 15 TO 20 DAYS, DEPENDING ON THE INFORMATION REQUESTED AND THE DEPTH OF THE HAND RESEARCH THAT IS NEEDED TO BE DONE.

REPORTING OF ALL ALERTS A CLIENT MAY RECEIVE IN A MONTH. THIS HAS NEVER BEEN REQUESTED BY ANY COURT OR PARTICULAR JUDGE, IT WOULD BE A LITTLE HARD TO CALCULATE AND PRESENT. THE VENDOR WOULD HAVE TO BE CONSULTED ON THIS MATTER.

DESCRIBE THE ACTIONS YOU WILL TAKE TO IMPLEMENT RECOMMENDATION #6 OR FIX THE PROBLEM:	RESPONSIBLE PERSON:	COMPLETION DATE:
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6.1 WE HAVE THE DATA AND WILL ACCOMODATE ANY REQUEST TO ADD SPECIFICS TO OUR MONTHLY COLLECTION AND WILL REPORT RESULTS AS NEEDED WHEN DIRECTED TO DO SO.	CAPT. DEVLIN	DONE – AND WILL ADJUST PENDING REQUESTS.
6.2 DEVELOP PERFORMANCE REVIEW MEASURES AND REPORT TO PERFORMANCE AND ACCOUNTABILITY OFFICE EACH QUARTER OR AS REQUESTED.	CHARLES WEST	MARCH 2015
6.3		
6.4		
6.5		