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**Notes and
References**

**Continuous Electronic Monitoring
Using Global Positioning Satellite (GPS) Systems**

I. Introduction

Continuous Electronic Monitoring technologies, such as Global Positioning Satellite (GPS) Systems, have been shown to be an effective tool for criminal justice agencies in the supervision and monitoring of certain offenders. The primary objective of the use of GPS is to enhance public safety and reduce victimization by increasing offender accountability.

Continuous electronic monitoring may be used on those probationers where there is a need for enhanced monitoring and where public safety needs will be best served by the enhanced monitoring.

II. Authority

- A. California Penal Code Sections 1210.7 through 1210.16
- B. California Penal Code Section 1202.8 (b)
- C. Chief Probation Officer (CPO)

III. Legislative Intent and Findings

- A. California Penal Code authorizes Probation Departments to utilize continuous electronic monitoring/GPS to electronically monitor the whereabouts of persons on probation.
- B. It is the intent of the legislature that continuous electronic monitoring/GPS have as its primary objective, the enhancement of public safety through the reduction in the number of people being victimized by crimes committed by persons on probation.
- C. The Legislature has found that continuous electronic monitoring/GPS has been used in other parts of the country to monitor persons on formal probation who are identified as requiring a high level of supervision.

§1210.7 PC

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- D. The Legislature has found that continuous electronic monitoring/GPS has proven to be an effective risk management tool for supervising high risk persons on probation who are likely to re-offend where prevention and knowledge of their whereabouts is a high priority for maintaining public safety.
- E. It is the intent of the Legislature that continuous electronic monitoring/GPS programs maintain the highest public confidence, credibility, and public safety.

IV. General Policy Statement+

- A. The CPO shall have sole discretion, consistent with terms and conditions of probation, to decide which persons shall be supervised using continuous electronic monitoring.
- B. Any recommendation for GPS will be staffed at the Manager level.
- C. Adult sex offenders with a Static 99 score of six (6) or above will be placed on continuous electronic monitoring/GPS pursuant to Section 1202.8(b) P.C, unless the court determines that such monitoring is unnecessary for a particular person.
- D. A COMPAS risk assessment will be completed for every probationer prior to them being placed on continuous electronic monitoring/GPS, pursuant to this policy to assist in determining the probationer risk level, victim vulnerability, and criminogenic factors.
- E. No individual shall be required to participate in continuous electronic monitoring/GPS for any period of time longer than the term of probation. In all instances, individuals shall be evaluated every 90 days by the GPS Deputy Probation Officer (DPO), Deputy Probation Officer, Supervising Probation Officer (SPO), and Manager for continuance on GPS. Evaluation determinations shall be documented in the case file.
- F. Continuous electronic monitoring/GPS shall be used for legitimate governmental purposes only.

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G. Only those persons designated by the CPO are authorized to have access to or use of information obtained through the continuous electronic monitoring/GPS.

H. Continuous electronic monitoring/GPS devices shall not be used to eavesdrop or record any conversation, except a conversation between the participant and the person supervising the participant and is to be used solely for the purpose of voice identification.

I. No public or private agency or entity may operate a continuous electronic monitoring system/GPS as authorized by Section 1210.7 PC without a written contract with the County's Probation Department.

V. Electronic Monitoring

A. Continuous electronic monitoring may include the use of worldwide radio navigation system technology, known as Global Positioning Satellite (GPS) Systems.

B. The Santa Barbara County Probation Department will utilize continuous electronic monitoring/GPS which includes the following attributes:

1. A device designed to be worn by a human being,
2. A device that emits a signal as a person is moving or is stationary:
 - a. The signal shall be capable of being received and tracked across large urban or rural areas, statewide, and being received from within structures, vehicles, and other objects to the degree technically feasible in light of associated costs, design, and other considerations as are determined relevant by the Department.
3. A device that functions 24 hours a day,
4. A device that is resistant or impervious to unintentional or willful damage.

§1210.11(b) PC

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- B. Standards for the minimum time interval between transmissions of information about the location of the probationer under continuous electronic monitoring/GPS shall be established after an evaluation of, at a minimum, all of the following:
1. The resources of the Department,
 2. The criminal history of the probationer under supervision,
 3. The safety of the victim of the probationer and or the level of risk the probationer poses the community.

§1210.10 PC

VI. Inter-Agency Assistance & Dissemination of Information

- A. Law enforcement agencies may become involved with information sharing related to GPS data for the purposes of criminal investigations or monitoring of offenders. Information related to or obtained from the utilization of continuous electronic monitoring/GPS as a supervision tool will be shared in a manner consistent with the Department's current policy and procedures relating to the dissemination of information.
- B. A Memorandum of Understanding or other working arrangements may be developed with local law enforcement agencies regarding victim/community notification and/or response to high level risk alerts.

VII. Actual or Suspected Violations of Probation/Non-Compliance

- A. The continuous electronic monitoring devices may have the capacity to immediately notify the Department of actual or suspected violations. The monitoring system identifies the violations which have been outlined by the Department; based on the probationer's Terms & Conditions, the individual supervision needs of a probationer, and the safety of the community.
- B. Notifications of actual or suspected violations of terms of probation, including geographic location and tampering, may be used as evidence to prove a violation of the terms of probation.

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- C. Whenever an officer supervising a probationer has reasonable cause to believe that the probationer is not complying with the rules or conditions set forth for the use of continuous electronic monitoring as a supervision tool, the officer, may without a warrant of arrest, take the probationer into custody for a violation of probation.

§1210.14 PC

VIII. Costs of Supervision

- A. Absent funding sources dedicated to the costs of continuous electronic monitoring/GPS, and upon a finding of an ability to pay, probationers will be charged for the costs of supervision that utilizes GPS.
- B. The Department shall waive all or a portion of the payment upon a finding of an inability to pay.
- C. Inability to pay shall not preclude use of continuous electronic monitoring, and eligibility for GPS monitoring shall not be enhanced by reason of ability to pay.

§1210.15 PC