



**Administrative Policies and Procedures: 13.5**

<b>Subject:</b>	<b>Electronic Monitoring Use on Youth Adjudicated Delinquent</b>
<b>Standards:</b>	TCA 37-1-137; 37-5-105; 37-5-106
<b>Application:</b>	To All Department of Children's Services Division of Juvenile Justice Employees and Juvenile Justice Family Service Workers
<b>Policy Statement</b>	
The Department of Children's Services may utilize electronic monitoring services to enhance the community supervision of selected delinquent youth.	
<b>Purpose:</b>	
The Department of Children's Services shall always strive to provide the most appropriate services in the least restrictive environment for the delinquent youth they serve, always being cognizant of community and youth safety.	
<b>Procedures:</b>	
<b>A. When to use Electronic Monitoring for Delinquent Youth</b>	<ol style="list-style-type: none"> <li>1. The use of electronic monitoring (EM) equipment for delinquent youth will always be determined based upon the outcome of the assessment of the youth's risk factors, strengths, and needs using the <i>Youth Level of Services/ Case Management Inventory</i> (YLS/CMI) assessment instrument, and upon the recommendation of a Child Family Team Meeting (CFTM), for a period of not more than ninety (90) days.</li> <li>2. Extensions of use for more than ninety (90) days require a re-assessment of the youth's strengths and needs using the YLS/CMI assessment instrument, the recommendation of a Child Family Team Meeting (CFTM), and appropriate DCS approval from the Regional Administrator or his or her designee, or DJJ Director of Group Homes for cases involving DCS group homes.</li> <li>3. EM may be used in custodial cases such as, but not limited to any youth adjudicated delinquent who has/is:             <ol style="list-style-type: none"> <li>a) Absconded from a placement,</li> <li>b) Placed in a community residential placement,</li> <li>c) Stepped down from a more secure placement to a less secure placement for no more than thirty (30) days in each step down, or</li> <li>d) Stepped down to aftercare or trial home visit for no more than thirty (30) days.</li> </ol> </li> <li>4. EM may be used in non-custodial cases on youth who are being served by DCS in some capacity and are:</li> </ol>

	<ul style="list-style-type: none"> <li>a) Placed on probation by a Court of competent jurisdiction as a term of probation in lieu of custody and by written order of the Court;</li> <li>b) Previously on state probation charged with a subsequent offense as a pre-dispositional condition as an alternative to detention or other confinement for a period not to exceed ninety (90) days pending further disposition of the Court, and by written order of the Court; OR</li> <li>c) Charged with delinquent offenses and as ordered by a Court of competent jurisdiction as an alternative to state custody for a period of not more than ninety (90) days.</li> </ul>
<p><b>B. Implementation of EM</b></p>	<ol style="list-style-type: none"> <li>1. EM will never be utilized as a punitive measure, and will not be the sole component of services rendered to a youth, but rather a portion of a working treatment plan along with other necessary treatment services. If the youth is receiving behavioral/mental health treatment, a final decision about EM will not be made without consultation with the primary treating clinician. If there is disagreement between the primary treating clinician and the child and family team (CFT), the Well-Being regional psychologist will be asked to review the case. If the Court and the CFT are in disagreement, a referral to the Center of Excellence (COE) for a second opinion will be made.</li> <li>2. The use of the EM device will always be documented in the youth's case file, by the assigned Family Services Worker (FSW). For probationary and aftercare youth, the rules of probation/aftercare and the IPP must be amended to document the use of EM. Routine monitoring done by the assigned FSW will always be documented, as well as documentation of instructions to the youth and his parent(s)/guardians of the method and manner of use of the system.</li> <li>3. The Family Service Workers will be available (or provide appropriate back-up) after hours and on weekends to be on call to respond to the group monitoring the EM equipment as necessary. If EM is used by any Regional office, DCS group home or Youth Development Center (YDCs), <b>written local procedures will be established</b>, consistent with DCS policies. To receive notification during non-working hours, a telephone number will be provided to the monitoring unit for use to notify staff during non-working hours.</li> <li>4. For facilities/offices that use EM, all reports from the monitoring center and all subsequent investigations of those reports will be documented on the appropriate screens in the <i>current child welfare information system</i><sup>1</sup> and filed in the applicable case file within thirty (30) business days.</li> <li>5. In the event a youth with EM equipment absconds, the report and all documentation pertaining to EM will be sent to the regional Absconder Recovery staff.</li> <li>6. DCS staff will not use the equipment until they have been trained, certified as competent users of the EM equipment and software, and properly registered according to the EM vendor's procedures.</li> </ol>

<sup>1</sup> **NOTE:** TNKids is the current DCS child welfare information system and will be replaced by the new system "TFACTS" in the near future. When TFACTS is fully implemented, all references to TNKids or "*current child welfare information system*" will mean TFACTS.

	7. EM will only be implemented utilizing equipment and services provided by a state contracted vendor.
<b>C. Parental, legal guardian and participant’s fiscal responsibility for equipment</b>	<ol style="list-style-type: none"> <li>1. For non-custodial youth, and for children in the legal custody of the department but in the physical custody of their parents/guardians (such as furloughs, passes, and trial home visits), the parents, legal guardians and participant will sign an agreement of understanding acknowledging their responsibility to pay the cost of repair and/or replacement of the EM equipment should it be negligently or willfully damaged or destroyed by the youth in the program on form <b>CS-0823, <i>Electronic Monitoring Equipment Liability Acceptance</i></b>.</li> <li>2. Such agreements will not be required for children in full guardianship of the Department (DCS).</li> </ol>
<b>D. Documentation</b>	Unless other requirements are specified in policy for documentation, or events not documented elsewhere or requiring a broader explanation, all information required to be documented on the appropriate screens in the <i>current child welfare information system</i> must be entered within thirty (30) days from the date of the contact or occurrence.

<b>Forms:</b>	<p><a href="#"><u>CS-0823, <i>Electronic Monitoring Equipment Liability Acceptance</i></u></a></p> <p><a href="#"><u>CS-0230, <i>Staffing Summary and Placement Justification</i></u></a></p> <p><a href="#"><u>CS-0043 <i>Rules of Probation</i></u></a></p> <p><a href="#"><u>CS-0012 <i>Rules of Aftercare</i></u></a></p> <p><a href="#"><u>CS-0582 <i>Individual Program Plan</i></u></a></p>
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<b>Collateral documents:</b>	<p><i>Training Curriculum for Electronic Monitoring</i></p> <p><i>Documentation of Training on Electronic Monitoring</i></p> <p><i>Electronic Monitoring Vendor Registration Form</i> (issued by Contract Vendor)</p> <p><i>Certificate of Training on Electronic Monitoring</i> (issued by Contract Vendor)</p>
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<b>Glossary:</b>	
<b>Term</b>	<b>Definition</b>
<b>Electronic Monitoring:</b>	The use of a devise to verify the location of a youth under the supervision of the Department and placed in a community based program or on conditional release in the community.
<b>State Contracted Vendor:</b>	Private firm under agreement with the Department that supplies the electronic equipment and services.