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**INTEROFFICE MEMORANDUM**  
**Population, Programs & Strategic Planning**


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**DATE:** October 19, 2018

**TO:** Millicent Newton-Embry, Director  
Region I

William Monday, Director  
Region II

Greg Williams, Director  
Region III

**FROM:** Laura J. Pitman, Ph.D., Director 

**SUBJECT:** **Implementing the House Bill No. 2630 for OP-061001 Global Position Satellite Surveillance (GPS) Program**

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Due to recent revisions in 57 O.S. § 510.9 entitled "Electronic Monitoring Program" an exception to OP-061001 entitled "Global Position Satellite Surveillance (GPS) Program" was granted in order to implement the changes.

Please distribute this document to facility heads/wardens and request that they have their staff begin the screening process utilizing new criteria.

The attached documents will assist your staff in the screening process:

1. GPS Program Guidelines
2. Examples of when an inmate is eligible for GPS
3. Disqualifying Crimes for GPS Placement
4. Exception memorandum to OP-061001 Global Position Satellite Surveillance (GPS) Program for the House Bill No.2630

Please advise if additional information is needed.

LJP/sbr

Attachment (4)

Cc: Scott Crow

<b>GPS Program Guidelines</b>													
<b>Security Placement</b>	<b>Criteria</b>												
GPS	<ul style="list-style-type: none"> <li>• Inmates with <b>less than 24 months</b> remaining</li> <li>• Serving a sentence length of <b>less than or equal to 5 years</b> and who <b>are placed at a minimum security facility from the assessment and reception center</b></li> <li>• No felony warrants/detainers</li> <li>• No violent convictions within the previous ten years in accordance with the "Offense Severity Categories" (OP-060102(M) (F), Attachment A)</li> <li>• No convictions as defined in <b>Title 21, Section 13.1, attached</b></li> <li>• No conviction of Driving under the Influence/ Driving under the Influence of Drugs who are not receptive to treatment (Title 47, Section 11-902)</li> <li>• No conviction of Domestic Abuse – Assault and Battery or who have an active protection order (Title 21, Section 644.C)</li> <li>• No conviction of aggravated assault and battery upon any Law Enforcement (Title 21, Section 650)</li> <li>• No inmates convicted pursuant to subsection F of Section 2-401 of Title 63 Manufacture/Distribution w/in restricted zones</li> <li>• No inmates deemed to be a security risk or threat to the public</li> <li>• No inmates requiring educational, medical or other services or programs not available in a community setting</li> <li>• No inmates convicted of a sex offense that, upon release from incarceration, would be required by law to register pursuant to the Sex Offenders Registration Act</li> <li>• No inmates convicted of racketeering activity as defined in Section 1402 of Title 22 of the Oklahoma Statutes</li> <li>• No escape from <b>medium or maximum</b> within the previous ten years</li> <li>• No Active misconducts</li> <li>• Must have a home offer</li> </ul> <p>The following represents <b>24 months projected time left</b> to serve for each earned credit level:</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Earned Credit Level</th> <th style="text-align: center;">Days Remaining</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Enhanced Level 4</td> <td style="text-align: center;">3230</td> </tr> <tr> <td style="text-align: center;">Enhanced Level 3</td> <td style="text-align: center;">2905</td> </tr> <tr> <td style="text-align: center;">Level 4</td> <td style="text-align: center;">2860</td> </tr> <tr> <td style="text-align: center;">Level 3</td> <td style="text-align: center;">2600</td> </tr> <tr> <td style="text-align: center;">Level 2</td> <td style="text-align: center;">2340</td> </tr> </tbody> </table>	Earned Credit Level	Days Remaining	Enhanced Level 4	3230	Enhanced Level 3	2905	Level 4	2860	Level 3	2600	Level 2	2340
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## Examples of When an Inmate is Eligible for GPS

### Examples of when an inmate is eligible for GPS based on sentence lengths.

Inmate is sentenced to 5 years and was placed at a minimum security facility/bed from the assessment and reception center. Inmate is eligible for GPS placement with approved home offer.

Inmate is sentenced to 4 years and was placed at a medium security facility/bed from the assessment and reception center. Inmate is eligible for GPS placement when he/she has less than 24 months remaining on the sentence.

Inmate is sentenced to 8 years and was placed at minimum security facility/bed from the assessment and reception center. Inmate is eligible for GPS placement when he/she has less than 24 months remaining on the sentence.

Inmate is sentenced to 5 years and was initially placed at medium security facility/bed from the assessment and reception center. Inmate is eligible for GPS when he/she has less than 24 months remaining on the sentence.

Inmate is sentenced to 11 years is eligible for GPS when he/she has less than 24 months remaining on the sentence.

### Examples of when an inmate is eligible for GPS based on the listed crimes.

Inmate is sentenced to Manslaughter Second Degree in 1996. Sentence was completed in 2002. He is currently serving a 10 year sentence for Burglary Second Degree and has less than 24 months remaining on the sentence. If all other criteria are met, he is eligible for GPS due to the Manslaughter Second Degree crime is over 10 years old.

In 2014 Inmate received a conviction for Assault and Battery with a Dangerous Weapon that has discharged. He is currently incarcerated on a 4 year sentence for Possession of CDS. He is not eligible for GPS due to the A&B with a Dangerous weapon is within the previous 10 years.

Inmate is sentenced to Rape Second Degree in 2005 completed in 2007. He is currently serving a conviction for Possession of CDS 64 O.S. 2-402 for 4 years and was initially placed at minimum. It was verified with Sex Offender Registration that he will register upon discharge. He is not eligible for GPS because he will have to register as a sex offender upon completion of the possession sentence.

Inmate is sentenced to Unauthorized Use of a Motor Vehicle. In 2000, he was sentenced to 2 years Indecent Exposure. It was verified with Sex Offender Registration that the inmate has satisfied the registry and will not be required to register upon discharge. The inmate is eligible for GPS because the registry requirement is completed.

**\*If it is uncertain the inmate has to register as a sex offender at discharge, the case manager should contact the Sex and Violent Offender Registration's office. When verifying registry status have inmate's full name and DOC# ready to submit. A packet will not be prepared until verification is completed and only if the inmate is determined to be eligible. Please see contact information below:**

**Cheri Bolz, Coordinator**

**Sex and Violent Offender Registration**

**(405) 425-7601 or [osor@doc.ok.gov](mailto:osor@doc.ok.gov)**

Inmate is sentenced to Caretaker Abuse\* 21 O.S. 843.3 and completed the sentenced in 2015. He is currently serving a 12 year sentence for Forgery. He hasn't had a violent crime in the past 10 years. He will be eligible for GPS when he has less than 24 months to serve on the Forgery sentence due to the victim of the Caretaker Abuse was not in a nursing facility.

Inmate is sentenced to Caretaker Abuse of Resident in a Nursing Facility\* 21 O.S. 843.3. Inmate is not ever eligible for GPS due to this conviction. The sentencing document must clearly state "resident in a nursing facility".

**\*If the J&S does not state Caretaker Abuse of Resident in a Nursing Facility, but there are other court documents in the file to indicate the victim was a resident of a nursing facility, the case manager should request that the facility records officer contact the district attorney's office to obtain an amended J&S before the packet is completed for GPS. When there are court documents containing conflicting information a packet will not be prepared until the matter is resolved and only if the inmate is determined to be eligible.**

Inmate is sentenced to Child Neglect 21 O.S. 843.5. Inmate is not ever eligible for GPS due to this conviction.

10/17/18

### Disqualifying Crimes for GPS Placement

Any attempt, conspiracy, or solicitation to commit any crime listed receives the score of the offense attempted, solicited or was the object of the conspiracy and will be considered the same as committing the offense when determining eligibility for GPS.

TITLE	SECTION	OFFENSE DESCRIPTION	Conviction within the previous 10 years	If has to register as Sex Off at release	Has Ever received a Conviction
21	1378.A	ACT VIOLENCE/BODILY HARM-THREATS	X		
21	1263	ADVOCATING CRIME SYNDICALISM OR SABOTAGE	X		
21	1327	ADVOCATING SYNDICALISM ON SCHOOL GROUNDS	X		
21	645	ASSAULT &/OR BATTERY W/DANGEROUS WEAPON	X		
21	681	ASSAULT W/INTENT TO COMMIT A FELONY	X	X	
21	1303	ASSAULT WHILE MASKED OR DISGUISED	X		
21	681	ASSAULT W/INTENT TO COM SEX OFFENSE		X	X
21	1265.4	ATTEMPT TO SABOTAGE	X		
21	849	BOOBY-TRAPPING CAR OR STRUCTURE	X		
21	1431	BURGLARY – FIRST DEGREE			X
21	1441	BURGLARY WITH EXPLOSIVES	X		
21	1903	BUS HIJACKING	X		
21	1903.B	BUS HIJACKING BY THREAT/ASSAULT/BATTERY	X		
21	1903.A	BUS HIJACKING FORCE-INC ATTEMPT	X		
21	1903.C	BUS HIJACKING W/WEAPON	X		
21	1266.4	CONSPIRACIES TO SABOTAGE	X		
21	1261	CRIMINAL SYNDICALISM	X		
21	1903.E	DISCHARGE FIREARM AT/INTO/WITHIN BUS	X		
21	1481	EXTORTION	X		
21	1486	EXTORTION BY THREATENING LETTER	X		
21	748	HUMAN TRAFFICKING			X
21	1088	INDUCING MINOR TO ENGAGE IN PROSTITUTION	X		
21	349	INJURING OR BURNING PUBLIC BUILDING	X		
21	751	MAIMING	X		
21	759	MAIMING	X		
21	752	MAIMING ONESELF	X		
21	716	MANSLAUGHTER SECOND DEGREE	X		

TITLE	SECTION	OFFENSE DESCRIPTION	Conviction within the previous 10 years	If has to register as Sex Off at release	Has Ever received a Conviction
21	717	OWNER OF KILLER ANIMAL-MANSL II DEG	X		
21	1289.16	POINTING FIREARM	X		
21	1767.1	POSS/USE/MFG OR TEL THREAT OF INCENDIARY			X
21	714	PROCURE DESTRUCT-UNBORN CHILD	X		
21	1087	PROCURE MINOR FOR PROSTITUTION/OTHER LEWD OR INDECENT ACTS	X	X	
21	1262	SABOTAGE	X		
21	1087.3	TRANS CHILD U/18 FOR PURPOSE OF PROST.	X	X	
21	1287	USING OFFENSE WEAPON IN FELONY	X		
21	1268.2	ACT OF TERRORISM	X		
21	1040.12a	AGG POSSESSION OF CHILD PORN			X
21	650	AGGRAVATED A&B ON POLICE OFFICER			X
21	1401	ARSON – FIRST DEGREE			X
21	652	ASSAULT AND BATTERY W/DEADLY WEAPON			X
21	652.C	ASSAULT AND BATTERY W/ DEADLY WEAPON			X
21	653	ASSAULT WITH INTENT TO KILL			X
21	651	ATTEMPT TO KILL BY POISON			X
21	843	BEATING OR INJURY OF CHILDREN	X		
10	7115	CHILD ABUSE			X
21	843.5	CHILD ABUSE OR ANY CRIME AGAINST A CHILD			X
10	7115.S	CHILD ABUSE (INVOLVING SEX)			X
21	843.5S	CHILD ABUSE (INVOLVING SEX)			X
21	1024.1	CHILD PORNOGRAPHY			X
21	1024.2	CHILD PORNOGRAPHY			X
21	1030	CHILD PROSTITUTION			X
21	800	CONJOINT ROBBERY			X
21	888	FORCIBLE SODOMY			X
21	1320.2	INCITEMENT OF RIOT	X		
21	741	KIDNAPPING	X		
21	745	KIDNAPPING FOR EXTORTION	X		
21	741S	KIDNAPPING INVOLVING SEX CRIME	X	X	
21	713	KILLING QUICK UNBORN CHILD/MANSLTR FIRST DEGREE	X		

TITLE	SECTION	OFFENSE DESCRIPTION	Conviction within the previous 10 years	If has to register as Sex Off at release	Has Ever received a Conviction
21	1123.A	LEWD OR INDECENT PROPOSALS/ACTS TO CHILD			X
21	711	MANSLAUGHTER FIRST DEGREE			X
21	712	MANSLAUGHTER FIRST DEGREE-INTOX DRIVER	X		
21	701.7	MURDER FIRST DEGREE			X
21	701.8	MURDER SECOND DEGREE			X
21	701.8X	MURDER II DEATH OF LE OFFICER			X
21	1123.A5	PERFORM LEWD ACT IS PRES OF MINOR			X
21	651	POISONING W/INT TO KILL			X
21	1111	RAPE	X	X	
21	1111	RAPE FIRST DEGREE			X
21	1114	RAPE	X	X	
21	1114	RAPE FIRST DEGREE			X
21	1115	RAPE – FIRST DEGREE			X
21	1116	RAPE- SECOND DEGREE	X	X	
21	1111.1	RAPE BY INSTRUMENTATION	X	X	
21	1111.1	RAPE FIRST DEGREE BY INSTRUMENTATION			X
21	1311	RIOT	X		
21	1321.8	RIOT	X		
21	797	ROBBERY	X		
21	791	ROBBERY BY FORCE AND FEAR	X		
21	798	ROBBERY FIRST DEGREE			X
21	797	ROBBERY FIRST DEGREE			X
63	2-403.B	ROBBERY OF CDS FROM PHARMACY	X		
21	801	ROBBERY OR ATT. W/DANG WEAPON			X
21	801.A	ROBBERY OR ATT W/ DANGEROUS WEAPON			X
21	799	ROBBERY SECOND DEGREE	X		
21	801	ROBBERY/ATT W/DANG WEAP 3 <sup>RD</sup> CONVICTION			X
21	652	SHOOTING W/INT TO KILL			X
21	652.A	SHOOTING W/INTENT TO KILL			X
21	701.16	SOLICITING FOR MURDER FIRST DEGREE			X
21	652.B	USE OF VEHICLE IN DISCH OF WEAPON			X
21	1268.4	TERRORISM HOAX	X		
21	1040.12	AGG POSS CHILD PORN			X

TITLE	SECTION	OFFENSE DESCRIPTION	Conviction within the previous 10 years	If has to register as Sex Off at release	Has Ever received a Conviction
21	1021.3	PARENT CONSENT TO JUVENILE PORN			X
21	1485	OBTAINING SIGNATURE BY EXTORTION	X		
21	1021.2	PROCURE/PROD/DIST/POSS JUV PORN			X
21	866	TRAFFICKING IN CHILDREN	X		
21	1320.3	UNLAWFUL ASSEMBLY TO RIOT	X		
21	843.3	ABUSE/NEGLECT OF VULNERABLE ADULT (if victim is a resident of nursing facility)			X
21	843.1B	CARETAKER ABUSE (if victim is a resident of a nursing facility)			X
21	843.1	CARETAKER ABUSE/FINANCIAL EXPLOITATION (if victim is a resident of nursing facility)			X
21	843.1B2	CARETAKER SEXUAL ABUSE OR EXPLOIT (if victim is a resident of nursing facility)		X	X
21	843.1V1A	CARETAKER SEXUAL ABUSE OR EXPLOITATION (if victim is a resident of nursing facility)		X	X
63	2-415	AGGRAVATED TRAFFICKING			X
		AGGRAVATED A&B UPON ANY PERSON DEFENDING ANOTHER PERSON FROM A&B			X
47	11-902	DUI – LIQUOR OR DRUGS (IF NOT RECEPTIVE TO SUBSTANCE ABUSE TREATMENT AND FOLLOW-UP TREATMENT			X
21	644C	DOMESTIC ABUSE			X
22	1402 or 1403	RACKETEERING			X
63	2-401.F	DIST/POSS W/INTENT TO DIST CDS W/IN 2000' SCHOOL/PARK/CHILD CARE			X
		CONVICTED OF ANY SEX OFFENSE WHO UPON RELEASE FROM INCARCERATION IS REQUIRED TO REGISTER PURSUANT TO THE SOR ACT			X



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**INTEROFFICE MEMORANDUM**  
**Population, Programs and Strategic Planning**

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**DATE:** October 10, 2018

**TO:** Joe M. Allbaugh, Director

**FROM:** Laura J. Pitman, Ph.D., Director

**SUBJECT:** Exception to OP-061001 Global Position Satellite Surveillance (GPS) Program for the House Bill No.2630

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On May 8, 2018, Governor Mary Fallin signed House Bill No. 2630 modifying the eligibility requirements for the Electronic Monitoring Program, updating language and declaring an emergency. Beginning in June 2017 major revisions have been taking place in order to combine policies (e.g., GPS, EMP) and consolidate all criteria for inmate movement into one policy. Since these changes are still in process an exception to OP-061001 entitled "Global Position Satellite Surveillance (GPS) Program" requested to implement the changes contained in House Bill No. 2630.

The following language is currently used in policy regarding eligibility requirements:

**Section I. GPS Program Criteria, I. A. Eligibility requirements;**

1. Must be serving a sentence of five years or less and whose initial placement is not higher than minimum security level; or
2. Must have no more than 11 months left to serve on their total term of incarceration.

The following represents 11 months projected time left to serve for each earned credit level:

Earned Credit Level	Days Remaining
Enhanced Level 4	1465
Enhanced Level 3	1320
Level 4	1300
Level 3	1185
Level 2	1065

3. Inmates must have been incarcerated for at least 90 days.

**B. Exclusionary Criteria**

1. Inmates serving a conviction during the current incarceration or convicted within the previous ten 10 years for a highest offense as listed on the "Offense Severity Categories" (OP-060101(M) (F), Attachment A.
2. Inmates convicted of any violation of the Trafficking in Illegal Drugs Act, Section 2-414 et. seq. of Title 63 of the Oklahoma Statutes.
3. Inmates denied parole within the previous 12 months pursuant to Section 332.7 of Title 57 of the Oklahoma Statutes.
4. Inmates removed from the EMP program, or any other alternative to incarceration program authorized by law (PPCS/SSP/EMP), for violation of any rule or condition of the program and reassigned to imprisonment in a correctional facility.
5. Inmates who have escaped from a penal or correctional institution within the previous ten years.

The following exceptions to policy is being requested:

**Section I. GPS Program Criteria, I. A. Eligibility requirements;**

1. Inmates with a **sentence length of less than or equal to 5 years** and who are placed at a minimum security facility from the assessment and reception center; or
2. Inmates with **less than 24 months** remaining.

The following represents **24 months projected time left to serve** for each earned credit level:

Earned Credit Level	Days Remaining
Enhanced Level 4	3230
Enhanced Level 3	2905
Level 4	2860
Level 3	2600
Level 2	2340

3. Inmates must have a home offer.

**B. Exclusionary Criteria**

1. Inmates serving a conviction of a violent offense within the previous ten years or convicted of a violation enumerated in Section 13.1 of Title 21 of the Oklahoma Statutes.
2. Inmates who have escaped from a medium or maximum custody penal or correctional institution within the previous ten years.

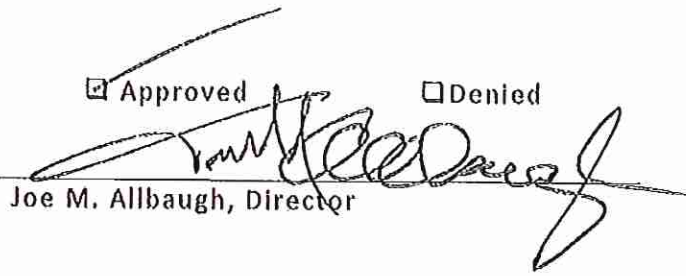
Language not included in the above "Exclusionary Criteria" modification section was removed from the statute.

Please advise if additional information is needed.

LJP/sbr

Approved

Denied

  
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Joe M. Allbaugh, Director

10.11.18  
Date.