

Chapter 07 Supervision and Monitoring

Section 03 – Monitoring

**Authority: Correctional Services Article, §§ 6-104; 6-115; and 6-116,
Annotated Code of Maryland**

A. Purpose and Scope.

(1) **Purpose.** The purpose of this section is to establish procedures for monitoring individuals within the Division’s Drinking Driver Monitor Program (“DDMP”).

(2) **Scope.** This section does not contain all of the requirements pertaining to the monitoring of an individual who, pursuant to:

(a) A court order, is committed to an in-patient facility for alcohol or drug abuse evaluation or treatment; or

(b) An order for probation, is placed under monitoring for a crime specified in Chapter 07.06A(5) with a special condition for participation in an alcohol or drug abuse education or treatment program approved by the Department of Health.

(3) When paragraph (2)(a) or (b) applies, a monitor shall follow the additional monitoring requirements set forth in Chapter 07, Section 06 (“Offenders with Treatment Commitments or Certain Special Conditions”).

B. Definitions.

(1) In this section, the following terms have the meanings indicated.

(2) Terms defined.

(a) “Breath alcohol concentration (BAC)” means the amount of alcohol determined in an individual’s breath sample, as determined by a breath analyzer.

(b) “Driving under the influence (DUI)” means driving or attempting to drive a vehicle while under the influence of alcohol in violation of Transportation Article, section 21-902(a) of the Annotated Code of Maryland.

(c) “Driving while impaired (DWI)” means driving or attempting to drive a vehicle while impaired by:

(i) Alcohol;

- (ii) A drug or combination of drugs;
 - (iii) A combination of one or more drugs and alcohol; or
 - (iv) A controlled dangerous substance.
- (d) “Ignition interlock system” means a device that:
- (i) Connects a motor vehicle ignition system to a breath analyzer that measures a person’s blood alcohol level;
 - (ii) Prevents a motor vehicle ignition from starting if a person’s blood alcohol level exceeds the calibrated setting on the device; and
 - (iii) Has a camera.
- (e) “Monitored individual” means:
- (i) A defendant or probationer who is to be monitored by the Division pursuant to a court order; or
 - (ii) An individual who has been referred for monitoring by the Maryland Motor Vehicle Administration.
- (f) “Offender Case Management System” or “OCMS” means the Department’s records management application and database for detainees, inmates, parolees, mandatory release supervisees, and probationers under its jurisdiction.
- (g) “Testing” means a diagnostic process that is administered for the purpose of detecting the use of alcohol or a controlled dangerous substance by an individual under supervision or monitoring.
- (h) “Workday” means a divisional business day. “Workday” does not include legal holidays, Saturdays, Sundays, or any other calendar day in which State government is closed.

C. Cases Excluded from Monitoring. An individual’s case may not be assigned to monitoring if the:

- (1) Individual is under agent supervision;
- (2) Individual is on probation pursuant to one or more probation orders resulting from a conviction or probation before judgment for both:

- (a) DUI or DWI; and
 - (b) A non traffic-related offense; or
- (3) Individual's criminal history includes:
- (a) Three or more felony convictions within the last ten years; or
 - (b) A conviction for committing or attempting to commit:
 - (i) A sexual offense that would qualify the individual for specialized sexual offender supervision in accordance with Chapter 07, Section 09.02 ("Supervision of the Sexual Offender");
 - (ii) Abduction;
 - (iii) Armed carjacking;
 - (iv) Arson in the first degree;
 - (v) Assault in the first degree;
 - (vi) Assault with intent to murder;
 - (vii) Assault with intent to rape;
 - (viii) Assault with intent to rob;
 - (ix) Assault with intent to commit a sexual offense in the first or second degree;
 - (x) Burglary in the first, second, or third degree;
 - (xi) Carjacking;
 - (xii) Kidnapping;
 - (xiii) Maiming;
 - (xiv) Manslaughter;
 - (xv) Mayhem;
 - (xvi) Murder;

- (xvi) Rape;
- (xviii) Robbery or robbery with a dangerous weapon;
- (xix) Use of a handgun in the commission of a felony or other crime of violence;
- (xx) Homicide by motor vehicle or vessel; or
- (xxi) Homicide by motor vehicle or vessel while impaired by alcohol, drugs, or a controlled dangerous substance.

D. Cases Assigned to Monitoring Based on Court-Imposed Probation.

(1) Subject to the exceptions contained in subsection C of this section, an individual shall be monitored if the individual received probation for a violation of:

- (a) Transportation Article, section 21-902, for driving or attempting to drive a vehicle while:
 - (i) Under the influence of alcohol;
 - (ii) Impaired by alcohol;
 - (iii) So far impaired by a drug, combination of drugs, or a combination of one or more drugs and alcohol that the individual could not drive safely; or
 - (iv) Impaired by a controlled dangerous substance; or
- (b) Natural Resources Article, § 8-738, for operating or attempting to operate a vessel while:
 - (i) Under the influence of alcohol;
 - (ii) Impaired by alcohol;
 - (iii) So far impaired by a drug, combination of drugs, or a combination of one or more drugs and alcohol that the individual cannot operate a vessel safely; or
 - (iv) Impaired by a controlled dangerous substance.

(2) **Probation/supervision order.** In order to record a probation agreement between a court and a defendant, all Maryland courts use the “Probation/Supervision Order”. Except for the order’s title and the common categorizing of the conditions on each order into standard and

special conditions, the language of the order may vary among jurisdictions and, sometimes, within a single jurisdiction.

(3) **Standard conditions of probation.** With one exception, the standard, or general, conditions of probation do not derive from statute but from judicial practice. The exception is the probation condition that requires a probationer to pay all fines, cost, restitution, and fees as ordered by the court.

(4) The standard conditions of probation are as follows:

- (a) Report as directed and follow your Supervising Agent's instructions;
- (b) Work and/or attend school regularly;
- (c) Get permission from your Supervising Agent before:
 - (i) Changing your home;
 - (ii) Changing your job;
 - (iii) Leaving the State of Maryland; or
 - (iv) Owning, possessing, using or having under your control any dangerous weapon or firearm of any description;
- (d) Obey all laws and incur no jailable offenses;
- (e) Notify your Supervising Agent at once if charged with a criminal offense, including jailable traffic offenses;
- (f) Permit your Supervising Agent to visit your home announced and/or unannounced;
- (g) Do not illegally possess, use, or sell any narcotic drug, controlled dangerous substance, counterfeit substance, or related paraphernalia;
- (h) Appear in court when notified to do so; and
- (i) Pay all fines, costs, restitution, and fees as ordered by the court.

(5) **Special conditions of probation.** Special conditions of probation are conditions specific to the probationer on whose "Probation/Supervision Order" they appear. A special condition:

- (a) Requires the probationer to do something; or

(b) Prohibits the probationer from doing something.

(6) A judge may, in placing a defendant on probation:

(a) Strike or modify a standard condition;

(b) Include a special condition; or

(c) Do both (a) and (b).

(7) The court may order the following special conditions of a probationer who has been convicted of or received probation before judgment for an alcohol- and/or drug-related driving offense:

(a) Totally abstain from alcohol, illegal substances, and abusive use of any prescription drug(s);

(b) Enroll in, pay any required costs for, and successfully complete a specified drug or alcohol treatment program;

(c) Submit to, successfully complete, and pay required costs for drug or alcohol evaluation, testing, and treatment as directed by the Division of Parole and Probation;

(d) Attend self-help group meetings;

(e) Complete the Motor Vehicle Administration's Alcohol Education Program;

(f) Complete a specified number of community service hours;

(g) Attend Victim Impact Panel meetings when notified;

(h) Have an ignition interlock device installed on the probationer's vehicle; and

(i) Obtain an alcohol restriction on the probationer's driver's license for a specified period of time;

(j) Complete the Positive Alternatives to Dangerous and Destructive Decisions ("PADDD") Program and pay all required fees of the program; and

(k) Complete the Shock Trauma Tour and pay all required fees.

(8) **Pre-trial monitoring.** In the limited number of Maryland counties that do not operate a pre-trial release services program, a judge or a District Court commissioner may:

(a) Order an individual to be monitored by the Drinking Driver Monitor Program as a condition of pre-trial release; and

(b) Impose conditions upon an individual's pre-trial release monitoring.

(9) A monitor who is assigned pre-trial monitoring of an individual shall advise the individual that the court will be notified of any violation of the individual's conditions of pre-release.

E. Cases Assigned to Monitoring Based on Motor Vehicle Administration Referral.

(1) The Medical Advisory Board ("MAB") of the Maryland Motor Vehicle Administration ("MVA") may refer an individual for monitoring if the individual's driving ability is under evaluation because the individual has been:

(a) Convicted of alcohol or drug-related driving offenses;

(b) Hospitalized or placed under a physician's care for treatment of alcohol, drug, or narcotics abuse or addiction; or

(c) Otherwise deemed by the MAB to be in need of monitoring.

(2) The MAB may order the following provisions of an individual's monitoring:

(a) Complete abstinence from alcohol or drugs;

(b) Six months or more of continued monitoring after re-licensure in alcohol-related cases;

(c) Attendance at self-help groups for a period of time determined by the MAB;

(d) Completion of a certified substance abuse treatment program or alcohol education program; or

(e) Enrollment in the MVA's Ignition Interlock Program.

(3) An individual who is found guilty of DUI or DWI is required to appear before an administrative law judge ("ALJ") of the Maryland Office of Administrative Hearings. An ALJ will conduct an administrative proceeding on behalf of the MVA to determine the future status of the individual's State driving privileges.

F. Monitor Duties.

(1) The duties of a monitor include:

- (a) Determining whether a monitored individual is meeting the conditions of pretrial release, probation or a referral by the MAB;
- (b) Establishing and maintaining in OCMS Case Notes an accurate record of contacts and significant events regarding each individual monitored by the monitor;
- (c) As specified in this section, responding to a monitored individual's noncompliance with the conditions of pretrial release, probation, or a referral;
- (d) In accordance with Operations Manual Chapter 07, Section 11, maintaining an accurate record of Earned Compliance Credits in OCMS that have been awarded to or withheld from the monitored individual's term of active probation monitoring;
- (e) Reporting arrearages in court-ordered payment obligations;
- (f) Reporting a new criminal charge or jailable traffic offense not later than 10 days after the monitor learns of the new charge or offense or the outcome thereof; and
- (g) Recording in an OCMS case note:
 - (i) A monitored individual's new criminal charge or jailable offense;
 - (ii) The essential information regarding a monitored individual's new criminal charge, including the offense, date of offense, and date of arrest;
 - (iii) Whether the monitored individual reported the new criminal charge or offense to the monitor; and
 - (iv) The type and date of report submitted to the sentencing court regarding the monitored individual's new criminal charge or jailable offense.

(2) **Monitoring assigned by intake unit.** When monitoring of an individual is assigned to a monitor by an intake unit, the monitor shall be responsible for monitoring the individual from the date that the "Supervision Case Intake Record" is electronically received at the monitor's office.

(3) Upon receipt of a case assigned by an intake unit, the monitor shall:

- (a) Review the order by which the monitored individual was placed under monitoring;

- (b) Review the results of the Initial Risk Screener conducted at Intake;
 - (c) Ensure that the order by which the individual was placed under monitoring and the Initial Risk Screener are uploaded into the Documents section of OCMS for the appropriate DPP case number assigned from Intake;
 - (d) Review the case material, including criminal, institutional, supervision, and monitoring history record information; and
 - (e) Document in the Case Notes of OCMS that the monitor reviewed the case material.
- (4) If a monitor's review of the items listed in (3)(a) through (e) reveals that either incorrect or incomplete information was entered into OCMS by the intake reviewer, the monitor:
- (a) May not return any of the case material to the intake unit; and
 - (b) Shall be responsible for correcting or completing the information.

G. DDMP Assessments and Reassessments.

- (1) **Initial Risk Screener.** An Initial Risk Screener shall be conducted at Intake on each individual:
- (a) Assigned to the monitor by an intake unit; or
 - (b) Received by the monitor from the Interstate Compact Unit, if the individual is accepted for supervision in Maryland.
- (2) If an Initial Risk Screener was not completed at Intake, a monitor shall complete the screener not later than 10 days after the case was assigned to the monitor by Intake.
- (3) **Initial Risk Screener outcome.** If a monitored individual's Initial Risk Screener score total is 0, 1, or 2, then a monitor:
- (a) Is not required to conduct further assessment; and
 - (b) Shall assign the case to LOW monitoring level and monitor the individual in accordance with the contact standards outlined for DDMP LOW in subsection H below.
- (4) **Override of Initial Risk Screener.** A monitored individual's screening or assessment score of 0 to 2 points may be overridden, with the approval of the monitor's immediate supervisor, to a higher level if the Division receives:

- (a) Credible information that public safety may be compromised without a higher level of monitoring; or
- (b) A recommendation for a higher level of monitoring from law enforcement.

(5) **DDMP Assessment.** If a monitored individual's Initial Risk Screener score total is 3 or more points, a monitor shall:

- (a) Access and review the monitored individual's criminal and MVA driving history record information;

- (b) Consider information learned by the monitor from the monitored individual's period of monitoring; and

- (c) Conduct a DDMP Assessment of the monitored individual using the OCMS Assessment and Screening Dashboard.

(6) Until a monitor completes the DDMP Assessment, the monitor shall classify the case at the REV/LMD monitoring level, as described in subsection H below.

(7) **Time limitation for completion of DDMP Assessment.** A monitor shall complete a DDMP Assessment as required in paragraph (4) above not later than 45 days after the case was assigned to the monitor by Intake or received from the Interstate Compact Unit.

(8) **DDMP Assessment outcome.** A monitor shall classify an individual's case at the following monitoring level based upon the DDMP Assessment score total:

- (a) Low ("LOW") for a DDMP Assessment score of 0 to 15 points; or

- (b) Low-Moderate ("LMD") for a DDMP Assessment score of 16 or more points.

(9) **Override of DDMP Assessment.** A monitored individual's DDMP assessment score may be overridden, with the approval of the monitor's immediate supervisor, to change an individual's monitoring level from LOW to LMD if:

- (a) The individual has three or more previous documented convictions or probations before judgment for DUI or DWI;

- (b) Prior to the completion of the risk assessment, the individual, if subject to a special condition for alcohol or drug testing, tests positive for alcohol or drug use; or

- (c) During the first 45 days of monitoring, the individual fails to report to the monitor, a treatment provider, or a self-help group.

(10) **Risk reassessment.** A monitor shall conduct a risk reassessment for each monitored individual who is subject to Low-Moderate monitoring:

- (a) Six months after completing the initial DDMP Assessment; and
- (b) Every six months thereafter while the individual is subject to Low-Moderate monitoring.

(11) A monitor shall complete a risk reassessment by:

- (a) Conducting an MVA record check of the offender;
- (b) Using information learned by the monitor from the offender's period of monitoring; and
- (c) Conducting a DDMP Assessment of the monitored individual using the OCMS Assessment and Screening Dashboard.

(12) **Override of risk reassessment score.** An offender's risk reassessment score may be overridden, with the approval of the monitor's immediate supervisor, to change an offender's monitoring level from:

- (a) Low-Moderate to Low; or
- (b) Low to Low-Moderate.

H. Contact Standards for Monitoring. A monitor shall follow the contact standards established in Table 1 below:

Table 1 follows on the next page and is reprinted at the end of this document.

Table 1 DRINKING DRIVER MONITOR PROGRAM
Effective 04/01/2022

Effective 01/01/2022

LEVEL	REV and LOW-MODERATE	LOW	
MINIMUM CONTACT	<p>ONE Positive face-to-face contact per month</p> <p>AND</p> <p>ONE Positive telephone contact per month</p>	<p><u>Cases with Outstanding Special Conditions:</u></p> <p>ONE Positive face-to-face contact per month</p>	<p><u>Cases with Completed Special Conditions:</u></p> <p>Positive telephone contact as needed</p>
FACE-TO-FACE CONTACT DEFINED	<p>A face-to-face contact may be accomplished by any one of the following:</p> <p>(1) A video positive contact; or</p> <p>(2) An office positive contact.</p>		
HOME VERIFICATION	<p>Home verification by documentation not later than 20 days of:</p> <p>(1) Intake; and</p> <p>(2) The monitor being notified that the address of record has changed.</p>		
SPECIAL CONDITION VERIFICATION	<p>One per month until special condition(s) are completed</p>		
EMPLOYMENT VERIFICATION	<p>One per month</p>	<p>As needed</p>	
KIOSK CONTACTS	<p>As needed</p>		

I. Case Record Keeping in OCMS and Contact Codes.

(1) A monitor shall establish and maintain a record in OCMS for the purpose of:

- (a) Summarizing the work done by the monitor;
- (b) Evidencing contacts, special condition compliance, and other pertinent information for potential use in a violation hearing;
- (c) Maintaining electronic copies of business records; and
- (d) Enabling a monitor to gauge a monitored individual's progress and adjustment during the term of monitoring.

(2) A monitor shall enter a contact or pertinent information into the Case Notes section of OCMS not later than the close of the workday during which the monitor learned of the reason or basis for entering the contact or information.

(3) If the reason or basis for entering a contact or information occurs after business hours or during a non-workday, the monitor shall enter the contact or information not later than the close of business on the next workday.

(4) The term “contact” includes a monitor’s speaking with:

- (a) A monitored individual;
- (b) A monitored individual’s friend or family;
- (c) A monitored individual’s employer;
- (d) A person who is a member of the monitored individual’s community, if the person knows the monitored individual;
- (e) A person who is providing treatment, counseling, or another service to the monitored individual in connection with a condition of the monitored individual’s probation;
- (f) A victim;
- (g) An MVA employee; and
- (h) A member of the criminal justice system, including a:
 - (i) Judge;
 - (ii) Prosecutor; or
 - (iii) Police officer.

(5) A monitor shall enter a case note in OCMS for each:

- (a) Contact with or about a monitored individual; and
- (b) Significant event that occurs in the course of monitoring the individual.

(6) The term “significant event” includes the monitor’s:

- (a) Submitting a report to a court regarding a monitored individual; and

(b) Receiving a response from a court regarding a submitted report.

(7) A monitor shall enter the contact codes described in paragraphs (8) through (26) below, as appropriate, in OCMS along with details of the facts and circumstances giving rise to the entry of the code.

(8) **Office positive (“OP”).** A monitor shall enter “OP” into OCMS as an office positive contact only if the monitor, another monitor, or a field or monitor supervisor meets with the monitored individual in a divisional field office regarding a matter pertaining to the individual’s monitoring.

(9) **Office collateral (“OC”).** A monitor shall enter “OC” into OCMS as an office collateral contact only if the monitor, another monitor, or a field or monitor supervisor meets in a divisional field office with a member of the public regarding a particular monitored individual.

(10) **Office staff contact (“OSC”).** A monitor shall enter “OSC” into OCMS as an office staff contact when an individual in one of the following positions speaks face-to-face with a monitored individual:

- (a) Laboratory assistant;
- (b) Agent assistant;
- (c) Intern;
- (d) Volunteer; or
- (e) Administrative support staff, including a receptionist.

(11) **Telephone positive (“TP”).** A monitor shall enter “TP” into OCMS as a telephone positive contact when the monitor speaks with a monitored individual.

(12) **Telephone negative (“TN”).** A monitor shall enter “TN” into OCMS as a telephone negative contact when the monitor telephones a monitored individual but does not speak with the monitored individual.

(13) **Telephone collateral (“TC”).** A monitor shall enter “TC” into OCMS as a telephone collateral contact when the monitor:

- (a) Speaks with an individual other than the monitored individual regarding the monitored individual or another particular monitored individual;

- (b) Receives a voice mail message from a monitored individual;
- (c) Leaves a voice mail message for a monitored individual;
- (d) Receives a message from an employee that a monitored individual telephoned; or
- (e) Receives a message that an individual telephoned the monitor regarding a particular monitored individual.

(14) **Video positive (“VP”).** A monitor shall enter “VP” into OCMS as a video positive contact when the monitor:

- (a) Speaks with a monitored individual via a video-enabled smartphone; and
- (b) The individual is visible to the monitor for the duration of the call.

(15) **Video negative (“VN”).** A monitor shall enter “VN” into OCMS as a video negative contact when the monitor initiates a video call to a monitored individual but does not speak with the monitored individual.

(16) **Email message sent (“EMS”).** A monitor shall enter “EMS” into OCMS when the monitor sends an email message to a monitored individual.

(17) **Email message received (“EMR”).** A monitor shall enter “EMR” into OCMS when the monitor receives an email message from a monitored individual.

(18) **Text message sent (“TMS”).** A monitor shall enter “TMS” into OCMS when the monitor sends a text message to a monitored individual.

(19) **Text message received (“TMR”).** A monitor shall enter “TMR” into OCMS when the monitor receives a text message from a monitored individual.

(20) When entering a telephone, video, email, or text contact of any type into OCMS, the monitor shall record the:

- (a) Number or email address associated with the contact; and
- (b) The platform to or from which the call, text, or email was made or received (e.g., smartphone, tablet, etc.).

(21) **Failure to report (“FTR”).** A monitor shall enter “FTR” in OCMS when a monitored individual fails to report as instructed by the monitor.

(22) **Failure to call (“FTC”).** A monitor shall enter “FTC” in OCMS when a monitored individual fails to call as instructed.

(23) **Community collateral (“CC”).** A monitor shall enter “CC” into OCMS as a community collateral contact if:

- (a) The monitor speaks, sees, or receives correspondence from a member of the public regarding a particular; and
- (b) The contact does not qualify as any other type of monitoring contact as set forth in this section.

(24) **Community positive (“CP”).** A monitor shall enter “CP” into OCMS as a community positive contact if:

- (a) The monitor speaks face-to-face with a monitored individual outside of a divisional field office or office business site of the Division; and
- (b) The contact does not qualify as any other type of monitoring contact set forth in this section.

(25) **Employment positive (“EP”).** A monitor shall enter “EP” into OCMS as an employment positive contact if the monitor speaks with the monitored individual at the individual’s reported workplace or worksite.

(26) **Employment collateral (“EC”).** A monitor shall enter “EC” into OCMS as an employment collateral contact if the monitor has conducted employment verification activity by:

- (a) Speaking with an employee, other than the monitored individual, at the monitored individual’s reported workplace or worksite, if the employee confirms the monitored individual’s employment status;
- (b) Seeing, without speaking to, the monitored individual in work status at the monitored individual’s reported workplace or worksite; or
- (c) Reviewing the monitored individual’s current pay stub or pay envelope and recording in case notes all of the following information:
 - (i) Name of the monitored individual’s employer;
 - (ii) Pay period covered;
 - (iii) Hours worked; and

(iv) Net income.

(27) **Employment negative (“EN”).** A monitor shall enter “EN” into OCMS as an employment negative contact when the monitor telephones or contacts the monitored individual’s employer for the purpose of verifying the monitored individual’s employment and the employer does not confirm the employment of the monitored individual.

J. Case File Organization and Record Keeping.

(1) **Case file.** A monitor shall maintain a case file for each court order or MVA referral assigned to the monitor.

(2) The contents of a case file shall:

(a) Include all business records relating to the offender that are generated or received by the Division; and

(b) Be maintained in chronological order in the case file.

(3) A copy of any letter or other correspondence sent by the monitor to the monitored individual shall:

(a) Contain the monitored individual’s name, address, citation number; and

(b) Contain the date the letter was actually sent;

(c) Be maintained in the case file;

(d) Be documented in the case notes section of OCMS; and

(e) Be uploaded and labeled into the Documents section of OCMS.

(4) **Case file security and accessibility.** A monitor shall be responsible for the care and safekeeping of State property issued to the monitor, including case files and their contents.

(5) A monitor shall ensure that, in the monitor’s absence, the monitor’s case files are accessible to the monitor’s supervisor.

(6) **Removal of case file from office.** Except as permitted under paragraph (7) below, a monitor who removes a case file from the monitor’s office shall return the case file to the monitor’s office not later than the close of business on the same day that the file is removed.

(7) A monitor may exceed the time limitation set forth in paragraph (6) if exceeding the limitation:

- (a) Serves a business purpose or an established employee telework plan; and
- (b) Is approved by the monitor's supervisor.

(8) **Reporting loss or theft of case file or other State property.** If a case file, its contents, or any State property issued or entrusted to the monitor are lost or stolen, a monitor shall submit to the monitor's supervisor a written report regarding the loss or theft not later than the close of business on the workday that the monitor becomes aware of the loss or theft. If the monitor becomes aware of the loss or theft on a non-workday, the monitor shall submit the written report to the monitor's supervisor no later than close of business on the next workday.

(9) **Attendance slips.** Form DPP-SUP-38 ("DDMP Attendance Slip") is used to verify a monitored individual's attendance at a:

- (a) Self-help group; or
- (b) Alcohol education program class.

(10) In the absence of a subpoena, a monitor may not disseminate an attendance slip to another agency without the written prior permission (i.e., Release of Information) of the individual named in the attendance slip.

(11) **Sign-In records.** A monitor shall ensure that an offender signs in at a Divisional office using the office or regional sign-in record and procedures each time the offender reports to the monitor.

K. Monitor's Initial Meeting with a Monitored Individual.

(1) **Forms.** A monitor shall complete and have the monitored individual sign (either with ink or electronically) the following forms during the monitored individual's first office visit:

- (a) A completed DPP-COL-1 ("Payment Instruction");
- (b) A completed DPP-SUP-30 ("Gun Possession");
- (c) The DDMP Program Fee letter, which may be accessed through the Forms section of OCMS;
- (d) DPP-SUP-37 ("Instructions for Ignition Interlock Compliance"), which may be accessed under the Forms sections of either SafetyNet or OCMS, if:

- (i) The monitored individual is participating in the MVA's Ignition Interlock Program;
- (ii) The monitored individual has been court-ordered to obtain an ignition interlock system as a special condition of probation; or
- (iii) Both (i) and (ii); and

(e) DPP-ADM-75 ("Consent and Authorization for Release of Information Form").

Note: If the forms listed in paragraph (1) cannot be completed at the initial meeting, the monitor shall complete the forms as soon as the information needed to complete them is available to the monitor.

(2) For each form completed and signed in accordance with paragraph (1) above, a monitor shall:

- (a) Provide the monitored individual with a copy of each completed and signed form;
- (b) Place and retain in the case file each completed and signed form; and
- (c) Scan and upload a copy of each completed and signed form into the Documents section of OCMS.

(3) During the monitored individual's first office visit, a monitor shall:

- (a) Ask the monitored individual:
 - (i) Whether there are pending charges against the monitored individual;
 - (ii) Whether the monitored individual is under any other type of supervision;
 - (iii) Whether the monitored individual is employed; and
 - (iv) Whether the monitored individual is receiving Social Security Disability Insurance and is permanently unable to work;
- (b) Review with the monitored individual:
 - (i) The general and special conditions of the monitored individual's probation;
 - (ii) The conditions imposed by the MVA; or

(iii) Both (i) and (ii), if the monitored individual is subject to the jurisdiction of both a court and the MVA; and

(c) Make an entry in the Case Notes section of OCMS to record:

(i) That the standard and special conditions were reviewed with the monitored individual; and

(ii) The monitored individual's answers to the questions posed under this paragraph.

(4) Verify in OCMS whether the monitored individual is eligible for the accrual of Earned Compliance Credits in accordance with Operations Manual Chapter 07, Section 11;

(5) **Substance abuse treatment.** If a monitored individual has been ordered to enroll in a substance abuse treatment program as a special condition of probation, the monitor shall:

(a) Instruct the individual to enroll in a program that is certified by the Behavioral Health Administration ("BHA") of the Maryland Department of Health not later than 10 days following the date of the individual's initial office visit;

(b) Provide the individual with a list of BHA-certified treatment programs; and

(c) Shall assist the individual in identifying a suitable BHA-certified treatment program if the individual has a disability.

Note: The U.S. Department of Health and Human Services provides an online locator service for certified substance abuse treatment providers through the following website: <https://findtreatment.samhsa.gov/>

(6) **Self-help group attendance.** If a monitored individual has been ordered to attend self-help group meetings as a special condition of probation, the monitor shall:

(a) Provide the individual with a list of self-help group meetings held in the individual's area;

(b) Inform the individual that disruptive behavior on the offender's part at a self-help group meeting that results in the expulsion of the individual from the meeting shall result in a graduated sanction or report to the court as a violation of probation;

(c) Provide the individual with a sufficient number of attendance slips (DPP-SUP-38 ("DDMP Attendance Slip")) to document the individual's attendance at the required number of meetings until the individual's next reporting date; and

(d) Instruct the individual to:

(i) Attend only open self-help group meetings; and

(ii) Have an authorized representative of the self-help group sign and date the individual's attendance slip.

(7) A monitor shall ensure that each attendance slip provided to a monitored individual contains the individual's name.

(8) With the approval of the monitor's supervisor, a monitor may verify self-help group attendance by a means other than use of DPP-SUP-38 ("DDMP Attendance Slip").

(9) **Ignition interlock system.** If a monitored individual has been court ordered to obtain an ignition interlock system, the monitor shall:

(a) Access the individual's MVA driving record through the Criminal Justice Information System (CJIS) to verify that a "Court-Ordered Ignition Interlock" restriction (J-Code) has been entered on the driving record for the corresponding citation number and offense date for which the individual is on probation; and

(b) Print a copy of the driving record obtained in subparagraph (a);

(c) Sign and date the printed copy of the driving record;

(d) Place the record in the monitored individual's case file; and

(e) Scan and upload a copy of the record into to the "Documents" section of OCMS.

(10) If the individual's driving record does not reflect the court-ordered ignition interlock restriction as described in paragraph (9)(a) above, the monitor shall, not later than five (5) days following the individual's initial meeting with the monitor:

(a) Complete DPP-SUP-36 ("Ignition Interlock Restriction Report");

(b) Email a copy of the completed "Ignition Interlock Restriction Report" to the MVA's Driver Wellness and Safety unit along with a copy of the Order for Probation directing the special condition for an interlock ignition system to the MVA at the following email address: DWSMED@mdot.maryland.gov;

(c) Document in OCMS the date that "Ignition Interlock Restriction Report" was emailed to the MVA;

(d) Retain a printed copy of the email sent to the MVA in the monitored individual's case file along with a copy of the completed "Ignition Interlock Restriction Report"; and

(e) Scan and upload a copy of the completed "Ignition Interlock Restriction Report" into the Documents section of OCMS.

(11) Not later than 30 days after the requirements set forth in paragraph (10) of this subsection are met, the monitor shall determine whether the requested license restriction has been added to the monitored individual's driver's license by following the procedures outlined in paragraph (9).

(12) During the initial meeting with the monitored individual, the monitor shall:

(a) Review and have the individual sign form DPP-SUP-37 ("Instructions for Interlock");

(b) Provide the individual with a:

(i) Copy of the completed "Instructions for Interlock" form; and

(ii) Listing of certified ignition interlock system vendors;

(c) Instruct the monitored individual that within 30 days of the court's Order for Probation the individual is to provide written verification of compliance with the order to:

(i) Obtain an ignition interlock restriction on the individual's driver's license; and

(ii) Have a certified ignition interlock system installed regardless of the status of the individual's driver's license or ownership of the vehicle;

(Note: A valid work order from an approved vendor that installation of an ignition interlock system is pending shall satisfy the requirement set forth in paragraph (c)(ii) of this subsection); and

(d) Advise the monitored individual that the individual is:

(i) Responsible for the cost of installing and servicing the ignition interlock system;

(ii) To drive only a vehicle equipped with a certified ignition interlock system unless expressly permitted to do otherwise by the sentencing court or the MVA; and

(iii) To personally use the certified ignition interlock system before driving the motor vehicle.

(13) If a monitored individual's probation case has been activated from PSS ("Pending Split Sentence") status, the monitor shall instruct the individual to obtain the license restriction and ignition interlock system described in paragraph (12)(c) above not later than 30 days following the individual's release from confinement.

(14) If a monitored individual has been referred from the MAB, the monitor shall instruct the individual to:

- (a) Sign and date the MAB referral order; and
- (b) Mail a copy of the signed order to the MAB in the self-addressed stamped envelope provided.

(15) If a monitored individual's driver's license has been suspended or revoked, the monitor shall:

- (a) Instruct the individual not to operate a motor vehicle; and
- (b) Notify the police if the monitor learns that the individual is driving a motor vehicle.

(16) Before the conclusion of the first office visit with the monitored individual, the monitor shall:

- (a) Provide the individual with a signed and dated report card or electronic message to indicate the date, time, and location of the individual's next reporting day;
- (b) Explain the office notification procedures in the event that the individual is unable to report for a scheduled reporting day;
- (c) Ask the individual whether the individual has any questions regarding the responsibilities of being under monitoring;
- (d) Advise the individual to notify the monitor immediately if the individual:
 - (i) Is served with a criminal summons; or
 - (ii) Is charged, by arrest or indictment, with a new offense; and
- (e) Instruct the individual to notify the monitor if the individual changes residence.

(17) A monitor shall ensure that a monitored individual receives, in writing or electronically, the monitor's telephone number and email address in order for the individual to make a notification required under sub-paragraphs (d) or (e) of paragraph (16).

L. Monitor's Duties for Scheduled Reporting.

(1) During each scheduled contact subsequent to the monitored individual's initial office contact, the monitor shall:

- (a) Ensure that the monitored individual has signed-in according to the procedures established for the office if the individual is reporting to an office;
- (b) Enter the appropriate contact code into the Case Notes section of OCMS, noting an excused absence since the previous report date;
- (c) Review with the monitored individual the individual's current Earned Compliance Credit status and abatement date if the individual is eligible to accrue credits;
- (d) Inquire of the monitored individual whether the individual:
 - (i) Changed address or employment; or
 - (ii) Incurred a new criminal charge or conviction;
- (e) If the monitored individual is subject to a special condition:
 - (i) Determine whether the offender is in compliance with the special condition, as set forth in subsections (M) and (N) of this section; and
 - (ii) Enter "SCV" into the Case Notes section of OCMS as a special condition verification for each instance in which the monitor verifies whether the monitored individual is in compliance with a special condition;
- (f) Provide the monitored individual with written or verbal notice of the date, time, and location or mode that the individual is next to report; and
- (g) Enter a case note into OCMS to document that the monitor provided written or verbal instruction to the monitored individual of the date, time, and location or mode of the individual's next report date.

(2) If the monitored individual's home address or employment changes, the monitor shall update that information in OCMS.

(3) If a monitored individual is required to enroll in a treatment program but is not enrolled, the monitor shall:

(a) Issue an intervention or sanction based upon whether the failure to enroll is a minor infraction, intermediate infraction, or technical violation in accordance with Operations Manual Chapter 07, Section 13 (“Infractions, Interventions, and Sanctions);

(b) Instruct the individual to:

(i) Enroll in a treatment program immediately; and

(ii) Not later than the individual’s next report day, provide the monitor with verification of the enrollment.

(4) Consistent with the monitor’s training, the monitor shall make personal observations of the monitored individual to determine whether the individual is using alcohol or other drugs.

(5) A monitor may not conduct drug or alcohol screening or testing unless a monitored individual’s probation order contains a special condition for drug, alcohol, or substance abuse testing.

(6) If a monitored individual’s probation order authorizes testing, a monitor shall administer a preliminary breath test (“PBT”) or oral alcohol swab to the monitored individual:

(a) At least once a month; and

(b) Any time the monitor’s observations of a monitored individual indicate that the individual may be using alcohol.

(7) If the results of a monitored individual’s PBT or oral alcohol swab indicate the presence of alcohol, a monitor shall conduct substance abuse screening of the individual.

M. Special Condition Verification.

(1) **License Restriction-Alcohol.** A monitor shall instruct a monitored individual to:

(a) Report to the MVA not later than 10 days from the date that a license restriction for alcohol was imposed by the court; and

(b) Obtain an alcohol restriction.

(2) Not later than 30 days following a monitored individual’s intake, a monitor shall determine whether the individual obtained the court-ordered alcohol restriction.

(3) A monitor may meet the requirement set forth in paragraph (1) of this subsection by:

(a) Looking at the monitored individual's driver's license; or

(b) Reviewing the monitored individual's online MVA record.

(4) A monitor shall enter into OCMS whether the monitored individual obtained the alcohol restriction.

(5) If the offender obtained the alcohol restriction, the monitor shall enter into OCMS the "SCV" contact code followed by:

(a) "Alcohol restriction obtained"; and

(b) The date that the monitored individual obtained the alcohol restriction.

(6) **Substance Abuse Treatment.** Not later than 30 days following a monitored individual's intake, a monitor shall verify the individual's special condition to participate in a substance abuse treatment program by:

(a) Confirming that the individual is enrolled in a substance abuse treatment program that is certified by the Maryland Department of Health's Behavioral Health Administration;

(b) Reviewing status reports sent by the program to the monitor;

(c) Speaking directly with the monitored individual's treatment provider.

(7) A monitor shall record verification of a monitored individual's attendance at a treatment program by entering the "SCV" contact code in OCMS followed by detailed information to include:

(a) The name and contact information of the treatment program that the monitored individual is attending;

(b) The name and telephone number of anyone with whom the monitor spoke directly at the treatment program concerning the monitored individual; and

(c) Information obtained by the monitor from reviewing status reports sent by the treatment program.

(8) **MVA Alcohol Education Program.** A monitor shall verify a monitored individual's completion of the MVA's Alcohol Education Program ("AEP") by obtaining written certification that the offender completed the program.

(9) **Self-help group attendance.** A monitor shall verify whether a monitored individual is attending the specified number of self-help group meetings ordered by the court by reviewing the individual's attendance slip(s).

(10) A monitor shall be alert to the possibility that a monitored individual may submit a forged or altered attendance slip.

(11) In order to minimize the chance that a forged or altered attendance slip will be accepted by a monitor as genuine, a monitor shall compare the monitored individual's handwriting with the handwriting of the self-help group's representative.

(12) If a monitored individual is attending meetings outside of the individual's home area, the monitor shall ask the individual to explain the out-of-area meeting attendance.

(13) If a monitored individual attends fewer than the required number of meetings, the monitor shall instruct the individual to make up the missed meetings within one week. The monitor may allow the monitored individual to attend more than one meeting per day in order to make up the missed meetings.

(14) When a monitor is satisfied that an attendance slip is complete and authentic, the monitor shall enter the "SCV" contact code in OCMS followed by detailed information concerning the monitored individual's self-help attendance.

(15) **Discretion to decrease self-help group attendance.** If a court has authorized the Division to modify a monitored individual's attendance at self-help group meetings, the monitor:

(a) Shall obtain the approval of the monitor's supervisor to reduce the individual's attendance; and

(b) May not reduce the individual's required meetings to fewer than two meetings per week.

(16) **Alcohol and drug abstinence.** A monitor may administer a PBT or oral test swab to a monitored individual only if the individual has a probation condition authorizing drug or alcohol testing. A monitor may not administer a PBT or oral test swab to a monitored individual based solely on the individual's having a probation condition to abstain from using:

(a) Alcohol; or

(b) Alcohol and other drugs.

(17) If a monitored individual's PBT or oral swab result indicates alcohol usage, the monitor shall ask the individual:

- (a) How much alcohol the individual drank; and
- (b) When, or what time, the individual last drank alcohol;

(18) If the monitored individual admits to drinking alcohol, the monitor shall:

- (a) Note the admission in OCMS Case Notes;
- (b) Contact the individual's treatment provider to inform the provider of the individual's admission; and
- (c) Follow the procedures set forth below in subsection P.

(19) If a monitor suspects that a monitored individual may also be under the influence of drugs and the monitored individual's special condition permits drug testing, the monitor shall require the individual to submit to screening in accordance with the Division's drug-testing policy.

(20) **Ignition interlock system device installation.** A monitor shall verify a monitored individual's compliance with a special condition to install and ignition interlock system by:

- (a) Requiring the offender to provide a copy of the ignition interlock vendor's receipt of installation; and
- (b) Reviewing the offender's driver's license or online MVA record to determine whether either indicates that the offender is in compliance with the ignition interlock requirement.

(Note: A valid work order from an approved vendor that installation of an ignition interlock system is pending shall satisfy the requirement set forth in subparagraph (a) of this subsection.)

(21) A monitor shall document verification of the installation of the monitored individual's ignition interlock system in the case notes section of OCMS.

(22) If the monitored individual fails to obtain the installation of an ignition interlock system, the monitor shall:

- (a) Instruct the individual to have the ignition interlock system installed within 10 calendar days;

(b) Issue an intervention or sanction in accordance with Operations Manual Chapter 07, Section 13 (“Infractions, Interventions, and Sanctions”); and

(c) Notify the court and/or the MVA or the non-compliance.

N. Additional (Monthly) Special Condition Verification Procedures for Ignition Interlock.

(1) A monitor shall conduct monthly verification of a monitored individual’s continued compliance with a court-ordered special condition to install and operate a motor vehicle equipped with an ignition interlock system by:

(a) Reviewing the individual’s driver’s license or online MVA driver’s record to verify that a “Court-Ordered Ignition Interlock” restriction (J-Code) remains on the individual’s driving record;

(b) Obtaining and reviewing the ignition interlock system vendor’s reports pertaining to the monitored individual’s ignition interlock system; and

(c) Documenting in the Case Notes section of OCMS the results of the reviews conducted pursuant to subparagraphs (a) and (b).

(2) If a monitor discovers that the monitored individual’s record does not reflect the court-ordered ignition interlock restriction as referenced in paragraph (1)(a) above, the monitor shall, not later than 5 days following discovery, follow the procedures outlined in subsection K(9) for notifying the MVA of the court’s order directing the installation of an ignition interlock system.

(3) A monitor shall submit a report to the court or the MVA not later than 10 days after a monitor learns that a monitored individual:

(a) Removed the ignition interlock system without prior approval from the court and/or MVA to do so;

(b) Operated a vehicle without an ignition interlock system installed on the vehicle;

(c) Tampered with, bypassed, damaged, or otherwise removed or rendered the ignition interlock system on the monitored individual’s vehicle inoperable;

(d) Allowed another individual to tamper with, bypass, damage, or otherwise remove or render the ignition interlock system on the monitored individual’s vehicle inoperable; or

(e) Allowed another individual to provide a breath sample into the ignition interlock system while the monitored individual operated the vehicle.

(4) The report submitted pursuant to paragraph (3) above shall include the following language, “This report is submitted for whatever action the court deems appropriate.”

(5) If the monitored individual’s Probation/Supervision Order contains an abstinence special condition and the individual’s violations include possible alcohol consumption, the monitor shall so state in the report.

(6) Upon review of the monthly ignition interlock vendor report, the monitor shall note the findings and consult with his or her immediate supervisor before initiating a violation of probation report if one or more of the following types of violation are present and the monitored individual did not pass another breath test within 10 minutes with a breath alcohol concentration below 0.026 percent:

- (a) A failed initial breath test greater than 0.025 percent;
- (b) A skipped rolling test;
- (c) A failed rolling test;
- (d) Failing to submit to a retest after starting the vehicle;
- (e) A temporary lockout for failing to report for service by a specified date;
- (f) Disconnection of the ignition interlock system;
- (g) Failed to take the ignition interlock system-equipped vehicle to a scheduled monthly monitoring appointment with the service provider; or
- (h) Failed to abide by the terms and condition of the monitored individual’s agreement with the service provider.

(7) In the event the monitored individual has documentation of having the vehicle serviced or any other verifiable reason as to why violations were present, the monitor and the monitor’s immediate supervisor shall both document this information in OCMS.

(8) If the supervisory review conducted pursuant to paragraph (6) above does not result in a recommendation for submission of a violation report to the sentencing court or MVA, or if the violation cannot be mitigated pursuant to paragraph (7), the monitor shall:

- (a) Issue an intervention or sanction in accordance with Operations Manual Chapter 07, Section 13 (“Infractions, Interventions, and Sanctions”); and

(b) Notify the court and/or MVA that a sanction was issued and the reason for its issuance.

(9) **Out-of-state monitored individual.** If a monitored individual's residence is in another state, the monitor shall:

(a) Determine if the individual qualifies for monitoring transfer under the Interstate Compact for Adult Offender Supervision or mail-in monitoring;

(b) Instruct the individual to have an ignition interlock system installed; and

(c) Monitor the special condition for ignition interlock in accordance with subsection M(20) and this subsection.

(9) The monitor shall notify the sentencing court by Informative Report for whatever action the court deems appropriate if:

(a) The individual fails to submit proof of installation of an ignition interlock system; or

(b) The out-of-state vendor cannot provide the monitor with monthly reports regarding the operation of the ignition interlock system.

O. Record Checks.

(1) If an offender is in the ADR system, a monitor shall conduct court and MVA record checks of the monitored individual:

(a) Upon receipt of the individual's case, unless the record checks were conducted at intake;

(b) Not more than 30 days, preferably 5 days, prior to case expiration; and

(c) Not more than 5 days prior to submitting a request for early termination, abatement, or modification of probation condition.

(2) If an offender is not in the ADR system, a monitor shall conduct State, court, and MVA record checks of the monitored individual:

(a) Every 6 months; and

(b) Not more than 30 days prior to case expiration.

Note: The Daily Arrest Report is fingerprint-based and may not include all criminal summons or traffic charges pending against an individual.

P. Responding to Non-Compliance.

(1) **Incorporation by reference:** *Operations Manual 07.13. Operations Manual 07.13* (“Infractions, Interventions, and Sanctions”) is hereby incorporated into this section by reference and has full applicability to monitors and monitored individuals unless otherwise specified in this section.

(2) **MVA cases.** A monitor shall notify the MVA’s Medical Advisory Board of noncompliance with conditions imposed by the Board by emailing the Board at the following email address: MAB@mdot.maryland.gov.

Q. Monitored Individuals Who Are Suspected of Being Under the Influence.

(1) Consistent with a monitor’s training and experience in recognizing the signs of alcohol and drug abuse, if a monitored individual appears to be abusing alcohol or other drugs, the monitor shall:

- (a) Ask the individual whether the individual is using drugs or alcohol;
- (b) Administer a test if the:
 - (i) Individual is suspected of using alcohol; and
 - (ii) Individual’s probation order requires the individual to submit to testing;
- (c) Have the individual submit to additional testing if:
 - (i) Drug use is suspected; and
 - (ii) The individual’s probation order includes a special condition which authorizes drug testing; and
- (d) Follow the procedure set forth above in subsection P(1), as applicable.

(2) If a monitored individual’s probation order does not contain a special condition that requires the individual to submit to substance testing or assessment, the monitor shall:

- (a) Record in Case Notes the detailed observations of the individual that formed the monitor’s reasonable basis to believe the individual may be using drugs or alcohol; and

(b) Discuss with the monitor's supervisor whether substance abuse testing, assessment, and/or treatment is warranted based upon the factors identified by the agent.

(3) If the monitor's supervisor agrees that substance abuse testing, assessment, and/or treatment is warranted, then the supervisor shall:

(a) Record in Case Notes the supervisor's agreement with the monitor's observations that a monitored individual is using drugs or alcohol; and

(b) Direct the monitor to prepare a Request to Modify Conditions to the sentencing court that a condition for substance abuse testing, assessment, and, treatment be added to the individual's probation order.

(4) If the supervisor does not believe that the monitor's observations as documented and discussed pursuant to paragraph (2) above support the sending of an Informative Report to the sentencing court, then:

(a) The supervisor's determination shall control; and

(b) The supervisor shall document that determination in the Case Notes section of OCMS.

(5) If a monitored individual reports under the influence and leaves with the intention of driving a motor vehicle, the monitor shall telephone 911 immediately to report the:

(a) Individual's name and address; and

(b) Make, model, color, and tag number of the vehicle that the individual is driving.

R. Failure to Report.

(1) If a monitored individual fails to report as scheduled, the monitor shall:

(a) Enter "FTR" in the Case Notes section of OCMS; and

(b) Attempt to speak with the individual by telephone not later than the close of the next workday following the individual's failure to report.

(2) If the monitor speaks with the monitored individual within twenty-four hours following the individual's failure to report, the monitor shall:

(a) Remind the individual that the individual is to contact the monitor not later than twenty-four hours after failing to report as scheduled;

- (b) Ask the individual to explain the failure to report; and
 - (c) Document the individual's explanation in the Case Notes section of OCMS.
- (3) If the monitor does not speak with the monitored individual by the close of the next workday following the individual's failure to report, the monitor shall send the individual a warning letter that:
- (a) Instructs the individual to report the following work week at a designated time and location; and
 - (b) Informs the individual that a sanction or intervention may be issued if the individual fails to report again.
- (4) If the monitored individual reports to the monitor not later than five workdays after the offender failed to report as scheduled, the monitor shall document in the Case Notes section of OCMS the date and time the individual reported.
- (5) **Second warning letter.** A monitor shall send a second warning letter to a monitored individual instructing the individual to report the following week, if the individual fails to:
- (a) Report on the date specified in the first warning letter; or
 - (b) Contact the monitor not later than 5 workdays following the date specified.
- (6) **Mandatory summons request.** If a monitored individual fails to respond to a second warning letter and more than 30 days have passed since the last face-to-face contact, the monitor shall:
- (a) Initiate violation proceedings by submitting a Request for Summons to the sentencing court; or
 - (b) Notify the MVA of the individual's ongoing failure to report if the individual was placed on monitoring to DDMP by the MVA.

S. In-State Transfers.

- (1) **Sending monitor's responsibilities.** When monitoring of a monitored individual is to be transferred within the State, the sending monitor shall:
- (a) Obtain a monitor assignment and reporting instructions from the receiving monitor's office or intake unit;

(b) Provide the individual, in writing, with:

(i) Reporting instructions; and

(ii) The receiving monitor's name, office address and telephone number;

(c) In the Case Notes section of OCMS, enter "Transfer Entry" and include:

(i) The reporting instructions that were issued to the individual; and

(ii) A summary of the monitored individual's adjustment to monitoring to date and progress on compliance with all special conditions imposed, particularly noting any area of concern, such as poor reporting habits, about which the receiving monitor should be aware; and

(d) Submit the case material to the immediate supervisor for review.

(2) Sending supervisor's responsibilities. A supervisor shall:

(a) Review the case material submitted pursuant to paragraph (1)(d) of this subsection;

(b) Take remedial action to correct any deficiencies, such as the sending monitor's failure to report to a court a monitored individual's new arrest, conviction, or noncompliance with a special condition;

(c) Review payment obligations for accuracy and direct the sending monitor to make any necessary corrections;

(d) Review the Earned Compliance Credit history for accuracy and take remedial action to correct any deficiencies;

(e) When the transfer is approved, make an entry in the Case Notes section of OCMS to indicate the transfer is approved; and

(f) Complete the transfer in OCMS.

(3) If a sending supervisor determines that a report or other remedial action is required but that the report or other remedial action will unreasonably delay the transfer, the supervisor shall:

(a) Make an entry in the Case Notes section of OCMS specifying the action to be taken, post transfer, by the sending monitor;

(b) Specify by what date the action will be taken; and

(c) Complete the transfer in OCMS.

(4) **Receiving supervisor's responsibilities.** A supervisor who receives a case in transfer from a sending supervisor shall review the case material.

(5) **Receiving monitor's responsibilities.** A receiving monitor shall be responsible for monitoring the monitored individual from the earliest occurring of the dates that the:

(a) Individual first contacts the receiving monitor;

(b) Receiving monitor receives the case assignment notification email; or

(c) Receiving monitor receives the case material.

(6) Upon receipt of case material in transfer, the receiving monitor shall:

(a) Acknowledge receipt of the case in the Case Notes section of OCMS;

(b) Review the order or referral by which the monitored individual was placed under monitoring;

(c) Review the case material, including criminal, institutional, supervision and monitoring history record information, and transfer entry; and

(d) Make an entry in the Case Notes section of OCMS to document the date the receiving monitor first reviewed the case material.

(7) If the receiving monitor has a basis to believe that the monitored individual's case was transferred in error, the receiving monitor shall:

(a) Promptly inform the receiving monitor's immediate supervisor of the possible error; and

(b) Monitor the individual until directed to do otherwise by a supervisor.

(8) When, pursuant to information received from a receiving monitor, a supervisor learns of a transfer dispute, the supervisor of the receiving monitor shall confer with the supervisor of the sending monitor to resolve the matter.

(9) A supervisor may not resolve a transfer dispute by directing that the monitored individual's monitoring be returned to the sending office or transferred to another office if the

office to which monitoring would be returned or transferred does not serve the community where the offender is living.

(10) **Sending monitor's post-transfer responsibilities.** Unless a sending monitor's appearance is required by a court at a post-transfer court hearing, a receiving monitor shall appear at a post-transfer court hearing.

T. Out-of-State Transfers.

A monitor shall follow the procedures set forth in Chapter 09 of this manual when a monitored individual:

- (1) Requests an out-of-state transfer; or
- (2) Is assigned to the monitor through the Interstate Compact.

U. Case Closings.

(1) Except as provided in paragraph (2) below, a monitor shall close a case not later than 10 days after the earlier that the:

- (a) Case reaches its legal expiration date;
- (b) Case is ordered closed by the court, MVA, or sending state in the case of monitoring transferred through the Interstate Compact for Adult Offender Supervision; or
- (c) Monitored individual's probation is revoked.

(2) A monitor may not close a case:

- (a) That reaches its legal expiration date if a violation of probation proceeding is pending;
or
- (b) With unpaid fines, costs, or restitution unless the unpaid monies are:
 - (i) Waived by a court; or
 - (ii) Referred to the Central Collection Unit.

(3) A monitor shall close a case by:

- (a) Completing the "Classification Data/Closing Data" screen in OCMS and placing a paper copy of the screen in the case folder;

- (b) Completing a DPP-COL-53A to adjust fines, fees, costs, or restitution if necessary;
 - (c) By conducting a criminal history record check, MVA record check, and court record check of the monitored individual and reporting any previously unreported violations to the court, MVA, or sending state;
 - (d) Consolidating all case-related material, except case notes, in the case folder;
 - (e) Ensuring that MD RAP prints outs have been removed from the file; and
 - (f) Submitting the case material to the monitor's immediate supervisor.
- (4) A supervisor who receives a case for closing shall:
- (a) Review the case material for completeness and accuracy, to include the Earned Compliance Credit history and fines, costs, restitution, and fees;
 - (b) Approve the case for closure in OCMS and OBSCIS II;
 - (c) Close the case in OBSCIS II or authorize an administrative support person to process the closure in OBSCIS II; and
 - (d) Print and sign the Collections and Accounting summary screen in OBSCIS II and attach the printout to the case file.

Administrative History

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Table 1 DRINKING DRIVER MONITOR PROGRAM

Effective 04/01/2022

Effective 01/01/2022

LEVEL	REV and LOW-MODERATE	LOW	
MINIMUM CONTACT	ONE Positive face-to-face contact per month AND ONE Positive telephone contact per month	<u>Cases with Outstanding Special Conditions:</u> ONE Positive face-to-face contact per month	<u>Cases with Completed Special Conditions:</u> Positive telephone contact as needed
FACE-TO-FACE CONTACT DEFINED	A face-to-face contact may be accomplished by any one of the following: (1) A video positive contact; or (2) An office positive contact.		
HOME VERIFICATION	Home verification by documentation not later than 20 days of: (1) Intake; and (2) The monitor being notified that the address of record has changed.		
SPECIAL CONDITION VERIFICATION	One per month until special condition(s) are completed		
EMPLOYMENT VERIFICATION	One per month	As needed	
KIOSK CONTACTS	As needed		

NOTE: Subsection I(14) of this policy defines a “video positive” contact to mean that a monitor speaks to a monitored individual via a video-enabled smartphone **and** that the individual is visible to the monitor for the duration of the call.