

IN THE SUPERIOR COURTS OF CHATTAHOOCHEE, HARRIS,
MARION, MUSCOGEE, TALBOT, AND TAYLOR COUNTIES
STATE OF GEORGIA

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* *Ex Parte* Number:
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* 2024-245
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Standing Order on Electronic Monitoring (Ankle Monitors)

This Order revokes and replaces all previous Orders regarding the use of "ankle monitors" or electronic monitoring to satisfy a specific condition of release for a criminal bond in the Superior Courts of the Chattahoochee Judicial Circuit. Pursuant to the inherent powers of these courts, O.C.G.A. § 17-6-1, and in the interest of establishing minimum standards and requirements for electronic monitoring (ankle monitors), it is hereby ordered that:

All persons, bonding companies and other entities seeking to provide, maintain, oversee and supervise ankle monitors ordered in any Superior Court of the Chattahoochee Judicial Circuit, (hereinafter referred to as "the provider") must meet all of the following minimum requirements to provide electronic monitoring and/or an "ankle monitor" services:

1. The provider shall be licensed to do business in the State of Georgia.
2. The provider shall provide to the District Attorney and Sheriff of each county in the Chattahoochee Judicial Circuit, the name, cell phone number, and email of a local "contact person" or persons who maintain a business office with a street address within the Chattahoochee, Coweta, Griffin, Macon or Southwestern Judicial Circuits, and shall serve as the contact person for the provider. The local "contact person" or persons shall be available on a same day basis to respond to any request for information from any Judge, said District Attorney, any of said Sheriffs or their designees.
3. Each "contact person" shall provide proof from the Original Equipment Manufacturer (herein after O.E.M) that they have received the training required by the O.E.M. to install, operate and use the equipment (hardware) and monitoring software.
4. Ankle monitoring devices and integrated monitoring software applications used by the provider company must come from one O.E.M. that develops, designs, manufactures, and provides 24 hours a day, 7 days a week, and 365 days a year (herein after 24/7/365) support of the monitoring devices and associated monitoring software.
5. The provider must be in direct contractual privity with the O.E.M., as an agent or reseller of the O.E.M. system, so as to ensure that each and every ankle monitoring device is currently integrated with, and monitored by, the O.E.M.'s web based electronic monitoring platform, and not a third party provider. The local agent must have continuous access and/or a subscription to the O.E.M.'s electronic monitoring software and/or platform.
6. The provider must specifically document the O.E.M. and model number of any and all ankle monitor devices that will be used to electronically monitor a defendant on criminal bond.

7. The O.E.M.'s electronic monitoring platform must be able to generate monthly reports which independently verify the defendant's compliance with any specific conditions identified in the Bond Order.
8. Ankle monitoring devices must be single piece design and include multiple location tracking technologies in addition to GPS to ensure reliable and accurate monitoring in all environments and settings – urban, suburban, rural, inside commercial buildings (i.e. office buildings, warehouses, factories, schools) and in a defendant's personal residence.
9. Ankle monitoring devices and systems should rely on the latest generation wireless telecommunications networks available throughout the United States of America for transmission of data between monitoring devices and monitoring computer systems.
10. Ankle monitoring devices must include multiple methods to detect a defendant's attempts to tamper with the equipment and system including case, straps, proximity to defendant's body, and accelerometer motion sensors.
11. All monitoring information and data must be protected, processed and stored on networks and systems within the United States of America to ensure security of Personal Identifying Information
12. The provider shall not charge a monthly fee of more than five hundred dollars (\$500) per month, exclusive of a one-time set up fee not to exceed one hundred fifty dollars (\$150). This ceiling on fees relates only to normal monitoring and set up fess, and will not apply to other potential contractual obligations between the provider and defendant, such as the replacement cost of lost or damaged equipment.

A bonding company or bonding agent may be a provider of such services, and if a bonding company or bonding agent is the provider, the fees earned in the capacity of being a provider shall be in addition to the fees allowed in Code Section 17-6-30.

PROVIDER APPLICATION PROCESS

The prospective provider of Electronic Monitoring shall submit a written request to be approved by the Chattahoochee Judicial Circuit District Attorney and the county Sheriff in which the provider wishes to offer their services. If services are to be provided in multiple counties within this circuit, the prospective provider shall submit a separate request to the District Attorney and to the county Sheriff within each county.

Upon receipt of the prospective provider's application, the District Attorney and the county Sheriff shall confer within 30 days of receipt, to review the credentials and the ability of the prospective provider to meet the minimum requirements as outlined within this Order and either approve or deny the application in writing.

If approved after conferring, a written confirmation of approval signed by the District Attorney and the county Sheriff, shall be forwarded to the Chief Superior Court Judge by the District Attorney within 10 days of approval with a copy sent to the provider applicant. If denied, a written denial shall be transmitted by the District Attorney to the applicant provider within 10 days of such denial.

The Chief Superior Court Judge or his representative shall cause a new Standing Order on Electronic Monitoring to be filed with the Superior Court Clerk's Office with an Exhibit A adding the approved provider's information.

In order that the judiciary, be able to receive information about electronic monitoring within the county, the county Sheriff's Office shall designate a contact person within the Sheriff's office with knowledge concerning the approved providers within the county. A copy of approved electronic monitoring providers shall be posted in a conspicuous place within the Sheriff's office.

The District Attorney of the Chattahoochee Judicial Circuit shall maintain a current list of APPROVED ELECTRONIC MONITORING & ANKLE MONITOR PROVIDERS, and no criminal defendant shall be deemed to have satisfied the condition for electronic monitoring (ankle monitor) imposed by any bond set by a Superior Court of the Chattahoochee Judicial Circuit unless and until an approved provider appears at the site of the defendant's incarceration and secures an ankle monitor to the body of the defendant, with the name and model of the ankle monitor being documented by the Office of the Sheriff. Such list shall be updated regularly by said District Attorney for compliance with this Order, with copies of such list, as updated, to be provided to each Sheriff of the Chattahoochee Judicial Circuit.

The approved provider shall immediately forward by email to said District Attorney ALL notices received by the provider from the O.E.M.'s electronic monitoring software and/or platform alerting the provider that a defendant subject to ankle monitor or electronic surveillance has violated the terms of his or her bond order, or that the defendant has tampered with, disabled or removed the ankle monitor.

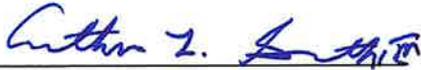
Upon its filing, this Standing Order shall apply INSTANTER to all defendants seeking release on bond, including those defendants whose Bond Order was signed and filed prior to the date of this Standing Order, but who have not yet been released on bond, and irrespective of whether the Bond Order is a product of consent by all the parties or a contested proceeding.

This Standing Order shall also apply INSTANTER to any defendant who is currently on bond and who as a specific condition of his bond is required to submit to electronic monitoring (i.e. ankle monitor). Such defendants, and/or their attorney, shall be required to provide evidence that they have come into compliance with this Standing Order, showing that they are currently monitored by a provider in conformity with this Standing Order. Notwithstanding any other provision hereof, a defendant and or counsel may provide to the assistant district attorney assigned to the case proof of the defendant's compliance with this Standing Order, and present to the Court a "Consent Order Evidencing Compliance with Standing Order on Electronic Monitoring (Ankle Monitors)". In the absence of an Order to the contrary, an executed and filed "Consent Order Evidencing Compliance with Standing Order on Electronic Monitoring (Ankle Monitors)" will establish, without need of hearing, the issue of defendant's compliance with this Standing Order.

In the event any defendant is not in compliance with this Standing Order, the District Attorney of the Chattahoochee Judicial Circuit is authorized to file a "Motion To Enforce Standing Order

on Electronic Monitoring (Ankle Monitors)" and after proper service seek to revoke bond of any defendant not in compliance with this Order.

SO ORDERED, this the 13th day of September, 2024.



Arthur L. Smith, III, Chief Judge
Chattahoochee Judicial Circuit



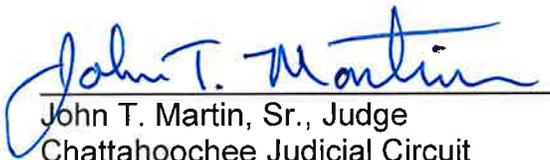
Bobby G. Peters, Judge
Chattahoochee Judicial Circuit



Bemon G. McBride, III, Judge
Chattahoochee Judicial Circuit



Maureen C. Gottfried, Judge
Chattahoochee Judicial Circuit



John T. Martin, Sr., Judge
Chattahoochee Judicial Circuit



Benjamin S. Richardson, Judge
Chattahoochee Judicial Circuit



Carolyn "Tippi" Cain Burch, Judge
Chattahoochee Judicial Circuit