State of California
Sex Offender Management Board
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12/20/2007
Secretary James Tilton
California Department of Corrections
1515 S Street
Sacramento CA, 95814

Secretary Tilton,

On October 18, 2007, you addressed the California Sex Offender Management Board (CASOMB) and requested that the Board examine issues related to:

- *Residency restrictions and appropriate offender housing.*
- *Distance restrictions from locations where children congregate; defining these locations.*
- *Global Positioning System (GPS) monitoring and offender supervision.*
- *Maintaining supervision of Jessica's Law sex offenders once they complete their parole term and are no longer under the jurisdiction of the California Department of Corrections and Rehabilitation (CDCR).*
- *Sexually violent predator civil commitment.*
- *Community education and public understanding of Jessica's Law.*

Many of these issues will be examined in the CASOMB phase one Report which will be provided to the legislature in January 2008. The initial report will be followed by a second publication that will outline a more comprehensive list of recommendations and public safety strategies in 2009.

In particular, you asked us to give priority to examining issues related to the deployment of Global Positioning System (GPS) monitoring technology. As you stated in your letter,

> *Currently, there are parolees who have been released since Jessica's Law was passed who have completed their parole supervision but still require lifetime supervision under the law, so clarification is urgently needed. The Administration is requesting that the SOMB provide these recommendations within 60 days of receiving this correspondence.*[1]

In the following, the CASOMB has endeavored to provide an analysis of existing literature and national practice related to GPS technologies and the emerging practice of utilizing GPS in a post-supervision environment. It is our hope that this initial information will inform current practice. The CASOMB looks forward to providing additional in-depth analysis as these issues evolve.

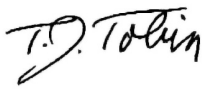
In order to answer the questions raised by your letter it is necessary to examine:

- How Global Positioning Technology functions, including uses and limitations
- How GPS is typically and most effectively deployed
- How GPS relates to Proposition 83 and the lifetime GPS supervision component.

We trust that we have provided useful information about each of these areas in the accompanying response.

Respectfully Submitted,

Suzanne Brown-McBride
Chair, CASOMB
California Coalition Against Sexual Assault



Tom Tobin, Ph.D.
Vice-Chair, CASOMB
California Coalition on Sexual Offending
Sharper Future

THE CALIFORNIA SEX OFFENDER MANAGEMENT BOARD

The California Sex Offender Management Board (CASOMB) was created by Governor Arnold Schwarzenegger in 2006 through his signature of AB 1015. The board has been tasked with both assessing the current state of California's sex offender management practices and recommending evidence-based practices which can improve public safety.

The CASOMB has identified its Mission and Vision Statement as:

Vision
The vision of the CA SOMB is to decrease sexual victimization and increase community safety.

Mission
This vision will be accomplished by addressing issues, concerns, and problems related to community management of adult sexual offenders by identifying and developing recommendations to improve policies and practices.

RESPONSE BY THE CALIFORNIA SEX OFFENDER MANAGEMENT BOARD TO THE REQUEST BY SECRETARY TILTON RELATED TO GPS MONITORING OF SEX OFFENDERS

In order to answer the questions raised by Secretary Tilton's October 18, 2007 letter to the CASOMB, it is necessary to examine:

1. How Global Positioning Technology functions, including uses and limitations;
2. How GPS is typically and most effectively deployed;
3. How GPS usage is described in Proposition 83, particularly related to lifetime GPS supervision component.

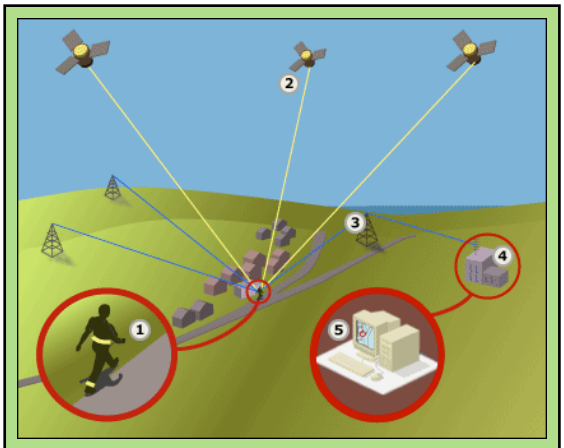
1. GPS: Function, Uses and Limitations

The use of GPS as a technological tool has shifted since its first use in 1978. Initially utilized for military purposes, the tool became available for public use five years later and was implemented in a variety of ways. Early GPS applications included identifying static locations of objects or places. Data could then be used cartographically in the creation of geographic relationships between locations. It is important to note that the end user of GPS generated data has typically been the individual possessing the device itself.

This is different from today's applications of GPS in that the end user of the data provided by GPS could be a supervising authority (such as a parole or probation

agent), whereas the individual possessing the device itself may be an involuntary participant to the ongoing use of the technology.

In the United States, electronic monitoring (EM), using both radio frequencies and, later, GPS, has been used as an adjunct tool for supervision for the last two decades[2]. Originally conceived of as a mechanism to reinforce pro-social behaviors such as treatment and supervision compliance, today the technology is more commonly used as an intermediate sanction in lieu of prison or as a mechanism to assist in supervising offenders during their term of community supervision (such as parole or probation).[3]



1. **Offender wearing device**
2. **device tracks own location using GPS satellite signals.**
3. **Location data transferred from device to telephone network via cellular connection**
4. **Data sent to control center, which can be specifically alerted if offender enters exclusion zone or breaks other conditions. Radio frequency alarm also sent if tracker and ankle tag are separated.**
5. **Offender's position shown as location trails on computer map. www.bbc.co.uk**

The Center for Evidence Based Corrections at UC Irvine provides the following useful description of how GPS tracking generally works:

GPS devices utilize signals from orbiting satellites to determine their location with a high degree of accuracy. There are two main types of GPS offender monitoring systems, active and passive. Both fix the location of the GPS device in the same way, but they differ in how that information is transmitted to the supervising agency. Passive system GPS monitors store a log of their whereabouts throughout the day, then the offender must plug the monitor into a unit attached to a telephone at predetermined intervals (usually once a day), at which point the GPS unit transmits the log of its activity to the monitoring center for review by the parole agent. Active system GPS units transmit their coordinates via cellular phone networks at regular intervals throughout the day, providing nearly real-time location at all times[4].

Currently, CDCR is in the process of deploying both active and passive GPS technology for those parolees who the Department has determined are required to comply with the provisions of Proposition 83. A parolee who has been identified as a High Risk Sex Offender (HRSO) is subject to active GPS monitoring. All other sex offenders are subject to passive GPS monitoring. As of this writing, slightly more than 600 HRSOs have been fitted with GPS devices. Currently, CDCR caseloads for active GPS have a 20:1 staffing ratio.

Even though GPS is a rapidly advancing and improving technology, there can still some be challenges related to initial program deployment and ongoing monitoring. The most notable areas of difficulty are reviewed below:

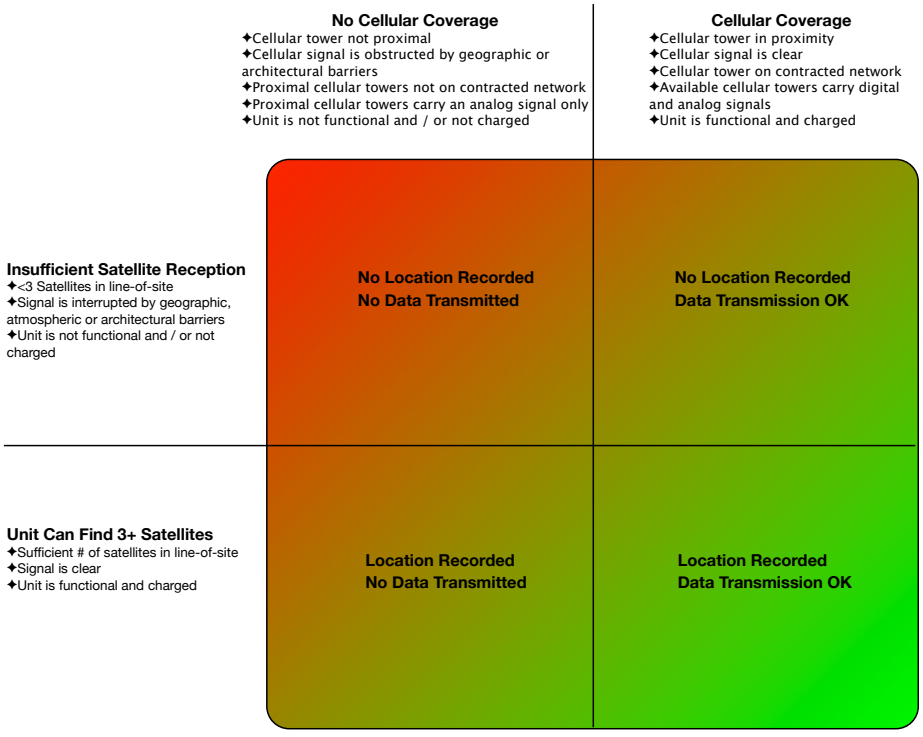
Known Geographic & Weather Related Limitations[5]

Since satellite transmission power is low, certain geographical conditions may cause problems with a GPS receiver's ability to record location data:

1. *Terrain – Signals can become degraded and the receiver system may not provide location information if the view of the sky is severely limited. This situation can occur in deep canyons, or under dense vegetation.*
2. *Urban Canyons – Large or tall buildings grouped closely together can cause large multi-path and fading errors that may affect the ability to track offenders.*
3. *Vehicles – Signals can be lost when an offender is riding in a car or other enclosed means of transportation if the receiver is not placed near a window within the vehicle.*
4. *Weather – Signal strength can become degraded by moisture such as rainfall, fog, or snowfall.*

GPS satellite signals can also be interrupted by architectural features such as walls, metal struts, masonry and rock.

Figure (2) illustrates how the availability of satellite and cellular signals may impact GPS monitoring.



Availability and Quality Cellular Signal

While it is clear that GPS uses satellite communication to assist in determining an object or person's location, it is less commonly understood that active GPS monitoring (and to some degree passive as well) requires some sort of routine proximity to a cellular tower with compatible service.

Location data that is gathered utilizing satellite triangulation must be transmitted from the device to the monitoring agent or authority. Active GPS systems use cellular technology to accomplish this task. Therefore, in areas of the state that have either unreliable or incompatible cellular coverage GPS tracking would be compromised - even though there may not be other geographic impediments.

Cellular signals can be disrupted or degraded or interrupted when:

1. The transmission unit is not proximal to a cellular tower.
2. The transmission unit or tower is blocked by geographic or architectural barriers such as mountains or buildings. Similar challenges can arise when structural barriers are composed of materials which are difficult for a cellular signal to penetrate, such as steel or stone.
3. The transmission unit or cellular tower are not compatible due to issues such as analog or digital transmission or utilize different carrier services.

Program Technology Implementation Challenges

Many states that have used GPS technologies for monitoring have indicated that the initial implementation phases of the project were profoundly labor intensive. Adequate staffing, equipment acquisition, and orientation for both supervision personnel and offenders required a significant initial investment of time.

> *The dominant implementation challenge for the GPS agents in San Diego County in the early months of the GPS program was problems with the equipment. An initial provision of faulty straps led to constant false strap tamper alarms, with calls coming to the agents throughout the night. In addition to the strap problems, a number of the units did not function properly, indicating that they were fully charged when they were not, or simply not working. Agents were devoting most of their time to calling parolees, verifying that they had not cut the units off, addressing charging problems, and switching straps. A member of the implementation team recalled, "At one point an agent said, 'You know, I'm monitoring the equipment, not the parolee.' And there is some truth to that.[6]"*

Although many of these early challenges can be addressed as the GPS monitoring becomes a routine part of supervision, it is unlikely that they will be completely resolved in the immediate future.

2. Effectiveness and Recommended Practice

Much of the literature that examines electronic monitoring programs (including those that use GPS) struggles to determine what measurable effect, if any, these tools add to the supervision construct. One of the most comprehensive to date meta-analyses conducted by Renzema and Mayo-Wilson, concluded that EM programs had "no overall impact on recidivism."[7] Other studies that were more specifically targeted offer mixed results such as positive effects related to treatment program completion and negative effects on recidivism[8]. It is important to note that the term recidivism is used in many of these studies to characterize a broad span of behaviors and can include sexual reoffending, any criminal reoffense or / and technical violations of supervision. Gable and Gable (2005) went on to note:

> *In contrast, Finn and Muirhead-Steves (2002) found no significant difference in the number of rearrests after three years between electronically monitored offenders and a control group. No significant differences were observed in a one-year evaluation by Petersilia and Turner (1992) between probationers in an EM program and probationers in an intensive supervision program. Similarly, a two-year comparison of the reconviction rate of regular probationers in the U.K. with 261 offenders under electronic house arrest found no difference between the two groups (Sugg, Moore and Howard, 2001).*

Perhaps the most optimistic research related to the effectiveness of electronic monitoring and GPS technology is a 2006 study by Padgett, Bales and Blomberg which examined a broad sample of serious offenders and states "...both radio-frequency and global positioning system monitoring significantly reduce the likelihood of technical violations, reoffending, and absconding for this population [serious] of offenders." [9] While these outcomes are hopeful, it is important to note that the sample of offenders used in the study was subject to a term of "house arrest" and the promising results may not translate to offenders who are transient, homeless, otherwise lack a stable, appropriate residence, or are simply not on house arrest.

A recent survey conducted by the Interstate Commission for Adult Offender (ICAOS) supervision reported that 35 states reported making use some form of GPS supervision for sex offenders[10]. Of the states that provided information to the ICAOS about the age of their GPS program, 63% indicated that their programs had been established in the last two years, 26% indicated that their programs were established in the last 2 to 5 years, and 10% indicated that their programs were established over 5 years ago. Florida first state to utilize GPS tracking for sex offenders established their program in 1997.

The new use of GPS supervision programs for sex offender populations may indicate why there is a dearth of decisive evidence specifically related to the deployment, use,

and long term evaluation of these programs. With these limitations in mind, The Center for Evidence-Based Corrections at the University of California, Irvine, summarized a significant portion of the literature related to the efficacy of the GPS monitoring. The summary is a preface to their first report describing the implementation phase of California's High Risk Sex Offender GPS pilot project:

> *There is even less research evidence on the efficacy of GPS monitoring in reducing re-offending than there is on intensive supervision for sex offenders. A meta-analysis of studies on the use of electronic monitoring on moderate to high-risk offenders found only a handful of studies with valid results, and those studies addressed monitoring technologies much more limited than GPS, such as radio frequency units that can determine whether or not an offender is in a delimited area at a certain time (usually the home or workplace), but not where that offender is at any other time (Renzema and Mayo-Wilson, 2005). One of the valid studies identified by the meta-analysis did find that electronic monitoring reduced the likelihood of a return to prison, and postponed that return, if it occurred, for sex offender parolees in Georgia, even as the same electronic monitoring program did not have any discernible effect on return to prison for other violent offenders (Finn and Muirhead-Steves, 2002).*[11]

Cautious of unrealistic expectations, but still hopeful about the potential benefits of GPS, one state policy board noted:

> *The technology [GPS] can provide a false sense of security to the public. The value of electronic monitoring depends on the individuals' propensity to be compliant with the conditions of their release. Placing a sex offender on electronic monitoring will not prevent the sex offender from committing new crimes although it may have an inhibiting effect.*[12]

Several states that have begun using GPS as a tool to supervise sexual offenders have released policy documents providing insight and recommendations to their Executive and Legislative leadership. Many states have outlined the benefits that they see related to GPS such as:

- Information sharing with local law enforcement to assist with ruling in or ruling out the involvement of monitored offenders in alleged criminal activity;
- An adjunct to confirming compliance with the terms of supervision;
- Monitoring scheduled activities such as curfew, work attendance, medical / mental health appointments;
- Assistance in monitoring inclusion / exclusion zones;
- Informing supervising authorities about patterns in movement and routine;
- Sex offender registration and residency compliance;
- Indicating if a sex offender is within proximity of specified victims in violation of a court order or supervision requirement;
- Out of state or out of county movement in violation of conditions of supervision.

Some of the above-listed benefits such as compliance with sex offender registration requirements and residency restriction requirements are statutory provisions that may exist outside of the context of supervision. However, many of these outcomes are only realistically available when an offender is subject to the coercive authority of a supervising agency and required to be compliant with prescribed terms of supervision.

In a report to the Minnesota Legislature, the Minnesota Department of Corrections noted that:

> *GPS is an emerging technology for the supervision and tracking of offenders and enhancing public safety. It is an aid to supervision and is not capable of eliminating the human element that supervising agents provide (i.e. unannounced visits, direct observation of the presence of pornography or minors in a residence, etc.). While there are significant limitations with this technology, it is a useful tool in aiding agents with the supervision of predatory offenders.*[13]

The Sex Offender Policy Board for the state of Kansas made a similar observation about the importance of nesting GPS technologies within correctional supervision when they stated:

> *Electronic monitoring, when used alone, will not change behavior and is not enough to provide security for the community. The use of electronic monitoring for post-release supervision of sex offenders is only effective when it is used in conjunction with other tools (e.g. treatment programs, polygraph, case managers, etc).*[14]

Parole personnel in Tennessee agreed that GPS can act as an enhancement to supervision activities, thereby giving supervision authorities important information.

> *Officers report that GPS is a containment tool; it allows them to monitor offenders' daily activities. One officer reported, "GPS lets me know more about what the offender is doing, where they are going, and what their patterns are." The GPS tracking software allows officers to develop an accountability schedule for offenders, and officers can then verify when offenders are or are not meeting their schedule.*[15]

Another officer in Tennessee stated:

> *If they [offenders] are not on GPS, I simply do not have the time to follow them around. We are here to protect the public and help reduce the number of victims. GPS helps us do that without having to build more prisons. Some of the offenders even like it because it can be used to prove where they are going and they can earn trust faster.*

The importance of the use of GPS in the context of supervision was a consistent and pointed theme in the state policy documents that the CASOMB reviewed. It is important to note that all existing literature that attempts to evaluate the effectiveness of either electronic monitoring technologies (such as RF transmitters) and / or GPS assume that these technologies are being used within the structures of supervisory control.

The CASOMB was unable to locate any data related to the effectiveness of electronic monitoring or GPS technologies when they were the sole element of surveillance. Similarly, the CASOMB was unable to identify any jurisdiction that has deployed GPS outside of the context of supervision.[16]

Voicing the sentiment of many correctional and public safety advocates, The National Center to Protect Children, a victim advocacy organization, noted:

> *GPS tracking devices are a tool and nothing more. They can help trained probation and parole agents monitor offenders, but if they are not coupled with meaningful, court- probation or parole, they are virtually useless. After all, "eyes in the sky" GPS devices can locate a sex offender at a known address… but only "eyes on the ground" can determine whether he is mowing the lawn or babysitting the neighbors' children.[17]*

States were also pointed in recommending that GPS monitoring be reserved for the most high-risk offenders. GPS programs are resource intensive, both in terms of personnel and actual dollars to run the program itself. Many states found that while there were benefits to committing these resources on the highest-risk offenders, these benefits diminished with lower risk offenders. The Florida Office of Program Policy Analysis and Government Accountability, in the state with the oldest electronic monitoring program in the country, recommended to their Legislature that:

> *The department should use its offender risk assessment instrument to prioritize use of electronic monitoring. To ensure that the department is placing the highest risk offenders under supervision, the department should use its risk assessment instrument to identify the most dangerous offenders in its custody and prioritize the use of electronic monitoring equipment. This validated risk assessment tool, based on a model developed by the National Institute of Justice, uses demographic and offense data to predict the likelihood of supervision failure, such as age, prior criminal history, and substance abuse problems.[18]*

Similar recommendations were made to the Kansas State Legislature:

> *Electronic monitoring programs should be used selectively on a specific population of sex offenders. Utilizing risk assessments to determine who should be placed on electronic monitoring and adequately screening the population of sex offenders can prevent the overuse of electronic monitoring. By limiting the population placed on electronic monitoring, it will ensure that electronic monitoring is used on those sex offenders who need it the most and pose the greatest risk to the community.*[19]

The Minnesota Department of Corrections also described GPS supervision and recommended limiting GPS supervision to offender populations that matched the most significant demographic and criminogenic factors.

> *GPS monitoring is not appropriate for all sex offenders included in the pilot project. Middle Tennessee State University's research yielded statistically significant descriptive and demographic findings, based on subjects from both the treatment and control groups, which are important for the future administration of GPS projects. These are as follows:*
>
> - *Offenders younger than 40 years old are more likely to commit new offenses while on supervision than are offenders over 40 years old on supervision.*
> - *Offenders in the 30-40 age group are statistically more likely to receive new charges than are other ten-year age groups.*
> - *Offenders with "less than a high school" educational background are more likely to commit new offenses than those offenders with a high school education or higher.*[20]

These findings could be useful in determining which offenders are in most need of being equipped with GPS electronic devices, should resources be limited. Research indicates that lower risk offenders who are supervised at enhanced levels re-offend more frequently and have overall higher recidivism rates than similar offenders supervised at lower risk levels.[21] What impact, if any, these studies have on this particular offender population remains to be seen, but some states have observed some potentially concerning changes in offender activities. The Tennessee Board of Probation and Parole has stated:

> *Anecdotal information suggests that GPS monitoring also has an impact on monitored offenders' daily activities. Some officers report morale issues form offenders that were previously in compliance with supervision standards, who now feel additionally punished because GPS has been added to their supervision requirements. Additionally, offender safety, employment denial, disrupted group therapy sessions, additional fees, housing issues, and telephone connectivity are all issues surrounding project impact on offenders.*[22]

On the whole, while many states have found GPS to be a useful supervision tool, there has been very little data generated to contradict the findings in the existing literature about the impact of GPS on serious recidivism. Tennessee's Department of Corrections noted for example:

> *Although the empirical analysis did not yield definitive support for satellite-based monitoring, Board of Probation and Parole's pilot project indicates that GPS provides officers with a unique supervision tool and has potential in aiding officers greatly. GPS officers overwhelmingly reported that GPS is a positive supervision tool that provides them with greater information in offender supervision. Further, officers indicate that the project enables closer monitoring of sex offenders, and with additional staffing, changes to work assignments, and procedural improvements, GPS will be an even more effective tool in supervision.*[23]

Similarly, in a report evaluating the first six months of California's High Risk Sex Offender GPS Pilot:

> *GPS monitoring appeared to have little effect on parolee recidivism. The only significant difference between GPS and HRSO offenders was for absconding – GPS parolees were less likely than HRSO offenders to be found guilty of a parole violation for this behavior.* [24]

Proposition 83 and Post - Supervision GPS Monitoring

In November of 2006, voters in the state of California decisively approved Proposition 83, titled "The Sexual Predator Punishment and Control Act: Jessica's Law".

Related to lifetime GPS monitoring, the statute specifically states:

> *(b) Every inmate who has been convicted for any felony violation of a "registerable sex offense" described in subdivision (c) of Section 290 or any attempt to commit any of the above-mentioned offenses and who is committed to prison and released on parole pursuant to Section 3000 or 3000.1 shall be monitored by a global positioning system for life.*[25]

In an attempt to answer the question that Secretary Tilton posed, the CASOMB examined wording of the statute and came to the following conclusions:

The language of the Proposition in section (b), as cited above, seems to leave several issues unclear:

1. **After conducting a close reading of the statute, the CASOMB is of the opinion that no state or local agency is identified to monitor GPS after an offender ends his or her term of supervision.**

   Since the passage of Proposition 83, there has been a great deal of speculation and conjecture about what state or local agency would be responsible for monitoring post-supervision PC 290 registrants who are subject to the law.

   Over the last 60 days, the CASOMB has solicited feedback and advice from agencies and localities that may potentially be identified as responsible for post-supervision monitoring of sex offenders including. These agencies include:

   - CDCR
   - County Probation
   - Local Law Enforcement (City or County) and local governments

   Each of these entities has articulated in various forums that the statute does not identify their agency as responsible for, nor are they funded to provide post-supervision monitoring.

   It is useful to examine the potential capacity and limitations that each agency faces if they were charged with post-supervision GPS monitoring. There is a California specific discussion of the use of GPS during supervision and post supervision in APPENDIX A.

   Some of the primary areas of concern for various agencies are noted below:

- Current supervising authorities (such as CDCR or local probation) maintain that they have neither the jurisdiction nor authority to supervise (or monitor) individuals beyond their term of supervision.
- Local law enforcement agencies have also been identified as potential monitoring authorities for the post-supervision GPS portion of Proposition 83. While many these agencies have experience and training related to peace-keeping activities, generally few local law enforcement agencies have resources or the infrastructure for GPS monitoring.
- Locally based agencies would also face implementation challenges with GPS monitoring post-supervision because of the transitory nature of most post-supervision sex offenders. County probation, sheriff's and police chiefs have a proscribed jurisdiction in which they conduct their activities and lack the capacity to monitor offenders if they move between cities, counties and states.
- Even if post-supervision GPS monitoring were to be fully funded, local agencies would still face fundamental challenges with managing multi-jurisdictional monitoring and information sharing. Local governments and law enforcement agencies have repeatedly stressed the importance of issues such as: equipment

interoperability, compatible mapping platforms for crime scene correlation, and a common understanding of what data will be collected via GPS technology.

- It is possible to imagine that a state law enforcement agency might also be tasked with post-supervision GPS. While a state-level law enforcement agency would avoid the multi-jurisdictional challenges that local law enforcement agencies would face with post-supervision GPS, role confusion and a lack of monitoring tools would remain.
- All agencies examined (both state and local) have indicated that they lack the financial resources to implement this new program. Agencies at the local level, in particular, stressed the potentially severe economic consequences of adding post-supervision GPS monitoring duties to already stressed workloads.

2. **Proposition 83 does not explicitly require active or passive GPS tracking.**

   The majority of policy documents created by other states recommend prioritizing GPS tracking for high-risk offenders but are silent about whether or not this means only active GPS or all GPS.

   The statute does not prescribe how often data from passive tracking devices is to be collected, what data is specifically collected, and how that data is reviewed and used. Data download practices seem to vary, particularly at the local level. At the state level, for example, CDCR downloads passive data once a day.

3. **Post-supervision GPS is an unprecedented approach**

   California's use of GPS post supervision appears to be the first of its kind in the United States. The CASOMB was unable to identify any other state or jurisdiction that has deployed GPS post-supervision.

   Any agency or government that is tasked with post-supervision GPS monitoring will find it necessary to define clearly what that monitoring means, and identify what infrastructure is commensurate with those responsibilities.

   If post-supervision GPS is maintained for the exclusive purpose of monitoring residency restrictions, sex offender registration requirements and crime scene correlation, it will require a different commitment of infrastructure and staffing than would be needed by an agency that is using GPS as a part of supervision.

   Similarly, it will be important to communicate to the public at large the the differences in scope and authority that an agency may be able to exercise over an offender under supervision and an individual who is no longer subject to supervision.

4. **There is no consequence or criminal penalty identified if an offender does not comply with GPS monitoring post-supervision.**

   Currently, if an offender does not comply with GPS monitoring post-supervision, there is no penalty outlined in statute.

   Under criminal law, conduct contained in a statute without a specified punishment does not create a crime (PC Section 15).

5. **There is no reliable funding mechanism identified to underwrite the equipment and staffing costs associated with post-supervision GPS monitoring.**

   Although it is a popular supervision tool, GPS monitoring within the context of supervision is resource intensive[26]. Currently no accurate, California-specific, GPS-specific estimate of cost is available to determine the resources required to procure equipment and monitor offender data.[27]

   The statute does make one reference to funding in PC 3004(c), which reads:

   > *(c) Any inmate released on parole pursuant to this section shall be required to pay for the costs associated with the monitoring by a global positioning system. However, the Department of Corrections and Rehabilitation shall waive any or all of that payment upon a finding of an inability to pay. The department shall consider any remaining amounts the inmate has been ordered to pay in fines, assessments and restitution fines, fees, and orders, and shall give priority to the payment of those items before requiring that the inmate pay for the global positioning monitoring.*

   In the State of Tennessee, the GPS supervision pilot program has been able to recoup $123,000 ($76,000 after collection costs) from offenders in the program. The amount collected represents approximately 4% of the overall program cost.[28] If these findings are consistent in California, this funding mechanism may not fully underwrite the cost of post-supervision GPS. Furthermore, by explicitly indicating CDCR as the agency that has the authority to waive payment, the statute creates confusion about agency jurisdiction.

6. **CDCR's current practice of notifying local entities of the end of parole supervision is important to continue.**

   CASOMB recognizes the importance of CDCR's proactive response on the issue of notification to local law enforcement when an individual ends his or her term of supervision. Letters of notification are an excellent example of the collaboration and communication that needs to occur between state and local governments in California's attempts to make communities safer.

Until such time as new legislation can be passed that will clarify the role, obligation and funding for post-supervision GPS monitoring of sex offenders, CASOMB recommends that CDCR continue to send notification letters when sex offenders are released from community supervision status (parole).

It is important to note, that the notification letters are a useful informational tool for the local governments but should in no way imply that this notification directs or delegates local entities to supervise, monitor or assume liability for the post-supervision GPS monitoring of sex offenders.

7. **Further evaluation of post-supervision GPS monitoring should be conducted**.

GPS monitoring is an emerging correctional technology. Existing research and recommended practice from pilot programs are consistent in asserting that GPS is a useful tool of supervision. The value GPS has in monitoring sex offenders outside of a supervision context has yet to be determined.

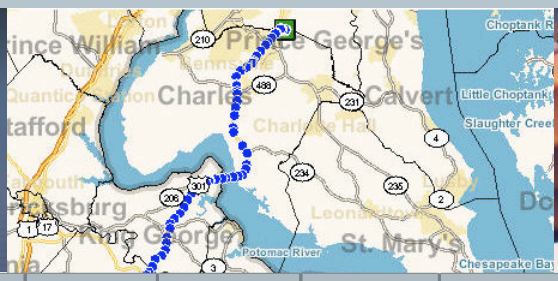
The CASOMB recommends that there be further research and evaluation conducted to determine the benefit of post-supervision GPS monitoring of sex offenders in communities across California.

Appendix A

California Supervision Authority Analysis

The figure below compares the the various levels of supervisory authority and jurisdiction that California state and local agencies can exercise under current laws and regulations when an offender is under formal supervision and GPS-only monitoring.

GPS Authority Comparison



	CDCR (ON PAROLE)	CDCR (OFF PAROLE)	COUNTY PROBATION (UNDER SUPERVISION)	COUNTY PROBATION (OFF SUPERVISION)	LOCAL LAW ENFORCEMENT	STATE FUNDING OF LOCAL AGENCIES	STATEWIDE LAW ENFORCEMENT AGENCY
Inclusion Zones	☑	☐	☑	☐	☐	☐	☐
Exclusion Zones	☑	☐	☑	☐	☐	☐	☐
Verify Terms of Supervision	☑	☐	☑	☐	☐	☐	☐
Revocation Authority	☑	☐	☑	☐	☐	☐	☐
Active GPS	☑	Additional Cost	☑	Additional Cost	Additional Cost	Additional Cost	Additional Cost
Passive GPS	☑	☑	☑	☑	☑	☑	☑
Multi-Jurisdictional	☑	☑	☑	☐	☐	☐	☑
Residency Restrictions	☑	☑	☑	☑	☑	☑	☑
290 Registration Compliance	☑	☑	☑	☑	☑	☑	☑
Authority Over Equipment Compliance	☑	☐	☑	☐	☐	☐	☐
Rapid Alarm Response	☑	Active GPS Onl	☑	Active GPS Only	Active GPS Only	Active GPS Only	Active GPS Only
Crime Scene Correlation	☑	☑	☑	☑	☑	☑	☑
Total Rating	**12/12**	**5/12**	**12/12**	**4/12**	**4/12**	**4/12**	**5/12**

EXPLANATION OF TERMS

Inclusion zones: This typically refers to geographic areas that are electronically demarcated during active GPS monitoring as appropriate for an offender to be present at such as their own home, place of employment or location where they might receive medical or mental health services. Offenders can demonstrate pro-social and supervision compliant behavior by being at pre-agreed upon locations at appropriate times.

Exclusion zones: These are are geographic areas which an offender is not permitted to be in or travel through, such as bars, a victim's residence, or adult bookstore. Most typically these areas are described in an offender's conditions of supervision but they might be proscribed by a stay-away order.

Verify Terms of Supervision: Correctional staff often articulate the advantage of using GPS as a tool to verify an offender's compliance with the terms of supervision such as avoiding associations with other criminals, complying with drug and alcohol testing requirements and curfews.

Revocation Authority: Unlike an arrest, an individual under supervision can be revoked and returned to custody for a technical violation of supervision conditions.

Passive GPS: Generally considered the most cost-effective in term of staffing, passive has the longest delay between collection of location data and transmission to the monitoring agency. This use of GPS may be more appropriate for low-risk offenders.

Active GPS: When within line of sight of satellites and proximity to cellular towers, active GPS is closest to real-time movement tracking which can allow for the most timely movement information. Is more costly than passive GPS and significantly more labor-intensive, with current recommended caseloads in California at 20:1

Multi-Jurisdictional: Offenders who are under supervision may have restrictions on which counties they can live in while they are under supervision. Similarly, many offenders under supervision might also have travel restrictions. Once an offender has completed his or her term of supervision there are no prohibitions on movement and individual offenders may travel between and reside in multiple jurisdictions. This section indicates which agencies have infrastructure to monitor offenders around the state.

Residency Restrictions: All sex offenders who are subject to GPS monitoring are also subject to 2,000 ft residency restrictions as described by Proposition 83.

PC 290 Compliance: With few exceptions, most offenders who are subject to GPS monitoring are also subject to sex offender registration requirements as described in PC 290.

Authority over equipment compliance: GPS equipment is only useful when it is on and fully charged. Currently, as a condition of supervision, GPS monitored offenders are required to comply with battery charging, equipment maintenance, and upkeep instructions as a condition of supervision. During the HRSO GPS pilot conducted in San Diego, parolees changed GPS devices, on average, six times.[29] Data equipment maintenance is an essential element.

Rapid alarm response: Offenders who are monitored with active GPS supervision may be subject to rapid law enforcement or correctional authority intervention if they cause an alarm.

Crime scene correlation: When shared with local law enforcement, GPS data can be used to rule in, or rule out, an offenders involvement in alleged criminal activity.[30]

FOOT NOTES

[1] Tilton Letter to the board

[2] Padgett, K.G., Bales, W.D,. & Bloomberg, T.G. (2006) "Under Surveillance: An empirical test of the effectiveness and consequences of electronic monitoring." Criminology & Public Policy 5 (February) 1, 61-91

[3] Gable, Ralph Kirkland and Robert S. Gable, (2005) Electronic Monitoring: Positive Intervention Strategies, in Federal Probation, vol.69, No.1,

[4] Center for Evidence Based Corrections at UC Irvine. (2006). GPS Monitoring of High Risk Offenders . Irvine, CA.: Jessie Jenetta.

[5] Behavioral Interventions, Inc. (2007). GPS System Limitations, Retrieved 12/10/ 2007, http:// www.biincorporated.com

[6] Center for Evidence Based Corrections at UC Irvine. (2007). Implementation And Early Outcomes For The San Diego High Risk Sex Offender (HRSO) GPS Pilot Program. Irvine, CA.: Susan Turner and Jessie Jannetta.

[7] Renzema, Marc and Evan Mayo-Wilson. (2005). Can Electronic Monitoring reduce crime for moderate to high risk offenders? Journal of Experimental criminology 1:215-237

[8] for example: Bonta et al (cited in padgett) and Steves 2002 (cited in Padgett)

[9] Padgett, K.G., Bales, W.D,. & Bloomberg, T.G. (2006)

[10] ISCAOS (2007). GPS Supervision Update. Retrieved 12/10/2007, from www.interstatecompact.org

[11] Center for Evidence Based Corrections at UC Irvine. (2006).

[12] Kansas Sex Offender Policy Board. (2007). January 7, 2007 Report. Topeka, KS.

[13] Minnesota Department of Corrections (2006). Electronic Monitoring of Sex Offenders: A Report to the Legislature, St Paul, MN

[14] Kansas Sex Offender Policy Board. (2007). January 7, 2007 Report. Topeka, KS.

[15] Tennessee Board of Probation and Parole. (2007). Monitoring Tennessee's Sex Offenders Using Global Positioning Systems:A Project Evaluation Report. Nashville,TN.

[16] N. Carolina has recently passed legislation that authorizes post-supervision GPS monitoring but it has not been implemented. As of this writing, monitoring roles and fiscal responsibility have not been established.

[17] National Association to Protect Children. (2007). California Real Safety Coalition: Frequently Asked Questions. retrieved 12/14/ 2007. http://www.protect.org

[18] Office of Program Policy Analysis and Government Accountability. (2005) Electronic Monitoring Should Be Better
Targeted to the Most Dangerous Offenders, Tallahassee, FL

[19] Kansas Sex Offender Policy Board. (2007). January 7, 2007 Report. Topeka, KS.

[20] Minnesota Department of Corrections (2006)

[21] Tennessee Board of Probation and Parole. (2007). Monitoring Tennessee's Sex Offenders Using Global Positioning Systems:A Project Evaluation Report. Nashville,TN.

[22] Tennessee Board of Probation and Parole. (2007)

[23] Tennessee Board of Probation and Parole. (2007)

[24] Center for Evidence Based Corrections at UC Irvine. (2007).

[25] CA PC 3004(b)

[26] Tennessee calculated GPS supervision costs of approximately $2.1M to supervise 830 (maximum of 391 at any given time) GPS offenders over two years.

[27] UC Irvine is planning to release cost data in the third part of their HRSO report

[28] Tennessee Board of Probation and Parole. (2007)

[29] Center for Evidence Based Corrections at UC Irvine. (2006). GPS Monitoring of High Risk Offenders. Irvine, CA.: Jessie Jannetta.

[30] California's HRSO Pilot Evaluation noted: There are 3 ways in which GPS data is shared with and made useful to local law enforcement. 1) Law enforcement initiates contact due to a reported crime to see if parolee was in the area. (crime scene correlation) 2) Law enforcement views the tracks of a sex offender parolee. 3) Parole initiates contact with law enforcement to request support in watching an offender.