# ELECTRONIC MONITORING OF SEX OFFENDERS

## 2006 Report to the Legislature

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## Background

During the 2005 legislative session, an appropriation of $662,000 was included in the Omnibus Crime Bill (Chapter 136, art. 1, sec. 13, subd. 3). These funds were for the commissioner of corrections to monitor high-risk sex offenders who are on supervised release, conditional release, parole, or probation to help ensure that the offenders do not violate their community supervision conditions. The legislation also directed the commissioner to submit this report.

A Request for Proposals (RFP) was developed by the Department of Corrections (DOC) and issued on September 12, 2005, with a submission deadline of October 14, 2005. The DOC received three proposals from private entities: Metro-Trac, LLC; Midwest Monitoring & Surveillance, Inc.; and RS Eden. A committee reviewed the proposals on November 11, 2005, and recommended awarding the contract to Midwest Monitoring & Surveillance, Inc. The start date of the contract was January 1, 2006.

## Advantages of Global Positioning System (GPS)

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.

## GPS Monitoring Technology

Currently, there are two types of GPS available, *active* and *passive*. *Active* GPS monitoring means that an offender's movement is tracked and recorded frequently throughout the day. This information is uploaded to the monitoring company through the use of cell phone technology on a scheduled basis, usually every 5 to 10 minutes. Supervising agents are alerted almost immediately if an offender is non-compliant.

*Passive* GPS operates in a similar manner, but the location and movement is uploaded when the offender returns home and places the devise in a cradle that connects to the monitoring company. Violation information is forwarded from the monitoring company to the corrections agency via phone or email.

A clear advantage of using GPS rather than other available electronic technology (or not using any tracking/monitoring technology) is the ability to ascertain the specific whereabouts of offenders while they move about the community. In addition to being able to track the location of offenders, GPS allows the ability to set up inclusion and exclusion zones, thus controlling the offender's movement in the community. GPS cannot prevent an offender from any particular activity, it can only report what it knows – which is where the offender is or has been. Without GPS, this information would be extremely difficult to obtain.

Midwest Monitoring & Surveillance, Inc., uses equipment manufactured by BI, Inc., of Boulder, Colorado, and Elmo Tech Ltd. of Tel Aviv, Israel. These manufacturers are considered the leaders in developing state-of-the-art offender monitoring systems.

As with radio frequency monitoring, BI ExacuTrack uses a receiver located in a base station and a transmitter worn by the offender to detect the offender's presence/absence at his or her residence. Unlike traditional radio frequency monitoring, BI ExacuTrack uses a tracking unit to record the location of the offender while the offender is away from home. Offenders clip the tracking unit to a waistband or purse, and the transmitter serves as an electronic tether to the tracking unit. If the two devises are separated, the tracking unit generates an alert and can be configured to sound an alarm. The ExacuTrack tracking unit receives signals from U.S. government GPS satellites and uses those signals to determine its own location every one to ten minutes, depending on the agency's specifications, to within 10 meters. When the offender returns home and places the unit in a base station (in a passive system), the tracking unit recharges while uploading tracking data to the central monitoring computer. The central monitoring system compares the location data to the offender's authorized schedules and locations to detect violations. The system can be programmed with exclusion zones (areas where the offender may not enter at any time) and inclusion zones (areas where the offender must remain during specific times).

In instances where the functionality of the ExacuTrack system is not sufficient, Midwest utilizes the STaR (Satellite Tracking and Reporting) System manufactured by ElmoTech Ltd. STaR is a two-piece GPS tracking device that includes an ankle-worn transmitter and a transportable device that contains a GPS receiver and communications capabilities. STaR is a small (palm-sized), belt-worn or carried pouch. The unit is equipped with an LCD screen that enables interactive communication with the offender. In addition to the LCD screen, the unit contains communication modules, warning devices (lights and audible beeps), and acknowledgment buttons to allow for interactive communication.

## Disadvantages of GPS

While GPS technology is extremely promising, it does have disadvantages:

*Cost* – GPS costs four to five times as much as standard electronic home monitoring. Agencies must weigh the advantage of the information provided by GPS against its cost. Generally, this means that GPS should be targeted to the highest-risk offenders so that scarce resources are not diverted from other correctional resources.

*Additional staff* – The use of GPS requires a significant expansion in the number of agents needed to respond to alerts 24 hours per day, seven days per week.

*Dependence on cell phone signal availability/connection with satellite signals* – Most cell phone users have experienced "dead spots." When this occurs with GPS, the ability to monitor an offender is compromised. Additionally, it is very easy to lose satellite signals. Entry into large structures, such as shopping

malls, will often result in the loss of satellite signal, again compromising the ability to know an offender's location. These "false alerts" require agent response to each of these situations, regardless of whether the offender is out of compliance.

*Cooperation of offender* – In addition to technological limitations, there is the issue of the offender's cooperation. If the offender chooses to disable the equipment by destruction of the receiver or by cutting off the bracelet, all information regarding his or her whereabouts is lost. Of course, this is a disadvantage for all types of electronic monitoring.

*Housing* – Housing for sex offenders is a major problem across the state. The offender on GPS must have a place to recharge equipment.

Overall, even with the disadvantages of GPS, the system is quite effective in monitoring offender movement. While GPS is not a panacea, it does provide an additional tool for supervising agents to use in working with offenders. GPS definitely has the ability to enhance public safety.

## Type of Sex Offender Subject to Monitoring

For the purposes of the RFP, a high-risk sex offender was defined as a felony-level sex offender on supervised release, conditional release, parole, or probation. (Note: All Level III sex offenders who are currently on intensive supervised release are monitored through the use of GPS under a separate contract between the DOC and RS Eden.)

## Time Period Offenders are Subject to Monitoring

All offenders subject to monitoring under this contract will be monitored 24 hours a day, seven days a week, for up to 60 days. This maximum term can be extended upon request of the supervising agent, with the approval of the DOC.

## Financial Costs of Monitoring Equipment

Under the terms of the contract, the DOC pays for monitoring on a per diem basis:

- Passive - $9.75 per day
- Active - $14.00 per day

This per diem does **not** include the cost of a supervising agent.

The DOC is currently paying for monitoring of these offenders with the appropriation included in the Omnibus Crime Bill. It is recommended that there be an offender co-pay if GPS use is extended beyond this appropriation. Co-pays would likely be limited to offenders who are released from a jail facility early or receive some liberty benefit from the program. Most offenders released from prison with GPS as a condition would likely not have a co-pay unless they had the means to pay. Additionally, if local authorities decided to use GPS for their probation cases, they may choose to impose offender co-pays to reduce the local costs associated with this tool.

## Summary

The purpose of this legislative funding for high-risk sex offenders is to evaluate the effectiveness of GPS in monitoring compliance with conditions of community supervision. The contract will provide the DOC with approximately 18 months of data in order to determine viability and feasibility.