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OFFICE OF PROGRAM POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY

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Electronic Monitoring Should Be Better Targeted to the Most Dangerous Offenders

at a glance

Electronic monitoring is a technological tool to enhance surveillance of offenders in the community. On December 24, 2004, the Department of Corrections was electronically monitoring 705 offenders.

While electronic monitoring can help improve offender supervision, it is not currently used for the highest risk offenders. Currently, 70% of the offenders on electronic monitoring are on community control supervision, a prison diversion program serving offenders with mostly property or drug offenses. Only 30% of the electronic monitoring units are used to supervise more dangerous habitual and sex offenders. Shifting the monitoring units to more dangerous offenders could be done by making electronic monitoring a standard condition of supervision, requiring the Department of Corrections to use its risk assessment instrument to prioritize offenders for this supervision, and giving the department the discretion to require use of this technology.

Electronic monitoring provides greater surveillance of offenders under supervision, but its effect on deterring future crime is unknown. The department should study the effectiveness of alternate types of electronic monitoring using a valid research design and report the results to the Legislature.

Scope

This project was conducted in response to a legislative request to provide information about the use of electronic offender monitoring technology.

Background

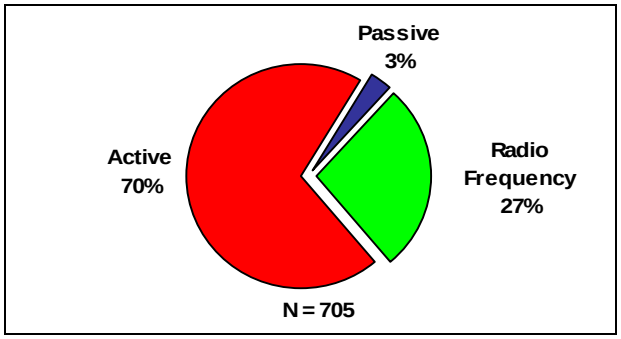
Electronic monitoring is a technological tool to enhance surveillance of offenders in the community. The Legislature approved the use of electronic monitoring in 1987. The Department of Corrections contracts for this service with private vendors that provide tracking units worn by offenders and operate monitoring centers. In Fiscal Year 2003-04, the department paid $2,413,615 to vendors to electronically supervise 1,706 offenders during that year.[1] On December 24, 2004, the department had 705 offenders under electronic monitoring, representing 0.6% of the 116,277 offenders then supervised in the community.[2]

The department currently uses three types of electronic monitoring equipment—Radio Frequency, Active GPS, and Passive GPS. As shown in Exhibit 1, most of the 705 electronically monitored offenders as of December 24, 2004, were supervised using Active GPS.

[1] The department contracts with BI, Inc., for radio frequency, and Pro-Tech Monitoring, Inc., for GPS electronic monitoring services.

[2] Active supervised population (does not include absconders, out-of-state offenders, or those on active suspense)

Exhibit 1
Most Offenders Are Monitored With Active GPS



Source: OPPAGA analysis of Department of Corrections data.

Radio Frequency. This first generation technology relies on radio frequency transmissions and has been used in Florida since 1988. Radio frequency monitoring essentially imposes a curfew on offenders and monitors whether they are at their residences at required times. The offender wears a transmitter, usually around the ankle, and a receiver unit is connected to the offender's landline telephone. The unit connects electronically to the ankle band and transmits a signal to a monitoring center. The monitoring center is notified if the offender strays too far from the receiver unit.

Active Global Positioning Satellite (GPS). This more advanced technology has been used since 1997, and uses global positioning satellites to track an offender's location in the community.

Offenders under GPS monitoring wear an ankle or wrist bracelet and carry a transmitter. The transmitter's signal is relayed by cell phone (included in the box carried by the offender) to the vendor monitoring center. This tracking information is available to probation officers via a link to the monitoring center, allowing offender to be tracked "real time" on a computer that is configured to reflect the offenders' location on a city map. This technology also allows probation officers to enter parameters that restrict an offender from being in certain geographic areas, or "exclusion zones," such as a victim's neighborhood or school. If the offender violates the boundaries of the exclusion zones, an alert is registered at the vendor monitoring center and relayed to the probation officer and, if a victim chooses to be notified, he/she is alerted by a beeper signal.

Passive Global Positioning Satellite (GPS). The Passive GPS system has many of the same features of the Active GPS system, but it does not report an offender's movements in "real time." Instead, the system maintains a log of the offender's location throughout the day and uses landline telephones to transmit a summary of this data to correctional officers the following day. With this system, once the offender is at home, he places the receiving unit into its base and the tracking points are downloaded and transmitted to the monitoring center. The system reviews where the offender has been that day, notes alerts, and the next day forwards a summary of the offender's locations to the probation officer for review and appropriate action.

Findings

Electronic monitoring is not being used on the most dangerous offenders

Electronic monitoring can provide a high degree of surveillance of offenders placed on community supervision. However, since there are only resources to monitor 0.6% of the population, they should be used judiciously to monitor those offenders who are considered most at-risk of committing a serious offense.

Currently, Florida law permits electronic monitoring to be used for two types of offenders—community control offenders and serious habitual and/or sex offenders. Community control was created in 1983 as a prison diversion program. It provides supervision for offenders charged with technical violations or misdemeanor offenses and felons who would not be placed on regular probation due to their criminal backgrounds or the seriousness of their offenses. These offenders are not considered by the court serious enough to place behind bars. By statute, offenders convicted more than once of a more serious violent or sex offense are ineligible for community control. Community control is imposed at sentencing, as a result of a plea agreement between the prosecutor and defense counsel or as a result of a judge's initiative. Florida law also authorizes the Department of Corrections to place community control offenders under electronic monitoring.

Florida law also permits the use of electronic monitoring for habitual violent offenders upon release from prison along with selected sex offenders. This population includes violent offenders with prior felony commitments, habitual offenders, and sexual predators who have served their sentences and have a term of probation to follow, pursuant to s. 948.12, *Florida Statutes*. In addition, sex offenders released from prison who are subject to conditional release supervision also may be monitored. [3] These offenders may be placed on electronic monitoring by court order or by the Parole Commission in the case of conditional release.

Department of Corrections' data shows that the habitual offender group has committed more serious crimes than the community control population. [4] As shown in Exhibit 2, for example, community control offenders are primarily property and drug offenders (67%) compared to the habitual or sex offender group, where sex and violent offenses predominate.

[3] Pursuant to s. 947.1405, *F.S.,* the conditional release program requires certain violent, habitual offenders to serve a mandatory term of supervision upon release from prison.

[4] The Department of Corrections provided data for all offenders under community supervision as of December 24, 2004, including primary offense, supervision type, and electronic monitoring status.

However, despite the seriousness of the habitual offender group, most of the electronic monitoring resources are being used on the community control population. As shown in Exhibit 3, of the 705 offenders on electronic monitoring on December 24, 2004, 70% (500) were community control offenders. Almost half of these persons (43%) were convicted of a property, drug, or other less serious crime. In contrast, only 30% of the offenders under electronic monitoring were habitual or sex offenders, who may pose a greater risk to the community. While some community control offenders with serious offense histories are on electronic monitoring, there are thousands of violent and sex offenders eligible for electronic monitoring who are not currently supervised using this technology.

The more prevalent use of electronic monitoring for community control offenders is a result of two factors. First, the decision to place offenders on electronic monitoring takes place primarily at sentencing, and prosecutors and judges have historically used this technology with community control offenders. Electronic monitoring was originally implemented in 1987 to provide additional surveillance to prison diversion cases. As a result, since its inception, electronic monitoring has been associated closely with community control.

Exhibit 2
Habitual and Sex Offenders Have Committed More Serious Crimes Than Community Control Offenders

Primary Offenses Committed by Community Control Population		
Property / fraud	3,844	(35%)
Drug offenses	3,503	(32%)
Other violent offenses	722	(7%)
Aggravated assault / battery	655	(6%)
Violent personal offenses	591	(5%)
Non-aggravated assault / battery	560	(5%)
Sexual battery, sexual violence against child	279	(3%)
Lewd and lascivious	273	(3%)
Other	333	(3%)
Murder / manslaughter	105	(1%)
Other sex offenses (e.g., prostitution, pornography)	97	(1%)
Total	10,962	(100%)

Primary Offenses Committed by Habitual and Sex Offenders (Conditional Release and Sex Offender Probation)		
Lewd and lascivious	1,773	(28%)
Sexual battery, sexual violence against child	1,472	(23%)
Violent personal offenses	754	(12%)
Property / fraud	615	(10%)
Drug offenses	480	(7%)
Aggravated assault / battery	295	(5%)
Other violent offenses	345	(5%)
Murder / manslaughter	221	(3%)
Other sex offenses (e.g., prostitution, pornography)	251	(4%)
Non-aggravated assault / battery	170	(3%)
Other	60	(1%)
Total	6,436	(100%)

Source: OPPAGA analysis of Department of Corrections data.

Exhibit 3
Most Offenders on Electronic Monitoring Are on Community Control

Primary Offenses Committed by Electronically Monitored Community Control Population		
Property / fraud	115	(23%)
Drug offenses	92	(18%)
Sexual battery, sexual violent against child	73	(15%)
Lewd and lascivious	71	(14%)
Aggravated assault / battery	37	(7%)
Other violent offenses	31	(6%)
Violent personal offenses	26	(5%)
Non-aggravated assault / battery	24	(5%)
Other sex offenses (e.g., prostitution, pornography)	14	(3%)
Other	10	(2%)
Murder / manslaughter	7	(1%)
Total	500	(100%)

Primary Offenses Committed by Electronically Monitored Habitual and Sex Offenders (Conditional Release and Sex Offender Probation)		
Lewd and lascivious	71	(35%)
Sexual battery, sexual violent against child	69	(34%)
Property / fraud	17	(8%)
Violent personal offenses	11	(5%)
Other violent offenses	11	(5%)
Murder / manslaughter	9	(4%)
Aggravated assault / battery	6	(3%)
Non-aggravated assault / battery	4	(2%)
Drug offenses	4	(2%)
Other	2	(1%)
Other sex offenses (e.g., prostitution, pornography)	1	(1%)
Total	205	(100%)

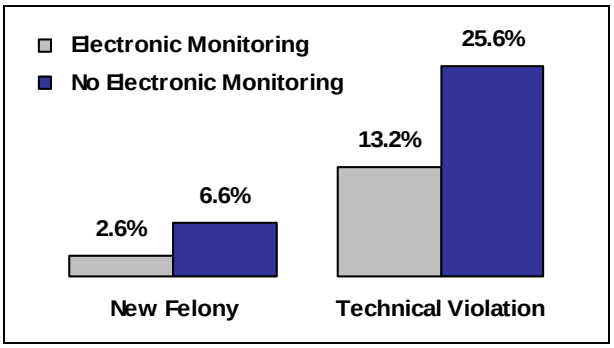
Source: OPPAGA analysis of Department of Corrections data.

Second, while the department has statutory authority to place offenders on electronic monitoring, it is reluctant to do so unless stipulated in an original court order. The department cites case law precedent it believes prohibits the department from revoking the community supervision status of an offender placed on electronic monitoring that was not court-ordered.[5] As a result, unless electronic monitoring was specified as part of an offender's original sentencing order, the department is not likely to place the offender on electronic monitoring.

Available data indicates that electronic monitoring is effective in supervising offenders

A 2003 department study showed that community control offenders supervised with electronic monitoring had fewer revocations than community control offenders who were not electronically monitored. As shown in Exhibit 4, community control offenders on electronic monitoring had lower new felony and technical revocation rates in the first year of monitoring compared to those on community control without electronic monitoring.

Exhibit 4
Community Control Offenders on Electronic Monitoring Were Revoked Less Frequently



Note: Results are from an analysis of the best-available historical data on offenders placed on community control and/or electronic monitoring from July 1, 1996, to June 30, 2000, at one year from the date of placement.

Source: Department of Corrections, *A Controlled Study of the Effects of Electronic Monitoring and Officer Caseload on Outcomes for Offenders on Community Control,* 3/11/03.

Active GPS provides greater surveillance of high-risk offenders, but an outcome study would help determine cost-effectiveness

While the department's effectiveness study used a valid research design, the study was unable to evaluate the comparative effectiveness of each type of monitoring technology. The department compared GPS and Radio Frequency monitoring, but was unable to draw any conclusions about the

[5] Westlaw, 531 So.2d 1069 (Carson v State of Florida) and 854 So.2d 1069 (Anthony v State of Florida).

relative outcomes of the different technologies, and it did not study the effectiveness of electronic monitoring on the more dangerous habitual or sex offenders.

This is important as the three technologies vary in terms of surveillance value, effect on workload, and cost.

Surveillance value. Active GPS provides the most intensive method for monitoring and supervising offenders in the community. Active GPS can monitor an offender's movement within a designated area as well as monitor whether an offender has entered a prohibited area, such as a school playground or a victim's geographic area. Detection and alert notification are immediate and the officer can attempt to contact the offender or alert law enforcement within minutes. In contrast, while Passive GPS can track offender movement, the officer does not learn of prohibited movement until the next day. Radio Frequency provides limited surveillance. Offenders currently being electronically monitored by this technique cannot be monitored while away from their residence and telephone, so it does not provide information on the whereabouts of offenders once they leave their homes.

Effect on workload. According to the department, Passive GPS creates the greatest workload for officers while Radio Frequency creates the least. Probation officers monitoring Passive GPS must sift through each day's prior data on offender movement to identify potential violations. Passive GPS also produces the highest number of incidents requiring probation officer follow-ups; often these incidents are "false alarms" in which the system temporarily lost contact with the offender. Offenders on Passive GPS produced 66 incidents requiring follow-up versus 23 per offender on Active GPS. To deal with this additional workload, the department has recommended reduced caseloads for officers monitoring offenders with Passive GPS. For example, while standard community control caseload is 25 offenders to one officer, the department recommended a caseload of 22 offenders to 1 officer for Radio Frequency, 17 offenders to 1 officer for those placed on Active GPS monitoring and 8 offenders to 1 officer for Passive GPS. [6]

Cost. At $2.34 a day, Radio Frequency is the least expensive monitoring technology, while Active GPS is the most expensive at $8.97 a day, and Passive GPS is roughly half as expensive as Active GPS at $4.25 a day. However, as shown in Exhibit 5, Passive GPS is not cost-effective when adjusting for officer workload.

Exhibit 5
Passive GPS Is Not Cost-Effective When Factoring in Additional Officer Workload

	RF	Active GPS	Passive GPS
Officer Ratio	22:1	17:1	8:1
Per Diem for Electronic Monitoring	$ 2.34	$ 8.97	$ 4.25
Per Diem for Additional Officer Workload	8.60	11.13	23.66
Total Per Diem	**$11.00**	**$20.01**	**$27.91**

Source: OPPAGA calculation using direct salary and benefits of a starting probation officer provided by the Department of Corrections.

Based on the surveillance value, Active GPS is best suited for the high-risk habitual and sex offenders. Radio Frequency may be appropriate for the lower risk community control offenders as a means to enforce a house arrest curfew. Given the relatively high cost of Passive GPS once officer costs are considered and its limited surveillance value, it is questionable whether this form of electronic monitoring should be continued; Active GPS has a lower total cost and provides much greater real time surveillance.

Conclusions and Recommendations

To make the most efficient use of the state's limited electronic monitoring resources, this technology should be targeted to those offenders who are the greatest risk to the public. We therefore recommend that electronic monitoring resources be shifted from less dangerous offenders to more dangerous

[6] *Report on the Use of Electronic Monitoring and Its Effectiveness on the Community Control Population, Department of Corrections,* February 1, 2004.

offenders. To this end, we recommend the actions discussed below.

- The Legislature should consider modifying statute to provide that electronic monitoring is to be a standard condition of supervision used at the discretion of the department. Currently, Florida law authorizes standard conditions of supervision for a number of community supervision programs. [7] These conditions include, for example, making contact with a probation officer, paying restitution, and submitting to drug testing. Electronic monitoring is a standard condition of community control, which means that both the judge and the department have authority under s. 948.11(1)(a), *Florida Statutes,* to place monitors on these offenders. We recommend that the Legislature add electronic monitoring to the list of standard conditions for offenders currently eligible for monitoring. Giving the department the specific authority to place offenders on and remove them from electronic monitoring should address the department's concerns about case law stated earlier in this report.
- 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.

The department should use a valid research design to assess the effectiveness of electronic monitoring in deterring crime for all types of offenders, including habitual and sex offenders. The study should also compare the effectiveness of Active GPS and Radio Frequency monitoring for differing types of offenders.

The department should discontinue the use of Passive GPS given its relatively high total operating costs and more limited surveillance value. The department should shift these resources to monitor additional offenders using Active GPS and Radio Frequency monitoring, varying the mix of these technologies over time based on the characteristics of the offenders under its supervision.

[7] For example, s. 948.101, *F.S.,* for community control, s. 948.03, *F.S.,* for probation.

The Florida Legislature

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