

California
Department of Corrections
and Rehabilitation



**Sex Offender Supervision
and GPS Monitoring
Task Force**

October 2010

DIVISION OF ADULT PAROLE OPERATIONS

1515 S Street, Room 212N
Sacramento, CA 95814



October 18, 2010

Dear Secretary Cate:

At your request, a multi agency Task Force was created to assist the California Department of Corrections and Rehabilitation (CDCR) in the development of a comprehensive approach to sex offender supervision. The Task Force was comprised of CDCR staff; as well as, outside public safety representatives and victim advocates who met weekly for three months between July and September 2010. The Task Force reviewed the reports generated by the Office of Inspector General, the California Sex Offender Management Board, best practices from throughout the nation, effective use of GPS, as well as relevant CDCR sex offender supervision policies and practices.

On behalf of the Sex Offender Supervision and Global Positions System (GPS) Monitoring Task Force, we respectfully submit this final report for your review. The purpose of the report is to provide you with the task force recommendations related to parolee sex offender supervision and GPS monitoring. The Task Force has nine recommendations for your consideration.

We are pleased to have had the opportunity to serve as co-chairs of the Sex Offender Supervision and GPS Monitoring Task Force. We would like to thank each of the task force members for the time and effort they dedicated to assisting not only the task force, but the California Department of Corrections and Rehabilitation. We would also like to take the opportunity to thank the guest speakers who also took the time to appear before the task force to contribute their insight and analysis related to emerging correctional practices pertaining to the supervision of sex offenders, as well as GPS strategies.

This report is the result of a multidisciplinary, collaborative effort involving multiple stakeholders, which has yielded significant partnerships that will benefit CDCR in the future. Under your leadership and direction, we look forward to working on the implementation of these recommendations that the Task force believes will assist with successful sex offender supervision.

Sincerely,


Rick Winstorfer, Chair
Associate Director, DAPO


Denise Milano, Chair
Parole Administrator, DAPO

Sex Offender Supervision and GPS Monitoring Task Force

Chairs

Rick Winistorfer, Associate Director
Division of Adult Parole Operations

Denise Milano, Parole Administrator
Division of Adult Parole Operations

Sub-Committee Co-Chairs

Dan Stone, Regional Administrator
Division of Adult Parole Operations

Brenda Crowding, Parole Agent III
Division of Adult Parole Operations

Jack Wallace, Parole Administrator -Editor
Division of Adult Parole Operations

Jeff Green, Parole Agent III
Division of Adult Parole Operations

Joe Carranza, Parole Agent III
Division of Adult Parole Operations

Members

Carol H. Atkinson, PHD
California Coalition on Sexual Offending

Lewis McElfresh, Captain
Sutter County Sheriff Department

Dave Biggs, Deputy Inspector General
California Office of the Inspector General

Steve Sandoval, Supervising Probation Officer,
Orange County Probation
President California Electronic Monitoring
Association

Robert Coombs, Director of Public Affairs
California Coalition Against Sexual Assault
Sex Offender Management Board

William F. Schouweiler, PHD
California Coalition on Sexual Offending

George Drake, National Institute of Justice
National Law Enforcement and Corrections
Technology Center

Larry Sewell, Deputy Inspector General
California Office of the Inspector General

Thomas Ferrara, Undersheriff
Solano County

Phyllis A. Shess, Deputy District Attorney
Director of Sex Offender Management
Office of the District Attorney
SAFE Task Force, San Diego

Keith Foster, Deputy Chief
Fresno Police Department

Kurt Smith, Crime Analyst Manager
San Diego Sheriff's Department

Valerie Harris, Chief of Police
Auburn Police Department

Jerry Johnson, Detective
Auburn Police Department

Gary Stanton, Sheriff
Solano County Sheriff's Office

Members

Anthony Subia
Sex Offender Management Board

Allan Thomas, Senior Deputy Probation Officer,
Sacramento County Probation

Gregory Thompson, Senior Policy Advisor
San Diego County Sheriff's Department

Phillip Ung
California Coalition Against Sexual Assault
Sex Offender Management Board

Christine Ward, Director
Crime Victims Action Alliance
Citizens for Law and Order

Todd Winfrey, Supervising Probation Officer
Sacramento County Probation

Ken Black, Parole Agent III
Division of Adult Parole Operations

Jody Cardoza, Parole Agent III
Division of Adult Parole Operations

Scott Goss, Parole Agent I
Division of Adult Parole Operations

Rossano Gramajo, Parole Agent III
Division of Adult Parole Operations

Mike Guidera, Parole Agent II
Division of Juvenile Parole Operations

George Lehman, Associate Chief Deputy
Commissioner
Board of Parole Hearings

Carolina Luevanos-Garcia, Parole Agent III
Division of Juvenile Parole Operations

Steve Marshall, Parole Agent III
Division of Adult Parole Operations

Joe Martinez, Parole Administrator
Division of Adult Parole Operations

Titus Quinn, Parole Agent II
Division of Adult Parole Operations

Rick Rimmer
Board of Parole Hearings

Erin Sasse, Chief, External Affairs
California Department of Corrections and
Rehabilitation

Melinda Silva, Parole Agent I, PAAC President
Division of Adult Parole Operations

Rhonda Skipper-Dotta, Chief
Commissioner Board of Parole Hearings

Mike Taber, Parole Agent III
Division of Adult Parole Operations

Guest Speakers

Matthew Cate, Secretary
California Department of Corrections and Rehabilitation

Scott Kernan, Undersecretary
California Department of Corrections and Rehabilitation

Terri McDonald, Chief Deputy Secretary
California Department of Corrections and Rehabilitation

Robert Ambroselli, Director
Division of Adult Parole Operations

Margarita Perez, Deputy Director
Division of Adult Parole Operations

Guest Presenters

David Babby, Parole Administrator
Division of Adult Parole Operations

Lindon Lewis, Parole Agent III
Division of Adult Parole Operations

Beth Buck, Parole Service Associate
Division of Adult Parole Operations

Scott MacDonald, Agency Information Security
Officer, Enterprise Information Services

Kenneth Carabello, Director of Operations
Liberty Healthcare Corporation

Janet Neeley, Deputy Attorney General
Office of the Attorney General

Ken Dow, Parole Agent III
Division of Adult Parole Operations

Cathy Raymos, Sergeant
Solano County Sheriff's Office

Bill Dunkak, Parole Administrator
Division of Adult Parole Operations

Steven Reinhart, Parole Agent II
Division of Adult Parole Operations

Louis Godey, Staff Information Systems
Analyst, Division of Adult Parole Operations

Tae Shin, Parole Agent II
Division of Adult Parole Operations

John Heise, Deputy Regional Administrator
Division of Adult Parole Operations

Mike Sipe, US Probation Officer Forensics
Technician, Eastern District of California

Laura Klein, Data Processing Manager II
Division of Adult Parole Operations

Austin Uwakwe, Parole Agent III
Division of Adult Parole Operations

Lori Koehnen, Senior US Probation Officer
Eastern District of California

Task Force Administration

Rugina Garcia, Parole Service Associate
Division of Adult Parole Operations

Rachelle Torres, Analyst
Division of Adult Parole Operations

Amber Lee, Parole Service Associate
Division of Adult Parole Operations

Sex Offender Supervision and GPS Monitoring Task Force Report

Contents

Executive Summary.....1

Task Force Recommendations and Discussion

I. Containment Model..... 5

II. Risk Assessment..... 8

III. Tiered Supervision..... 9

IV. Offender Tracking..... 10

V. Monitoring Center.....12

VI. Specialized Parole Agents.....13

VII. Caseload Size..... 14

VIII. Supervision Accountability..... 16

IX. Targeted Residence Restrictions..... 17

X. Attachment I.....19

Executive Summary

Citizens across California have become increasingly concerned about sex offenders returning to their neighborhoods. They want greater assurances that these offenders will not place their children or themselves in jeopardy of victimization. As a result, laws have recently been passed that increase incarceration and community supervision periods, place restrictions on where sex offenders can reside, and prohibit them from being in specific locations.

In California, there are approximately 85,000 registered sex offenders in our communities, more than any other state in the nation. Even with increased sentences, nearly all convicted sex offenders sentenced to state prison will eventually be released back to their respective communities. They will be placed on supervised parole for a period of time to monitor their reintegration and help protect the public. Currently, fewer than 10% (approximately 6,600) of all California sex offenders are on supervised parole in the community and being monitored by GPS technology. Additionally, there are approximately 2,900 sex offender parolees that are on parole, who are either in custody pending revocation, committed to a State Mental Hospital or have absconded supervision.

Over the past year, two horrific crimes have focused the concerns of citizens. Phillip Garrido and John Gardner, both registered sex offenders, committed unthinkable acts that forever changed the lives of the victim's families and communities. The Governor requested a review of the John Gardner case be completed by the California Sex Offender Management Board (CASOMB) to offer recommendations for improving sex offender management. Meanwhile, the Office of the Inspector General (OIG) initiated an independent investigation of these cases and also offered recommendations on how to improve sex offender supervision.

Acting on the content of the reports, CDCR reviewed relevant policies and practices and made substantive changes to both sex offender parole supervision policies and GPS tracking policies. Further, at the direction of Secretary Matthew Cate, the Division of Adult Parole Operations (DAPO) convened a task force of CDCR staff, outside public safety representatives, and victim advocates to review the OIG and CASOMB recommendations, as well as relevant sex offender supervision policies and practices. The objective of the task force is to make further recommendations to improve public safety as it relates to parolee sex offender supervision.

The Sex Offender Supervision and GPS Monitoring Task Force met weekly between July and September 2010. Participants included statewide representatives from CDCR, Board of Parole Hearings, local law enforcement, probation, district attorneys, Office of the Inspector General, National Institute of Justice, treatment providers, and victim advocates.

Following presentations from subject matter experts and comprehensive discussions, the task force decided upon the following recommendations. It is the intent of the Task Force that these recommendations not be viewed individually as they are interrelated and are most effective when implemented together.

- I. **Containment Model:** A comprehensive public protection strategy for the control of sex offender parolees requires the systematic implementation of a fully operational Containment Model. This model includes supervision, treatment, polygraphy and victim advocacy.

Comment: The Containment Model is an evidence-based strategy that has shown to be effective in promoting community safety and reducing sex offender recidivism. On-going collaboration, consistent public policies, quality control, proven containment tools and victim rights are the principles of the model. All of the recommendations contained in this report fit within the framework of this operating philosophy, and it is critical that all components be fully implemented. Further, CDCR's effectiveness in implementing the Containment Model should be periodically evaluated.

- II. **Risk Assessment:** Dynamic and violence risk assessments must be included as an integral part of parolee supervision and should be conducted on all paroled sex offenders. Current reliance on the Static-99 alone is insufficient to identify the risk of re-offense.

Comment: CDCR presently uses the Static-99 to assist in the determination of the supervision level of male sex offenders. Based on the risk score, sex offenders will be supervised as either high risk or non-high risk. DAPO does have the discretion to apply aggravating or mitigating factors in the final determination of the supervision level. While this risk assessment instrument is one of the best at predicting risk of sexual re-offense, the Static-99 primarily relies on factors from a parolee's past. It does not take into account a parolee's life circumstances or the risk for violent behavior. Implementing a dynamic risk instrument and a violence risk instrument will allow parole to more accurately determine an offender's current risk to the community. *(This recommendation is consistent with Chelsea's Law, AB 1844, which was signed by Governor Schwarzenegger while this report was being prepared.)*

- III. **Tiered Supervision:** Implement tiered parole supervision, according to the offenders risk to re-offend and danger to the community.

Comment: While all sex offenders pose some risk to re-offend, those parolees presenting the greatest risk of re-offense should be the most closely supervised to ensure public safety. A risk based tiering system provides Parole Agents a guide for being both efficient and effective in the use of their limited time. Because the risk of re-offense is greatest during the first year following release from prison, all sex offenders should be supervised at the most intensive level for their first year in the community. Following the first year, the level of supervision should be determined by static and dynamic risk factors as well as the parolee's behavior.

- IV. Offender Tracking:** Use the capabilities of the offender tracking system to comprehensively review location data on all sex offenders. Discontinue “passive” GPS monitoring. Re-engage local law enforcement to work in partnerships with CDCR to use location data to solve crimes.

Comment: GPS is not a panacea for criminal behavior. It is one of many supervision tools that parole agents have available within the Containment Model. Despite its limitations and short comings, GPS technology remains a valuable containment supervision tool.

Community safety dictates that GPS and other offender tracking systems be utilized to the fullest extent possible. All location data should be comprehensively reviewed to allow for point and pattern analysis. Discontinue the use of “passive” monitoring. All alerts received should be investigated and addressed. All conditions of parole and relevant state and federal laws should be monitored for compliance. Additionally, local law enforcement agencies under utilize CDCR’s Crime Scene Correlation program. This tool should be broadly and routinely used in criminal investigations.

- V. Monitoring Center:** Implement a CDCR GPS Monitoring Center to increase agent-to-parolee contact and enhance public safety.

Comment: Alerts are an important safety function of GPS technology. When GPS alerts are triggered, they are due to the device detecting a potential problem. Alerts must be responded to in an efficient and effective manner. By utilizing a Monitoring Center to screen alerts, Parole Agents can focus on the most serious alerts and intensify the direct supervision of sex offender parolees in the community.

- VI. Specialized Parole Agents:** The effective supervision of sex offender parolees requires experienced, specially trained Parole Agents with caseloads that permit intensive parolee supervision.

Comment: The characteristics and warning signs of sexual re-offense are unique when compared to other types of offenders. It is critical that Parole Agents and their supervisors be trained and mentored in the latest techniques to prevent future victimization. Due to the secrecy and sophistication these offenders employ when planning new crimes, Parole Agents who have not completed their probationary period, or lack previous experience with supervising a probation or parole caseload, should not be assigned to supervise sex offenders.

- VII. Caseload Size:** Implement an agent-to-sex offender ratio no greater than 20:1, to allow for more effective sex offender parolee supervision. This ratio should be reevaluated within 24 months, and periodically thereafter.

Comment: Public expectations and public safety compel Parole Agents to spend substantial time in the direct supervision of sex offenders. In recent years, the duties and responsibilities of Parole Agents with these caseloads have expanded dramatically. Further, the recommendations in this report if adopted would add to those responsibilities.

A change in law in 2006 (Proposition 83) mandated that all sex offenders be monitored by GPS technology. This mandate, while providing valuable location data, also dramatically increased the workload of Parole Agents. The time it took to effectively manage the information being received from the GPS devices substantially decreased the amount of time available for direct supervision. Reducing the caseload size to a ratio of no greater than 20:1 will allow agents more time for direct supervision of sex offender parolees. Because GPS technology is evolving and improving at a rapid rate, reevaluation is recommended.

VIII. Supervision Accountability: Develop and implement improved accountability measures.

Comment: Public confidence in CDCR's ability to effectively supervise sex offender parolees depends upon strong internal accountability measures. CDCR's commitment to public safety requires that it continually assess the quantity of supervision contacts, as well as the quality and effectiveness of overall sex offender supervision. CDCR should prioritize the conversion of sex offender files to any new automated system.

IX. Targeted Residence Restrictions: A comprehensive public policy protection strategy for the control of sex offender parolees requires that Parole Agents have the authority to review and approve where parolees reside. Blanket residence restrictions have not improved public safety and have compromised the effective monitoring and supervision of sex offender parolees. Therefore, residence restrictions as set forth in Penal Code Section 3003.5(b) should be repealed in favor of targeted residence restrictions.

Comment: There is no evidence that residence restrictions for sex offenders make the community any safer. Since the passage of Proposition 83, residence restrictions have expanded significantly with an unintended consequence. Transient sex offender parolees have increased by approximately 24 times. Presently, more than 1/3 of all sex offenders on parole have become transient. Before the passage of Proposition 83, residence restrictions were already in place. Penal Code Section 3003(g) prohibited high risk sex offenders with child victims from residing within ½ mile from schools. Additionally, Parole Agents used discretion to prevent parolees from residing in any housing location that would increase their risk of re-offense. Repealing the blanket residence restrictions imposed by Proposition 83 will provide adequate housing options for sex offenders while continuing to provide public safety.

I. Containment Model

Recommendation: A comprehensive public protection strategy for the control of sex offender parolees requires the systematic implementation of a fully operational Containment Model. This model includes supervision, treatment, polygraphy and victim advocacy.

The Containment Model is a widely recognized “best practice” approach for managing sex offenders in the community. The philosophy and goal of the containment approach is community and victim safety. The model works when the containment team members work cohesively to share information, “contain” sex offenders and hold them accountable for their actions. The members of the CDCR containment team should be:

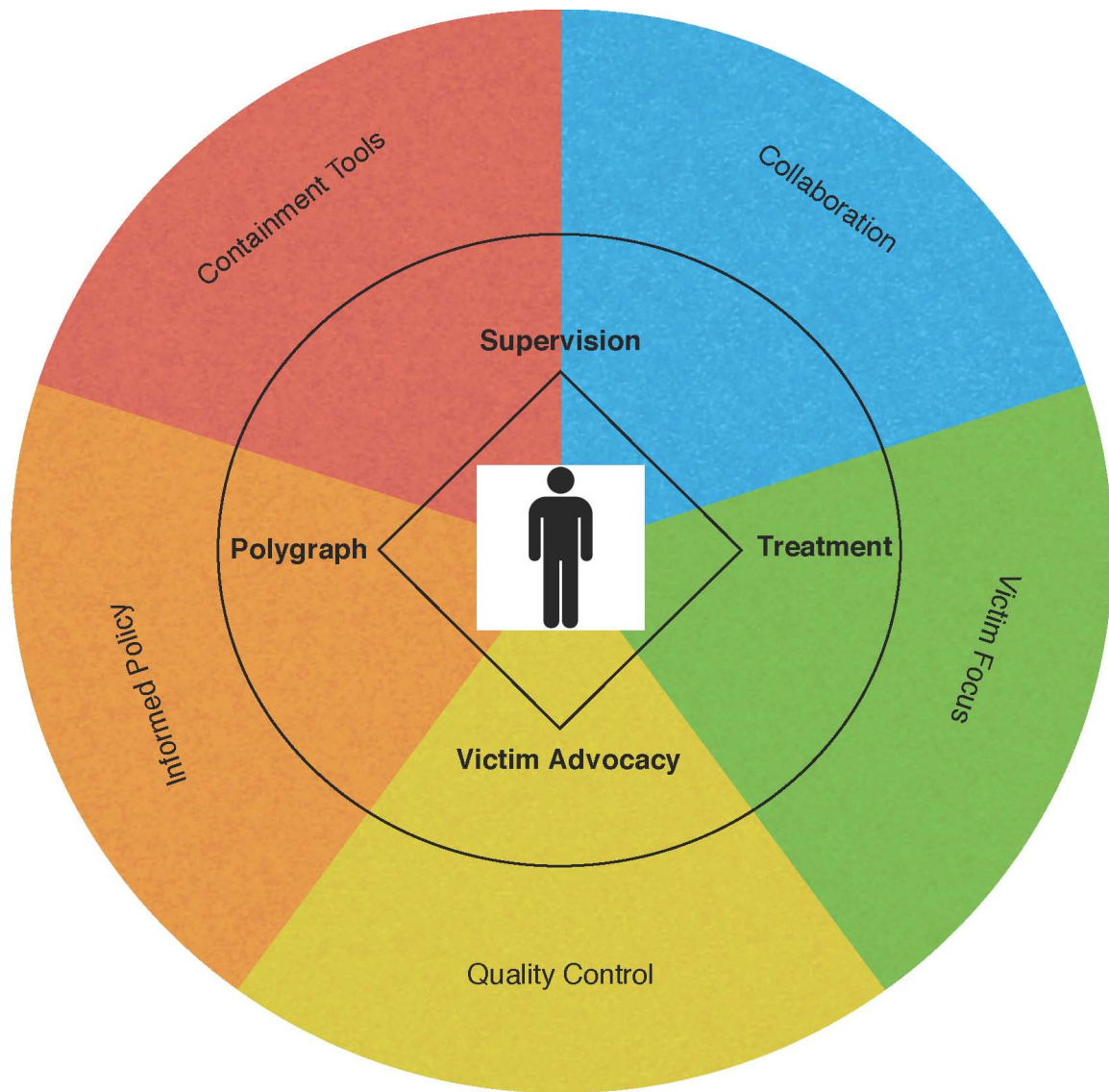
1. *Supervision Officers:* In this case, the main supervision officer would be the Parole Agent. Many times, they are the central figure or leader of the containment team. Local law enforcement officers are often part of the supervision team, as are other representatives from the justice system. Informed and pro-social family members, friends and employers are important resources to assist in monitoring behaviors.
2. *Treatment Provider:* Current research indicates that sex offenders who receive treatment recidivate at a lower rate than those who do not, as treatment plays a vital role in enhancing public safety. Treatment is also the primary tool for the sex offender to develop self-control. Treatment providers often receive information that may be essential to halting or modifying behaviors that may lead to re-offense. This information is then shared with the rest of the containment team.
3. *Polygraph Examiner:* Polygraph examinations play a significant role in the containment approach. Risk management strategies and treatment approaches may be modified as a result of polygraph results. Denial and deception on the part of the offender may be discovered. Supervision case plans may be modified or conditions of parole added based on new polygraph information. In some cases, investigations leading to parole revocation may be initiated.
4. *Victim Advocate:* Victim advocates are essential members of the containment team. They assure that the victim is not re-traumatized or otherwise negatively impacted during the supervision period. They support the rights of all victims in the supervision process and may act as a liaison between the victim of the sex offense and any other member of the containment team if additional information is needed.

The Containment Model has five key philosophical and operational elements central to the effective management of sex offenders in the community. These elements are:

1. *Collaboration:* For decades, criminal justice agencies have worked independently in their efforts to manage sex offenders and protect victims. Not surprisingly, these fragmented efforts have not succeeded as well as hoped. Collaboration with others is vital to ensure a comprehensive and effective approach. It requires agencies and individuals to work together on common goals while respecting the diversity of each other's roles. Resources and information must be shared. Traditional barriers to coordination and teamwork must be overcome. To be effective, collaboration should be occurring at both the policy and case management level. Ultimately, collaboration results in more successful outcomes, as professionals involved in the management of these offenders can accomplish more together than when working independently.
2. *Victim Focus:* In traditional supervision approaches, the offender was viewed as the "client." In the Containment Model, the victim is considered the "client." In this approach, professionals make a dedicated effort to address the risk and needs of the offender while concurrently prioritizing the victims' needs and interests. Victim input is both encouraged and valued. Special attention is paid to ensure that sex offender management policies and practices respect the rights and feelings of victims.
3. *Containment Tools:* Containment tools include offender tracking, appropriate risk assessment, targeted residence restrictions, reduced caseload size, polygraph examinations, risk-based supervision and other strategies, policies and devices that enhance the supervision of sex offenders. Containment tools used individually have limited effectiveness; it is the comprehensive and collaborative use of the tools that make them most effective.
4. *Informed Policy:* Legislators must work with criminal justice and sex offender experts, the courts, and corrections to implement policies and laws that represent the latest evidence based and best practice programs. No matter how good the design and implementation of sex offender containment practices, these cannot function effectively without the support of informed, clear and consistent public policies.
5. *Quality Control:* Quality control monitors whether sex offender implementation strategies and policies are in place and functioning as intended, and evaluates whether they are producing the desired impact. Ongoing critical evaluation and adjustment of supervision programs ensures the Containment Model is achieving its goal of reducing future victimization.

Implementation: Full implementation requires planning, training, funding and collaborative reciprocation from external containment team members.

The Containment Approach



Adapted from: English, K., S. Pullen, and L. Jones (eds.), *Managing Adult Sex Offenders: A Containment Approach*, 1996.

II. Risk Assessment

Recommendation: Dynamic and violence risk assessments must be included as an integral part of parolee supervision and should be conducted on all paroled sex offenders. Current reliance on the Static-99 alone is insufficient to identify the risk of re-offense.

There is no method or instrument available that will detect or predict with absolute certainty when or if a sex offender is going to re-offend. CDCR presently uses the Static-99 score to decide the level of sex offender supervision for male offenders unless mitigating or aggravating factors are considered to warrant modification to the supervision level. This is an actuarial risk assessment tool that primarily measures past behaviors to determine the risk of future behaviors. It does not measure risk of violent behavior or take into account that risk may increase or decrease depending on current dynamic factors.

CDCR's reliance on the Static-99 as the only tool utilized to determine a sex offender's level of supervision on parole is insufficient to accurately determine the overall danger a sex offender poses to the community. While the Static-99 is one of the best instruments available to predict risk of sexual re-offense, there are additional factors that should be taken into account when determining how closely a sex offender should be supervised on parole.

Risk of violence, sexual or otherwise, must always be a factor when determining the level of supervision. CDCR presently assesses all inmates with the California Static Risk Assessment (CSRA) instrument. This instrument, predicts the likelihood of re-offense within a three year period. CDCR parole supervisors can utilize a CSRA risk level for high violence, and as an aggravating factor in determining a need to increase a sex offenders' supervision level.

Chelsea's Law, recently passed by the Legislature and signed into law by the Governor, mandates that CDCR implement a sexual violence risk assessment instrument and a dynamic risk assessment instrument by July 2012. Utilization of comprehensive risk assessment tools will better identify propensity to re-offend, help determine supervision levels and better protect the community. The Task Force recommends that dynamic and violence risk assessments be included with the Static-99 and relevant case factors for a more thorough assessment of risk to determine supervision level. This approach to risk assessment should be conducted on all paroled sex offenders.

Implementation: Full implementation must begin by July 2012; it requires planning, funding and training.

III. Tiered Supervision

Recommendation: Implement tiered parole supervision, according to the offenders risk to re-offend and danger to the community.

Tiered supervision allows Parole Agents to devote the most time to those sex offenders that present the greatest danger to the community. There are several tools that can be used to help distinguish which sex offenders pose the greatest risk. Risk assessment instruments such as the Static-99, which is currently being used by CDCR, is one such tool. Other risk assessment instruments, as discussed elsewhere in this report, measure risk of sexual and non-sexual violence.

A tiered supervision model is based on continual assessment of variables including criminal history, life circumstances, length of time in the community and overall adjustment and stability. Presently, CDCR has a two-tiered system: High Risk Sex Offenders and all other sex offenders. An increased ability to determine risk permits CDCR to employ a three or four-tiered system of supervision. This allows CDCR to move sex offender parolees through a dynamic continuum of supervision.

CDCR data concludes sex offenders pose the greatest risk of re-offense during their first year of parole supervision. For that reason, during this initial period, all sex offenders should be supervised at the most intensive level.

Implementation: Full implementation requires planning, training and funding. Planning for tiered supervision should begin immediately.

IV. Offender Tracking

Recommendation: Use the capabilities of the offender tracking system to comprehensively review location data on all sex offenders. Discontinue “passive” GPS monitoring. Re-engage local law enforcement to work in partnerships with CDCR to use location data to solve crimes.

In 2006, California voters approved Proposition 83, Jessica’s Law. One of its provisions mandated placing all sex offenders released from prison on GPS monitoring. By December 2008, CDCR had placed GPS devices on all sex offender parolees who were under supervision in the community. Since the inception of CDCR’s GPS program, over 20,000 sex offenders have been monitored. On any given day, CDCR monitors approximately 6,600 sex offender parolees through GPS technology. This represents the largest number of sex offenders under GPS supervision of any state.

GPS Technology

George Drake, with the National Institute of Justice, states, “*GPS tracking technology has transformed the way offenders are supervised in the community however there are some common misunderstandings about this technology... resulting in unrealistic expectations and disappointment when those expectations are not met.*”¹ (For full description of misconceptions and limitations see Attachment I).

The Task Force recognizes that GPS is not a panacea for criminal behavior. It will not prevent an opportunistic offender from violating their conditions of parole or committing a new crime. Despite its limitations and short comings, GPS technology remains a valuable supervision tool.

Location Data

CDCR’s use of GPS has dramatically changed how it supervises sex offenders. Parole Agents have substantially more information about offender location and movement. They can determine a parolee’s typical patterns of movements, and detect when changes or irregular patterns emerge. Agents receive alerts when offenders enter areas that are not allowed or travel beyond acceptable limits and can hold the offender accountable for meeting treatment requirements or other scheduled appointments. Also, experienced Parole Agents who develop a keen understanding of the travel patterns of their parolees can use GPS location data to better supervise sex offenders and help identify patterns of travel that may be precursors to future criminality.

This new information comes at a price. Parole Agents now spend more time at their computers and less time in the field providing direct supervision to sex offenders. Still, since the use of GPS technology is mandated by state law, it is imperative that all

¹ Drake, George, Perspectives, American Probation and Parole Association. Volume 33,page 20, 2009

sex offenders' GPS location data be comprehensively reviewed on a regular basis. All sex offenders, regardless of their risk level, pose some risk to re-offend, and every effort should be made to prevent potential victimization.

Currently, CDCR monitors parolees at either the "active" or "passive" level, depending upon the parolee's assessed risk to the community. At the "active" monitoring level, Parole Agents are required to review all location data. At the "passive" monitoring level, Parole Agents are only required to review select location data.

The Task Force recommends that CDCR comprehensively review location data on all sex offender parolees, allowing for point and pattern analysis. In no instance should parolees be placed on a "passive" level of monitoring.

Partnership with Local Law Enforcement

An important benefit of location data technology is Crime Scene Correlation (CSC). This is a tool within CDCR's GPS system, which allows local law enforcement agencies to compare crime data to sex offender parolee locations to identify or exclude suspects. When the data from CDCR's system and law enforcement agencies data overlap, a "crime hit" report is disseminated to law enforcement officials and Parole Agents for immediate investigation.

CDCR has trained over 100 law enforcement agencies in California on the use of CSC. These collaborative efforts have allowed Parole Agents and law enforcement to share data and work closely together as a second set of eyes when dealing with sex offenders on GPS. Still, only a small percentage of local law enforcement agencies have taken advantage of this valuable investigative tool. The Task Force recommends CDCR re-engage local law enforcement to work in partnerships to use location data to solve crimes.

Additional Consideration

Deciding when parolees are first subject to GPS monitoring following their release from prison is still a concern. Penal Code section 3060.7 mandates that parolees report to their assigned parole unit within 48 hours; however, most parolees are instructed to report within 24 hours of release from prison. Upon first contact with the offender, agents apply the GPS device and begin monitoring. There is concern that this practice creates a gap in the system at a time when sex offender parolees are at an increased risk to re-offend. It would require significant resources to close this gap and have parolees fitted with a GPS device prior to leaving prison grounds. CDCR should evaluate the feasibility of attaching a GPS device prior to release.

Implementation: Technology conversion should begin immediately. Full implementation requires planning, training, funding and technology.

V. Monitoring Center

Recommendation: Implement a GPS Monitoring Center to increase agent-to-parolee contact and enhance public safety.

California Law, as noted elsewhere in this report, mandates that all sex offenders be monitored by GPS technology. CDCR's GPS system generates thousands of notifications or alerts every day. These alerts reflect a range of events. They could be signaling something critically important such as a GPS strap being cut or a parolee entering an exclusion zone, or something less significant such as a low battery alert. While the higher priority alerts are immediately relayed to the Parole Agent, routine notifications are received via an electronic report the following morning. All notifications should be investigated, addressed and documented.

Addressing all notifications requires a significant amount of the Parole Agent's time. Many of the priority alerts occur during evening and weekend hours, requiring Parole Agents to immediately investigate and resolve the reason for the alert.

Several large states, including Texas, Florida and Michigan, that have significant numbers of sex offenders, use Monitoring Centers to screen GPS alerts. Centralized Monitoring Centers employ departmental protocols to prioritize alerts, in order to effectively and efficiently respond to them.

A Florida State University College of Criminology and Public Policy Research Report in January 2010 described the effectiveness of Monitoring Centers: *"The Statewide Monitoring Center, implemented in October 2007, is clearly one of the most successful enhancements to Florida Department of Correction's (FDOC) Electronic Monitoring (EM) program in the recent past. The strategy has resulted in drastic reductions in the number of minor alerts that officers have to address, which enables them to devote more time to other important matters relating to the supervision of offenders in the community and has expanded the lines of communication and enhanced the working relationship between the FDOC and the vendor to improve the general operation of the EM program."* The report goes on to recommend that electronic monitoring programs nationwide *"should consider including this strategy in their operation."*²

Utilizing a Monitoring Center to screen alerts, and resolve and document those that do not require an immediate agent response, relieves a substantial amount of the burden on Parole Agents and ensures a more consistent and timely review of alerts. This permits Parole Agents to focus on the direct supervision of sex offender parolees in the community.

Implementation: Full implementation requires planning, training and funding for additional staffing. The initial planning phase should begin immediately.

² Bales, William et. al., A Quantitative and Qualitative Assessment of Electronic Monitoring, Florida State University College of Criminology and Criminal Justice Center for Criminology and Public Policy Research, 2010

VI. Specialized Parole Agents

Recommendation: The effective supervision of sex offender parolees requires experienced, specially trained Parole Agents with caseloads that permit intensive parolee supervision.

Supervising sex offenders poses unique challenges for Parole Agents due to the complex nature of sex-offending behavior and the potential dangerousness of offenders. Training of specialized sex offender Parole Agents and their supervisors is a critical issue. Supervision practices and strategies for the effective management of sex offenders is an emerging field. As improved techniques are discovered and utilized, it is important that CDCR Parole Agents receive ongoing training in their theory and implementation.

Full implementation of the Containment Model, new risk assessment instruments and increased emphasis on sex offender specific treatment, create a demand for training related to these ideas and strategies. The Parole Agent must be trained to make use of all these new techniques in order to maximize public safety. As well as formalized training, we also recommend that CDCR develop a sex offender agent mentoring program.

Another area of concern is the emotional well being of the Parole Agents themselves. Secondary trauma from being constantly immersed in details of sexual violence and exploitation illicit strong negative reactions and can lead to burnout on the part of the agent. Training and other positive support systems are important in preventing this from occurring.

Due to the complex nature of sex offender dynamics, and their secrecy and sophistication when planning their crimes, experienced Parole Agents should be designated for this assignment. Parole Agents without previous experience in other agencies or those on probationary status should not be eligible for a sex offender caseload.

Implementation: Full implementation requires planning, funding and training. Initial planning should begin immediately.

VII. Caseload Size

Recommendation: Implement an agent-to-sex offender ratio no greater than 20:1, to allow for more effective sex offender parolee supervision. This ratio should be reevaluated within 24 months, and periodically thereafter.

Public expectations and public safety compel Parole Agents to spend substantial time in the direct supervision of sex offenders. In recent years, the duties and responsibilities of Parole Agents with these caseloads have expanded dramatically. Further, the recommendations in this report, if adopted, would add to those responsibilities. The best way to assure that Parole Agents have sufficient time to meet these increased demands is by establishing the appropriate size of Parole Agent caseloads.

“The importance of caseload size to the effectiveness of probation and parole supervision cannot be overstated. Offender supervision is a human capital-intensive activity.” This is the conclusion of William Burrell, Chair of the American Probation and Parole Association’s Editorial Board. Mr. Burrell goes on to respond to the role of technological advances, for example GPS technology, as it relates to the need for human assets. *“While technological innovations have certainly transformed the work of the PPO [Probation/Parole Officer], they primarily have improved the monitoring capability of the officers and their access to information, but have done little to change the core correctional practices that comprise case management.”*³

In California, the introduction of GPS technology as a monitoring tool has presented as many challenges as it has created new opportunities. Despite the increase in new information, the review of this data has proven to be very time intensive and, based upon current caseload sizes, substantially decreases the amount of time available for direct supervision of sex offender parolees.

The Task Force is recommending that Parole Agent caseloads be set at an agent-to-sex offender ratio of no greater than 20:1. This is the same recommendation made in a UC Irvine Center for Evidence-Based Corrections report.⁴

In making this recommendation, the Task Force is also cognizant that new laws and policies have added to the responsibilities of Parole Agents supervising sex offenders. Further, the full implementation of the Containment Model as recommended in this report, will require Parole Agents to actively partner with treatment providers, victim advocates and law enforcement agencies—activities that will expand agents’ workload.

³ Burrell, William; Perspectives, American Probation and Parole Association, volume 2, number 32; 2007

⁴ Turner, Susan & Jannetta, Jesse et al, Implementation and Early Outcomes for the San Diego High Risk Sex offender (HRSO) GPS Pilot Program, working paper; 2007

Mr. Burrell concludes that “*caseload standards are designed to drive effective practices and guide decision-makers*”⁵ and recommends that intensive supervision caseloads not exceed 20:1.

The Task Force agrees and recommends that sex offender caseloads should be established at no greater than 20:1. Furthermore, caseload ratios should be reviewed within 24 months and periodically thereafter.

Implementation: Full implementation requires planning, funding, staffing, and training. Implementation of the caseload size recommendation is a necessary and essential component to most of the other Task Force recommendations. Initial planning should begin immediately.

⁵ Burrell, William; Perspectives, American Probation and Parole Association, volume 2, number 32; 2007

VIII. Supervision Accountability

Recommendation: Develop and implement improved accountability measures.

Sex offender parolees must be held accountable for their behavior while on parole. Parolee accountability requires internal controls that ensure the parole system is operating effectively and according to CDCR policy.

Parole would benefit from an automated system that notifies them of discrepancies as well as accomplishments. CDCR is developing systems which, when fully operational, will provide tools to audit parole's performance. While an automated system can signal when specific benchmarks are not met, it is the supervisor's responsibility to ensure that Parole Agents provide quality supervision of the offender.

CDCR has developed a 5-year plan to increase the presence of frontline supervisors, field training officers and automated reports. By spending time directly with Parole Agents in the field, supervisors can verify that quality parole supervision as recommended by the containment model is occurring. Additionally, increased field interaction lends itself to immediate corrective action and the identification of potential training needs.

Due to increased public concerns regarding sex offender parolees, CDCR should prioritize the conversion of sex offender files to any new automated system.

Implementation: Planning and prioritizing sex offender files to be converted to electronic files should be started immediately. Frontline supervision of sex offender caseloads will require planning and preparation.

IX. Targeted Residence Restrictions

Recommendation: A comprehensive public policy protection strategy for the control of sex offender parolees requires that Parole Agents have the authority to review and approve where parolees reside. Blanket residence restrictions have not improved public safety and have compromised the effective monitoring and supervision of sex offender parolees. Therefore, residence restrictions as set forth in Penal Code Section 3003.5(b) should be repealed in favor of targeted residence restrictions.

Housing for paroled sex offenders has traditionally been a challenge. No one wants a sex offender as a neighbor. This is especially true for families with children. In some cases landlords have been reluctant to rent apartments or hotel rooms to sex offenders due to increased public scrutiny. As a result, housing options are more limited for sex offenders than other types of offenders.⁶

Presently 32 states, including California, have passed laws and ordinances that restrict where sex offenders may live based on the widespread belief that they are more likely to sexually re-offend when they live in close proximity to schools, parks and other places where children congregate. As a result, sex offenders now find it much more difficult to find a place to live; many today are homeless; and some are evading community supervision altogether. Growing evidence demonstrates that when sex offenders lack a stable living situation they are at increased risk to re-offend.⁷

Proposition 83, passed by California voters in November 2006, created blanket residence restrictions that significantly reduced housing options for sex offenders. CDCR began enforcing these restrictions in 2007; at that point, 88 sex offender parolees registered transient or homeless. Now, almost three years later, over 2,100 parolees are registered as transient. That is an increase by approximately 24 times.

Prior to the passage of Proposition 83, California had already enacted laws restricting housing for targeted sex offenders. Penal Code 3003(g) restricted child molesters, determined by CDCR to be “high risk,” from living within ½ mile of elementary and secondary schools. While these restrictions made housing more difficult to find, it was still possible to accomplish, without significantly increasing homelessness.

Homeless sex offenders put the public at risk. These offenders are unstable and more difficult to supervise for a myriad of reasons. They often change sleeping locations, requiring Parole Agents to continually investigate those areas to ensure they are appropriate and not in a high-risk area. Employment is difficult to find and even more difficult to maintain.

⁶ An Assessment of Current Management Practices of adult Sex Offenders in California; California Sex Offender Management Board, 2008

⁷ Ibid

Chronic homelessness impacts the GPS tracking system as well. Sex offender parolees face daily challenges finding locations to charge their GPS devices. Travel patterns are sporadic and require more time to review, thus making GPS a less efficient enforcement tool. Lastly, there is a greater likelihood that the sex offender will tire of the constant struggle to survive, and is more likely to abscond from supervision.

The Task Force does not recommend that all residence restrictions be repealed. Instead, it recommends that the blanket residence restrictions in Proposition 83 be eliminated. Community safety can best be served by relying on those residence restrictions and Parole Agent discretion that were in place prior to the passage of Proposition 83.

Implementation: Legislative remedies should be explored immediately.

X. ATTACHMENT I

The Truth about Offender Tracking with GPS

by George Drake ¹

GPS tracking technology has transformed the way offenders are supervised in the community however there are some common misunderstandings about this technology. These misunderstandings can lead to unrealistic expectations. Do you know what this technology can do for you? Do you know its limitations?

Phenomenal Growth

In 1997, GPS tracking of offenders was introduced by a small company that offered bulky devices that were carried in cumbersome backpacks. This unrefined technology was first met with skepticism and the concept was slow to catch on. However, with prison overcrowding plaguing most criminal justice agencies and a public demand for more accountability of the offenders in the community, the idea was given a closer look. In the last few years, tracking offenders with GPS has increased at a dramatic rate. The use of tracking devices to monitor the movements of criminal offenders is gaining momentum in nearly every state. In fact, the concept has great appeal with judicial and correctional programs around the globe.

Unrealistic Expectations

A number of new manufacturers of this equipment have entered the marketplace and the competition to secure a share of this lucrative emerging market is intensifying. In such a competitive environment, overstatements regarding the performance and affordability of the technology can occur. A few common misconceptions are:

GPS can track offenders 24 hours a day.

FALSE. GPS was designed by the Department of Defense primarily as an outdoor navigational system. People spend most of their time indoors, often out of range of the weak GPS signals and their whereabouts often cannot be established.

GPS can track offenders everywhere in real time.

FALSE. Many rural parts of the country still have little or no cellular phone service. Even though the tracking device can obtain GPS data from the satellites, there must be reliable cellular coverage to communicate that information to a monitoring station.

GPS tracking devices are tamperproof.

FALSE. Professionals who evaluate equipment on the market have successfully circumvented every device ever manufactured. For the most part, these circumvention techniques are still not widely known. However, there are many well-documented cases where offenders have exploited the vulnerabilities of devices.

X. ATTACHMENT I (Continued)

GPS tracking will stop all crimes from occurring.

FALSE. Although it is true that the location information collected can help link an offender to a crime scene that may help a prosecutor, no system can prevent any criminal act from occurring. Even if an agency has an area designated as an exclusion zone, a motivated offender can violate that restricted area and commit a serious crime long before an agency has time to respond.

Officials monitor every move an offender makes.

FALSE. Officers are not stationed at computers and watch the live movements of offenders. Instead, the tracking software records the movements of an offender and compares those movements with the schedules and restrictions that have been created for that individual. Any variations to the schedule or any zone violations are reported to the supervising agency. This is an “exception-based” approach to offender monitoring, which is a very valuable tool, but differs from common public perceptions.

A GPS tracking system will save money.

NOT ALWAYS. Agencies are often told to compare the cost of incarceration with the daily lease rate of the tracking equipment. This creates a false perception that the difference is savings realized by an agency. What is often overlooked or underestimated are the operating costs associated with the program. Many programs experience significant increases in their personnel, overtime, training and supplies costs that were unexpected. These overhead costs are typically three to four times the cost of equipment. By failing to plan for these expenses, offender tracking programs can become critically underfunded.

GPS is a valuable tool.

TRUE. Offender tracking technology is a valuable tool for supervising appropriate offenders. It can offer relief to overcrowded jails, hold offenders accountable to a schedule and even serve to deter offenders from committing new offenses. However, the capabilities of the technology are often misunderstood, resulting in unrealistic expectations and disappointment when those expectations are not met. All stakeholders should understand the capabilities and limitations of the technology before implementing a program in their community.

¹ Drake, George, Perspectives, American Probation and Parole Association. Volume 33,page 20, 2009