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**Report of the Department of Corrections
to the
Criminal Justice and Public Safety Committee
As Required by Chapter 61
Resolve to Establish a Working Group to Increase
Protection for Victims of Domestic Violence**

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REPORT OF THE DEPARTMENT OF CORRECTIONS

**To the
Criminal Justice and Public Safety Committee**

As Required by

CHAPTER 61

**RESOLVE, TO ESTABLISH A WORKING GROUP TO INCREASE
PROTECTION FOR VICTIMS OF DOMESTIC VIOLENCE**

March 8, 2010

Chapter 61 requested that the Department of Corrections examine the use of electronic monitoring for offenders who commit domestic violence crimes. Specifically, the resolve directed the following:

Sec. 1 Working group to increase protection for victims of domestic violence. Resolved: That the Department of Corrections shall convene a working group of interested parties to establish a process to assess dangerousness and more effectively monitor those who commit domestic violence crimes. The working group shall review other states' existing electronic monitoring and offender management programs, determine accurate costs and program management needs and identify possible pilot sites in the State. The department shall submit a report to the Joint Standing committee on criminal Justice and Public Safety no later than January 15, 2010 containing the recommendations, including proposed legislation, of the working group. The Joint Standing Committee on Criminal Justice and Public Safety may submit legislation to the 124th Legislature in 2010 based on the report

As a first step, the Department of Corrections asked the Muskie School of Public Service to research other states' existing electronic monitoring and offender management programs and to determine accurate costs and program management needs. Two conference calls were held with Muskie researchers to establish research parameters and to report back.

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The questions posed to the research team were: 1) Is there evidence that supports the use of GPS monitoring as an effective intervention for domestic violence offenders; 2) What are the costs of implementation and, 3) Is victim safety enhanced? The findings are summarized in this report and detailed in the attachments.

Effectiveness of GPS Monitoring and Supervision. Muskie researchers found that very little research had been done on the effectiveness of electronic monitoring of domestic violence offenders. There are sixteen states that have enabling legislation, but none have programs of sufficient duration to have been formally evaluated. Currently no jurisdictions have a formal assessment or assessment tool for determining which offenders are appropriate for GPS monitoring and supervision.

Accurate Costs and Management Needs. The costs of the GPS equipment are most usually borne by the offender at rates between 8 and 15 dollars per day. These fees do not cover the costs of supervision.

The use of GPS equipment requires significant added demands on agency resources. The actual monitoring/supervision costs per day include personnel, regardless of whether monitoring center operations are handled in-house or through a vendor. Staff is needed to respond to alerts (false or actual violations), write up violators, appear in court and carry out graduated sanctions, all of which add to overall system costs. GPS does allow batterers to keep their job and provide financial support to the family and costs are less than incarceration. Even in Illinois, whose statute became effective in January 2009, most counties have yet to implement GPS monitoring due to strained budgets.

Victim Safety. The voluntary participation of the victim is critical to the use of GPS monitoring. GPS monitoring imposes burdens on them and they must be fully informed about the risks and limitations. A coordinated community response to include the victim, law enforcement, probation, domestic violence advocates and batterer intervention programs is also necessary to develop and implement safety plans for the victims. GPS monitoring should not be relied upon solely as a safety plan for victims.

Recommendations. The research work requested of Muskie has been completed and as a next step the Department would recommend convening a focus group to review the work done by Muskie, to hear from victims and victim advocates and to discuss the possibility of applying for federal grants to fund a pilot site. Legislation is not recommended at this time as existing statute 17-A M.R.S.A. Section 1204 1-B allows for the imposition of electronic monitoring fees and M.R.S.A. Section 1204 2.M. permits probation “conditions reasonably related to the rehabilitation of the convicted person or the public safety or security.”

Attachments:

Research Agreement with Muskie School of Public Service
Summaries of Interviews with National Experts and Practitioners on Use of GPS
Electronic Monitoring Budget Worksheet

Summaries of Interviews with National Experts and Practitioners on Use of GPS
(phone interviews conducted in August and September 2009 by Muskie staff for Maine DOC)

George Drake (National Law Enforcement & Corrections Technology Center – Rocky Mountain): 505-917-2677

- Even though 16 states have passed the legislature, there are no mature programs, since no program has been implemented for longer than a year.
- GPS-EM is typically considered when there is a problem with the overcrowded jails.
- Post-conviction GPS is more widely used, in his experience.
- 2 main barriers to successful implementation are budget and man-power deficiency.
- GPS monitoring should not be substituted either for personal visitations, or incarceration for high risk offenders.
- Technology is oversold—widespread misconceptions about what it can, largely due to television and movie depictions

Capt. John Guard (Pitt County Sheriff's Office): 252-902-2701

- Grant formed the original Sheriff's Dept. DV unit in Pitt County in 1997.
- Pitt County—pop. 160,000
- GPS monitoring was considered because of extreme jail-overcrowding. Cost of incarceration--\$57/day; cost of passive GPS--\$6/day.
- Began with 6-month trial using STOP funds
- Offender could pay for some costs of GPS and could keep his job. Main objective was to reduce recidivism.
- Used exclusively for pre-trial release.
- GPS monitoring could be done effectively because first responders and investigators were the same officers, and because officers knew the offenders' histories and behaviors
- Based on results of a 2005 internal audit showing: 1) In 36% of DV cases officers were called back before the cases were adjudicated; 2) in 19% of DV cases multiple arrests were made; 3) of the 81 DV-related homicides in 2004, 26% were committed while suspect was on pre-trial release for some type of DV offense.
- 121 DV offenders over 30 months, average time on GPS was 46 days. Violations: 10 offenders entered exclusion zones, 6 violations of a DVPO. 2 offenders were able to escape by cutting the bracelets and leaving the state.
- In order to participate, the DV offender must post bond and prepay \$6 daily fee for GPS. (Upon rearrest, bond goes up to \$75,000.)
- Led to offenders pleading out more quickly—guilty pleas. Average time from arrest to adjudication for GPS offenders—46 days.

- Two-full time positions were added (\$160,000 annually). They worked 24 hours a day to ensure the service. More information resulted in more enforcement and more work for the officers.
- Out beyond curfew, stalking victim—went back to jail
- GPS monitoring is less effective when victim provides incomplete information (affects exclusion zones, and thus victim safety).
- Loss of GPS signal not an issue since the equipment was thoroughly tested prior to use.

Kristi Ward (Probation Officer, Maricopa County, AZ): 602-527-5016

- Had pilot for a year with no cost --using Omnilink as a service provider. (<http://www.omnilink.com/>)
- Implemented bi-lateral active EM (monitoring of victim and offender at the same time) with exclusion and inclusion zones (5 miles proximity) and either a text or a phone-call notification to a victim. Victim chose type of alert.
- To identify appropriate offenders, screened for previous DV and/or stalking-type behaviors—did not look strictly at DV convictions—could have been assault of an officer or DUI
- Monitored 8 victims and 8 offenders during the pilot. One re-offense (female offender for stalking) based on GPS monitoring information.
- Victims felt empowered and included, no negative feedback.
- Offenders paid \$15 a day (different packages for different types of monitoring are available).
- Cheaper to have Omnilink do monitoring work as opposed to the internal officers. Could go on googlemaps and see where offender was at any time.
- Without GPS, it is impossible to monitor offenders 24/7. Her opinion: monitoring enables offenders to re-evaluate their behavior, which leads to rehabilitation.
- Can monitor more effectively when offender has just been released from custody and she doesn't know the offender already—where is offender going, what is offender doing, etc.
- Sex offender units use Protec, have three officers who respond to alerts directly.
- Since pilot, no money to buy or lease equipment. Has had one DV offender on GPS—he paid \$10-15 a day to stay out of jail and be on GPS. (Victim was in adjacent county—he couldn't cross county line.)
- Offenders felt vindicated when falsely accused—could prove their whereabouts using GPS.

Mary Lovik (Michigan Domestic Violence Prevention and Treatment Board): 517-241-7591

- Pilot used STOP grant money in 1999-2000, one urban and one rural jurisdiction; results from survivors were mixed.
- Used during pre-trial release. (Post-conviction monitoring takes place only in cases of aggregate stalking.) Judge could impose as probation condition, but she's not aware of that being done
- Some victims don't want to participate in the program – they shouldn't be forced.

- Problems: many false alarms for victims; poor cell phone service in the North; cumbersome to carry cell phone or pager; offender close, law enforcement far away; GPS used as tool of harassment by offender, to trigger alarm; no consequences for entering hot zones; after GPS, behavior resumed
- Community coordination and collaboration are needed—LE, judge, probation officer and advocates—victims need ongoing safety planning
- In Michigan, probation for misdemeanors is court-supervised; for felonies it's DOC.
- Offender required to pay by statute
- Offenders need to be assessed (past behavior, criminal history)

Patricia Kane (Newburyport, MA Chief Probation Officer): 978-465-8373

- Use GPS for pre-trial and probation for DV offenders, used with split sentences—e.g., six months incarceration, six months on GPS
- Use risk assessment model to identify cases with high risk for re-assault and lethal attack. GPS is not for dangerous offenders--they go to jail.
- Probation and prosecution are involved in setting probation conditions and recommending GPS; sometimes judges order on their own
- Set inclusion and exclusion zones; if violated, offender is notified, immediate warrants issue-- during off-hours goes directly to law enforcement, during work hours probation is notified
- Between 2006-2008, no re-assaults among the nine (out of 55) high risk offenders who were monitored via GPS (3 pre-trial, 5 post-sentencing).
- Allows offenders to work in order to support families—judges want offenders to be doing this.
- Allows more accountability: it is “a protective cloak” for offenders who claim to be innocent of victims’ accusations, and another layer of protection for victim.
- Weaknesses—no immediate victim notification, losing signals (technical glitches are getting better)

Judge Amy Krause (Lansing, Michigan)

- Received ORA/ADCP grant to use more GPS, in bid process as of 9/30/09.
- Grant includes overtime for probation to do unscheduled in-home visits
- Not using GPS as punishment (as does Massachusetts)—she does not agree. “GPS is a gift to the offender—he’s not in jail.”
- Probation will have list of criteria for who should be on GPS
- Call in three to six months—they should have more information
- She has used in the past when defendant has paid all of the costs (GM exec)—“we knew where he was”
- Her assistant is Erik Frost 517-483-4440; her probation officer is at Craig Van Dyke at 517-483-4424

Paul Lucci (Deputy Commissioner of Probation, Massachusetts) 617-727-5300

- GPS in Mass. focuses primarily on sex offenders
- Dept. deals with probationers from 105 courts
- Courts send enrollment form to one of three monitoring centers; inclusion and exclusion zones are programmed in
- First alert goes to probation officer; PO goes to court, gets warrant; chief POs can authorize warrants if courts are closed; warrants faxed to local law enforcement agency
- Mass Probation worked with Mass State Police to get cooperation to arrest violators—very important
- Used pre-trial and post-conviction
- Anyone can request GPS—def., pros., prob., judge; victim will be notified if judge so orders
- No specialized assessment tool to determine who will be on GPS
- Stats on Mass use of GPS: has had GPS for 4 ½ years; owns radio frequency, leases GPS equipment; as of 9/30/09 had 800 offenders on radio frequency and 1100 on GPS—no figure for number of DV offenders (most are sex offenders); since program began, has issued 18,000 to 25,000 warrants
- Uses GPS pre-trial for gang members (for 2 weeks to a month)
- Uses for 20 child support defendants
- Probation officers meet biweekly with offenders—GPS “fills in the gaps”
- Lucci’s evaluation of GPS: “Expensive, no guarantee of safety” “highest level of supervision available”; “victims are safer”; “offenders are easier to apprehend”
- No other evaluation available

EM Budget Worksheet

Note: By filling in items highlighted in red, an estimated EM budget can be made.
Each program is different, and this should not replace a thorough budget evaluation.

Scope of Program

Number of offenders	525			
Incarceration Rate	5%	25	(Number of program violators that are anticipated to be in jail and not requiring tracking)	
Devices required	500	Daily rate	\$ 8.00	Tracking Equipment Cost \$ 1,460,000

Personnel Required

					Cost/year
Minimum officers needed*	21	Position Cost	\$ 65,000	Min. OT \$ 6,500	\$ 1,501,500
Number of supervisors needed	3	Position Cost	\$ 70,000		\$ 210,000
Number of admin needed	1	Position Cost	\$ 80,000		\$ 80,000
Number of Clerical staff needed	4	Position Cost	\$ 50,000		\$ 200,000
				Training Expense**	\$ 50,000
Total positions	29			Total Personnel	\$ 2,041,500

*Caseload size 25

**Training cost/employee/year \$ 2,000

Equipment and Office

Cell phones	\$	30,000
Vehicle Leases	\$	60,900
Fuel	\$	43,500
Office Supplies	\$	52,200
Office Space	\$	78,300
Furnishings	\$	43,500
Computers	\$	72,500
Detention Costs***	\$	684,375
Total Equip. & Off.	\$	1,065,275

Total Program Cost

Tracking Equipment Cost	\$	1,460,000	30%
Personnel Costs	\$	2,041,500	43%
Equipment & Office	\$	1,065,275	22%
Subtotal	\$	4,566,775	
Admin Overhead	\$	228,339	5%
Total Program Cost	\$	4,795,114	100%
Cost/Day/Offender	\$	25.02	
Cost/Year/Offender	\$	9,133.55	

***Daily incarceration rate

\$ 75

(Note - Detention costs may be incurred by another agency but caused by EM program activity.)

Assumptions in Budget Worksheet for GPS Proposal

These represent assumptions for equipment and office supplies as delineated in the sample budget spreadsheet developed by George Drake:

Cell phones	\$100/mo./FTE
Vehicle	\$3,000 yr.
Fuel for vehicle	\$250/mo. (may be high)
Supplies	\$1,800 FTE
Office space	\$18/sf
Furnishing	\$1,500/FTE
Computer	\$2,500/FTE