

GPS Ankle Bracelet Monitoring and Law Enforcement

“No crime is immune to better enforcement efforts.” –William Bratton

SUMMARY

The 2016/17 Shasta County Grand Jury investigated Global Positioning System ankle bracelet monitoring use by the Shasta County Probation Department and Shasta County Sheriff's Office. Ankle bracelet monitoring has been used throughout the State for a decade to assist law enforcement and at-risk offenders achieve compliance for court attendance and pre-trial work. It is also used to enforce sentencing requirements when incarceration is not available or appropriate. The management of the County's criminal population, the lack of bed space in the jail, and a need for alternate supervision and custody options were the main concerns behind the Grand Jury's interest. The investigation revealed a high compliance rate for pre-trial appointments for those with a Global Positioning System ankle bracelet monitoring device. It is also evident that additional bed space in the jail is freed up for more serious offenders.

Recent advances in monitoring technology will enhance and support future enforcement needs. Global Positioning System ankle bracelet monitoring was found to be a cost-effective, reliable means to prioritize jail bed space while ensuring enforcement of criminal prosecution and sentencing. State revenue sources for alternate custody programs are dependent on funding priorities established by the Community Corrections Partnership with the approval of the Shasta County Board of Supervisors.

BACKGROUND

Shasta County has, for the past 10 years, employed Global Positioning System (GPS) enabled ankle bracelet monitors (“monitors”) to assist with offender supervision. The two Shasta County agencies that utilize these monitors for alternative custody programs are the Probation Department and the Sheriff's Office. In this report, all references to “monitors” imply the use of GPS technology.

Custody and supervision of criminals in Shasta County reached a “perfect storm” in recent years as a result of a court order and the passage of three key pieces of legislation. A 1993 Shasta County Superior Court order approved a stipulation between Shasta County and its Sheriff's Office. It arose out of a federal lawsuit and State legislation, placing Shasta County under a 90% population cap in the Shasta County Jail (“the Jail”). California Assembly Bill 109, “Public Safety Realignment”, passed in 2011. It required some newly sentenced offenders to be sentenced to local custody and supervision instead of state custody. In 2014, California voters approved Proposition 47, “Reduced Penalties for Some Crimes Initiative”, which reclassified some felonies as misdemeanors for local supervision and treatment. Finally, California Penal Code Section 1192.7(c) defines “serious felonies” and categorizes them as either “violent” or “non-violent”. An unknown variable that will have an impact is Proposition 57, “Public Safety and Rehabilitation Act”, passed by California voters in 2016. This proposition permits the California Board of Parole Hearings to reclassify certain “violent felonies” as “non-violent felonies” to allow for early release. Local authorities will now have to plan on how to monitor

and supervise the new “non-violent felonies” population that may be “allowed” under early parole. Some examples of violent criminal offenses subject to reclassification include rape of an unconscious person, drive-by shooting, assault with a deadly weapon, domestic violence involving trauma, and lewd acts against a child.

The Jail was previously used to house offenders for up to a year. The Jail now functions more like a “county prison”, in that some offenders are incarcerated for years at a time in a facility not originally designed for long-term custody. A review of monthly averages showed in February 2017 there were 26 inmates serving sentences greater than one year and up to ten years. Of these offenders, 15 were incarcerated at the Jail, and 11 were housed in other out-of-county jail facilities. This creates additional pressure for bed space.

Alternative custody programs are designed by law enforcement professionals to hold offenders accountable for their actions and also permit them to participate in programs and services to modify their behavior while not incarcerated. It may allow them to remain at their residence, continue or seek employment, and pursue education. An additional benefit is that bed space can be freed up at the jail for more serious or violent offenders.

METHODOLOGY

The Grand Jury interviewed:

- Shasta County Board of Supervisors member
- Shasta County Probation Department personnel
- Shasta County Sheriff’s Office personnel
- Shasta County Public Defender Office personnel
- Shasta County Day Reporting Center personnel
- SHASCOM personnel

The Grand Jury reviewed:

- California Penal Code section 667.5(c)(1-23)
- California Penal Code section 1192.7(c)(1-42)
- Public Safety Realignment Plan, dated 2014
- Five-year Personal Services Agreement between the County of Shasta and B.I. Correctional Services, Inc., June 28, 2016
- Shasta County Probation Department approved budget, FY 2016/17
- Shasta County Probation Department Policies and Procedures
- Shasta County Probation Department – Year in Review 2014/2015
- Shasta County Probation Department – BI Correctional Services, Inc., software demonstration
- Shasta County Sheriff’s Office approved budget, FY 2016/17

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- Shasta County Sheriff's Office – Alternative Custody intake and assessment forms
- Community Corrections Partnership Meeting Agendas and Minutes, March to October 2016
- Stanford Law School, Stanford Criminal Justice Center, "How California Counties are Spending their Public Safety Realignments Funds"
- Shasta County Probation Department website, www.co.shasta.ca.us/index/probation_index.aspx
- California Assembly Bill 109 website, www.cdcr.ca.gov/realignment/
- California Proposition 30 website, www.boe.ca.gov/taxprograms/prop30_media_resource.htm
- California Proposition 47 website, www.cdcr.ca.gov/news/prop47.html
- California Proposition 57 website, www.voterguide.sos.ca.gov/en/propositions/57/arguments-rebuttals.htm
- BI Correctional Services, Inc., website, <https://bi.com/>

The Grand Jury visited:

- Shasta County Jail
- Shasta County Day Reporting Center
- Shasta County Community Corrections Center
- Shasta County Sheriff's Office – Alternative Custody Annex

Grand Jury members attended Community Corrections Partnership Meetings

DISCUSSION

Community Corrections Partnership

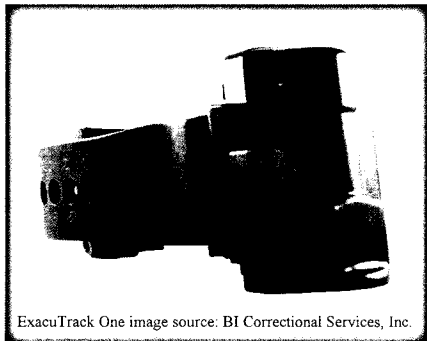
This "perfect storm" created an environment where legal and law enforcement professionals in Shasta County had to collaborate to design alternative custody methods. These methods are evidence-based and data-driven. They are designed and structured to ensure compliance with legal mandates and sentencing requirements. The goal is to free up jail bed space, to discourage recidivism, and to connect offenders with supportive programs and services.

The Shasta County Community Corrections Partnership (CCP) is composed of representatives from the Shasta County Superior Court, Probation Department, Sheriff's Office, District Attorney's Office, Public Defender Office, Health and Human Services Agency, and Redding Police Department. California Assembly Bill 109 (AB 109), also known as Public Safety Realignment, directed the CCP to oversee AB 109 funding plans and tackle issues involving offenders. The Board of Supervisors approves the funding plans created by the CCP. One of the CCP's guiding principles is "increasing offender accountability through effective use of immediate sanctions, custody, and custody alternatives." One such alternative custody method is using a GPS-enabled monitor.

GPS Ankle Bracelet Monitoring

In June 2016, Shasta County renewed its contract with BI Correctional Services, Inc. (“BI”), leasing up to 200 monitors. Half are assigned to the Shasta County Probation Department (“Probation”), and half are assigned to the Shasta County Sheriff’s Office – Alternative Custody Program (“Alternative Custody”). On average, there are 134 individuals on monitors each month between both Probation and the Sheriff’s Office. Probation handles all of the financial and administrative functions of the contract. Both departments utilize the same proprietary software to monitor offenders. Both departments individually monitor their own programs. Currently, only the Sheriff’s Office has staff on duty that can actively monitor compliance 24 hours a day. The Sheriff’s Office assigns weekend and off-hour monitoring to the Jail staff, although this monitoring may not be prioritized due to other responsibilities. One likely impact of Proposition 57 is an increase in the number of offenders who may need to be monitored around the clock. The only other agency with 24-hour monitoring capability is Shasta Area Safety Communications Agency (SHASCOM). SHASCOM already provides 24-hour emergency dispatching services for the Sheriff’s Office. It has the capacity to expand and accommodate increased dispatching demands and potential monitoring services. Currently, neither Probation nor the Sheriff’s Office contracts with SHASCOM to assist in tracking offenders with monitors.

Monitors are fitted to the ankles of eligible offenders in an alternative custody program. Accommodating for physical issues, monitors may be carried in a fanny pack, purse, or attached to a wheelchair. Monitors have two service levels, active and passive, that can transmit location



information to the program monitoring computer. Active GPS service collects a location and transmits program data more frequently than passive service, with increased collection and transmission if critical zones are violated. Each monitor currently in use costs the County \$3.15 per day for passive service level and \$3.25 per day for active service. All monitor maintenance and upgrades are BI’s responsibility. The offender is primarily responsible for the cost of a lost or destroyed monitor.

The current contract with BI allows for expansion into newer technology. The “ExacuTrack One” monitor currently in use by both agencies (see picture) is a GPS-enabled device; its battery must be charged at least four hours a day. The “TAD” monitor detects alcohol levels through a skin sensor. The “LOC8” monitor has dual batteries for extended use between charges. Both the “TAD” and “LOC8” monitors are more expensive to deploy than the “ExacuTrack One” model.

Smartphone applications utilizing facial recognition software (“biometrics”) are an emerging technology for complementing monitoring. An example of such a currently available application is the “SmartLINK App”, also offered by BI. It is a four-module application that can be installed on any smartphone or tablet. Module one is “check-in” and uses facial biometrics to identify and locate the offender. Module two is “self-report”, where the offender can update his or her status or information. Module three is an interactive calendar to track required appointments and visits. Module four is a resource directory of local services and support programs. This new

advancement costs approximately \$1.00 a day for each application subscription. Probation and Alternative Custody staff expressed interest in exploring these new technologies, and acknowledged that many offenders have smartphones that would support this type of application.

Current monitoring software includes a detailed, web-based map that is viewable to determine the offender's location. The software program logs location information and battery status. The offender's location can be pinpointed at varying intervals, from every 15 seconds to every 30 minutes. There is also an internal memory in the unit that can store 50,000 events and data points. There are five "pre-structured" voice commands, such as "battery low, recharge unit" or "call your probation officer", that can be sent to the offender in either English or Spanish. These officer-initiated notifications require the offender to manually acknowledge the order by pressing a button on the device. There are also 12 automatic notifications that are sent to the offender such as "battery charged", "entering inclusion zone", and "entering an exclusion zone, leave now".

An "exclusion zone" is an area defined by law enforcement into which the offender is not allowed. An example may be a school, casino, bar, or playground. There is also an "inclusion zone", a defined area in which the offender should be during scheduled times. An example might be home, a work location, or an educational facility. All locations are time-stamped by the computer program, and a detailed map of the offender's movement can be time-defined to show patterns and routines. There is also a "pursuit" mode that can be activated by law enforcement. It allows a real-time map and location information to guide law enforcement for apprehension of the offender.

The notification for noncompliance, tampering, or exclusion zone violations can be emailed, texted, or phoned to the officer responsible for that offender. A simple verbal reprimand from the officer may be all that is required to correct the issue. If the offender continues to be noncompliant with the terms of the monitoring agreement and is nonresponsive, the Compliance Team may be deployed.

The Compliance Team is a collaborative group comprised of members of the Sheriff's Office, Redding Police Department, and Probation. Supported by AB 109 funding, this team was created under the direction of the CCP. The purpose of the Compliance Team is to maintain consistent and regular personal contact with those assigned to supervision. Their goal is to reinforce accountability by focusing on those who disregard their supervision requirement and to reward good behavior for those that are in compliance.

Any tampering with the device or failure to recharge the battery is documented and can lead to an additional charge of "escape", which can be considered a felony under California Penal Code sections 1203.016(1) and §4532. All monitored offenders are verbally briefed on the rules and responsibilities. They are required to sign and initial a series of documents acknowledging the program's conditions and the consequences of noncompliance. Both Probation and Alternative Custody personnel are available to assist clients with any monitor issues or problems.

Probation Department

From July 2014 to September 2016, Probation received \$207,064.36 in AB 109 funds for monitor leasing, monitoring, and equipment replacement. Probation utilizes monitors for several programs. Pursuant to California Penal Code section 1319.5, offenders with three or more Failure to Appear (“FTA”) in the past three years are ineligible for release before their first court appearance on a monitor program without a hearing with the District Attorney present.

Supervised Own Recognizance (“SOR”) was created in 2013 to increase bed space at the jail and reduce the amount of FTA rates in the court. Offenders arrested during business hours deemed appropriate for SOR are released from custody but are expected to appear in court. Some of these offenders are monitored. In 2016, 89% of offenders successfully completed SOR. Probation uses the evidence-based Virginia Pre-Trial Release Assessment Instrument (“VPRAI”) to assess the offender’s ability to remain crime-free and attend his or her scheduled court appearances. The VPRAI is a series of questions that rates the offender’s risk for re-offense. SOR offenders are awaiting trial and are on pre-sentencing legal requirements of supervision by the court.

Upon release, supervised offenders are required to report to an assigned Probation officer at the Community Corrections Center (“CCC”) for follow-up the next business day. At the CCC, offenders have many opportunities to seek assistance for drug and alcohol problems, addictions, anger management, parenting skills, mental health services, and housing.

Probation also has the Phase Program, created for inmates with 12 months or more remaining in custody who rate high on the Static Risk and Offenders Needs Guide (“STRONG”) assessment. This evidence-based assessment tool from Washington State Corrections helps direct staff and clients in planning, supervision, and support programs for offenders. Eligible offenders can be released from jail under monitor supervision and attendance at the Day Reporting Center.

Based on the SOR program, Pre-Arrestment Supervised Own Recognizance (“PSOR”) was created for off-hours. Using a modified VPRAI, Probation staff worked weekends and holidays to identify offenders at the Jail that may have been eligible for monitored release prior to their first court appearance. In 2016, 50 of the 72 offenders released under PSOR successfully completed the program. PSOR was funded by a grant obtained by the Superior Court. As of April 2017, the grant has expired and the program has ended.

Sheriff’s Office – Alternative Custody

An alternative to confinement at the Shasta County Jail is Alternative Custody. Sentenced offenders deemed by the Sheriff’s Office as appropriate for community-based custody may participate in programs managed by the Alternative Custody office. These programs free up jail bed space and support the offender in a more productive environment. Alternative Custody programs include Work Release, STEP-UP and Home Electronic Confinement. These programs allow the offender to stay employed, attend school, and/or remain with his or her family unit.

Offenders participating in Alternative Custody programs may be monitored to ensure compliance with court-mandated programs and to fulfill their terms of sentencing. The average enrollment in Alternative Custody is 150-170 offenders, with approximately 70 wearing monitors. There is a

75% sentence completion rate for offenders. From July 2014 to September 2016, the Sheriff's Office received \$271,155.28 in AB 109 funds for its monitoring program.

Alternative Custody monitors their offenders at the Alternative Custody Annex. If an offender requires 24-hour monitoring, Alternative Custody can shift monitoring responsibilities to the Shasta County Jail staff.

Home Electronic Confinement ("HEC"), another Alternative Custody program, uses monitors to ensure sentenced offenders are at defined locations such as home, work, or school for their court-ordered incarceration requirements, which frees up jail bed space and supports the offender in a more productive environment.

Monitors play a part in educational programs by encouraging attendance and compliance with alternative custody requirements. The Shasta Technical Education Program-United Partnership (STEP-UP) is a collaborative partnership between Probation, the Sheriff's Office, and Shasta College. Its purpose is "to assist with rehabilitation of offenders and help the participants lead more productive lifestyles". Offenders are selected based on their educational background, financial stability, employment status, and risk of re-offense. Offenders are given the opportunity to enroll in the program for up to one year and receive a certificate. Available certificate programs include heavy equipment operation, automotive repair, welding, and office administration. Other certificate programs are currently under consideration. The emphasis of this effort is to reduce criminal recidivism through education and employment.

Observations

Staff from Probation, the Sheriff's Office, and the Public Defender support the monitor programs. While monitors are a good deterrent and encourage offender accountability, they are not 100% effective at preventing crime. Nevertheless, the monitor programs have become an effective tool for alleviating pressure for jail bed space, enabling participation in community-based custody programs, and increasing court appearances by offenders. Their use in Shasta County is mostly funded by AB 109 funds. Funding priorities will become more challenging and, combined with increasing release of offenders to county responsibility, the need for cost effective monitor technologies is heightened. It is imperative that Shasta County take steps to maintain and expand this valuable asset for law enforcement.

FINDINGS

- F1. Due to the State's increased release of offenders to counties for supervision, the burden on the County for monitoring those offenders is increasing.
- F2. Emerging monitoring technologies such as smartphone applications utilizing facial biometrics may offer cost-effective and efficient options to complement GPS ankle monitoring and improve offender supervision.
- F3. Currently, not all offenders on monitoring programs are actively monitored for compliance 24 hours every day, which may lead to delayed responses by Probation or Sheriff's Office staff to violations.

- F4. GPS ankle bracelet monitors are an effective supervision tool, as evidenced by the low recidivism rates for offenders in the SOR and Work Release programs.

RECOMMENDATIONS

The Grand Jury recommends:

- R1. By July 1, 2018, the Board of Supervisors and the Sheriff-Coroner direct staff to work with the Community Corrections Partnership to jointly determine if additional funding sources will be necessary to expand monitoring programs in anticipation of an increased offender population.
- R2. By March 31, 2018, the Board of Supervisors direct staff to explore and report back if smartphone applications utilizing facial biometrics would be a cost-effective option for expanding current monitoring programs.
- R3. By December 31, 2017, the Board of Supervisors and the Sheriff-Coroner direct staff to jointly explore and report back if contracting 24-hour GPS monitoring services to SHASCOM would be cost-effective and efficient.

REQUIRED RESPONSES

Pursuant to Penal Code section 933.05, the following responses are required:

From the following governing body (within 90 days):

- Shasta County Board of Supervisors: **F1, F2, F3, F4 and R1, R2, R3**

From the following elected governmental officer (within 60 days):

- Shasta County Sheriff-Coroner: **F1, F3, F4 and R1, R3**

INVITED RESPONSES

The Grand Jury invites the following responses:

From the following governmental officials (requested within 60 days):

- Shasta County Executive Officer: **F1, F2, F3, F4 and R1, R2, R3**
- Shasta County Chief Probation Officer: **F1, F2, F3, F4 and R1, R2, R3**
- SHASCOM Director: **F3 and R3**

GLOSSARY

Community Corrections Center (CCC): A location for offenders to report to in order to be assessed for risk of recidivism and criminogenic needs, to attend treatment/rehabilitation programs and to be monitored while on court ordered supervision.

Community Corrections Partnership (CCP): Committee established by Senate Bill 678 and AB 117 that meet periodically to receive reports and input on the implementation of AB 109. It

is responsible for advising the Board of Supervisors regarding funding, implementation, and outcomes of the Plan. The Board of Supervisors approves the local Public Safety Realignment Plan. Includes representatives from the Shasta County Superior Court, Probation Department, Sheriff's Office, District Attorney's Office, Public Defender Office, Health and Human Services Agency, and Redding Police Department.

Criminogenic Needs: Risk factors and attributes of offenders that are directly linked to criminal behavior. Examples include criminal associates, substance abuse, antisocial behavior, lack of family, and lack of financial stability, among others.

Day Reporting Center (DRC): A location within the CCC where select offenders report while under supervision to receive intense services that target identified criminogenic needs and aid in the offender's success.

Evidence Based Practice: Treatment interventions for which there is empirical evidence of statistically significant effectiveness for specific problems.

Facial Biometrics: A facial recognition system using a computer application capable of identifying or verifying a person's facial features from a digital image.

Global Positioning System (GPS): A space-based satellite array that provides geolocation and time information to a receiver on the earth.

Parole: The provisional release of a State-incarcerated prisoner who agrees to certain conditions prior to the completion of the maximum sentence period. Parole is granted by the California Board of Parole Hearings.

Probation: The condition of being allowed freedom if no more crimes are committed and certain rules and conditions are followed, as ordered by a judge.

Recidivism: The act of a person repeating a criminal behavior.

Serious Felony: A list of violent crimes defined by Proposition 8 in 1982. Proposition 57 re-defined some of these as "non-violent".

Shasta Area Safety Communications Agency (SHASCOM): A joint powers authority that provides dispatching services for the Shasta County Sheriff's Office, Redding Police Department, Redding Fire Department, Anderson Police Department, and three ambulance services.

Violent Felony: 1977 California State Law defining 23 offenses considered "violent".