

GPS, Another Failed Law?

Oklahoma State Senator Dan Newberry would like to put GPS monitoring units on every Tier II and Tier III sex offender in the state. Newberry claims that this would better protect the children of Oklahoma. While this sounds like a noble effort, is it necessary, effective and affordable?

Monitoring systems typically consist of a GPS receiver/portable tracking device, radio frequency transmitter, stationary charging unit, cellular telephone and computer software to review GPS data. The devices allow officials to track the parolees' whereabouts -- when everything works properly and when offender cooperates.

The reasoning behind GPS legislation is as follows.

1. Sex Offenders have a high recidivism rate.
2. Child abductions are at an all time high.
3. Failure to register and absconding are real problems.
4. Passing bills like this one will get a politician votes.
5. Money?

What are the facts?

1. "New research in California shows that only a tiny fraction – 3.38 percent of sex offenders reoffend" There is also this statement "-- Sex offenders were less likely than non-sex offenders to be rearrested for any offense –" **Anderson Cooper**
2. **FBI: Stranger Abductions Of Children Are Rare** - An FBI spokeswoman says it may appear there's a crime wave -- but she says "that's just not the case."
3. According to the OKSOR website approximately 13% of the 6364 register offenders are whereabouts unknown. Or, 5537 are doing exactly what they are supposed to do.
4. Since the public is unaware of all the facts, they perceive laws like these as positive and yes they will vote to reelect a politician who pushes bills like this one even if the politician is not forthcoming with all the facts.
5. Just like Big Oil and Big Tobacco, there is a lot of money in new technologies. From lobbying to the stock market, GPS companies are more than willing to grease the wheels for profit.

Is GPS Monitoring Necessary?

Is the GPS tracking of ALL Tier II and Tier III offenders necessary. To answer that we must consider other laws pertaining to GPS monitoring, the first being the sex offender registry. It is the inclusion on the public registry that will determine those who will be affected by this legislation. Therefore a closer look at how the public registry, as a law enforcement tool is performing, is warranted.

Is the Public Sex Offender Registry Working?

Report finds Megan's Law fails to reduce sex crimes, deter repeat offenders in N.J. "Despite wide community support for these laws, there is little evidence to date, including this study, to support a claim that Megan's Law is effective in reducing either new first-time sex offenses or sexual re-offenses," http://www.nj.com/news/index.ssf/2009/02/study_finds_megans_law_fails_t_1.html

Megan's Law: does it protect children? "Most states have very little evidence on the actual impact of community notification on their jurisdiction. Most of the understood benefits of the laws are based on assumptions about the nature of sexual offending and the behavior of parents and community members.

Such assumptions are rarely supported through research, but continue to legitimize the law for law enforcement workers and members of the public”

http://www.nspcc.org.uk/Inform/research/Findings/meganslaw_wda48233.html

What about other add-ons to the sex offender registry, that politicians claimed would fix the problem, are they working?

Sex Offender Residency Restrictions.

**The Impact of Residency
Restrictions on Sex Offenders
and Correctional Management
Practices: A Literature Review**

By Marcus Nieto, Senior Research Specialist and Professor David Jung, Public Law Research Institute, Hastings Law School

John Gruber, executive director of the Association for the Treatment of Sexual Abusers (ATSA), “What you’re doing is pushing people more underground, pushing them away from treatment and pushing them away from monitoring,” he said. “You’re really not improving the safety, but you’re giving people a false sense of safety.”

“Jill S. Levenson, author of a study on sex offender zoning laws, contends that local restrictions could force some sex offenders to move away from the sources of stability such as family in their lives, perhaps putting them at greater risk of committing more crimes: “When you push offenders out of the more populated areas, they can lose access to jobs and treatment, and it makes them harder to track.”

“Ernie Allen, the president of the National Center for Missing and Exploited Children, is of the opinion that sex offender residency restrictions can create a false sense of security because people will believe that sex offenders will just go away. Also, they may move sex offenders from one community to the next, setting off a competitive spiral of ever-tougher “not in my backyard” ordinances.”

“Seattle police detective Bob Shilling, a nationally recognized expert on sex offenders, is of the opinion that sex-offender-free zones chase offenders “from one jurisdiction to another.” “It creates a lot more homeless sex offenders, which makes it a lot harder for us to keep track of them,” Shilling said. “They do not work. In fact, it exacerbates the problem.”

“In the Colorado town of Greenwood Village, a proposal to ban sex offenders from living within a 2,500 foot barrier was debated and defeated. After the decision, an editorial in the *Denver Post* stated, “We do not become a safer society by adopting a one-size-fits-all strategy toward sex offenders. We vary the treatment, the levels of supervision and the length of sentences because we recognize that different types of sex offenses and different psychological profiles of offenders justify different levels of supervision, treatment or incarceration.”

Will the addition of GPS Monitoring be Effective?

Not likely. High profile cases in several states have proven that GPS is not a deterrent to crime. One of the biggest problems with GPS monitoring was spoken of by Broderick, whose think tank deals with crimes against children, he said that “sex offenses are difficult to track because the offender is most likely to be an acquaintance or family member.” In this instance GPS is of no use at all.

Another problem is equipment failure. An article in Sentencing Law and Policy noted: "False alarms number in the thousands in some jurisdictions, straining manpower and casting doubt on the viability of GPS as a tracking tool for high-profile felons.

"In Arizona, a 2007 legislative study found more than 35,000 false alerts by 140 subjects wearing the GPS-monitoring devices. In California, the percentage of transient parolees, those who've been declared homeless, has increased by 900 percent since a law was passed that included GPS as part of the solution."

"GPS will not prevent a crime," said Steve Chapin, CEO of Pro Tech Monitoring, a manufacturer of GPS tracking devices.

The article, **More on the pros and cons of GPS tracking**, made a reasonable point when it said: But as states rush to impose harsher penalties on sex criminals, critics -- legal and criminal analysts, and even some victims of sex crimes themselves -- state that the punitive new laws violate civil liberties and are ineffective. And while a technological fix like fastening GPS devices to former felons may make the public feel safer, it will do little to protect the children who are the victims of most sex crimes.

Is GPS Tacking of ALL Tier III and Tier II Offenders Reasonable?

A person knowledgeable in the field of GPS had this to say. "GPS Monitoring is a generally effective way to discover where a sex offender was after a crime was committed, that is as long as the one being monitored IS NOT the one who committed the crime, for usually, if the person is going to commit a crime they will first cut off the ankle bracelet so that no record will exist.

"The true costs for monitoring were summarized in a study following the first year of use in Massachusetts found that the cost of tracking and following up on the false reports and equipment failures was over \$ 10,000.00 per person.

"Even after shifting to a different company where the equipment is slightly more reliable, the costs paid to the company for their service and not including the costs for law enforcement to follow up on all the technical violations produced, usually by equipment failures, is at least \$342.00 per month or \$4,104.00 per year. If the Adam Walsh Act is fully implemented in Oklahoma, the number of people listed as Tier III will increase to 80% and the number listed as Tier II will be another 10%. So this law will require 90% of the over 6,000 registered former sex offenders to be monitored, at an estimated cost of 19.44 million dollars for the monitoring alone not including the added costs of law enforcement to respond to the equipment failures. Those costs will add by about 8% per year as that is the rate at which the registry is growing."

Is 24 Hour GPS monitoring of offenders who are not on parole or probation legal?

State of Washington v. William Bradley Jackson, 150 Wash. 2d 251, 76 P.3d 217

ForensicEvidence.com - "The court saw the 24-hour a day operating tracking device as being of a very different nature than maintaining visual surveillance or using binoculars or a flashlight to augment one's senses. The court was also disturbed by the extent of the information GPS tracking could disclose about an individual's affairs.

"For example, the device can provide a detailed record of travel to doctors' offices, banks, gambling casinos, tanning salons, places of worship, political party meetings, bars, grocery stores, exercise gyms, places where children are dropped off for school, play, or day care, the upper scale restaurant and the fast food restaurant, the strip club, the opera, the baseball game, the 'wrong' side of town, the family planning clinic, the labor rally. In this age, vehicles are used to take people to a vast number of places that can reveal preferences, alignments,

associations, personal ails and foibles. The GPS tracking devices record all of these travels, and thus can provide a detailed picture of one's life.

“GPS tracking devices is a particularly intrusive method of surveillance, making it possible to acquire an enormous amount of personal information about the citizen”

FROM BEEPERS TO GPS: CAN THE FOURTH AMENDMENT KEEP UP WITH ELECTRONIC TRACKING TECHNOLOGY? By Ramya Shah

“[T]he intensity of the surveillance,||129 and the —State’s ability to synthesize the information collected||130 are far better standards to use in evaluating the intrusiveness of the device under Fourth Amendment standards. Creating guidelines for the type of information collected and how long surveillance is authorized would better ensure that individuals’ privacy rights are protected under the Fourth Amendment.

“The Supreme Court has already warned that the problem posed by beepers could be dealt with at a later time by noting that —if such dragnet type law enforcement practices as respondent envisions should eventually occur, there will be time enough then to determine whether different constitutional principles may be applicable.||144 We are now at the time when such widespread use of technological means is possible.”

Conclusion

One after another, legislators churn out failed laws regarding former sex offenders, without ever once consulting with experts in the field. In effect saying, I know more than you do. The many laws encompassing the registry have proven that legislators are going down the wrong path. These laws are a failure. They present a false sense of security while at the same time lining the pockets of everyone involved in the registry scheme. Yes the public registry is big business\$. But it is not, and has not, protected even one child.

Due to inclusion on the public registry and residency restrictions, most registered former offenders do not make enough money to afford to pay for GPS monitoring. It may not even be legal to pass this cost on to them in the first place. Thus most will end up back in prison so the public can once again foot the bill.

It is time to demand answers from lawmakers. “Are they aware of the countless studies have proven that these laws are a failure? Are they aware of the tremendous cost of these ineffective laws? Are they aware that there are better answers, based on facts, and not on votes, money, or prejudice?”

After reading this article you should ask yourself, if there is a better way, shouldn’t we look into it? And if we are not what is the reason?

Say no to GPS Tracking! Another Failed Law



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