Task Force to Study Criminal Offender Monitoring by Global Positioning Systems

Final Report to the Governor and the General Assembly

John F. Tewey, Chair
December 31, 2005

ACKNOWLEDGMENTS

This report of the Task Force to Study Criminal Offender Monitoring by Global Positioning Systems is the product of the hard work of many people, as well as the cooperation and collaboration of many agencies. Specifically, we would like to thank and acknowledge the contributions made by the following individuals:

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TASK FORCE COMPOSITION AND MEMBERSHIP

The legislation specifies the membership and duties of the Task Force including the Task Force's responsibility to make legislative recommendations. The Task Force, as mandated in the legislation, was comprised of:

Designated by Statute

House of Delegates The Honorable Christopher B. Shank The Honorable Jeffrey A. Paige	*Senate of Maryland* The Honorable Sandra B. Schrader The Honorable Leonard H. Teitelbaum
Department of Juvenile Services Canard B. Carnell	*Department of Public Safety and Correctional Services* Ilene J. Nathan
Maryland State Police Scott Yinger	*Division of Parole and Probation* Judith Sachwald
Division of Correction Wayne Nicol	*Judiciary* Robert J. Greenleaf Maryland Court of Special Appeals

Appointed by the Governor

Maryland Chiefs of Police Thomas F. Canning Baltimore County Police	*Maryland State Sheriffs' Association* Frederick E. Davis Charles County Sheriff
State's Attorney The Honorable Sandra A. O'Connor Baltimore County	*Office of the Public Defender* Lloyd G. Merriam Harford County
Maryland Association of Counties Barry L. Stanton (11/8/04 – 7/1/05) Sharon Trexler (8/1/05 – 12/31/05)	*Victim's Rights* Kurt W. Wolfgang
Domestic Violence Advocate Norma J. Harley	*American Civil Liberties Union* Leslie C. Howard
Maryland Municipal League Allan J. Webster Salisbury Police Chief	*Governor's Office of Crime Control & Prevention* John F. Tewey Chairman

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EXECUTIVE SUMMARY

The Task Force to Study Criminal Offender Monitoring by Global Positioning Systems (GPS) met regularly during late 2004 and all of 2005 to address the issues raised in the authorizing legislation. The Task Force was asked to study how the State can utilize global positioning technology to monitor individuals who have committed criminal offenses, how law enforcement can benefit from the linkage to global positioning technology to solve crimes and streamline workload, the admissibility of evidence issues, as well as other issues that the Task Force considers relevant. The Task Force submitted its interim report on December 31, 2004, detailing the organizational set-up of the Task Force. In this Final Report, the Task Force submits a review of its work with findings and recommendations regarding the issues presented.

The Task Force has examined each of the core issues identified above. In concluding that GPS is a powerful tool in the tracking of individuals, the Task Force has determined that there are recommendations for legislative action, including authorization of a body to continue the work of this Task Force. The Task Force is also making recommendations for limited initial use of GPS to further explore how it can be used effectively to monitor offenders. Other recommendations include monitoring relevant federal legislation and continued review of GPS use in other jurisdictions.

In summary, the recommendations of the Task Force are as follows:

Legislative Recommendations:

- Authority for Division of Parole and Probation (DPP) to use electronic monitoring for probationers;
- Extension of probation for appropriate offenders/longer periods of probation;
- Removal of any legal impediments to information-sharing between DPP and law enforcement; and
- Creation of a commission or another task force to oversee the implementation of any pilot programs and evaluation of GPS use.

Summary of Recommendations:

- **We recommend** that GPS technology be utilized on persons that are a high risk to public safety and when location is of a primary concern.

- **We recommend** that a pilot study be conducted by the Department of Public Safety and Correctional Services (DPSCS) not only to determine the strengths and weaknesses of the emerging technology in this geographically diverse state, but also to test recent risk assessment instruments used to determine which offenders should be selected, and to determine overall

outcomes such as recidivism. The Task Force makes this recommendation knowing that DPSCS conducted a study in 2002 at a time when the technology and cell phone service support technologies were not as efficient as they are today. The Task Force recommends that the pilot focus on the sex offender population on parole and mandatory supervision. This is an easily identifiable population with sufficient numbers to screen for risk and identify appropriate high-risk offenders. The pilot program should include:

- A geographically diverse population, including rural and urban residents;

- GPS as part of comprehensive case planning, which may include treatment, intensive supervision, polygraph exams and other elements recommended by DPP;

- An outcome evaluation to determine the effectiveness of the pilot prior to further implementation; and

- Funding from general funds.

- **We recommend** that collaborative and cooperative procedures that give law enforcement access to GPS data and allow input from law enforcement in GPS's use for particular individuals be a fundamental consideration in the design of any GPS monitoring strategy.

- **We recommend** that GPS tracking should be prescribed by DPP when it is determined that it would be beneficial as part of a supervision modality using standardized risk assessment instruments. A body of research concentrating on criminal offenders demonstrates that GPS, like other supervision tools, should not be applied en mass to all offenders or categories of offenders.

- **We recommend** that DPSCS monitor the Children's Safety Act of 2005 in the United States Congress to understand the possible future federal mandates in this arena and to deliberately position itself to seek federal grant funds should they become available.

- **We recommend** that the State institutionalize the task force to:

  - Monitor a pilot program;
  - Recommend other populations for GPS deployment;
  - Advise DPP on pilot program;
  - Study promising and emerging practices;
  - Study GPS use with other populations, including domestic violence populations; and
  - Monitor the availability of Federal funding.

FINAL REPORT OF THE TASK FORCE TO STUDY CRIMINAL OFFENDER MONITORING BY GLOBAL POSITIONING SYSTEMS

I. Introduction

During the 2004 General Assembly session, House Bill 1242 and Senate Bill 783, which established a Task Force to Study Criminal Offender Monitoring by Global Positioning Systems, were passed and signed into law by Governor Robert L. Ehrlich, Jr. The law went into effect on July 1, 2004. The purpose of the Task Force is to study how the State can utilize global positioning technology to monitor individuals who have committed criminal offenses, how law enforcement can benefit from the linkage to global positioning technology to solve crimes and streamline workload, and the admissibility of evidence issues, as well as other issues that the Task Force considers relevant.

The legislation specifies the membership and duties of the Task Force including the Task Force's responsibility to make legislative recommendations. The Task Force, as mandated in the legislation, was comprised of:

- Two members of the House of Delegates, appointed by the Speaker of the House;
- Two members of the Senate of Maryland, appointed by the President of the Senate;
- The Chief Judge of the Court of Appeals, or a designee of the Chief Judge;
- The Secretary of Juvenile Services, or a designee of the Secretary;
- The Secretary of Public Safety and Correctional Services, or a designee of the Secretary;
- The Superintendent of the Maryland State Police, or a designee of the Superintendent;
- The Director of the Division of Parole and Probation, or a designee of the Director; the Commissioner of the Division of Correction, or a designee of the Commissioner.

Appointed by the Governor are:

- One representative of the Maryland Chiefs of Police
- One representative of the Maryland State Sheriffs' Association
- One State's Attorney
- One representative of the Maryland Municipal League
- One representative of the Office of the Public Defender
- One representative of the Maryland Association of Counties
- One representative of a victims' rights organization
- One representative of the Office of Crime Control & Prevention
- One representative of a domestic violence advocacy program
- One representative of the American Civil Liberties Union

The legislation required the Governor to appoint a Chairman of the Task Force and to make other appointments as geographically diverse as possible. Required reports were an interim report due to the Governor and, subject to State Government Article §2-1246, to the General Assembly on or before December 31, 2004, and the final report of the Task Force findings and recommendations due to the Governor and, subject to State Government Article §2-1246, to the General Assembly on or before December 31, 2005 (See Appendix A – Interim Report).

Pursuant to the legislation, Governor Ehrlich made appointments to the Task Force and named John F. Tewey of the Governor's Office of Crime Control & Prevention as Chairman in October 2004. At its initial meeting on November 8, 2004, the Task Force identified committees to examine the four major areas of concentration identified in the legislation. Committees, which met regularly, were:

1) The Monitoring Committee to study how Maryland can use global positioning technology to monitor probationers, parolees, registered sex offenders, drug offenders, juvenile offenders, and individuals subject to pre-trial supervision, early release and domestic violence restraining orders.

2) The Law Enforcement Committee to study how law enforcement can benefit from linkages to global positioning technology to solve crime and streamline workload.

3) The Feasibility/Cost Benefit Committee to conduct a feasibility/cost-benefit analysis of implementing a global positioning technology program in the State.

4) The Legal Issues Committee to study the admissibility of evidence issues and other issues that the Task Force considers relevant.

The Task Force, which met at least quarterly, complied with the Open Meetings Act and ensured that meetings were accessible to all regions of the State. Meeting dates and locations were:

November 8, 2004	Towson
January 10, 2005	Annapolis
April 18, 2005	Waldorf
July 11, 2005	Hagerstown
August 30, 2005	Annapolis
November 7, 2005	Annapolis

Meeting agendas included presentations from a number of experts in navigation and tracking techniques, electronic monitoring and its use in correctional settings, and the supervision of sex offenders.

II. Global Positioning Systems – An Overview

A. Technology and Equipment[1]

Global Positioning System (GPS) technology is currently being used in a variety of industries, including the military, aviation and agriculture. Its uses range from determining a set position to navigating from one position to another to monitoring an object's or person's movements. GPS is a worldwide radio-navigation system formed from a constellation of twenty-four (24) satellites and their ground stations. GPS uses these "man-made stars" as reference points to calculate positions accurate to a matter of meters. This is done by triangulation in which a user's GPS receiver gets signals from at least three satellites. The information derived by the satellite signals allows the receiver to pinpoint its position, the time and the velocity of movement.

GPS requires several hardware components to track individuals. First, a tamper-proof transmitter, typically a small battery-operated, lightweight unit worn continuously on the ankle, emits a radio signal to a portable tracking device (PTD) . The PTD, a small box usually worn on the waist, acts as a receiver of both the transmitter radio signals and the position information from the satellites. Additionally, the PTD has the ability to continually store the location information, which is linked to date and time. The location information can be updated as frequently as every 10 seconds.

The transmitter/PTD combination is programmed to detect if a transmitter is beyond a pre-programmed distance from its PTD. Therefore, for example, if an individual did not put his/her PTD on the waist before going outside the home, the PTD would record that the transmitter was separated too far from the PTD. Although some companies label their transmitters 'tamperproof,' they are more accurately described as tamper resistant as they can be cut off the ankle, thereby totally defeating the system. Due to this system's vulnerability, the PTD is also programmed to receive and store notice of tampering with or removal of the transmitter.

The PTD runs on a battery lasting anywhere from sixteen (16) to twenty-four (24) hours and must be removed from the person and recharged for approximately four (4) to six (6) hours in a charging unit run on household electricity. Consequently, the user must have access to electricity daily, thereby creating additional challenges in the use of GPS on homeless individuals. The design of the hardware components and how an individual wears them vary among producers; they are also constantly changing as the technology evolves.

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[1] **Offender Supervision with Electronic Technology, A User's Guide**, American Parole and Probation Association, 2002; **Monitoring Sex Offenders with GPS Technology, Report to the Legislature, January, 2004**, Washington Association of Sheriffs and Police Chiefs.

B. Active and Passive Systems

Location information can be obtained in real time (active) or after the fact (passive). These two methods of receiving information require different technologies.

In active monitoring, the PTD must continuously communicate the location information to a monitoring center by wireless data transfer. This is usually cellular-based; therefore, in an active system, the PTD includes a cellular phone system to communicate the location information and whether a transmitter has been tampered with or is out of range of the PTD. With an active system, the problems associated with inaccessibility of cellular service can occur, thereby making real time tracking impossible if the PTD is in a cellular "dead spot." However, location data would still be able to be stored in the PTD even in these circumstances and retrieved when the PTD was again in range.[2]

In passive monitoring, the location and time data are stored in the PTD, and this information can be downloaded when the PTD is charged daily. The charger is usually connected to a telephone landline in order to transfer the information to a monitoring center. Passive systems can also use cellular service to send the data to the monitoring center once a day, at preset times of the day or at periodic intervals during the day. The following chart compares the two systems:

Table 1: Comparison of Passive and Active GPS Systems[3]

	Advantages	Disadvantages
Active Systems	• Public perceived increase in public safety • May ease prison overcrowding • Immediate response capability	• High daily cost • Reliance on wireless data service coverage • Labor intensive • Could require immediate agency response • Greater agency liability • Tracking device size and weight
Passive Systems	• Small, light weight tracking device • Can be independent of wireless data services • Lower daily cost • Less labor intensive	• After the fact tracking data • No immediate notification of zone violations

[2] During emergency situations such as were experienced in the Gulf States during the 2005 hurricane season, extended power outages make recharging of PTDs impossible. With non-functioning PTDs, no tracking can occur.

[3] Modified from chart in **Monitoring Sex Offenders with GPS Technology, Report to the Legislature, January, 2004**, Washington Association of Sheriffs and Police Chiefs, pg. 7.

GPS is used in the supervision of offenders by creating inclusion and exclusion zones. Using mapping software, inclusion zones, which are areas an individual is expected to frequent such as homes, routes to employment and job locations can be identified for each individual. Likewise, exclusion zones where an individual is prohibited such as victims' residences, schools and playgrounds, can be created for an individual. GPS systems are all subject to interruptions in the signal reception caused by physical barriers and certain structures. Individuals inside buildings and vehicles have found that their PTDs have been unable to receive sufficient satellite signals to track their locations. In urban settings, the height of buildings has even blocked satellite signal reception for individuals on the street. In other jurisdictions, dense brush, trees and weather conditions have interrupted the satellite signals.

C. Cost of GPS

Current hardware and monitoring costs for GPS systems are dependent on the types of equipment and the services desired. Costs can range from the expense of hardware only to expenses that include hardware costs, monitoring, training of staff and loss of equipment. Routinely, passive systems cost less than the active systems. In addition, as GPS system use becomes more widespread and technological advancements are made, the costs can be expected to decline.

In surveying a number of jurisdictions, the Task Force found a range of $5 to $9 a day for passive systems and $9 to $12 a day for active systems.[4] In several jurisdictions, these costs did not include the set-up of the system on the offenders and in their homes, nor repair/replacement of damaged units, retrieval of units when no longer being used or the monitoring of the tracking information. At $5 a day, the costs of just the equipment for a year for one offender is $1,825; at $9 a day, it is $3,285; at $12 a day, it is $4,380. (for more on the costs in addition to the equipment, see Section VI: GPS Financing)

In Florida, where there are over 500 individuals being supervised with an active GPS system, the current cost is $8.95 per person per day totaling over $1.6 million per year. This fee includes the leasing of the equipment, training of Florida personnel, monitoring costs and notifications of local authorities of violations. It does not include the additional cost of law enforcement response or supervising agent follow-up for equipment problems and violations. As of this writing, the State of Florida has not issued a report as to the effectiveness of its efforts.

[4] Marion County Community Corrections, Marion County, Illinois; Oklahoma Department of Corrections; Beaver County Probation, Beaver County, Pennsylvania; Kansas Department of Corrections; Reno County Court Services – State Probation, Reno County, Kansas.

D. Use of GPS to Track Offenders in Maryland[5]

In 2002, the Maryland Division of Parole and Probation (DPP) was awarded a two-year grant from the Office of Justice Programs to develop a comprehensive strategy to manage and supervise the sex offender population in the Baltimore Metropolitan area. The goals of the project were to improve the transition, treatment, and supervision of sex offenders in the community following their release from prison and to develop a case management model of supervision using innovative supervision techniques and technology. The Maryland Transitional Offender Program (MTOP) included GPS with intensive supervision, transitional services and regular polygraph examinations for twenty-one (21) of the fifty-seven (57) offenders processed. Use of GPS in MTOP proved a challenge due to problems with the vendor and use of the technology, although the conclusion of the report was that GPS could be beneficial in concert with other supervision strategies for sex offenders (see Appendix B – Maryland Transitional Offender Program – Final Grant Report).

Currently, the Montgomery County Department of Correction and Rehabilitation is using passive GPS for monitoring court-ordered curfews for forty (40) individuals. Sharon Trexler, Chief of the Pre-trial Services and a member of the Task Force, reports that it has been extremely helpful for sex offenders and domestic violence cases. Information sharing with police has effectively assisted in law enforcement efforts and has led to apprehensions and arrests. Ms. Trexler has found that there have been problems with maintaining inventory, finding lost equipment, and keeping up with violations that are caused by technical errors by the equipment (See Section VI: GPS Financing for a more in-depth explanation).[6]

In November 2004, the Maryland Department of Budget and Management (DBM) issued a solicitation for both active and passive GPS systems for the Department of Juvenile Services (DJS) Community Detention Unit and the Department of Public Safety and Correctional Services (DPSCS) Central Home Detention Unit under Project No: 050R5800116, Title: Electronic Monitoring Systems and Services. Although bids were submitted, that portion of the solicitation was cancelled as neither DPSCS nor DJS had immediate requirements for GPS equipment. DBM is prepared to do a new solicitation if and when either or both Departments determine their particularized needs for GPS equipment.

[5] DPSCS's Central Home Detention Unit currently uses a Radio Frequency (RF) system. In an RF system, an offender wears a battery-operated transmitter similar to the GPS transmitter. A receiver/dialer is installed in the offender's home and is connected to a landline telephone. The receiver/dialer detects the transmitter's radio frequency signal within a pre-determined range and reports to a central computer via the telephone when the signal is received or ceases. The CHDU has its own staff monitor the information from the RF equipment.

[6] Prince George's County Department of Corrections abandoned its plans for a pilot active GPS project in 2005 due to budgetary constraints.

III. Legislative Initiatives Concerning GPS

Effective September 1, 2005, Florida implemented an intensive program for the registration and monitoring of sex offenders. The "Jessica Lunsford Act" identifies new standards for frequency and duration of sex offender registration, increased penalties for identified sex offenses and establishes a program within the Department of Corrections for identifying, assessing, and monitoring high-risk sex offenders on community supervision. The law imposes mandatory electronic monitoring on child sexual predators convicted of offenses committed after September 1, 2005. The Act also creates a new felony offense of tampering with electronic monitoring equipment. The law authorizes lifetime electronic monitoring as a condition of probation. Expenditures authorized in the Act include $4 million for 1,200 new GPS units in Florida. In the House of Representatives Staff Analysis of the bill, the Division of Corrections projections includes a fiscal impact of $2.5 million in FY2005-06 for 328 offenders, $7 million in FY 2006-07 for 911 offenders and $13 million in FY 2007-08 for 1,783 offenders.

Moving through the United States Congress is H.R. 3132: Children's Safety Act of 2005. The Bill, with its massive bipartisan support, passed the House on September 14, 2005, and has been referred to the Judiciary Committee in the Senate. The bill calls for a national sex offender registry and improved exchange of sex offender registration information among states. Of relevance to the Task Force are *Sections 130. Demonstration Project for Use of Electronic Monitoring Devices* and *131. Bonus Payments to States that Implement Electronic Monitoring.* Section 130 authorizes the Attorney General to make grants to a maximum of ten (10) jurisdictions to institute programs to electronically monitor sex offenders. Factors to be weighed in the Attorney General's decisions regarding appropriate jurisdictions for the demonstration project are:

1) Total number of sex offenders in the jurisdiction;
2) Percentage of those sex offenders who fail to comply with registration requirements;
3) Threat to public safety posed by those sex offenders who fail to comply with registration requirements;
4) Any other factor the Attorney General considers appropriate.

The demonstration project is slated for fiscal years 2007, 2008 and 2009 and targets a variety of approaches to monitoring to ensure an assessment of effectiveness. Additionally, the assessment component is designed to address the cost-effectiveness of electronic monitoring to reduce sex offenses compared to other alternatives.

Section 131 allows the Attorney General to make bonus payments to states that have enacted electronic monitoring laws and policies regarding sex offenders whose victims were under the age of eighteen (18). For eligibility, the states must

have active monitoring of the individual for life if the victim was under twelve (12) years of age or if the person has a prior sex conviction as federally defined in 18 USC 3559(e). For all other offenders, the electronic monitoring period must be for the period of supervision. The states must still demonstrate that their laws and policies ensure that sex offenders subject to electronic monitoring continue to be frequently monitored.

IV. Monitoring Offenders Using GPS

A. Introduction

In any analysis of populations of offenders suitable for monitoring, several factors need to be addressed. **GPS's strengths lay in its ability to pinpoint the exact locations of individuals as frequently as several times a minute. For GPS to be useful, that location data, whether it is delivered in real time or after-the-fact, must be of some intrinsic value in monitoring offenders.** Additionally, an assessment of what type of offender is suitable for GPS monitoring is in order. Such an assessment could be based on an individual's current crime, criminal history or status in the criminal justice system (i.e., pre-trial, parole, probation). The spectrum of individuals being monitored by GPS in jurisdictions around the country includes those in pre-trial status as well as those convicted of offenses ranging from traffic to serious felonies.

The Task Force developed its own matrix analysis to evaluate the use of GPS for monitoring offenders. This approach has enabled the Task Force to develop a ranking system for determining the appropriateness of groups of offenders and individual offenders for monitoring. The matrix approach characterizes the two relevant elements in GPS monitoring: public safety and location of the offender. Therefore, the Task Force asked the following two questions to determine the value of monitoring specific types of offenders:

1) Does the offender pose a public safety threat?
2) Is it valuable to have knowledge of the offender's location at any given time?

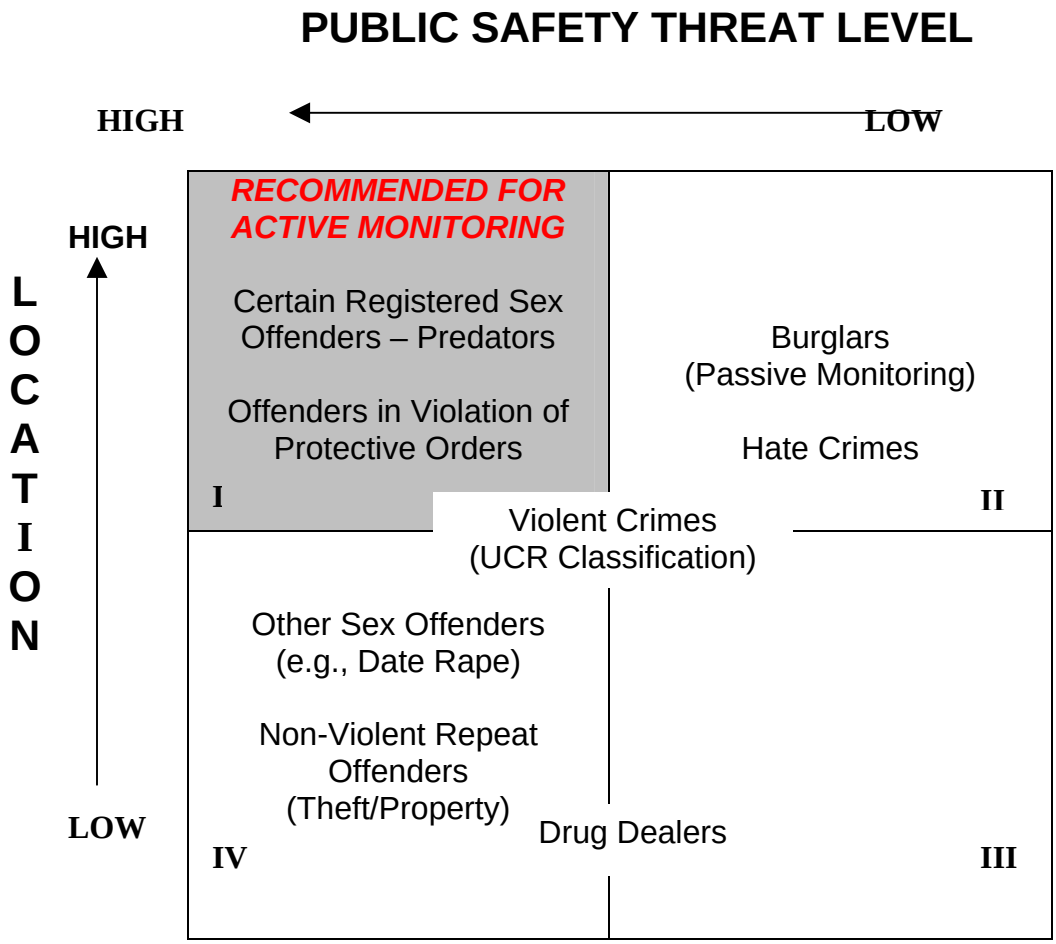
The following, as determined by the Task Force, are possible indicia of an individual who has a high public safety threat level:

- Dangerousness of offense
- Repeat offender
- Those likely to recidivate
- Those likely to cause traumatic injury
- Those in a location and with the opportunity to commit a new offense
- History of violence
- History of committing acts against vulnerable groups

The following aspects of an offender's location are deemed relevant by the Task Force:

- Located in a prohibited place
- Located in an area proximate to a reported crime
- Located at an address provided to authorities (e.g., Sex Offender Registry, DPP)
- Not located at an address provided to authorities

The Task Force commenced its use of the matrix by considering where offenders, characterized only by their crimes, would fall. The following matrix analysis resulted:



The use of the matrix analysis led the Task Force to initially identify offenders who, by just the nature of their crimes, were high public safety threats. These included sex offenders, offenders in violation of protective orders, non-violent repeat offenders and those who committed certain violent crimes (depicted in quadrants I & IV).

The Task Force then attempted to determine which crimes are location specific, or circumstances where it is important to know the whereabouts of the offender. The rationale for this focus is that knowledge of the whereabouts of these offenders could prevent crime or help solve crimes. One particularly obvious example of this is a particular sex offender profile. Predators, whose offenses involve preying on victims who are strangers to them, particularly children, fall within the high range of the location side of the matrix. Additionally, the Task Force found that burglars and those who violate protective orders are both offender types whose location is highly relevant. In assessing the value of knowledge of the locations of other violent offenders, the Task Force has concluded that no generalizations can be made

about the value of location of these offenders purely based on their offenses. Therefore, the Task Force concluded that violent offenses are so varied that they fall within all four quadrants of the matrix analysis. For example, those who have committed murder run the gamut of individuals from those who have killed abusive spouses to individuals who have killed in the course of felonies to those involved in drug-related murders. The Task Force believes that those who have committed murders have clearly demonstrated that they have been public safety threats. Yet, given the wide range of factual scenarios of their prior offenses, the Task Force does not conclude that knowledge of their whereabouts upon release is relevant per se to deterring future crime. For example, the individual who murdered an abusive spouse or the individual who was involved in a felony murder but is being released thirty (30) years later may well now be a low-risk offender.

The Task Force has focused on the subset of offenders in the upper left quadrant of the matrix (Quadrant I) – those who are a high public safety risk and knowledge of whose location is highly valuable. GPS is valuable if it can act as a deterrent to those who would otherwise commit new offenses or assist in the identification of individuals who have committed offenses. Currently, corrections personnel routinely conduct assessments of individuals to try to predict if, based on their criminal and personal histories and attitudes, they are likely to re-offend.

Risk is what corrections professionals define as the probability of an individual's propensity to re-offend. High-risk offenders are more likely to re-offend than low-risk offenders.[7] Therefore, it would be most helpful to identify the high-risk individuals in order to determine who is best to monitor using GPS. Standardized risk instruments are commonly used to differentiate high-risk, medium-risk and low-risk offenders. One such instrument, the Level of Service Inventory-Revised (LSI-R) is currently used by DPSCS.[8] Use of a risk instrument would allow criminal justice professionals to use research-based and quantifiable tools to determine which offenders to monitor.

The Task Force's matrix analysis was instrumental in its recommendations (see Section VIII: Findings and Recommendations). Nevertheless, the Task Force embarked on a review of monitoring suitability for target populations identified in the legislation. As noted in the following sections, some are already subject to electronic monitoring in state or local programs while others are not statutorily authorized to be monitored.

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[7] If resources were not a barrier, the question presents itself as to whether it could still be potentially helpful, or at least, not harmful to use GPS on low-risk offenders also. The research does not support that 'no harm, no foul' theory regarding use on low-risk offenders. In fact, research has shown that use of intensive correctional interventions, such as programming and even electronic monitoring, may increase low-risk offenders' probability of reoffending. See Latessa, Edward, **"Best Practices of Classification and Assessment," Journal of Community Corrections, Winter 2003-2004.**

[8] DPP uses the LSI-R at its Proactive Community Supervision sites in Denton, Baltimore City, Silver Spring and Hyattsville. The Division of Correction uses the LSI-R at the Maryland Correctional Institution for Women. Other risk instruments have been developed for the sole use of DPSCS at Pre-trial Services and at the Maryland Parole Commission.

B. Probationers

Probation following judgment allows the court to impose any sentence provided by law and to impose conditions on an offender after the sentence is completed. Probation following judgment requires a court to enter a judgment of conviction. The court may then suspend the imposition or execution of a sentence and place the offender on probation.[9] Only a judge may impose or revoke probation in Maryland.[10] As of June 30, 2005, DPP had approximately 66,000 individuals under its supervision. Of that number, approximately 41,000 were on probation for criminal offenses and 15,000 were being supervised by the Drinking Driving Monitor Program.[11] As of September 2005, the average caseload for a DPP agent was over one hundred (100) offenders. Specialized sex offender caseloads average seventy (70) offenders per agent. The lowest ratio is in locations where Proactive Community Supervision (PCS), a supervision model that includes standardized risk assessment and case planning based on risk and needs assessment, is utilized. However, the PCS ratio is still over fifty (50) offenders to each agent.

Probation periods are limited to five (5) years for cases from Circuit Court and three (3) years for cases from District Court, although probation may be extended to fulfill restitution obligations. Effective October 1, 2005, probation for child sex offenders may be ten (10) years for Circuit Court cases and six (6) years for District Court cases, if the defendant consents.

What would be the rationale for use of GPS with probationers? Conceivably, it could be part of an intensive supervision program that includes routine face-to-face contacts with agents in addition to the GPS monitoring; this would give the agents 24/7 data on the offender's whereabouts. On the other hand, review of offender GPS data could substitute for visits if and when those contacts serve to verify the offender's whereabouts.[12] Lastly, judges, criminal justice professionals and the public might desire to use GPS for individuals whom they feel could be safely monitored in the community as a less expensive alternative to incarceration. It costs approximately over $65 per day to house an inmate in the Division of Correction (DOC). The GPS hardware costs of approximately $10 a day are considerably less than the incarceration costs. The FY2005 cost of DPP's supervision of the criminal offender amounts to $3.40 per day at its current caseload levels.

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[9] Maryland General Assembly – Legislative Handbook Series, Volume IX, Maryland's Criminal and Juvenile Justice Process, 2002

[10] See **Maryland Code, Criminal Procedure, §6-221. Suspension of sentence or probation after judgment**. Note that **§6-220. Probation before judgment** authorizes judges to stay the judgment and impose probationary conditions.

[11] Source: DPP, Offender-Based State Correctional Information System II. Additionally, DPP had 4,555 on parole supervision and 5,250 on mandatory release.

[12] See information on DPP's use of kiosks for low-risk offenders: www.dpscs.state.md.us/rehabservs/dpp/kiosk.shtml.

Currently, though, there is no statutory authority in Maryland for probationers to be electronically monitored by DPP. The Maryland Code authorizes DPP to only use it with parolees or those on mandatory release as part of a home detention program.[13] Although judges may sentence offenders directly to electronic monitoring through private companies at the offender's expense, legislation would have to be enacted to enable GPS to be used as a supervision tool by DPP (see Section VIII: Findings and Recommendations).

C. Parolees

Parole is a discretionary, conditional release from imprisonment. It is up to the Maryland Parole Commission (MPC) to decide whether an inmate who is legally eligible for parole is to be released on parole. If after a hearing the commission decides to grant parole to an inmate, the inmate is allowed to serve the remainder of his or her sentence in the community, provided that the offender complies with the terms and conditions specified in the written parole order issued by the commission.[14] Parolees must serve a minimum of one-quarter of their sentences.[15] DPP supervises parolees and may recommend parole order modifications to MPC at any time; MPC is responsible though for issuing the modifications to the parole orders.[16]

Although electronic monitoring is statutorily authorized, and the DOC's Central Home Detention Unit has the ability to use its electronic monitoring system for parolees, there has been under-utilization of this Unit for parolees in recent years. The statutory construct for electronic monitoring for parolees puts the decision-making in the hands of the Director of DPP, while MPC is actually making the determination whether or not an individual should receive parole. This has required a collaborative effort between DPP and MPC to select and place the most suitable candidates in home monitoring.

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[13] See **Maryland Code, Correctional Services Article, §6-108. Home detention program – In general**. which states in part:
" (a) With the Secretary's approval, the Director may establish a home detention program under which the offender may live in a private dwelling that the Director approves.
(b) An offender in the program shall be supervised by means of:
(1) electronic devices; and…"
Maryland Code, Correctional Services Article, §6-101 says: "offender" means an individual on parole or under mandatory supervision.

[14] **Maryland General Assembly – Legislative Handbook Series, Volume IX, Maryland's Criminal and Juvenile Justice Process, 2002,** pg. 173.

[15] See **Maryland Code, Correctional Services Article, §7-301. Eligibility for parole**.

[16] See **Maryland Code, Correctional Services Article, §7-402. Modification of parole**.

D. Mandatory Releases[17]

Mandatory supervision is a conditional release from confinement granted to an inmate because of diminution credits awarded to the inmate while incarcerated. Diminution credits are days either granted or earned on a monthly basis that serve to diminish the period of incarceration. Release is by operation of law after an inmate has served the term of incarceration, less the amount of diminution credits. There is no discretion involved; the inmate must be released.[18]

Those individuals released under mandatory supervision are still in the legal custody of DOC. Conditions of release may be imposed, and coordination between DOC and DPP for release is identical to those released on parole. As with parolees, DPP is authorized to place these individuals in home detention and use electronic monitoring as part of the home detention plan. The Task Force posits that this population, which is also supervised by DPP, should be addressed for consideration for GPS monitoring. In some cases, mandatory releases may be appropriate for monitoring because they have not demonstrated satisfactory adjustment while incarcerated. Others may have such short sentences that they have not been eligible for parole but still may be high-risk offenders and not prepared for transition back into the community (see Section VII: Findings and Recommendations).

E. Registered sex offenders

Following passage of the federal Wetterling Act in 1994, Maryland responded in 1995 with its first requirement of registration of sex offenders. The Maryland law has been amended six times since and currently provides for registration for four categories of offenders. Upon conviction, the most serious offenders must register regularly and for life. Less serious offenders may be ordered to register by the sentencing court, and some offenses carry a ten-year period of registration.

There are four categories of registrants:

- Child sex offenders – Includes convictions for a range of offenses, including sexual abuse of a minor to 4th degree sex offense with a child under 15;
- Sexual offenders – Includes convictions for a range of offenses from child kidnapping to child pornography to solicitation of an individual under the age of 18;
- Sexually violent offenders – Includes any conviction of a sexually violent offense or attempt to commit a sexually violent offense (those with children under 15 are in the child sex offender registry);

[17] Although the authorizing legislation did not ask the Task Force to review those released on mandatory supervision, the Task Force believes that the issues surrounding use of GPS with that population merit consideration.

[18] **Maryland General Assembly – Legislative Handbook Series, Volume IX, Maryland's Criminal and Juvenile Justice Process, 2002,** pg. 177.

- Sexually violent predators – Includes a conviction of a sexually violent offense and a judicial determination that the individual is at risk of committing another sexually violent offense.

Currently there are approximately 4,400 sex offenders on the Sex Offender Registry (SOR). Approximately half of those on the SOR are also currently supervised by DPP; the others are either no longer on criminal justice supervision and are only mandated to comply with sex offender registration laws or were never under DPP supervision. The following table indicates the breakout of the SOR by category and type of DPP supervision:

Category	Total	Probation	Parole	Mandatory Release	Total on Supervision
Child Sex Offenders	3,100	1,177	31	341	1,549
Sexual Offenders	201	55	2	10	67
Sexually Violent Offenders	1,038	225	58	270	553
Sexually Violent Predators	4	0	1	1	2
TOTAL	4,343	1,457	92	622	2,171

Data are from July 2005[19]

All sex offenders on the registry are required to register/re-register with local law enforcement, and failure to do so is a criminal offense. As part of its policies and procedures, DPP agents monthly verify the addresses of their sex offender cases to the SOR to ensure that offenders are in compliance with the law.

GPS as a supervision tool for sex offenders involves the same issues that this report has considered previously for probationers and parolees. Currently, Maryland law does not authorize DPP to establish an electronic monitoring program for any probationers; GPS may be used for parolees as directed by the Director of DPP and approved by the Secretary. Individuals on mandatory release supervision may also be monitored electronically under the same parameters as parolees.

With reference to those on the SOR but no longer on supervision, there is no authority in Maryland to use GPS to monitor them after their probationary, parole or mandatory supervision periods end. Other jurisdictions, such as Florida, have enacted longer probation periods for some sex offenders, including the possibility of lifetime probation to permit long-term supervision and GPS monitoring.

The Task Force was mindful of public sentiment to employ more effective strategies to monitor and supervise sex offenders in the community. To that end, the Task Force spent a considerable amount of time educating itself on the types of sex offenders, their behaviors and appropriate supervision models. Of primary

[19] All statistics are based on July 15, 2005 Sex Offender Registry data and July 1, 2005 DPP data. The data indicate offenders' current status and their current supervision status may NOT represent the offense for which they were required to register as a sex offender.

significance to the Task Force in its matrix analysis of public threat and offender location was the fact that studies indicate that the vast majority of victims of sex offenders knew their assailants. For female victims, an average of 25% of offenders were family members, 60% were acquaintances and 15% were strangers. For female victims who were juveniles, the stranger-on-stranger percentage is only 7.5%. For male victims, the overall percentage of those who were strangers to the victim is 7.3%. For juvenile male victims, the percentage of sex offenses by strangers is 5%. [20]

F. Drug Offenders

Drug offenders run the gamut of users to drug kingpins. The Task Force feels that drug distributors and kingpins may well be public safety threats due to their impact on communities by taking over corners and using violence to further their trade. Nevertheless, other than in rare cases, of special interest to law enforcement, the use of GPS in this scenario seems to have limited value. Although GPS information might be used to identify individuals involved in violence associated with drug distribution, the drug offenses themselves rarely are reflected in police reports that can be cross-referenced to GPS data.

G. Juvenile Offenders

Currently, the Department of Juvenile Services uses electronic monitoring as an element of its Community Detention program. Community Detention, which may only be ordered by the court, is intended to be an intensive form of community supervision to reduce the incidence of institutionalization. As of December 1, 2005, approximately sixty-seven percent (67%) of the juveniles in the Community Detention program as part of either pre or post-adjudicatory hearing supervision were also on electronic monitoring. Although criteria differ somewhat by jurisdiction, electronic monitoring enhancements are either ordered directly by the Court or by Community Detention personnel. Depending on the jurisdiction, factors considered are risk assessment results, offense category, prior Community Detention compliance and Community Detention assessment results.

The Task Force does note that several jurisdictions are currently using GPS monitoring for their juvenile offenders. Issues such as levels of compliance by juveniles, impacts on behavior and potential stigma effects were too complex to be addressed by the Task Force within the limited time frame.

[20] Snyder, Howard N., Ph.D., **Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender Chararacteristics,** Bureau of Justice Statistics**,** July 2000.

H. Individuals subject to:

1. Pre-trial supervision

Currently, the State does use electronic monitoring for some individuals in pre-trial status in Baltimore City.[21] They are monitored by DPSCS's Central Home Detention Unit.[22] Although Baltimore City offenders in home detention administered by private companies have had compliance issues, those in the State's program have been adequately monitored. GPS's use for pre-trial populations as an alternative to incarceration has been endorsed by Montgomery County.

2. Early Release

DPSCS's Central Home Detention Unit[23] supervises approximately four hundred (400) individuals in the Greater Baltimore Metropolitan Area. Those eligible must be within 90 days of release if incarcerated for a violent offense or within 18 months of release for other offenses.[24] The Central Home Detention Unit includes case management staff, electronic monitoring staff and certified law enforcement staff. Former Central Home Detention Unit Executive Director Robert McWhorter was an integral part of designing the Department of Budget and Management solicitation and reviewing the bids. Although ultimately the GPS portion of the solicitation was cancelled, it provided for active GPS, passive GPS and Radio Frequency (RF) electronic monitoring in order that the Central Home Detention Unit would have the flexibility to use a step-down process of monitoring dependent on the level of supervision needed for the offender. It would have allowed use of active GPS when individuals were initially released, then passive and then RF; it also would have allowed step-ups in monitoring if offenders were showing signs of reduced compliance. That would still allow maximum supervision without necessitating reincarceration for technical violations. Additionally, use of GPS with extensive case management services might facilitate successful re-entry for the Central Home Detention Unit offenders.

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[21] See **Maryland Code, Correctional Services Article, Title 11 Local Correctional Facilities, Subtitle 7. Individual County Provisions, §11-704. Baltimore City** which states, in part:
"…(c)(3)(ii) The Commissioner or Commissioner's designee may allow an inmate who is authorized to participate in a program under this subsection to be held in custody through home detention by the use of electronic monitoring devices. …"

[22] See **Maryland Code, Correctional Services Article, Title 3 Division of Correction, Subtitle 4. Home Detention Program.**

[23] The Central Home Detention Unit was moved from the authority of the Division of Correction to the authority of DPP as of December 1, 2005. This move will enable DPP, the agency charged with community supervision, to develop and oversee case management plans in addition to the electronic monitoring component of home detention.

[24] See **Code of Maryland Regulations Title 12, Department of Public Safety and Correctional Services, §12.02.26.05 Inmate Eligibility.**

3. Domestic Violence Restraining Orders

Pursuant to **Maryland Code, Family Law Article, Title 4. Spouses, Subtitle 5. Domestic Violence,** individuals may obtain civil protective orders from District Court judges for up to a year. Extensions of six months are permitted after notice to all parties and a hearing. As these proceedings are civil in nature, the Task Force contends that due process would prohibit those under these civil orders from being subject to the restrictions of liberty that GPS imposes. The Task Force does note that volatile circumstances often surround domestic protective orders, but feels that the civil proceeding is not the stage at which GPS should be used.

On the other hand, violations of interim, temporary and final protective orders are criminal offenses that call for penalties of 90 days for a first offense and a year for a second offense.[25] Those who violate protective orders pose serious public safety threats to their former domestic partners, and their whereabouts are very important to those whom they have previously threatened. Consequently, the Task Force considers this population to be one appropriate for GPS monitoring with several caveats. First, there is currently no data on the numbers of Marylanders in the community as parolees or probationers having been convicted of these offenses. Additionally, the Task Force has a serious concern that victims who have sought protective orders may have a false sense of security when protective order violators are monitored by GPS. If a violation were to occur, only an instantaneous law enforcement response would be able to prevent further harm, and such a response is not realistic. On the other hand, GPS could have a significant positive impact in its deterrent effect on these offenders.

[25] **Maryland Code, Family Law Article, Title 4 Spouses, §4-508. Sanctions for violating order** and **§4-509. Penalties.**

V. Law Enforcement and Global Positioning Technology[26]

In order for law enforcement to benefit from a GPS monitoring system, should it be operated by DPSCS, the Department will need to establish cooperative and collaborative policies that take into consideration the needs of law enforcement. Active and passive GPS systems present very different crime-fighting possibilities and challenges for law enforcement.

For crime solving, passive GPS data may well contain information that would place individuals at the scene of an offense. This could be helpful in identifying both suspects and witnesses to crimes. It could also provide a suspect with an 'alibi' that he/she was not near the scene of a crime. As local law enforcement agencies have the responsibility to maintain the SOR, verify the offenders' registrations periodically and locate non-compliant individuals, passive GPS data could assist law enforcement in verifying that registration data.

An active system should give a monitor up-to-the-minute data on the whereabouts of an offender. In theory, if law enforcement can expeditiously receive the information of an offender in an exclusionary zone, an officer can respond and make an arrest if an offense is being committed. This could well be the public's expectation for an individual on GPS monitoring due to conviction for a violation of a protective order. On the other hand, if law enforcement receives the same information, responds and finds a sex offender near a school, the officer can do nothing other than investigate the situation unless an offense is being committed. Then, the officer can report what may be a probation/parole violation to a probation agent who may request an arrest or retake warrant. Yet, in the meantime, law enforcement officials will not be able to take any immediate action based on the GPS data. The most the public could hope for is that the police presence will have had a deterrent effect on the offender.

Can law enforcement use active GPS data and act quickly enough to locate suspects and/or witnesses to crimes? The Task Force believes that GPS technology should be utilized on persons that are a high risk to public safety. Therefore, collaborative and cooperative procedures giving access to these data to law enforcement personnel and allowing input from law enforcement in GPS's use on individuals need to be fundamental considerations in the design of the overall strategy. Likewise, contractual arrangements with vendors must address law enforcement access and monitoring needs.

[26] This report is addressing law enforcement use of GPS when an offender is monitored. Law enforcement may find the use of GPS effective to solve crimes and streamline its workload if departments were to use GPS in its vehicles, for example. It would allow Departments to monitor where vehicles and staff are located in order to determine which car is closest to a call for service. It also would allow tracking of vehicle locations in the event that radio contact is lost.

VI. GPS Financing

The Task Force has studied the costs of GPS by surveying the costs incurred by other jurisdictions. As stated previously, costs for the equipment alone range from $5 to $9 per day for passive and $9 to $12 per day for active monitoring. What the Task Force heard repeatedly was that these costs only include the equipment and reports of the 24/7 data. Supervising agencies must devote resources to tasks including hooking up the equipment on the offenders, interpreting the data and tracking down lost or damaged equipment. In its analysis of the costs versus benefits of GPS, the Task Force determined that personnel costs may well turn out to be the most expensive element of the system. As noted previously, DPP currently has a ratio of over fifty (50) to one hundred (100) offenders to each of its agents. Repeatedly, the Task Force heard that ratios of offenders to agents had to be small so that data could be analyzed, equipment managed, violations investigated and all the attendant duties of agents could be completed. Most jurisdictions recommended a caseload of anywhere from twenty (20) to twenty-five (25) offenders per agent for active GPS systems and not more than forty (40) offenders for passive GPS systems. This may necessitate DPP hiring additional agents. The Task Force heard complaints from other jurisdictions of 'information overload.' Agents received so much information that it became too much to analyze, and much ultimately had to be ignored.

A. Requirements for Offenders to Pay

The above-referenced survey of other jurisdictions revealed that most charge offenders to help offset the costs of the systems. Several make it a requirement of release that they demonstrate the ability to pay or non-payment is a violation of release.[27]

In Maryland, the Central Home Detention Unit does charge its inmates monthly for the electronic monitoring but only after they have obtained employment.[28] Ability to pay is not a condition of eligibility for the Central Home Detention Unit. Likewise, probationers, parolees and those under mandatory release supervision are mandated to pay monthly supervision fees of $40.[29] The law mandates that those unable to pay due to lack of employment, disability, student status, support of dependents or other extenuating circumstances may be exempted from payment.

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[27] Oklahoma Department of Corrections automatically removes offenders from the program if they do not pay. Probation authorities in Beaver County, PA require payment in advance based on the number of days that the offender is sentenced. The judge at sentencing determines if the offender can pay the offender is not allowed to participate in the program. Albermarle - Charlottesville Regional Jail Work Release looks at non-payment as a rules violation.

[28] Currently CHDU charges employed offenders $8 per day.

[29] **Maryland Code, Criminal Procedure Article, §6-226 Fees for probation under supervision of Division of Parole and Probation** and **Correctional Services Article, §7-702. Fees.**

B. Feasibility and Cost-Benefit Analysis

In considering the feasibility of implementation of GPS, the Task Force took particular note of the Washington State GPS pilot project.[30] In Washington's experience with passive GPS, weather degradation of satellite signal was not a problem, although solar flare-ups did cause devices to record misplaced locations. There were issues with signals when offenders were in "urban canyons" such as downtown Seattle and when they were in dense vegetation or under trees.[31] Both MTOP and Washington State experienced repeated false readings.[32] MTOP's report reveals that problems with inadequate initial training of DPP personnel by the vendor, repeated malfunctions with the GPS equipment and insufficient vendor support adversely affected the consistent use of the GPS data.

The Task Force did not have the capacity to do a bona fide cost-benefit analysis, although it did diligently investigate the costs that other jurisdictions are currently incurring and what others project as costs. The Task Force also found that no studies have been done on the cost effectiveness of GPS.

In Offender Supervision with Electronic Monitoring[33], a very thorough explanation of how costs and benefits should be analyzed is presented. Tangible costs include the costs of the equipment and the monitoring, equipment maintenance costs, shipping costs, storage costs, additional communication equipment for staff, additional staff for implementation of the program, office space for those administering the program, training costs, travel costs for employees in the field, costs of incentives and sanctions for offenders for compliance or noncompliance and costs of other services needed by offenders in the community. There would also be costs for law enforcement for response to violations in Maryland, whereas in other jurisdictions agents have law enforcement powers.[34]

Intangible costs could include those of defending lawsuits based on inaction in response to GPS information. When offenders are monitored with GPS, supervising agents obviously have much more data about the whereabouts of offenders than they could possibly gather with routine monthly contacts. This

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[30] **Monitoring Sex Offenders with GPS Technology, Report to the Legislature, January, 2004**, Washington Association of Sheriffs and Police Chiefs

[31] **Monitoring Sex Offenders with GPS Technology, Report to the Legislature, January, 2004**, Washington Association of Sheriffs and Police Chiefs, pp. 10-11.

[32] **Monitoring Sex Offenders with GPS Technology, Report to the Legislature, January, 2004**, Washington Association of Sheriffs and Police Chiefs, p. 11.
Maryland Transitional Offender Program, **Final Grant Report**, Comprehensive Approaches to Sex Offender Management Grant, Grant #2001-WP-BX-0022, p. 7.

[33] **Offender Supervision with Electronic Technology, A User's Guide**, American Parole and Probation Association, 2002

[34] The Director of DPP has limited authority to authorize employees to retake offenders on parole retake warrants and to arrest offenders in the Home Detention program. See **Maryland Code, Correctional Services Article, §6-106. Powers of Director.**

necessarily raises issues of what should prompt revocation of community supervision. **What should an agent do about one curfew violation or one out-of-bounds report? When should technical violations lead to revocation?** In the classic supervision model, most of these technical violations would never be detected. **Will the GPS information lead to more revocations due to technical violations?** If that is the case, there is the possibility of many more individuals being re-incarcerated on revocations, leading to increased expenditures for the state. Another possibility is net-widening which increases costs by using this new, 'improved' and more expensive technology for individuals who would have successfully completed supervision without the technology.

Tangible benefits might include lesser costs for electronic monitoring than the alternative, incarceration. One major consideration regarding incarceration cost savings is how to truly measure the amount saved. In calculating the costs for incarceration for a year in Maryland, the total costs are divided by the population to arrive at an annual cost per inmate. In Maryland, it is over $20,000 a year per offender. **Yet, will there be a capital savings if fewer people are incarcerated?** That would only occur if buildings or wings of prisons were actually closed, resulting in a smaller workforce. Therefore, the true benefit is not the per capita cost of incarceration minus the costs of electronic monitoring. It could potentially be considerably less.

Intangible benefits could include the costs saved from new prison construction if offenders are monitored at a lesser cost in the community. The most obvious intangible benefits are those that are gained by offenders not recidivating. There are significant potential savings in lower victimization rates, less law enforcement costs in solving crime and lowered court costs. Also, if offenders are successful in the community, they could potentially be contributors by paying taxes and supporting their families.

VII. Legal Issues

The Task Force has been asked to study the admissibility of GPS evidence. Its uses could range from administrative hearings such as parole violation hearings to probation violation hearings to proof in criminal cases. Maryland Rule 5-702 governs the admissibility of expert witness testimony and states:

> *"Expert testimony may be admitted, in the form of an opinion or otherwise, if the court determines that the testimony will assist the trier of fact to understand the evidence or to determine a fact in issue. In making that determination, the court shall determine (1) whether the witness is qualified as an expert by knowledge, skill, experience, training, or education, (2) the appropriateness of the expert testimony on the particular subject, and (3) whether a sufficient factual basis exists to support the expert testimony."*

Evidence of electronic monitoring data has been admissible in hearings and courts for many years. GPS is so commonly used in so many venues, that the Task Force is confident that no admissibility issues present themselves, although there may well be factual issues as to the weight of the evidence, given the false alarm rate that has been experienced with the equipment. One of the practical implications of admissibility of GPS data is the need for the vendor to be called as an expert witness to testify. The cost of providing "experts" for court testimony should be considered as part of any bidding process.

VIII. Findings and Recommendations

A. Legislative

Currently, other jurisdictions that use electronic monitoring have more extensive laws to support its use. As noted previously, Maryland law does not authorize DPP to implement its use with probationers. Additionally, lifetime supervision is not a part of Maryland's probation design. At best, as of October 1, 2005, supervision has been extended for sex offenders, but only with their consent.

The Task Force makes the following recommendations for consideration by the legislature:

- Authority for DPP to use electronic monitoring for probationers;
- Extension of probation for appropriate offenders/longer periods of probation;
- Removal of any legal impediments to information-sharing between DPP and law enforcement; and
- Creation of a commission or another task force to oversee the implementation of any pilot programs and evaluation of GPS use.

B. Findings and Recommendations for GPS Use

GPS, like other forms of electronic monitoring, is a powerful tool in the tracking of individuals and should be used judiciously by public safety professionals.

Findings

- GPS technology is a vast improvement over existing technology for offender monitoring in Maryland.

- As an offender supervision tool, it can provide valuable assistance to those agencies charged with increasing public safety. Although there is not yet a significant amount of research available specific to GPS technology, it is the consensus of the Task Force that GPS tracking is likely to be a useful tool for public safety practitioners in the supervision of offenders, as an aid to law enforcement to prevent and solve crime, and in limited cases, as a cost-saving alternative to incarceration.

- GPS technology is not a stand-alone replacement for offender supervision. In fact, the increased information provided on the offender by the technology may translate into additional work for the supervision agent and law enforcement. Additional resources to adequately react and cover caseloads will be needed to effectively use the technology and the information it provides.

- The technology does still have limitations (e.g., dead spots, limited use in structures that prevent signals from reaching satellites or cell towers).

- The technology does not provide protection and may provide a false sense of security. Any device can be defeated and therefore will not prevent a person who is determined to commit a criminal act from doing so.

- The technology is not a replacement for incarceration of persons who need to be removed from society.

Recommendations

- **We recommend** that GPS technology be utilized on persons that are a high risk to public safety and when location is of a primary concern.

- **We recommend** that a pilot study be conducted by DPSCS not only to determine the strengths and weaknesses of the emerging technology in a geographically diverse state, but also to test recent risk assessment instruments used to determine which offenders should be selected, and to determine overall outcomes such as recidivism. The Task Force makes this recommendation knowing that the Department conducted a study in 2002 at a time when the technology and cell phone service support technologies were not as efficient as they are today. The Task Force recommends that the pilot focus on the sex offender population on parole and mandatory supervision. This is an easily identifiable population with sufficient numbers to screen for risk and identify appropriate high-risk offenders. The pilot program should include:

    - A geographically diverse population, including rural and urban residents;
    - GPS as part of comprehensive case planning, which may include treatment, intensive supervision, polygraph exams and other elements recommended by DPP[35];
    - An outcome evaluation to determine the effectiveness of the pilot prior to further implementation[36]; and
    - Funding from general funds.

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[35] In **Can electronic monitoring reduce crime for moderate to high-risk offenders?*, Journal of Experimental Criminology*** (2005) 1:215-237, 232, authors Marc Renzema and Evan Mayo-Wilson contend "Odds of success improve when EM [electronic monitoring] is used as part of an evidence-based correctional package. Although EM may suppress crime for its duration, EM is *not* a 'treatment' that directly changes values or teaches skills. Used in isolation, EM should not be expected to produce enduring effects.. [but] should be coupled with programs that are likely to reduce recidivism."

[36] Renzema and Mayo-Wilson support this in **Can electronic monitoring reduce crime for moderate to high-risk offenders?*, Journal of Experimental Criminology*** (2005) 1:215-237, when they conclude that "Little evidence about the impact of EM is available and, if government continues to use it, they have an obligation to show that it creates a public value."

- **We recommend** that collaborative and cooperative procedures that give law enforcement access to GPS data and allow input from law enforcement in GPS's use for particular individuals be a fundamental consideration in the design of any GPS strategy.

- **We recommend** that GPS tracking should be prescribed by DPP when it is determined that it would be beneficial as part of a supervision modality using standardized risk assessment instruments. A body of research concentrating on criminal offenders demonstrates that GPS, like other supervision tools, should not be applied en mass to all offenders or categories of offenders.

- **We recommend** that DPSCS monitor the Children's Safety Act of 2005 in the United States Congress to understand the possible future federal mandates in this arena and to deliberately position itself to seek federal grant funds should they become available.

- **We recommend** that the State institutionalize the task force to:

    - Monitor a pilot program;
    - Recommend other populations for GPS deployment;
    - Advise DPP on pilot program;
    - Study promising and emerging practices;
    - Study GPS use with other populations, including domestic violence populations; and
    - Monitor the availability of Federal funding.

APPENDICES

INTERIM REPORT OF THE TASK FORCE TO STUDY CRIMINAL OFFENDER MONITORING BY GLOBAL POSITIONING SYSTEMS

I. Introduction

During the 2004 General Assembly session, House Bill 1242 and Senate Bill 783, which established a Task Force to Study Criminal Offender Monitoring by Global Positioning Systems, were passed and signed into law by Governor Robert L. Ehrlich, Jr. The law went into effect on July 1, 2004. The purpose of the Task Force is to study how the State can utilize Global Positioning technology to monitor individuals who have committed criminal offenses, how law enforcement can benefit from the linkage to global positioning technology to solve crimes and streamline workload, and the admissibility of evidence issues and other issues that the Task Force considers relevant.

The legislation specifies the membership and duties of the Task Force including the Task Force's responsibility to make legislative recommendations. The Task Force shall be comprised of:

Two members of the House of Delegates, appointed by the Speaker of the House;
Two members of the Senate of Maryland, appointed by the President of the Senate;
The Chief Judge of the Court of Appeals, or a designee of the Chief Judge;
The Secretary of Juvenile Services, or a designee of the Secretary;
The Secretary of Public Safety and Correctional Services, or a designee of the Secretary;
The Superintendent of the Maryland State Police, or a designee of the Superintendent;
The Director of the Division of Parole and Probation, or a designee of the Director;
The Commissioner of the Division of Correction, or a designee of the Commissioner.

Appointed by the Governor are:

One representative of the Maryland Chiefs of Police;
One representative of the Maryland State Sheriff's Association;
One State's Attorney;
One representative of the Maryland Municipal League;
One representative of the Office of the Public Defender;
One representative of the Maryland Association of Counties;
One representative of a victim's rights organization;
One representative of the Office of Crime Control & Prevention;
One representative of a domestic violence advocacy program; and
One representative of the American Civil Liberties Union.

The legislation requires the Governor to appoint the Chairman of the Task Force and to make other appointments as geographically diverse as possible. The Chairman shall determine the times and places of Task Force meetings. Reports that are due include an interim report due to the Governor and, subject to State Government Article §2-1246, to the General Assembly on or before December 31, 2004. A final report of the Task Force findings and recommendations is due to the Governor and, subject to State Government Article §2-1246, to the General Assembly on or before December 31, 2005. The Act creating the Task Force will expire December 31, 2005.

II. Task Force Action

Pursuant to the legislation, Governor Ehrlich made appointments to the Task Force and named John F. Tewey of the Governor's Office of Crime Control & Prevention as Chairman in October 2004. (See ***Roster*** in attached materials). The first meeting of the Task Force was held on November 8, 2004 at the Office of the Secretary of the Maryland Department of Public Safety and Correctional Services. At that time, members in attendance reviewed the content of the legislation and resolved administrative matters pertaining to the functions of the Task Force. Robert Resau, Ph.D., a professor at the Baltimore County Community College, presented an historical perspective on the development of navigation and tracking techniques beginning with celestial navigation and progressing through the use of charts and maps and ultimately to Global Positioning Systems technology.

Meeting dates and locations were scheduled as follows:

January 10, 2005	Annapolis
April 18, 2005	Charles County
July 11, 2005	Hagerstown
November 7, 2005	Baltimore City

The Task Force members opted to divide into four subcommittees to focus more effectively on the legislative mandates. The Monitoring Committee, chaired by Barry Stanton, the representative of the Maryland Association of Counties, will study how Maryland can use global positioning technology to monitor probationers, parolees, registered sex offenders, drug offenders, juvenile offenders, and individuals subject to pre-trial supervision, early release and domestic violence restraining orders.

The Law Enforcement Committee, chaired by Captain Scott Yinger of the Maryland State Police, will study how law enforcement can benefit from linkages to global positioning technology to solve crime and streamline workload.

The Feasibility/Cost Benefit Committee, chaired by Sheriff Frederick Davis, the representative of the Maryland State Sheriff's Association, will conduct a feasibility/cost-benefit analysis of implementing a global positioning technology program in the State.

The Legal Issues Committee, chaired by The Honorable Sandra A. O'Connor, State's Attorney for Baltimore County, will study the admissibility of evidence issues and other issues that the Task Force considers relevant. (For subcommittee membership, see ***Subcommittees*** in attached materials).

At the initial Task Force meeting, guidelines for committee work and a timeline for the Task Force's activities were submitted by the Chairman and agreed to by all Task Force members. (See ***Guidelines*** and ***Timelines*** in attached materials). The Monitoring, Law Enforcement and Legal Issues Committees were able to meet at least once before the end of the calendar year of 2004 in order to further articulate their goals and objectives for 2005.

The Chairman has filed the 'Boards and Commissions Ethics Law Financial Disclosure Request for Exemption Form' with the Maryland State Ethics Commission. Additionally, public notice for all meetings of the Task Force will be made in compliance with the Open Meetings Act, and the meeting details will be published in the General Assembly Hearing Schedule and distributed weekly by the Department of Legislative Services.

III. Conclusion

The Task Force will use calendar year 2005 to focus on its duties and responsibilities. Members have already researched and recommended experts who may assist the Task Force and/or the subcommittees. Although staffing is being provided by the Department of Public Safety and Correctional Services, research and administrative resources are also being supplemented by the Governor's Office of Crime Control & Prevention.

Maryland Division of Parole and Probation

Maryland Transitional Offender Program

Baltimore Metropolitan Area Sex Offender Community Treatment, Transition, Supervision, and Management Project

Final Grant Report

Comprehensive Approaches to Sex Offender Management Grant
Grant # 2001-WP-BX-0022

Table of Contents

I. Introduction and Background Information

The Maryland Department of Public Safety and Correctional Services (DPSCS), Division of Parole and Probation (DPP) was awarded a two-year grant from the Office of Justice Programs in January 2002. The grant was awarded to assist the DPP in the development of a comprehensive strategy to manage and supervise the sex offender population in the community in the Baltimore Metropolitan area. The goals of the project were to improve the transition, treatment, and supervision of sex offenders in the community following their release from prison, and, develop a case management model of supervision using innovative supervision techniques and technology.

The Maryland Transitional Offender Program (MTOP) was a collaborative effort by a variety of stakeholders both inside the correctional setting and in the community. This marks the first time that such a collaborative effort with so many stakeholders was attempted in the State of Maryland. This project could not have been possible without the generous support and important contributions made by every member of the collaborative team. Represented agencies and organizations of the collaborative team included:

- Maryland Division of Parole and Probation (DPP);
- Maryland Division of Correction (DOC);
- Patuxent Institution, Community Mental Health Center-Jessup (CMHC-J);
- Maryland Parole Commission (MPC);
- Baltimore City Circuit Court (BCCC);
- Baltimore City Office of the State's Attorney, Sex Offender Unit (SAO);
- Baltimore City Police Department (BCPD);
- Information Technology and Communications Division (ITCD);
- Regional Economic Studies Institute (RESI);
- Maryland Coalition Against Sexual Assault (MCASA);
- Family and Children's Services of Central Maryland (FCS);
- The Attorney General's and the Lt. Governor's Family Violence Council;
- Victim's Services
- The Special Offenders Clinic;
- Choices: A Better Way;
- The National Institute for the Study, Prevention and Treatment of Sexual Trauma;
- Walter P. Carter Center;
- Cotton and Krahling (polygraph);
- Pro Tech and Veridian (GPS).

A. What did we do?

Behind The Wire

The MTOP program was a collaborative effort by a variety of stakeholders both inside the correctional setting and in the community. Selected sex offenders were identified inside the correctional setting and participated in an intensive treatment program prior to release. Offenders participated in a 12-week psycho-educational program at Patuxent Institution that included psychological testing and evaluation, treatment that focused on

cognitive restructuring, group therapy, and the development of a transitional release plan.

Transitional Services

A Transition Coordinator position was created to ensure a smooth transition for offenders leaving the institution and returning to the community. Agent staff participated in this process as well by addressing transitional issues with the inmates in the institution prior to their release. Housing, employment, and treatment services in the community were coordinated before release and treatment was made available to the participants immediately upon release. Treatment and case plans were designed to meet the specific needs of each participant.

In The Community

Upon release, the participants were placed into one of four experimental sub-groups for supervision in the community. Each sub-group received a different level of services. Participants in Group #1 received intensive supervision only. Participants in Group #2 received intensive supervision and transitional services. Participants in Group #3 received intensive supervision, transitional services, and sex offender treatment. And finally, participants in Group #4 received intensive supervision, transitional services, sex offender treatment, and GPS/Polygraph Testing.

Supervision Strategies

Guidelines for the supervision and management of the sex offender population in the community were developed based upon the most recent promising practices programming and, where possible, evidence-based research. These practices included sexual offender specific evaluation and assessment, intensive supervision, graduated sanctions, focused sex offender treatment, the use of a containment team concept to share important information about the offender, and the use of polygraph testing and GPS monitoring. In June 2003, the MTOP Manual (Appendix A) was published.

Collaboration

Institutions and agencies within the criminal justice system were educated on current supervision practices and on the range of special conditions that can be imposed upon the sex offender population. Linkages were established with the Division of Parole and Probation where none had previously existed, particularly with the members of the containment team (local non-profit victim advocacy organizations, police, polygraph, GPS, treatment providers, etc.). Information sharing and communication were critical in maintaining these linkages. The containment team was used to respond quickly to at-risk behavior before the offender could act out sexually.

Technology

Polygraph examinations were used to identify positive and negative information about the offender that otherwise would have gone undetected. This information was used to assist in the preparation of treatment plans, identify red flags, and respond to at-risk behavior. Global Positioning System (GPS) technology was used to monitor the whereabouts and movement of the sex offender population in the community.

B. What Did We Accomplish?

The first goal of MTOP was to improve the transition, treatment, and supervision of sex offenders released from prison by implementing innovative supervision technology (global positioning system and polygraph testing). The second goal was to develop a case management model of supervision that uses innovative supervision techniques. These goals were met by focusing on six major objectives. They were:

1. **Transition offenders released from prison** and implement a collaborative supervision model that emphasizes evaluation and treatment for sex offenders in order to help reduce recidivism and promote public safety. The evaluation and treatment process for this population began while they were incarcerated at Patuxent Institution. A Transition Coordinator collaborated with treatment and DOC case management staff at Patuxent to identify treatment needs and coordinate treatment with a treatment provider in the community prior to their release. Treatment plans were developed to address the specific needs of each offender and treatment was provided immediately upon release. The Transition Coordinator also developed specific special conditions (terms of supervision) for each offender that was imposed by the Maryland Parole Commission upon release. Supervision agents in the community enforced these special conditions. Agent staff participated in this process as well by addressing transitional issues through a comprehensive case plan. The case plans developed by the Agent with the inmates in the institution prior to their release focused on housing, employment, recreation, special conditions and support services.

2. **Provide sex offender specific training and resources** for supervision agents, field supervisors, treatment providers, the courts, and victim advocates about sex offenses, sex offender behavior, and the proactive collaborative model of supervision. With grant funds the DPP was able to bring in nationally known experts to provide training on current supervision practices and strategies that include intensive supervision, graduated sanctions, containment team strategies, treatment strategies (cognitive restructuring, group therapy), and the use of polygraph and GPS technology. Staff at Patuxent Institution became “in-house” resources available to advise staff on offender behavior and treatment needs. The collaboration of all of the team members provided everyone involved in the project with resources that were never available to them before.

3. **Develop and implement sex offender management standard operating procedures** and protocol for an effective sex offender program within the Maryland Department of Public Safety and Correctional Services. Protocols were developed and Standard Operating Procedures were published in the form of a manual in June 2003 (Appendix A).

4. Develop and promote accurate and effective **community notification practices**. The Maryland Sex Offender Registry requirements were strictly enforced. Offenders were required to register immediately upon release and update the registry every time they moved to a new address.

5. Develop meaningful and effective **resources for sex offenders that will help them to manage and control their behavior.** Coordinated treatment strategies and treatment immediately upon release were provided to help this population manage and control their behavior. Supervision and containment strategies were

used to address specific at-risk behavior. Police and agent staff made home visits together to reinforce supervision expectations. Polygraph information was used to assist in the preparation of treatment plans, identify red flags, and respond to at-risk behavior as well. GPS technology was used to monitor the whereabouts and movement of this population.

6. Increase effective **communication between criminal justice and victim service agencies** regarding the management of sex offenders. Linkages were established that provide better communication and collaboration among all of the stakeholders participating in this project. Among the many linkages created was a mandatory case referral to the DPP Sexual Assault Victim Advocate. The Family Violence Council and Family and Children's Services of Central Maryland helped to develop policies and procedures that ensured a victim-centered approach to sexual offender management was implemented. Each stakeholder has developed a better understanding of each other's role in managing this complex and diverse offender population in the community.

C. What Did We Learn?

Collaboration and Supervision

Our greatest challenge was implementing the MTOP program and establishing the kind of partnerships necessary to make it work. There were a lot partners that had to be brought together in ways that had never been attempted before in Maryland. These partnerships were developed over time through dialogue and open communication. Meetings were held on a regular basis to address problems as soon as they developed. An effort was made to include everyone in the process and foster a sense of ownership.

We learned that communication and collaboration is extremely important in managing the sex offender population in the community. A wide range of stakeholders were involved from the beginning of the grant in the planning, implementation, assessment and problem solving process. Communication and cooperation, while difficult at first, improved significantly over time. Information sharing became routine and played a vital role in resolving transitional issues, completing treatment referrals, case management, containment team responses, and reports. The use of a Transition Coordinator proved to be an important link between services behind the wire and those received in the community. The Transition Coordinator ensured that these services were coordinated and met the specific needs of each participant. Agents were involved in the transitional process as well by establishing contact and discussing transitional issues with the MTOP participants in the institution prior to their release. The development and use of a "special condition" template was also a collaborative effort that helped ensure that expectations were clear to the participant and all members of the containment team. Linkages were immediately established upon release between treatment providers, polygraph, and supervision. These linkages were instrumental in alerting the containment team to potential risks and non-compliant behavior. Because of her familiarity with the participants and their treatment needs, Dr. Maria Haine, Co-Grant Manager and Associate Director of Psychology at Patuxent Institution became an "in-house" resource/expert available to advise staff on offender behavior and treatment needs. Dedicated caseloads for agents in Baltimore City allowed agents to devote all of their time and energy to this population. Agents felt empowered to go above and beyond the normal call of duty to help everyone, especially the members of the containment

team. The active participation of Division supervisory staff provided guidance and support at every level (case management, problem solving, and coordination of services). Standard Operating Procedures (Appendix A) were developed to guide staff in the management of this population. Without effective communication and collaboration, none of the supervision, management, containment, and treatment strategies would be effective.

Technology

We learned that polygraph testing could be used as an effective tool to help manage the sex offender population in the community. Polygraph testing can identify positive and negative information about an offender that otherwise would have gone undetected. This information was used to assist in the preparation of treatment plans, identify red flags, and allow the containment team to respond to at-risk behavior.

The stakeholders participating in this project believe GPS technology can be used as an effective tool to monitor the movement of this population in the community if the equipment is reliable and adequate vendor support is provided. However, the system used in this project, despite researching many vendors, appeared to be unreliable and lacked credible vendor support. Due to the complex nature of the equipment and the complete lack of familiarity with the technology the DPP staff felt that the initial training on the GPS equipment provided by the vendor was inadequate. Staff contacted the vendor's "tech support" frequently for training issues that were not initially addressed. The "tech support" was considered by staff to be very helpful with their training needs. The software seemed to work fine. The hardware (equipment) broke down and had to be replaced for about half of the 21 offenders that were placed on GPS. It often took 2-3 days for the vendor to replace the broken equipment. Additional delays in service were sometimes incurred when other broken equipment was used to replace broken equipment. The vendor sometimes replaced the equipment 2-3 times before they could get it to work. Good vendor support should include ensuring that the equipment is in proper working order when it is repaired or replaced. False readings were recorded when staff could verify that the offenders were in fact somewhere else. Examples of this included offenders that staff knew were in treatment or in the agent's office when the false readings were recorded. Batteries routinely went dead for no apparent reason. The vendor failed to supply the office charging stands needed to recharge the battery packs until late in the project.

Other Resources

There is a significant need to develop more resources for this population. Appropriate and housing is a scarce and critical need for this population. The lack of appropriate supervised, treatment oriented housing is compounded by the fact that sex offenders are generally not welcomed in to any neighborhood even where appropriate housing exists.

We learned that more focus is needed on increasing the role of the victim advocate in sexual offender management. The victim advocate was not fully included in the case planning process. Exploration into how to make better use of the victim advocate is needed. We never really got the sense that we knew how to properly utilize their services.

II. Data and Information

A. Collection System

The original grant design called for the development of an electronic database through the Regional Economic Studies Institute (RESI) at Towson University. The database was to be used by all the stakeholders to share information quickly and uniformly about the participants (see Appendix B). However, we were not able to fully resolve confidentiality issues with the use of this system and because of that one of the treatment providers elected not to use the system at all. The database was never fully developed or modified for staff because of the reappointment of critical staff. It was never effectively utilized.

B. Offender Data

The original grant design called for 172 sex offenders to be processed through MTOP and granted a mandatory release into the community. Only 57 offenders were released as part of this grant. These offenders participated in the “experimental group”. This significantly reduced the size of our study group.

Participants in the experimental group ranged from 22 to 70 years of age. There were a total of 42 (74%) African American and 15 (26%) Caucasian participants in this group. The participants in the experimental group were divided into four sub-groups with each sub-group receiving a different level of services in the community. Group 1 contained 2 participants and they received intensive supervision only. Group 2 contained 28 participants and they received intensive supervision and transitional services. Group 3 contained 6 participants and they received intensive supervision, transitional services, and sex offender treatment. Group 4 contained 21 participants and they received intensive supervision, transitional services, sex offender treatment, and GPS/Polygraph testing.

A “control group” was established to offer a comparison group for the experimental group. There were a total of 34 sex offenders that were processed through conventional parole/release processes and placed into the control group. They ranged from 21 to 66 years of age. There were 23 (68%) African American and 11 (32%) Caucasian participants in this group.

Information for the research was gathered from the supervising agent’s case records and OBSCIS II, an electronic information system maintained by the Division of Parole and Probation. The chart on the following summarizes that data.

MTOP

Experimental Group N=57						Control Group N=34
	Grp 1	**Grp 2**	**Grp 3**	**Grp 4**	**Totals**	
# assigned to each group	**2**	**28**	**6**	**21**	**57**	
# convicted of new sex crime	0	0	0	0	0	1
# convicted of new crime (other)	0	1	0	0	1	4
# delinquent for technical reasons	0	1	0	1	2	0
# delinquent for new offense	0	2	0	0	2	2
# revoked for technical reasons	1	6	1	11	19	7
# revoked for new offense	0	0	0	0	0	3
# closed unsatisfactorily, other	0	1	1	0	2	1
# closed unsatisfactorily, new offense	0	0	0	0	0	1
# closed by death	0	0	0	0	0	1
# closed by expiration	0	7	1	4	12	13
# still under active supervision	1	11	3	5	20	6

Group #1 = Intensive Supervision only.

Group #2 = Intensive Supervision, and Transitional Services.

Group #3 = Intensive Supervision, Transitional Services, and Community Treatment.

Group #4 = Intensive Supervision, Transitional Services, Community Treatment, and GPS/Polygraph Testing.

When reviewing this chart, the following definitions apply.

- # assigned to each group – this is the number of MTOP participants assigned to each of the four experimental sub-groups.
- # convicted of new sex crime – this is the number of offenders in each of the experimental sub-groups and control group that were convicted of a subsequent sex crime (rape, 1st or 2nd degree sexual assault, sexual child abuse, etc.).
- # convicted of new crime (other) – this is the number of offenders in each of the experimental sub-groups and control group that were convicted of a subsequent crime, other than those classified as sex crimes.
- # delinquent for technical reasons – this is the number of offenders in each of the experimental sub-groups and control group that have had a warrant issued for technical parole violations (violations of their release order for reasons other than the commission of a new offense). It has not yet been served and/or adjudicated.
- # delinquent for new offense – this is the number of offenders in each of the experimental sub-groups and control group that have had a warrant issued for the commission of a new offense. It has not yet been served and/or adjudicated.
- # revoked for technical reasons – this is the number of offenders in each of the experimental sub-groups and control group that had their parole revoked and they were re-incarcerated for technical violations.
- # revoked for new offense – this is the number of offenders in each of the experimental sub-groups and control group that had their parole revoked and they were re-incarcerated for the commission of a new offense.
- # closed unsatisfactorily, other – this is the number of offenders in each of the experimental sub-groups and control group that were ordered closed by the Maryland Parole Commission, for technical violations, in lieu of revocation.
- # closed unsatisfactorily, new offense – this is the number of offenders in each of the experimental sub-groups and control group that were ordered closed by the Maryland Parole Commission, for the commission of a new offense, in lieu of revocation.
- # closed by death – this is the number of offenders in each of the experimental sub-groups and control group that were closed because the offender died while under supervision.
- # closed by expiration – this is the number of offenders in each of the experimental sub-groups and control group that had their cases closed satisfactorily at expiration.
- # still under active supervision – this is the number of offenders in each of the experimental sub-groups and control group that remain under active supervision.

C. Evaluation

The grant fell short of its projection to process 172 sex offenders into the MTOP experimental group. With only 57 participants in this group, the data with which to compare the experimental and control groups was significantly reduced. However, a few comparisons were made from the data above.

None of the participants in the experimental group were convicted of a subsequent sex crime. There was one participant in the control group that was convicted of a subsequent sex crime.

There was one (1) participant (2%) in the experimental group that was convicted of a subsequent crime, other than a sex crime (CDS Possession). There were four (4) participants (15%) in the control group that were convicted of subsequent crimes, other than a sex crime. They were Burglary (3rd degree), Failing to Register as a Sex Offender, CDS Possession (2 cts), Possession of CDS With Intent to Distribute, and Theft.

None of the participants in the experimental group were revoked and re-incarcerated for the commission of a new offense. Three (3) of the participants (9%) in the control group were revoked for the commission of a new offense.

There were 19 participants (33%) in the experimental group that were revoked and re-incarcerated for technical violations. Technical violations include any violation of the release order for reasons other than the commission of a new offense. None of the 21 offenders ordered to participate in polygraph testing were violated for failing to participate in polygraph testing or for disclosing incriminating information about prior criminal activity. Participants in each of the experimental sub-groups, were revoked for technical violations at the following rates:

- Group 1 = 1 of 2 for a rate of 50%
- Group 2 = 6 of 28 for a rate of 21%
- Group 3 = 1 of 6 for a rate of 17%
- Group 4 = 11 of 21 for a rate of 52%

There were 7 participants (21%) in the control group that were revoked for technical violations.

There were 12 of 57 participants (21%) in the experimental group that that had their cases closed satisfactorily at expiration. There were 13 of 34 participants (38%) in the control group that had their cases closed satisfactorily at expiration.

Even though the size of our experimental and control groups are quite small, it would appear that through the use of GPS/Polygraph technology and the containment team concept we were able to identify and respond to at risk behavior before the offender re-offended. The higher revocation rate for technical violations in the experimental group may be the result of closer scrutiny and heightened controls on this population. No one in the experimental group was convicted of a subsequent sex crime, whereas one offender was convicted of a subsequent sex crime in the control group. This enhanced scrutiny may pay off in the prevention of other criminal behavior as well. There were 2% of the participants in the experimental group that were convicted of subsequent crimes (other than sex crimes) as compared to 15% of the control group population.

There was no self-report component for participants built into the evaluation to capture their thoughts and feelings about the MTOP program.

III. Recommendations

The grant demonstrated how community based sex offender specific treatment can be used to help manage the sex offender population in the community. It demonstrated how, through the coordination and cooperation of a containment team, we can respond quickly in the community to at-risk or non-compliant behavior. Polygraph testing was

useful in gathering information that was never before available and it was used to develop case plans, treatment strategies, and respond to at-risk behavior. And although its potential was never fully realized, all of the stakeholders participating in this grant believe that the use of GPS can be an important tool in monitoring the whereabouts and movement of this population. Linkages among stakeholders were established where none previously existed. None of the offenders in the experimental group were convicted of a subsequent sex crime.

The planning, development and implementation of the MTOP program presented the State of Maryland with some unique challenges. They were unique because of the many partnerships that had to come together in a way that had never been done before. Out of this experience came a greater understanding by all the partners of how to better manage the sex offender population in the community. This is a work in progress and the knowledge gained from this grant can help us develop future strategies for dealing with this population.

A. Supervision

1. The State of Maryland should explore ways to continue the use of this supervision model, and in particular the containment team concept, in the Baltimore Metropolitan area, and expand its use to other parts of the state to better manage/supervise the sex offender population.
2. The State of Maryland should explore ways to dedicate motivated well-trained agents to sex offender caseloads.
3. The State of Maryland should look to develop a Transition Coordinator position, modeled after the one in this project, to bridge transitional issues between incarceration and release to the community.

B. Treatment

1. The State of Maryland should explore ways to continue the sex offender treatment model in the institutional setting for those offenders that will benefit from cognitive/behavioral treatment.
2. The State of Maryland should explore ways to provide sex offender treatment in the community in the Baltimore Metropolitan area and other parts of the state.

C. Technology

1. The State of Maryland should explore the use of polygraph testing statewide.
2. The State of Maryland should explore the use of GPS monitoring in those parts of the state where there is a significant sex offender population. It is absolutely critical, however, to first ensure that the equipment used is dependable and the vendor support adequate to service the system.