

Location Monitoring Program

The home confinement program was first introduced in the judiciary in March 1986. In response to deficit reduction legislation, the United States Parole Commission and the Administrative Office of the United States Courts initiated an experimental “Curfew Parole Program.” Officers monitored the participants through random telephone calls and weekly in-person contacts. Because of limited resources and increasing responsibilities, the ability of officers to enforce curfews adequately with random telephone calls became a concern.

As a result, a pilot study (a joint venture with the Bureau of Prisons and the Administrative Office of the United States Courts initiated by the United States Parole Commission) was launched. On January 19, 1988, the first participant was released to curfew parole using electronic monitoring. In 1989, the Judicial Conference Committee on Criminal Law approved the expansion of the pilot program to 12 districts and included not only prerelease inmates and parolees, but also offenders on probation and supervised release, and federal defendants on pretrial supervision. In 1991, the pilot program expanded nationally, with 63 districts participating.

In 1993, the Administrative Office of the United States Courts awarded its first national contract to provide electronic monitoring services to its defendant/offender population. By 2007, there were over 23,000 defendants/offenders with either a home confinement condition or a condition requiring the use of electronic monitoring. The newly named Location Monitoring Program (LMP), emphasizes the full array of location monitoring technologies that can now monitor for alcohol usage as well as defendant/offender’s location in the community rather than just at their residence.

Program Components

The levels of restriction in the Location Monitoring Program range from a nighttime curfew to 24-hour home incarceration. The degree to which defendants/offenders are permitted to leave their homes is determined case by case and depends on the purpose and the intent of the judicial officer or releasing authority. *Home Curfew* requires the participant to remain at home during set time periods of the day. *Home Detention* requires a participant to remain at home at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court-ordered obligations, or other activities as approved by the officer. *Home Incarceration*, the most restrictive component of the location monitoring program, requires 24-hour-a-day lock-down except for medical necessities and court appearances or other activities specifically approved by the court.

In pretrial cases, the goal is to address the risk of nonappearance and/or danger to the community. In June 2006, The Adam Walsh Child Protection and Safety Act went into effect. This act requires that the courts impose location monitoring as a condition of pretrial release in any case that involves a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A,

2252(a)(1) to (3), 2252A(a)(1) to (4), 2260, 2421, 2422, 2423, 2425, or a 2250 failure to register offense. With the implementation of this act, the number of pretrial participants in the program significantly increased.

In post-conviction supervision, the goal is the successful completion of the term of supervision, during which the offender commits no new crimes; is held accountable for victim, family, community and other court-ordered responsibilities; and prepares for continued success through improvements in his/her conduct and condition. The use of location monitoring technology is also used as a sanction or action when addressing violations.

Technology

The probation office currently utilizes two types of location monitoring technology: Radio Frequency (RF) and Global Satellite Positioning (GPS). With both types of equipment the defendant/offender wears a non-removable, waterproof, and shock-resistant transmitting device around their ankle 24 hours a day. We also utilize Video Information Capture Devices (VICAP) to monitor for alcohol abuse. Selections and recommendations for the type of location monitoring technology is determined by the purpose for its use and how the technology will mitigate risks, address violations and fulfill sentencing objectives.

RF surveillance is designed to alert an officer when a participant leaves a specific location (usually the residence), returns home late (or leaves early) from a pre-approved schedule, or tampers with the electronic monitoring equipment. The ankle transmitter emits a radio frequency signal to a monitoring unit (HMU) that is connected to the home telephone line. When the transmitter comes within the signal range of the HMU, the monitoring unit calls in to the monitoring center to report the recorded information. This information is then made available to the Probation Officer. In order to reduce interference with this process, the phone line that is connected to the HMU must be free of any extra features such as caller ID, call waiting, voicemail/answering machines and cordless phones. In situations where a phone line is not available, a Cellular RF unit is used. The equipment uses the same technology, but instead of using a land line, it is equipped to transmit a cellular signal to the monitoring center.

With GPS monitoring, the defendant/offender's location is detected via Global Positioning System satellites that transmit signals to location monitoring equipment on the ground. GPS satellites transmit data to the device that indicates its location and current time. When the receiver estimates the distance to at least four GPS satellites, it calculates its position in three dimensions and reports the information to the monitoring center and then on to the Probation Officer. We currently use a 1 piece device that requires that the defendant/offender attach a power cord from the ankle device to a power supply for at least 2 hours a day.

VICAP technology is used to address violations of alcohol restrictions or new arrests for Driving Under the Influence. The unit is placed in the home and connected to a phone line free of extra

features. The defendant/offender will receive phone calls from the monitoring center during a time frame determined by the Probation Officer. During the phone call, the defendant/offender will be required to blow into a handheld blood alcohol testing device. The camera located on the VICAP monitor transmits a video stream of the process to the representative placing the call. The results are then reported to the Probation Officer.

There are many misconceptions about what location monitoring technology can and cannot do. The technology does not allow officers to intercept bad behavior before it happens. However, it does provide officers with a wealth of information about patterns of behavior that can be used to address a defendant/offender's accountability and improve supervision. Since the Location Monitoring Program is an alternative to incarceration or detention, monitoring the location and activities of program participants is an important responsibility. Monitoring compliance with the conditions of the program is a demanding role for officers. In addition to normal supervision duties, supervising home confinement program participants requires frequent telephone calls, unannounced field visits, and 24-hour, 7-days-a-week response to key monitoring alerts. Officers must regularly verify participants' activities during approved absences, which requires planned investigations to verify locations and activities. The concept behind location monitoring technology emphasizes the use of the technology as another tool to facilitate the goals of our Probation and Pretrial Officers as stated in our Charter for Excellence:

“ Protecting the community through the use of controlling and correctional strategies designed to assess and manage risk; and

“Facilitating long-term, positive changes in defendants and offenders through proactive interventions”.