



NEW JERSEY STATE PAROLE BOARD

Report on New Jersey's GPS Monitoring of Sex Offenders



**Submitted to Governor Jon S. Corzine
And the New Jersey State Legislature**

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REPORT ON NEW JERSEY'S GPS MONITORING OF SEX OFFENDERS

BACKGROUND

New Jersey's "Sex Offender Monitoring Pilot Project Act" became law in August 2005, authorizing the New Jersey State Parole Board to subject up to 250 of the State's most dangerous registered sex offenders to round-the-clock Global Positioning System (GPS) monitoring. The statute was retroactive in calling for GPS monitoring of all Tier III sex offenders who were not incarcerated or subject to civil commitment. The statute also allowed the State Parole Board Chairman to subject non-Tier III sex offenders to GPS monitoring, based on established statutory criteria and an assessment of their risk to the public.

The Act requires the Chairman of the State Parole Board to "submit a report evaluating the effectiveness of the pilot program to the Governor and the Legislature within 90 days upon completion of the pilot program. The report shall recommend whether the pilot program should be continued as a Statewide program." Based on his review of the pilot program, State Parole Board Chairman Peter J. Barnes Jr. strongly supported extending GPS monitoring indefinitely, prior to the program's expiration on August 11, 2007. GPS monitoring now continues under the "Sex Offender Monitoring Act," which was enacted before the pilot program ended.

As explained in this report, only one of the GPS program's total 225 sex offenders has been implicated in a new sex crime. This initial data suggests the State Parole Board's GPS monitoring has contributed to a significantly lower recidivism rate than nationwide data indicates for high-risk sex offenders. Moreover, the GPS monitoring data was available to aid the investigation, by placing the sex offender at the time and place of the new crime.

The State Parole Board's caseload of more than 4,300 sex offenders is one of the largest in America, mainly due to the advent of Supervision for Life sentencing guidelines for sex offenders. Under state law, the vast majority of sex crimes committed on or after October 31, 1994 will result in Supervision for Life. Prior to the introduction of this sentencing guideline, sex offenders made up less than 5 percent of the State Parole Board's caseload. Today, they make up nearly a third of the caseload, with a net increase of about 45 new sex offenders each month. The Legislature has designated the State Parole Board as the body responsible for managing all sex offenders sentenced to lifetime supervision.

The goal of the State Parole Board's supervision of sex offenders – independent of whether a particular sex offender is subject to GPS monitoring – is to prevent further victimization. The agency employs

Evidence-Based Practices, drawn from the most effective supervision practices in New Jersey and elsewhere, for sex offenders and other offenders on the State Parole Board's caseload.

Due to the compulsive and secretive behavior shown by sex offenders, however, these offenders require specific, intensive methods of supervision. Following guidelines recommended by the National Institute of Justice,¹ the State Parole Board has adopted a "containment" approach to sex offender supervision. This approach includes intensive parole supervision and information sharing with partner law enforcement agencies; sex offender-specific treatment to help control sex offenders' impulsivity; and will soon include polygraph examinations in certain cases, to obtain sexual history information and monitor offenders for behaviors that increase the risk of re-offense.

The GPS monitoring of New Jersey's highest-risk sex offenders is a vital component of this model. It helps parole officers verify sex offender behavior; allows law enforcement agencies to share information and intercept new violations; encourages sex offenders to accept responsibility for their actions; and provides data that can serve as invaluable evidence for police and courts.

THE RESULTS

A total of 225 sex offenders have been subject to GPS monitoring in New Jersey since the program began. Significantly, only one of these high-risk sex offenders has been charged with a new sex crime while under GPS supervision. The sex offender was arrested at the crime scene, a rape that occurred in April 2006. Even if the sex offender had left the scene, however, GPS data was available to pinpoint his presence at the time and place of the crime, and was ready to serve as a vital aid to the investigation.

During the pilot program, 19 other sex offenders were charged with non-sexual new crimes or technical violations of the GPS statute or other supervision conditions. Violations of the statute include refusing to maintain the GPS monitoring equipment, failing to carry it, or physically tampering with the equipment.

A nationwide study by the U.S. Department of Justice, Bureau of Justice Statistics found that 5.3% of sex offenders were arrested for a new sex crime within three years of their release from prison, with 40% of new sex crimes occurring within the first 12 months of their release². Consistent with the fact that many sex crimes are not reported to law enforcement, a separate analysis indicated sex crime recidivism levels two to three times higher than the re-arrest rates in the BJS study³. In addition, research indicates a small subgroup of extremely dangerous sex offenders has a much higher recidivism rate, estimated as high as 50% to 80%⁴.

It should be noted that research indicates sexual assault is a vastly underreported crime, for a variety of reasons⁵. However, the State Parole Board's initial data suggest GPS monitoring has contributed to a lower recidivism rate than nationwide data indicates for high-risk sex offenders.

¹ English, K., Pullen, S., & Jones, L., (1997). *Managing Sex Offenders in the Community – A Containment Approach*. Washington, DC: U.S. Department of Justice, National Institute of Justice

² Langan, P., Schmitt, E., & Durose, M. (2003). *Recidivism of Sex Offenders Released from Prison in 1994*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

³ Hanson, R. K. & Bussiere, M. (1998). Predicting Relapse: A Meta-Analysis of Sexual Offender Recidivism Studies. *Journal of Consulting and Clinical Psychology*, 66(2), 348-62.

⁴ Hanson, R. K. (1998). What Do We Know About Sex Offender Risk Assessment? *Psychology, Public Policy and Law*, 4(1/2), 50-72.

⁵ Bynum, T., et al. (2001). *Recidivism of Sex Offenders*. Silver Spring, MD: Center for Sex Offender Management, Office of Justice Programs, U.S. Department of Justice.

GPS monitoring appears to encourage these high-risk sex offenders to control their behavior, and avoid situations that would inspire new crimes. These sex offenders know their movements are recorded, time-stamped and stored, and will be used as evidence in the investigation of any new sex crimes. The sex offenders receive a constant reminder in that they are responsible for wearing the monitoring equipment at all times, and for recharging the GPS tracker battery at least once every day. Any who fail to meet these requirements are subject to arrest and prosecution.

The GPS monitoring vendor stores GPS tracking data for the State Parole Board, for a minimum of three years. The State Parole Board regularly provides this data to other law enforcement agencies, to assist in their investigations of new sex crimes. On more than a dozen occasions, GPS data was able to eliminate the entire GPS caseload as suspects in new sex crimes, by showing that all of these individuals were elsewhere when the crime took place. As of this writing, such investigations have not implicated members of the GPS caseload in any new crimes.

New Jersey's results appear to be consistent with research indicating GPS monitoring significantly reduces the likelihood of new offenses and parole violations for sex offenders and other serious offenders⁶.

IMPLEMENTATION OF THE GPS PROGRAM

During the first 15 months after the Sex Offender Monitoring Pilot Project became law in August 2005, the State Parole Board worked closely with the Attorney General's Office, New Jersey State Police and all 21 County Prosecutors to assure that each Tier III sex offender in New Jersey was identified, located and notified of their obligations under the statute. Eighty-three of these sex offenders were not subject to any supervision prior to the enactment of the Pilot Project.

The State Parole Board began enrolling sex offenders in the program in October 2005. As of December 2006, all available Tier III sex offenders who were not incarcerated or under civil commitment, had been enrolled in the program and were under GPS monitoring. Since the enactment of the statute, 24 Tier III sex offenders have left New Jersey and declared their residency in other states. In addition, 22 have had their tier lowered and are no longer subject to GPS monitoring.

The current total of 160 sex offenders under GPS supervision includes 124 Tier III sex offenders and 36 high-risk sex offenders within Tiers I or II. As of this writing, there are 45 high-risk sex offenders currently incarcerated, who will be subject to GPS monitoring immediately upon release.

THE TECHNOLOGY

The GPS monitoring legislation requires that the State Parole Board investigate and respond to all program violations immediately and at all times. With this in mind, the State Parole Board reviewed the specifications of passive GPS devices – which only report violations once per day, and not necessarily at a time contemporaneous to the violation – and active GPS devices. The agency decided in October 2005 that only active GPS devices would be used. The State Parole Board has used four GPS monitoring products provided by two different vendors, and now uses GPS equipment and services provided by BI Incorporated, of Boulder, CO. The State Parole Board continues to evaluate this equipment, and keep aware of new advances in GPS monitoring technology.

⁶ Padgett, K., Bales, W., and Blomberg, T. 2006. Under Surveillance: An Empirical Test of the Effectiveness and Consequences of Electronic Monitoring. *Criminology and Public Policy*, 5(1), 61-92.

The GPS device currently used consists of three components: an ankle-mounted transmitter worn by the sex offender at all times; a cell phone-sized GPS tracking device the sex offender must carry at all times while outside their residence; and a battery charger the offender can plug into a wall outlet or use in a vehicle. The ankle-mounted transmitter is durable, resistant to the impacts and abrasions of everyday use, waterproof to a depth of 50 feet, and has a minimum one-year battery life. The transmitter maintains constant contact with the GPS tracking device, to oversee sex offender compliance with monitoring and tracking.

The GPS tracking device may be carried in the sex offender's pocket or in a belt-mounted holster. It collects and stores GPS satellite location data every 10 seconds, and communicates that data to the monitoring vendor's host computer every one to three minutes. This data is stored as time-stamped points on an electronic map, showing exactly where the sex offender is and was, at 10-second intervals. A secure website allows parole officers to view each sex offender's current or past locations and movements.

The GPS tracking device generates an alert if the sex offender attempts to leave the State of New Jersey; if the ankle-mounted transmitter or tracking device are tampered with, removed or damaged; if the ankle-mounted transmitter and GPS tracking device are more than 50 feet apart; or if either component's battery runs low or fails.

The State Parole Board maintains an around-the-clock street presence of parole officers who assure a timely response to all program violations and monitoring alerts. When a GPS monitoring alert is generated, the vendor's host computer immediately notifies the parole officers on duty. The majority of alerts are related to the limitations inherent in obtaining GPS satellite location data and wireless communication coverage. If communication with a monitored sex offender is lost, parole officers respond to the individual's last known location and search until the sex offender is located. Sex offenders found to have tampered with the equipment, or to have taken steps to avoid being monitored, are subject to arrest and prosecution.

Many sex offenders follow a similar pattern when they are first placed on GPS monitoring. They test the equipment and its limits by letting the battery run out, or by leaving home without the tracking device. The sex offenders soon learn that each attempt to avoid monitoring generates an alert and a swift response from parole officers, and that persistent failure to comply will result in a return to incarceration.

SEX OFFENDER TREATMENT AND POLYGRAPH TESTING

Under the containment model for sex offender supervision, parole officers work closely with the psychologists who provide treatment to sex offenders on their caseload. This partnership between parole officer and therapist allows for supervision planning based on an understanding of the sex offender's risk factors, and rapid response to warning signs noticed by the therapist or parole officer.

Through a partnership with the University of Medicine and Dentistry of New Jersey's treatment services, the State Parole Board provides certain offense-specific treatment services for sex offenders who need this specialized form of treatment but cannot afford to obtain it from private providers. Offense-specific treatment for sex offenders is based on cognitive-behavioral principles, and directly addresses sexual offending behaviors and the thinking that offenders use to rationalize and excuse this criminal behavior. Research has shown that individuals who complete this specialized treatment recidivate at a significantly lower rate than those who fail to complete treatment⁷. Working collaboratively, parole officers and

⁷ Losel, F. & Schmucker, M. (2005). The Effectiveness of Treatment for Sexual Offenders: A Comprehensive Meta-Analysis. *Journal of Experimental Criminology*, 1(1), 117-146.

treatment providers can often identify the issues that indicate a parolee is at higher risk, can and intervene proactively to prevent a new offense.

Within the next several months, the State Parole Board will launch the use of polygraph testing for sex offenders. It is well known that polygraph results are not admitted as evidence in criminal cases. However, it has been shown in other states that polygraphs can enhance sex offender supervision and treatment by making it possible to uncover new information about an offender's past and present behaviors⁸.

Three New Jersey parole officers have completed their polygraph training at the Academy for Scientific Investigative Training in Philadelphia, and the State Parole Board plans to send seven additional parole officers for training with help from a \$50,000 Federal grant. The State Parole Board is currently developing the procedures to be used for sex offender polygraph testing.

GPS CASE EXAMPLES

The following case examples demonstrate ways in which the State Parole Board's GPS monitoring has intercepted violations by sex offenders, and has helped law enforcement agencies work together to protect the public.

In Sussex County, GPS tracking data revealed that a sex offender was repeatedly staying at an address other than his registered address. The unauthorized address turned out to be the residence of his girlfriend, who had an infant in the home. This data was turned over to the Prosecutor's Office. The sex offender was investigated and charged with violations of Megan's Law for failing to stay at his approved address.

In Burlington County, a sex offender's past victim reported the sex offender was stalking her. A review of GPS tracking data revealed that the sex offender had been at the former victim's place of employment and near her home. This information was turned over to the Prosecutor's Office. A case for stalking and harassment is currently pending.

In Bergen County, a Tier III juvenile sex offender under GPS monitoring was found to be in the area of a former victim's home, in violation of a probation condition that he have no contact with any prior victims. This data was provided to Bergen County Probation, and the sex offender was returned to custody pending a probation violation hearing.

In Union County, the GPS monitoring program tracked a Tier III sex offender to a residential mental health treatment facility where it turned out he was employed. Parole officers investigated and determined the sex offender did not register his employment with the Prosecutor's Office as required under Megan's Law. The prosecutor was notified, and the subject was suspended from his employment as it was determined that his commitment offense involved elderly victims.

CONCLUSION

The parole officers charged with supervising our sex offender caseload have one of the most challenging law enforcement assignments in America. It is an assignment that requires constant vigilance while managing with a population known to be deceptive and manipulative. This mission carries the stress of

⁸ English, K., Pullen, S., & Jones, L. (1996). *Managing Adult Sex Offenders: A Containment Approach*. Lexington, KY: American Probation and Parole Association.

knowing that a new sex crime, far more than a new crime committed by virtually any other type of criminal, will create unbearable suffering for victims, their loved ones and all of society. These parole officers undergo specialized training for “secondary trauma,” the emotional burnout that can result from becoming deeply acquainted with sex offenders who have committed heinous sexual crimes against innocent victims.

The State Parole Board’s containment approach to sex offender management is drawn from nationwide research into the best practices for managing this highly dangerous population. The use of intensive supervision, law enforcement information sharing, and sex offender-specific treatment are targeted to most effectively use external law enforcement controls, and internal psychological controls, to prevent further sexual victimization.

The ongoing GPS monitoring of New Jersey’s highest-risk sex offenders is an essential tool in this initiative. The initial data suggest the State Parole Board’s GPS monitoring has contributed to a significantly lower recidivism rate than nationwide data indicates for high-risk sex offenders. The monitoring also provides an invaluable resource for investigations, by providing data that can be compared with the times and places of new sex crimes.

The State Parole Board will continue to fulfill Governor Corzine’s and the Legislature’s mandate through the GPS monitoring of the State’s most dangerous sex offenders. In concert with this effort, the agency will continue to review and implement the best available methods and practices for sex offender supervision. We are grateful for the enthusiastic support these efforts have received from the Governor, the Legislature and the citizens of New Jersey.