



A Call for Evidence-Based Policy

Sex Offender Electronic Monitoring Has Advantages, Problems

Electronic monitoring devices come with certain advantages, but are also accompanied by a host of problems, such as increasing officer workload, agency liability and large financial costs. Sex offender policies must avoid knee-jerk reactions and move toward rational evidence-based practices to most effectively protect our communities against sex-related crimes.

By Matthew DeMichele, Brian Payne and Deeanna Button

Sex offenders have some of the lowest recidivism rates among all felons, according to 2003 figures from the Bureau of Justice Statistics. But government officials at all levels are arguing for increased sentences, longer parole and probation periods, additional supervision conditions, civil commitment and numerous other strategies to punish sex offenders.

There has been a recent flood of legislation targeting sex offenders, the most significant of which is the federal Adam Walsh Act. This act, and several at the state level, require community corrections agencies to develop and evaluate electronic monitoring devices for sex offenders. While 28 states have provisions stipulating that electronic monitoring can be used for sex offenders—following the lead of the Adam Walsh Act—several states have passed or are proposing legislation calling for sex offenders to wear electronic monitoring bracelets or anklets for the rest of their lives. Missing from this legislative push to expand electronic monitoring for sex offenders is discussion about potential unintended policy consequences and costs.

Sex Offender Supervision: An Emotional Environment

Crime control policies often have unintended negative consequences. Few policy areas are generating more excitement, media coverage and political concern than those related to crime and justice. Whether it is newscasters displaying images of brutal homicides or discussing chemical castration for sex offenders, it seems the old journalistic adage of “if it bleeds it leads” holds true. This media attention fosters a sensationalized perception of sex offender issues, which potentially fosters an emotionally laden policymaking environment.

There are few who will argue on behalf of sex offenders. To be sure, these crimes violate social and cultural sensibilities—especially when perpetrated upon the young—and cause long-term pain and harm to their victims. This moral outrage against sex offenders necessitates cautious policy development and thoughtful, not knee-jerk, reactions. Just as one would not advocate fighting fires with untested and unproven liquids or devices, one should not wholeheartedly endorse untested strategies to control sex offenders.

Sex Offenders: Put on This Bracelet

Although labeled a registration and notification bill, the Adam Walsh Act contains several provisions that shift expectations for probation, parole and pretrial agencies that supervise offenders and defendants convicted or charged with a sex crime.

Cumulatively, this legislation may fail to consider the circumstances surrounding behaviors that constitute sexual offenses and realistic expectations for electronic monitoring. Sex offending is not something that takes place solely among strangers. Estimates from the Office of Juvenile Justice and Delinquency Prevention in 2000 suggest that 96 percent of all sex crimes targeting children are committed by someone the victim knows. Half the offenders are family members who presumably commit the offense in their home. If this is the case, what can electronic monitoring do to protect potential

victims? Before instituting such sweeping mandates for electronic monitoring—or other interventions—research is needed to determine if such an expensive and time-consuming intervention is effective at reducing sex offenses.

Experts estimate that the recently passed Proposition 83 would cost Californians up to \$160,000 a day. This translates into an annual cost of more than \$57 million, with the annual cost expected to grow to \$100 million within 10 years. The cost of monitoring sex offenders in Wisconsin is estimated at up to a half billion dollars over a 20-year timeframe. The high cost stems partly from fees for the technology, but primarily from workload increases assigned to probation officers. Federal guidelines suggest probation officers supervising sex offenders maintain caseloads of about 25 offenders, though their caseloads are often around 40 sex offenders. Probation departments expected to monitor sex offenders around the clock would see their workloads escalate but would need to reduce each officer’s caseload substantially.

Electronic monitoring began in the U.S. in 1984 when Judge Jack Love of New Mexico was inspired by a Spiderman comic to utilize radio frequency and landline telephone technology on offender populations. Initial electronic monitoring devices required an offender to wear a bracelet or anklet emitting a radio signal that is detected by a receiver connected to a landline telephone. The transmitter and receiver are to remain within a certain distance of one another, and the telephone connection allows for sending messages to a central monitoring agency or community corrections officer. These systems are commonly known as home detention or house arrest programs, and provide information on the times when an offender is away from home. They do not provide any information about what offenders are doing while at home or where they are when they leave.

The technological community responded to the limitations of first generation devices and began incorporating cellular telephone technologies and global positioning satellites. Now, offenders are fitted with GPS devices—as mandated in the Adam Walsh Act—that can provide near real-time information regarding an offender’s location. Knowing where a sex offender travels throughout the day provides several advantages for community supervision. It is possible to reduce offending by preventing sex offenders from entering areas (exclusion zones) with heightened criminal opportunities, such as schools and playgrounds. Through analyzing the daily movements of an offender, a community supervision officer may uncover a pattern to an offender’s behavior and discern times at which the likelihood for re-offending escalates, and make case management adjustments.

There is no doubt that we live in an increasingly technological society, but we must avoid urges to hop on the latest technological bandwagon. Technological gadgetry should not lead the development of programs using electronic monitoring devices. Instituting any electronic monitoring conditions comes with numerous costs, considerations and potential pitfalls. There are equipment failures, damaged equipment, equipment maintenance, false alerts, dead zones (areas which a signal cannot be located), and several other everyday considerations



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that policymakers must calculate into any electronic monitoring policy.

Electronic Monitoring: Can It Reduce Crime?

Contemporary crime control policies need to move away from mythical perspectives on sex offenders and electronic monitoring and toward the evidence. The correctional field has followed the medical and professional fields by institutionalizing processes rooted in effective interventions. The National Institute of Corrections and its partners in 2004 developed a set of principles known as evidence-based practices. The underlying philosophy is simple: Correctional practices and programs must be supported by rigorous applied research and evaluations; no longer can correctional administrators and policy-makers defend practices by simply claiming that is “the way things have always been done.” There are no more excuses for failing to locate and implement effective correctional practices and policies, and programs using electronic monitoring devices are no different.

Before determining whether something works, we must define the expectations. Is electronic monitoring for sex offenders being passed to punish, to track, to rehabilitate or for some other purpose? According to evidence-based practices, the community corrections field should utilize a balanced approach between treatment, surveillance and accountability to prevent further abuse, hold offenders accountable and work toward long-term behavior change. The ultimate outcome for

these agencies is measured through recidivism—the number of offenders re-arrested, reconvicted or revoked for a non-crime technical violation. What does the research community say about electronic monitoring? Do electronic monitoring devices improve case management and public safety? Do these devices bring about long-term behavior change?

There is little scientific research documenting the effectiveness of electronic monitoring devices with sex offenders or other offenders. Mark Renzema and Evan Mayo-Wilson in 2005 conducted the most thorough review thus far of research literature on electronic monitoring effectiveness. They found only three research reports met all their inclusion criteria as methodologically rigorous; one was from the United Kingdom. The overall assessment is that “applications of electronic monitoring as a tool for reducing crime are not supported by existing data,” according to their report in the *Journal of Experimental Criminology*.

A 2000 investigation—by James Bonta, Suzanne Wallace-Capretta and Jennifer Rooney—found slightly lower recidivism for high-risk offenders in a program using electronic monitoring devices. Most interesting about these findings is that the electronic monitoring component was not what reduced re-offending. Rather, high-risk offenders supervised with an electronic monitoring device seem to have a greater likelihood of completing treatment, with those who completed treatment performing better overall. Therefore, the offenders in the electronic monitoring program were more likely to complete treatment, and the interaction between these two interventions—cognitive-behavioral treatment and electronic monitoring—reduced recidivism.

The 2000 study tells us nothing, however, about how electronic monitoring affects the behavior of violent or sex-related offenders because these groups were excluded from the study. A 2002 study by Mary Finn and Suzanne Muirhead-Steves, however, compared the likelihood a violent offender would return to prison within four years of release. These researchers determined that electronic monitoring had little direct impact on reducing reincarceration or extension of offenders' time in the community. Sex offenders supervised with electronic monitoring devices performed better than similar (based on criminal history) sex offenders not in the program. The authors, however, do not call for increased use of electronic monitoring for sex offenders. Instead, they call for more research on this topic—their sample was limited to 35 monitored sex offenders—to understand how this group experiences the monitoring sanction and conclude that electronic monitoring “does not appear to ensure greater community protection.”

A recent evaluation of more than 75,000 offenders supervised with electronic monitoring devices in Florida uncovered reduced revocations for new crimes, technical violations and absconding for sex offenders supervised with electronic monitoring devices. The findings need to be carefully accepted as the authors—Kathy Padgett, William Bales and Thomas Blomberg—acknowledge that sex offenders, regardless of being supervised with an electronic monitoring device, were the least likely of all types of offenders to have their supervision revoked due to a new crime or to abscond. Implicitly this calls into question the need to aggressively monitor all sex offenders in the same way.

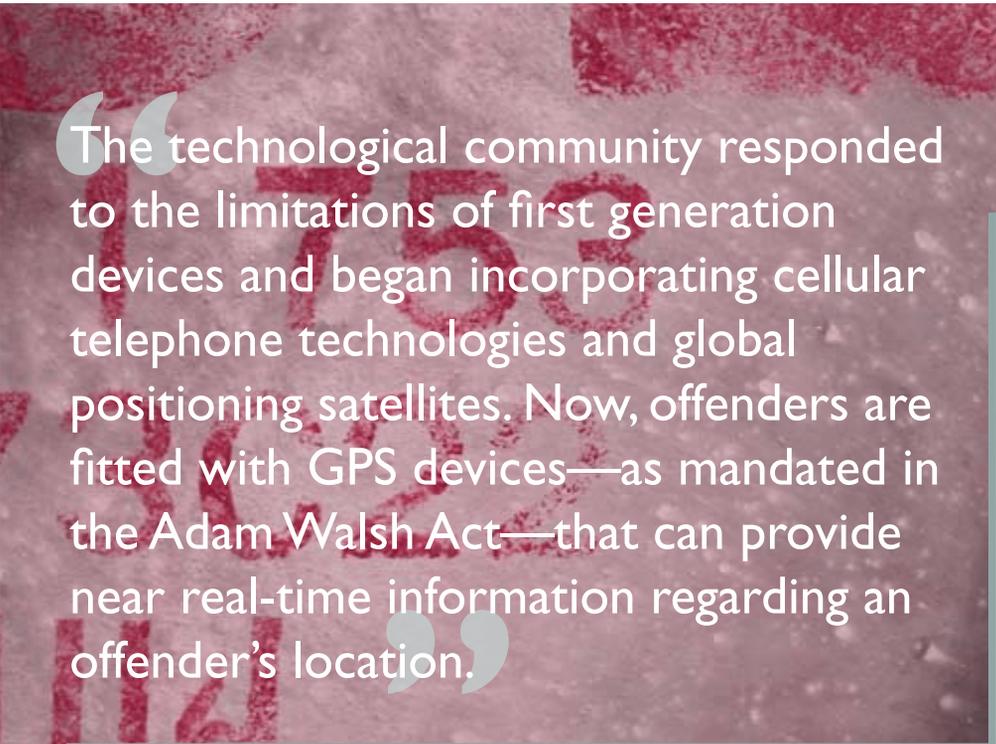
Conclusion: Electronic Monitoring A Tool, Not The Solution

What is reasonable to expect from community corrections? Community corrections, institutional corrections, the police and the entire justice system are not capable of ending all sex offending. This is not to say that nothing works with sex offenders. Rather, simply to point out that ending all of any type of offense may not be a realistic (or fair) goal for the justice system. If we consider one of the most powerful social institutions, the medical field, success is not measured by the eradication of all diseases or ending all cancer or diabetes. Instead, more incremental goals—such as uncovering new explanations for causes of diseases and continual research, development and implementation of new procedures, tools and strategies to lead to a more healthy society—are established.

Crime control policy must originate from scientific, not political, procedures. Science, although not infallible, has the potential to implement methodologically rigorous research to test criminological and criminal justice theories to understand the causes of crime and the most effective strategies to combat criminality. This is not to say that the public should not be outraged or that policymakers should not demand serious punishments for individuals committing sex crimes—especially those against society's most vulnerable citizens. Nor are we arguing that electronic monitoring and the legislative push to developing such devices to supervise sex offenders is inherently erroneous. This article is intended to convey to the policy-making community a glimpse of what the research community has uncovered on sex offenders and electronic monitoring—to offer evidence for evidence-based sex offender policy.

Electronic monitoring technologies are only one possible supervision tool for sex offenders. These devices are not a panacea to sex offending or any other form of criminal behavior. They come with certain advantages, but are also accompanied by a host of problems such as increasing officer workload, agency liability and large financial costs. Sex offender policies must avoid knee-jerk reactions and move toward rational evidence-based practices to most effectively protect our communities against sex-related crimes.

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