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## **The Risk Principle in Action: Right-sizing Supervision Monitoring for High and Low Risk Offenders**

### **Meeting Summary**

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#### **Facilitators**

Jesse Jannetta, Urban Institute Justice Policy Center

Mannone Butler, Criminal Justice Coordinating Council for the District of Columbia

#### **Moderator**

Nancy Ware, Court Services and Offender Supervision Agency

#### **Panelists**

##### *Kiosk Supervision*

Dr. James Austin, JFA Institute

Alphonzo Albright, New York City Department of Probation

##### *GPS Supervision*

Dr. Stephen Gies, Development Services Group, Inc.

Cynthia Cummings, District of Columbia Pretrial Services Agency

#### **Criminal Justice Leaders**

Devon Brown, Director, DC Department of Corrections

Hon. Russell Canan, Presiding Judge, Superior Court of the District of Columbia

Alfred Durham, Assistant Chief, Metro Police Department

Hon. Isaac Fulwood, Jr., Chairman, United States Parole Commission

Cliff Keenan, Deputy Director, District of Columbia Pretrial Services Agency

Adrienne Poteat, Acting Director, Court Services and Offender Supervision Agency

## Summary

Co-hosted by the Criminal Justice Coordinating Council and the Urban Institute, *The Risk Principle in Action* symposium convened both local criminal justice leaders and research and practitioner experts on kiosk and GPS community supervision systems. Panelists discussed the uses of kiosk and GPS supervision systems, how they fit within an overall community supervision strategy, and the benefits and challenges associated with each system. District criminal justice representatives engaged panelists in a meaningful discussion on how to identify appropriate supervision populations for each system, manage public expectations for the impacts of these technologies on public safety, and facilitate cross-agency collaboration for effective supervision strategies.

In the context of community supervision, the “risk principle” is the idea that the level of intensity of community supervision for an individual should reflect the level of risk that individual poses to public safety. A review of community supervision practices and research by the Urban Institute found that tailoring conditions of supervisions to individual risks and needs and focusing supervision resources on moderate- to high-risk offenders are best practices that promote successful reintegration and public safety outcomes.<sup>1</sup> Furthermore, an Urban Institute study conducted by Dr. Avinash Singh Bhati assessed the viability of implementing the Kiosk Reporting Program in the District and found that 500 to 1,000 low-risk offenders supervised by CSOSA would be appropriate for kiosk monitoring.<sup>2</sup> The risk assessment instrument used by CSOSA is also capable of identifying high-risk offenders who could benefit from more intensive supervision strategies like GPS electronic monitoring.

## Kiosk Supervision

Dr. Austin and Deputy Director Albright discussed kiosk reporting as a supervision strategy for low-risk offenders that can improve offender outcomes, enhance departmental capabilities, and save supervision resources. Dr. Austin reported that 30 to 40 percent of individuals placed on community supervision successfully complete their supervision terms without the presence of further interventions. In addition, the arrest rate for low-risk offenders who were monitored by kiosk was 5 to 10% lower than those who were monitored by other methods. The failure to appear rate was also 5 to 10% lower for low-risk offenders who were monitored by kiosk. Research cited by Dr. Austin indicates that imposing supervision requirements on low-risk offenders actually increases their risk of reoffending.

Kiosk supervision systems are designed to meet the conditions of supervision for low-risk offenders in a minimally invasive way. Kiosk monitoring also allows probation officers and financial resources that would normally be dedicated to the supervision of low-risk offenders to be reassigned to high-risk offenders who are in greater need of intensive supervision. Other benefits of kiosk supervision include the sharing of information amongst criminal justice agencies that is updated whenever an offender checks in at the kiosk.

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<sup>1</sup> Solomon, Amy et. al. December, 2008. “Putting Public Safety First.” Washington, DC: The Urban Institute.

<sup>2</sup> Bhati, Avinash Singh. October, 2009. “Simulated Evidence on the Effectiveness of Passive Supervision Strategies.” Washington, DC: The Urban Institute.

The New York City Department of Probation implemented a kiosk supervision system in 1996 in response to burdensome probation officer caseloads. By the mid-2000s, approximately 70 percent of the probation population was enrolled in the 'Kiosk Reporting Track'. Currently, 30,000 adults and 15,000 juveniles are under active supervision. Sixteen thousand of these individuals report to 21 kiosks around the city, which are managed by 32 probation officers. This results in an average kiosk caseload of 477 offenders per officer. A non-experimental evaluation of the NYC Department of Probation kiosk program, conducted by Dr. Austin in 2007, found that the two-year re-arrest and failure to appear rates for low-risk probationers assigned to kiosk supervision declined, and kiosk reporting enhanced data collection from these offenders.<sup>3</sup> The success of NYC's kiosk supervision program has prompted interest from other jurisdictions, including the District of Columbia and Maryland.

## **GPS Supervision**

Use of electronic monitoring began in the 1960s, but was not implemented as a community supervision tool until the mid-90s. To monitor offenders, GPS supervision systems report offender location information to officer monitoring stations either in real time (active supervision systems) or in daily summary reports. Officers can analyze these reports to identify deviations from regular behavioral patterns, which could signify possible violations of supervision. Systems can be programmed to send officers immediate alerts if ankle bracelets are tampered with, if offenders leave "inclusion zones" they are confined to (as in the case of house arrest sentences), or if they are found in "exclusion zones" they are not supposed to enter (for example, school zones for sex offenders under supervision). Out of 154 evaluations of GPS supervision systems, only a handful have found that GPS supervision reduces recidivism. Few of these studies have met scientific standards for methodological rigor, however, and research has not kept pace with the rapid development of the technology. Evaluations of GPS supervision programs that also incorporate treatment components have found more positive affects on recidivism.

Although high-risk offenders are often defined as individuals at risk of committing serious, violent crimes, Dr. Gies specified that individuals appropriate for GPS supervision are simply at high risk for reoffending, regardless of the seriousness of the crime they are at risk of committing. For this reason, to identify appropriate GPS supervision populations, criminal justice agencies must implement risk assessment tools that measure risk of reoffending for all crimes that present a threat to public safety. High-risk offender types appropriate for GPS monitoring include sex offenders, the mentally ill, substance abusers, gang offenders, drunk drivers, and spousal abusers. Dr. Gies reported that GPS supervision represents a cost-efficient sentencing alternative, costing between \$13 and \$15 per day compared to \$82 per day for incarceration.

Ms. Cummings from the District's Pretrial Service Agency's High Intensity Supervision Program (HISP) addressed the benefits and challenges of GPS supervision for the District of Columbia. The GPS supervision system's automatic alerts and analysis of location reports

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<sup>3</sup> Wilson, James A., Wendy Naro, and James F. Austin. July, 2007. "Innovations in Probation: Assessing New York City's Automated Reporting System. Washington, DC: The JFA Institute.

enhance HISP officers' ability to detect and immediately address non-compliance with supervision requirements. HISP officers also share GPS records with CSOSA and the Metro Police Department to coordinate case management efforts and identify suspects and witnesses in criminal investigations.

However, there are challenges associated with the use of GPS supervision. Although GPS supervision is designed to enhance the capabilities of supervision officers to monitor the actions and locations of high-risk offenders, it is not an effective supervision system in itself and should be utilized as a tool to enhance other supervision techniques. In addition, GPS supervision systems report a large amount of data and supervision agencies must have processes in place to sort and utilize this data effectively. At times, ankle bracelet receivers collect location data but fail to transmit this data to officer monitoring centers, resulting in reporting gaps. The bracelets also send false 'strap tamper' alerts to officers when offenders are not actually attempting to dismantle the devices. False strap tamper alerts have been a problem for HISP. When an alert is sent, a HISP representative and two service professionals are required to travel to the location of the defendant to determine if there was a legitimate tamper. This process is resource intensive and inconvenient for both staff and defendants. In addition, large bodies of water can cause location signals from nearby receivers to "drift" and report inaccurate locations to monitoring centers. Deputy Director Albright reported that New York City has not implemented GPS supervision because the city is surrounded by water and this drifting location problem would render the technology ineffective.

Beyond problems with GPS signal communication and equipment, the administration of GPS supervision systems has been difficult and time consuming for HISP. Limited resources have restricted the number of defendants who can be on GPS supervision at one time, but the HISP population appropriate for GPS supervision is large and selecting defendants for electronic monitoring has been difficult. Another challenge has been determining how to enter defendants' allowable locations or inclusion zones, into the GPS system – especially for those defendants on house arrest – because individuals under supervision frequently live in unstable residences. HISP has also encountered problems attempting to retrieve ankle bracelets from individuals who are no longer required to be under supervision because the owners of homes where the defendants live will not allow officers to come in to retrieve them.

HISP has implemented several processes and procedures to overcome some of the technical and administrative challenges that have accompanied their use of GPS supervision. To address the issue of offenders tampering with equipment, PSA encouraged the DC Council to pass legislation to make it a crime to tamper with GPS systems. To address the issue of retrieving equipment, HISP now has home owners sign an agreement stating that the defendant can live with them and that officers can retrieve equipment from their residences if the equipment is not returned. HISP also found that sending retrieval letters that list the cost of the equipment that the defendants must pay if it is not returned prompted most equipment to be returned quickly.

### **Priorities for the District**

Criminal justice leaders from the District discussed how to best identify appropriate populations for each system, how kiosk and GPS monitoring could enhance cross-agency collaboration, and how to manage public expectations about the impact of these technologies on public safety.

### *Identifying Appropriate Kiosk and GPS Supervision Populations*

District criminal justice leaders inquired about the application of kiosk supervision for low-risk populations and GPS monitoring for high-risk offenders. They had further questions for research and practitioner experts about how specific offender types would respond to each system.

Panelists emphasized that all low-risk populations could benefit from kiosk supervision and all high-risk populations could benefit from GPS supervision, and that there is no specific offender type within these groups that would respond better than others. The key to correctly identifying these populations is the implementation of an advanced risk assessment instrument that looks at not just the seriousness of the crime an individual committed, but how likely it is that individuals will reoffend. CSOSA currently implements a risk assessment instrument that can determine offender risk of reoffending and correctly identify populations appropriate for each supervision system.

### *Managing Expectations*

The general public may perceive GPS supervision as a “wonder bracelet” that prevents offenders from recidivating. Although electronic monitoring is a tool used to deter criminal behavior, the reality is that sometimes people cannot be deterred from committing crime. There was consensus among the symposium participants that efforts should be taken to manage the public’s expectations for the impact of GPS monitoring on public safety, but that changing their perspective will be difficult. In addition to management of the general public’s expectations, District representatives also agreed that the expectations of victims must be managed to protect their safety. Individuals at risk of being victimized can get some sense of security from knowing that their potential attackers are under electronic supervision, but they should still be aware that they are at risk.

### *Collaboration*

Panelists discussed the importance of collaboration across criminal justice agencies as a strategy to improve public safety, and see technology as a way to enhance collaboration and communication. Electronic supervision systems can enhance data entry, provide a mechanism to enforce accountability of staff, provide timely information to supervision and other criminal justice agencies, reduce caseloads, and allow the redistribution of resources to supervision of high-risk offenders. In the District, collaboration among agencies has improved over the last couple years and information sharing has begun.

For information about the event’s sponsors, please see:

- Criminal Justice Coordinating Council, [www.cjcc.dc.gov](http://www.cjcc.dc.gov)
- Urban Institute, [www.urban.org](http://www.urban.org)
- Court Services and Offender Supervision Agency, [www.csosa.gov](http://www.csosa.gov)