

☛ **13hr\_AC-Co\_Misc\_pt04**



☛ **Public Hearing ... 04/04/2013**

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS**

**2013-14**

(session year)

**Assembly**

(Assembly, Senate, or Joint)

**Committee on ...  
Corrections  
(AC-Co)**

**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... **HR ... bills and resolutions** (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Mike Barman (LRB) (December/2014)

- on w/ eye

4/4/13

Endsley:  
county 12 mo. in circuit court  
Bill extends ~~from~~ from 12-24 mo.  
Some taxpayers \$

Zam: Why?  
A: - Contacted by local county  
- 12 months too short, need more time

Brooks: ? on funding re: Sheboygan corp counsel  
submitted testimony

Anna: # of cases that could come?  
A:

Michak - Badger shirps (Iowa) - 37 beds

- rural county jails largely affected
- allows them to capture some \$
- court action costs county \$
- Court process takes time, 12 mo not enough + county out of luck
- medical co-pay (\$5-10)

Iowa County 2011  
2 inmates C/bs of  
1 - stage 4 bladder cancer - was released but county took initial costs for Drs + tests when they found cancer  
2 - had heart attack (\$250,000) county employees "brought him back" with detrib. then went to hosp.

2012 - \$36,000 debt from prisoner expenses

Zamarrapa - scheduling of debts

- restitution

- child support

- at some point counties get \$

- concerned it could affect debt

Doyle - How many counties use this

A: probably not enough. Time is against them.

- could it be counter-productive? Push counties further down the line

Gama: % of cases they try to collect

A: ~15%

- success rate: less than 50%

Doyle: - use credit bureau?

A: Some courts use this

- is it cost-effective to have 3<sup>rd</sup> party to collect?

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Dave Callendar - Counties Assoc.

- Support

Zam: worried about hurting credit

## Grace Roberts - GPS monitoring System

2005 Act 431 - track offenders w/ GPS  
301.48

- Tool of Supervision
  - GPS
  - Urine analysis
  - meds

Tracking starts when placed supervision  
639 on GPS in WI  
cost rental \$6.15/day

Some limitations w/ equipment

- Terrain (canyon or dense vegetation)
- Urban canyons (two tall bldgs.)
- in vehicles - if unit not near window trouble picking up signal
- weather (snow, rain, fog)
- human interference
  - tampering, cutting, stretch
  - battery cap - unit sensitive
  - fail to charge battery
- Doc also use radio frequency

2 types of GPS units + software system  
- helps set up exclusion + inclusion zone

DOC has monitoring center 24/7 / 365 days  
operators + supervisors

Alerts: - Violate exclusion zone

- tampering
- missed tracker call-back

- Some can be cleared in matter of seconds

- if tampering then look into it + apprehend request if warranted

- could result in revocation + charged w/ felony

2 units

① radio frequency

- set certain hours for leaving + coming home

② active tracker (2 piece unit)

- track once/minute

- need to carry unit + additional to ankle bracelet

16-20 hours - battery life (lasts ~ 1 yr.)

- can send text messages to offender

Failure to respond triggers alert

⇒ DOC will be switching to 1 piece system in next few ~~of~~ months.

Combination of GPS + radio frequency

- saves battery (24 hrs before charging)
- tracks once every 15 seconds

US Dept of Defense put satellites in orbit

- new tracker will use these satellites.  
will help w/ issues w/ other troubles

Currently on some type of monitoring

GPS 639

TAD 303

sub. 409

cell. radio 1,212

combo 159

Inmate population w/ AODA 71%

### Admin process

Dep. Sec.

Chief legal

Assist Admin

Sec. Chief

Wardens

dep warden

officer of manage

Budget analyst

+ 2 more

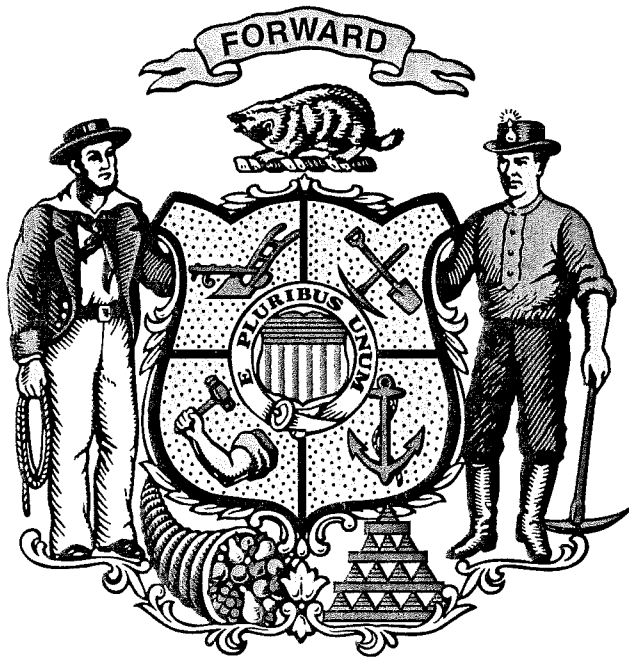
meets monthly

### Sub committees

- bring in experts

- bring recommendations back to full committee

#328 & #331 will be coming to us



## State lacks careful checks, clear objectives for GPS monitoring

Written by Mario Koran Wisconsin Center for Investigative Journalism

Apr. 01

postcrescent.com

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### About this series

This is the second of a two-part series that examines the reliability of Wisconsin's GPS monitoring of offenders.

Sunday: Concerns raised over reliability of state's GPS monitoring of offenders

Today: Careful checks, clear objectives lacking

### GPS problems, solutions

How can Wisconsin's electronic monitoring using GPS devices be made more reliable and effective?

Here are some suggestions drawn from interviews with experts:

**Problem:** The Wisconsin Department of Corrections does not keep statistics on how many GPS offenders trigger alerts, and does not track how often these result in offenders being incarcerated.

**Solution:** George Drake, a corrections technology consultant, said agencies that implement GPS tracking should have clearly stated objectives for using the technology and should conduct audits on a biannual or yearly basis.

**Problem:** GPS monitoring may have little long-term effect on recidivism or behavioral change.

**Solution:** Robert Gable, who helped design the first electronic monitoring system used to track offenders, said it can be used to promote positive behavioral change by offering "modest incentives" to offenders who follow the rules.

**Problem:** Probation and parole agents have insufficient time and resources to meet the demands of supervising caseloads of GPS clients.

**Solution:** A 2012 evaluation of the California supervision program recommended smaller or specialized caseloads for GPS-tracked offenders and better risk-assessment to identify appropriate GPS candidates.

In the 1960s, while studying under the famed behaviorist B.F. Skinner at Harvard University, Robert Gable and his brother designed the first electronic monitoring system. They hoped it would be used as a support system.

"It was supposed to be a pro-social tool," Gable said in an interview, "a way for offenders and agencies to remain in contact and offer positive support."

But with the development of newer forms of the technology, particularly Global Positioning System tracking, Gable has become uneasy. Tracking technology, he wrote in a 2009 report, has instead been used "almost exclusively as an information system to document rule violations."

By 2008, at least 39 states required or authorized the use of electronic monitoring to track sex offenders, according to the nonprofit National Conference of State Legislatures. The group's report said at least 11 states, including Wisconsin, require lifetime monitoring of some offenders.



In Wisconsin, GPS tracking is used to monitor more than 600 individuals, mostly sex offenders. Some of them say the technology is unreliable, causing them to return to jail even in situations where they have not broken the rules.

The state Department of Corrections said it is unaware of problems with the technology. But it acknowledged that it does not track how often alerts result in offenders being jailed, and has never audited the performance of its GPS monitoring system, in use since 2007.

Gable estimates that 250,000 individuals are being electronically monitored in the United States today, about one in 10 by GPS technology. More widely used is radio frequency monitoring, which tethers individuals to a base station inside their homes, effectively a form of house arrest. If they travel outside the perimeter without approval, authorities are notified.

And GPS vendors are seeking to significantly expand the use of GPS technology, by pitching their wares to authorities to monitor illegal immigrants, suspected gang members and even truant students.

How effective is GPS tracking? That is open to debate.

Bill Bales, principal investigator on a 2010 study funded by the National Institute of Justice, found that electronic monitoring — both radio frequency and GPS units were examined — could decrease recidivism by 31 percent.

“GPS can be a very effective tool,” he said in an interview.

But Gable thinks many agencies are using GPS devices as a means of “control and punishment,” rather than as a tool to help keep offenders on track.

“GPS tracking is an example of public fear that has been augmented by politicians who want to be tough on crime,” Gable said. “It’s a wayward technology that has become warped into a punishment routine.”

### **Understanding limitations**

George Drake, president of Correct Tech LLC, an Albuquerque-based corrections technology consulting company, said agencies need to be mindful of the technology’s limitations.

In particular, he argues that correctional officers should exercise careful discretion regarding whether and when GPS violations lead to re-incarceration.

“It should not be a blanket policy,” Drake said. “A one-time ‘no-GPS’ event would be an inappropriate reason to send someone to jail. If it happens again and again, that might be something to look into.”

Although he is a proponent of GPS tracking, Drake said agencies should be aware of its limitations and set clear objectives.

“I think a review on at least a yearly basis would be appropriate to make sure an agency is making progress toward those objectives,” he said.

Peggy Conway, editor of the Journal of Offender Monitoring, said correctional officers need to know “how the devices work and where they don’t work. They are the ones who need to distinguish between nuisance alerts — which waste police officers’ time and resources — and the alerts that need to be investigated.”

DOC spokeswoman Jackie Guthrie said GPS monitoring “is just one tool and is not intended to be a stand-alone. Its intention is to work in concert with other supervisory strategies.” She said the agency does check to make sure GPS equipment and systems are working properly.

### **Longstanding problems**

In Wisconsin, GPS monitoring equipment and services are provided by Behavioral Interventions, or BI, a Colorado-based company. According to its website, the company has about 900 contracts with federal, state and local agencies.

Drake said that GPS technology, while improved, is not good at tracking offenders in high-rise buildings, basements or large commercial structures such as shopping malls.

BI’s website warns that the GPS signals sent by the devices can be lost due to rain or fog, in deep canyons or dense vegetation, near large or tall buildings, and “when the offender is riding in a car or other enclosed means of transportation.”

In 2010, BI suffered a nationwide electronic monitoring server crash, leaving authorities in 49 states unaware of the movements of offenders who were being tracked by GPS and other technology. In Wisconsin, police and correctional officers reportedly held about 140 sex offenders in jail throughout the state until the GPS tracking system was restored.

In 2007, a legislative study committee in Arizona measured the effectiveness of using GPS technology to track offenders. It found that the 140 offenders monitored that year experienced a total of 35,601 false alerts, due to problems such as low batteries or signals lost in dead zones.

The study group found 463 confirmed violations, meaning that false alerts outnumbered proven infractions by a 77-1 margin.

And a 2011 study by Sam Houston State University in Texas found a significant number of false alerts, triggered by equipment failures.

“GPS technology is far more limited than anticipated and should be viewed as a tool rather than depended upon as a control mechanism,” said one of the authors, Gaylene Armstrong, in a news release.

### **Uncertain cost**

In 2007, nine months after he signed a bill mandating lifetime GPS tracking for certain sex offenders, Gov. Jim Doyle proposed limiting tracking only to offenders on probation or parole, citing budgetary concerns. State Rep. Scott Suder, R-Abbotsford, warned that this would undercut “our ability to track these monsters.” In the end, Doyle, a Democrat, agreed to move forward with expanded tracking of these sex offenders.

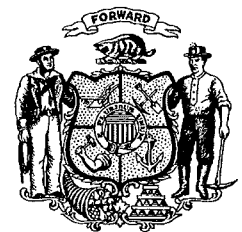
In fiscal year 2011-12, the state paid \$4.2 million to BI for services including GPS monitoring units, home monitoring units and electronic alcohol-detection units, according to the Legislative Fiscal Bureau. The DOC was unable to say how much was specifically spent on GPS.

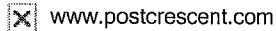
A provision in state law requires that offenders on GPS monitoring pay a fee for the devices. But the amount is based on the offender's ability to pay, and even offenders who are not absolved of this responsibility are often delinquent. According to the Fiscal Bureau, less than \$100,000 was collected during the fiscal year that ended June 30, 2012.

"I could have predicted that from the get-go," said Bies, the corrections committee chairman. "Most of the people that you are involving (with GPS) are barely self-sufficient as it is."



# WISCONSIN STATE LEGISLATURE



A rectangular box containing a small icon of a computer monitor with an 'X' on it, followed by the text "www.postcrescent.com".

April 1, 2013

## Sex offenders say GPS tracking system is unreliable

*By Mario Koran  
Wisconsin Center*

James Morgan and Aaron Hicks were convicted of violent sex crimes and served many years in prison.

Now they are on parole, living in Madison neighborhoods, attending treatment groups and wearing global positioning system ankle monitors — tracking that, under Wisconsin law, will continue for the rest of their lives.

But Morgan, Hicks and 11 other offenders interviewed for this report say that Wisconsin's GPS tracking system repeatedly fails, registering false alerts and landing the offenders in jail although they have done nothing wrong.

"There are times when I'm afraid to leave whatever room I'm in, even to go to the bathroom," said Morgan, 53, who served 26 years in prison for sexual assault and other crimes.

"I'm afraid an alert will go off and the police will show up at my door."

On July 31, Morgan stood in his Madison bedroom with a Wisconsin Center for Investigative Journalism photographer. On several occasions, his GPS monitor began flashing, indicating he was out of range, even though Morgan was in his own home and well within boundaries determined by his parole agent.

Offenders and their advocates say GPS breakdowns waste taxpayers' money with unnecessary police work and lockups, and hamper offenders' efforts to restore relationships with their families and retain jobs.

Even the people who make the GPS technology acknowledge that signals can be lost due to weather conditions, tall buildings and car travel.

A key legislator, the chairman of the Assembly Committee on Corrections, said he was unaware of any problems with the state's GPS monitoring system. But he was concerned by the Center's findings, and said that an audit may be in order.

"Yes, I think it would be proper to inquire about the accuracy and effectiveness of our monitoring system if offenders are indeed experiencing these problems," said state Rep. Garey Bies, R-Sister Bay.

But Bies, a former Door County sheriff's deputy, added, "I really don't have a whole lot of sympathy" for sexual offenders and whatever "inconvenience" they may have to endure.

As of February, the Wisconsin Department of Corrections was using GPS technology to track 638 offenders. According to DOC spokeswoman Jackie Guthrie, "The majority are sex offenders with a very small number being offenders convicted of domestic violence or other violent crimes." She was unable to provide a breakdown.

And GPS monitoring in Wisconsin is projected to expand by nearly 50 percent over the next two

years.

A Wisconsin state law passed last April, set to take full effect in 2014, allows judges to require GPS tracking for offenders who violate a domestic abuse or harassment temporary restraining order or injunction.

Gov. Scott Walker's proposed budget recommends \$10 million in new funding for expanded use of GPS tracking in fiscal years 2014 and 2015 — to monitor 783 individuals the first year and 939 the second year.

## **'Nothing's perfect'**

Significant concerns about the reliability of GPS tracking have arisen in at least seven other states. The technology has been found both to sound alerts in error and miss offenders' transgressions when they do occur.

Last September, an audit in Tennessee revealed massive oversights in the state's GPS offender tracking system. More than 80 percent of alerts from GPS-monitored offenders "were not cleared or confirmed" by corrections agents, including alerts triggered after individuals appeared to enter prohibited areas such as parks and schools.

The Wisconsin DOC insists its system, and the devices it leases from Colorado-based Behavioral Interventions, or BI, are reliable.

"We are not aware of any 'problems' with our GPS monitoring system, and have several protocols in place to ensure that the integrity of our system is maintained," Guthrie wrote in an email.

BI spokeswoman Monica Hook maintained that GPS technology is "a reliable alternative to incarceration" and that millions of people have worn the devices over the years.

Yet, she conceded, "it's a manmade device. There are certain things that we safeguard against, but nothing's perfect." She said the Wisconsin DOC has "discretion" to determine how to handle alerts.

The DOC rejected the Center's request for records regarding its protocols for dealing with dropped signals or false GPS alerts, saying offenders could use this information to "defeat the monitoring device."

Guthrie said the agency does not keep statistics on how many alerts are triggered for GPS offenders, and does not track how often these result in offenders being incarcerated.

The DOC, she said, also has not conducted audits or quality reviews of its GPS program, which began operating in 2007.

Tracked offenders wear anklets at all times. Those with older, two-piece models must carry a portable GPS device that communicates with satellites and sends data to a central monitoring center in Madison. One-piece models include this device in the anklet. The DOC says the two-piece models are being phased out.

If an offender crosses into a restricted "exclusion zone," an alert is sent to the monitoring center, which can investigate the problem.

"One of the outcomes," Guthrie said, "could be an apprehension or arrest."

## **'You just want to give up'**

In all, the Center interviewed a dozen sex offenders, and one person convicted of stalking, who complained of problems with their tracking units.

Sam Bratsven, convicted in 2001 of sexual assault of a child in Winnebago County, said challenges with his GPS unit have cost him jobs. In one of several discrimination complaints with the state Division of Equal Rights, he even has evidence.

In response to one such complaint, filed in 2011, an attorney for a company that chose not to hire Bratsven for a particular job noted that his two-hour application process was disrupted four to six times by his GPS device. The attorney said this "indicate(d) a high level of potential for disruption in any assignment where the applicant could be placed."

His attorney, Andrew Phillips, said the case was settled out of court to the "satisfaction of both parties."

Matthew Becker, convicted of sexual assaults in 2005 and 2007 in Winnebago County, estimates he has been jailed six times because of problems with his GPS equipment and that he has lost "thousands of dollars" in missed work.

The Center was able to obtain some records on GPS alerts for individual offenders. They show that Morgan and Hicks triggered multiple alerts for "No GPS," indicating their locations could not be tracked by satellite. In May alone, Hicks triggered 206 "No GPS" alerts.

Records show Morgan has been booked into Dane County Jail at least eight times since June 2011, serving a total of 29 days in jail, all for violations related to his GPS tracker.

In each of these cases, Morgan argues the violations occurred because of an innocent mistake, as when he went for a bike ride without bringing along a hand-held device, or despite the fact that he was complying with the rules.

For instance, on Sept. 19, Morgan was jailed for four days because "he failed to have a GPS signal" for much of a two-hour period. Morgan said he was attending an approved University of Wisconsin-Madison class. His English professor, Emily Auerbach, backs him up. "I know exactly where he was" during the time in question, she said.

Hicks, 39, served 12 years for having intercourse with an unconscious woman. Records show he has been booked into jail at least a dozen times since April 2011 for violations related to his GPS monitor, spending a total of 74 days behind bars.

Hicks admitted he forgot to bring his hand-held GPS tracker with him on two occasions. He left it in his car when he entered a supermarket and left it on a bus when traveling to work. But the other violations, he said, were over lost signals and false alerts.

On June 12, 2012, according to records obtained by his attorney, Hicks was at his wife's house, an approved location. He said he left his tracker in an adjacent room, as he had done before without triggering alerts, while he watched a basketball game on television and did not hear it beep. He served a total of 51 days in jail, until after he signed an agreement admitting he "did fail to comply with the rules and conditions of GPS monitoring."

"It's almost like taking on a new normal," Hicks said in an interview from the Dane County Jail in June, while jailed on this violation. "If you're trying to move on with your life, and you've got these barriers, you just want to give up."

Hicks' attorney, Jessa Nicholson, thinks her client has done his best to reintegrate but has been unfairly punished: "I've spoken with his therapist, and she assessed him as posing no threat whatsoever."

## 'Unworthy of life'

Now Hicks works at Voices Beyond Bars, a Madison nonprofit that assists former inmates. He said he does well at Madison Area Technical College, where he attends classes. But last year, he missed a final essay for one class because he was back in jail on a GPS violation. His grades suffered, and he was placed on academic probation.

Morgan, when not back in jail, lives with his elderly aunt on Madison's north side. He paints, often giving his work away to Madison charities. He still takes a one-credit class at UW-Madison and works construction jobs part time.

And while Morgan acknowledged that his past actions have caused pain and deserve punishment, he said he thinks being on GPS monitoring conveys that he is "unworthy of life." He said he hopes and prays "that I'm able to continue to withstand this."

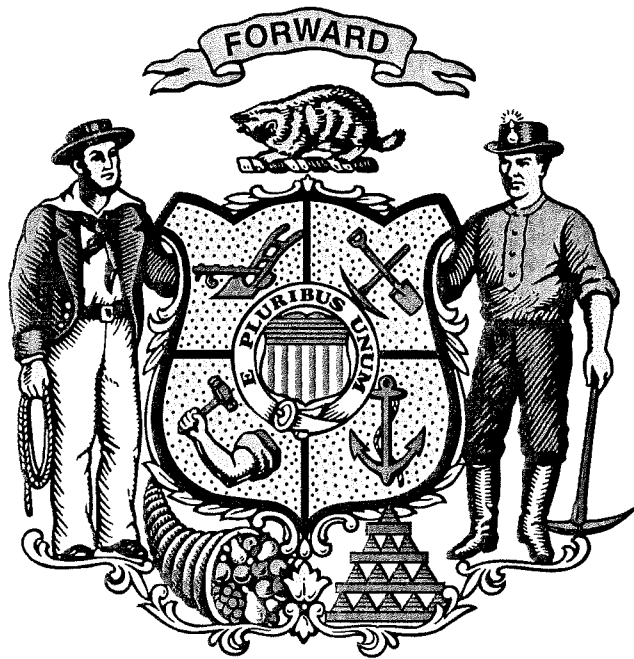
## Additional Facts

Case study: Offender racks up GPS violations

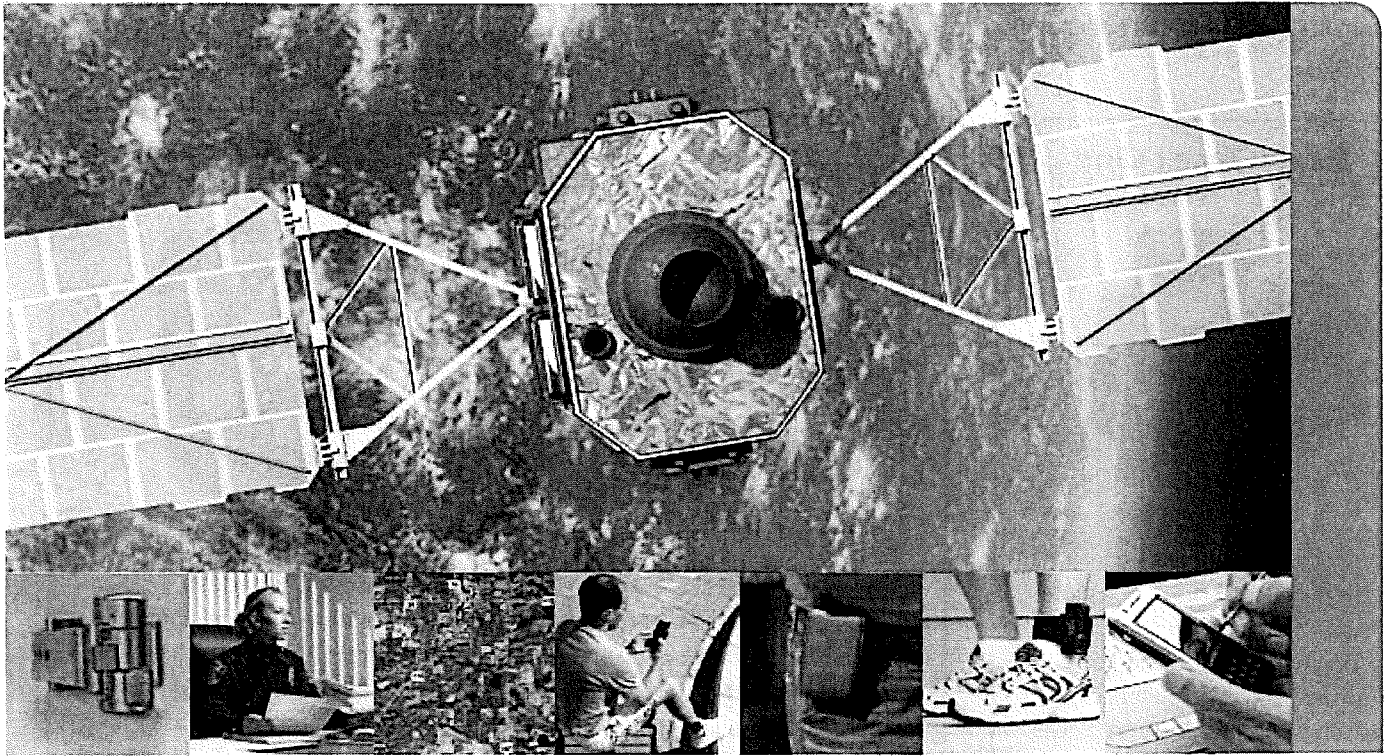
From January 2011 to November 2012, Aaron Hicks was arrested at least 12 times for parole violations related to his GPS monitor, spending 74 days in jail, records show. Among these occasions:

- On April 9, 2011, Hicks lost his GPS signal for 17 minutes. As a result, Hicks was arrested and spent three days in Dane County Jail. Hicks indicated in a written statement that he was out apartment searching and did not receive any messages or hear his tracker beep regarding a lost signal.
  - On Oct. 7, 2011, Hicks lost his GPS signal after leaving a barbershop in Madison; a warrant was issued for his arrest and he was taken into custody; he spent three days in jail. His parole agent later explained that sometimes tall buildings and proximity to lakes make obtaining a GPS signal more difficult.
  - On June 12, Hicks was arrested for being out of tracker range during a two-hour period. Hicks wrote that he placed his tracker on the kitchen table while he watched a basketball game in an adjoining room, which he had done before without triggering alerts. He refused to admit to any violations, and was jailed for 51 days — until after he signed a statement agreeing he had failed to comply with the rules.
  - On Aug. 16, at 5:03 a.m., Hicks' GPS equipment registered a "strap tamper alert," raised when an offender is suspected of removing his equipment. Police took him into custody. Hicks said he was at home sleeping and did not remember any problems with the device. He spent a day in jail.
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# The BI ExacuTrack® Series



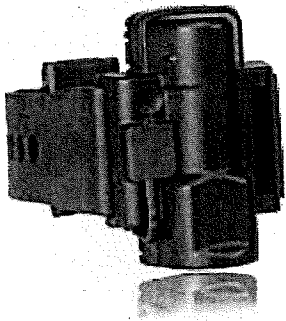
A continuum of GPS tracking options from BI Incorporated

GPS tracking offers correctional agencies a level of information and accuracy never before accessible. Data is provided at greater frequency and with more precise detail than ever before. While some caseloads demand this level of intensity, others require flexibility to match the technology to offender risk levels. This is precisely why BI Incorporated offers a suite of GPS tracking solutions – to give agencies control over their tracking data.

## The BI ExacuTrack® Series – A Complete Continuum of GPS Technology

BI's trio of GPS tracking solutions allows agencies to choose the level of tracking intensity appropriate for their caseloads. Whether tracking pre-trial defendants or high-risk sex offenders, BI offers the technology and accompanying service levels to give agencies flexibility when setting up their monitoring program. Backed by the industry-leading monitoring center for customer service and support, BI GuardCenter®, BI offers three solid tracking solutions:

### ExacuTrack One



As the name implies, just one piece of equipment provides active GPS tracking while reducing equipment and inventory issues. Multiple location technologies are employed to increase tracking accuracy and an RF beacon in the home ensures compliance to curfew while conserving battery power.

#### Key Features:

- Client communication via pre-recorded messages and prompts
- Can collect data as frequently as once every 15 seconds
- Replaceable fiber optic straps
- Waterproof to 15 feet

### ExacuTrack AT



Offenders are tracked in near-real time and officers are able to choose between two tracking modes: active or on-demand tracking. Active mode reports data as frequently as once per minute while on-demand mode lets officers choose how often data should be reported – anywhere between four and 24 hours.

#### Key Features:

- Rugged Motorola® i355 cellular phone used as tracking unit
- Client communication via text messaging and one-way voice calling
- Proven RF link ensures offenders are at home when they should be
- Can collect data as frequently as once per minute

### ExacuTrack



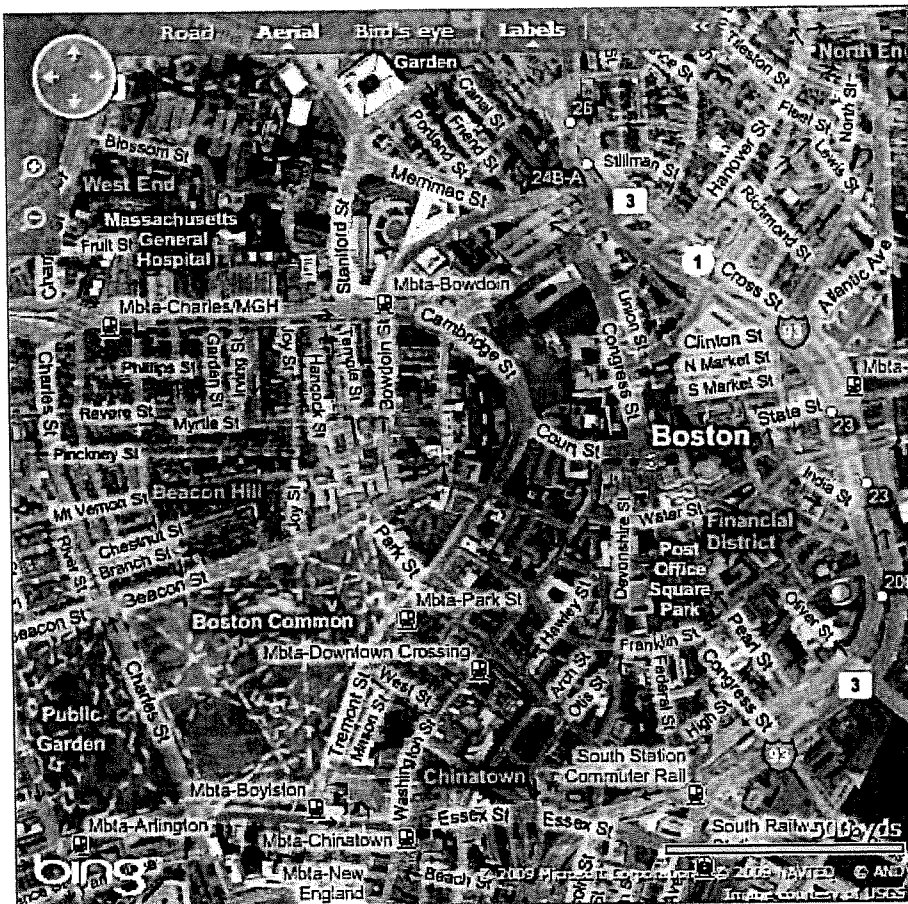
Using passive GPS tracking, location data is collected while the offender is away from home. When he or she returns home the tracking unit is docked and data is uploaded to the host computer. An RF link ensures compliance to home curfew schedules.

#### Key Features:

- Tracking unit has 20-hour battery life between charges
- Can collect data as frequently as once per minute
- Tracking data is uploaded via the client's home phone line
- Passive GPS is coupled with reliable RF technology

## Advanced Mapping to Know When & Where

Added to this complement of offender tracking technologies is intuitive mapping and reporting software. Available 24x7x365 via the web, officers can easily process enrollments, configure equipment, make schedule changes, and run reports. Precise maps using Bing™ Maps for Enterprise offer 3-D birdseye views of where an offender has been within the community.



GPS tracking offers correctional agencies a level of information and accuracy never before accessible. . . This is precisely why BI Incorporated offers a suite of GPS tracking solutions – to give agencies control over their tracking data.

### About BI

Founded in 1978, BI Incorporated supports more than 1,000 correctional agencies today in the United States, Canada, Puerto Rico, Guam and Australia. BI provides agencies with innovative compliance technologies, industry-leading monitoring services, and evidence-based supervision and treatment programs for community-based parolees, probationers, and pretrial defendants.

BI was the first to develop electronic monitoring, and today we offer correctional agencies more than a dozen unique compliance technologies to drive compliance to court and agency supervision orders. BI also provides the highest quality technical support and service in the industry.

For more information on the BI ExacuTrack series or other BI solutions, please contact a:

#### GPS Tracking Specialist

BI Incorporated • 800.701.5171 • solutions@bi.com

You can learn more about BI and our solutions at [www.bi.com](http://www.bi.com).



Scope: The design, production, installation and support of EM services and products in the Boulder, CO and Anderson, IN facilities.

