

REPORT TO THE LEGISLATURE
Pursuant to P.A. 200 of 2012
Section 608
GPS Electronic Tether Program

Section 608 of 2012 P.A. 200 requires that the Department of Corrections provide a report for the GPS electronic tether program, including information on:

- Details on the failure rate of parolees for whom GPS tether is utilized, including the number and rate of parolee technical violations, including specifying failures due to committing a new crime that is uncharged but leads to parole termination, and the number and rate of parolee violators with new sentences.
- Information on the factors considered in determining whether an offender is placed on active GPS tether, passive GPS tether, radio frequency tether, or some combination of these or other types of electronic monitoring.
- Monthly data on the number of offenders on active GPS tether, passive GPS tether, radio frequency tether, and any other type of tether.

The use of global positioning system (GPS) monitoring allows for the tracking of offender movement in order to determine compliance with supervision plans. The Department only uses active GPS monitoring which constantly monitors offender movements and provides agents with dynamic alerts of boundary violations. Passive GPS monitoring, which stores offender movement information for later review, is no longer used by the Department.

Offenders monitored on GPS consist of parolees who may be monitored up to 2 years, 19 probationers who are monitored based on extenuating circumstances surrounding the nature of their instant offense, and 23 offenders who have completed their parole and are wearing Lifetime GPS. Pursuant to state law, if an offender is sentenced to prison for CSC 2nd the sentencing court also must sentence the offender to lifetime GPS if the offense was committed on or after August 28, 2006, at the time of the offense the offender was 17 years of age or older, and the victim was less than 13 years of age. The same held true for CSC 1st offenders until an appellate court ruling dated May 17, 2012 which stated that if an offender is sentenced to prison for CSC 1st for an offense that was committed on or after August 28, 2006 the sentencing court must also sentence the offender to lifetime GPS regardless of the age of the defendant or the age of the victim.

Alerts for Lifetime GPS offenders who have completed their parole are routed through the Michigan State Police for investigation and possible referral for a new felony warrant. The Department does not have any jurisdiction over Lifetime GPS offenders who have completed their parole.

To balance public safety interests and available resources, parolees released from prison on or after January 8, 2007, whose current offense requires registration under the Sex Offender Registration Act, shall be monitored on some form of electronic monitoring whenever practical. The Parole Board may waive GPS monitoring when medical and/or mental capacity issues make it impractical. GPS monitoring may also be used for select parolees as an intervention or sanction for non-compliance with the order for parole.

GPS electronic monitoring shall be used for prisoners granted parole for offenses listed below:

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Conviction Charge	Technology/Length (Revised March 2, 2012)
CSC - 1st Degree	<p>If Lifetime GPS: GPS for life (current term and beyond).</p> <p>If not Lifetime GPS case:</p> <ul style="list-style-type: none"> - If any VASOR (or any other MDOC approved sex offender assessment tool) or COMPAS (Violence/Recidivism) score is HIGH <u>or</u> victim was a stranger or non-family member, GPS is required for their entire term. - If the offenders highest VASOR (or any other MDOC approved sex offender assessment tool) or COMPAS (Violence/Recidivism) score is MODERATE or LOW <u>and</u> the victim was a family member, GPS is only required for the first year. If the parolee is in compliance with supervision they shall be reduced to RF for the remainder of their parole term.
CSC - 2nd Degree	<p>If Lifetime GPS: GPS for life (current term and beyond).</p> <p>If not Lifetime GPS case: GPS for the first year. If the parolee is in compliance with supervision they shall be reduced to RF for the remainder of their parole term.</p>
CSC - 3rd Degree	GPS for the first year. If the parolee is in compliance with supervision they shall be reduced from GPS to RF for the remainder of their term.
Requires Sex Offender Registration	GPS for a minimum of the first 6 months. If the parolee is in compliance with supervision they shall be reduced from GPS to RF for the remainder of their term.
Failure to Register as Sex Offender	GPS for a minimum of the first 6 months. If the parolee is in compliance with supervision they shall be reduced from GPS to RF for the remainder of their term.
Aggravated Stalking or serving any other sentence with a concurrent probation term for Aggravated Stalking	GPS for the entire term of parole
Domestic Violence - Third Offense	<p>GPS for the first six months for offenders whose parole date is on or after 2/17/12. For offenders who paroled prior to 2/17/12, RF for the first six months.</p> <p>Parolees convicted of Domestic Violence 3rd on or after 2/17/12 who are not returned to prison as a result of the conviction are required to be on GPS for six months after community supervision continues.</p>
Parole Board Ordered to GPS	GPS for a minimum of the first 6 months. If the parolee is in compliance with supervision they shall be reduced from GPS to RF for a minimum of 6 additional months.

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During 2012, there were 2,892 GPS activations and 3,208 terminations. Of the 3,208 terminations, 365 (11.4%) were for administrative reasons. For the remaining 2,843 terminations, 442 (15.5%) were a result of technical violations, 68 (2.4%) were a result of new sentence failures, 125 (4.4%) are currently absconders, and 2,208 (77.7%) were a result of successful completion of GPS. Of the 442 terminations that were a result of technical violations, 138 were for uncharged criminal behavior, making up 31.2% of technical violations and 4.3% of all terminations.

Table 1 shows the 2012 end of month populations experienced by each of the Electronic Tether programs.

Table 1 – Monthly Electronic Tether Program Activity

	GPS	RF	Sobrietor	SCRAM
Jan	2,191	2,279	89	987
Feb	2,159	2,242	67	1,003
Mar	2,073	2,193	56	1,031
Apr	2,053	2,207	59	1,049
May	2,052	2,121	68	1,130
Jun	2,180	2,077	61	1,169
Jul	2,208	1,985	49	1,172
Aug	2,283	2,028	42	1,235
Sep	2,273	1,974	44	1,269
Oct	2,314	1,852	48	1,243
Nov	2,301	1,777	35	1,265
Dec	2,349	1,699	29	1,273