

## The Many Purposes of Location Monitoring

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**THREE POINTS NEED** to be emphasized when considering the purposes of location monitoring: 1) location monitoring is nothing other than the technology used to verify and/or enforce a condition of supervision; 2) location monitoring provides an officer with information about a defendant/offender's location and travel patterns but does not predict or suggest defendant/offender behavior; and 3) location monitoring does not replace the officer's skills and instincts, which ultimately make the difference in making positive changes in a defendant/offender's behavior. Undue reliance on a technological or any other tool is not the basis for successful supervision of defendants/offenders.

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### **Post-conviction Purpose**

In post-conviction supervision, location monitoring is a distinctive program, as the desired outcome and purpose may vary depending on the sentencing authority's intent and the type of case. For example, location monitoring may serve solely as an alternative to incarceration in a probation sentence, with no expectation of changing behavior or even reducing risk. In this case the primary desired outcome is for the offender to successfully fulfill a sentence. Location monitoring may also serve solely as a punitive tool of the court when it is imposed as a TSR condition. Or it may be imposed to address a specific risk identified in a violation case; under these circumstances it can fill both a punitive and a correcting (risk reducing) purpose of the court.

In post-conviction, it is no secret that oftentimes location monitoring has been applied as a "band-aid" to address violations but not necessarily to effectively address an identified risk. For example, location monitoring is often imposed in response to a positive drug test, even though there is no evidence to suggest that the technology or even home detention itself addresses substance abuse risks. Ideally, location monitoring should be considered as a sanction only after the court has been persuaded that it can mitigate a specific risk that may have led to noncompliant behavior. For example, if an offender continues to associate with negative peers in a particular known drug area and tests positive for drugs, location monitoring might be considered to enforce and establish zones to restrict the offender's whereabouts and add

accountability to the offender.

Location monitoring has many purposes; however, the only way the technology can enhance community safety is to “control” certain risks by enforcing court-ordered conditions of supervision via location monitoring technology. In post-conviction supervision, location monitoring can be a great supervision tool to create structure and accountability for offenders. Probation officers can use the information provided by the technology to determine generally if the offender’s patterns or travel are consistent with his or her supervision requirements (such as treatment, employment, and travel restrictions). Officers using location monitoring should not be exclusively relying on the information it provides about the offender’s movements to detect or “catch” the offender doing something wrong, but should also rely on this information to verify or confirm that the offender is doing something right. To take this a step farther, the officer should use the information provided by location monitoring technology to recognize positive behavior, and by doing so this recognition becomes positive reinforcement for the offender, consistent with the principles of Evidence-Based Practices (EBP).

Location monitoring can also be used to verify compliance with a condition that is otherwise difficult to monitor without the technology and one that, because of this difficulty, may pose a challenge to supervision compliance. For example, in the federal system, since the inception of the Defendant/Offender Workforce Development program (DOWD), the need to verify a defendant/offender’s employment, vocational training, and efforts to obtain employment have become critical to a good supervision plan. In many instances, it is difficult to verify a defendant/offender’s employment or efforts to seek employment; often, violations occur because of a defendant/offender’s failure to seek or maintain a job.

Location monitoring offers an “alternative to incarceration” by providing a viable sanction or solution to this problem for as little as \$4.95 per day. For that cost, passive GPS can be used to increase defendant/offender accountability and confirm that he or she has traveled to the job site or vocational training or is traveling to and from potential employment sites as directed. In an instance such as this, the purpose of location monitoring is not to change behavior directly or to “confine” a defendant/offender to his or her residence, as is the case in traditional home confinement, but to better verify compliance with a court-imposed condition of supervision and thereby reduce the risk of violating this particular condition.

This is just one of many examples of how location monitoring can be viewed as an effective supervision tool for the purpose of verifying compliance rather than restricting or confining those under supervision to their homes. The versatility of techniques and variety of purposes of this program prompted federal probation and pretrial services to change the program’s name from “home confinement” to location monitoring.

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## **Pretrial Services Purpose**

In pretrial services, the primary desired outcome of location monitoring is to reduce detention by serving as an alternative to detention. As is the case with other alternatives to detention, the court’s aim in employing location monitoring is to use the least restrictive means of ensuring safety to the community and the defendant’s appearance in court. In other words, the goal of (safely) reducing detention underlies using location monitoring as an alternative, to enforce a court-imposed condition of release that will assist in reasonably assuring the safety of the community. Although preliminary studies suggest that location monitoring may have little to no impact on reducing violations or re-arrests, one must consider the significant cost-saving benefits of reducing pretrial detention through the use of location monitoring. The Office of Probation and Pretrial Services (OPPS) provides districts with data to assist pretrial officers in making informed decisions pertaining to this “trade-off” and to ensure that the risk of release does not outweigh the benefit of reducing unnecessary pretrial detention and costs.

Aided by feedback from federal pretrial services districts, OPPS plans to initiate studies that

show the impact of using location monitoring on pretrial detention and the associated success and failure rates. This data can assist districts on a case-by-case basis when determining if the tradeoff is worth the risk. For example, hypothetically, if the data suggests that using location monitoring on high-risk defendants results in a 2 percent increase in violations, but the use of location monitoring as a whole decreases detention in their district by 12 percent, the officer and/or judge considers this tradeoff to determine whether the reduced detention and cost savings is worth the risk of releasing the defendant.

Preliminary data suggest the following: (1) the use of location monitoring has no negative impact on failure to appear (FTA) rates and violations; (2) location monitoring is not being used on high-risk populations consistently and effectively; and (3) the increased use of location monitoring results in decreased detention. OPPS will continue research and data analysis in this area and provide additional data and guidance in the near future.

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## Conclusion

Regardless of the purpose of location monitoring, in any given case employing it will only be effective if the officer uses the information it provides appropriately. In the computer world, there is a common phrase called IPOs or Input-Process-Outcomes. Inputs are anything that goes into the system. The process is what the system does with these inputs, and the outputs are the outcomes of the input and process. In the location monitoring program, the technology itself can be considered an “input” that does nothing more than generate alerts or location data; the “process” is the officer’s investigation and response to that data or alert. The “output” is how the officer uses the information (alerts, GPS tracking points, etc.) to take action and potentially create an outcome. That outcome can be in the form of a violation, a change in supervision strategy, or simply reinforcing compliance with conditions of release in a positive manner.

Looking at outcomes regarding the use of location monitoring technology itself can be complex and tricky. Consider this hypothetical situation: Two officers receive the same type of alert on a similarly risky defendant or offender, and the alert is based on the fact that the offender left his home during a curfew due to a domestic dispute. One officer investigates, responds, and reacts appropriately to the alert and is able to address the violation. The second officer fails to investigate or respond to the alert and remains unaware of any violation. In both instances the location monitoring technology functioned properly and alerts were generated. However, when you go to look at “success” and “failures” of these cases, it is the officer’s supervision that creates the true “output” or outcome, not the technology. Therefore, it is only the officer’s “output” that can truly verify compliance with conditions of supervision and influence outcomes in our system.

In the first instance of the hypothetical above, if it were not for the location monitoring technology, the officer would not have any indication that a domestic dispute had occurred. Potentially, domestic problems in the offender’s home could have escalated to other criminal behaviors. However, what is the defining difference between the successful and unsuccessful outcomes of the hypothetical above? It is important to point out that it was not the technology alone that prevented continued criminal behavior, but the officer’s thorough investigation and supervision instincts to address the violation and therefore possibly prevent criminal behavior. When we are considering the purposes and benefits of location monitoring, the impressiveness of the technology should never blind us to the fact that it is always the servant of the officer using it.

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