

**PRISONS WITHOUT WALLS
HOW WEAR WEAR DEVICES WILL HELP MONITOR CONVICTED
CRIMINALS IN OUR SOCIETY IN THE FUTURE.**

By

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March, 2013

COMMAND COLLEGE CLASS 52

The Command College Futures Study Project is a FUTURES study of a particular emerging issue of relevance to law enforcement. Its purpose is NOT to predict the future; rather, to project a variety of possible scenarios useful for strategic planning in anticipation of the emerging landscape facing policing organizations.

This journal article was created using the futures forecasting process of Command College and its outcomes. Defining the future differs from analyzing the past, because it has not yet happened. In this article, methodologies have been used to discern useful alternatives to enhance the success of planners and leaders in their response to a range of possible future environments.

Managing the future means influencing it—creating, constraining and adapting to emerging trends and events in a way that optimizes the opportunities and minimizes the threats of relevance to the profession.

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His weathered hands nervously grasp the steering wheel of the parked SUV as he leaned forward trying to decipher sounds of the children's banter and laughter seemingly distorted by the film of dirt on the car windows. His clammy hand wiped the beads of sweat from his brow and upper lip then adjusted his glasses, which appeared to be covered with the same film of dirt and smudges as the vehicle windows. He had stopped in this same location across from the elementary school countless times over the last six months. The Girl Scout bumper sticker, yellow ribbon emblem and school mascot window decal masked his intentions. His heart rate quickened as he thought of his basement, covered with soundboard and furnished with a small mattress decorated with purple and pink sheets. Toys and dolls littered the corner shelf amongst worn videos, duct tape, zip-ties and a video camera. A bucket under a hospital chair would serve as a toilet. He would name her Melissa. She would learn to love him. They would watch videos together, where she would learn to do to him, and for him, what he needed. He would not be caught this time. He had been too careful and had planned for too long to be careless. It would be months before he expected a visit from Probation, and even then the basement and its access were almost undetectable.

The puppy next to him stirred and brought him back to the present. School was letting out soon. He drove his car to a side street behind the school near a field lined with large oaks and waist deep dry grass. A footpath led through the field and into the oak trees. Here, he and his puppy would wait. He would let the puppy do his work to make initial contact with the child. When the bond was made, he would grab her and pull her into the car. Duct tape and the rear

floorboard would serve as her cell for the next several hours; later, under the cover of darkness, she would be placed in the basement.

Imagine this is your child. She was just greeted by the puppy. Now imagine a world liberated of circumstances such as this. Envision a world where children grow with the support of everyone in their community free of predators and malevolence. A world where neighbors rely on each other for success and never hesitate to lend a hand. A society where illegal weaponry, chemical dependency and personal assaults have been eradicated from humanity. This utopia, though foreign to our modern world, would be free of crime and its tragic consequences. Although we may never witness this type civilization, we may be able to foresee methods to manage our criminals in ways that could restore the current system collapsing beneath our feet.

Due to jail and prison overcrowding, California is experiencing a severe increase in the number of criminal offenders being released back into society prior to serving or completing criminal sentences. This criminal integration is further complicated by diminishing police budgets, depleted staff support and lack of State and local subsidizes to augment specialized programs. Today's society, and its limited governmental purse, needs a way to monitor those convicted of crimes without adding dollars necessary in the traditional approaches of increasing the proportion of police to criminals on the streets.

The fix may be prisons without walls. What if we had a means to identify convicted criminals, and then remotely monitor them in a manner that increases their accountability, reduces recidivism, allows for their civic engagement and improves public safety? Is this possible? Perhaps not today, but in the near future, we will have the sophistication to do just that; a system to monitor those responsible for any serious crime. Certainly, tracking the most likely

recidivists of all, the sex offender, should be a primary focus of this technological opus.

Expanding on that effort, though, could create a system to monitor those responsible for any serious crime.

Web Wear Monitoring Devices for a Safer Future

Our current system to monitor convicted criminals outside of prison walls used by the State of California is a basic GPS device. In lieu of remaining in prison and in an effort to lower prison population capacities, the appliance is placed on a probationer or parolee's ankle with the intent for them to stay at home on "house arrest."

On a weekly basis, law enforcement agencies receive BOLOs from the State of California Department of Corrections and Rehabilitation (CDCR) that announce yet another "high risk sex offender" has removed a GPS device, and is "not available" for parole supervision. Parole Agents are responsible to monitor GPS-equipped parolees along with the rest of their heavy caseload. Parole Agents are not unlike every other law enforcement entity; having to do more with less, facing depletion of budgets and manpower have to balance monitoring GPS clients along with their other duties in a system ratio of about 53 parolees per one agent (California Department of Corrections and Rehabilitation, 2010). CDCR has about 6,600 sex offenders on GPS monitoring systems. When one breaks free, a BOLO is issued, a warrant is sought and life moves on. The Los Angeles Times reported more than 3,400 arrest warrants have been issued since October 2011 for convicts who have tampered with their tracking devices, an increase of 28% compared to 12 months before AB109 (Los Angeles Times, 2013). The issue is exacerbated due to recent court and legislative actions that have released thousands of felons back to local communities much earlier than anyone might have anticipated.

AB 109 Impacts the Locals

Following a series of lawsuits against the State of California regarding overcrowding that affected medical, dental and mental healthcare needs of prisoners, the State was ordered to reduce the overcrowding of the State prisons, and also reduce costs and recidivism rates of low-level criminals beginning October 1, 2011. California Governor Edmund G. Brown signed Assembly Bills 109 and 117 into legislation AB109 and AB117, laws the CDCR described as, “historic legislation that will enable California to close the revolving door of low-level inmates cycling in and out of state prisons. AB109 and its deployed strategies is the cornerstone of California’s solution for reducing the number of inmates in the state’s 33 prisons [sic] to 137.5 percent of design capacity by June 27, 2013, as ordered by the Three-Judge Court and affirmed by the U.S. Supreme Court.” (CDCR, 2012) This momentous change forced the transfer of convicted criminals from prisons to county jails.

From October 2011 to May 2013, the “non-non-nons”, referring to the “non-violent, non-serious and non-sex offender” prisoners, will be placed to a county-level facility to finish out their sentence. This lessened the available bedding for new criminals who were recently caught or are awaiting trial or sentencing. The negative impact of the move of the “non-non-nons” to the county level is a financial and societal encumbrance to our local communities.

In a recent survey conducted by the California State Sheriff’s Association (2013), since the inception of AB109, 1109 inmates serving 5-10 years and 44 inmates serving 10+ years are being housed in 52 of the 58 county jails. The longest sentence being served is 43 years in Los Angeles County. The streets of California will undoubtedly be affected both in the short- and long-term, but the true impact of the legislation is not yet known. The data in one Northern California County, though, illustrates the significance of the issue to local communities.

The Butte County Jail serves the County Sheriff's Department, County Probation, Parole and four municipal police departments. It has 614 beds available for inmates. Prior to AB109, the average housing was at 550 inmates. The post AB109 demands fall in the 600-inmate range, and at times, the jail has only one bed available for new arrivals. If the County Jail were to increase bedding to meet the demands, the County would be at risk of facing the lawsuits that initiated the State level court orders that led to AB109. So Butte County officials do what they can to make housing available and move other offenders back on to the streets under alternative custody programs.

With the publicity surrounding AB109 and realignment and the active movement of offenders, repeat offenders now know it will take being caught for a major crime before they will spend any lengthy time in custody. Offenders understand the restrictions in the law, the prisoners' rights and the housing demands of AB109 on the local level jails. Interviewed Patrol Officers are frustrated by the fact that some offenders are out of custody before the police reports are written. Other officers are feeling the change in mindset of the criminals when they find themselves in physical altercations with offenders who think it is worth the risk of fighting with the officers to get away. The result; officers are getting overwhelmed and hurt by the high number of offenders walking the streets in our communities.

In early 2013, a panel of leading Butte County officials met with the Women League of Voters to educate the public regarding the impacts of AB109 on the local community. During this public meeting, Chief Probation Officer Steve Bordin advised that 46,000 inmates had been realigned under the AB109 regulations. He warned, "The majority are at a high risk to reoffend." The County has used funds to identify new alternatives to custody programs or enhance current programs to reduce recidivism, educate and provide job skills and establish their civic role in the

community. Chief Bordin confirmed Butte County had 265 convicted criminals on a Post-Release Community Supervision (PRCS) program with a 1:40 rate of probation officer to PRCS supervision. Butte County District Attorney Michael Ramsey and Undersheriff Kory Honea were not as optimistic of the infusion of non-nons in the local communities. Some of the former State prisoners have one to two year sentences that will be served at the county level. Their mandated residency at the local level impacted the jail's ability to take in new violators.

With supervision levels at 1:40 for County Probation, and 1:53 for State Parole, it is difficult to believe assigned officers have a true grasp on what each convict is doing when not under the microscope. PRCS daily reporting centers, RFID ankle monitors, antiquated systems and increased population demands on law enforcement monitors are failing public safety. Law enforcement needs to incorporate existing and emerging private sector technologies to help refurbish the current system.

It Takes a Village to Monitor Offenders

Probation officers and Parole agents should not be expected to handle this supervision alone. The needed supervision technology is out there. From tech savvy wearables such as the *Nike+*, *Jawbone Up*, *Google Glass* and *Garmin*, companies are using apps and the cloud to monitor and modify the behavior of its customer to enhance their quality of life. Today's fitness lovers can plan and track their dietary needs, outline running trails, monitor speeds, locations and heart health with wrist bands, the web and global positioning systems (GPS). Law enforcement needs to partner with leaders in personal use technologies to develop the enhanced criminal monitoring products and reduce development costs.

The use of technologically advanced systems should be employed to help monitor offenders, track their activities, and enhance their accountability resulting in increase public

safety. Using systems similar to the GPS in newly advanced fitness equipment, Web Wear devices could be linked live to dispatch patrol cars and beat officers via satellite to allow the assigned monitor the capability of knowing the offenders' location at all times. Such GPS systems could also notify agents if the offender was in close proximity to other monitored offenders (violating court ordered no-contact or gang clauses) or if the offender entered a court ordered restricted area of the community (such as a park or school zone).

The possibilities to use such systems are only limited by our imagination. Enhancing modern micro-controlling alcohol sensors, alert systems could be embedded into the Web Wear devices that notified authorities if the offender was exposed to contraband chemicals, such as alcoholic beverages, illegal drugs or gunpowder. Additional alert systems could be signaled if the offender's heart rate reached dangerous levels, such as tachycardia during drug use or other criminal activity. The agents could warn the public of the wanted person by activating the device's audible alert system. Remote GPS enabled Unmanned Aerial Vehicles (UAV) could then be sent to the offender's location to provide emergency responders with a visual update on the condition of the offender prior to the response of local law enforcement. And, of course, all accomplished by a device stronger than a phone cord.

Scientists have identified key proteins used by spiders to spin webs of silk that have a tensile strength that is five times stronger than steel, on a weight-to-strength basis. The collected protein is spun from the base material into fibers. Spider silk technology is currently being developed that, combined with nanotechnology, could create a Kevlar-like product that contains thousands of bits of information in the length of a single wire bracelet. This embedded technological capability would create an enhanced failsafe system that not only notifies

authorities when the device is tampered with but will emit non-lethal muscle tetanizing electrical impulses to help prevent initial tampering.

Charles “Sid” Heal, a retired Los Angeles County Sheriff’s Commander, spent his career working to improve special enforcement teams and emergency operations. When discussing the possibility of embedding a conductive electrical device into the full-time, post-sentencing offender monitoring system, Sid recommended the following:

- ID embedded technology to be tamper proof, failsafe to avoid swapping devices with another inmate.
- Must have deactivation capabilities to ensure the safety of the user.
- Use of the device should be based on the voluntary request of the offender, in lieu of custody.
- Focus should be on a remote and immediate ending unwanted behavior by use of a conductive electrical device; therefore, the device should be designed with temporary muscle tetanization capabilities to incapacitate the offender during acts of violence. This immediate ending of behavior does not mean permanent or long lasting injury or physical damage, such as with impact weaponry.
- Public accountability: potential allegations of abuse of the device should be considered and the ability to monitor the law enforcement personnel should be available to supervisors.
- There is “no magic bullet.” Any nano-conductive electrical device should be a hybrid of the technological advances of many. One device’s advantages should offset the disadvantage of another.

The Ultimate “What if”

Law enforcement professionals cannot promise world peace or life without fear. We can though present options. We can continue to police status quo, we can build more prisons and enhance our judicial system, or we can partner with both private and free enterprise and subsequently implement new technologies created by those not currently affiliated with law enforcement.

Transitioning to web wearable monitoring would allow real-time monitoring and intervention into the activities of parolees in our communities. Technology serves a multitude of purposes in modern society; its protection should be the paramount use. Thinking back to our child predator, we can revisit the what if... *His weathered hands nervously grasp the steering wheel of the parked SUV as he leaned forward trying to decipher sounds of the children`s banter and laughter seemingly distorted by the film of dirt on the car windows. A UAV hovered overhead as the police cruiser pulled up behind...*

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