

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: March 12, 2013

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations
Committee

FROM: Gerry F. Miller 
Chief Legislative Analyst

Council File No: 13-0002-S32
Assignment No: 13-02-0160

SUBJECT: Resolution (Englander - Buscaino) to support SB 57, which would make the unauthorized removal of a parolee's ankle mounted-monitoring bracelet a felony

CLA RECOMMENDATION: Adopt Resolution (Englander - Buscaino) to include in the City's 2013 – 2014 State Legislative Program SUPPORT for SB 57 (Lieu), which would increase the penalties for parolees who remove their ankle-mounted monitoring devices without approval

SUMMARY

On February 26, 2013, a Resolution (Englander - Buscaino) was introduced to support SB 57, legislation to increase the penalty for the unauthorized removal of a parolee's ankle mounted monitoring device to a felony. The Resolution states that an increasing number of parolees are required to wear GPS enabled monitoring bracelets (ankle bracelets) as part of their parole conditions, and that there is an increasing problem of parolees removing these devices without authorization.

The Resolution states that ankle bracelets are an essential tool for law enforcement officers to track parolees, some of whom may be a threat to the safety and security of the public if not under supervision. The Resolution further states that current penalties for this parole violation do not go far enough to effectively punish those who remove their ankle bracelets, nor do the penalties deter parolees from removing their monitoring devices. The Resolution, therefore, seeks an official position of the City of Los Angeles to support SB 57, legislation which would make the unauthorized removal of a parolee's ankle-mounted monitoring bracelet a felony.

BACKGROUND

GPS enabled monitoring bracelets are increasingly being utilized by law enforcement agencies to track parolees. In California, the vast majority of parolees subjected to GPS monitoring have been convicted of a sex offense. This is the result of Proposition 83, which was approved by California voters in 2006 and requires the California Department of Corrections and Rehabilitation (CDCR) to utilize GPS monitoring for high-risk sex offenders on parole. GPS monitoring has been very successful, and recidivism rates among parolees required to wear ankle bracelets is far lower than parolees not subject to this level of supervision. However, recent investigations have found that an increasing number of parolees are cutting off or otherwise disabling their ankle bracelets, and some of these parolees have gone on to re-offend. More than 3,400 arrest warrants for tampering with ankle bracelets have been issued in California since October 2011.

Currently, the unauthorized removal of an ankle bracelet is considered a parole violation. If convicted of this violation, an offender is subject to a 180 day sentence in a county jail. However, some counties jails are overcrowded and lack the space to hold parole violators. Thus, many parolees convicted of removing their ankle bracelet serve only a fraction of their sentence; some serve no time at all. This lack of full enforcement creates a sense of impunity among parolees, who may not believe they will be seriously punished for removing their ankle bracelets.

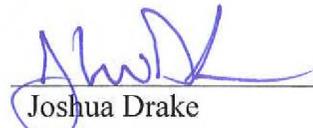
To address this issue, SB 57 would increase the penalty for a parolee's unauthorized removal of an ankle bracelet to a felony, punishable by imprisonment in the state prison for 16 months, two years, or three years. SB 57 removes the burden of imprisonment for these parole violations from local jurisdictions, and will ensure that parolees who violate this term of their parole will be punished to the full extent of the law. Further, the new felony will act as a more effective deterrent against the removal of an ankle bracelet. Due to the nature of this parole violation and the danger many of these parolees pose to public safety, SB 57 is an urgency bill, and its provisions will come into effect immediately after approval.

DEPARTMENTS NOTIFIED

Police Department

BILL STATUS

01/07/2013	Bill introduced
01/08/2013	Referred to the Committee on Rules
02/21/2013	Referred to the Committee on Public Safety


Joshua Drake
Analyst

GFM:SMT:jwd

Attachment: Resolution (Englander - Buscaino)

FEB 26 2013

13-0002-532

POLES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, many parolees are required to wear an ankle-mounted monitoring bracelet as a condition of their parole; and

WHEREAS, the vast majority of individuals ordered to wear an ankle-mounted monitoring bracelet are on parole after being convicted of a sex offense; and

WHEREAS, these devices are essential tools for law enforcement to monitor parolees, in order to maintain public safety and to ensure that individuals on parole do not offend again; and

WHEREAS, an increasing number of parolees required to wear an ankle-mounted monitoring bracelet have been removing these devices, making it difficult for law enforcement and parole officers to track these offenders; and

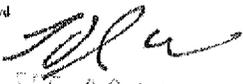
WHEREAS, removal of an ankle-mounted monitoring bracelet is currently considered a parole violation and not a felony, and punishment for this act may not result in jail time in every case; and

WHEREAS, SB 57 (Lieu) would make the unauthorized removal of an ankle-mounted monitoring bracelet a felony, in order to increase the penalties for the removal of a monitoring device and to deter individuals on parole from making the decision to remove a monitoring device in the first place;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013 - 2014 State Legislative Program SUPPORT of SB 57, which would make the unauthorized removal of a parolee's ankle-mounted monitoring bracelet a felony.

PRESENTED BY 
MITCHELL ENGLANDER
Councilmember, 12th District

SECONDED BY 

jwd

FEB 26 2013

ORIGINAL