



CITIZEN'S BAIL COALITION
Arrested for Crimes, not for living

Michigan State Senate
Judiciary Committee
Chairman Jones
Lansing, Mi.

The Citizen's Bail Coalition was created with the idea of helping to create a strong, accountable Pre-trial Release system in the state of Michigan that protects both the rights of the victim and the accused. In the case of HB 4127 we believe that this is not accomplished.

Although it is clear that the intent of the bill is very well placed, the "devil" is always in the details. This bill has failed to cover some of the most important aspects of the release that it is trying to accomplish, while the bill does not apply 21st century technology or thinking to protecting the rights of the victim.

We believe that it is very important for the Victim of violent crimes to feel safe and confident that they will be able to see justice in their incident. In the case of HB 4127 the author has created the possibility that a release tool will be converted to a release mechanism. Judge's currently have the option of requiring that a GPS based Electronic Monitor be required for certain offenses, so why spend time on passing new legislation? This bill is being pushed, solely by the makers of these monitoring devices so that they can begin to approach judges to release people without any bond and just using these electronic monitors.

If electronic monitors had a strong history of success, we would be a strong supporter of this concept but it is the cold, hard truth that an electronic monitor is ONLY as good as the people analyzing the data. In recent weeks, this country has seen a rash of electronic monitor failures leading to heinous crimes. This bill does not cover the most important aspect of releasing a person on electronic monitor, who will be accountable for the decision to release this person on tether and who will be tasked with the job of monitoring the individual?

Is Law Enforcement going to be burdened with this task? Currently many of the departments around the state are fighting to handle their current duties with decreasing budgets. Are you going to create a NEW

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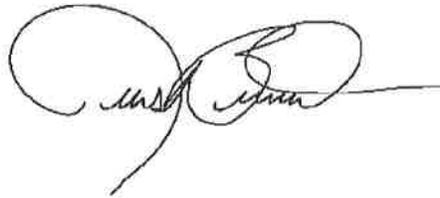
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and the 1 unifying theme is the failure of accountability. It is great that the legislature has seen fit to discuss this topic but please do not pass a bill that fails to fix the problems. Since this bill is being pushed through, as is, the Citizens Bail Coalition, its members, friends, and supports believes that this bill should be voted down in favor of a bill more likely to fix the existing problems and placing Michigan at the forefront of the judicial system instead of placing us behind such cities as Orlando who just placed their Electronic Monitoring unit on permanent hiatus until they can fix the problems I have listed for you.

Sincerely,



Justin Butler
Director
Citizen's Bail Coalition

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Burglar released 11 times in 5 months agrees to plea deal | Local News | The Register-Guard

The days of Elijah McGloghlon going to jail in Lane County and walking free before trial have ended — at least for the next couple of years.

As part of a whirlwind tour of the local criminal justice system, McGloghlon on Thursday struck a deal with prosecutors and pleaded guilty in Lane County Circuit Court to burglarizing two Eugene homes last fall. A judge sentenced the 33-year-old Eugene resident to 28 months in state prison.

McGloghlon admitted responsibility for the crimes less than 11 hours after Eugene police arrested him on warrants related to the break-ins and to his repeated failure to appear in court as ordered during the past few months.

McGloghlon was also taken into custody on charges that he burglarized a Springfield home on Wednesday and stole several items, including a gun, police said.

Lane County Deputy District Attorney Paul Graebner said he had originally wanted to see McGloghlon locked up in an Oregon penitentiary for an even longer term for last year's crimes in Eugene.

But the prosecutor's priority on Thursday was making sure that McGloghlon didn't gain pretrial release from the county jail for the 12th time since last October, even if it meant negotiating a more lenient arrangement with him.

"We had to get him out of this revolving door" at the county jail, Graebner said. "We had to make a lot of concessions, or else he would've been out again by (Thursday night)."

As a result of budget cuts, three of the jail's seven housing wings now sit closed. The county releases dozens of inmates each week prior to trial to make room for offenders deemed to pose a greater safety risk to the community.

However, there's plenty of room in the state prison system, and violators who are sentenced to more than a year behind bars go into the state system, not the county jail.

Before his most recent arrest, McGloghlon had been booked into the county jail 11 times during the previous 5½ months. All but two of those stints lasted less than 24 hours, according to jail records.

Prosecutors, meanwhile, had charged him in recent months with committing another burglary, and with several counts of failing to appear at scheduled court hearings.

"We had no handle on him," Graebner said.

This time around, McGloghlon will be kept in jail until Tuesday, when he is transferred to state prison. He'll likely return to Lane County later this spring for a court appearance relating to this week's arrest, Graebner said.

Eugene police Lt. Eric Klinko said officers acted on a tip shortly after 11 p.m. Wednesday and stopped McGloghlon in a vehicle as he traveled through Glenwood. McGloghlon was allegedly carrying a loaded and stolen .40-caliber handgun in his waistband when officers arrested him.

"We're very happy to get him off the streets," Klinko said.

The gun was among the items stolen Wednesday from a home in the 3900 block of South F Street in Springfield. McGloghlon is being investigated in connection with "a few other" residential burglaries in the area, Springfield police Sgt. David Lewis said.

McGloghlon's court-appointed attorney, Brad Cascagnette, could not be reached for comment on Thursday.

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Gov. Jerry Brown's prison program blamed in fatal stabbing

San Bernardino County officials cite the case of a suspect who was killed by a CHP officer as proof that realignment is a failure. State officials say the blame is misplaced.

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By Phil Willon, Los Angeles Times
April 9, 2013 | 8:32 p.m.

The case of a convicted felon who allegedly stabbed a woman to death at a Fontana park-and-ride has exposed flaws in Gov. Jerry Brown's controversial plan to give local governments responsibility for nonviolent prisoners, San Bernardino County authorities said Tuesday.

David Mulder, 43, a transient with a history of drug-related convictions, was shot and killed Sunday night by a California Highway Patrol officer responding to a report of a woman being attacked in a car near the San Bernardino Freeway. Elisa VanCleve, 49, of Rialto was in the car with Mulder and died of stab wounds.

County probation officials said Mulder was released from state prison Sept. 25 under the governor's realignment program, which transferred supervision of prisoners and probationers convicted of nonviolent and non-sex-related crimes to local agencies.



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Realignment was approved after the U.S. Supreme Court upheld federal oversight of California's overcrowded prisons. Local law enforcement agencies have complained of being overrun by prisoners and parolees sent to county jails, treatment programs and probation supervision — even with additional state funding.

A week before the killing, another felon released to county supervision under the program allegedly raped a woman in a Fontana motel room, according to the Fontana Police Department. Juan Francisco Aguilera, 30, had convictions for grand theft auto, drug possession, receiving stolen property and robbery.

Fontana Police Chief Rod Jones called both cases prime examples of the failure of realignment.

"Dangerous prisoners that belong in state prison continue to be released early, time and time again, to return to our communities and endanger our families and friends," Jones said.

A spokesman for the California Department of Corrections and Rehabilitation said blaming realignment for Mulder's release was misguided and inaccurate. Mulder had finished his prison sentence and would have been released to San Bernardino County, where he was originally sentenced, regardless, agency spokesman Luis Patino said.

"The guy served his prison time and we had no authority to hold him beyond that. Whether he was on parole or probation, he still would have been in their county," Patino

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said.

Patino said more than \$152 million in state funding has been allocated to San Bernardino County since 2011 to handle the increased responsibilities under prison realignment. Mulder's early release from county jail after being arrested for a probation violation was responsible for him being on the street Sunday, not state prison realignment, Patino said.

San Bernardino County's Chief Probation Officer Michelle Scray Brown said that although her agency is equipped to handle the increased caseload under realignment, Mulder was

among those prisoners being released who are "simply not appropriate for community supervision."

Although his crimes were nonviolent, Mulder had been sent to state prison eight times since 1990, primarily for drug possession convictions, but he had a history of violating parole and skirting probation officers.

"We arrested this guy several times for violations," Probation Officer Brown said. "Clearly, this guy was a high risk to the community."

After his release from state prison in September, Mulder enrolled in a sober-living facility in Upland. In December, a county probation officer found that Mulder had disappeared and failed to report a change of address. Mulder was arrested March 25. Three days later, a San Bernardino County judge sentenced him to 30 days in county jail for violating the terms of his probation, giving him credit for 11 days already served.

Mulder was released from jail five days later.

San Bernardino County Sheriff's Department spokeswoman Jodi Miller said Mulder was released from custody April 1 after receiving 14 days of credit for good behavior and work time based on the judge's sentence.

Chris Condon, a spokesman for the probation agency, said it's not surprising that Mulder would have been released early because the county jails are filled with inmates who, in previous years, would be in state prison.

"We do not have sufficient bed space to house this population," Condon said.

For the Record, 10:36 a.m. April 10: An earlier version of this report contained a photo caption with a misattributed quote.

phil.willom@latimes.com

Your take?

► Is Gov. Jerry Brown's prison realignment plan sound policy?

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No

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Video

Barry McCociner at 11:46 AM April 10, 2013

People fail to forget that the Supreme court NEVER ordered inmates to be released, they stated that overcrowding must be reduced to 137.5% capacity, YOU figure out how to do that. There are 2 options to address that issue, 1 build more space to house them or 2, release them. Jerry chose to release them because people refused to pay to incarcerate them, this is what you asked for, you made your bed now lay in it. Despite looking like ignorance on 2 legs, Jerry isn't as dumb as he portrays himself to be and he knew that raising money to build space was going to be fought tooth and nail in this state so he devised a devious plan and held education hostage to raise money (prop 30) to fund realignment so either way you pay for inmates only this way it's more dangerous and adds to that the cost of human life. You. Got. Suckered.

charleylucky at 11:05 AM April 10, 2013

State of CA prison authorities are both aware and sensitive to the extreme cost of criminal housing, extreme overcrowding, or faulty security and expensive health care expenses going higher and higher. Long sentences to hopefully prevent crime add to the problem. Jerry can't win as he is wrong if he releases selected perps early due to horrible overcrowding prisons cost, or if he returns perps to the counties they came from for housing. Those of you who either do not "get" the problem issues or suffer from frustration toward the state management difficulties, do you have a constructive proffer to resolve things in the world of crime punishment? Aside from termination I mean? Maybe you might want to take 3 or 4 perps from the county/state and management them yourself in your home, according to the "rules"? Opportunity knocks? Some actually do that in numbers like 4 to 8 perps and get paid by the state. No executions allowed tho. Otherwise, wail away and have a beer and say a prayer for Jerry, the eagle who soars over the home terrain to nab predators. And pay your taxes gratefully.

Albert Bonds at 11:03 AM April 10, 2013

Had it not been for realignment, David Mulder would have been sent back to state prison for his parole violation rather than the overcrowded San Bernardino County Jail. This jail, like 17 others in California, is subject to a federal overcrowding order which forces the jail to release prisoners when population caps are reached. This is why David Mulder was released early. What is shocking in this matter is that Governor Brown, the Department of Corrections and the other architects of realignment knew that 17 California counties were subject to these federal overcrowding orders when they enacted realignment and required huge numbers of felons to do their sentences in the county jails. They didn't give a damm about the effects this would have on public safety.

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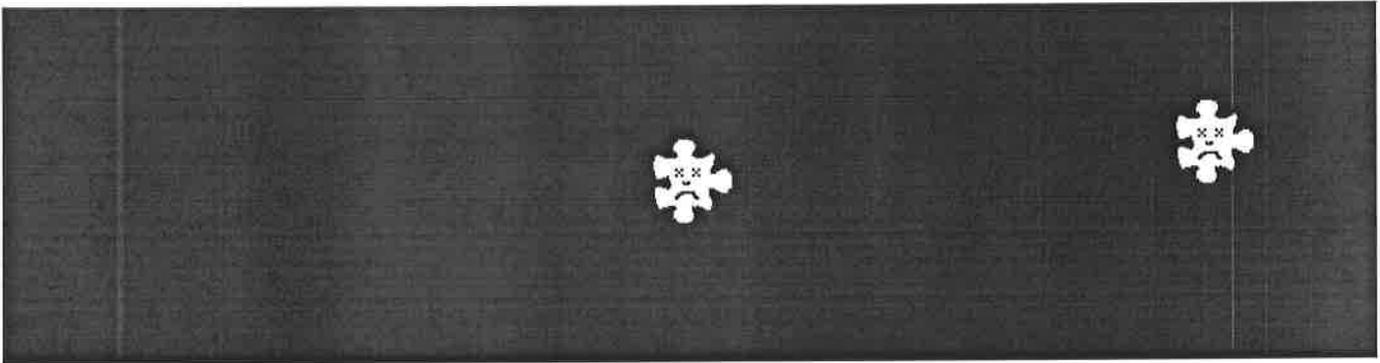
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Orange corrections chief steps aside after home-confinement failure

April 11, 2013 | By David Damron and Rene Stutzman, Orlando Sentinel

The head of Orange County's corrections department and one of his chief deputies are out following two scathing internal reports released Thursday that found little oversight within the agency's embattled home-confinement program.

Orange County Mayor Teresa Jacobs made that announcement during an emotional news conference. The mayor fought back tears upon the arrival of Rafael Zaldivar, father of a man allegedly killed by a suspect who was supposed to be monitored by county employees.

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Teresa Jacobs announced the retirement of corrections department head

VIDEO: Orange County Mayor Teresa Jacobs news conference

She later embraced Zaldivar, and they spoke privately for several minutes afterward.

Zaldivar and his family, she said, deserve "my sincerest condolences."

Orange County Corrections Chief Michael Tidwell
 Chief Tidwell's retirement letter
 Orange OKs home-confinement review

Trust in the program has steadily eroded since the Orlando Sentinel revealed in February that Ocoee home-invasion defendant Bessman Okafor had violated his curfew numerous times while on home-confinement monitoring.

None of those violations was reported to a judge. During an unauthorized outing in September, police said, Okafor shot three people — two of whom were scheduled to testify against him at trial. One, Alex Zaldivar, died.

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During her news conference, Jacobs announced the resignations of corrections Chief Michael Tidwell and one of his deputies, Jill Hobbs.

Tidwell, 64, in a written letter to Jacobs on Wednesday, called his departure a retirement, not a resignation.

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But soon after the news conference, county spokesman Steve Triggs said: "She [Jacobs] definitely asked for his resignation."

Troubled home-confinement program suspended amid controversy

Triggs later sent a statement that said, "Recently, the mayor expressed the need for a change in leadership at the jail," but noted Tidwell had planned to retire "for some time." Both agreed that Sept. 30 would provide adequate time for a "smooth transition," it stated.

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During the news conference, Jacobs released conclusions of two investigations into the department's home confinement program.

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"The reports document violations of our policies and procedures," she said. "Obviously I am deeply disappointed by these violations. I will continue to demand ... accountability, transparency and integrity. Anything less than that is unacceptable."

She also said county employees involved in the monitoring breakdown "will be subject to disciplinary action up to and including" termination.

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The Office of Professional Standards report named six employees as having violated county procedures. The most senior was Hobbs. They also include the field officer who was supposed to monitor Okafor, Kenya Cox; Okafor's home confinement officer, Meg Hughes; as well as Garnett Ahern, Juanita Beason and Cindy Boyles, who manages the department's Community Corrections operations, the umbrella group under which the home confinement unit falls.

They could not be reached for comment.

"They should be prosecuted; they should be arrested," said Rafael Zaldivar.

Soon after the Sentinel's initial reports on the program's problems earlier this year, Jacobs suspended it, and judges quickly began switching defendants off from it as well. This has led to less oversight for some defendants.

The professional standards review released Thursday found poor documentation and follow up of curfew violations. It said not all the staff were "aware of the scope of reports that could be utilized to help track violations of the clients."

That report said that one of the most crucial failures "was the discontinued use" of "email notifications of curfew violations in June 2012."

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That standards report reviewed 7,400 emails between staff to see how the Okafor issue was handled. It noted that none of those emails went to Tidwell "regarding this situation."

Tidwell, a nearly six-year veteran of the job, has an annual salary of \$151,008.

The professional standards report also said that the corrections staff had not been aware of the number of Okafor curfew violations until January. "Staff provided no explanation as to why they did not elevate the severity of the issue higher" once they became aware of it, the report stated.

In a separate internal affairs report, officials detailed other potential problems where a field officer was unable to reach Okafor, and instead reached his sister on a cell phone.

The field officer "accepted the sister's excuse that there were ongoing problems at the house with the phone provider," the internal affairs reports states. "The alert was then cleared."

More reviews and changes are likely to come.

This month Chief Judge Belvin Perry Jr. suspended a **separate** GPS monitoring program used as a condition of bail or for those on pretrial release in criminal cases. That move came two days after police said Wilfred Gregory, who was on GPS monitoring, shot a man in Apopka, then cut off his monitoring

Orange home confinement reviews expected to be released today - Orlando Sentinel
device. Gregory was apprehended Wednesday.

Jacobs declined to answer detailed questions after her statement, citing pending litigation. But Triggs said a larger outside review already underway would likely need to wrap up in the coming months before any decisions were made to revamp or permanently dismantle monitoring programs.

Jeff Weiner contributed to this report. ddamron@tribune.com or rstultzman@tribune.com

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Report criticizes probation for lax monitoring before Renz murder

Print (http://blog.syracuse.com/news/print.html?entry=/2013/04/report_criticizes_probation_fo.html) (<http://connect.syracuse.com/user/meisenst/index.html>) By Marnie Eisenstadt | meisenstadt@syracuse.com (<http://connect.syracuse.com/user/meisenst/posts.html>) on April 16, 2013 at 7:40 PM, updated April 17, 2013 at 12:04 PM

David Renz

NY State Police

SYRACUSE -- Federal probation officers had 46 opportunities to see that David Renz was tampering with his electronic

monitor. But they didn't investigate any of the alarms.

And they never inspected Renz's monitoring bracelet, even after being told that it had been tampered with, according to an investigation by the Administrative Office of the United States Courts.

Renz was put on a monitor when he was released from custody Jan. 11 after being charged with possessing hundreds of images of child pornography.

A report, released today by U.S. District Judge Gary Sharpe, detailed nine weeks of lax monitoring by probation officers before police say Renz killed Liverpool school librarian Lori Bresnahan and raped a 10-year-old girl.

Probation officers told BI Inc., the company that tracks the monitors, that they didn't want to know about alerts that lasted five minutes or less, according to the report. In response to this case, the federal courts office has made a rule that officers must receive all alerts.

It took Renz just one minute to get out of his bracelet and put it back together with duct tape and a screw March 14, according to the report. Shortly after, police say Renz attacked Bresnahan and the girl near Great Northern Mall in Clay.

Probation officers violated six federal policies in their monitoring of Renz, according to the report. They chose not to receive immediate tamper alerts; didn't review monitoring activities daily; failed to have monthly contact with Renz and inspect his equipment; failed to investigate the alerts they were notified of; failed to have a written case plan for Renz; and failed to help Renz maintain employment.

Photo of the Day

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The report noted that several of the findings were also systemic problems detailed in a 2010 review of the department's work.

The report speculated that Renz had been practicing getting out of his bracelet, and the department's lax monitoring allowed him to succeed.

There were dozens of instances leading up to Bresnahan's slaying that Renz's monitoring bracelet told BI Inc. it was being tampered with. Many of them were in that five-minute window, but there were seven alerts in the month leading up to the attack that lasted long enough that officers were notified. Some of those alerts lasted up to four hours, according to the report.

There were also three "no motion" alerts, which told officers Renz's monitor hadn't moved at all in four hours or more. The report says that those alerts might indicate that the monitor had been slipped off Renz's ankle then, as well.

The only action probation officers took in response to those 10 alerts they knew about was to call Renz into the office and tell him to "stop messing with the transmitter," and to "stop playing loud music around the equipment," according to the report. The officer who admonished Renz was under the mistaken impression that music could interfere with the monitoring equipment.

That was the only time probation officers set eyes on Renz after they set him up with the monitor in January. During that visit, no one looked at Renz's monitor to see if it had been tampered with, according to the report.

Renz could have been practicing his escape for weeks or even months leading up to his arrest March 14 for murder and rape. There's no way to know how long the bracelet was cobbled together with duct tape and a screw, as it was when it was found the night of Renz's arrest, because officers never looked at it after they put it on his leg in January.

In a statement, Sharpe said he stands by the probation office. "We have confidence in the integrity and professionalism of the chief probation officer and his staff," Sharpe wrote.

Sharpe said there will be changes in the probation office to fix the deficiencies found in the Renz case. They include additional training, closer monitoring of probation officers and periodic reports to the judges about their activity.

The results of the investigation were confidential, but Sharpe decided to release them, anyway.

"I believe our federal courts and all public institutions are immeasurably strengthened by their openness to public scrutiny," Sharpe wrote.

A representative of BI Inc. declined comment on the case.

Matthew Brown, the chief probation officer for the Northern District, also declined comment. But he responded to the report in a letter to Matthew G. Rowland, the assistant director of probation and pretrial services.

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Renz is being held in the Justice Center Jail. He is scheduled to be tried on the child pornography charges June 3.

Contact Marnie Eisenstadt at 315-470-2246 or [**meisenstadt@syracuse.com**](mailto:meisenstadt@syracuse.com) ([**mailto:meisenstadt@syracuse.com**](mailto:meisenstadt@syracuse.com)).

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Report criticizes probation for lax monitoring before Renz murder

By [Marnie Eisenstadt](#) | meisenstadt@syracuse.com

on April 16, 2013 at 7:40 PM, updated April 17, 2013 at 12:04 PM

SYRACUSE -- Federal probation officers had 46 opportunities to see that David Renz was tampering with his electronic monitor. But they didn't investigate any of the alarms.

And they never inspected Renz's monitoring bracelet, even after being told that it had been tampered with, according to an investigation by the Administrative Office of the United States Courts.

Renz was put on a monitor when he was released from custody Jan. 11 after being charged with possessing hundreds of images of child pornography.

A report, released today by U.S. District Judge Gary Sharpe, detailed nine weeks of lax monitoring by probation officers before police say Renz killed Liverpool school librarian Lori Bresnahan and raped a 10-year-old girl.

Probation officers told BI Inc., the company that tracks the monitors, that they didn't want to know about alerts that lasted five minutes or less, according the report. In response to this case, the federal courts office has made a rule that officers must receive all alerts.

It took Renz just one minute to get out of his bracelet and put it back together with duct tape and a screw March 14, according to the report. Shortly after, police say Renz attacked Bresnahan and the girl near Great Northern Mall in Clay.

Probation officers violated six federal policies in their monitoring of Renz, according to the report. They chose not to receive immediate tamper alerts; didn't review monitoring activities daily; failed to have monthly contact with Renz and inspect his equipment; failed to investigate the alerts they were notified of; failed to have a written case plan for Renz; and failed to help Renz maintain employment.

The report noted that several of the findings were also systemic problems detailed in a 2010 review of the department's work.

The report speculated that Renz had been practicing getting out of his bracelet, and the department's lax monitoring allowed him to succeed.

There were dozens of instances leading up to Bresnahan's slaying that Renz's monitoring bracelet told BI Inc. it was being tampered with. Many of them were in that five-minute window, but there were seven alerts in the month leading up to the attack that lasted long enough that officers were notified. Some of those alerts lasted up to four hours, according to the report.

There were also three "no motion" alerts, which told officers Renz's monitor hadn't moved at all in four hours or more. The report says that those alerts might indicate that the monitor had been slipped off Renz's ankle then, as well.

The only action probation officers took in response to those 10 alerts they knew about was to call Renz into the office and tell him to "stop messing with the transmitter," and to "stop playing loud music around the equipment," according to the report. The officer who admonished Renz was under the mistaken impression that music could interfere with the monitoring equipment.

That was the only time probation officers set eyes on Renz after they set him up with the monitor in January. During that visit, no one looked at Renz's monitor to see if it had been tampered with, according to the report.

Renz could have been practicing his escape for weeks or even months leading up to his arrest March 14 for murder and rape. There's no way to know how long the bracelet was cobbled together with duct tape and a screw, as it was when it was found the night of Renz's arrest, because officers never looked at it after they put it on his leg in January.

In a statement, Sharpe said he stands by the probation office. "We have confidence in the integrity and professionalism of the chief probation officer and his staff," Sharpe wrote.

Sharpe said there will be changes in the probation office to fix the deficiencies found in the Renz case. They include additional training, closer monitoring of probation officers and periodic reports to the judges about their activity.

The results of the investigation were confidential, but Sharpe decided to release them, anyway.

"I believe our federal courts and all public institutions are immeasurably strengthened by their openness to public scrutiny," Sharpe wrote.

A representative of BI Inc. declined comment on the case.

Matthew Brown, the chief probation officer for the Northern District, also declined comment. But he responded to the report in a letter to Matthew G. Rowland, the assistant director of probation and pretrial services.

He, and the investigation, pointed out that 28 months before Renz's case, officers complained to BI Inc. about too many tamper alerts. They were told by BI to use the five-minute rule, but were also supplied with new equipment in the following months to address the problems.

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Search for trust, and options, continues in Orange amid electronic-monitoring scandals

Home-confinement program, GPS monitoring under fire after shootings.

April 6, 2013 | By Jeff Weiner, Orlando Sentinel

After a pair of brutal attacks — one allegedly by a defendant on home confinement, another by a man tracked by GPS — the electronic-monitoring programs used to keep tabs on defendants awaiting trial in Orange County are under heavy scrutiny.

Both home confinement, which is run by county corrections, and the privately operated GPS program that was briefly viewed as a favorable alternative have been suspended amid the bloodshed.



Wilfred Gregory's broken GPS monitoring device, (APD, Provided by Apopka...)

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Until a solution is found, or trust in the programs is restored, judges in Orange have few pretrial-release options, and many defendants will be watched less closely than they were previously.

Pretrial-release programs are a popular solution to at least two common problems: One is jail crowding, and the other is the difficult balance between a defendant's right to bail and the potential for further crime.

But recent events have severely shaken trust in electronic monitoring in Orange County.

It began in February when the Orlando Sentinel revealed that Ocoee home-invasion defendant Bessman Okafor had violated his curfew numerous times while on home-confinement monitoring, none of which was reported to a judge. During an unauthorized outing in September, police said, Okafor shot three people — two of whom were scheduled to testify against him at trial.

One, 19-year-old Alex Zaldivar, was killed.

In February, Orange County Mayor Teresa Jacobs suspended use of that program. Though officials

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said defendants already on that program would stay on it, judges quickly began switching defendants off it.

Then on Easter, Wilfred Gregory, who was on GPS monitoring after a domestic-violence arrest, shot a man in Apopka and then cut off his GPS device, according to authorities. Police say the monitoring company, Court Programs of Central Florida, failed to reveal for several hours that the device had been removed and took longer to reveal that a company employee had found the abandoned device.

As a result, Orange-Osceola Chief Judge Belvin Perry suspended the GPS program last week. The roughly 180 people already on its monitoring will remain, he said, but no more will be added.

Monitoring varies

So far, the effect of suspending electronic monitoring in Orange has typically been fewer restrictions on defendants, not more.

That's because, regardless of the availability of monitoring, the large majority of cases are unlikely to meet any of the stringent criteria for keeping a defendant locked up until trial.

Only 18 of the more than 200 defendants who were on home confinement when the controversy began remained Friday morning, and corrections records show few have been ordered back behind bars: As of late March, only five defendants taken off the program without having committed a new crime or violation were returned to jail.

In the same period, judges removed at least 45 defendants from home confinement without any replacement monitoring. Nearly 50 more were switched to probationlike check-ins.

Even before the current controversy, defendants ordered to home confinement in Orange County were subject to very different monitoring than people charged with the same crimes one county over.

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For example, home confinement in Orange utilized a radio-frequency monitor, not satellite-based GPS. The monitor communicated with a land-line-connected base unit dependent on electricity and home-phone service. The system, even when functioning as designed, lacked the capability to determine a defendant's whereabouts when away from home.

In adjacent Seminole County, however, home confinement is accomplished through a GPS monitor that, according to county officials, requires no base unit, can utilize a cellular signal and can determine and relay a defendant's location at all times.

In Orange, home-confinement violations were reported by corrections personnel to a judge, who then issued a warrant. There was no immediate notification of law enforcement or victims.

In Seminole, depending on their seriousness, violations are reported in real time to 911 dispatchers, probation or Sheriff's Office personnel, sheriff's spokeswoman Kim Cannaday said. In domestic-violence cases, the victim is notified of violations by cellphone and can escalate law-enforcement response if he or she feels an imminent threat.

Orange and Seminole's home-confinement programs fall on a spectrum, and many other Florida counties are somewhere in between. Miami-Dade uses GPS, as Seminole does, rather than radio frequency, as Orange does. Broward uses both. Volusia doesn't use confinement for pretrial release.

A fundamental difference between Orange County and most others in the state is that, in Orange, the Corrections Department is overseen by the county commissioners, not the sheriff.

Fraternal Order of Police Lodge 86, which represents sworn officers in the Orange County Corrections Department, circulated a petition last year to put the Sheriff's Office back in charge.

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