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# NATIONAL INSTITUTE OF JUSTICE

*Research in Brief*

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## Intermediate Sanctions

by Voncile B. Gowdy

Intermediate sanctions, ranging in severity from day fines to "boot camps," are interventions that are beginning to fill the sentencing gap between prison at one extreme and probation at the other. Lengthy prison terms may be inappropriate for some offenders; for others probation may be too inconsequential and may not provide the degree of supervision necessary to ensure public safety.

By expanding sentencing options, intermediate sanctions enable the criminal justice system to tailor punishment more closely to the nature of the crime and the criminal. An appropriate range of punishments can make it possible for the system to hold offenders strictly accountable for their actions.

These are important goals when one also considers the strains being placed every day on a criminal justice system that currently incarcerates more than 1.2 million adults and releases three times that number to some form of community supervision,

primarily probation.<sup>1</sup> Demands on traditional probation in major cities are probably increasing more dramatically than on jails and prisons; caseloads of up to 200 offenders per probation officer are not uncommon.<sup>2</sup>

Criminal justice officials in many parts of the country are looking to intermediate sanctions as a means of meeting these challenges without threatening public safety. Through drug testing, electronic monitoring, and heightened supervision, intermediate sanctions increase control of certain offenders supervised in the community. And by offering other options for punishing low-risk offenders, they ensure that prisons will continue to incarcerate those offenders who pose an unacceptable risk to the public.

Intermediate sanctions also expand the opportunities to affect offenders' present and future behavior, by offering drug treatment and educational and vocational training, as well as opportunities for offenders

to make restitution, perform community service, and maintain employment while serving their sentences.

Given the potential benefits of intermediate sanctions, in 1986 the National Institute of Justice (NIJ) launched a major and ongoing initiative to explore the types of offenders and supervision conditions most appropriate for such sanctions and to examine the sanctions' impact on deterring criminal behavior. As part of this initiative, the Institute has awarded grants to study and evaluate a variety of programs across the country that make use of intermediate sanctions. In 1990, NIJ sponsored an Intermediate Punishments Conference in conjunction with the State Justice Institute and National Institute of Corrections. The conference brought together criminal justice experts, governmental officials, and researchers from across the country to explore the spectrum of intermediate sanctions and

This Nation's efforts to curb violence, drug trafficking, and other crimes have led to more convictions and longer sentences. Our prisons and jails are full, and large numbers of nonviolent offenders are being released to community supervision, primarily probation. More than 4.3 million adults were under correctional supervision in 1991, and it is unlikely that this situation will change radically for the remainder of this decade.

Accordingly, the National Institute of Justice (NIJ) has put its research and evaluation resources behind a search for alternative punishments—intermediate

sanctions—that can protect the public more than probation yet fall short of incarceration. Some, like intensive supervision probation and electronically monitored house arrest, primarily render offenders in the community more accountable than traditional probation for their day-to-day behavior.

Others, like day fines, match the punishment to both the offense and the offender, fulfilling sentencing reform's goal of fairness in the application of all punishments. Boot camps, which appear particularly appropriate for young first offenders, offer the further promise of deterring future criminal careers.

This *Research in Brief* summarizes what has been learned so far about intermediate sanctions as they have been implemented in a variety of jurisdictions across the country. It is clear that issues in applying the sanctions are complex and that measuring success depends on articulating clearly both the purpose of each sanction and the offender population targeted by it. NIJ will continue to refine understanding of intermediate sanctions and to communicate it to the criminal justice community.

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their potential for improving justice and public safety.

The findings of NIJ research and evaluation of intermediate sanctions have been discussed at a series of NIJ-sponsored regional training workshops and reported in several NIJ publications (see list of titles on page 11). This *Research in Brief* synthesizes what NIJ-sponsored researchers have learned so far about four major forms of intermediate sanctions:

- **Day fines.** These fines are tailored not only to the gravity of the crime but also to the defendant's ability to pay, in contrast to fixed-sum fines. An NIJ-sponsored pilot day-fine project focused on misdemeanor cases adjudicated by a Staten Island (New York) criminal court.

- **Intensive supervision probation (ISP).** In contrast to routine probation, ISP emphasizes stringent conditions, close monitoring, and expanded services. The community-based sanction is applied to selected misdemeanants and felons, exclusive of those convicted of violent crimes. NIJ has evaluated ISP programs in Massachusetts, New Jersey, California, and elsewhere.

- **Electronic monitoring and house arrest.** House arrest is confinement to one's residence for a specific period; it may be a component of a separate sentence (e.g., intensive supervision probation) or constitute an independent sanction. Electronic monitoring of offenders is frequently used to enforce home detention. NIJ-sponsored house arrest research has sought to determine the characteristics and effectiveness of home-detention projects or programs in such States as California, Florida, Indiana, and Oklahoma, as well as to ascertain the prevalence of electronic monitoring nationwide.

- **Shock incarceration or "boot camps."** Characterized by a rigorous, highly structured regimen, shock incarceration confines for up to 6 months of offenders convicted of less serious, often drug-related offenses who initially pose too high a risk for probation or other community-based sanctions. NIJ-sponsored shock incarceration research has focused both on specific State programs and on trends in the Nation.

## Day fines

In contrast to the traditional fixed-sum fining system, in which the fine amount is governed principally by the nature of the crime, the day-fine approach tailors the fine amount to the defendant's ability to pay. Thus, for a given crime, the day-fine amount is larger for a high-income offender than for an irregularly employed or low-paid offender. The impact of the fine on each should be approximately equal. Under the traditional approach, a given fine amount could be relatively severe for a low-income offender but trivial for a person of substantial means.

Judges first establish how severe an offender's punishment should be, with severity of punishment expressed in terms of punishment units. For example, the Staten Island court participating in the NIJ-sponsored research set the maximum number of misdemeanor punishment units at 120 (for sexual misconduct) and the minimum at 5 (for trespass or disorderly conduct). Between those extremes are 35-60 units for possession of a weapon, 10-45 for attempted assault, 25 for resisting arrest, and 15 for harassment.<sup>3</sup>

To then relate the amount of the fine to the ability to pay, the court multiplied the number of punishment units by the amount that the offender normally earns in 1 day, which is adjusted downward depending on personal needs and family support responsibilities.

Advocates of day fines, which are common in Europe, foresee the system's use across a broader spectrum of crimes and criminals than is the case for the flat-sum approach. But that does not mean that day fines are to be used when stronger punishment is warranted. Advocates also point out that day fines, unlike some other sanctions, permit retention of the offender's ties to family and community. Day fines constitute an important revenue source and can be implemented without the resources of additional administrative agencies.

**Staten Island project.** In 1987, NIJ funded the Vera Institute of Justice to develop, with the Staten Island Criminal Court, the first day-fine system in the United States. Vera Institute's subsequent NIJ-sponsored evaluation concluded that between 1988 and 1990, the 1-year pilot project in Staten Island's Richmond

County was successful. This day-fine experiment evolved from earlier NIJ-supported research by the Vera Institute, which assessed the use of the fine as a criminal sanction.<sup>4</sup>

Researchers selected Staten Island for the project as a representative middle-sized suburban American community. The social setting was stable and the economic base sound, but Staten Island had a substantial crime problem and a sizable amount of poverty and unemployment.

The pilot project demonstrated that a rather typical American court of limited jurisdiction could implement the day-fine concept successfully, substituting day for fixed fines. Judges found the mechanics of computing a day fine simple once they were trained to use the day-fine workbook they had helped develop. No conflicts of principle arose from prosecutors or from either the private or the public defense bar.

- The total dollar amount of fines imposed by the court increased by 14 percent during the pilot project (to \$93,856 from \$82,060). Absent statutory caps on fines, fines collected during the project would have been almost 50 percent more (rising to \$137,660 from \$93,856) than those actually imposed (see exhibit 1).<sup>5</sup>

The researchers also found that:

- Despite significantly larger average fines and longer collection periods, day fines were collected in full as frequently as the lower, fixed fines.

- The introduction of the day fine did not greatly affect the types of offenses that typically drew a fine.

The success of the Staten Island pilot project has encouraged continued adaptation of the day-fine concept in jurisdictions outside New York.

## Intensive supervision probation

Compared to traditional probation, ISP imposes more stringent conditions, stricter and more frequent monitoring, and often, expanded services for the offender. ISP usually requires offenders to pay victim restitution, hold a job or perform community service, submit to unscheduled drug and alcohol testing, and pay part of the cost

**Exhibit 1. Staten Island (New York) Criminal Court: Comparison of Fine Amounts Levied in Pilot Year (1988-1989), Capped by Statutory Maximums and Uncapped**

| Capped                             |             |       |                             |       |                |       | Uncapped       |                             |       |                |       |                |
|------------------------------------|-------------|-------|-----------------------------|-------|----------------|-------|----------------|-----------------------------|-------|----------------|-------|----------------|
| Pre-day-fines<br>pilot (1987-1988) |             |       | Day fines and<br>flat fines |       | Day fines only |       |                | Day fines and<br>flat fines |       | Day fines only |       |                |
| n                                  | %           |       | n                           | %     | n              | %     | % of<br>total* | n                           | %     | n              | %     | % of<br>total* |
| \$1-24                             | 1           | 0.3   | 1                           | 0.3   | 1              | 0.4   | 100.0          | 1                           | 0.3   | 1              | 0.4   | 100.0          |
| \$25                               | 33          | 8.3   | 4                           | 1.1   | 3              | 1.3   | 75.0           | 4                           | 1.1   | 3              | 1.3   | 75.0           |
| \$26-49                            | —           | —     | 4                           | 1.1   | 4              | 1.7   | 100.0          | 4                           | 1.1   | 4              | 1.7   | 100.0          |
| \$50                               | 69          | 17.3  | 29                          | 8.0   | 12             | 5.0   | 41.4           | 29                          | 8.0   | 12             | 5.0   | 41.4           |
| \$51-74                            | 2           | 0.5   | 6                           | 1.6   | 4              | 1.7   | 66.7           | 6                           | 1.6   | 4              | 1.7   | 66.7           |
| \$75                               | 34          | 8.5   | 15                          | 4.1   | 10             | 4.2   | 66.7           | 15                          | 4.1   | 10             | 4.2   | 66.7           |
| \$76-99                            | —           | —     | 9                           | 2.5   | 8              | 3.3   | 88.9           | 9                           | 2.5   | 8              | 3.3   | 88.9           |
| \$100                              | 78          | 19.5  | 38                          | 10.4  | 22             | 9.2   | 57.9           | 38                          | 10.4  | 22             | 9.2   | 57.9           |
| \$101-149                          | 1           | 0.3   | 15                          | 4.1   | 14             | 5.8   | 93.3           | 15                          | 4.1   | 14             | 5.8   | 93.3           |
| \$150                              | 14          | 3.5   | 18                          | 4.9   | 11             | 4.6   | 61.1           | 18                          | 4.9   | 11             | 4.6   | 61.1           |
| \$151-199                          | 3           | 0.8   | 11                          | 3.0   | 10             | 4.2   | 90.9           | 11                          | 3.0   | 10             | 4.2   | 90.9           |
| \$200                              | 22          | 5.5   | 18                          | 4.9   | 11             | 4.6   | 61.1           | 18                          | 4.9   | 11             | 4.6   | 61.1           |
| \$201-249                          | 8           | 2.0   | 9                           | 2.5   | 6              | 2.5   | 66.7           | 9                           | 2.5   | 6              | 2.5   | 66.7           |
| \$250                              | 79          | 19.8  | 124                         | 34.0  | 84             | 35.0  | 67.7           | 56                          | 15.4  | 16             | 6.7   | 28.6           |
| \$251-499                          | 8           | 2.0   | 12                          | 3.3   | 8              | 3.3   | 66.7           | 37                          | 10.2  | 33             | 13.8  | 89.2           |
| \$500                              | 22          | 5.5   | 22                          | 6.0   | 12             | 5.0   | 54.5           | 17                          | 4.7   | 7              | 2.9   | 41.2           |
| \$501-999                          | 4           | 1.0   | 7                           | 1.9   | 6              | 2.5   | 85.7           | 37                          | 10.2  | 36             | 15.0  | 97.3           |
| \$1,000                            | 21          | 5.3   | 22                          | 6.0   | 14             | 5.8   | 63.6           | 16                          | 4.4   | 8              | 3.3   | 50.0           |
| \$1,001+                           | —           | —     | —                           | —     | —              | 0.0   | —              | 24                          | 6.6   | 24             | 10.0  | 100.0          |
| Total                              | 399         | 100.0 | 364                         | 100.0 | 240            | 100.0 | 65.9           | 364                         | 100.0 | 240            | 100.0 | 65.9           |
| Total fines<br>ordered             | \$82,060.55 |       | \$93,856.00                 |       | \$61,994.00    |       |                | \$137,660.00                |       | \$105,798.00   |       |                |
| Average                            | \$205.66    |       | \$257.85                    |       | \$258.31       |       |                | \$378.19                    |       | \$440.83       |       |                |

\*This percentage was calculated, for each fine amount, by dividing the number of day fines of that amount by the total number of fines of that amount, to determine what percentage were day fines.

Source: *The Staten Island Day-Fine Project (NIJ Research in Brief)*, 1993.

of their supervision. Caseloads of supervising officers normally range from 30 to 50 probationers. Under traditional probation, where caseloads of 150 to 200 are common, supervision sometimes amounts to little more than the probationers mailing a card to the probation officer monthly.<sup>6</sup>

Between 1980 and 1990, every State implemented some form of ISP. A growing number of jurisdictions use ISP to provide rigorous supervision of high-risk probationers in the community, with the aim of reducing the risk to public safety posed by such offenders.

Responding to needs of State and local jurisdictions, NIJ began to evaluate ISP in the mid-1980's and continues to study a variety of such programs around the Nation, some of which apply the concept to selected parolees and defendants on pre-trial release as well. (See box on page 5 for a related concept, day reporting centers.)

**Massachusetts courts project.** An NIJ grant awarded in 1985 to researchers at Lowell University evaluated the impact of ISP as implemented in 13 Massachusetts courts. ISP usually targeted a subgroup of probationers classified as being at high risk for recidivism in the near future. Probation officers developed specific intervention strategies based on identified needs (such as drug abuse), contacted each probationer at least 10 times a month, verified employment twice a month, and rigorously monitored and enforced probation conditions.<sup>7</sup>

Findings of this study point to the need to combine surveillance and control strategies with offender treatment if ISP is to be successful in reducing recidivism. The researchers note the difficulty of generating community support for funding offender treatment programs. Soliciting support for improved surveillance technologies is much easier, they say.

**ISP in New Jersey.** An NIJ-funded evaluation, conducted by the Institute for Criminological Research of Rutgers University in 1986, reached encouraging conclusions about a New Jersey ISP program. Under the State's program, relatively low-risk felons who had been sentenced and committed to prison were resented to intensive supervision in the community by a specially created panel of judges appointed by the Chief Justice. The offenders were released into the ISP program after serving

3 or 4 months of their prison terms. The program was designed to deliver appropriate punishment at less cost and with less use of prison resources; its goal was also to deter future offenses.<sup>8</sup>

Participants who failed to abide by the program rules, which included face-to-face contacts, curfew checks, urinalysis tests, and at least 16 hours of community service each month, were immediately returned to prison. The program met its target participation of 375 to 500 during the second quarter of 1986, with the average probation officer having a caseload of 18.

The NIJ study compared New Jersey's ISP felons to a random sample of 500 other felons who had been sentenced to prison in 1981 for ISP-eligible offenses, served their full terms, and been released on regular parole. Of the 500 in the sample, a total of 132 closely matched the ISP felons in terms of offense, prior convictions, employment status, drug history, and demographic factors such as age, sex, and race. It was this subset of the random sample that served as the control group for many aspects of the evaluation. The fact that only 132 felons matched the ISP group shows that the ISP program was indeed selective and excluded offenders with prior violent offenses or long criminal careers.

The ISP group served a median of 109 days in prison, whereas the comparison group served 308 days. Thus, ISP saved about 200 prison-bed days per participant. This translated to a cost savings per offender of approximately \$7,000 for the combined period of incarceration and ISP. Arrest records at the end of 2 years showed that 25 percent of the ISP group, in comparison to 35 percent of the 132 closely matched offenders in the control group, had new arrests.

The researchers concluded that New Jersey's ISP program was cost-effective compared to ordinary terms of imprisonment and parole and improved the use of prison space without increasing recidivism. Acknowledging that the 132 felons to whom the ISP participants were compared might still have belonged to a somewhat riskier group than the ISP felons, they nonetheless concluded that the lower ISP recidivism was due only in part to stricter screening and that supervision and counseling had helped to decrease recidivism as well.

**ISP in three California counties.** Between 1980 and 1985, 40 States had implemented ISP programs, and as already indicated, results seemed encouraging. Judges hesitated, however, to sentence offenders to them since most of the programs were untested.

In 1986, the Bureau of Justice Assistance (BJA) funded an ISP demonstration project in 14 sites in 9 States. NIJ selected three counties in California (Contra Costa, Los Angeles, and Ventura counties) for an initial evaluation by RAND Corporation. The goal of the ISP project was to improve the success of probation. In each jurisdiction, caseloads were small. Together, the three programs involved a total of 488 high-risk probationers, who were required to participate in work, submit to random drug and alcohol testing, and perform community service.<sup>9</sup>

Despite receiving more intense supervision (as measured by increased contacts, monitoring, and drug tests), ISP offenders did not have lower recidivism rates (as measured through official record data) than their counterparts on routine probation. ISP offenders consistently incurred more technical violations than did the routine probationers, although statistical analysis did not reveal a relationship between technical violations and new arrests. Participation in available employment, educational, and treatment programs was low.

A followup after 1 year found that about a third of the offenders in the ISP program had no technical violations or new arrests; another third had committed technical violations only; the remainder had been rearrested.

High violation and incarceration rates drove up costs. The annual cost of ISP per offender was \$8,000, compared to about \$6,000 for routine probation.

Researchers concluded that one reason for the relatively high failure rates in the three California counties was that ISP participants there had been sentenced for more serious crimes and were at higher risk of recidivism than offenders who had participated in previously evaluated ISP programs at other sites.<sup>10</sup>

**Evaluation of 14 ISP projects.** The findings from the three California sites suggested the need for further analysis of the

effectiveness of ISP's. In response to this need, in 1990 NIJ funded an evaluation of all 14 demonstration sites. The evaluation, involving 2,000 offenders, was designed to overcome problems with previous evaluations in which the research findings could be attributed partly to preexisting differences in offenders' backgrounds rather than to the ISP program itself. Overcoming these problems required setting up a control group with which to compare results.

The ISP's were successful as intermediate punishments, that is, in providing closer supervision of offenders and in offering a range of sentencing options. Restrictions on freedom were higher for most ISP's than for the control groups, as measured by the criminal justice system response to technical violations. Indeed, the response to this type of violation gives ISP's their greatest punitive value. Judged by the criterion of achieving more stringent punishment, virtually all the sites succeeded. Evidence also suggests that the offenders themselves viewed ISP's as more punitive and restrictive of freedom than prison.

The programs were designed to be much more stringent than routine supervision, and in every site they delivered more contacts and monitoring than did routine supervision (in the controls). Most of the ISP sites were significantly higher than the controls in number of face-to-face contacts with supervisors, telephone and collateral contacts, and the like. Thus, when measured by the criterion of effective surveillance, the programs also worked.

When measured by the major outcome criterion—recidivism—the ISP programs were not as effective. In 11 of the 14 sites, arrest rates during the 1-year followup were higher for ISP participants than for the controls (although differences were not statistically significant). However, these findings must be interpreted with caution. With an ISP program, surveillance may be so stringent as to increase the probability that crimes and technical violations will be detected. Thus, an ISP offender's recidivism rate may be identical to or even higher than that of someone on routine supervision who is committing more crimes but is escaping arrest.

Technical violations were higher among the ISP participants than the controls (by 64 percent to 38 percent). This finding, too, must be carefully assessed, since the

view of technical violations as a proxy for crime is only an assumption. In addition, technical violations increase recidivism because of the closer supervision they entail. In other words, they create more opportunities for detecting offenses.

Compared to routine probation, ISP's were found to be more costly, in part because they are highly labor intensive. In addition, the high ISP recidivism rates, combined with the shortness of prison terms actually served (by non-ISP participants), made ISP and prison roughly comparable in costs.

ISP offenders rated higher than controls on treatment participation. For example, about half the ISP offenders received some counseling, compared to 22 percent of the controls. Moreover, analysis of the program in California and Texas revealed participation in treatment to be correlated with reduced recidivism. ISP programs studied were not primarily service-and-treatment oriented, but instead focused on surveillance and supervision. The researchers conjectured that participation in treatment might have been higher had more resources been allocated to it.

Among the major conclusions was that ISP programs, as currently structured, are likely to fall short if jurisdictions are primarily interested in reducing recidivism and system costs. For most of the agencies evaluated, however, providing a rigorous intermediate punishment was a major, if not the primary, objective. Meeting that objective—devising sanctions to tailor punishment more closely to the crime and

close monitoring of offenders—should serve as the justification for continued development of ISP.<sup>11</sup>

## Electronic monitoring

**Relationship to house arrest.** House arrest and electronic monitoring were among the first subjects of NIJ's studies of intermediate sanctions. House arrest, also known as home detention, has a long history as a criminal penalty. Offenders are confined to their homes for specific periods but permitted absences for work and necessary errands. Considered more punitive than intensive supervision probation, house arrest is newly popular with correctional authorities because of the advent of electronic monitoring, which is thought to make the sanction practical and affordable.

Electronic monitoring can be active or passive. In active monitoring, a transmitter attached to the offender's wrist or ankle sends signals relayed by a home phone to the supervising office during the hours the offender is required to be at home.

Under passive monitoring, a computer program is used to call the offender randomly during the hours designated for home confinement; the offender inserts the wristlet or anklet into a verifier to confirm his or her presence at home.

**Home detention in Indianapolis.** One of the first NIJ studies on home detention enforced by electronic monitoring began in 1986 at Indiana University.<sup>13</sup>

## Day Reporting Centers

Persons on pretrial release, probation, or parole are required to appear at day reporting centers on a frequent and regular basis in order to participate in services or activities provided by the center or other community agencies. Failure to report or participate is a violation that could cause revocation of conditional release or community supervision.

NIJ has sponsored research on the concept of day reporting centers and their prevalence. Reports from 13 centers in the United States and 1 in Canada indicate that generally in these programs offenders must not only physically report to their centers daily but also provide a schedule of planned activities and participate in designated activities. In addition, offenders must call the centers by phone throughout the day; they can also expect random phone checks by center staff both during the day and at home following curfew.<sup>12</sup>

In some programs, offenders must contact their respective centers an average of 60 times weekly and, in all but one, take random drug tests.

The objective was to evaluate electronic surveillance of nonviolent felons participating in a Marion County (Indianapolis), Indiana, home detention program. Because it also involved enforcing home detention in some cases through intensified methods of probationary supervision, the researchers had an opportunity to compare "manual" confinement with the newer electronic system. (See box for related research on pretrial home detention with electronic monitoring.)

The researchers found that recidivism by participants either while in the home detention program or within the first year after release was not related to the type of monitoring used. Overall, 27.5 percent were arrested within a year of release from the program. Neither the initial charge nor the method of monitoring was significantly related to the subsequent cause of arrest, although the driving under the influence (DUI) offenders were far less likely to have any further contact with the criminal justice system.

Only a small number of offenders reported that the electronic monitoring equipment caused discomfort or interfered with activities. Many tried to hide the monitoring device under their sleeves or sweatbands, while others lied about its purpose. Some, however, said they used the device as an excuse to avoid the kind of behavior that got them into trouble in the first place.

When asked whether they would recommend home detention to "somebody in your situation," 94 percent of the traditionally monitored offenders and 72.5 percent of those under electronic surveillance answered affirmatively.

**Surveys of electronically monitored house arrest for probationers, parolees, and those in community correction programs.** An NIJ-sponsored study in 1989 by researchers at Kutztown University (Pennsylvania) and Indiana State University assessed nationwide trends in the use of electronically monitored house arrest. The study was one of a series of NIJ annual surveys on the use of the technique.<sup>15</sup>

The survey indicated that on February 12, 1989, 6,490 defendants were being electronically monitored nationwide, almost 8 times more than in 1987. Monitored persons resided in 37 States, the District of

### **Pretrial Home Detention With Electronic Monitoring**

An NIJ-sponsored study conducted by researchers at Indiana University focused on the use of electronically monitored home detention not for persons already convicted but for defendants awaiting trial. The research site was Marion County (Indianapolis), Indiana, and only defendants who did not qualify for release on recognizance, could not raise bail, and could not secure a bondsman were considered for pretrial home detention. The pretrial program's goal was to ensure defendants' presence in court while relieving jail congestion.<sup>14</sup>

Of the 1,088 persons considered for pretrial home detention over a 13-month period, fewer than 25 percent passed screening. The researchers suggested that a number of defendants may well have lacked the "suitable residence with telephone" required for home detention. Otherwise, the program could have kept even more defendants out of jail.

Among the most frequent charges faced by defendants selected for home detention were theft, DUI, forgery, burglary, habitual traffic offenses, disorderly conduct, and drugs.

Home detention with electronic monitoring was successful for 73 percent of participants. Thirteen percent incurred technical violations; 14 percent absconded. Most likely to abscond were defendants eventually sentenced to prison or jail.

Defendants most likely to complete home detention successfully lived with a spouse. Those living with an opposite-sex roommate also did well.

Columbia, and Puerto Rico. (In 1990, the researchers estimated that at least 12,000 persons were electronically monitored on a given day early that year.)

Based on subsequent research and review of industry data, the researchers estimate that by early 1992 about 40,000 electronic monitors were in use.<sup>16</sup> An important reason advanced for that growth is judges' increased acceptance of the technology.

In contrast to a 1987 survey, when 75 percent of persons electronically monitored were probationers, the proportion was down to 25 percent in 1989. This suggests that a much broader range of offenders was being monitored than in the past; monitoring was expanding as a means to follow up persons after incarceration, to control those sentenced to community corrections, and to monitor persons before trial or sentencing.

Also in contrast to the 1987 survey, when the typical charge resulting in monitoring was DUI, in 1989 the most common offense was a property offense (31.7 percent), followed by drug offenses (22 percent), major traffic offenses (18.9 percent), and crimes against persons (11.8 percent).

Other findings from the 1989 survey show that:

- Most jurisdictions using electronic monitoring tested some offenders for drug use, and many routinely tested all. Some sites charged for the testing; more than 66 percent charged offenders for at least part of the cost of leasing the monitoring equipment.
- The average monitoring term in 1989 was 79 days. The odds of completing electronically monitored house arrest successfully improved with longer periods of monitoring. (Exhibit 2 indicates termination patterns.) The chances of a successful termination did not vary significantly among offense groups, except for major traffic offenders, who committed fewer technical violations and new offenses than the others.
- There were no significant differences in successful terminations among probationers, offenders on parole, or those in community corrections. All had successful termination rates between 74.3 and 76 percent.
- Rule violations resulted in reincarceration, brief confinement at a residential



**Exhibit 2. Type of Termination by Months on Electronic Monitoring**

| Duration of monitoring | Successful terminations | Technical violations | New offense violations |
|------------------------|-------------------------|----------------------|------------------------|
| 1st month              | 271                     | 94                   | 16                     |
| 2d month               | 211                     | 71                   | 7                      |
| 3d month               | 170                     | 43                   | 6                      |
| 4th month              | 128                     | 26                   | 9                      |
| 5th month              | 67                      | 16                   | 3                      |
| 6th month              | 46                      | 11                   | 0                      |
| 7-12 months            | 66                      | 12                   | 6                      |
| 13-24 months           | 14                      | 2                    | 1                      |
| <b>Totals</b>          | <b>973</b>              | <b>275</b>           | <b>48</b>              |

Successful terminations are those in which the offender completed the assigned term or was removed for administrative reasons.

Technical violations include curfew violations, substance abuse violations, absconding, and other rule violations that caused the offender to be removed from monitoring. The usual but not invariable consequence of technical violations was incarceration.

New offense violations were those in which the offender was arrested for an offense during electronic monitoring.

Source: *Day Reporting Centers for Criminal Offenders—A Descriptive Analysis of Existing Programs* (National Institute of Justice *Issues and Practices*), 1990.

facility, intensified office reporting requirements, stricter curfews, or additional community service.

The researchers also reported that they did not identify legal or constitutional objections to the use of electronic monitoring technology per se.

**Oklahoma Department of Corrections program.** In another NIJ-supported study, researchers from the National Council on Crime and Delinquency investigated the efficacy of electronic monitoring as used by the Oklahoma Department of Corrections (ODOC) in connection with its Pre-Parole Conditional Supervision (PPCS) program.<sup>17</sup>

Faced with chronic overcrowding and a worsening fiscal situation, ODOC developed PPCS in 1988 to reduce inmates' lengths of stay by making them eligible for release after serving 15 percent of their minimum term. In 1989, ODOC began to examine electronic monitoring technology as part of its search for additional ways to protect the community and to enforce community supervision standards.

Randomly selected PPCS participants were subjected to electronic monitoring in an experiment to determine whether the new technology significantly increased the power of the parole officer to control high-risk offenders in the community beyond that provided by intensive supervision. ODOC supervised the electronically monitored PPCS participants under the same standards that applied to the nonelectronically monitored group.

Short prison terms followed by intensive supervision proved to be an effective and cost-beneficial option for controlling prison crowding. A high overall percentage (76.9 percent) of PPCS participants (with or without electronic monitoring) completed the program successfully and posed little danger to the public. The researchers also concluded that:

● Electronic monitoring did not enhance the supervision or control of PPCS offenders. The electronically monitored group had a slightly higher rate of both technical violations of PPCS rules and involvement in criminal activity than those not electronically monitored (28.7 percent versus 21.4 percent). However, that difference is

not statistically significant and may be related to factors independent of the presence or absence of electronic monitoring. For example, electronically monitored offenders spent, on average, more time in the PPCS program than the other program participants (126.6 versus 105.4 days). Thus, the former had more opportunity to fail.

● The failure rates for DUI and drug offenders were low: 13 percent and 9.8 percent, respectively, had new arrests or incurred technical violations while under PPCS supervision. About 9 percent of the violent offenders were returned to prison for a new offense; 21.4 percent incurred technical violations. Property offenders had high rates of failure for both technical violations (14.2 percent) and new arrests (21 percent).

● Compared to imprisonment, PPCS cost savings amounted to \$9,295 per PPCS offender per year. Supervision was somewhat less costly without electronic monitoring than with it (\$776 versus \$838 per year).

**Los Angeles County study.** In a recent NIJ-sponsored study, an experimental design was created to examine home detention (with electronic monitoring) of drug probationers in three urban neighborhoods of Los Angeles County. One experiment compared active with passive electronic monitoring equipment. Another assessed the contribution of an added night-response officer to supervise electronically monitored probationers.<sup>18</sup>

Active and passive electronic monitoring devices were found to be equally effective in preventing violations, but the night-response officer did not significantly deter probationers from violating home detention.

Drug offenders assigned to electronic monitoring who were unemployed or classified as economically poor when probation began were significantly more successful in meeting the terms of home detention than similar offenders on probation without monitoring. Participants employed or in good financial shape did as well with monitoring as without it.

**Florida Community Control Program.** An NIJ grant awarded to Florida enabled the State to hire the National Council on Crime and Delinquency in 1987 to evaluate the Florida Community Control



Program (FCCP), the largest house arrest program in the Nation.<sup>19</sup> Surveillance of participants, through electronic monitoring or otherwise, is among the most intense of all U.S. community-based correctional programs.

Now admitting more than 10,000 offenders annually, FCCP was implemented in 1983 for four categories of offenders: those convicted of nonviolent felonies, probationers, parolees charged with technical or misdemeanor violations, and others deemed appropriate by the sentencing judge.

Florida's sentencing guidelines recommend a sentence either to FCCP for up to 2 years or to prison for 12 to 30 months when offenders' guideline scores fall within a specific range. The guidelines clearly position the sanction between prison and the lesser sentence of "jail or probation" in the State's continuum of punishments.

The degree of control exercised by FCCP is relatively high: a minimum of 28 supervisory contacts monthly. Supervising officers have moderate caseloads, ranging between 20 and 25 offenders. Supervisors perform drug and alcohol screening and pressure offenders (when they cannot compel them) to perform community service work, make restitution to victims, and pay supervision fees.<sup>20</sup>

The researchers estimated that in 1987 approximately 54 percent of the offenders sentenced to FCCP would have received a prison term if the community control sentencing alternative had not been available. Judges would most likely have sentenced the remaining 46 percent to jail or probation rather than to prison.

Using conservative assumptions (such as not considering collection of restitution payments or supervision fees from FCCP offenders), researchers estimated that for each offender sentenced to FCCP, Florida has saved an average of about \$2,746. Given annual FCCP admissions of more than 10,000 offenders, the program has substantially reduced Florida's correctional outlays.

To evaluate the effectiveness of FCCP in restraining participants from committing new crimes, researchers studied individual offenders' behavior 18 months after entry

into FCCP and a matched group's behavior 18 months after release from prison. The criteria employed to match the groups included sex, age, offense type and severity, and prior felony convictions.

Releasees, who had spent an average of nearly 9 months in prison, had a higher rate of conviction for new offenses (24.3 percent) than their counterparts in FCCP (19.7 percent). When judges sentenced FCCP participants to prison for new offenses, the offenders received significantly shorter sentences (33.1 months) than releasees returned to prison for new offenses (40.8 months).

However, evaluators found a high rate (9.7 percent) of technical violations by FCCP offenders. (Since offenders discharged from prison in Florida are unsupervised, no technical violations are possible for releasees.) Many technical violations, such as removal of a monitoring device, do not necessarily pose a threat to public safety. However, when in doubt about the effect of a technical violation on public safety, probation officers appeared to revoke offenders' community control status and send them to prison.

FCCP appears to have benefited drug offenders most. Only 11 percent of drug offenders sentenced to FCCP were subsequently convicted of new offenses, whereas about 27 percent of drug offenders discharged from prison subsequently committed a crime by the 18-month followup. The difference may be attributable to FCCP supervision, which may actively discourage drug use or encourage participation in drug treatment.

### Shock incarceration

Since the inception of the first shock incarceration program in 1983, more than 41 programs for adults and youthful offenders have been developed in 26 States.<sup>21</sup> Though not originally designed for drug-law violators, those programs have received considerable attention as an option for cases involving young, nonviolent drug offenders.

Typically, shock incarceration programs (often referred to as boot camps) confine offenders convicted of less serious nonviolent crimes for short periods (normally 3 to 6 months), giving them intensive supervision during a demanding regimen of strict

discipline, military drill, physical training, inspections, and physical labor. Though remaining highly structured, some programs have abandoned military-style training and have incorporated educational, wilderness, job corps, and industrial components.<sup>22</sup>

Because shock incarceration programs confine offenders for relatively short periods, they may not be able to prepare the participants fully for readjustment to the community. Postrelease aftercare (employment assistance, drug treatment, etc.) may, therefore, be an essential aspect of successful programs.

NIJ has supported several evaluations of shock incarceration in recent years, including a national study, a multisite study, and examinations of particular programs. Working with researchers from Louisiana State University, NIJ conducted a national survey of shock incarceration during the period 1989–1991. As of late 1991, boot camp graduates' recidivism after release was comparable to that of similar offenders who had served prison sentences.

Many offenders in boot camps have drug problems—95 percent of participants in Mississippi, for example. In virtually all programs, inmates receive at least several hours of drug treatment weekly.<sup>23</sup> But the availability of individual or group psychotherapy, drug treatment, and relapse-training is far more limited.

**Findings from programs in eight States.** Following up its national survey, NIJ supported efforts by researchers from the University of Maryland to evaluate shock incarceration programs at sites in eight States.

Preliminary findings from Louisiana suggest that offenders who completed shock incarceration had fewer arrests, convictions, and revocations for new crimes (although they had more revocations for technical violations) than comparison groups of parolees and probationers.<sup>24</sup> Thus, development of intermediate sanctions for offenders who incur technical violations may be beneficial in reducing prison return rates.

**RID program in Los Angeles.** A recently completed NIJ evaluation, conducted by the National Council on Crime and Delinquency, focused on Los Angeles County's Regimented Inmate Diversion (RID) pilot

### Exhibit 3. Jail Boot Camp Goals From a Sample of Surveyed Sites

| Goals   | Travis,<br>Texas   | New York City<br>men | New York City<br>women | Santa Clara,<br>California |
|---|--------------------|----------------------|------------------------|----------------------------|
| Reduce crowding                                   | Somewhat important | Important            | Somewhat important     | Important                  |
| Rehabilitation                                    | Important          | Very important       | Very important         | Very important             |
| Punishment  | Important          | Not a goal           | Not a goal             | Not a goal                 |
| Deterrence  | Very important     | Very important       | Very important         | Very important             |
| Safe environment (for inmates)                    | Important          | Very important       | Very important         | Very important             |
| Reduce recidivism                                 | Very important     | Very important       | Very important         | Very important             |
| Develop good work skills                          | Very important     | Very important       | Very important         | Very important             |
| General education                                 | Very important     | Very important       | Very important         | Very important             |
| Drug education                                    | Very important     | Very important       | Very important         | Very important             |
| Drug treatment                                    | Very important     | Very important       | Very important         | Very important             |
| Vocational education                              | Very important     | Very important       | Very important         | Very important             |
| Employment referrals                              | Important          | Very important       | Somewhat important     | Very important             |
| Inmates housed separately<br>from jail population | Yes                | Yes                  | Yes                    | Yes                        |

Source: "The Growing Use of Jail Boot Camps: The Current State of the Art" (draft report NIJ-90-DD-CX-0055 to the National Institute of Justice), October 1992.

program. The program confined young adult male offenders in a residential military-style boot camp for 90 days, followed by 90 days of intensive aftercare supervision in the community. Targeting serious, high-risk offenders, RID offered mandatory education, drug treatment, and counseling.

Initial findings indicate that a high percentage of inmates successfully completed the boot camp and intensive supervision components of RID. The program's graduates demonstrated impressive results in improving their educational levels, and they responded positively to opportunities to learn workplace skills. However, evaluators found that many offenders in the target population refused to enter the program because they could spend less time in jail, given sentence reductions for good behavior.<sup>25</sup>

**Jail boot camps.** Jails hold an ever larger number of persons awaiting trial or sentenced to relatively short prison terms. The length of stay in jails has increased considerably, in some cases extending to many

months. In addition, many jails now also hold State-sentenced parole violators awaiting court decisions to revoke their parole status. Some jurisdictions are beginning to see boot camps as an appropriate intermediate sanction for some of these offenders.

A recently funded NIJ study being conducted by the National Council on Crime and Delinquency sought to determine the number and characteristics of jail boot camps now in existence. They contacted sheriffs, jail administrators, and State probation departments throughout the United States, asking for information on existing or proposed jail boot camps. Preliminary responses identified 10 boot camps and 13 more being developed.

The preliminary findings indicate that the goals and activities of jail boot camps are similar to those of other boot camps (see exhibit 3). But as would be expected, the length of sentences to jail boot camps is shorter; the range for most does not exceed 120 days. Half of the boot camps studied held inmates assigned to the program by

the jail; the rest had some court input in inmate selection, but in only one jurisdiction did the sentencing judge have authority to sentence an inmate without the consent of program staff.<sup>26</sup>

### The future

NIJ-sponsored research on intermediate sanctions is expected to provide valuable new findings in the years ahead. For example, in 1993 NIJ expects evaluation findings on a Minnesota program that combines ISP and home detention. Minnesota correctional officials identify low-risk incoming inmates who fall within certain categories of the State's sentencing guidelines for possible surveillance and supervision in the community. With the concurrence of the sentencing judge, the inmates are returned to their communities on condition that they fully participate in the program. Some high-risk offenders who need residential care on release from prison are also identified for inclusion in the program.

Minnesota's program provides maximum community surveillance and supervision including a lengthy period of home detention and close contact with specially trained agents who have small caseloads. Special emphasis is given to mandatory work and to job-skill training.

NIJ will also conduct a program assessment of correctional boot camps for juveniles and adults. The assessment will provide a basis for establishing a set of professional standards to assist public officials and correctional professionals in developing, operating, improving, and evaluating boot camp programs.

Because research has demonstrated that drug treatment and aftercare components in boot camps may be crucial for effectiveness, NIJ has awarded funds to Southern Illinois University at Carbondale to seek out innovative and effective programs of boot camp drug treatment and aftercare services. The study will survey all State departments of corrections and the Federal Bureau of Prisons. Three boot camps that exhibit potentially strong treatment or aftercare components will be asked to participate more fully in the study. Results are expected in 1993.

To supplement this study, NIJ has also awarded a grant to the American Correctional Association to establish a set of professional standards for administrators of both adult and juvenile boot camps. These standards are for guiding public officials, policymakers, and correctional administrators engaged in developing and administering this form of intermediate punishment.

NIJ will continue to place a high priority on research and evaluation studies that advance the knowledge and improve the effectiveness of intermediate sanctions throughout the United States.

## Notes

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3. McDonald, Douglas C., Judith Greene, and Charles Worzella. *Day Fines in American Courts: The Staten Island and Milwaukee Experiments* (National Institute of Justice *Issues and Practices*), April 1992, p. 23. The Milwaukee experiment in late 1989 was a 12-week experiment in using day fines in cases where offenders had been charged with violating city ordinances. Although much more limited in scope than the Staten Island pilot, most of the results were similar.
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22. *Searching for Answers*, p. 79.
23. *Searching for Answers*, p. 79.
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25. *Searching for Answers*, p. 80.
26. Austin, James, and Melissa Bolyard. "The Growing Use of Jail Boot Camps: The Current State of the Art" (draft report NIJ-90-DD-CX-0055 to the National Institute of Justice), October 1992.

## For more information

Following is a list of National Institute of Justice publications on intermediate sanctions. They can be obtained by writing or calling the National Institute of Justice National Criminal Justice Reference Service (NCJRS), Box 6000, Rockville, MD 20850 (800-251-3420).

**Alternative Sentencing: Selling It to the Public.** 1991. NCJ 129875. Free.

**Day Fines in American Courts: The Staten Island and Milwaukee Experiments.** 1992. NCJ 136611. Free.

**Day Reporting Centers for Criminal Offenders—A Descriptive Analysis of Existing Programs.** 1990. NCJ 125268. Free.

**Electronic Monitoring and Correctional Policy: The Technology and Its Application.** 1987. \$8.40.

**Electronic Monitoring of Offenders Increases.** 1988. NCJ 116750. Free.

**Electronically Monitored Home Confinement.** 1985. NCJ 099832. Free.

**Evaluation of the Florida Community Control Program.** 1992. NCJ 137773. Free.

**Intermediate Sanctions Resource Package.** Collection of 27 selected documents and lists of resources. 1992. NCJ 139310. \$32.00.

**New Dimensions in Probation: Georgia's Experience With Intensive Probation Supervision.** 1987. NCJ 102848. Free.

**Shock Incarceration: An Overview of Existing Programs.** 1989. NCJ 114902. Free.

**Shock Incarceration Programs in State Correctional Jurisdictions—An Update.** 1989. NCJ 120287. Free.

**The Staten Island Day-Fine Project.** 1993. NCJ 138538. Free.

**Use of Electronic Monitoring in the United States: 1989 Update.** 1992. NCJ 131651. Free.

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