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ELECTRONIC MONITORING  
AS A CUSTODY ALTERNATIVE  
BY THE YEAR 2000

by

EDWARD N. BONNER

COMMAND COLLEGE CLASS IX

PEACE OFFICER STANDARDS AND TRAINING (POST)

SACRAMENTO, CALIFORNIA

1989

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**This Command College Independent Study Project is a FUTURES study of a particular emerging issue in law enforcement. Its purpose is NOT to predict the future, but rather to project a number of possible scenarios for strategic planning consideration.**

**Defining the future differs from analyzing the past because the future has not yet happened. In this project, useful alternatives have been formulated systematically so that the planner can respond to a range of possible future environments.**

**Managing the future means influencing the future--creating it, constraining it, adapting to it. A futures study points the way.**

**The views and conclusions expressed in this Command College project are those of the author and are not necessarily those of the Commission on Peace Officer Standards and Training (POST).**



## PART I - FUTURES STUDY

Trends and events that could affect the future of electronic monitoring are forecasted. The events impact upon other events and trends are estimated. Scenarios provide different views of the future.

## PART II - STRATEGIC MANAGEMENT

The environment within which the organization operates is examined. Stakeholders are identified. Alternative strategies to bring about the increased use of electronic monitoring are examined. A policy is selected and an implementation plan is constructed.

## PART III - TRANSITION MANAGEMENT

The critical-mass individuals are identified, and strategies to enlist their constructive participation in increasing the use of electronic monitoring were designed. A transition management team was established to implement the selected strategy.

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Executive Summary

This project will examine the future state of electronic monitoring as an alternative to incarceration by the year 2000. The current estimated cost of construction of a secure jail bed ranges between \$60-90,000. The State of California anticipates 136,000 people behind bars as soon as 1994. This will reflect the need to construct 13-20 new state prison institutions at a cost of approximately \$3 billion. The anticipated cost of jail inmate housing in Los Angeles County is expected to hit the \$1 billion mark in fiscal 1994/95. Every agency responsible for the detention of inmates in the State of California is concerned with the rising inmate population and the agencies financial ability to maintain the pace.

PART I - FUTURES STUDY

A nominal group panel (NGT) was established to identify trends and events that could impact electronic monitoring. The five key trends evaluated included court limitations on jail population, the reliability and public confidence in electronic monitoring, criminal justice resources, and the use of fees for custody alternatives. The data indicates that public acceptance of electronic monitoring will increase during the next decade.

PART II - STRATEGIC MANAGEMENT

The study reveals that the issue of increased use of electronic monitoring is more political than technological. A situational audit was performed that indicates the organization is marginally prepared to accept change. A stakeholders assessment reveals that the positions or persons critical to increasing the use of

electronic monitoring are all part of the local criminal justice system. Strategies were developed through utilization of the modified policy delphi. The selected strategy involves a combination of an educational campaign aimed at the general citizenry and media, and a team building workshop involving stakeholders. An implementation plan was established to increase the use of electronic monitoring.

### PART III - TRANSITION MANAGEMENT

Critical-mass individuals were identified, and strategies to enlist their constructive participation in increasing the use of electronic monitoring were designed. A transition management team was selected to bring about the increase. The study concludes that the use of electronic monitoring is a desirable and feasible alternative to traditional incarceration.

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# INTRODUCTION

## INTRODUCTION

There are about 550,000 men and women in the nation's State and Federal prisons. One of every 450 Americans is in prison representing the highest rate in the Western World.<sup>1</sup> Nationwide we are adding a net total of 35,000 to 40,000 inmates a year. The State of California expects to house 136,000 people behind bars by 1994. By that time the state prison system will be short approximately 39,000 beds. The cost to the state in new construction alone could exceed three billion.<sup>2</sup> Sherman Block, the Sheriff of Los Angeles County, recently reported to his board of supervisors that the cost of housing inmates in Los Angeles County will be at one billion in fiscal year 1994/95.<sup>3</sup>

Departments involved in the detention of inmates find themselves in the middle of a boom industry. These agencies find themselves engaged in savage competition for dwindling funds as a need for jail construction and the number of inmates being sentenced to detention facilities rises. We are clearly headed toward a point where we may not be able to afford traditional incarceration. Currently the price of building a secure jail bed ranges from \$70,000 to \$90,000.

The money needed to cover the anticipated short-fall in jail beds space within these medium-sized counties is not at hand. The National Institute of Justice, in a 1989 report by Juan Petersilia of the Rand Corporation entitled "House Arrest," stated that the

state's cost of housing an offender averages between \$10,000 and \$15,000 per year. The County of Placer taxpayer pays approximately \$17,000 per inmate per year.<sup>4</sup>

It is evident that the medium-sized counties of California are not immune to these growing trends. The counties of Placer, El Dorado, and Nevada, which lie east of the booming Sacramento area, are no exception. Placer County's current population is 156,276 and is expected to increase approximately 61% by the year 2000 to 226,263.<sup>5</sup> El Dorado County's population is currently 106,100 and is expected to rise to 128,300 by 1990 and 206,568 by the year 2010.<sup>6</sup> Nevada County's population is 77,200 and grew at a rate of 4.6 percent during 1987-88.<sup>7</sup>

Much of these medium-sized counties' growth increase reflects affluent people who work in the Sacramento or San Francisco Bay area. In Placer County, the City of Roseville is exploding. From 1980 to 1985 it experienced a 15% growth rate. During the last two years the rate was 12.7%, bringing the population to its current 31,600. At a modest 5% growth rate the population should max out at 92,000 well before the year 2010. Stanford Ranch expects to add 30,000 new residents to the City of Rocklin.<sup>8</sup>

With these increases in population will come the proportionate increase in crime and the number of people housed within the detention facilities of the medium-sized counties. While the

growth continues, the perception of the political climate is one of a very conservative electorate. They are believed to support a hard line on criminals and have voted in a like manner. The nationwide feeling is nonetheless conservative. A Gallup Poll in September of 1989 reported that 74% of the respondents were in favor of casual drug users serving jail time.<sup>9</sup> This represents an atmosphere not overly supportive of alternatives to traditional incarceration.

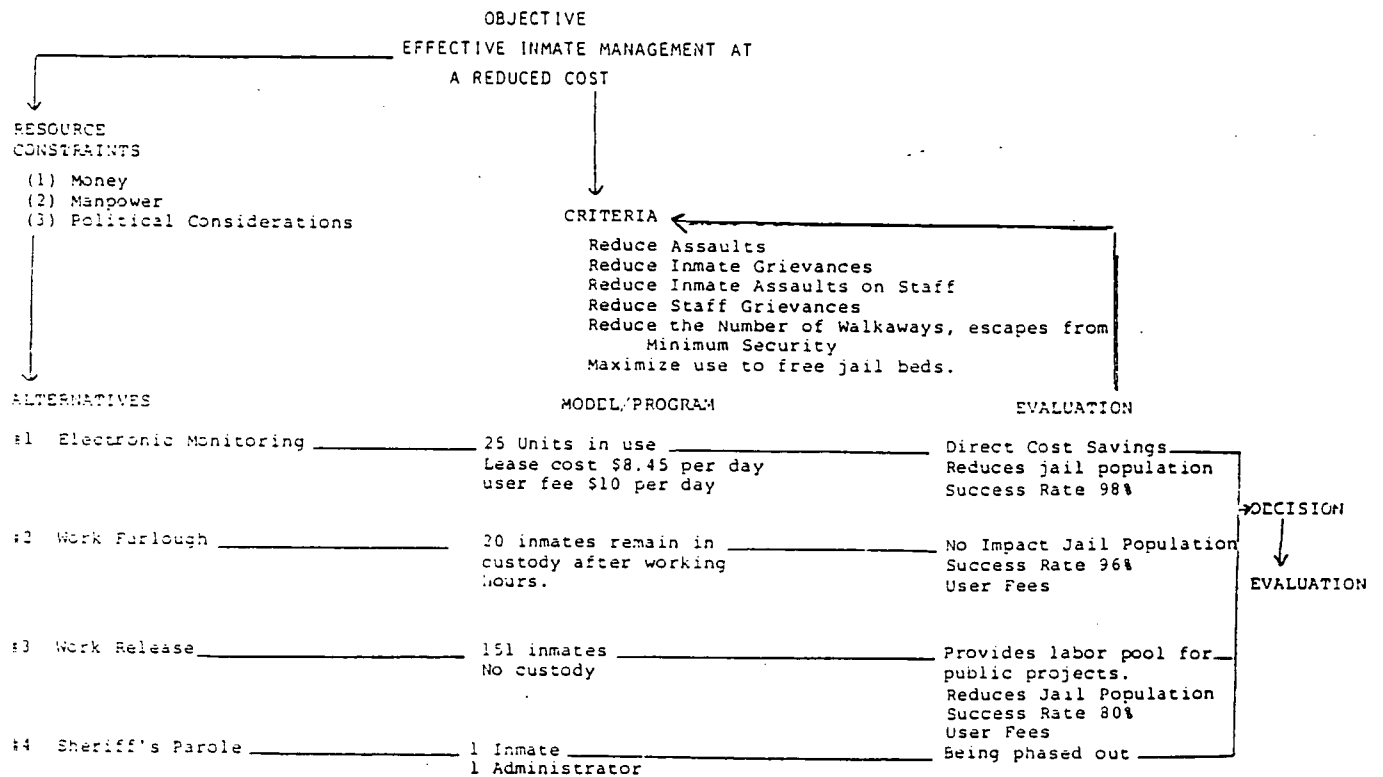
The County of Placer currently has a total of 195 beds available at three separate facilities. The total number of inmates detained within these facilities on June 13, 1989, was 331. Placer County's projected growth and anticipated jail increase reflect an anticipated bed short-fall of 716 beds by 1996.<sup>10</sup> The location of Placer County, coupled with the major interstate highway that runs its length, results in 48% of the inmate population being non-county residents.<sup>11</sup>

At a sheriff's staff meeting in November of 1989, the jail commander reported that if a special master were to order a population cap, 90 inmates would be released prior to the completion of their sentence.

To effectively manage the future, all alternatives to traditional jail construction and incarceration must be examined. The utilization of a systems approach as a means to decision making may be useful. The goal for any agency involved with the detention of

inmates is effective inmate management at a reduced cost. This would include post-sentencing alternatives to the traditional and costly approach of incarceration. Agencies involved in detention can safely assume that the cost of custody will rise in the future. The cost may even surpass the available resources for that purpose. The question is, how will these agencies choose to allocate their resources to effectively manage the growing inmate population? In an effort to assist with the dilemmas facing managers, a systems model has been designed examining potential post-sentencing alternatives to incarceration. (Figure 1)

SYSTEMS MODEL



The goal of effective inmate management at a reduced cost lends itself to several criteria for measuring success. These goals are

based upon existing figures supplied by the sheriff and probation departments of the county under study.

(1) Inmate Safety

(a) Reduce the number of assaults by 40% from 25 to 15 annually.

(b) Reduce the number of inmate grievances by 20% from 125 to 100.

(2) Officer Safety

(a) Reduce the number of assaults on staff by 40% from 5 to 3.

(b) Reduce the number of grievances of staff by 33% from 15 to 10.

(3) Public Safety

(a) Number of escapes

(b) Number of crimes committed by inmates currently detained (in any manner) by the agency.

(1) Type of offense

(a) Driving on a suspended license

(4) Alternative

(a) Percent of inmates who successfully complete their sentence.

(1) Work Furlough 98%

(2) Work Release 80%

(b) Number of inmates returned to custody.

(1) Electronic Monitoring - 3



(2) Work Furlough - 5

(3) Work Release - 242

There are several different post-sentencing alternatives to traditional incarceration currently being used by the county being studied. Using the systems approach, these alternatives will be defined and evaluated, and measured against the stated criteria.

#### Alternative 1. Electronic Monitoring

Electronic Monitoring is authorized by California Penal Code Section 1203.016 (Appendix 1). This alternative is designed as a system of remote control devices used to monitor a person's presence, at or within a prescribed location. The current technology requires a telephone for transmission to a base station where status reports or alarm system notify the assigned staff of the subject's movements.

The county being studied currently has 25 Electronic Monitoring units leased. The cost is \$8.45 per day. The inmates are charged \$10 per day to participate in this alternative. Inmates must be sentenced to a minimum of five days in custody to be eligible for participation.

#### EVALUATION:

The Electronic Monitoring Program has been in effect since August

of 1988. In the first year there have been 68 participants. The success rate on those who have successfully completed their sentence in the program is 98%. This figure represents 2,738 bed-days saved. 148 medical appointments were also saved. These appointments would require jail staff to transport the inmate to them, to wait during the examination, and to return the inmate to custody. A financial return to the county of \$21,718 was realized during the first year.

#### Alternative 2 - Work Furlough

The work furlough program is authorized by California Penal Code Section 1208 (Appendix 2). The law allows a person sentenced to jail to continue their employment while serving their time away from the job in custody. The county being studied also extends the furlough concept to cases including child care and education. The requirement of the county is that an inmate be sentenced to at least 30 days. There are 20 inmates currently enrolled in the program. An inmate assigned to work furlough may petition to serve the last 30 days of his sentence on work release. The work furlough program is administered by the Probation Department.

#### EVALUATION:

The Work Release Program had 256 applications for participation last year. 86 were accepted. The participants return to the custody of the sheriff at the conclusion of their work day. With this increased level of supervision, the program experienced a 96% success rate. There are user fees of \$10 per day based on ability

to pay. These returned \$52,348 to the county.

### Alternative 3 - Work Release

Work Release is a program authorized by California Penal Section 4024.2 (Appendix 3). The jurisdiction may offer a voluntary program where inmates would avoid incarceration by working on public works and ways. One 8-to-10-hour day worked, would equal one day of confinement. The county being studied allows inmates who have been sentenced to thirty days or less to participate. There are currently 151 inmates participating. Many of these individuals would ordinarily be serving their sentences in custody on weekends. Release Program is supervised by the Probation Department.

### EVALUATION:

The Work Release Program is one of the most widely used alternatives in the county. This program frees up valuable minimum to medium bed space at the jail facilities. It provides a valuable labor pool for public projects including road cleanup, schools and parks. The program experience has produced an 80% success rate. The majority of the failures are caused by the inmate not appearing at his scheduled work location. The law also allows for an administrative fee to be charged to each inmate based on their ability to pay. The Work Release Program has generated over \$62,000 in user fees. It has produced 42,994 man-hours of labor for public projects. This ability makes work release a more

attractive option by providing some form of user participation fee.

#### Alternative - 4 Sheriff's Parole

Sheriff's Parole is authorized by California Penal Code Sections 3074-3088 (Appendix 4). This alternative involves the inmate petitioning the county parole board to be released. Upon the release of the inmate, it is agreed that he or she can be returned to custody for any failure to abide by the terms of the agreement during a prescribed period of time.

#### EVALUATION:

There is currently only one inmate participating in the sheriff's parole alternative. With the increased use of work furlough and work release as well as the addition of electronic monitoring, the petitions from inmates have ceased. It is apparent that there are avenues to remove them from traditional incarceration without the threat of county parole revocation. These alternatives provide for easier application and do not require the parole time.

When evaluating the post-sentence alternatives to incarceration, the focus can be narrowed to alternatives 1-3. Sheriff's Parole is being phased out and represents a minimal level of inmate participation.

Electronic Monitoring has the potential to impact jail overcrowding. In a facility that is less crowded, assaultive

behavior and the number of grievances will decrease. The current program has shown a success rate of 98%. Success is defined as compliance with the requirements of the Electronic Monitoring Program and successful completion of the sentence in the home environment. It has the highest success rate of the alternatives studied.

For every inmate assigned to the program, a jail bed space is made available. It also retains the element of punishment lacking in the Work Release Program.

#### Work Furlough

Inmates are allowed to keep their jobs and return to custody at times they are not engaged in legitimate business. There is no bed savings in this program, nor a significant problem with inmates who walk away from custody.

#### Work Release

This alternative experiences the highest failure rate and impacts the jail population. There is very little latitude in reasons for not appearing at a work site. In many cases, warrants are issued for the inmate and his future custody requirements adversely affect jail population. His unsuccessful performance makes him a poor candidate for any other alternative.

With participants who successfully complete the program, the detention agency will enjoy a bed savings. User fees are assessed for participation in the work release program.

#### ALTERNATIVE SELECTION

While all the alternatives are worthy of evaluation of their potential future status, this project will examine Electronic Monitoring. The examination of the systems model indicates that Electronic Monitoring has the potential to meet the criteria established. This alternative deserves to be studied to determine if it will assist detention agencies in medium-sized counties to effectively manage the growing inmate population in a cost-effective manner.

This study will begin with the study of Electronic Monitoring to determine if it is a feasible alternative to agencies in the future. Scenarios will then be constructed describing different visions of the future. If Electronic Monitoring is desirable and feasible, a strategic management plan will be designed. This will be accomplished by examining the environment of the organization. People in that environment who would impact the plan will also be identified. Assumptions will be made about people in the environment. From this, assumptions will be made, and strategies for policy alternatives will be explored. Finally, an implementation plan will be constructed using the preferred

strategy.

Part III of the study will focus on the critical-mass. These are the individuals who support the plan and are critical to its success. A transition management team will be constructed to implement the strategy. This would bring the desired end state closer to reality.

**PART I**  
**Futures Study**



## HOW WILL ELECTRONIC MONITORING BE ACCEPTED BY THE YEAR 2000?

### SCANNING/FUTURES FILE

Thus, this study begins with the scanning process. In general, this involves gathering data about the environment which is external to the organization. From this, relevant bits of information are gathered into a Future File. This is a collection of selected articles relevant to the external and internal environment of the organization. For this study, they are broken down in the following categories: social, technological, economic, environmental, and political (S.T.E.E.P.).

These topics were further refined by gathering data on areas of regional and local importance, with some emphasis being added to local growth and local detention issues.

### FUTURES WHEEL

In order to facilitate a more refined definition of the subject area, a Futures Wheel was constructed to further identify potential trends and events associated with the use of electronic monitoring as an alternative to traditional incarceration (Appendix 5). A futures wheel is constructed by identifying a central topic. This is placed on the center of the page. Any idea that comes to mind is then listed and connected to the main theme as spokes on a wheel. Its intent is to foster the generation of many ideas and

formulate creative connections between ideas.

#### NOMINAL GROUP

A nominal group panel was then established to further identify and refine the trends and events. The nominal group technique, or NGT, is designed:

- 1) To identify elements of a problem situation.
- 2) To identify elements of a solution program.
- 3) To establish priorities.<sup>12</sup>

It is designed to pool the information available from participants with background in the area being studied. There are six basic steps to reach the goal:

- 1) Silent generation of ideas in writing.
- 2) Round Robin recording of ideas on a flip pad.
- 3) Serial discussion for clarification.
- 4) Preliminary vote on item importance.
- 5) Discussion of the preliminary vote.
- 6) Final vote.<sup>13</sup>

The purpose of this NGT was to :

- 1) Identify trends and events that would have an impact on the use of electronic monitoring.
- 2) Identify the most important trends and events.
- 3) Examine the impact events would have on each other and the trends.

This panel consisted of:

- Justice court judge

- Deputy district attorney
- Deputy probation officer
- Emergency communication expert
- General manager of a public utility district
- Defense attorney
- Newspaper publisher
- Sheriff lieutenant
- Sheriff sergeant

The panel was supplied in advance with an information sheet defining trends and events and outlining the tasks that would be required of the group (Appendix 6). Accompanying this was an information sheet regarding local detention capabilities and the current status of electronic monitoring (Appendix 7).

#### TREND SELECTION

Trends are defined as the fundamental descriptors of the future. They can be external (outside one's control) or internal (can be influenced). They can be objective or subjective. Objective trends project data that can be verified. Subjective trends are more difficult to express other than in a soft way; i.e., a shift in community values. Trends must be measurable.<sup>14</sup>

Utilizing the NGT process identified above, the group began by identifying 27 trends (see Appendix 8). The list was shortened to eight trends at the preliminary vote stage. This was done by the

group ranking the trends in order from five to one, with five being the most worthwhile trend as it related to electronic monitoring. The number one being assigned to the least important trend. Discussion was then held on the remaining trends. This resulted in a final vote using the ranking method described above. This method then allowed the establishment of the priority rating for the following trends. Those with the highest numerical score are the most important to the future world under evaluation. The trends below are listed in order of the NGT consensus regarding their importance.

TREND - 1. Court Limitations of Jail Population. This trend deals with court orders limiting the number of inmates housed in a particular facility. This has already occurred in a large number of jurisdictions. It is the consensus of the group that the cost of jail construction is rising. The population of the jurisdiction studied is also increasing. This trend looms as a real possibility for the study area. This trend would also touch on the county's use of existing post-sentencing alternatives to traditional incarceration such as work furlough, work release, the sheriff's parole, and existing criminal-diversion programs.

TREND - 2. The Reliability of Electronic Monitoring Technology. This trend is defined as the ability of electronic monitoring to accurately report when a person leaves a particular area. It does not imply that the person would be unable to leave the area. However, by leaving a designated area, the monitoring device would

be activated. This activation would provide prima facie evidence of the violation. The burden of proof would then be shifted to the inmate, that the terms of the agreement for electronic monitoring had not been violated.

TREND - 3. Public Confidence in Custody Alternatives. The NGT agreed that public confidence in alternatives to incarceration will be significant. It would affect the utilization of various alternatives as part of a solution of jail overcrowding.

TREND - 4. Criminal Justice Resources. This trend is concerned with the number of jail beds available:

- The number of law enforcement officers in the county including jail staff.
- District attorneys.
- Judges and court rooms.

The consideration here is focused on the need for these resources to keep pace with the current rise in inmate population throughout the next ten years.

TREND - 5. Custody Alternative Fee. User fees to enhance the ability of local government to minimize cost have grown in acceptance. A custody alternative fee would be money paid by the inmate for the ability to serve his or her sentence on an out-of-jail option. Generally these fees are authorized to cover the administration of the program. The cost of traditional custody

requirements represents a tremendous financial impact on the county. In the county being studied, the cost of incarceration is \$47 per day.<sup>15</sup> This figure multiplied by 365 days represents a cost of \$17,155 per inmate.

#### TREND EVALUATION

Once the trends had been selected and defined by the group, the next phase of the project, trend evaluation, was ready. This is a means of charting trends to facilitate planning. The number 100 was used to represent the level of the trend today. The panel was then asked to estimate, using a ratio to 100, the level of the trend five years ago, five years from now and ten years from now. They were asked what they felt the trend would be in the future. The group was also asked to identify what they desired the trend to be five years from now, and ten years from now (the normative). All percentages reflect the group's consensus or median. The figures show the medians as well as upper and lower quartiles.

TREND - 1: Court Limitations on Jail Population. (Figure 2) The panel felt that the chance of the court placing a cap on jail population five years ago was approximately 20% less. Five years ago the county had an overcrowded jail. A new jail facility was being constructed that would meet the needs of the county for years to come. This construction program lessened the concern of overcrowding and risk of judicial intervention. There is also a predicted 20% increase in the possibility of court placed

population limits during the next five years. This trend will increase by 35% at the end of ten years. The normative estimate indicated a desire for a more active role by the judiciary regulating the population jail facilities. This reflects a 25% rise in the possibility of a court imposed jail population limit during the next five years. The normative estimates continue to rise 40% by the end of the decade.

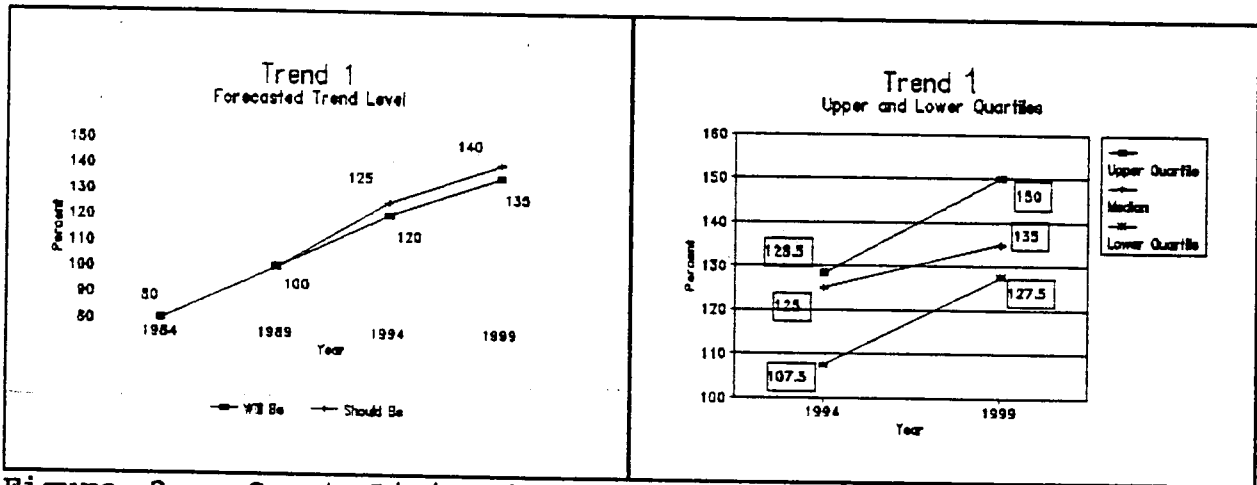


Figure 2 - Court Limitation on Jail Population

TREND - 2: Reliability of Electronic Monitoring Technology.

(Figure 3) This trend reflects the level of public confidence that electronic monitoring can perform successfully. The group consensus was that public confidence in electronic monitoring has increased 40% during the last five years. Commensurate with the improvement in technology, it is estimated that this will be followed by an increase of 25% in five years and an impressive climb to 200% in ten years. This confidence in technology's ability to accurately monitor an inmate outside jail was not greeted with wholehearted support by the group. Several group members felt that using the alternative reduced the deterrent impact of punishment. The normative or "should be" figures reflect a general desire to move at a slower rate into the field. While still showing an increase of 25% in five years and 50% in ten years, it is still significantly less than the anticipated actual state.

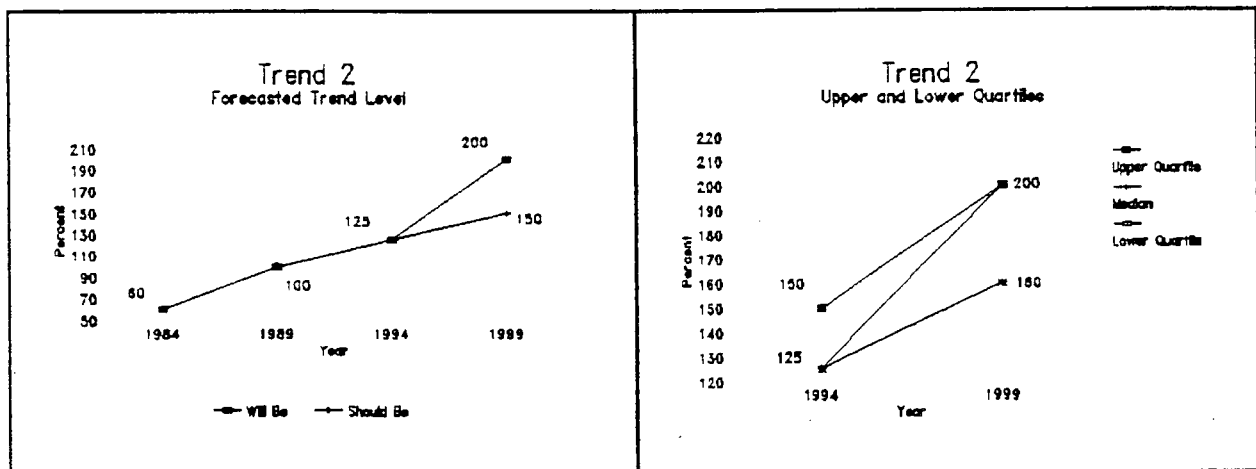


Figure 3 - Reliability of Electronic Monitoring Technology



TREND - 3: Public Confidence in Custody Alternatives. (Figure 4)

The consensus of the NGT is that as the cost of custody increases, there will be a demand to balance the need for public safety with the capacity to finance such service. There was a consensus by the NGT that public confidence in alternatives, including electronic monitoring, has risen by 40% during the last five years. This is in recognition of the fact that five years ago the concept of alternatives was just emerging as a legitimate issue. During the next five years they see the approval rate rising 50% and remaining at this level throughout the remainder of the decade. This normative desire again reflects a belief that public opinion would climb by 25% in five years and by 50% in ten years.

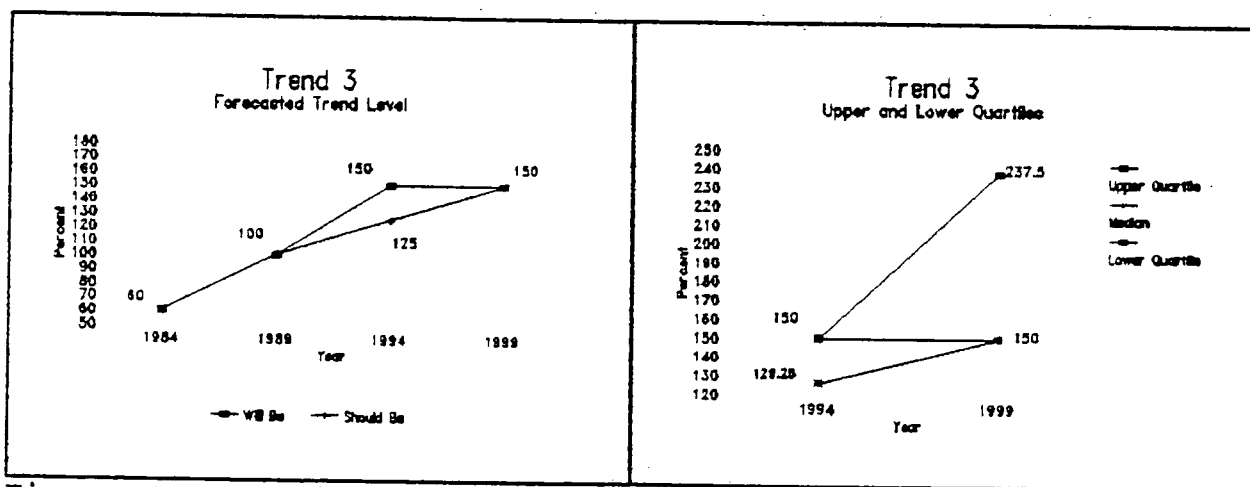


Figure 4 - Public Confidence in Electronic Monitoring

TREND - 4: Criminal Justice Resources. (Figure 5) The panel estimated that there has been an increase of 15% during the last five years of the following:

- a) The number of jail beds available
- b) Law enforcement officers in the county including jail staff
- c) The number of district attorneys
- d) Judges and court rooms.

It is anticipated that there will be a steady growth rate of 20% during the next five years and an additional 20% by the year 2000. This would be consistent with the county's rapid population increase. The normative median numbers reflect an identical projection.

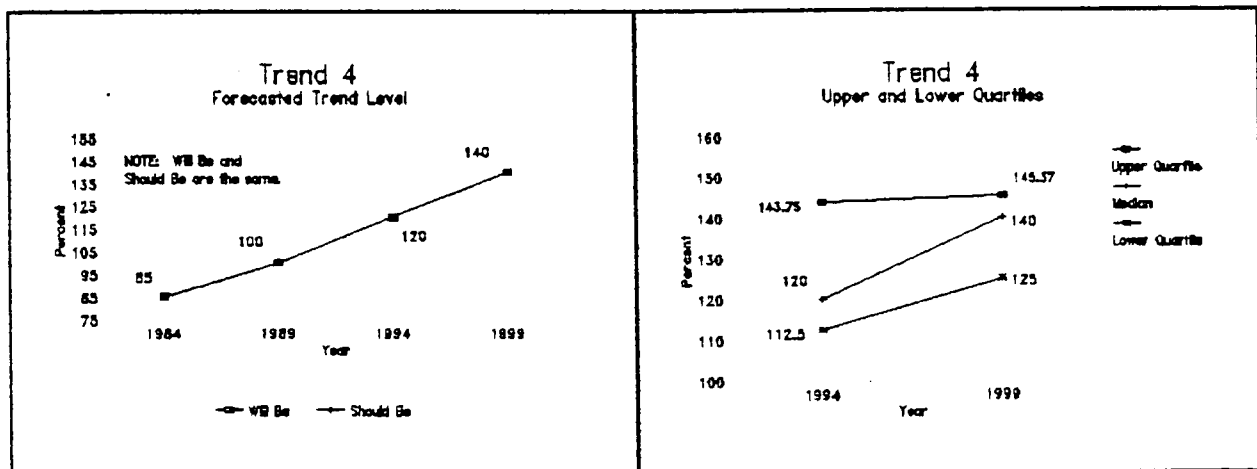


Figure 7 - Criminal Justice Resources

TREND - 5: Custody Alternative Fee. (Figure 6) County use of alternative fees has risen by some 50% during the last five years. This is consistent with the growth of the county jail overcrowding crisis. During the next five years, there will be a more aggressive utilization of user fees. This reflects an increase of 25%. In ten years, the number will increase to 50% above today's level. The normative data reflects desire to continue to provide service with slightly less emphasis on user fees. There is concern that alternative custody options would only be available with the means to afford this option. This could create a situation in which the less affluent would be relegated to the jails. In general, the desired level of this trend reflects a 20% increase in five years followed by a 40% increase during the next ten years.

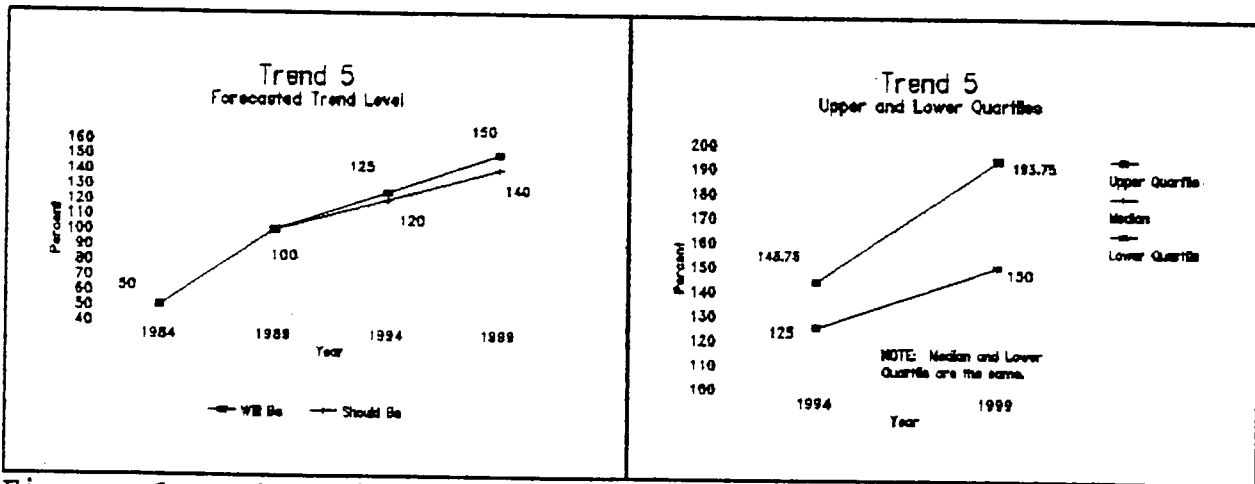


Figure 6 - Custody Alternative Fee

## EVENT SELECTION

The nominal group, using similar techniques, identified 20 potential events for discussion (Appendix #9). An event is defined as a discrete occurrence. They are things that either happen or do not happen.<sup>16</sup> Events should be stated in such a manner that someone looking back in time, could clearly tell whether or not the event had occurred. Using the same ranking methodology this list was narrowed to eight. After lengthy discussion, the panel narrowed the field to the following:

- Event - 1) A major or sensational crime is committed by an inmate serving his sentence on an out-of-custody electronic monitoring alternative.
- Event - 2) A voice identification computer is utilized as an out-of-custody electronic monitoring option.
- Event - 3) Satellite tracking is utilized in an out-of-custody alternative.
- Event - 4) Laws are enacted eliminating incarceration as a penalty for all misdemeanors for which the current sentence is six months or less.
- Event - 5) As the result of a federal lawsuit, the county jail facility is ordered to reduce its population.

## EVENT EVALUATION

After the events were prioritized and defined, each member of the nominal group estimated the year that the probability of each event occurring first exceeds zero. The group members further estimated the probability for that event actually occurring during the next five years and during the next ten years.

Both positive and negative impacts on the issue area were compiled. The approach used involved assigning a positive impact of zero to 10 and/or a negative impact of zero to 10 in the field of electronic monitoring as an alternative to incarceration if, in fact, the event did occur. This calls for each participant to make a judgement regarding the event. For example, a serious crime was committed by an inmate while utilizing electronic monitoring. The participant believes the electronic monitoring is beneficial. This would present a major setback to increased use. It would be scored as a -10. If the participant saw no positive impact it would receive a "0." The following figures represent the group's median generated by the evaluation of each event.

EVENT - 1. A Major or Sensational Crime is Committed by an Inmate Serving His Sentence on an Out-of-Custody Electronic Monitoring Alternative. (Figure 7) This event obviously would have a significant impact upon the jurisdiction in which it occurs. In this case, the event would be incredibly negative because of the electrical monitoring. In fact, the group in general saw no

positive impact in the field of electronic monitoring should such an event happen. The possibility of this event occurring is 80% today. In five years the probability is 100%. This obviously impacts policy consideration, the need for effective classification, and screening of inmates to be placed on electronic monitoring.

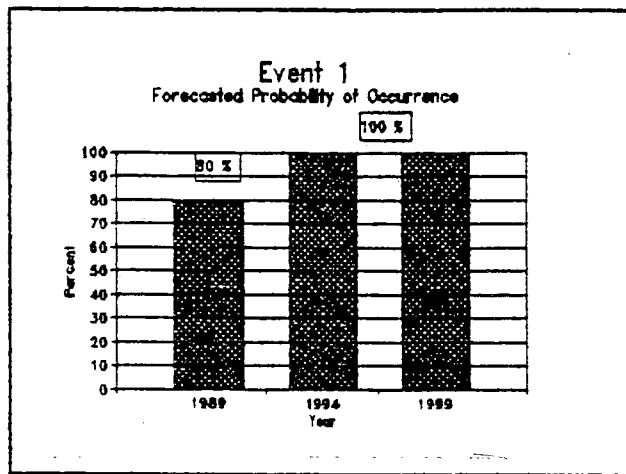


Figure 7 - A major, sensational crime is committed by an inmate serving his sentence on an out of custody, electronic monitoring system

EVENT -2. A Voice Identification Computer System is Utilized as an Out-of-Custody Sentencing Option. (Figure 8) The data indicates that this event would reflect an increase in technology and a change in the field of electronic monitoring. A voice identification computer system would also increase the reliability of the monitoring device. The year that the probability first exceeds zero, is 1995. By 1999, the events probability is forecasted as 90%. If the event occurred, the impact on electronic monitoring would be mostly positive. However, a negative side would arise with new attempts to defeat the technology. There are also the social issues of affordability and state intrusion into the life of its inmates. Another concern involves what is called the "widening the net" effect. This takes place when people who would not otherwise be sentenced to jail would be placed on electronic monitoring, thus increasing the control of the correctional system.<sup>17</sup>

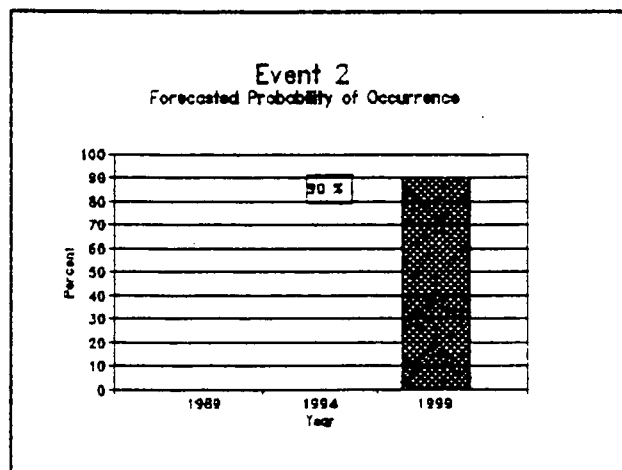


Figure 8 - A voice identification computer system is utilized as an out of custody electronic monitoring option

EVENT - 3. Satellite Tracking. (Figure 9) This event would be the first case involving an inmate in an electronic monitoring situation utilizing a communication satellite. The satellite would take the place of the standard detection device. This would serve to increase the public's perception of the reliability of the technology. The year the probability of this event first exceeds zero is 1999. However, that year indicates a 75% possibility of occurrence. The positive and negative impacts are similar to those raised in Trend 2. The positive side reflects a technology that enables the agency responsible for detention to more effectively monitor inmates. The use of satellite tracking also raises similar social questions which caused the panel some concern.

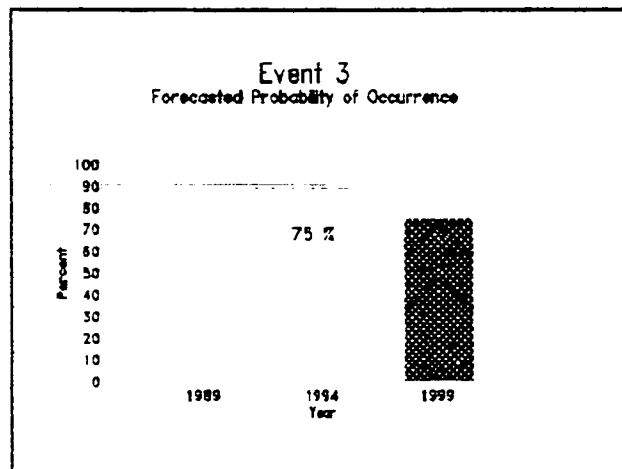


Figure 9 - Satellite tracking is utilized as an out of custody alternative



EVENT - 4. A Law is Enacted Eliminating Incarceration as a Penalty for all Misdemeanors with sentences of six months or less. (Figure 10) Currently the sentence is six months or less. With the increasing number of inmates versus the dwindling resources of criminal justice, the probability of this event's first exceeding zero is the year 1998, and that ten years from now there is a 90% chance that it would occur. The group saw this as being neutral regarding any positive impact on electronic monitoring. The NGT rated it as a "one" in the negative side of the equation because it would, of necessity, accelerate a program before the public was ready to totally accept it. Although a sentence of incarceration would not apply, other alternatives to custody could be imposed. The period of general acceptance could be bypassed, reducing the public trust.

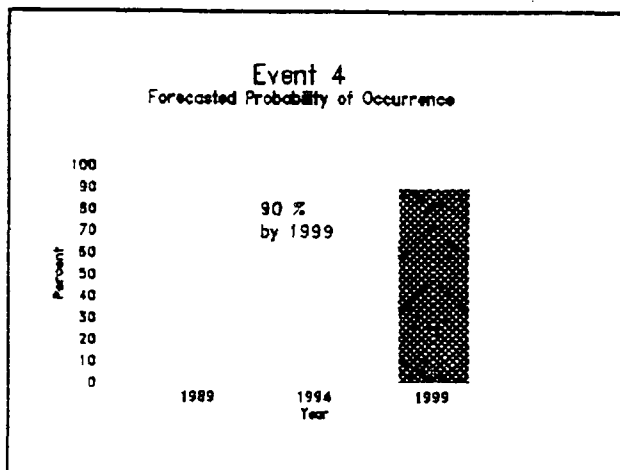


Figure 10 - A law is enacted eliminating incarceration as a penalty for all misdemeanors for which the current sentence is six months or less

EVENT - 5. As the Result of a Federal Lawsuit the County Jail Facility is Ordered to Reduce its Population. (Figure 11) Given no change in existing conditions, the group felt that this event's probability exceeded zero by the year 1999, and yet then only reflected at 10% probability of occurrence. It was given a high positive rating because such an event would accelerate the use of all alternatives to traditional incarceration including electronic monitoring. It also received a negative rating of "5" as the group believed there would be community resentment that criminals were not behind bars.

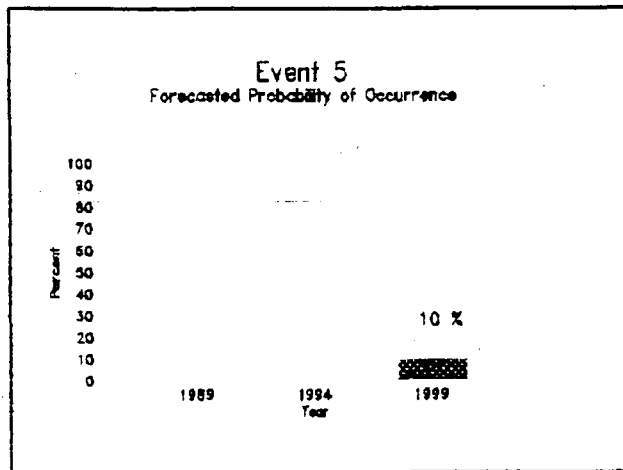


Figure 11 - As the result of a federal lawsuit, the county jail facility is ordered to reduce its population

## CROSS-IMPACT ANALYSIS

A cross-impact matrix was constructed after the events and trends had been identified and evaluated. The matrix indicates the effect one event could have on another event and upon the trends, assuming the event actually occurred. If each event were to occur, the probability of occurrence of each other event is re-estimated.

The estimates were of direct impacts only, not the indirect, second, and higher-order impacts. The effect of each event on each trend is measured relative to its potential to accelerate or retard the trend. Figure 12 shows the result of the cross-impact evaluation done by the nominal group.

The trends and events previously discussed are recognized by the group as potential targets for policy action. It is therefore critical for planners to understand the relationships or the cross-impacts of the events and trends.

FIGURE 12

CROSS-IMPACT EVALUATION

		Suppose that this event actually occurred..... How would the probability of the events shown below be affected?					How would the level of these trends be affected?				
		E-1	E-2	E-3	E-4	E-5	T-1	T-2	T-3	T-4	T-5
Event - 1)	A major, sensational, crime is committed by an inmate serving his sentence on an out-of-custody electronic monitoring alternative.	X	-30	5	-70	0	-10	20	90	50	0
Event - 2)	A voice identification computer is utilized as an out-of-custody electronic monitoring option.	30	X	20	30	0	-10	30	10	10	20
Event - 3)	Satellite tracking is utilized in an out-of-custody alternative.	50	50	X	50	0	-10	50	40	20	30
Event - 4)	Laws enacted eliminating incarceration as a penalty for all misdemeanors for which the current sentence is six months or less.	40	50	70	X	0	-10	10	50	40	60
Event - 5)	As the result of a federal law suit the county jail facility is ordered to reduce its population.	60	40	0	30	X	50	10	50	80	60

- Trend - 1) Court Limitations on Jail Population
- Trend - 2) Reliability of Electronic Monitoring
- Trend - 3) Public Opinion of Custody Alternatives
- Trend - 4) Criminal Justice Resources
- Trend - 5) Custody Alternative Fee

## ACTOR EVENTS

After the direct impacts have been estimated, another evaluation is made. The next step is to identify important events regarding their impact on the future world. In order to estimate this, the number of "hits" for each row in the matrix was counted. The higher the number of hits, the more important the event is to the

Event #1 A major or sensational crime is committed by an inmate serving his sentence on an out-of-custody electronic monitoring alternative. This situation received seven hits out of a possible nine.

Event #2 A voice-identification computer is utilized as an out-of-custody electronic monitoring option.

Event #3 Satellite tracking is utilized as an out-of-custody alternative.

Event #4 Laws are enacted eliminating incarceration as a penalty for all misdemeanors for which the current sentence is six months or less.

Event #5 As a result of a federal lawsuit the county jail facility is ordered to reduce its population.

All received eight hits out of a possible nine. Each of these actor events then must be considered as a target for policy action.

## REACTORS

Next, each event and trend was examined to determine if they were "reactors." Reactors are buffeted by the occurrence or non-occurrence of "actor" events. This evaluation was accomplished by adding the number of "hits" for each column in the matrix. The result again showed that each event and trend would be significant reactors in relation to the five events indicated. There is one startling exception in event #5. The county jail facility is ordered to reduce its population as a result of a federal court ruling. This showed that it is not a reactor to the other events. This was further supported by the fact that it received zero hits out of a possible four.

Each cell in the matrix was examined to determine whether the changes entered are "good" or "bad" in relation to the world being studied. Each of the five events is an actor event; consequently, agency policies should be directed with the objective of making the event more likely to occur or less likely to occur. Policy should then be directed to assisting Event #2, voice identification computer, as previously discussed and Event #3, satellite tracking. On the other hand, Event #1, Event #4 and Event #5 should receive the attention of policy to make the occurrences of those events less likely.

## SCENARIOS

### IT'S A JOB

Pamela Hans sat down at the table in the breakroom of the new minimum security prison located between Auburn and Placerville. She affectionately referred to it as "the zoo". It was one of the twelve new major prison facilities opened by the state in 1999. Happy? No, she wasn't happy, but the money was good and it paid the bills. She had originally gone into law enforcement as a member of the California Highway Patrol five years earlier. Now, that was a job! She reflected back on the first two years with patrol. Stationed in Southern California, she had received quite a reputation as a auto theft investigator. She truly enjoyed her work. However, when the Southern California freeway system was shut down as a result of the 1997 Air Quality Act, she and hundreds of other members of the force were faced with layoffs. She had opted to transfer over to the still-booming prison industry as a correctional officer. Actually, in retrospect, the correctional officers were making more money than the traffic officers who remained on the job. As she picked up a newspaper, she chuckled to herself, remembering an old joke. It had been said that in the future if you lived in California you would either be an inmate or a guard. It didn't seem as funny now as it did then. The newspaper lead article dealt with the county's jail dilemma. Money and more money was continually needed to fund new jail construction throughout the state. It had provided a boom to contractors throughout the late 1980s. The cost of jail construction had risen

markedly from \$70,000 for a secure jail cell to well over \$130,000 per cell. Even her neighbors to the north in Placer County had been ordered to reduce their jail population as the result of overcrowding. "So, what's new?" she thought to herself. Every county in the state had been likewise affected. As she read on in the article, she found it amusing that the Board of Corrections was considering a re-evaluation of their triple bunking policy. This is a guideline used for county and city detention facilities which allows three inmates to be placed into the space previously allocated for one inmate. Well, times were tough, she thought. After all, the citizens wanted people to go to jail. Break a crime - do the time. That is the prevailing philosophy. Through the 90's she had witnessed the incredible growth. It started out with the mandatory sentences for drunk drivers, moved on to the mandatory sentences for casual drug users, and as an amendment to the Clean Air Quality Act of 1997, the sentences were just now being handed down for public smoking. "What a world," she thought, "I remember what that wasn't even against the law." It was a crazy cycle that government was in. On the one hand, the courts were limiting the jail population. And on the other hand, they were demanding more and more people go to jail. This, then, drove governmental need to build new jail facilities. And demand continued to fuel the escalation in cost. This, of course, meant more cops, more judges, more D.A.'s, more probation officers and, fortunately, more custodial officers. The article in the newspaper concluded with some egg-head from Berkeley requesting that local



governments look to alternatives to incarceration. That sounded somewhat familiar. She had once read about furlough programs, electronic monitoring and the like. All very futuristic, scientific. But that's all it was - science fiction. After all, the special interests had decided that if their personal crime was committed there needed to be jail time behind it. And, it seemed like it was government of the people, by the people, and for the special interests, that set the tone. But, it's a job.

## HAPPY NEW YEAR

Alan Carter rolled out of his bed. The sun had come up and had penetrated his window like a knife. "Another day," he thought to himself, "another day behind bars." Alan was a burglar, albeit not a very good one. He had been caught during his second attempt. He had been sentenced to six months in jail. He sat upright in his bed and his feet hit the cold floor. Jeez! He pulled them back immediately, putting on his slippers. He looked out the window and could see the mountains off in the distance. They had received a new covering of snow throughout the last week and last night. "What a great day to spend New Years eve," he thought to himself. Everyone he knew was out partying, having a good time while he sat in jail; he sat at home. He readjusted the bracelet on his ankle and walked down to his kitchen. He made a cup of coffee and sat down with the morning paper. He began to reflect on the series of events that brought him to his current predicament. A recently laid-off carpenter, he had burglarized a neighbor's house in an effort to get some money to purchase cigarettes. He was taken into custody and booked at the main jail in the county seat. He had walked over to court in the orange jump suit and was arraigned before the magistrate. At that time they placed a band around his ankle and he went home. Throughout his court process, that was the last time he saw the judge face to face. Until it came time for his preliminary hearing, he was ordered not to leave the premises. The electronic bracelet was interesting. He wondered how it worked and had often thought of attempting to defeat it. However, the

risk was too great. One of the first things you learn in jail is that if you tamper with these things, you will be back in jail for an extended period of time. It was his understanding that he was supervised to some degree by a satellite in outer space. This satellite could accurately detect the location of the monitor and could give a complete printout at any time to the probation department. They would also know whether or not it had been tampered with. He also knew that he would be receiving on-site visits from probation and the sheriff's department staff. Random breath and urine samples were routine. At least three times he could think of he had been tested twice in the same day. No, the risk wasn't worth it. When the day of his preliminary hearing finally arrived, the county staff came over and set up the video machine and monitor. It was a four-way hookup between the district attorney, judge, probation department and Alan. The witnesses came forward and said what they had seen. Alan was bound over to a video conference in superior court. Well, he knew it. He was dead in the water. A video conference with his attorney led to his guilty plea, and he was sentenced to home. He was to remain incarcerated in his house for six months. Any violation of the contract he had entered into with the court would result in the sentence automatically being doubled and hard time at the county jail. That's one thing that Alan didn't want any part of. It was an unusual situation to remain in jail in-house, with the victim of the crime next door. Well, Mr. Blackman didn't seem to be having any problem accepting it. He knew Alan was being punished and,

occasionally would even wave to him across the fence when Alan went outside. Alan lived alone in the small house and received a modest inheritance from his family. And now, for the next six months, much of that inheritance went to the county in the form of fees and fines, penalties and forfeitures. Restitution. Oh, he had friends, but they were reluctant to hang around. They'd bring him his groceries and leave. He thought the fear of a surprise visit by the sheriff or probation staff probably helped send them on their way. He was in jail all right. "Certainly not as bad a situation as it could have been," he thought. The people accept it. They accept that he made a mistake and will pay for that mistake, both financially and through a restriction of his personal freedom. Still, all in all, it seemed like a miserable way to bring in the new century.

## ELECTION DAY - YEAR 2002

Sally Strong sat behind her desk. She threw her feet up on it and leaned back in the recliner. She thought to herself, "God, this is going to be great being Sheriff." Sally was the first female sheriff ever elected in the state. And it felt good. She had grown up in this Northern California county and was prepared to be the chief law enforcement officer over its 200,000 plus people. She had worked her way up through the ranks and had seen a lot of changes in the past 15 years. Perhaps the biggest problem in the past had been in the field of detention. And yet, now things seemed to be relatively well in hand. In the past 10 years alone, she had seen the department increase in personnel, almost 50%. And the county was quite innovative and pro-active in the use of alternatives to incarceration. Now that had not been easy. It was merely a result of sufficient dissatisfaction with the way things were going. The way things were going, jail contractors were getting rich, and counties were going broke by funding the jails. The county had flirted with a court imposed cap on its jail population in the late 1990s. There had also been a push in late 1989 to pass a law that would eliminate incarceration as a penalty for misdemeanors. This, too, was dealt with effectively by more aggressive application of electronic monitoring for short term sentences. And that's when things began to change. The citizens were no longer tolerant of government throwing money at the detention issue. At the same time, the technology was increasing by leaps and bounds. She remembered back in 1994. When the

reliability of the electronic monitoring was so-so at best, and perceived poorly by the public, and yet, in a five-year span, the improvements in technology climbed astronomically as did positive public support for this alternative. Oh, it was quite a bit cheaper, all right. In fact, the sheriff's department had made an effective compact with the probation department. Deputies, while on routine patrol, would periodically check in on people being monitored at home. This was beneficial, in that it allowed the officer on the street to know potential criminals by sight. And, on top of that, the satellite tracking capabilities always lent themselves as a potential first clue in any investigation. No, her jails were in good shape. They are only used for maximum security inmates. Pre-sentenced, minimum and medium - off they went. Certainly made for a better working environment. The staff was well aware that those people who are housed behind bars are extremely dangerous and deserving of their full attention. What was interesting about this whole transition was the fact that now the county made money on these inmates. Electronic monitoring had not only freed up jail bed space, it had also fattened the coffers of the cities and counties through the increased use of user fees. No, it was a good deal, and her jails were in good shape the day she took office. She leaned back again in the chair, repositioned her feet and thought, "Oh, it's great to be Sheriff."

**PART II**  
**Strategic Management**

## STRATEGIC MANAGEMENT

SITUATION - MISSION - EXECUTION - ADMINISTRATION - CONTROL

### SMEAC

The SMEAC model affords us the opportunity to examine the current situation in which we operate. The situational audit is composed of three principal segments: An environmental assessment, internal capability assessment (WOTS-UP); and Stakeholder Analysis (SAST). Using these assessments, a Mission Statement will be developed. A Macro-Mission Statement identifies the basic mission of the organization and a Micro-Mission Statement will address the use of electronic monitoring.

Strategic policy alternatives will then be developed through the use of the modified policy delphi. A policy issue is defined as an issue for which rational individuals will advocate differing solutions. The modified policy delphi is designed to;

- 1) generate strategic alternative approaches to the policy issue,
- 2) analyze the feasibility and desirability of each alternative, and
- 3) reduce the number of alternatives to a manageable number for more complete strategic analysis.<sup>18</sup>

A group of managers will participate in this process. The result is the execution of a selection among these alternatives.



Administration of the selected policy will provide a number of details in an action plan for implementation. This implementation plan will involve the development of a commitment plan. This will be built around an analysis of the critical-mass and assumptions made about them relevant to the issue being studied.

When the implementation plan has been constructed, it will be followed by the establishment of a transition management plan. This phase has a management structure established. Tools to be used include responsibility charting, and the readiness and capability of key actors to change. Responsibility charting is used as a means of clarifying role relationships thereby reducing ambiguity, wasted energy and adverse emotional reactions. The readiness and capability of key actors to change involves making assumptions regarding figures who are critical to the success of the plan.

The final element is control. Control will define feedback mechanisms to further evaluate the plan. Once any plan is implemented, it is not stagnant and must be in a constant state of reassessment, re-evaluation, and change.

## WOTS-UP ANALYSIS

Critical to the success of any strategic plan is an analysis of the organization's internal capacities as well as the external environment.

The WOTS-UP Analysis is conducted to examine environmental factors as well as assess the organization's internal ability to affect change. WOTS-UP is an acronym for weaknesses, opportunities, threats and strengths. In the field of electronic monitoring, the probation department plays a major role in the system being studied. For that reason, a supervising probation officer currently involved in the field, joined with three sheriff's department administrators in conducting this internal and external audit. A result of this was the discovery that many of the identified organizational strengths and weaknesses were similar to both organizations. The following definitions by George Steiner explains in greater detail what the group was attempting to capture.

- 1) Opportunities: An opportunity is any favorable situation in the organization's environment; it is often a trend or change of some kind or an over-looked need that supports the demand for a product or service; or it permits the firm to enhance its position.
- 2) Threats: A threat is any unfavorable situation in the organization's environment that is potentially damaging to the organization and its strategy; it may be a barrier, a constraint, or anything that might inflict problems, damages, or injury to the organization.
- 3) Strengths: A strength is a resource or capacity the organization can use effectively to achieve its objectives.

- 4) Weaknesses: A weakness is a limitation, fault, or defect in the organization that will keep it from achieving its objectives.<sup>19</sup>

Included in this study is a list of environmental opportunities and threats, and organizational strengths and weaknesses. These have been compiled by the group as they relate to the issue being studied. It should be noted that a single event or trend may be viewed as either a threat or an opportunity, depending upon the perspective used.

#### ENVIRONMENT - OPPORTUNITIES

- Better use of taxpayer dollars in the field of detention
- The county ability to reduce jail overcrowding
- Positive community support for the detention agency
- Cooperative efforts between agencies and the public to resolve problems
- The expanded use of allied agencies in dealing with regional problems not strictly limited to detention
- Ability of the organization to meet other state mandates
- Possible expansion to parole and probation for high-risk offenders
- Improving technology in the field of electronic monitoring which could generate public confidence
- Reduced medical bills for the detention agency
- Lessen the burden on the criminal justice system
- Rehabilitation enhanced
- More effective land use for the jurisdiction
- May actually increase the number of people in custody
- Expanding judicial sentencing prerogatives
- Socially sensitive to the needs of the inmate and his family
- Increased number of high technology firms locating within the county
- More effective use of deputies

#### ENVIRONMENT - THREATS

- Less incarceration through increased use of alternatives
- Politically sensitive, particularly to judges and other elected officials
- Citizen's concept of punishment may not be consistent with the use of alternatives
- The attitude of incorporated cities relevant to inmates

- serving their time within the city limits
- Negative public reaction to the program and the agency
- Pre-trial release
- County affluence - Data indicates the new residents of the county enjoy a comfortable standard of living
- Limitation by state statute of alternative programs
- The rising cost of living in the county
- Restriction of program to county residents considering the fact that a major interstate runs through the county and has an impact on transient or non-resident detainees
- Behavior of inmates serving their time outside jail
- City law enforcement's increased ability to recruit qualified personnel because they are not responsible to maintain a jail facility
- State's lack of support for counties generally
- Loss of control of inmates who serve their time outside jail
- Response time of deputy sheriffs to calls for service brought about by the increased role of detention
- Community acceptance of alternatives to incarceration
- The ability to defeat the technology of electronic monitoring
- Loss of deterrent effect upon the criminal element or those contemplating crime
- Potential for political bickering; i.e., cities versus counties
- Politically conservative county population
- The rural, spread-out nature of county, may hinder the ability to monitor or to respond to alarms of unauthorized absence

#### ORGANIZATION - STRENGTHS

- Politically sensitive to public opinion and criticism
- Middle management has strong organizational and management abilities
- Ability to generate revenue to reduce expenses
- Rebounding deputy sheriff's association shows promise of increasing political strength
- The line personnel, deputy sheriffs and other staff, are generally flexible, intelligent and innovative
- Jail duty - Deputies are required to be assigned to the jail periodically. This increases their communication skills and familiarity with the resident criminal element
- Ability to save staff time
- Cost effective alternatives are being sought
- Flexibility in jail programs; use of work furlough, work release, sheriff parole, electronic monitoring, cite and release, 849(b)
- Ability to provide more service utilizing existing staff by reducing jail population through the increased use of custody alternatives

#### ORGANIZATION - WEAKNESSES

- Politically sensitive to public opinion and criticism
- Increased sensitivity during election year.
- Not known for innovative solutions
- Lack of coordination among top management.
- Overcrowded jail system
- Jail duty - Perceived negatively, it can create problems with recruitment and retention of new employees
- Acceptance of electronic monitoring would be slow within the organization
- Administrative maintenance
- Perceived threat to labor organization - the fear that increased use of alternatives to custody would cost members their jobs.
- High political sensitivity to criticism regarding increased use of custody alternatives
- The organization is politically conservative in nature
- Minimum long-range planning
- Organizational culture is conservative, stressing the philosophy that law breakers should be incarcerated
- Resistance to something different could be a natural event in any organization.

## STRATEGIC ASSUMPTION SURFACING TECHNIQUE (SAST)

The key assumption here is that any organization is inter-related to many other organizations and the public. Noting this interrelationship, the same basis for the WOTS-UP Analysis was used to also identify stakeholders. Stakeholders are individuals or groups who impact what the organization or its members do. They are impacted by what the organization or its members do. Stakeholders care about what is done. The group identified the following stakeholders. The list is not inclusive or in any ranking order. The group's intent was to generate as many potential stakeholders as possible.

### STAKEHOLDERS

- The sheriff
- City governments
- The American Civil Liberties Union
- Deputy sheriff's association bargaining unit
- The county executive
- Board of supervisors
- Jail managers
- The electorate
- Public defenders
- Other local elected officials
- The district attorney
- The chief probation officer
- Vendors
- Civic groups
- Inmates
- Insurance companies
- The chamber of commerce
- Local media
- Grand jury
- Mother's Against Drunk Drivers
- The juvenile justice commission
- Judges
- Police chiefs
- Board of Corrections

- Jail construction industry
- The general employees bargaining unit
- The legislative body of the state
- The governor of the state

Following the listing of the stakeholders, those which are the most critical must be identified. From this list the group selected the major stakeholders. Finally, assumptions regarding the stakeholders and their feelings toward the use of electronic monitoring were made. For the purposes of this study, an assumption is defined as, "a basic, deep-rooted, often unstated values and beliefs that individuals or groups have about the world."<sup>20</sup> The following is a list of the critical stakeholders and the assumptions generated for each. They are not listed in any priority relevant to the issue being studied.

1) THE SHERIFF OF THE COUNTY.

- Highly sensitive politically
- Concerned with jail overcrowding
- Conservative in his approach to the office
- Change resistive
- Not overly interactive with other agencies
- Not futuristic
- Needs to be the lead person particularly where detention issues are involved
- Has tremendous pride in his organization
- Politically very powerful and influential

2) COUNTY EXECUTIVE OFFICER

- Cost conscience
- Very concerned with jail overcrowding issue
- Generally supportive of law enforcement
- Prefers short-term, easy solutions
- Cooperative with departments
- Politically conservative
- Willingness to facilitate groups, has no strong desire to act as the lead person

3) BOARD OF SUPERVISORS

- The majority of the board is relatively new
- The new members are naive regarding county policies
- The new members are highly curious about the government system and county norms
- Desire a resolution to the jail overcrowding
- Willing to allocate funds if they can be convinced of the viability of the program
- Technology orientated
- Still changing in the sense that one of the senior members will not seek re-election in 1990. The other will have several opponents.
- Give great credibility to the county executive officer
- Proactive
- Politically sensitive



4) JUDGES

- Very reluctant to utilize electronic monitoring for pre-trial release
- Politically sensitive
- Under pressure from the state to sentence locally due to prison overcrowding
- Extremely supportive of each other
- Highly concerned with jail overcrowding

5) LABOR (For the purposes of stakeholder analysis, both the deputy sheriff's association, as well as the general employees bargaining unit, were placed together in the category of labor)

- Suspicious of management
- Protective of their sphere of influence
- More concerned with "bread and butter" issues and safety
- As a group, will use overcrowding to reach a goal of more jobs
- Intelligent individuals currently hold executive positions
- Inexperienced in interfacing with county government
- Leadership changes too frequently with annual elections, therefore creating a lack of long term uniformity in goals and philosophy

6) CHIEF PROBATION OFFICER

- Innovative, always looking for new solutions to problems
- Well educated
- Very high profile in county government circles
- Sees great value in electronic monitoring
- Heads a very conservative department
- Progressive individual
- A facilitator, need not take a lead role if assured the goals will be met

7) POLICE CHIEFS

- Primary actors within their cities
- Highly political
- Tremendous influence upon city government
- Powerful figure, reference the acceptance or rejection of electronic monitoring
- As a group, disjointed in philosophy
- Varied personalities
- Mixed levels of cooperation
- Participate in a potentially powerful local Chiefs Association
- United on an issue, can reach a large constituency

8) LOCAL MEDIA (Local media includes two regional, daily newspapers; two local daily newspapers, one centered in the southern county, one centered in the central county; two

weekly newspapers that service the mountainous area, as well as three regional television stations and several radio stations)

- Supportive of law enforcement
- Interested in the field of electronic monitoring
- Views the issue as a methodology to sell their product

#### MODIFIED POLICY DELPHI

Once the stakeholders had been identified and assumptions made, the group performed a modified policy delphi. The modified policy delphi is a process designed to examine policy issues. A policy issue is defined as an issue for which rational individuals advocate differing solutions.<sup>21</sup> The modified policy delphi is designed to;

- 1) Generate strategic alternative approaches to the policy issue,
- 2) Analyze the feasibility and desirability of each alternative and
- 3) Reduce the number of alternatives to a manageable number for more complete strategic analysis.

Each member was to generate a policy or strategy to deal with the future of electronic monitoring. Seven strategies were identified.

Strategy #1 highlights the overcrowded conditions of the jail. The current conditions at the county jail facilities are not satisfactory. The overcrowded conditions represent a threat to the inmates, staff, and taxpayer. It is important that information

regarding this crisis situation be disseminated throughout the government community. One means of accomplishing this would be through a series of speakers addressing governmental forums, department heads and their managers, as well as the labor unions. Focus would be placed on those agencies that are part of the criminal justice system and contribute to the overcrowded state. The intent would be to create a better understanding of the issues leading to overcrowding. Ideally, this could result in ideas being generated by the involved agencies and supported by the public.

Pros - (1) It's cost effective as a method to reach a large number of people.

(2) It requires no additional personnel

(3) It entails involvement of the media

(4) It can also highlight other alternatives

(5) It shows existing utilization of electronic monitoring.

(6) It shows the value of electronic monitoring with individuals who have unique medical needs

(7) It explains the cost/benefit analysis of all alternatives, as opposed to incarceration

Cons - (1) It creates fear of loss of jobs by labor, due to the mistrust of management and their motives

- (2) It is perceived as less incarceration and a lessor punishment by county citizens
- (3) It generates a negative public reaction by people who expect incarceration as the proper punishment

Strategy #2 is a joint meeting, or team building workshop, to be conducted involving numerous stakeholders. This meeting could be used in conjunction with strategy #1 and highlight the overcrowding issue. It could also address other criminal justice concerns regarding custody. It would be held with the intent to generate as many ideas as possible, identify the best, and build consensus and support for the following strategies:

- Pros -
- (1) Has general staff support
  - (2) Provides necessary education to all the agencies involved
  - (3) Identifies individuals who may require additional information to gain their support
  - (4) Brings the issue of overcrowding to the forefront among the involved parties
  - (5) The generation of better ideas through synergy
  - (6) Generate group support for any solution or partial solution selected
  - (7) Provides a sense of community concerns
  - (8) Allows for input and feedback

This strategy also contains the following:

- Cons - (1) What is the reliability of the equipment utilized in electronic monitoring
- (2) Inevitability of someone concerned will be left out of the meeting
- (3) Pressure to conduct the meeting properly
- (4) Potential to fracture the group of stakeholders
- (5) Viewed as a "con" job orchestrated by the county

Strategy #3 is a campaign of public education aimed at the general citizenry and media. This strategy is similar to #1 but would entail a stronger role played by the local media. The primary focus would be the public. In addition to public speakers, media events or days, could be set up in conjunction with an open house of the detention facilities. A media blitz of educational articles would be prepared for the local printed press. Media based questionnaires and phone surveys could also be used to evaluate the effectiveness of the educational program and sample public opinion regarding electronic monitoring and other alternatives to traditional incarceration. Volunteers could be recruited and trained to assist with the media events and give presentations to public forums, civic clubs and the like using the following strategies:

- Pros - (1) Highlight the issue county wide

- (2) Involve the media in a very active role
- (3) Enlist community support and feedback
- (4) Opportunity for presentation of alternatives and cost/benefits of same
- (5) Increase agency interaction with the community
- (6) Possess the capability of being acted upon quickly

This strategy also contains the following:

- Cons -
- (1) Highlight the issue to a community that may not be willing to address it
  - (2) Media involvement could be difficult due to mistrust of motives, or media non-support of alternatives
  - (3) Generate, organize opposition to the increased use of electronic monitoring
  - (4) Question the reliability of the equipment used in electronic monitoring

Strategy #4 involves individual stakeholder lobbying. This strategy involves influential stakeholders being approached by people supportive of the increased use of electronic monitoring. They would attempt to enlist the stakeholders support of the program in a confidential manner using the following strategies:

- Pros -
- (1) Individualized attention
  - (2) Mandatory identification of stakeholders

- (3) Possibly meet needs of stakeholders
- (4) Lack of peer pressure not be support the plan

Also the following strategies:

- Cons -
- (1) The lack of peer pressure to support the plan
  - (2) Time consuming
  - (3) A need for consistency in arguments for the plan
  - (4) The risk of making promises that cannot be kept
  - (5) A perception of secrecy

Strategy #5 is termed "forced choice". In this strategy, the sheriff and the chief probation officer would assign inmates, even over the objection of the citizens and courts, to electronic monitoring alternatives using the following strategies, Pros and Cons:

- Pros -
- (1) Immediate impact on reducing jail overcrowding
  - (2) The chief administrators would be pressured to insure its success
  - (3) Cost savings by increased utilization of less expensive custody alternatives
  - (4) Safer jail environment brought about by reducing crowded conditions
  - (5) Vested interest of the chief executives



- Cons - (1) Risk of alienating judges
- (2) The risk of promoting a power struggle between the department heads and the board of supervisors
- (3) Media interest in continuing any controversy
- (4) The political ramifications of failure, loss of position, office, status
- (5) Creating conflicts with other county and city governments

Strategy #6 attempts through legislative action to change the state statutes on electronic monitoring making them less restrictive with strategies as follows:

- Pros - (1) Increase the use of electronic monitoring
- (2) Increase its use in pre-trial detainees
- (3) Create a safer jail environment in the long run by reducing overcrowding
- Cons - (1) The potential of electronic monitoring to become a campaign issue
- (2) The political consequences to those who may support the change if popular public opinion is against the change
- (3) Loss of the sense of punishment of offenders by community members
- (4) Loss of punishment deterrent to those contemplating criminal activity

Strategy #7 is to make the program more cost effective through increased user fees. This strategy would allow detention facilities to charge for fees beyond the cost of administration of the program. These fees could cover the actual cost of the service or could even generate a profit relative to the direct costs. The strategy would probably include a change in state statutes with the following strategies Pros and Cons:

- Pros -
- (1) Easier to "sell" to the public
  - (2) The ability to fund itself
  - (3) Pay for staffing and equipment
  - (4) Keep families together
  - (5) Possibility impact the welfare rolls by allowing primary wage earners convicted of crime to continue employment
  - (6) Assist in changing the community's perception of punishment

- Cons -
- (1) American Civil Liberties Union involvement
  - (2) Available to only those who can afford it
  - (3) Necessity of having a home and a phone
  - (4) The homeless issue
  - (5) Required state legislation change

The highest ranking alternatives were:

Strategy #3; a campaign of public education aimed at the general citizenry and media.

Strategy #2; a joint meeting or team building

workshop to be conducted involving numerous stakeholders.

These were followed closely by, Strategy #7, to make the program more cost effective through increased user fees.

The lowest scored strategy was that of "forced choice." After discussion, the group's consensus was that the county would be well served by a strategy combining several parts of the highly desirable and feasible options.

The panel then conducted a stakeholder analysis in relation to each of the strategies. The major stakeholders, having been identified, were rated on each strategy in relation to their support, modification, opposition, or ignoring the strategy. The results of the stakeholders analysis can be seen on the following chart.(Figure 13)

FIGURE 13

STAKEHOLDER ANALYSIS

STRATEGY	SHERIFF	COUNTY EXECUTIVE	BOARD SUPERVISORS	JUDGES	LABOR	CHIEF PROBATION OFFICER	CHIEF OF POLICE	LOCAL MEDIA
EDUCATION	MODIFY	SUPPORT	SUPPORT	SUPPORT	MODIFY	SUPPORT	MODIFY	SUPPORT
HIGHLIGHT JAIL OVERCROWDING	MODIFY	SUPPORT	SUPPORT	IGNORE	SUPPORT	SUPPORT	SUPPORT	SUPPORT
TEAM BUILDING	SUPPORT	SUPPORT	SUPPORT	MODIFY	SUPPORT	SUPPORT	IGNORE	SUPPORT
GENERATE POSITIVE REVENUE	MODIFY	OPPOSED	OPPOSED	MODIFY	OPPOSED	MODIFY	OPPOSED	MODIFY
INDIVIDUAL LOBBYING	SUPPORT	OPPOSED	OPPOSED	OPPOSED	MODIFY	SUPPORT	IGNORE	IGNORE
CHANGE STATE STATIS	MODIFY	SUPPORT	SUPPORT	SUPPORT	SUPPORT	SUPPORT	SUPPORT	SUPPORT
FORCED CHOICE	SUPPORT	SUPPORT	SUPPORT	MODIFY	OPPOSED	SUPPORT	MODIFY	SUPPORT

## MISSION STATEMENT

A critical element in strategic planning is the Mission Statement. Mission Statements have many purposes. They define areas of operation, express values, and establish the foundations for strategies and decisions. They can also guide behavior and build commitment.

The Macro-Mission Statement designed for the county detention facilities under study, reflects some areas of operational needs and organizational values. The Macro-Mission Statement is as follows: We are charged with the safe and humane housing of those people brought into custody for crimes or civil process and those sentenced from court.

This custody requirement must be balanced with public safety and the needs of the inmate.

This project deals with the future of electronic monitoring. Future studies have given all indications that electronic monitoring is a feasible alternative to incarceration. The micro-Mission Statement as it relates to this alternative is as follows:

To promote the effective use of electronic monitoring as an alternative to more traditional incarceration, while providing the greatest level of safety to the citizens of the county.

Significant in both these statements is public safety.

## IMPLEMENTATION

Through future study and strategic management, the goal of increasing the utilization of electronic monitoring has shown itself to be both desirable and obtainable. In order to reach this goal, an implementation plan is necessary. Three significant things have happened within the county being studied, which will facilitate the realization of this goal. In July of 1989, the County Executive's Office hosted a two-day, county-wide management team building workshop. This was a tremendous deviation from past policy. The County Executive's Office, as well as the Board of Supervisors, was searching for feedback, both positive and negative to be utilized in a constructive rethinking of the way the county does business. From that workshop the following topics for future exploration were established:

- 1) The County's Image
- 2) Growth and Development
- 3) Organization and Program Structure
- 4) County Communications
- 5) Facilities: Planning and Priorities
- 6) County's Vision

In several of these broad categories, there were issues and problems identified. There were preliminary recommendations made that could be applicable to the increased use of electronic monitoring. Under the theme of Growth and Development, the workshop participants requested a re-evaluation of revenue

resources as well as county support for revenue-generating opportunities. Under the heading of Organization and Program Structure, the county managers recognized the need to put related functions together. A review of all county organizations was recommended with the intent of consolidation of functional groups. This heading also found the managers questioning the budgetary process and recommending a change from the current year-to-year budgeting program. They requested that a two-or three-year program budget be evaluated. Still concentrating in the area of organization and program structure, a sub-topic entitled General-Services and Fees was examined. The following three points relate to the potential increased use of electronic monitoring:

- 1) All users share in cost to provide service;
- 2) Community services in lieu of payment;
- 3) Jail inmates must pay for stay in the future.

In the fourth theme, County Communications, the need to have regularly scheduled meetings within functional groups was identified. The possibility of holding other team-building workshops within the county's functional groups was recommended. One of the largest areas of concern facing the county is that of facilities. Under the topic of facilities: Planning and Priority, the issue of growth was paramount. The management team reported that any demographic changes of the county must be monitored. By doing so, the needs of the county are predictable. This topic was

specific to the jail. It was recommended that growth projects be tied to a countywide needs assessment. The county was also requested to review the policy regarding its ability to generate revenue. The county managers were asked to identify the highest priority in this field. They selected detention/jail facilities.

The final theme presented was that of the county's vision of the future. It was noted that the county has mission statements and objectives, but there is no overall shared vision.

These topics represent some of the similar problems facing the criminal justice system and its ability to increase the use of electronic monitoring. The offshoot of this management conference has been the establishment of small groups of participants to review the original findings and make additions and deletions. These new findings will be reported back to the entire group in the spring of 1990. These small committee workshops began meeting in October of 1989. The representative from the sheriff's department will stress the advantages of the electronic monitoring.

A second very positive event occurred with the reorganization of the Management Technology Advisory Committee. In the past, this committee had met once a year to attempt to reach consensus and prioritize requests for data processing. In October of 1989, the county hired a new and innovative data processing manager. The management technology advisory committee has been restructured with

the assistant county executive as the chair. A member, and alternate, from five functional units of county government participates. Those units are: criminal justice, health and welfare, general government, finance, and public ways and facilities. The role of the newly reorganized committee will be expanded. It will be a steering committee that is required to take a more active role in several areas: system acquisition, identification of user needs, and long-range planning. The Management Technology Advisory Committee would not necessarily duplicate the efforts of the sub-committees established by the team building workshop. Those groups will define a future desired state. The role of the Management Technology Advisory Committee will be to assist the county in reaching that state. The committee will meet approximately six times each year. This committee, in the past, has been considered very influential. It has also been described as the "star chamber." The alternate to the criminal justice functional group is the sheriff's administrator, who is very supportive of the use of electronic monitoring as an alternative to traditional jail incarceration.

A third dramatic departure from the ordinary occurred in October of 1989. With the concurrence of the sheriff's department, the Director of Administrative Services put out a request for proposals to assist in the preparation of a comprehensive master plan for adult detention facilities. This request included this statement, "the objective of the adult detention facility's master plan



project is to identify alternative methods of meeting the adult detention needs of the county over the next ten to fifteen years". The proposal went on to request a implementation strategy that would enable the county to satisfy adult detention facility needs in an orderly, timely, and cost-effective fashion. The Director of Administrative Services added that it is critical that the county promptly implement solutions to resolve overcrowding. The call is for solutions that can be accomplished over the next one to three years.

The detention crisis has risen to one of the top priorities of the county. The county desires to have a preliminary report on the adult detention facility's master plan by March 31, 1990. To work with the consultant, a team is being established consisting of all facets of the criminal justice system, i.e., sheriff's department, probation department, district attorney, public defenders, courts, etc. This represents the ideal vehicle to implement the strategy, and thereby increase the legitimate use of electronic monitoring. The representatives from the sheriff's department and the probation department are well-versed and supportive of electronic monitoring. This group may even offer the ideal transition management team to accomplish the goal.

By March 31, 1990, the group should have assembled its preliminary report. In February of 1990, the probation department should request, through the budgetary cycle, 25 new electronic monitoring

units. If approved, these units could be on-line in the Fall of 1990.

Functional group team-building workshop. The release of the preliminary findings of the adult detention facility's master plan in March of 1990 could be a prelude to a functional group team building workshop. This would involve the sheriff's department, probation, judges, district attorney, the county executive, and administrative services. This would be a follow-up to the countywide management team-building workshop sponsored by the County Executive's Office in July of 1989. This meeting could take place in the Spring of 1990, and include all sections of the criminal justice group. This is an ideal time to present a strategy regarding the increased use of electronic monitoring. The strategy will lay out a modest increase over the next two years of 25 units each budget cycle. The long-range goal will be to establish a percentage of units based upon the available bed capacity of the detention facility. The recommendation of 25% ratio of units to beds. This presents an opportunity to have the criminal justice system representatives participate in the discussion, and offer feedback regarding the strategy.

This workshop should be followed by a more extensive team-building effort aimed at involving and soliciting feedback from the incorporated cities and their law enforcement departments. February of 1990 also represents the last date to file for elected

office. If no one files against the Sheriff or the District Attorney, or only one, the candidates running unopposed can be brought up to speed on electronic monitoring, its potential, and its drawbacks. If the candidates are faced with an election challenge, this date should be postponed until after the June election.

The adult detention facilities master plan team should also take their finding to the public, through the use of the local media as well as a speakers bureau. The speakers should be dynamic individuals who can accomplish the first strategy of education. They will attend as many service clubs or civic organizations as they can, explaining the current status of the adult detention system. They will then present an informational talk on the findings and master plan established for the county. Of great benefit to those in elected office, the speaker may then solicit feedback from the group in the form of a survey. The survey could be given out with a small pre-test, including a request that the participants attempt to identify the dollar amount associated with incarceration. The speaker may then solicit the feedback and feelings of the people in attendance as to the alternatives to incarceration. If in fact, it was discovered that the majority of the people talked to were in favor of pursuing alternatives to traditional incarceration, this would be of tremendous value in solidifying the support of the elected officials involved in the process. In August of 1990, an evaluation of the success to-date

of the plan should be held.

The adult detention facility's planning group should also report to the Deputy Sheriff's Association and General Employees Association. As stated earlier, the Deputy Sheriff's Association is represented on this team; however, an educational meeting with the labor organizations would prove invaluable.

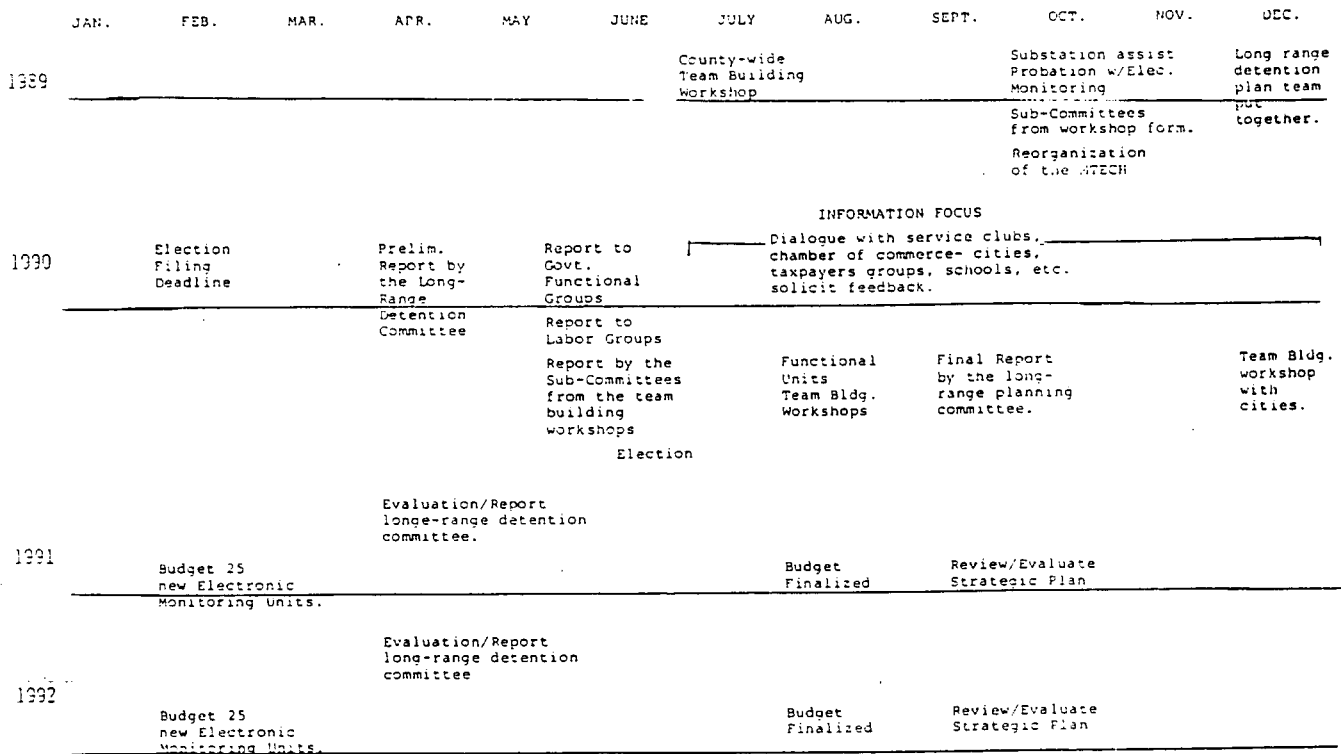
The Deputy Sheriff's Association through its elected leadership, will also be called upon to attempt to establish a compact between the sheriff's department and probation department, to assist in the monitoring of individuals serving their sentence at home. A joint venture by these two organizations may assist in the achieving of the goal through pooled resources. The proposal would be that the deputy assigned to a specific beat or geographic area would assist the probation department by stopping in and randomly checking the inmate's home to insure that he is presently there. The compact may go as far as having the deputy sheriffs assist the probation department in obtaining urine samples for chemical analysis. The benefit to the sheriff's department is that the officer working in that geographic area becomes familiar with the offenders currently serving their time outside the jail walls. The advantage to the probation department is an increase in their staff flexibility without an increase in the budget. On November 7, 1989, the ground-work for this innovative cooperative effort was laid. The county being studied has a remote substation. In the same

community, the probation department has three officers. The commander of the substation and the supervising deputy probation officer have agreed to have field deputy sheriffs assist with the "supervision" of three inmates recently assigned to electronic monitors; with the concurrence of the chief deputy probation officer, sheriff, and labor. An expansion of this innovative compact could prove invaluable in reducing the risk associated with electronic monitoring.

As a result of the county's management team-building workshop, the request was made to examine user fees and methods of generating revenue. Data indicates that effective use of electronic monitoring is more cost-effective than the traditional incarceration, associated housing and security costs. However, in order to effectively sell the strategy to a conservative clientele, it is believed that the generation of positive revenue will be an important factor.

Figure 14 presents a time table to be utilized in the implementation of the strategic plan.

FIGURE 14



**PART III**  
**Transition Management**

## CRITICAL-MASS/COMMITMENT PLANNING

The critical-mass is defined as "those few key players who are critical to the success of the strategic plan."<sup>22</sup> It is also important to recognize that the critical-mass represents a minimum number of people whose support would be essential to achieve success. The critical-mass individuals have power bases and constituencies whose support they can deliver.

In the county being studied the critical-mass was identified by the same group that conducted the WOTS-UP analysis. The critical mass all share one characteristic; they are all part of the criminal justice system. Furthermore, they are all part of the political system. As this study has progressed, the inevitable realization is that the use of electronic monitoring is clearly tied to the political norms and culture of the counties within which it operates. Supporting the increased use of electronic monitoring, would have advantages and risks for all the individuals and groups identified below.

As the critical-mass players are identified, assumptions will be assigned to each. These assumptions will be based on their disposition towards the increased use of electronic monitoring as an alternative to traditional incarceration. These assumptions are then used to identify a level of commitment of the participants. This stage is known as commitment planning.



There are four levels of commitment;

- 1 - Block change
- 2 - Let change happen
- 3 - Help change happen
- 4 - Make change happen

The critical-mass is so important to the success of the strategic plan, that if one member remains in a block change position, the plan will in all probability fail. Each of the actors will have their current level of commitment estimated, as well as the level of commitment required from them, in order to insure successful implementation of the plan. (Figure 15).

FIGURE 15

- o WHAT DO YOU NEED FROM THE 'CRITICAL MASS'?
- o WHERE DOES 'CRITICAL MASS' (INDIVIDUALLY) STAND NOW REGARDING THE CHANGE?

Actors in Critical Mass	TYPE OF COMMITMENT			
	Block Change	Let Change Happen	Help Change Happen	Make Change Happen
SHERIFF		0		X
COUNTY EXECUTIVE			0	X
JUDGES	0	X		
LABOR			X	0
CHIEF PROBATION OFFICER			0 X	
DISTRICT ATTORNEY	0	X		

0 - CURRENT POSITION  
X - DESIRED POSITION

1) THE SHERIFF OF THE COUNTY. The sheriff is perhaps the most important player. It is his responsibility to run the detention facilities for the county. Without the sheriff taking a lead role in a strategic plan, the prospects for success are virtually non-existent.

During the early period of electronic monitoring, there was strong opposition by the judges and district attorney. The sheriff also registered opposition. In a newspaper article during the summer of July of 1989, the sheriff is quoted as saying, "The program is worth the money for every person on electronic monitoring, we save three meals a day plus a bed. And it also frees up that bed for somebody who should be in jail." The sheriff's endorsement of the program comes with some notable reservations. To complicate matters, the sheriff is running for reelection in June of next year.

An experienced campaigner, he has always campaigned as a sheriff who is "tough on crime." An extremely popular and powerful man, he is not likely to have an opponent. However, until the filing date in February passes, he is unlikely to move to the forefront and push for additional electronic monitoring units. On the other hand, this could be the sheriff's last term. He will reach retirement age and will have enough years of service for a full retirement.

The sheriff's current level of commitment is estimated at "let change happen." To improve the chance of the strategic plan's success, the sheriff must be moved from that position to a "make change happen" level of commitment. There are several strategies that should be employed to assist in this move. One of the primary things to avoid in this scenario, is the rash act. The sheriff is a man who does not like to be hurried. Therefore, the strategy of forbearance<sup>23</sup> is best applied here. The plans can be detailed pending the election results. Other pieces of the critical-mass puzzle can be assembled prior to then, while continuing to bring information regarding electronic monitoring to the sheriff. However, he will feel more comfortable and is more likely to participate in the strategic plan at some point in the future. It is important that the sheriff build an association with the chief deputy probation officer.

The chief deputy probation officer is relatively new to the county. He is extremely supportive of electronic monitoring. It is important that he and the sheriff come to agreement and mutual respect on other items. A suggested strategy would be a crossroads<sup>24</sup> approach in which the probation department and sheriff's department introduce for discussion, several matters including the increased use of electronic monitoring. This allows either party to make concessions on one, and gain on others, one being the increased use of electronic monitoring. A third part of the strategy would be one of association.<sup>25</sup>

The sheriff of the county is extremely active in the California Sheriff's Association. There have been a number of his peers who have successfully used electronic monitoring to positively impact their jail overcrowding situations. If these individuals could be utilized to assist the sheriff in accurately assessing the political consequences of supporting electronic monitoring, it would be extremely helpful to the program.

2) THE COUNTY EXECUTIVE OFFICER. The county executive officer is the second critical player in the strategic plan. As an appointee of the board of supervisors, he is responsible for the fiscal management of the county.

In counties in which jail overcrowding is critical, there is a corresponding exposure to liability of the taxpayers. The county executive is extremely cognizant of this fact. At the same time he represents the interests of the board of supervisors. He is concerned about the political implications of an increase in the use of electronic monitoring. Specifically to alleviate this concern, the strategic plan calls for a gradual increase in the number of units over the next two years.

This will be followed by a relational number of units being placed into service as the jail population grows. The county executive officer has the respect and confidence of the board of supervisors. As a supporter of the strategic plan, he should be able to convince

the board of the plan's merit. With the Board of Supervisors, will also come the financial commitment to a successful plan. As an appointed official instead of an elected official, he would be more likely to support the program immediately.

He has experienced differences with the sheriff on previous occasions. He is somewhat concerned about his ability to influence the sheriff. The current level of commitment of the county executive officer is estimated at "let change happen." It is important that he move with the sheriff to a "make change happen" level. In order to accomplish this, the county executive officer must be convinced of the potential of electronic monitoring through well-structured information. He is open to change and recognizes the financial value of the program. With further exposure to other counties' successful implementation of electronic monitoring programs, it is likely that he can move to the action level. Because of his extensive responsibilities for so many aspects of the county government, feinting<sup>26</sup> could in-fact prove to be a successful strategy for him. This would involve an apparent move in one direction which could divert attention from the real goal. There are many avenues that can be explored to relieve jail overcrowding.

The county executive is responsible for the previously mentioned countywide management workshop designed to improve the image and build a future vision for the county. He is an advocate of

participation whenever possible. His participation in the strategic plan is important.

3) THE JUDGES. The judges present a particularly significant problem to the success of the strategic plan. They are an extremely close-knit group of people, and somewhat reluctant to use electronic monitoring as a alternative to traditional incarceration. They are very aware that no judge has been thrown out of office for being too harsh on sentencing. They are also somewhat hesitant to utilize the technology because approximately three years ago, one of their colleagues released a drug dealer on his own recognizance. Two days later, the drug dealer murdered a woman and her daughter in a neighboring county. The thought of the negative press generated by the legitimate use of a pre-sentence release method would be an obvious consideration. However, in light of this, the judge's reluctance is understandable.

Although the county program of electronic monitoring was initially implemented to be utilized with pre-sentenced inmates, this has not been the case. The judge's are very concerned that the utmost caution be taken in screening individuals for the program and that no risk be taken. The judges current level of commitment is estimated at "block change." In order to be successful, they must be moved a short distance to "let change happen." In order to effectively make this transition, the judge's true feelings must be identified, particularly as they relate to the politics of the

issue. The strategy to be used would be bracketing.<sup>27</sup> This strategy is an expression taken from the military. The shells were fired and marked. The first shells were fired to land above the target, the second below the target, and thereby once the bracket was established, a successful assault could be initiated. The exact parameters in which the judges are willing to participate must be explored through utilizing this method.

The judges also stand to benefit through participation. Increased exposure to the concept and its effect in successful counties would also be beneficial. The judges are very concerned about jail overcrowding and are more likely to participate in the strategic plan if they know there is solid support from the other critical-mass members. Knowledge must be shared that other communities of similar constituencies have successfully utilized the electronic monitoring program on more than just a handful of inmates.

The judges could also benefit from their participation in Judicial Associations at the state level.

4) LABOR. As mentioned earlier, the labor actually consists of two bargaining units, one for the deputy sheriff's and probation officers, and the other for general employees. The general employees recently went to an affiliation with a large labor union. This has been successful for them in securing additional contractual benefits.

The Deputy Sheriff's Association, however, changes leadership approximately every year and thereby changes the agenda of the organization. It was once a politically powerful entity and has fallen recently into a state of disarray.

The current president is a deputy sheriff who is both intelligent and articulate. He is an individual who will see the benefit of the increased use of electronic monitoring and will support it.

There is a move afoot to change the association bylaws to allow a president to serve more than two terms. This amendment should be supported by the participants in the strategic plan. This must be done in such a manner that it will not be construed as intrusion into the association. Increased stability of the Deputy Sheriff's Association, and their active participation in the plan, could generate a considerable amount of public support. This type of support could also cause management some future problems by increasing the strength of the bargaining unit. More often than not, the desires of the Deputy Sheriff's Association and management are not that far off, and this should make that risk acceptable.

Both labor units must be involved in the strategic plan through participation. By participating, they can establish a sense of ownership to the proposed change and play a vital and active role in its implementation. The association of the Deputy Sheriff's Association would be of great value and go a long way in relaxing



the concerns of the other critical-mass members. If the association were to come out and publicly support the increased use of monitoring, it would have a tremendous positive impact.

The current level of commitment of the labor organizations would be estimated at "make change happen." It is important that they move one step down to "help change happen" level. This would help the entire program, since the sheriff may not see them as a threat, or their participation as demands.

Electronic monitoring has been used successfully in the county on a limited basis to remove inmates from jail with medical problems, and to assist in work furlough. The critical problem is jail overcrowding. Through participation in the learning process, the Deputy Sheriff's Association and the general employees organization should realize that this is an arena where electronic monitoring can be most helpful. By taking some justifiable risks to lower the inmate population, a safer environment for all inmates and employees can be created. This goal is consistent with the organization's reasons for existence. Both the representative from the general employees unit and the president of the Deputy Sheriff's Association will recognize the role they can play and what level of commitment they should exhibit to assist in the success of the strategic plan.

5) CHIEF PROBATION OFFICER. The current chief probation officer is new to county organization. His predecessor was the driving force

in the implementation of the county's electronic monitoring program until his retirement. The new individual has expressed the same level of commitment and is extremely change adaptive. As an appointed official, he lacks the political concerns shared by several of the other critical-mass members. As a new employee of the county, he also lacks the political "horsepower," and cannot contribute a large constituency to the support of the plan. However as chief of the probation department, he is still critical to the success of the plan. This is because it is his department which will take a lead role in the increased use of electronic monitoring. Currently the electronic monitoring units are budgeted and supervised through the probation department. His current level of commitment is that of "help change happen." This level is somewhat lower than his predecessor. This may be due to the fact that he is new to the county and its criminal justice system. The strategy is to have him remain at that level. This should lessen any intimidation and nurture the relationship with the sheriff and the county executive. This level of commitment will require continued support of the staff and stakeholders involved in attempting to increase the use of electronic monitoring.

6) DISTRICT ATTORNEY. The district attorney is a member of the critical-mass. He was identified as a stakeholder earlier in this project but not singled out as one of the most important stakeholders. This decision was based on his assignment within the criminal justice system. He was not responsible for the detention of inmates, nor for their supervision under probation. It may seem counterintuitive to include him as a member of the critical-mass. However it must be recognized that he holds an extremely powerful position within the county. Along with this consideration is the fact that he has campaigned as being "tough on crime" and is no supporter of anything other than incarceration.

He and the sheriff are often in conflict politically over a number of issues. Like the sheriff, he is running for reelection next year. It is unlikely that he would choose to support an increase in electronic monitoring until the February filing date, or after June if he faces a challenger. Like the sheriff, the district attorney could retire after this term.

The current level of commitment of the district attorney is "block change." It is imperative that he be moved to a "let change happen" level. The strategy of forbearance must be applied. This strategy will assist in avoiding any direct conflict with the district attorney while other agents are moving into place. At some point in time after the election, he must be approached. The district attorney may, in fact, represents a more difficult

challenge than the judges. He is a very strong-willed individual and cautious about changes in the system. There are several people within the organization who hold the trust of the district attorney and he will listen to. Consequently these people must then be the targets of influence and exposure to the advantages and the potential of the strategic plan. If they can be swayed, then they can assist in moving the district attorney in the direction of "let change happen."

## MANAGEMENT STRUCTURE

Part of the strategic plan cautions against a reinvention of the wheel. The management team that should be utilized to implement the strategic plan is the same team that will form to establish the five-year master plan for adult detention facilities. Consistent with facility planning is a focus on methods to relieve facilities of overcrowding. The members of the long-range planning commission will be made up of:

- 1) The sheriff's department
- 2) Probation
- 3) District attorney
- 4) Judges
- 5) County Executive
- 6) Administrative services
- 7) Labor
- 8) Public representative

This provides the opportunity for the sheriff to take the lead role. The sheriff, or his designee, will be the chairman of the committee. This is due to his overall responsibility in the field of detentions.

## RESPONSIBILITY CHARTING

It will be the responsibility of the sheriff and other participants to allow their delegates authority in establishing guidelines. Obviously it is impossible for any of the department

heads to grant total authority to their agents in this case. However allowing staff to participate in key elements of the program is good planning and good management.

The management group should conduct an appraisal known as responsibility charting. The long-term detention master plan committee should perform this exercise in an effort to clarify roles and relationships. This process is also a means of reducing ambiguity, wasted energy, and adverse emotional reactions during this project. The group then devises a list of actions or activities that will be critical to completing their task. These are recorded on the vertical axis. Working individually, each participant will identify individuals or actors who will have some role in performing the actions listed earlier. The actors can include people who are directly involved, the bosses of those involved, groups as well as individuals, or people outside or inside the organization. The required behavior of an actor towards the activity is then charted using the following classifications:

R-RESPONSIBILITY to see that directions or actions occur.

A-APPROVAL of actions or decisions with a right to veto.

S-SUPPORT of actions or decision by provision of resources, but with no right to veto.

I-INFORMED of an action or decisions, but with no right of veto.

Once this has been charted, the group assembles again and will work towards an agreed version of the responsibility chart through consensus. The responsibility chart shown in (Figure 16) is an example, prepared by the author, of what this group could possibly produce.

FIGURE 16

RESPONSIBILITY CHART R = Responsibility (not necessarily authority)  
 A = Approval (right to veto)  
 S = Support (put resources toward)  
 I = Inform (to be consulted)  
 - = Irrelevant to this item

*Actors*

Decision	SHERIFF	COUNTY EXECUTIVE	PROBATION CHIEF	JUDGES	LABOR	ADMIN. SERVICES	DISTRICT ATTORNEY
5-YR. MASTER PLAN APPROV.	R	A	S	S	I	S	I
ADD'L. ELEC. MONIT. UNITS	S	A	R	A	I	I	I
NUMBER OF UNITS	I	A	R	I	I	-	I
STAFFING FOR ELEC. MONIT.	S	A	R	I	S	I	I
PLACEMENT IN THE PROGRAM	A	I	R	A	I	-	I

## CONCLUSIONS AND RECOMMENDATIONS

The results of this study indicate that the use of Electronic Monitoring as a method to relieve jail overcrowding is both feasible and desirable. The public support and confidence in the technology is increasing. This should continue as the cost of jail construction climbs and inmate populations grow.

A series of interviews were conducted with agencies who are currently utilizing Electronic Monitoring. The County of Madera stood out due to their extensive use of the program. The population of Madera County is approximately 79,000. Their total jail bed capacity, 296. In November of 1987 the Electronic Monitoring program was instituted. From that time through June of 1989, 471 adults had participated in the program. This represents a jail bed savings of 28,108 days. What is significant is that 61% of the participants are felons. The success rate is 82%. This represents the number of inmates who successfully complete the program. Of the failures, drug use accounts for one-half. Unauthorized absence makes up another one-third of the inmates who fail.

A component in Madera is the use of antabuse for offenders on the program with alcohol problems. Amantadine is used for offenders with a history of cocaine abuse. Naltrexan is used by inmates assigned to the program with heroin abuse problems. These



substances will create discomfoting side effects when mixed with the drug they are designed to block. The application is administered through a drug abuse program. The inmate is responsible for payment, and participation in the program is contingent upon their participation.

This study for medium-sized counties can almost be considered a study in politics. In Madera County there is a broad range of support from the criminal justice system and the community. No elected official has been voted out of office and no appointed official has lost their position as a result of the use of the Electronic Monitoring.

Humbolt County, whose jail is under a court-ordered population limit, uses 25 units and concentrates on pre-sentenced inmates. The interview reports that Electronic Monitoring "works great."

Monterey County's Electronic Monitoring program began in October of 1987. It experienced the same resistance from the agencies in the criminal justice organizations that the county being studied faces. The jail capacity is approximately 1,000 inmates. The program utilizes 67 units and enjoys a 94% success rate. It's strongly supported by the sheriff, judges, and grand jury.

The future state is at hand. The medium-sized counties must be willing to take reasonable risks to utilize electronic monitoring

to reduce their jail populations. The delicate balance between public safety and the rising cost of custody can be found. Once found, significant impact can be made in the jail population crisis. It is the recommendation of this study that counties charged with the detention of prisoners continue to utilize electronic monitoring as an alternative to traditional incarceration. These counties should also work towards an increased use of this alternative. Electronic monitoring has the potential to be accepted by both the public and the law enforcement community. Technological advances will make this form of punishment even more acceptable to a conservative citizenry.

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# APPENDIXES

§ 1203.015. [(Operative until January 1, 1990) Home detention pilot project; Procedures for imposition of fees; Consent; Conditions] (a) With the concurrence of the board of supervisors, the presiding judge of the municipal court or the presiding judge of the superior court, or of the criminal divisions thereof, of San Bernardino County and at least one other county, may participate in a three-year home detention pilot project authorized by this section. Any county intending to implement a pilot project pursuant to this section shall submit a written notification of that intention together with a written description of the county project and its goals to the Board of Corrections. Participating courts shall sentence persons convicted of misdemeanors to home detention in lieu of sentencing the person to county jail. The term of detention shall not exceed the term of sentence imposed by law; and no person who has previously been convicted of a violent felony as defined in subdivision (c) of Section 667.5 shall be eligible for home detention.

(b) The board of supervisors of a participating county, in consultation with the chief of the county's probation office, shall establish procedures for the imposition of fees upon persons sentenced to home detention for the purpose of fully or partially covering the costs arising from the use by those persons of an approved electronic monitoring or supervising device.

(c) The judge, in imposing a sentence under this section, shall first obtain the consent of the defendant to participate in the project, and shall provide in the order that the home detention sentence be based on the condition that the defendant will comply with the following:

(1) Remain within the interior premises of the place for his or her detention during the hours designated by the court.

(2) Agree to reasonable, unannounced visits into the defendant's place of detention by any person or agent designated by the court for purposes of verifying compliance with the use of the electronic monitoring or supervising device and to verify that the device is not being tampered with or otherwise altered.

(3) Agree to the use of electronic monitoring or supervising devices for the purpose of helping to verify the defendant's compliance with the conditions imposed by the court.

(4) Agree to obtain or retain a job during the period of detention.

(d) "Approved electronic monitoring or supervising device" means an electronic device approved by the county probation officer which meets minimal Federal Communications Commission regulations and requirements and which is limited in capability to recording or transmitting information as to the prisoner's presence in the home.

(e) The board of supervisors of a participating county shall provide to the Board of Corrections information regarding the selection of monitoring or supervising devices and shall reasonably assure that any agency, probation department, and county official or employee is in compliance with Section 1090 of the Government Code.

(f) Any supplier or manufacturer of an electronic monitoring or supervising device shall provide evidence of ability to support and maintain the use of the system for duration of the pilot project. A supplier or manufacturer shall sign an affidavit of non-collusion and verify that no governmental employees are being compensated in the awarding of a contract or in the implementation of the pilot project.

(g) The Board of Corrections shall monitor the project and shall report to the Legislature on or before December 31, 1988, regarding the effectiveness of the pilot program. That report shall include an evaluation of the costs of the program and the feasibility of charging defendants who participate in the program a fee.

(h) This section shall remain operative only until January 1, 1990, and as of that date is repealed. Added Stats 1986 ch 1500 § 1, effective September 30, 1986.

§ 1203.016. [(Operative until January 1, 1993) Voluntary participation in home detention program; Conditions; Retaking into custody; Fee] (a) Notwithstanding any other provision of the law, the board of supervisors of any county may authorize the correctional administrator, as defined in subdivision (h), to offer a program under which minimum security inmates and low-risk offenders committed to a county jail or other county correctional facility or inmates participating in a work furlough program may voluntarily participate in a home detention program during their sentence in lieu of confinement in the county jail or other county correctional facility.

(b) The board of supervisors may prescribe reasonable rules and regulations under which a home detention program may operate. As a condition of participation in the home detention program, the inmate shall

give his or her consent in writing to participate in the home detention program and shall in writing agree to comply with the rules and regulations of the program, including, but not limited to, the following rules:

(1) The participant shall remain within the interior premises of his or her residence during the hours designated by the correctional administrator.

(2) The participant shall admit any person or agent designated by the correctional administrator into his or her residence at any time for purposes of verifying the participant's compliance with the conditions of his or her detention.

(3) The participant shall agree to the use of electronic monitoring or supervising devices for the purpose of helping to verify his or her compliance with the rules and regulations of the home detention program. The devices shall not be used to eavesdrop or record any conversation, except a conversation between the participant and the person supervising the participant which is to be used solely for the purposes of voice identification.

(4) The participant shall agree that the correctional administrator in charge of the county correctional facility from which the participant was released may, without further order of the court, immediately retake the person into custody to serve the balance of his or her sentence if the electronic monitoring or supervising devices are unable for any reason to properly perform their function at the designated place of home detention or if the person fails to remain within the place of home detention as stipulated in the agreement or for any other reason no longer meets the established criteria for release under this section. A copy of the agreement shall be delivered to the participant and a copy retained by the correctional administrator.

(c) Whenever the peace officer supervising a participant has reasonable cause to believe that the participant is not complying with the rules or conditions of the program, or that the electronic monitoring devices are unable to function properly in the designated place of confinement, the peace officer may, under general or specific authorization of the correctional administrator, and without a warrant of arrest, retake the person into custody to complete the remainder of the original sentence.

(d) Nothing in this section shall be construed to require the correctional administrator to allow a person to participate in this

program if it appears from the record that the person has not satisfactorily complied with reasonable rules and regulations while in custody. A person shall be eligible for participation in a home detention program only if the correctional administrator concludes that the person meets the criteria for release established under this section.

(e) The correctional administrator may permit home detention program participants to seek and retain employment in the community, attend psychological counseling sessions or educational or vocational training classes, or seek medical and dental assistance.

(f) At the time of sentencing or at any time that the court deems it necessary, the court may restrict or deny the defendant's participation in a home detention program.

(g) The board of supervisors may prescribe a program administrative fee, not to exceed the pro rata cost of the electronic monitoring or supervising device and the cost of administration of the program, to be paid by each home detention participant according to his or her ability to pay. Inability to pay shall not preclude participation in the program.

(h) As used in this section, the following words used in this section have the following meanings:

(1) "Correctional administrator" means the sheriff, probation officer, or other official in charge of a county correctional facility or work furlough program.

(2) "Minimum security inmate" means an inmate who, by established local classification criteria, would be eligible for placement in a Type IV local detention facility, as described in Title 15 of the California Code of Regulations, or for placement into the community for work or school activities, or who is determined to be a minimum security risk under a classification plan developed pursuant to Section 1050 of Title 15 of the California Code of Regulations.

(3) "Low-risk offender" means a probationer, as defined by the National Institute of Corrections model probation system.

(i) The Board of Corrections shall monitor home detention programs operated pursuant to this section and shall report to the Legislature on or before January 1, 1992, regarding their effectiveness. The report shall include an evaluation of the costs of the programs, the impact upon jail overcrowding, and the effect upon the safety of the public.

(j) This section shall remain operative only until January 1, 1993, and as of that date is repealed. Added Stats 1988 ch 1603 sec 3.

## § 1208. [Cobey Work Furlough Law]

(a) The provisions of this section, insofar as they relate to employment, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of employment conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to employment, in that county is feasible. The provisions of this section, insofar as they relate to education, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of education conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to education, in that county is feasible. In any ordinance the board shall prescribe whether the sheriff, the probation officer, the director of the county department of corrections, or the superintendent of a county industrial farm or industrial road camp in the county shall perform the functions of the work furlough administrator. The board may, in that ordinance, provide for the performance of any or all functions of the work furlough administrator by any one or more of those persons, acting separately or jointly as to any of the functions; and may, by a subsequent ordinance, revise the provisions within the authorization of this section. The board of supervisors may also terminate the operation of this section, either with respect to employment or education in the county if it finds by ordinance that because of changed circumstances, the operation of this section, either with respect to employment or education in that county is no longer feasible.

Notwithstanding any other provision of law, the board of supervisors may by ordinance designate a facility for confinement of prisoners classified for the work furlough program and designate the work furlough administrator as the custodian of the facility. The work furlough administrator may, with the approval of the board of supervisors, enter into contracts with appropriate public or nonprofit private agencies or private entities to provide a facility and services for the housing, sustenance, counseling, supervision, and related services for inmates eligible for work furlough. No agency or private entity entering into a contract may itself employ any person who is in the work furlough program. The sheriff or director of the county department of corrections, as the case may be, is authorized to transfer custody of prisoners to the work furlough administrator to be confined in a facility for the period during which they are in the work furlough program.

All privately operated work furlough facilities and programs used for the detention of persons sentenced into the custody of the sheriff, the director of a county department of corrections, or the chief probation officer, shall be under the jurisdiction of, and subject to the terms of a contract entered into with, the work furlough administrator. Each

contract shall include, but not be limited to, a provision whereby the private agency or entity agrees to operate in compliance with all appropriate state and local building, zoning, health, safety, and fire statutes, ordinances, and regulations and the minimum jail standards for Type IV facilities as established by regulations adopted by the Board of Corrections. The private agency or entity shall select and train its personnel in accordance with selection and training requirements adopted by the Board of Corrections as set forth in Subchapter 1 (commencing with Section 100) of Chapter 1 of Division 1 of Title 15 of the California Administrative Code. Failure to comply with the appropriate health, safety, and fire laws or minimum jail standards adopted by the board may be cause for termination of the contract. Upon discovery of a failure to comply with these requirements, the work furlough administrator shall notify the privately operated program director that the contract may be canceled if the specified deficiencies are not corrected within 60 days.

All private work furlough facilities and programs shall be inspected biennially by the Board of Corrections unless the work furlough administrator requests an earlier inspection pursuant to Section 6031.1.

Each private agency or entity shall pay a fee to the Board of Corrections commensurate with the cost of those inspections and a fee commensurate with the cost of the initial review of the facility.

(b) When a person is convicted of a misdemeanor and sentenced to the county jail, or is imprisoned in the county jail for nonpayment of a fine, for contempt, or as a condition of probation for any criminal offense, the work furlough administrator may, if he or she concludes that the person is a fit subject to continue in his or her regular employment, direct that the person be permitted to continue in that employment, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure employment for himself or herself, unless the court at the time of sentencing or committing has ordered that the person not be granted work furloughs. The work furlough administrator may, if he or she concludes that the person is a fit subject to continue in his or her regular educational program, direct that the person be permitted to continue in that educational program, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure education for himself or herself.



unless the court at the time of sentencing has ordered that person not be granted work furloughs.

(c) If the work furlough administrator so directs that the prisoner be permitted to continue in his or her regular employment or educational program, the administrator shall arrange for a continuation of that employment or education, so far as possible without interruption. If the prisoner does not have regular employment or a regular educational program, and the administrator has authorized the prisoner to secure employment or education for himself or herself, the prisoner may do so, and the administrator may assist the prisoner in doing so. Any employment or education so secured shall be suitable for the prisoner. The employment or educational program, if the educational program includes earnings by the prisoner, shall be at a wage at least as high as the prevailing wage for similar work in the area where the work is performed and in accordance with the prevailing working conditions in that area. In no event may any employment or educational program involving earnings by the prisoner be permitted where there is a labor dispute in the establishment in which the prisoner is, or is to be, employed or educated.

(d) Whenever the prisoner is not employed, or being educated and between the hours or periods of employment or education, the prisoner shall be confined in the facility designated by the board of supervisors for work furlough confinement unless the work furlough administrator directs otherwise. If the prisoner is injured during a period of employment or education, the work furlough administrator shall have the authority to release him or her from the facility for continued medical treatment by private physicians or at medical facilities at the expense of the employer, workers' compensation insurer, or the prisoner. The release shall not be construed as assumption of liability by the county or work furlough administrator for medical treatment obtained.

The work furlough administrator may release any prisoner classified for the work furlough program for a period not to exceed 72 hours for medical, dental, or psychiatric care, or for family emergencies or pressing business which would result in severe hardship if the release were not granted, or to attend those activities as the administrator deems may effectively promote the prisoner's successful return to the community, includ-

ing, but not limited to, an attempt to secure housing, employment, entry into educational programs, or participation in community programs.

(e) The earnings of the prisoner may be collected by the work furlough administrator, and it shall be the duty of the prisoner's employer to transmit the wages to the administrator at the latter's request. Earnings levied upon pursuant to writ of execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, that request shall have priority. In a case in which the functions of the administrator are performed by a sheriff, and the sheriff receives a writ of execution for the earnings of a prisoner subject to this section but has not yet requested transmittal of the prisoner's earnings pursuant to this section, the sheriff shall first levy on the earnings pursuant to the writ. When an employer or educator transmits earnings to the administrator pursuant to this subdivision, the sheriff shall have no liability to the prisoner for those earnings. From the earnings the administrator shall pay the prisoner's board and personal expenses, both inside and outside the jail, and shall deduct so much of the costs of administration of this section as is allocable to the prisoner or if the prisoner is unable to pay that sum, such lesser sum as is reasonable, and, in an amount determined by the administrator, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the prisoner, pay, in whole or in part, the preexisting debts of the prisoner. Any balance shall be retained until the prisoner's discharge. Upon discharge the balance shall be paid to the prisoner.

(f) The prisoner shall be eligible for time credits pursuant to Sections 4018 and 4019.

(g) In the event the prisoner violates the conditions laid down for his or her conduct, custody, education, or employment, the work furlough administrator may order the balance of the prisoner's sentence to be spent in actual confinement.

(h) Willful failure of the prisoner to return to the place of confinement not later than the expiration of any period during which he or she is authorized to be away from the place of confinement pursuant to this section is punishable as provided in Section 4532.

(i) As used in this section, the following definitions apply:

(1) "Education" includes vocational and educational training and counseling, and psychological, drug abuse, alcoholic, and other rehabilitative counseling.

(2) "Educator" includes a person or institution providing that training or counseling.

(3) "Employment" includes care of children, including the daytime care of children of the prisoner.

(j) This section shall be known and may be cited as the "Cobey Work Furlough Law." Amended Stats 1988 ch 160 sec 132.

§ 4024.2. [Performance of labor on public works in lieu of confinement] (a) Notwithstanding any other provision of law, the board of supervisors of any county may authorize the sheriff or other official in charge of county correctional facilities to offer a voluntary program under which any person committed to the facility may perform a minimum of 8 and a maximum of 10 hours of labor on levees or on the public works or ways in lieu of one day of confinement under the direction of a responsible person appointed by the sheriff or other official in charge. The hours of labor to be performed pursuant to this section shall be uniform for all persons committed to those facilities in a county and may be determined by the sheriff or other official in charge of county correctional facilities, within the minimum and maximum herein set forth, in accordance with the normal working hours of county employees assigned to supervise the labor of such persons.

As used in this section, "labor on levees or on the public works and ways" means manual labor to improve or maintain levees or public facilities, including, but not limited to, streets, parks, and schools.

(b) The board of supervisors may prescribe reasonable rules and regulations under which such labor is to be performed and may provide that such persons wear clothing of a distinctive character while performing such work. As a condition of participating in a work release program, a person shall give

his or her promise to appear for work by signing a notice to appear before the sheriff at a time and place specified in the notice and shall sign an agreement that the sheriff may immediately retake such person into custody to serve the balance of his or her sentence if such person fails to appear for work at the time and place agreed to, does not perform the work assigned, or for any other reason is no longer a fit subject for release under this section. A copy of the notice shall be delivered to the person and a copy shall be retained by the sheriff. Any person who willfully violates his or her written promise to appear at the time and place specified in the notice is guilty of a misdemeanor.

Whenever a peace officer has reasonable cause to believe the person has failed to appear at the time and place specified in the notice or fails to appear or work at the time and place agreed to or has failed to perform the work assigned, the peace officer may, without a warrant, retake the person into custody, or the court may issue an arrest warrant for the retaking of the person into custody, to complete the remainder of the original sentence. A peace officer may not retake a person into custody under this subdivision, without a warrant for arrest, unless the officer has a written order to do so, signed by the sheriff or other person in charge of the program, which describes with particularity the person to be retaken.

(c) Nothing in this section shall be construed to require the sheriff or other such official to assign labor to a person pursuant to this section if it appears from the record that such person has refused to satisfactorily perform labor as assigned or has not satisfactorily complied with the reasonable rules and regulations governing such assignment or any other order of the court.

A person shall be eligible for work release under this section only if the sheriff or other official in charge concludes that such person is a fit subject therefor.

(d) The board of supervisors may prescribe a program administrative fee, not to exceed the pro rata cost of administration, to be paid by each such person according to his or her ability to pay. Amended Stats 1988 ch 715 sec 1; ch 1547 sec 2. *Cal Jur 3d (Rev) Criminal Law § 1663.*

§ 3074. [Legislative findings and declaration: Successful reintegration of ex-felons into society.] The Legislature finds and declares that the period immediately following incarceration is critical to successful reintegration of the offender into society and to positive citizenship. It is in the interest of public safety for a county to provide for the supervision of parolees, and to provide educational, vocational, family and personal counseling necessary to assist parolees in the transition between imprisonment and discharge. [1978 ch 918 § 1.]

§ 3075. [Board for each county: Membership: Per diem and expenses: Term of office.] There is in each county a board of parole commissioners, consisting of the following: (1) the sheriff or, in a county with a department of corrections, the director of such department, (2) the probation officer, and (3) a member not a public official to be selected from the public by the presiding judge, if any, or, if none, by the senior judge in point of service, of the superior court. The public member of the county board of parole commissioners shall be entitled to his actual traveling and other necessary expenses incurred in the discharge of his duties. In addition the public member shall be entitled to per diem at such rate as may be provided by the board of supervisors. The public member shall hold office for a term of one year and in no event for a period exceeding three consecutive years. The term shall commence on the date of appointment. [1953 ch 1384 § 2; 1957 ch 2297 § 1; 1959 ch 1314 § 1; 1978 ch 918 § 2.] *Cal Jur 3d Law Enforcement Law § 46. Penal and Correctional Institutions § 189; Witkin Crimes pp 1026, 1028.*

§ 3076. [Rules and regulations.] (a) The board may make, establish and enforce rules and regulations adopted under this article.

(b) The board shall act at regularly called meetings at which two-thirds of the members are present, and shall make and establish rules and regulations in writing stating the reasons therefor under which any prisoner who is confined in or committed to any county jail, work furlough facility, industrial farm, or industrial road camp, or in any city jail, work furlough facility, industrial farm or, industrial road camp under a judgment of imprisonment or as a condition of proba-

tion for any criminal offense, unless the court at the time of committing has ordered that such prisoner confined as a condition of probation upon conviction of a felony not be granted parole, may be allowed to go upon parole outside of such jail, work furlough facility, industrial farm, or industrial road camp, but to remain, while on parole, in the legal custody and under the control of the board establishing the rules and regulations for his parole, and subject at any time to be taken back within the enclosure of any such jail, work furlough facility, industrial farm, or industrial road camp.

(c) The board shall provide a complete copy of its written rules and regulations and reasons therefor and any amendments thereto to each of the judges of the county's justice, municipal and superior courts.

The board shall provide to the persons in charge of the county's correctional facilities a copy of the sections of its written rules and regulations and any amendments thereto which govern eligibility for parole, and the name and telephone number of the person or agency to contact for additional information. Such rules and regulations governing eligibility either shall be conspicuously posted and maintained within each county correctional facility so that all prisoners have access to a copy, or shall be given to each prisoner. [1953 ch 1384 § 2, 1955 chs 1502 § 1, ch 1528 § 2; 1975 ch 705 § 1; 1978 ch 918 § 3.] *Cal Jur 3d Penal and Correctional Institutions § 189; Witkin Crimes p 1028.*

§ 3077. [Jurisdiction to grant parole to prisoner sentenced in one county and incarcerated in another.] Whenever a prisoner is sentenced in one county and incarcerated in another county, only the county in which he was sentenced shall have jurisdiction to grant parole. [1978 ch 918 § 5.]

§ 3078. [Notice to sentencing judge of inmate's application for parole.] (a) The board shall notify the sentencing judge of an inmate's application for parole.

(b) The sentencing judge may make a recommendation regarding such application, and the board shall give careful consideration to such recommendation. [1978 ch 918 § 7.] *Cal Jur 3d Penal and Correctional Institutions § 189.*

§ 3079. [Quorum required to act on application for parole; Personal appearance by

applicant.] (a) No application for parole shall be granted or denied except by a vote of the board at a meeting at which a quorum of its members are present. This paragraph shall not be applied to the denial of applicants who are ineligible by order of the superior court, or to the granting of parole in emergency situations.

(b) An applicant shall be permitted to appear and speak on his behalf at the meeting at which his application is considered by the board. [1978 ch 918 § 9.] *Cal Jur 3d Penal and Correctional Institutions* § 196.

§ 3080. [Rearrest of prisoner leaving county without permission.] If any paroled prisoner leaves the county in which he is imprisoned without permission from the board granting his parole, he shall be arrested as an escaped prisoner and held as such. [1953 ch 1384 § 2.] *Cal Jur 3d Penal and Correctional Institutions* § 189; *Witkin Crimes* pp 809, 1028.

§ 3081. [Term of release on parole.] (a) Each county board may retake and imprison any prisoner upon parole granted under the provisions of this article.

(b) Each county board may release any prisoner on parole for a term not to exceed two years upon such conditions and under such rules and regulations as may seem fit and proper for his rehabilitation, and should the prisoner so paroled violate any of the conditions of his parole or any of the rules and regulations governing his parole, he shall, upon order of the parole commission, be returned to the jail from which he was paroled and be confined therein for the unserved portion of his sentence.

(c) The written order of each county board shall be a sufficient warrant for all officers named therein to authorize them, or any of them, to return to actual custody any conditionally released or paroled prisoner. All chiefs of police, marshals of cities, sheriffs, constables, and all other police and peace officers of this state shall execute any such order in like manner as ordinary criminal process.

(d) In computing the unserved sentence of a person returned to jail because of the revocation of his parole no credit shall be granted for the time between his release from jail on parole and his return to jail because of the revocation of his parole. [1953 ch 1384 § 2; 1961 ch 1751 § 1; 1978 ch 918 § 10.] *Cal Jur 3d Penal and Correctional Institutions* §§ 189, 196; *Witkin Crimes* p 1028.

§ 3082. [Release of alien prisoners for return to native land: Payment of expenses.] Each county board may make and establish written rules and regulations for the unconditional release of and may unconditionally release any prisoner who is an alien and who voluntarily consents to return or to be returned to his native land and who actually returns or is returned thereto. The necessary expenses of the transportation of such alien prisoner and officers or attendants in charge of such prisoner, may be paid by the county, upon order of the board of supervisors authorizing or ratifying the return of the prisoner at the expense of the county. [1953 ch 1384 § 2.] *Cal Jur 3d Penal and Correctional Institutions* § 152; *Witkin Crimes* p 1028.

§ 3083. [Temporary commissioners or deputies.] Whenever the board designates deputies to serve as temporary commissioners in considering applications for parole of prisoners, such temporary commissioners or deputies may also exercise all the powers granted by this article relative to the unconditional release of alien prisoners. [1953 ch 1384 § 2.] *Witkin Crimes* p 1028.

§ 3084. [Release of county or city jail inmate for return to state institution.] Each county board may release to the State Department of Corrections for return to a state prison or correctional institution any county or city jail inmate who is a state parole violator, when notified by the Board of Prison Terms. [1961 ch 1759 § 1; 1977 ch 165 § 62, effective June 29, 1977, operative July 1, 1977; 1979 ch 255 § 29.] *Cal Jur 3d Penal and Correctional Institutions* § 193; *Witkin Crimes* p 1028.

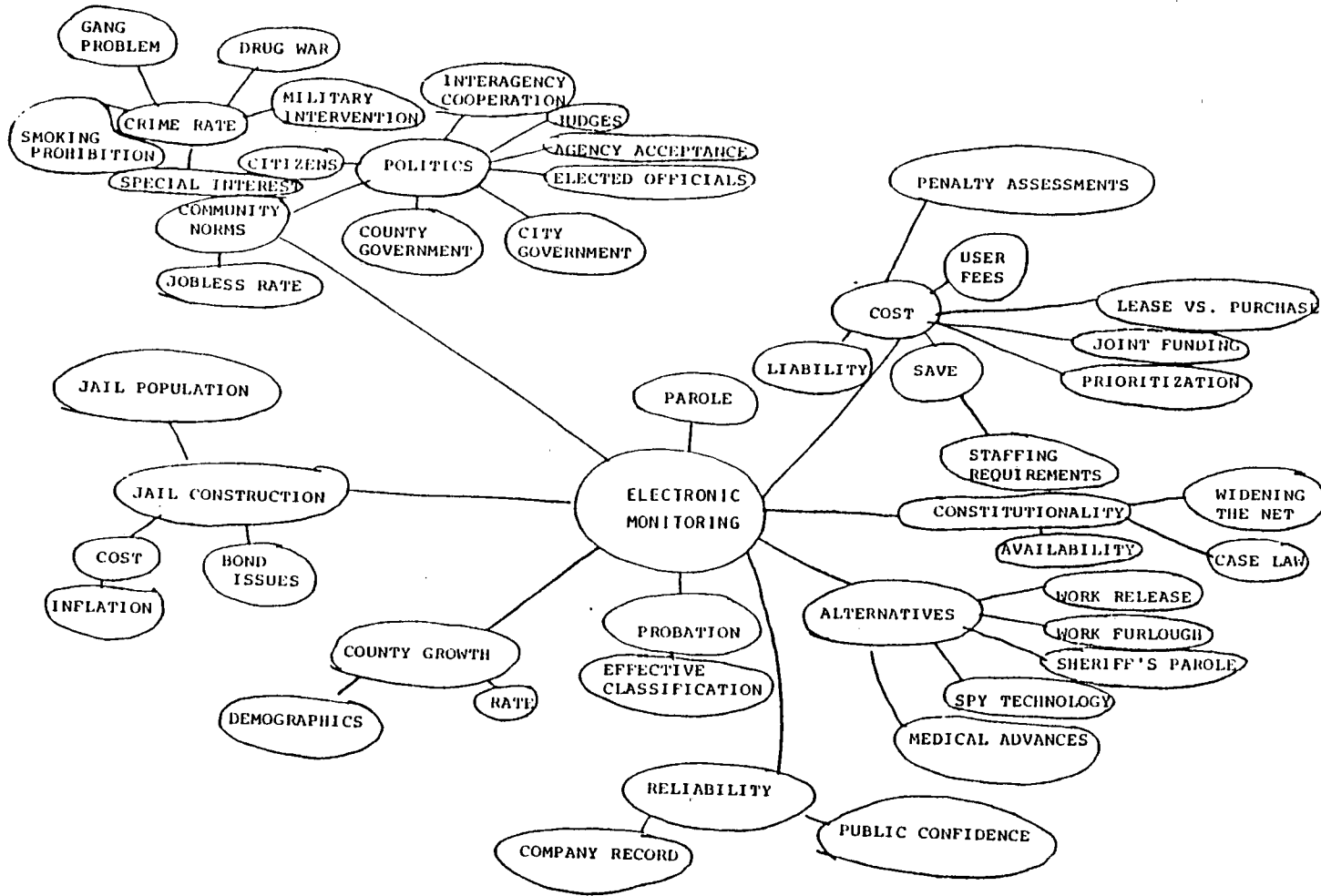
§ 3085. [Deputies.] The members of the board may for the purpose of considering applications for parole of prisoners from city or county jails, or industrial farms, or work furlough facilities, or industrial road camps, designate deputies of their respective offices to serve for them as temporary commissioners when they are unable to serve. [1953 ch 1384 § 2; 1955 ch 1528 § 3; 1978 ch 918 § 4.] *Witkin Crimes* p 1028.

§ 3086. [Prohibition against requiring admission of guilt when setting terms or discharge dates.] Each county board shall not require, when setting terms or discharge dates, an admission of guilt to any crime for which an inmate was committed. [1976 ch 833 § 1.] *Cal Jur 3d Penal and Correctional Institutions* § 189.

§ 3087. [Supervision of parolee required.] No prisoner shall be paroled without supervision. [1979 ch 117 § 1.]

§ 3088. [Supervision by parole officer.] A prisoner who is released on parole shall be supervised by a parole officer of the county

# FUTURES WHEEL



## APPENDIX 6

DEAR NOMINAL GROUP PARTICIPANT

We will be meeting soon to forecast future trends and events. Utilizing brainstorming techniques, we will identify trends and events that could have some impact on electronic monitoring as an option to traditional incarceration. I have attached an information sheet with data on the county's detention capacities and the current status of electronic monitoring. I would like you to review this prior to our meeting.

A trend is defined as a fundamental descriptor of the future. They can be external, beyond our control, or internal, within our influence. Trends can be objective or subjective. Objective trends project data that can be verified. Subjective trends are more difficult to express other than in a soft way, i.e., a shift in community values. Trends must be measurable.

Regarding trends, we will;

- 1) For the purpose of top-level strategic planning how valuable would it be to have a really good long range forecast of the trend?
- 2) And to fill in a trend evaluation with the number 100 representing today. In relation to that number you will be asked to forecast 5 years ago, 5 years from now and 10 years from now.

An event is a one-time occurrence. It either happens or it does not, and you know when it does. At the meeting you will identify events that could impact electronic monitoring and:

- 1) You will be asked to predict that year the occurrence of each event first exceeds zero and the probability of the event 5 and 10 years from now.
- 2) Each event, assuming it occurs, will then be evaluated on its impact from 0 - 10 both positive and negative upon the future of electronic monitoring.

You will then be asked to gauge the impact of each event upon the others and each event upon the trends; i.e., if event #1 occurred, how would the probability of event #2 occurring be impacted - would it increase by 50%? or decrease by 25%?, etc.

Thank you again for your willingness to assist me with the project.



APPENDIX 7

PLACER COUNTY SHERIFF'S DEPARTMENT  
DETENTION INFORMATION

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<u>Facilities - No. of Beds</u>	<u>No. of Inmates (06/13/89)</u>		
Main Jail	126	Main Jail	234
Minimum Security	49	Minimum Security	89
Tahoe Substation	<u>20</u>	Tahoe Substation	<u>8</u>
	195		331
Capacity 1988	= 195		
Daily Population	= 331		
Male	= 94%		
73% Prior Convictions			
	<u>1988</u>	<u>1995</u>	<u>2000</u>
Average Daily Population			
Maximum Projection	296	633	1022
	<u>1988</u>	<u>1995</u>	<u>2000</u>
County Population	156,276	197,240	226,263
Secure Jail Bed Cost	\$ 70,000 (approximately)		
Future Facility Cost	\$12,000,000 (approximately)		
Source:	Placer County Major Corrections Needs Assessment, August 20, 1987		

PLACER COUNTY ELECTRONIC MONITORING

25 Electronic Monitoring Units Approved

Eligible Inmates:

- 1 Pre-trial Release
  - a) Bail under \$10,000
  - b) No history of failure to appear
  - c) Not committed a crime of violence
- 2) Medical
  - a) Confirmed medical problem
  - b) Conviction of assaultive offenses, arson, history of violence, extensive record not eligible
- 3) Work Furlough
  - a) Current in the program
  - b) Completed 1/2 of their sentence

Fees - \$10.00/per day  
Minimum Sentence - Five days

FIRST 9 MONTHS

Total Inmates in the Program 47:	Medical	17
	Work Furlough	29
	Pre-Sentence Release	1
Males	35	
Females	12	

Total Fees Collected	\$16,218
Cost for Leasing Equipment	\$35,162
Bed Days Saved	1,894

## APPENDIX 8

### TRENDS

- 1) COST OF ELECTRONIC MONITORING: Current county cost \$2,200 per inmate per year.
- 2) EXTENT TO WHICH ELECTRONIC SURVEILLANCE IS FEASIBLE: Def feasibility means politically.
- 3) COST OF JAIL CONSTRUCTION: Def cost of construction of jail facilities driven by requirements to meet certain standard; current cost of a secure jail bed - \$60 - 90,000.
- 4) COST OF CUSTODY: Def the cost to the agency of detention per inmate per year \$14,600.
- 5) CUSTODY ALTERNATIVE FEE: Def a fee paid by the inmate for out of jail options
- 6) COST OF PRIVATIZATION: Def government paid contracts to private vendors for custody services.
- 7) PUBLIC OPINION OF CUSTODY ALTERNATIVES: Def strong opinions supporting or rejecting the use of alternatives.
- 8) EVENT TO WHICH COUNTIES ARE REQUIRED TO IMPOSE MANDATORY JAIL SENTENCES FOR ALL CRIME: Def legislatively imposed mandatory jail (total custody) terms for all felony and misdemeanor convictions.
- 9) COUNTY DEMOGRAPHIC CHANGE IN ETHNIC MAKEUP:
- 10) COUNTY DEMOGRAPHIC CHANGE IN AGE:
- 11) COUNTY DEMOGRAPHIC CHANGE IN ECONOMIC MAKEUP:
- 12) CRIMINAL JUSTICE RESOURCES: Def number of jail beds available, law enforcement officers in the county including jail staff, number of district attorneys, judges and court rooms.
- 13) THE EXTENT TO WHICH PRE-SENTENCING RELEASE IS USED: Def current methods in use, bail, Promise to Appear citation used at time of arrest or arraignment and before determination of guilt or innocence.
- 14) CRIME RATE: Def as it relates to the number of people per year convicted for offenses where the sentence is incarceration.
- 15) RELIABILITY OF ELECTRONIC MONITORING: Def ability of electronic monitoring to insure that a person would not leave a particular area; an activation of the monitoring devise would be prima facie evidence of the violation.



- 16) COURT LIMITATIONS ON JAIL POPULATION: Def court orders limiting the number of inmates who may be housed in a particular facility.
- 17) DRUG/ALCOHOL USE
- 18) VIOLENT CRIME RATE
- 19) PUBLIC CONFIDENCE IN THE CRIMINAL JUSTICE SYSTEM
- 20) PRO-INMATE COURT DECISIONS
- 21) COST OF ALTERNATIVES TO INCARCERATION: Def current programs include work furlough, work release, excluding electronic monitoring.
- 22) JAIL POPULATION
- 23) STREAMLINING THE CRIMINAL JUSTICE SYSTEM
- 24) EXTENT TO WHICH IMPROVED TECHNOLOGY WILL ASSIST LAW ENFORCEMENT IN DETECTING AND APPREHENDING CRIMINALS
- 25) REGIONALIZATION OF DETENTION FACILITIES
- 26) COMMUNITIES PERCEPTION OF SAFETY: Def as public confidence in electronic monitoring as a method of controlling inmates outside of jail.
- 27) NUMBER OF QUALIFIED LAW ENFORCEMENT APPLICANTS

## EVENTS

- 1) DRUG AUTHORIZED TO CONTROL ADDICTIVE BEHAVIORS: Def a drug is developed and approved that can treat drug and alcohol addition without any serious side effects
- 2) PERSONAL IDENTIFICATION SYSTEM: Def a nationwide system is on line that will provide a fool proof method of personal identification
- 3) SATELLITE TRACKING: Def the first case involving the electronic tracking of an inmate serving his time in and out of custody alternative utilizing a communication satellite takes place
- 4) REPEAL OF PROPOSITION 13: Def voters approve the repeal of Proposition 13 in an effort to generate additional funds for public services
- 5) COUNTY WIDE PUBLIC SERVICE STRIKE
- 6) COUNTY JAIL FACILITY CONDEMNED: Def as a result of a federal law suit the main jail facility is ordered closed
- 7) MAJOR (SENSATIONAL) CRIME IS COMMITTED BY AN INMATE SERVING HIS SENTENCE ON AN OUT-OF-CUSTODY ELECTRONIC SURVEILLANCE ALTERNATIVE
- 8) LAW IS ENACTED ELIMINATING INCARCERATION AS A PENALTY FOR ALL MISDEMEANORS FOR WHICH THE CURRENT SENTENCE IS SIX MONTHS OR LESS
- 9) LAW IS ENACTED ELIMINATING OUT-OF-CUSTODY ALTERNATIVES FOR ALL FELONY AND MISDEMEANOR CONVICTIONS
- 10) THE USE OF ELECTRONIC SURVEILLANCE IS EXTENDED TO A PRE-SENTENCED INMATE
- 11) A VOICE IDENTIFICATION COMPUTER SYSTEM IS UTILIZED IN AN OUT-OF-CUSTODY SENTENCING OPTION
- 12) LAW ENFORCEMENT AGENCIES CONSOLIDATE FORMING A SINGLE COUNTY POLICE DEPARTMENT
- 13) AMERICAN MILITARY FORCES CONDUCT A PREEMPTIVE AIR STRIKE ON COCAINE FIELDS IN COLUMBIA
- 14) THE CALIFORNIA FINGERPRINT IDENTIFICATION SYSTEM IS AVAILABLE TO ALL STATE LAW ENFORCEMENT AGENCIES (TERMINALS IN EVERY JURISDICTION) WITH A FIVE MINUTE TURN AROUND
- 15) UNITED STATES SUPREME AUTHORIZES THE USE OF DNA EVIDENCE

- 16) A REGIONAL JAIL UTILIZED BY FOUR NORTHERN CALIFORNIA COUNTIES OPENS
- 17) MAJOR COUNTY JAIL RIOT RESULTING IN DEATHS OF BOTH INMATE AND STAFF
- 18) THE STATE OF CALIFORNIA EXECUTES AN INMATE ON DEATH ROW
- 19) MEDICAL IMPLANT TECHNOLOGY: Def improved medical technology makes it possible to surgically implant an electronic tracking devise. The first such application is used by a county detention facility.
- 20) AN AGENCY MAKES A POLICY DECISION TO ADOPT ELECTRONIC MONITORING FOR ALL NON-VIOLENT MISDEMEANOR CRIMES

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