U.S. Department of Justice
Office of Justice Programs

Electronic Monitoring in Intensive Probation and Parole Programs

Bureau of Justice Assistance

MONOGRAPH

U.S. Department of Justice
Office of Justice Programs

116319

Electronic Monitoring in Intensive Probation and Parole Programs

Monograph

Bureau of Justice Assistance

February 1989

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Prepared under order number OJP-88-M-166 by the American Probation and Parole Association in cooperation with its Secretariat, the Council of State Governments, Lexington, Kentucky.

Bureau of Justice Assistance
633 Indiana Avenue, N.W., Washington, D.C. 20531
(202) 272-6838

U.S. Department of Justice
Office Justice Programs
Bureau of Justice Assistance

Office of the Director

Washington, D.C. 20531

Few technical innovations in recent years have captured the imagination of corrections officials and criminal justice planners as much as electronic monitoring devices. The use of electronic monitoring for offenders as part of home detention has spread rapidly. However, the use of such devices should be carefully planned and be part of an overall supervision strategy.

Electronic monitoring devices have been used for a variety of criminal justice purposes. This monograph provides a suggested process for defining the objectives of electronic monitoring, developing policies, reviewing equipment bids and securing technical assistance. It is a supplemental document to the previous program brief, Intensive Supervision Probation and Parole (ISP). This document is not intended as a blanket endorsement of electronic monitoring as a component of all community supervision nor as a substitute for jail where appropriate, but as one innovation which can assist certain classes of higher risk offenders on probation or parole supervision.

The Bureau of Justice Assistance and the National Institute of Justice are continuing to evaluate the impact of electronic monitoring for various corrections populations. Over the next two years additional findings will assist probation, parole and other corrections agencies in the best use of electronic monitoring. In the meantime, this monograph should assist those jurisdictions considering the use of electronic monitoring as part of intensive supervision in the best ways to plan, purchase and use these aids. It also summarizes the legal basis for use of electronic monitoring as defined in court cases up to this time.

Sincerely,

Charles P. Smith
Director

Table of Contents

Acknowledgments

This monograph was prepared by a Committee of the American Probation and Parole Association made up of the following persons:

Vern Fogg
Project Coordinator
Colorado Judicial Department

Larry Anderson
Georgia Department of Corrections

Mary Mande, Ph.D.
Colorado Division of Criminal Justice

Annesley Schmidt
Federal Bureau of Prisons

Raymond Wahl
Utah Department of Corrections

Introduction

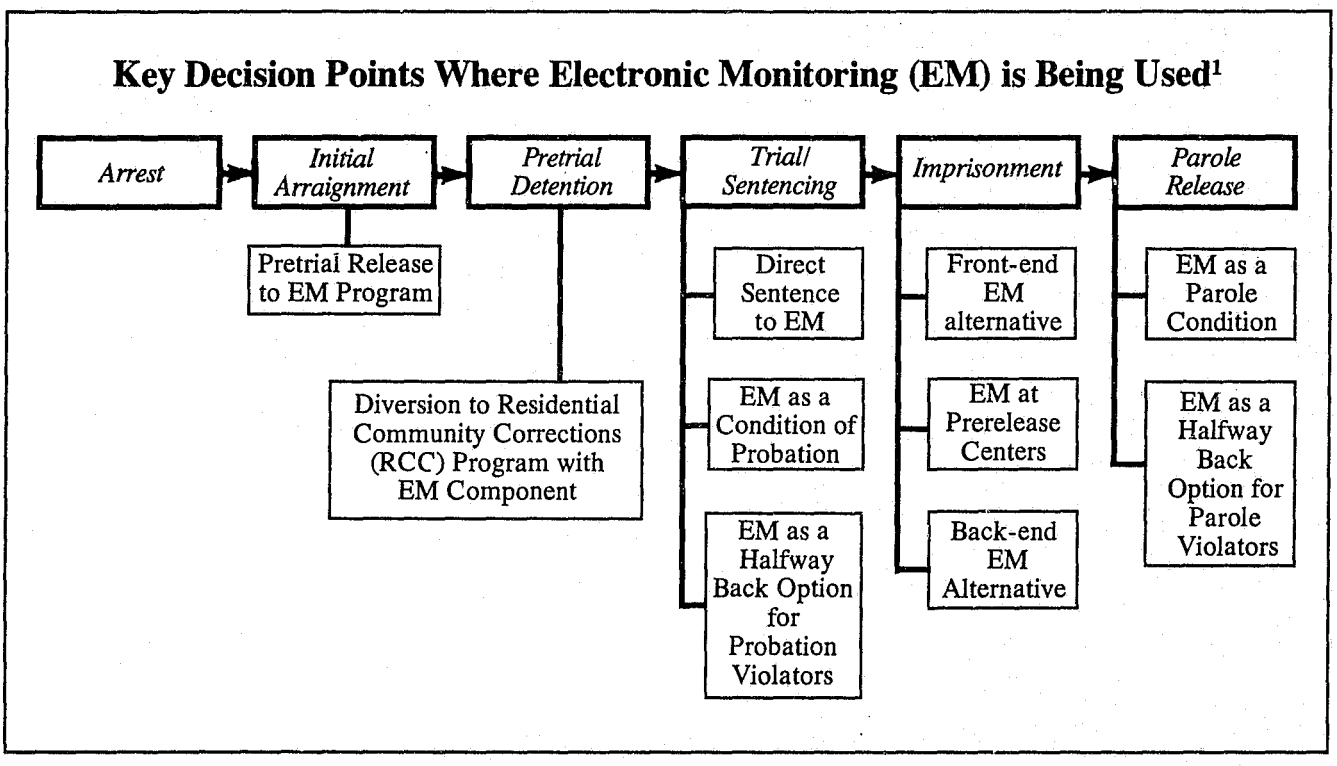
Electronic signaling devices for monitoring criminal offenders are often seen as a "magic fence" which isolates offenders and protects the public at relatively little cost. Their use has spread rapidly and widely. First used in December 1984, by early 1987 electronic monitoring devices were being used in twenty states and by early 1988 in thirty-two states.

Electronic monitoring equipment is usually classified in terms of its signaling characteristics. One type, capable of programmed contact, is a receiver which requires the offender to respond on cue as directed; the other type has a miniaturized transmitter which emits a continuous signal. The availability of a telephone in the offender's home is implicit to the use of most monitoring technologies.

The programmed contact models operate from a central computer which is programmed to call offenders during times (randomly or specifically) required by the supervision plan. The types of equipment currently available include coded wristlets/anklets, voice verification, visual verification and pagers.

The continuously signaling devices consist of three parts. The first part is a small transmitter which is strapped to the offender. Coded radio signals are transmitted (generally six to ten times per minute) to a receiver/dialer in the offender's home. The devices have a receiving range of 100 to 200 feet. The second part, the receiver-dialer, receives the signal from the transmitter and dials the central computer when the transmitter first is within range or when the signal stops. The central computer compares data to the offender's schedule and reports on offender activities. Some systems alert supervision officers to violations; others simply record the violation, which is handled according to the program design.

Newly introduced "hybrid" systems have combined programmed contact and continuously signaling technology so that some of the limitations of each are reduced or eliminated by the strengths of the complementing system. These systems generally employ voice verification technology to support/verify a continuously signaling system's report of a violation.



Purpose of Monograph

The purpose of this monograph is to provide guidance in the planning and implementation of electronic monitoring in intensive supervision probation and parole programs.

Electronic monitoring (EM) has been used for many correctional purposes such as an alternative to probation/parole revocation, probation/parole supervision, work-release, pretrial jail diversion and diversion from prison.

Firms aggressively market EM products and services, and their use continues to spread rapidly, often with little or no planning for how the devices will be used. It is especially important to define specific program needs and objectives before meeting with vendors and to determine the types of equipment needed for the specific program. "Equipment in search of a program" describes many early monitoring efforts which did not fully recognize the program planning process.

Applications

The use of monitoring devices enhances offender control within the community. The degree of control expected by the use of signaling devices is generally defined as follows:

Curfew: A curfew program includes home confinement during limited and specified hours, usually at night. Curfew is a characteristic component of intensive supervision and jail work-release programs.

Home Detention: A detention program is more restrictive than curfew. It requires the offender to remain at home at all times except for employment, education, treatment or other specifically preapproved and defined purposes.

Home Incarceration: In this type of program, offenders are restricted to the home at all times except for very limited activities, such as religious worship or medical treatment.

Goals and Objectives

Electronic monitoring in an Intensive Supervision Probation or Parole Program (ISP) provides a supervision tool that can satisfy punishment, public safety and treatment objectives. It can:

- Provide a cost-effective community supervision tool for offenders selected according to specific program criteria;
- Administer sanctions appropriate to the seriousness of the offense;
- Promote public safety by providing surveillance and risk control strategies indicated by the risk and needs of the offender; and
- Increase the confidence of legislative, judicial and releasing authorities in ISP designs as a viable sentencing option.

Legal Issues

A principal legal concern of any electronic monitoring application, irrespective of design, is that the technology allows the state to intrude into an offender's home, an action severely restricted by law. Thus, many legal theorists examine the use of electronic monitoring equipment from a perspective of infringement upon an offender's right to privacy, as well as guarantees against self-incrimination, unlawful search and seizure, and cruel and unusual punishment. These legal issues will be explored by the lower courts throughout the United States. To date, however, Federal or state appellate courts have not received formal challenges. Without such legal guidance, programmatic decisions must often be made in anticipation of formally constructed opinions. If uniform procedures are developed in concert with generally accepted legal principles, electronic monitoring can withstand legal or constitutional challenges.[2]

As a condition of release, electronic monitoring is generally considered a privilege and not a protected right. Unless the decision is structured by law, the placement of an offender on probation or parole is at the will of the granting authority. The conditions imposed upon the offender must be:

- Related to the protection of society and/or the rehabilitation of the offender (Port v. Templar);
- Clear (Panko v. McCauley);
- Reasonable (State v. Smith); and
- Constitutional (Sobell v. Reed).

The offender's acceptance of electronic monitoring as a condition of release or sentence has been viewed as constituting voluntary consent and waiver of rights.

Constitutional Guarantees

Equal Protection. Courts have consistently held that probationers/parolees can be assessed fees for supervision. Without statutory authorization courts have upheld the imposition of fees, based upon the broad discretion to determine conditions of supervision.

The assessment of fees for specific conditions, such as monitoring devices, upon indigent offenders may raise challenges under the Equal Protection Clause of the Fourteenth Amendment. The exclusion of indigent offenders from alternative sentences due to an inability to pay may lead to an unequal risk of incarceration.

Right to Privacy. The Fourth Amendment protects citizens from unreasonable search and seizure. The use of electronic monitoring devices does not constitute a search under current interpretation of the Fourth Amendment. The use of electronic monitoring must relate to compliance with ordered conditions of release and should not infringe upon the offender's conversations or conduct within his home.

Based upon the concept of "diminished rights," sentencing authorities may use broad discretion in establishing the conditions of release in which electronic devices are employed. However, the courts may rule in favor of the offender's right to privacy against electronic monitoring if the use cannot be justified in terms of an articulated security interest, ability to deter future criminal conduct or ability to reduce the risk of flight.[3]

Right Against Self-Incrimination. Information obtained from the use of an electronic monitoring device will reveal only physical location or non-location of the offender for use in an administrative proceeding. The right against self-incrimination protects an individual from testimonial self-incrimination, not physical incrimination, which is outside the scope of the Fifth Amendment. The evidentiary requirements for sustaining a probation/parole violation are considerably less than those required of an initial criminal conviction.

Cruel and Unusual Punishment. The use of an adjunct tool in a community supervision program is more humane than incarceration, is not unduly oppressive

or disproportionate to the offense committed and therefore, is not violative of the constitutional prohibition against cruel and unusual punishment.[3]

Other Legal Issues

Several legal issues may arise in the operational aspects of an electronic monitoring program. While these issues remain speculative, careful consideration should be taken to address these areas.

Admissibility of Evidence. Revocation proceedings based solely upon the information provided by a monitoring device may raise issues regarding the scientific accuracy of such information. The courts will presumably rely on the Frye rule (Frye v. U.S., 54 App. D.C. 46,293 F. 1013,1910) to determine admissibility of such evidence. The findings in Frye v. U.S. concluded that the means by which the evidence was obtained must have achieved general acceptance in the relevant scientific community. In order to establish that the monitoring device has been established in the scientific community, an expert may be necessary. An alternate approach to the Frye test is the "relevancy approach" which treats novel scientific evidence the same as any other evidence, weighing its probative value against its potential to prejudice. Proponents of this alternative argue that the Federal Rules of Evidence (1975) supersede Frye.

Liability. The increased information provided from the use of monitors may increase liability for failing to respond to known violations. Courts continue to widen the net of legal responsibility for the acts of correctional staff. "Accountability, court scrutiny, and greater visibility are realities with which probation/parole officers will have to learn to live and cope."[4]

Policy and Procedures: Critical Elements

The introduction of a new corrections program or a component to an existing program requires adjustment of the organization and operating environment. New policies and procedures must be developed to address programmatic issues raised by the use of electronic monitoring. The following elements suggest general policy matters relating to the use of monitoring within an ISP program. All operational policies should be well-documented and available to staff members. Attention to these elements will assist in legal challenges to the use of electronic monitoring.

Offender Selection/Placement. The offenders placed in an intensive supervision program should be carefully screened according to specific criteria which establish both acceptance and exclusionary policies. Within the ISP context, intensive monitoring should be specifically designed to achieve improved outcome while maximizing cost effectiveness. Electronic monitoring may be an intrinsic element of an ISP program and utilized on all offenders placed in the special program.

A comprehensive offender assessment should initially consider the suitability of the home (electrical source, structural impediments, telephone availability), the "fit" between the type of equipment and the offender profile, the offense committed, significant others involved and the special needs of the offender. Agencies should obtain voluntary written consent from any offender placed in the program which outlines obligations and requirements. The use of all monitoring devices should be specifically authorized by the court or releasing authority, whether as an initial sentence or as an administrative action within the overall program.

Significant Others. An emerging concern in supervision by electronic monitoring is the effect upon the offender's significant others (e.g., spouses, parents, roommates). Careful consideration should be given to the stability of the living arrangement and the impact of others within the home. Procedures should provide for written consent of other adult residents; a briefing on general installation and operations of the equipment; and an agreement on the mutual expectation of violation reporting.

Staffing and Caseload. The level of surveillance and control to be achieved will generally determine the staff requirements. An extensive use of monitoring within an ISP program may necessitate a staff monitor or technician to install equipment and respond to reported violations. The fundamental questions of who monitors (in-house staff, a private contracting service)? what response will be made to violations (telephone calls, visits)? and when it will occur (that night, over the weekend and/or weekdays)? will steer staffing and caseload decisions.

Duration of Monitoring. The optimum duration of electronic monitoring is unknown. Excessively long periods of electronic monitoring may have adverse effects upon the offender's adjustment in the community. The duration decision must therefore be related to the specific purposes and reasons for the offender's placement in the program. The objectives of enforced curfew, home detention or home incarceration may have different implied applications. The length of monitoring should be established by the court or releasing authority and be reviewed periodically.

Fee Structures. The means of funding the program should be specifically stated. A widely used strategy is to establish an offender fee system whereby offenders contribute a set daily amount, or a salary percentage, to offset the cost of program operations. Sliding scales or no fee assessment are considerations which must be given to indigent offenders in order that equal protection issues do not hinder implementation.

Contact Standards. Intensive supervision programs generally establish an expected level of contact between the offender and the supervising officer. The extent to which the introduction of monitoring affects the level of human contact must be

considered. The use of technology must be viewed as a supplemental tool to the supervision method, not to supplant the necessity for the officer/offender relationship. The monitor can assist in achieving an element of the case plan. However, the complexity of an offender's needs must be addressed by the use of multiple resources.

Violation Responses. A clear, concise policy directive must guide the agency's response to a reported violation. The first step should differentiate true violations from equipment "glitches." This may be accomplished by telephoning the offender, going to the offender's residence or both. The knowledge of a violation, as reported by a monitor, may increase the liability if further criminal acts occur. The degree of discretion in responding to verified violations must be clearly stated. The arrest/no arrest decision must be based upon clearly articulated policy and procedure. All violations, and the subsequent response, must be documented and reviewed by administrators to maintain program accountability. If private monitoring services are used, expectations must be clearly set forth in the agreement.

Contingency Planning. Programs must prepare for the unexpected and prolonged loss of equipment availability. Alternative methods of supervision, adjusting staffing, increased contact standards and fee restructuring must be established prior to the occurrence.

Training. Adequate staff preservice and ongoing training is critical to the operations of any effective program. A training "needs assessment" will provide the necessary information to develop the training implementation plan. The training plan should address, at minimum:

- General training for the entire staff explaining the nature and intent of the program, selection criteria and referral process;
- Technical training for officers directly involved in the installation and monitoring of the equipment; and
- Offender and significant others training to explain the system operation and limitations.

All training programs should be fully documented, including instructor qualifications, specific lesson plans, participants and evaluations of the program.

Implementation Strategies/Steps

Prior to introducing the use of electronic monitoring in an intensive supervision program, several critical policy and administrative issues should be addressed. Consultation with legal counsel is advised at all major steps of design and implementation.

Needs Assessment. A needs assessment is essential to identify an available pool of ISP offenders with a suitable profile. The introduction of electronic monitoring may enhance the surveillance and control capability of the program and, consequently, increase the likelihood of its use for the sentencing/placement of high-risk offenders. The general application of the technology on all offenders within an ISP program may be both unwarranted and cost-prohibitive. Programs may choose to use monitors on a selective population within ISP as an initial phase of supervision, providing for movement to less restrictive controls. Administrative sanctions and adjustments in supervision levels can be supplemented by the availability of such equipment, thus reducing the demand upon system resources.

Program Design Statement. While a clear written program statement is critical to the development of ISP programs, the expanded use of any additional supervision tools must be consistent with the overall objectives of the core program. The program design statements must then specifically identify the selective use of electronic monitoring within the population of ISP offenders; the selection procedures and placement fee structures and other funding sources; the duration of use; adjusted staffing patterns; and evaluation strategies. Specific measurable objectives should be set forth in order that program outcomes can be measured. Programs should always avoid global, unattainable objectives.

Systems Support. The use of electronic monitoring in ISP as an innovative supervision tool requires that program administrators assume the responsibility for educating and gaining the cooperation of concerned public and criminal justice actors. Questions will be raised about the risk to the public of supervision by electronic monitoring. Other agencies in the criminal justice system need to understand how they will be impacted by the innovation. Further, expectations of the new technology may be unrealistic. For example, it may be expected that offenders can be "tracked" wherever they go. Thus, for successful implementation of EM, an orientation and educational program should be designed for all interested parties, including the judiciary, prosecutors, defense attorneys, probation, parole, medical/health services, family support services, law enforcement, victims, community, media and other interest groups. Both the capabilities and limitations of the technology should be addressed directly. The educational program should be presented at press conferences and special meetings with organizations and groups and in articles submitted to appropriate publications, citizen interest groups, etc. They should include the following component statements:

1. The use of EM for intensive supervision participants includes a tightly structured supervision plan for offenders who have been closely screened according to specific criteria.

2. EM supervision includes the technical safeguards provided by the equipment in addition to the external safeguards provided by human monitoring of the equipment and the offender.

Enabling Legislation. Application of monitoring devices should be carefully reviewed by legal counsel during the planning process. Issues of constitutional compliance as well as state statutory law should be resolved in the initial phases of development. Enabling legislation should be sought if the local courts narrowly interpret the latitude of establishing conditions of release. In the absence of enabling legislation, courts and releasing bodies, assured with a degree of immunity, should authorize the use of monitoring technology.

Request for Proposals: The Bidding Process

The specific hardware and software requirements will be determined by the program design. The technology must adapt to the environment of the program and should not be permitted to dictate the operations of the program.

The development of a Request for Proposal (RFP) will specify the agency requirements permitting vendors to bid for the contract. The RFP should address the following areas, at minimum:

Description of Program. The purposes and objectives of the core program should be briefly described in addition to the intent of the monitoring component.

Vendor Qualifications. There is no regulatory agency to assure a standard level of service. Potential vendors should provide:

- Appropriate business license and FCC licensing of equipment;
- Staff qualifications and backgrounds; and
- Insurance/bonding/liability coverage.

Level of Service. Agencies must determine the tasks expected of potential vendors. The program design statement and preliminary policies and procedures will outline the responses and duties of the sponsoring agency and, therefore, should not be included in the RFP. The agency must determine the need for private contracting of monitoring services or a lease/purchase of equipment.

The performance expectation, such as 24-hour service, availability of spare units and operational malfunctions, of both the sponsoring agency and potential vendors must be established at the outset.

Equipment Specification. The type of equipment to be utilized should be specified as closely as possible. Variables to be considered include:

- Accuracy of equipment,
- Report capability,
- Tamper resistance,
- Shock resistance,
- Hypo-allergics,
- Loss or damage agreement,
- Waterproof,
- Battery life,
- Limitations,
- Service (time frames, cost, shipping),
- Equipment upgrades for engineering advances,
- Tools for installation and adjustment of the equipment, and
- Written manual for equipment function

Training. Training expectations of the vendor should be expressly identified in the RFP. These should include, but not be limited to, technical installation, training for minor repair/troubleshooting, monitoring computer generated reports and data input. Vendors should provide fully updated manuals for use in training programs. Officers will require technical training in the hook-up and monitoring of computer generated reports.

Monitoring. An RFP for a monitoring service needs to address the response that will be required when a violation is noted. Private contracting agencies may be required to provide a level of service which may include procedures for telephoning to assure that a violation has occurred and notification of the agency of violations. The agency must establish a violation response policy prior to contracting for such a service.

Demonstration of System. Familiarization with the prior performance of both the vendor and the equipment is essential. Require the vendors to indicate current installations. Talk to experienced users at the administrative and line level. Require that competing vendors demonstrate the equipment, including hardware, software and output to staff. Programs may consider performance bonding as a means of limiting cost in demonstrating the system.

Method of Payment. The method of payment should be stated. The decision to lease/purchase equipment or contract for monitoring service is based upon the availability of funds and staff.

Termination of Contract. Safeguards should be taken to assure release from the contract if performance is inadequate or funding is no longer available.

Research and Evaluation

It is extremely important that a good evaluation design be included in designing new programs which plan to use EM as a supervision tool. Few such evaluations have yet to be completed although several are underway. The evaluation should include two major components: one for program objectives, the other for equipment reliability. The ideal evaluation design includes random assignment to EM or standard supervision of a group of offenders preselected for ISP and found appropriate for electronic monitoring supervision. The design should include a process evaluation which addresses program implementation issues and an outcome evaluation which focuses on results.

1. The process evaluation design should include a data collection methodology for describing the target population and for documenting supervision activities (e.g., a field sheet). The process evaluation should include interviews with knowledgeable actors to discuss implementation problems and solutions (inter and intra-organizational), public support and media reaction. It should operationally define the target population and criteria for compliance with program design.

2. The outcome evaluation should include measures of offender success or failure, as well as measures of affect on significant others. It should also include measures of equipment reliability and cost/benefits of EM as a supervision tool.

Program Experience

Although the use of electronic monitoring technology is widespread, no scientifically designed and conducted evaluations have yet been completed to assess its effectiveness. Further, the speed of changing technology threatens to outdate the evaluations currently underway. The following summaries of ISP programs which have incorporated electronic monitoring into their program designs are provided to demonstrate how the technology may enhance supervision/surveillance strategies. The summaries focus on different aspects of the planning, implementation and evaluation process. Further information on a specific program is available from the contacts listed under Sources for Further Information and Assistance.

Colorado

In Colorado, offenders diverted from prison and sentenced to ISP commonly serve short periods of incarceration in county jail facilities. Also, due to prison bed shortages, state offenders awaiting transfers to the Colorado Department of Corrections are held in county facilities. The result is a large backlog of state prisoners occupying county jail facilities. A principal objective in implementing electronic monitoring supervision is to reduce the use of county jails as an initial phase of ISP sentencing.

Offender selection criteria for electronic monitoring follow general acceptance into Colorado's ISP program described below.

The Colorado Judicial Department piloted an Intensive Probation Program in 1984. The program was based on a model for selecting prison-bound offenders for a more intense level of community supervision and for managing the risk of the ISP offenders to ensure public safety. Colorado ISP is now a sentencing option in all 22 judicial districts.

The program design consists of an objective selection tool and intense program supervision standards. In January 1988, electronic monitoring was introduced as a surveillance tool to enhance risk management. The caseload per officer is limited to 18 to 25 offenders selected by classification on a historically derived, in/out sentencing matrix. The selection process also includes consideration of aggravating and mitigating factors, review by a screening committee and sentencing by the court.

An evaluation of the program completed in June 1988 found that the program objectives were being met. Of 168 intakes between December 1, 1986 and September 30, 1987, 94 percent had profiles consistent with the target population. Of the 80 program participants who had been discharged from the program, 42.5 percent successfully completed the program; 37.5 percent were revoked for a rules violation; 12.5 percent had an outstanding warrant for absconding; and six percent committed new crimes. Of the five new crimes, three were felonies, and two were misdemeanors. There were no victim injuries.

The evaluation also found that selection factors, such as criminal history score, risk/needs score and Case Management Classification category, were related to program success and that the average time to failure was six months.

Based upon this successful experience, electronic monitoring was incorporated as a surveillance component within the existing program design. Upon acceptance into ISP, the offender is further reviewed to determine suitability for electronic monitoring using the following criteria:

- Sentences to county jail as a condition of ISP sentencing;
- High-risk score;
- Identifiable drug problem according to adopted need scales;
- Treatment availability/mandatory referral for drug abusing offenders;
- Special condition offender;
- Voluntary consent; and
- Stable residence/family environment.

An in-progress evaluation indicates that the ISP offender placed on EM has a higher risk score and a greater probability of being a drug offender than the average offender in the ISP population. Outcome data are inconclusive as only eight monitored offenders were terminated from ISP between January and June 1988. Four completed the monitored phase of ISP and returned to regular supervision while the remaining four were returned to prison. Although the effectiveness of EM is unknown, officers using the technology support expansion. Properly functioning equipment assists them in their supervision responsibilities while enhancing the capability of the overall ISP program as a sentencing option to the Colorado courts. Electronic monitoring is available to all 22 ISP districts.

Georgia

Georgia implemented one of the earliest and most comprehensive of the new-generation ISP models based on surveillance and treatment and, thus, is one of the most well-known. The target group for the Georgia program is the nonviolent yet serious offender who, without the Intensive Probation Supervision (IPS) option, would be sentenced to prison.

Electronic monitoring was implemented as a demonstration project funded by the Bureau of Justice Assistance (BJA). The purpose of the project was to determine the most effective type of surveillance for the drug offender. The methodology includes random assignment of several different surveillance techniques to drug offenders for varying time periods while conducting urinalysis screening at varying intervals. The results will be used to determine the comparative costs and benefits of selected combinations of surveillance and testing schedules and thus, to determine what type of surveillance is most cost-effective for the drug offender. The project is coordinated with the IPS sentencing alternative.

The primary goals of the project are to:

1. Increase public safety through increased drug treatment/deterrence and increased control of the offender; and

2. Develop community supervision alternatives which address and provide for the specific needs of the target population.

The electronic monitoring tests will be conducted with 50 offenders at each of the three test sites. These probationers are being randomly assigned to experimental or control groups to test not only supervision levels and screening levels, but also types of equipment. The electronic monitoring systems are monitored through the contract vendor which validates equipment-reported violations and notifies the appropriate officer if a true violation occurs.

New Jersey

New Jersey's ISP, which began in 1983, is a prison release program. All applicants for the program must have received a state prison sentence of one year or more and must have served a minimum of 60 days of the sentence prior to release into the program. Designed for nonviolent offenders, the program has two primary goals: to reduce prison crowding and to provide an intermediate form of punishment between incarceration and traditional probation/parole.

New Jersey's stringent selection criteria and supervision standards are reflected in the low acceptance rate (17 percent) of applicants. Applicants are assessed to determine motivation and suitability. The selection process further includes a screening board and acceptance by a three-judge panel.

Supervision standards include full-time employment; a 6:00 P.M. curfew; a daily diary and a weekly budget; weekly community service; frequent drug and alcohol testing; a minimum of 20 contacts per month between officer and participant; payment of all financial obligations including contributing to program costs; and participation in ISP weekly group meetings and treatment programs including mandated and verified attendance at Alcoholics Anonymous or Narcotics Anonymous.

At the end of May 1988, 1249 participants had been released from prison into ISP. Currently, 384 (31 percent) participants are under supervision; 465 (37 percent) have successfully completed at least 16 months under supervision; 13 (1 percent) died while under supervision; and 387 (31 percent) have been returned to prison. Of those returned, 281 (73 percent) have been returned for rules violations, and only 106 (8.4 percent) have been arrested for new offenses. Of these new offenses, 58 (4.6 percent) were felonies and 48 (3.8 percent) were misdemeanors. Of those who have successfully completed New

Jersey's ISP program, less than one percent have been subsequently convicted of a felony offense.

Since 1986, New Jersey ISP has been deploying electronic monitoring to assist in curfew compliance. Currently, both a wristlet providing programmed contact is being used, as well as a video telephone. Also, New Jersey ISP is testing a new EM product which provides programmed contact as well as continuous signal technology.

Selection criteria for electronic monitoring in New Jersey ISP include the following:

- Offenders at high risk of curfew violation (e.g., unmarried males between 18 and 26 years old);
- High-risk offenders known to need additional sanctions. (Determination is made by a three-judge panel based on seriousness of offense. Drug dealers are usually in this category.); and
- Offenders who have violated curfew standards.

Length of time on electronic monitoring can go up to 60 days, with 30 to 40 days being the average. Although no data are yet available on the effectiveness of EM, officers report that it functions as a "reminder" of curfew restrictions for program participants.

Utah

Utah has restricted electronic monitoring to ISP because of the intrusiveness of the technology as well as the scarcity of correctional resources. Utah began using electronic monitoring for ISP sentenced sex offenders in January 1985. Sex offenders were sentenced to ISP with electronic monitoring as a special condition by the Board of Pardons to be enforced by parole officers. Later, the selection criteria broadened to include high-risk parolees and finally, probationers who were ordered by the courts to participate in electronic monitoring and intensive supervision.

Utah uses electronic monitoring as a supplement to curfew enforcement. Utah has tried three types of equipment -- one intermittent and two continuous monitoring devices. Currently, a continuous signal monitoring system is used. The continuous signal system was determined to be more cost-effective for monitoring curfews.

A parole officer assisted by a correctional technician operates the program according to policies and procedures established for ISP. Staff of a community correctional center in Salt Lake currently monitor the host unit for alarms and play a role in the primary response to an alarm. If the center is unable to verify that an offender is at his/her residence, a parole officer is paged. Parole officers have vehicles and other necessary equipment with which to respond to alarms. Backup is provided by other parole officers in the field or law enforcement.

Program data reflect a high violation rate for offenders on electronic monitoring. This result is not surprising given the high violation rate reported in standard ISP and the increase in the level of surveillance provided by EM. Data on the intermittent signal monitoring program indicate that as of May 31, 1988, 18 offenders had participated for an average of 9.7 months. Of the 18 participants, five (27.8 percent) committed a new offense either while on the program or during the follow-up period. Of the five offenders who committed a new offense, two were sentenced, one for a third degree drug offense and the other for a driving offense. Of the 18, four (22.2 percent) were returned to prison for rules violations; three (16.7 percent) absconded; and three (16.7 percent) remained on parole without incident.

Follow-up on the continuous signal monitoring program in Salt Lake is limited by the short period of time the program has been in use. Follow-up on completors varies from one to two months. During this brief period of time, the program has shown some success. No offenders have been convicted of new offenses committed while on the system.

Utah plans to continue using electronic monitoring as a surveillance tool because it meets the intended purpose of close surveillance of high-risk offenders.

Sources for Further Information and Assistance

National Perspective

Todd Clear, Ph.D.
Rutgers University
Department of Criminal Justice
15 Washington Street
Newark, NJ 07120
Phone: 201-648-5923

Annesley Schmidt
Community Corrections Specialist
Federal Bureau of Prisons
320 1st, NW, Room 516
Washington, DC 20534
Phone: 202-724-3171

Joan Petersilia
Senior Researcher
RAND Corporation
1700 Main Street
P. 0. Box 2138
Santa Monica, CA 90406-2138
Phone: 213-393-0411

Research/Evaluation

Terry Baumer, Ph.D.
School of Public and Environmental Affairs
Business/SPEA Building, No. 3025
Indiana University
801 West Michigan Street
Indianapolis, IN 46223
Phone: 317-274-8624

Mary Mande, Ph.D.
Director of Research
Colorado Division of Criminal Justice
700 Kipling Street
Denver, CO 80215
Phone: 303-239-4442

Background

Brian Bemus
National Institute of Corrections
Information Center
1790 30th Street, Suite 130
Boulder, CO 80301
Phone: 303-939-8877

Rolando V. del Carmen
Criminal Justice Center
Sam Houston State University
Huntsville, TX 77341
Phone: 404-294-1635

J. Robert Lilly
Department of Sociology
Northern Kentucky University
Louis B. Nunn Drive
Highlands Heights, KY 41076
Phone: 606-572-5253

Joseph B. Vaughn
Central Missouri State University
Department of Criminal Justice Administration
Warrenburg, MO 64093
Phone: 816-429-4950

Organizations

American Probation and Parole Association
Council of State Governments
Iron Works Pike
P. 0. Box 11910
Lexington, KY 40578
Contact: Ben Jones
Phone: 606-252-2291

Newsletter

Offender Monitoring
Behavior Control Technology Associates
P.0. Box 88
Maxatawny, PA 19538
Contact: Marc Renzema
Phone: 215-398-3061

State Agencies

Probation

Larry Anderson
Diversion Program Coordinator
Annette Henderson
Community Program Coordinator
Georgia Department of Corrections
Probation Division
2 Martin Luther King Drive
Suite 954 East
Atlanta, GA 30334
Phone: 404-656-4696

Vern Fogg
ISP Program Administrator
Office of the State Court
Colorado Judicial Department
1301 Pennsylvania Street, Suite 300
Denver, CO 80203
Phone: 303-861-1111

Richard Talty
Director
Intensive Supervision Program
New Jersey Administrative Office of the Courts
Probation Division
Justice Complex, CN-987
Trenton, NJ 08625
Phone: 609-292-1589

Parole

Raymond Wahl
Regional Administrator
Adult Parole
Utah Department of Corrections
431 South 300 East
Salt Lake City, UT 84111
Phone: 801-533-4984

Juvenile Services

James Weakland
Chief Court Counselor
Juvenile Services Division
Administrative Office of the Courts
P. 0. Box 1141
Winston-Salem, NC 22102
Phone: 919-761-2265

Endnotes

[1] James M. Byrne, Ph.D., Linda Kelly, and Susan Guarino-Ghezzi, "Understanding the Limits of Technology: An Examination of the Use of Electronic Monitoring in the Criminal Justice System," Perspectives (Spring 1988): 30-36.

[2] C.M. Friel, J.B. Vaughn, and R. del Carmen, Electronic Monitoring and Correctional Policy: The Technology and Its Application (Washington, D.C.: National Institute of Justice, 1987).

[3] Troy Armstrong, Ph.D., Gary Reiner, and Joel L. Phillips, Electronic Monitoring Programs: An Overview (Sacramento, CA: EMT Group, Inc., 1987).

[4] C.M. Friel, J.B. Vaughn, and R. del Carmen, Electronic Monitoring and Correctional Policy: The Technology and Its Application (Washington, D.C.: National Institute of Justice, 1987).

Bibliography

Ackerman, J.R. (1986). "Applying Electronic Surveillance Systems to Probation and House Arrest in New York State." Journal of Probation and Parole 17 (Fall 1986): 5-8.

Armstrong, Troy, Ph.D., Gary Reiner, and Joel L. Phillips (1987). Electronic Monitoring Programs: An Overview. Sacramento, CA: EMT Group, Inc.

Baum, B. S. (1987). "Probation, The Best-Kept Secret Around: An Interview with Henry C. Duffie." Corrections Today N 5, 49: 122, 124, 126-27.

Byrne, James M., Ph.D., Linda Kelly, and Susan Guarino-Ghezzi (1988). "Understanding the Limits of Technology: An Examination of the Use of Electronic Monitoring in the Criminal Justice System." Perspectives (Spring 1988): 30-36.

Carr, R. C., W. Hill, C. A. Fasano, M. D. Schrunk, C. Peed, J. P. Flood, and J. VonArx (1988). "Special Focus: Jails." National Sheriff N 6, 38: 18-19.

Davis, S. (1986). Evaluation of the First Year of Expanded House Arrest, October 1, 1984 - September 30, 1985. Oklahoma City, OK: Oklahoma Department of Corrections Planning and Research Unit.

Davis, S. (1987). Evaluation of the Second Year of Expanded House Arrest, October 1, 1985 - September 30, 1986. Oklahoma City, OK: Oklahoma Department of Corrections Planning and Research Unit.

del Carmen, R., and J. Vaughn (1986). "Legal Issues in Electronic Surveillance in Probation." Federal Probation N 2, Vol. L.

Electronic Monitoring Equipment (1987). Washington, D.C.: National Institute of Justice.

Flynn, L. E. (1986). "House Arrest -- Staff It Right or Quit!" Journal of Probation and Parole 17 (Fall 1986): 1-4.

Fox, R.G. (1987). "Dr. Schwitzgebel's Machine Revisited: Electronic Monitoring of Offenders." Australian and New Zealand Journal of Criminology N 3, 20: 131-147.

Friel, C. M., and J. B. Vaughn (1986). "Consumer's Guide to the Electronic Monitoring of Probationers." Federal Probation N 3, 50: 3-14.

Friel, C. M., J. B. Vaughn, and R. del Carmen (1987). Electronic Monitoring and Correctional Policy: The Technology and Its Application. Washington, D.C.: National Institute of Justice. (Available on interlibrary loan from the National Criminal Justice Reference Service, NCJRS, #104817, or for purchase $8.40. Phone: 800/851-3420.)

Gable, R. K. (1986). "Applications of Personal Telemonitoring to Current Problems in Corrections." Journal of Criminal Justice N 2, 14: 167-176.

Houk, J. M. (1984). "Electronic Monitoring of Probationers -- A Step Toward Big Brother?" Golden Gate University Law Review N 2, 14: 431-446.

House Arrest (1986). Washington, D.C.: Police Foundation.

Hunter, D. (1987). Remote Sensors for Home Incarceration. Chicago, IL: Paper presented at the Annual Meeting of the American Association for the Advancement of Science.

Huskey, B. L. (1987). "Electronic Monitoring: An Evolving Alternative." Perspectives N 3, 11: 19-23.

Implementation Manual for Community Control -- A New Concept of Punishment Within the Community (1986). Tallahassee, FL: Florida Department of Corrections Probation and Parole Services Program Office.

Lilly, J. R., R. A. Ball, and J. Wright (1987). "Home Incarceration with Electronic Monitoring in Kenton County, Kentucky: An Evaluation." Intermediate Punishments: Intensive Supervision, Home Confinement and Electronic Surveillance. Monsey, NY: Criminal Justice Press.

McCarthy, Belinda R., ed. (1987). Intermediate Punishments: Intensive Supervision, Home Confinement and Electronic Surveillance. Monsey, NY: Criminal Justice Press.

Meachum, L. R. (1986). "House Arrest -- The Oklahoma Experience." Corrections Today N 6, 48: 102, 104, 106, 108, 110.

Perrey, A. G., B. A. Bell, and M. J. Treado (1986). Evaluation of Electronic Monitoring Devices. Washington, D.C.: National Bureau of Standards.

Petersilia, J. (1986). Exploring the Option of House Arrest. Santa Monica, CA: Rand Corporation.

Schmidt, A. K. (1987). "Electronic Monitoring: Who Uses It? How Much Does It Cost? Does It Work?" Corrections Today N 7, 49: 28, 30, 32, 34.

Vaughn, J. B. (1986). Potential Applications for Electronic Monitoring and House Arrest in the State of Texas. Austin, TX: Texas Criminal Justice Council.

Vaughn, J. B. (1987). "Planning for Change: The Use of Electronic Monitoring as a Correctional Alternative." Intermediate Punishments: Intensive Supervision, Home Confinement and Electronic Monitoring. Monsey, NY: Criminal Justice Press.

VonArx, J. (1988). "Another Look at Electronic Monitoring Programs: Use Spreads Throughout the Nation." National Sheriff N 6, 38: 42-44.

Whittington, M. (1987). Supervised Electronic Confinement Pilot Program: October 1986 - September 1987, Final Report. Santa Ana, CA: Orange County Probation Department.