

# Probation

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*Virginia A. Hill*  
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# Federal Probation

A JOURNAL OF CORRECTIONAL PHILOSOPHY AND PRACTICE

Published by the Administrative Office of the United States Courts

VOLUME LV

MARCH 1991

NCJRS  
NUMBER 1

MAY 16 1991

## This Issue in Brief ACQUISITIONS

**Hair Analysis for the Detection of Drug Use in Pretrial, Probation, and Parole Populations.**—Comparing the results of radioimmunoassay (RIA) hair analysis for drug use with urinalysis results and self-reports of drug use among aftercare clients in the Central District of California, authors James D. Baer, Werner A. Baumgartner, Virginia A. Hill, and William H. Blahd propose that hair analysis offers the criminal justice system a complementary technique for identifying illegal drug use. The study results are timely in light of the recent decision of a U.S. district court judge who accepted a positive RIA hair analysis result as valid forensic proof that a probationer had violated the conditions of probation (EDNY Dkt. No. 87-CR-824-3).

**Tools for the Trade: Neuro-Linguistic Programming and the Art of Communication.**—Whether viewed as a rehabilitative modality or a sanction, probation remains a person-to-person profession in that probation officers still deal with individuals. According to author Richard Gray, some recent developments in psychology may provide tools for investigation, assessment, helping, and, sometimes, healing. His article describes neuro-linguistic programming and how probation officers may use the technique to develop rapport and communicate effectively and consciously with clients.

**Social-Psychological Effects of the Status of Probationer.**—Authors Charles Bahn and James R. Davis report on a non-random sample of 43 probationers who were tested and interviewed in order to assess the social-psychological effects of probation in four areas: emotions; family, peer, and work relations; self-concept; and stigma. The authors administered an open-ended questionnaire, a scalogram, and a self-concept inventory and found, among other things, that probationers had the support of family, friends, and even some employers. The authors conclude that probation is

more than a "slap on the wrist" but that it does not overwhelm all aspects of a probationer's life.

**Electronic Monitoring in Federal Pretrial Release.**—Author Timothy P. Cadigan focuses on current use of electronic monitoring in Federal pretrial release programs, first discussing, in general, how to establish such programs and what to consider in doing so. Then, based on demographic data about Federal defendants on electronic monitoring, the article assesses whether

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# Electronic Monitoring in Florida

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BY JOSEPH E. PAPY AND RICHARD NIMER\*

**T**HE FLORIDA Department of Corrections Community Control "House Arrest Program" was established on October 1, 1983, as a result of the Correction Reform Act of 1983. Among other things, the Act addresses prison overcrowding and the need for initiation of diversionary programs and alternatives to incarceration for criminal defendants. The House Arrest Program gives criminal defendants the opportunity to serve their sentences in their homes instead of prison and is designed as a punishment alternative to help build accountability and responsibility on the part of these offenders and limits their participation in recreational activities that would ordinarily be inaccessible to them in prison.

Sanctions imposed by the court of original jurisdiction place curfew restrictions on the offenders participating in the program and require the offender to maintain employment. In addition, the offender is required to participate in self-improvement programs, such as a GED program to obtain a high school diploma, drug and alcohol counseling, and other life skills programs. Moreover, offenders may be further required to perform non-paid work for a public service organization, a governmental entity, or a non-profit institution. Therefore, if the offender is not working on a job, participating in a self-improvement program, or performing public service work as required by the court, then the offender is required to be at his residence as designated on the Order of Probation/Community Control. Essentially, if the offender is not where he should be at a particular time, a curfew violation is then reported to the court as a technical violation of community control, a situation regarded similar to an escape from prison.

As determined by the court, offenders may pay restitution to victims of their crimes. In a further effort to defer costs, participants must also pay the State of Florida \$50 a month toward the cost of their supervision, and if the sentence requires electronic monitoring, the defendant may also be required to pay an additional \$30 a month to the Electronic Monitoring Fund.

The offenders, or "community controlees," are required to fill out daily activity logs for review by their community control officers. In an effort to provide the public with the maximum protection possible, community control officers' caseloads are limited by statute to 20. Community control officers work on Saturdays, Sundays, and holidays and they are required to make a minimum of 28 contacts per month with each offender, which include telephone contacts, personal contacts in the probation office, at the offender's home, or employment site, and collateral contacts with those parties (spouses or other family members) with whom the offender would have regular contact. Officers' schedules vary, from day to day and week to week, resulting in regular and random visits with the offender. This technique is used to hold the offender strictly accountable and to keep him "guessing" as to when the officer is working or when the officer may be coming to visit the offender at his residence or employment site. Many community control officers carry portable radios and have access to regular law enforcement frequencies in an effort to reduce the potential for officer injury and to facilitate immediate emergency assistance if needed.

Management staff provides quality assurance monitoring to ensure compliance with the provisions of the Community Control Program. The community control officer, together with the unit supervisor, hold regular case reviews to assess the needs of the offenders and to determine whether specific objectives are being met.

There are currently 24,801 offenders under the supervision of the Florida Department of Corrections in Southwest Florida. Of that number 3,554 are on community control supervision; 340 are subject to electronic monitoring devices.

Since effective 24-hour-a-day surveillance cannot be provided without the use of electronic monitoring devices, the Florida Department of Corrections has begun to examine different types of programs and devices. The Department of Corrections has initiated pilot projects using pager devices, enabling a community control officer to be "beeped" in the event that a curfew violation is noted by the electronic monitoring system. Twenty-four-hour-a-day surveillance equipment has also been included, using both continuous and non-continuous signaling systems.

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In May 1984, telephone "robots" were used throughout South Florida to make random telephone calls to community controllees' homes. The telephone robots have pre-recorded messages that make inquiries as to the offender's status and verify offender home confinement compliance.

In May 1985, the Department experimented with verifying wristlets in conjunction with the telephone robot. The telephone robot randomly calls the offender's residence and instructs the offender to place a non-removable wristlet into a transmitter unit installed in the offender's home. Once the electronic connection is made, a signal, transmitted via a telephone line, is sent to a central computer for verification. If the connection is not made, a second attempt is made by the telephone robot to establish contact, and if the second attempt fails, then the community control officer is notified.

In June 1987, this program was expanded and the Department of Corrections placed automated calling systems and wristlet verifiers in the Bartow, Florida area. The same type of wristlet verifiers were also placed in the Ft. Meyers area. Overall, the Department placed 50 wristlet verifiers in Bartow and 25 units in Ft. Meyers. These units have the capability of beeping the officer after two unsuccessful attempts to locate the offender.

In Bartow, the automatic calling system was used to enhance the regular community control personal, office, or home contacts for community control offenders. The automated calling system was also used to supplement contacts with those offenders who were not specifically ordered on electronic monitoring devices by circuit judges and allows for further verification of offender compliance with curfew restrictions.

The continuous signaling system has received the most attention and has evolved substantially since its original inception. In December 1986, the Department of Corrections purchased 40 continuous signaling systems, which included neither tamper alert features, nor a 24-hour-a-day, 7-day-a-week monitoring service company which could immediately notify community control officers of violators. However, this system has since been expanded and upgraded to include 95 units which are now monitored by a contracted, private vendor.

The continuous signaling system involves the use of a constant radio frequency emission transmitted from an anklet worn by the offender and tuned to a receiver in the offender's home. If the offender breaks the transmission by traveling

beyond 150 feet from the home telephone, initially the violation is noted on a central computer monitored by private contractors. The monitoring company then contacts the offender's residence directly. If the offender responds, he is then subject to verification questions designed to confirm his identity. The results of the telephone interview are then forwarded to the Department of Corrections. In the event the offender does not answer his home telephone, then a perimeter violation report and a technical violation report are forwarded via remote printer modems to the Department of Corrections which will evaluate the violation and determine further action.

The non-continuous signaling system, or passive electronic surveillance devices (more commonly known now as voice verification systems), were placed into operation in Southwest Florida in October 1988. The voice verification system requires that the offender make a voice template when he is first placed in the program. A central station computer calls the offender at pre-set hours, and the offender is then asked a series of questions and asked to repeat a series of words. The computer then uses the template against the voice of the offender, performing a series of comparisons, to determine if the offender is speaking on the telephone.

The voice verification systems have been placed into operation in St. Petersburg and Bradenton. While initial contact with the vendor at the time of purchase indicated that 100 offenders could be placed on each system, the Department later determined that the system functions significantly better and without undue stress when only 50 to 60 offenders are placed on it at one time.

Statewide the various equipment has worked reasonably well, but overall the technology has proven both reliable and unreliable and has not reached a point of true perfection.

For example, Tampa, Florida has a unique distinction of being characterized by meteorologists as the "lightning capital of the world." The United States Department of Commerce, National Weather Service reports that Tampa has more lightning strikes per square mile than any other location in the United States. This phenomenon presents an inherent problem with electronic monitoring units. The necessity to provide serge protectors and additional time to re-program electronic devices has become extremely time-consuming.

In addition, telephone quality in many areas is not sufficiently acceptable to transmit an accurate signal that can be recognized by the central sta-

tion computer. Similar problems have been experienced with the voice verification systems. Due to poor telephone line quality actual voice matches and comparisons have been difficult to obtain, and the computer experiences difficulty in trying to make template comparisons.

Proper use of the electronic monitoring devices by the offender has also contributed to equipment failure. The Department of Corrections has gone to great lengths to orient, educate, and train the offenders in the use of the electronic monitoring equipment but there is still reluctance on the offenders' part, and their cooperation level is low.

While there was an initial belief among varying levels of staff that the electronic monitoring devices would allow less staff to do more work more efficiently in less time, the opposite has proven to be true. As a result of mechanical and functional failures, electronic monitoring devices have drastically changed the complexion of the traditional community control officer's role, and there has been an emergence of a new officer, the "electronic monitoring specialist." Among other things, the specialists are responsible for installation and repair, and they function as data entry operators for the computer program. Electronic specialists also serve as public relations officers and judicial liaisons, and they are the main contact between the private vendor and the Department of Corrections.

The typical work day for the electronic monitoring specialist differs significantly from that of his community control officer counterpart. His responsibilities, which had been believed to be ancillary, are now full-time duties which are extremely technical in nature. The electronic monitoring specialist installs appropriate telephone jacks in

the offender's home and also installs the equipment on the offender. These specialists test telephone lines, replace batteries, make reconfiguration on units due to power surges, install backup systems in the central station computers, and testify in court. In each project site, it has become necessary for the Department of Corrections to utilize a full-time officer for these technician duties.

In conclusion, the electronic monitoring program in Florida has been interesting and generally successful. It has provided staff the opportunity to learn more about new and different types of technology and has offered the judiciary an alternative to incarceration and an enhanced supervision product.

The Florida Department of Corrections has learned that caution is the key word in any decision to use electronic monitoring. To corrections officials who are considering using such equipment, the best advice is to carefully evaluate claims made by vendors. All too often, vendors sell electronic monitoring programs as a panacea for all ills; they are not. Nonetheless, such a sales pitch may sound very attractive to a government agency plagued with prison overcrowding. Another point is that it is extremely important not to "oversell" the program to the judiciary, the media, or the public. A balanced presentation that states the assets and liabilities of electronic monitoring is a more prudent course.

Finally, an electronic monitoring program should never be sold as a tool to replace the line officer. Rather, such technology should be viewed as a tool to enhance the officer's ability to effectively supervise offenders in the community.