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Evaluation of Pretrial

Home Detention with Electronic Monitoring:

Brief Summary

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INTRODUCTION

Electronically monitored home detention is a rapidly expanding disposition for a variety of criminal justice agencies. In late 1984 the first electronic monitoring equipment became commercially available prompting a significant change in the technology of home detention. Only five years later (February 1990) a survey conducted by Renzema (1991) indicated that over 12,000 individuals, located in virtually every state, were being monitored.

The initial electronically monitored home detention programs were almost exclusively targeted for convicted offenders, and conceived as alternatives to incarceration (Schmidt 1989). Thus, most of the clients of the initial programs were probationers who were otherwise prison bound (Renzema and Skelton 1990a). As a solution to crowding, it was thought that electronic monitoring could best affect prison populations by siphoning marginal offenders into these community programs. Although electronically monitored home detention for probationers fit well with the community corrections model, the programs did not satisfy the demand for relief from prison crowding: The potential impact was indirect and the programs were small.

The above factors have lead criminal justice officials to consider electronic monitoring programs intended to have a more direct and immediate impact on correctional populations. These more direct routes to relief have focused on incarcerated individuals.

populations. These more direct routes to relief have focused on incarcerated individuals. In some cases the programs have targeted certain prisoners for early release, while others have focused on pretrial defendants being held in jail pending trial. Renzema and Skelton (1990a) note a significant shift between 1988 and 1989 toward electronic monitoring programs for these incarcerated populations. By 1990 a majority of offenders assigned to electronic monitoring programs were drawn from incarcerated populations (Renzema 1991).

Many important questions remain to be answered about electronically monitored home detention in general. While electronic monitoring for probationers and prison releasees share many common goals, the applicability of these programs for pretrial clients remains unclear. Maxfield and Baumer (1990) have noted some basic differences between electronic monitoring for convicted and unconvicted clients. The purpose of this report is to focus more detailed analysis on a pretrial electronic monitoring program.

SCREENING AND INTAKE

The pretrial program was implemented under great pressure to reduce the incumbent county jail population. Screening for pretrial release on home detention took place after clients had been considered by other decision makers for other pretrial dispositions. In Marion County these included action by bail commissioners, recommendations by prosecutors, and a bail hearing before a judge. Only defendants who did not qualify for release on recognizance, could not raise bail, and could not enlist the services of a bondsman were considered for home detention.

As a prescreening stage, candidates for release were identified from the jail roster. Preliminary criminal history checks were then conducted on defendants held for eligible offenses. Names of those meeting pre-screening criteria were passed on to a program intake officer who conducted a more careful history check, including a search for outstanding arrest warrants. The intake officer also interviewed the prospective client, and sought permission from other household members to place the person on home detention. If a client cleared these hurdles, program staff prepared a court order for conditional release. This order was first approved by prosecutors and defense attorneys before being presented to a judge. Those actually placed on the program were briefed on equipment operation and other procedures; part of this briefing cited regulations and penalties for violations. These procedures were incrementally modified, but remained essentially intact over the 13 month period of study.

This screening process turned out to be highly selective. Most of those screened were ruled not eligible for pretrial release. Table 1 shows that of the 1088 persons reviewed by the intake officer (ie, those surviving prescreening), about three quarters were not placed on the program. About half of all potential clients were rejected because of an extensive criminal history, or because the defendant or some member of his/her household declined. Some were released on bond or through other court order while being considered for the program. A small number of clients recommended by program staff were rejected by judges.

MONITORING CLIENTS

The Marion County program used a "programmed contact" system, one of a variety of electronic monitoring technologies. Various authors (Schmidt and Curtis 1987; Friel et al. 1987) have described this and related technologies in more detail.

In a study of a program for convicted clients Baumer and Mendelsohn (1990) report that unsuccessful computer contacts were common. This was also true of the pretrial program. Figure 1 shows that among the 198 clients for whom computer call data were available¹, 43 percent of all computer calls produced a verified wristlet contact. Counting only "valid" calls, those that did not involve some equipment or telephone malfunction, 54 percent resulted in a verified contact. Violation of regulations could produce an informal warning from program staff, a formal administrative hearing, or termination. About half of all pretrial clients were officially cited for at least one violation. Over three-fourths of the 388 violations recorded from agency records cited clients for unauthorized absence from home.

PROGRAM COMPLETION

Table 2 presents the distribution of clients by termination status, and includes the average number of rule violations and days on the program for each category². The bottom half of Table 2 compares successful and unsuccessful terminations from the pretrial and postconviction programs, indicating that unsuccessful exits were more common for pretrial clients. Nineteen percent of convicted clients were listed as "violated exits" compared to 27 percent for the pretrial program. Only 3 percent

absconded from postconviction home detention, compared to 14 percent of all pretrial clients. Terminations for excessive rule violations were similar -- 16 percent of postconviction clients and 13 percent of those on the pretrial program.

PATTERNS OF PROGRAM SUCCESS

Living arrangements were significantly related to successful program completion. The relatively small number of married clients who lived with their spouse had the highest success rate (92%). Most clients were single and lived with various family members or acquaintances. Among this group, those living with parents (78%), or opposite-sex roommates (77%) fared best. The "other family" category includes primarily siblings, grandparents, aunts or uncles; 60 percent of clients in this group successfully completed the program. Only four persons lived alone, the category that might be suspect as most conducive to failure, however only one of these people was unsuccessfully terminated.

Case disposition was also related to program termination status. For those clients who were not incarcerated upon case disposition, 86 percent were successfully released to the court from the electronic monitoring program, while only three percent were classified as absconders. In contrast, only 67 percent of those clients who were sentenced to serve felony time in the state prison successfully completed the program, but 24 percent of this group was classified as absconders. It appears that to the extent that offenders can gauge the probability of incarceration, the chances are enhanced that they will flee the program.

PROGRAM GOALS

Ensuring Appearance at Trial

A total of 30 defendants were terminated from the program as absconders, but only 7 of these people remained at large at the end of July 1989. The remaining 23 absconders either appeared in court or were arrested by court warrant officers after missing a court date. Whether a true rate of at-large absconders of 3 percent (7 of 224 clients) is acceptable depends largely on choices that must be made by public officials.

It was not possible to directly compare this figure against failure to appear (FTA) rates for defendants released on bond or recognizance. However, an examination of FTA summary data for defendants who miss preliminary hearing dates indicates that appearance rates for defendants on pretrial home detention are comparable to those for persons released through traditional mechanisms. Summaries of release dispositions for five months in 1989 indicate that an average of 5 percent of defendants released on recognizance, the most appropriate comparison group for pretrial clients, failed to appear at their initial court hearing. The FTA rates for those released on personal or surety bonds were 2 percent and 3 percent, respectively. It is reasonable to assume that FTA rates for court dates after the initial hearing would be higher. This limited evidence therefore suggests that persons on pretrial home detention may have similar, or slightly higher, appearance rates than do defendants released on recognizance. However, that a substantial number of people were terminated as absconders indicates that the program fell short of insuring that people placed on pretrial home detention did in fact comply with court-ordered requirements to remain at home.

Protecting Public Safety

The analysis of client files revealed that a total of five clients were arrested while on pretrial home detention. Two of these persons were arrested on warrants issued before they were placed on the program. Arrest on a warrant, after persons have been placed on home detention, reflects more on the screening and intake stage than it does on failure to protect the public.

Of the three arrested for new offenses, two were charged with drug-related crimes (one possession and one dealing); neither of these two clients faced drug charges when initially placed on home detention. The third new arrest involved a defendant who was placed on the program for habitual traffic offender charges stemming from repeat drunk driving; this person was arrested for a new drunk driving offense 16 days after release from jail. Again, determining whether 3 new arrests out of 224 clients (1.3%) represents an acceptable record in protecting the public is beyond the scope of this evaluation. Comparison data for defendants released on recognizance or bond are not available, but it is reasonable to expect that at least one percent of these persons are arrested on new charges before their final disposition.

A more fundamental, and difficult, question is whether pretrial clients committed new offenses while on home detention. New arrests are limited as an indicator of failure to protect the public since this measure assumes that offenses are reported to police, and a suspect arrested. Absent reliable self-reports of offending, it is not possible to determine whether individuals commit new crimes that do not result in arrest.

It is important to note that home detention with electronic monitoring cannot guarantee to protect the public from further crimes: Electronic monitoring systems do not incapacitate a defendant. They can provide information about when people are at home, but only if electronic monitoring equipment is functioning properly and carefully monitored. Furthermore, electronic evidence of a client's absence does not empower agency staff to effect an arrest, let alone prevent an offense.

Jail Resource Management

At the simplest level, this pretrial program provided some relief from jail overcrowding. The 224 clients traced in this evaluation totaled 16,325 person-days on home detention, implying that scarce jail cells were freed for other persons awaiting trial or serving sentences. Importantly, most of these persons were recruited directly from the jail, rather than routed to home detention in lieu of some other release mechanism. To some extent then, pretrial home detention enabled criminal justice professionals to better use available jail resources. However, it is important to be cautious in making too much of this claim. It is likely that some persons placed on home detention may have been able to raise bail after a few more days in jail. It was not possible to determine how quickly pretrial defendants' cases were adjudicated, but it is also reasonable to expect that the motivation to accept a plea bargain or press for a speedy trial was weaker among those released to home detention compared to those who remained in jail. Therefore, the total number of person days served on home detention no doubt overestimates the number of jail days saved.

RECOMMENDATIONS

Expanding Pretrial Home Detention

If the program was successful in getting some people out of jail, it raises the question of whether even more defendants could have been placed on home detention. The combined criteria of a suitable residence with a telephone and an inability to qualify for other forms of pretrial release probably would preclude releasing significantly more people from jail. Bail is usually relatively low for defendants facing minor non-violent charges. If people cannot post bail under such circumstances, they are less likely to have a suitable residence with a telephone. Bail will be higher for persons facing non-violent charges if they also have a more extensive criminal history. Such defendants might be released to home detention, but the data indicate that a longer criminal history is more likely to produce a jail or prison term, and persons facing such sentences present a higher risk of failure.

We, therefore, do not believe that the target population could have been expanded. People with no prior record who face more serious or violent charges might be considered for release, but this would entail some higher level of political and/or public safety risk. The same is probably true of drug offenders. It would be difficult for most public officials to advocate pretrial electronic monitoring for small-time dealers or users who cannot make bail, unless release conditions also included periodic urine tests. But urine testing programs could as easily accompany less restrictive release conditions.

Screening and Intake

The analysis revealed two factors that were important, if not unequivocal, correlates of program success: living arrangement and criminal penalty. Living with one or both parents was the modal category, and clients in such households were much better risks than those living with other relatives. This finding is probably confounded by other factors, such as age and the general status of familial relationships. Only 13 defendants lived with a spouse, but they were the most likely to complete pretrial home detention successfully (92%). Clients in known quasi-marital relationships, living with an opposite-sex roommate, also did well. These findings offer some guidance for the screening function of home detention programs. If potential clients are able to return to a home with some type of "traditional" family structure, they are more likely to succeed. Persons who live with members of their extended family, or unrelated persons are likely to perform less well.

Program performance was also related to eventual case disposition: Offenders who received executed prison or jail time were more likely to have absconded from the program. In some jurisdictions it may be possible to screen potential clients by anticipating the probable sentence the individual will receive, if convicted. For example, in Indiana the second unrelated felony conviction carries a mandatory term of incarceration. Program personnel may be able either to screen these individuals, or flag them as potential absconders³.

Organization and Management

Like virtually all criminal justice agencies that are responsible for dealing with individuals, the Marion County Community Corrections agency was more attentive to recordkeeping on individuals than to aggregate measures of performance. The electronic monitoring equipment produced an astonishing volume of information on individuals, but this information was used only on a case-by-case and call-by-call basis. It is important for field contact staff to conduct daily reviews of phone logs to detect absences, but also aggregate reports should be produced on a weekly basis for individual clients. Agency staff should routinely consult these reports as indicators of activity patterns. A declining rate of successful calls should be considered as early warning that absences may be increasing.

Similarly, program managers should carefully review the written logs and other records maintained by field contact officers. These were incomplete and of widely varying quality for the Marion County program. Unless computer and manual calls, together with field visits, are carefully documented and reviewed, it is not possible to determine whether the program is being delivered consistently over time and across clients. If inconsistency is perceived by clients, it becomes more likely that they will try to guess when they can leave their homes without being caught.

Other jurisdictions considering similar programs must recognize that electronic monitoring is neither automatic nor foolproof. The equipment requires some attention if it is to maintain any semblance of regularity in keeping track of clients. Staff who monitor both equipment and people require some level of direct supervision.

Training is a related issue. Staff in Marion County's pretrial program were not well-versed in operating the equipment. For example, a monthly backup of computer call records was regularly copied onto floppy disks. However, data for two program months were unusable because staff had been copying files onto disks that were not compatible with the computer system. Because the agency made no use of these data, this problem was not discovered until the research team began to recover call record data for this evaluation.

Interagency Coordination

Many different actors from different organizations were involved in the Marion County pretrial program, but the routines of these organizations were not integrated in any systematic way. Some judges refused to consider clients for release in the program. Some deputy prosecutors viewed increased supervision of people now released on recognizance as desirable. Warrant officers would fetch pretrial absconders only if they failed to appear in court. The general literature on criminal courts (eg, Eisenstein and Jacob 1977) and more specific studies of court reform (Feeley 1983), consistently point to the shared incentives of actors in different organizations as reasons why changes imposed from above or outside often fail. In a similar fashion, if a program delivered by yet another agency is simply grafted on to this system, it must adapt to the complex and often conflicting goals pursued by other actors.

CONCLUSIONS

Local governments throughout the nation face the problem of jail crowding. Innovative forms of punishment and pretrial release are no longer simply attractive options; they have become necessary alternative policies for many jurisdictions. Pretrial home detention with electronic monitoring can be a viable alternative to detention in jail. But like most other experiments in innovative criminal justice policy, its utility is limited. Just as some persons are poor risks for release on recognizance or bail, pretrial home detention is not suitable for all defendants. In Marion County's experience, only a relatively small proportion of persons not released through other mechanisms were placed on home detention. We do not believe many additional persons could have been released.

Similar programs may be suitable for other large cities, but a program's viability depends on the makeup of a jail population. If large numbers of persons facing non-violent charges are being detained, many such persons may be released. A stand-alone pretrial home detention program probably is not suitable for smaller jurisdictions, or larger areas with relatively few minor offenders in jail.

Other cities considering similar merged programs must recognize that pretrial and postconviction clients are different in many important ways. If there is to be a workable program of conditional pretrial release with home detention, it must be designed with these differences in mind. The problems associated with screening and monitoring different groups are not insurmountable, however, the implications and limits of a technology developed for one population emerging at one stage of the criminal justice

process must be recognized before being applied to a different group just entering the process.

ENDNOTES

1. Because of equipment failures and related problems, recoverable copies of call records could not be obtained for the remaining clients.
2. Table 2 excludes five clients who were still on pretrial electronic monitoring in April 1990; three additional clients were released from the program by court order for medical reasons or substance abuse treatment.
3. Because of the nature of the data, this recommendation should be viewed with caution. Although it is our belief that anticipation of the eventual penalty produced the higher rate of absconding, it is entirely possible that the absconders, when they eventually appeared in court, were more likely to be incarcerated because they had violated the conditions of their release.

Figure 1. Status of Electronic Calls

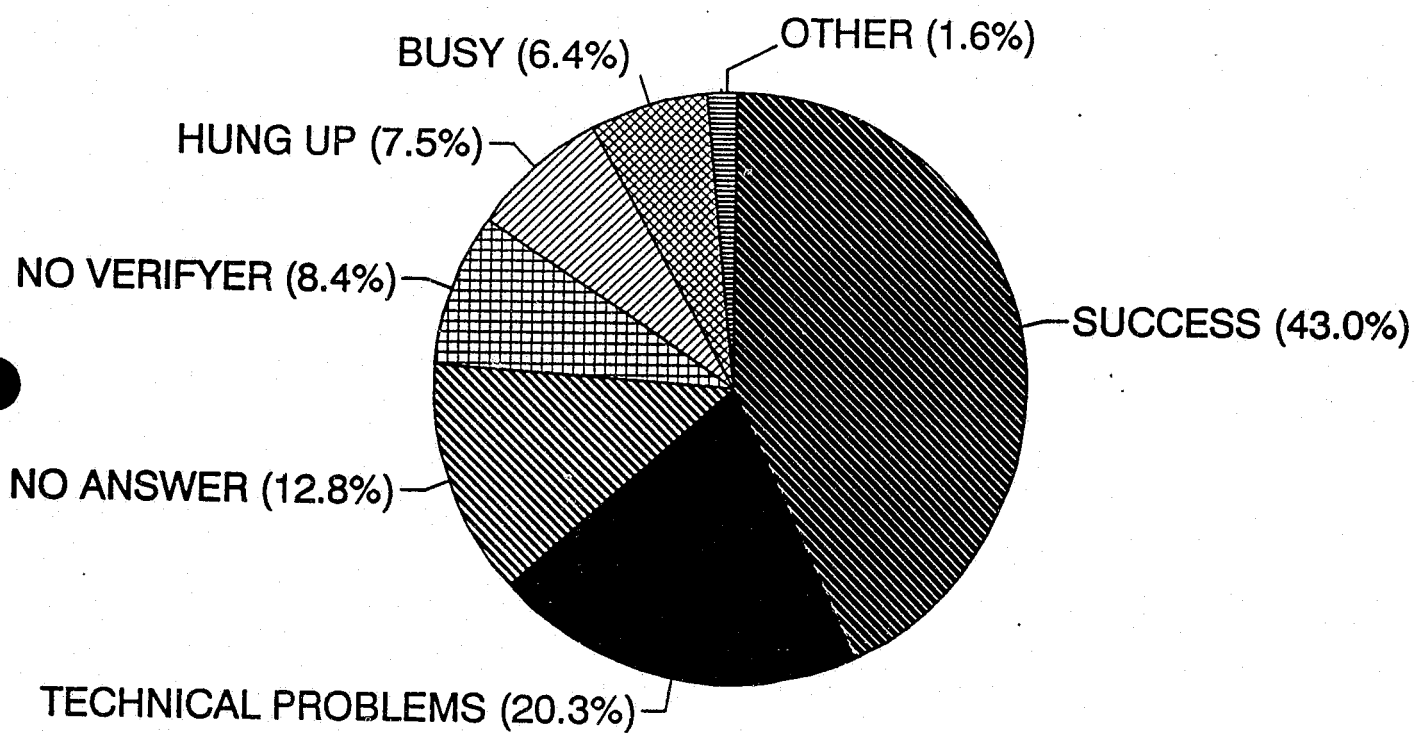


Table 1. Pretrial Program Screening
July 1988 - July 1989

	N	%
Total Clients Reviewed	1088	100
Ruled ineligible at screening	905	74
Rel. court order, bond	149	19
No telephone	125	16
Defendant or HH decline	216	27
Extensive criminal history	220	27
Other	95	12
Reject by court after screening	27	2
Total Ineligibles	832	76

Source: Compiled and adapted from agency weekly reports.

Table 2. Pretrial Program Termination

Termination Type	N	%	Mean Days On Program	Mean Rule Violations
Release to Court	157	73	85.0	.85
Technical Violator	29	13	57.9	5.2
Abscond	30	14	43.3	2.9
Total	216	100	75.6	1.7

Summary of Pretrial and Postconviction
Program Termination

	Pretrial	Postconviction
Total Successful	73%	81%
Total Unsuccessful	27%	19%
Total N	216	153

Chi Sq. = 3.45, df = 1

.05 < P < .1

Source: Pretrial data coded from agency records. Postconviction data adapted from Baumer and Mendlesohn (1990).

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