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Based on these sources of information, it is clear that the Division has made a substantial commitment in time, effort and resources to design, implement and utilize the WRAS. The WRAS was designed using generally-accepted and appropriate methods. Principal among those was a time study conducted in 1983 in which a cross-section of line staff were instructed in recording the actual time they spent in direct client service functions such as supervision and investigations as well as non-direct or administrative functions. These data from line Agents for a sample of clients over a three-month period (longitudinal study) was compiled, analyzed and reported by a private contractor experienced in this type of study. The results were reviewed by a Task Force of Division representatives and management, and the actual workload standards (i.e., time credits per function in units) were officially promulgated for the Division by Policy Directive 84-2.

Since that time, workload statistics have been reported to Division managers and supervisors and are used to distribute work equally among Agents through assignments and reassignments of cases/clients and to allocate positions among regions, sections and offices on a statewide basis. In addition, the Division produced its first workload-based budget last year in which workload computations were used in combination with programmatic considerations to justify a request for a substantial number of new positions (see memorandum from William DeVance, Director to Secretary Robinson dated 10/19/87).

A WRAS is a widely accepted and utilized management tool in parole and probation agencies around the country and there are some important advantages to its proper use in Maryland. First, it can provide an objective, data-based system for decision-making. To the extent that the system is perceived as a credible one, albeit not necessarily precise, it will be viewed as a fair basis on which to make work assignments and allocate staff.

**VOLUME 4 -- WORKLOAD RESOURCE ALLOCATION SYSTEM (WRAS)
AND AGENT ALLOCATION**

I. INTRODUCTION

In order to conduct an in-depth examination of the Division's Workload Resource Allocation System, the consultants reviewed a large volume of relevant documents and conducted interviews in person and by telephone with a wide range of Department and Division personnel. Those documents reviewed included the Operations Manuals for Agents and Supervisors, the Monthly Statistical Report, Monthly Workload Reports for Supervisors, the original time study analyzed by a private contractor, a Workload Analysis Report to the Management Council by the Workload Accounting Core Team, population projections and budget requests, and various memoranda by Department and Division personnel.

Those persons specifically interviewed in regard to the WRAS are as follows:

Bishop L. Robinson, Secretary

Albert J. Dardas, Jr., Division of Audits & Compliance,
Office of the Secretary

Richard Tamberrino, Research & Statistics, Office of the
Secretary

Robert Gibson, Research & Statistics, Office of the
Secretary

Dr. Donald Atkinson, Ed.D., Acting Division Director

Eugene Jubilee, Assistant Director for
Field Operations (Acting)

French Mackes, Regional Administrator

William H. Earle, Regional Administrator

James Britton, Management Information

Lois Hausman, Chairperson, Investigative Task
Force, Upper Marlboro Office

Nancy Hoffman, Field Supervisor II, Essex/Rosedale

Lawrence Flynn, Supervisor, Investigation
Unit Baltimore City

Charles Rice, Assistant Regional Administrator (II)

James E. DeVance, Assistant Regional Administrator (II)

Second, a WRAS takes into account individual client differences in time required for appropriate supervision. The WRAS uses client classification information in crediting workload units to Agents based on the distribution of their caseloads relative to assessed risk and need levels. Simple caseload size comparisons ignore these important differences and has confounded all efforts to determine the "optimum" caseload size.

Third, a WRAS takes into account all activities and functions for which the Agent must be responsible including supervision, investigations as well as administrative duties. Again, considerations of caseload size do not and cannot account for these elements.

Finally, a WRAS accounts for all types of positions including mixed caseload, investigative and management positions. Using functions rather than positions as its unit of analysis, a WRAS can apply universally to any and all specialized or diversified positions.

In order to be an effective management tool, however, and to achieve the goals and advantages outlined above, a WRAS must be carefully designed, conscientiously maintained and properly utilized. The remainder of this part of the report provides a detailed examination and assessment of the strengths and limitations of specific components of the Division's WRAS. It concludes with a series of recommendations intended to enhance the Division's ability to employ it successfully as a major management tool now and in the future.

II. ACCURACY OF THE WORKLOAD MEASURES

Accuracy is always a relative rather than an absolute standard when applied to different types of measures. In regard to workload systems, accurate measures are somewhere far short of exact, but something significantly more precise than a simple approximation. By necessity, workload measures must rely on averages to measure activities conducted by a large group of people in different locations and dealing with very diverse circumstances (e.g., events and offenders) over a particular

period of time. For these reasons, exactness or a high level of precision is an unreasonable and unnecessary standard of accuracy for workload measures.

A more realistic and useful standard would rely on an assessment of the defensibility and credibility of the workload measures. Defensible workload measures would be those developed using accepted and appropriate methods that can be easily explained and understood. The use of a longitudinal time study with careful quality control procedures would meet this standard in most circumstances. Credible workload measures would be those that are generally accepted and considered fair (when applied consistently) by those who are affected by, or who must make decisions, based on these measures.

In order to assess whether the accuracy of the Division's WRAS meets these standards of defensibility and credibility, the consultants examined each of the components of the workload formula (or method of computation) currently used in Maryland. This method of computation or workload algorithm is first presented as a simplified diagram followed by a detailed discussion of its two major components which are work time required and work time available.

Work Time Required

Work time required is defined as the amount of work or of working time expected from or assigned to (i.e., required) an Agent. In the aggregate, this is the amount of work performed by a group of Agents (such as a section, office, region, division, etc.) within a specified period (e.g., month). For the Division of Parole and Probation, work time required was measured for the three functional areas of intake, client supervision and investigations. In this WRAS, court time is subsumed under each of these functional areas.

As to time required for supervision, the workload standards used by the Division are differentiated by classification level and were originally derived from a time study conducted in 1983. These supervision and workload standards are unchanged since they

were initially promulgated as agency policy in 1984. Consistently, throughout the interviews of Division personnel, these workload standards for supervision were held as reasonably accurate reflections of the time required to meet minimum supervision requirements. By way of further affirmation, the current supervision (i.e., type and frequency of required contacts) and workload standards (i.e., time required to meet contact standards) closely parallel similar systems in many other parole and probation agencies across the country.

As a means for a more detailed examination, a comparison of workload units by function from the original time study, were compared with current agency workload standards. This comparison is summarized as Table 4-1. On the whole, comparing differences between workload units and current agency standards (converted here to hours and minutes) reveals very few or only minor changes probably for the purpose of rounding these numbers for ease of comprehension and computation. However, several categories were significantly changed and therefore require closer examination.

Adjustments in workload standards from the measures generated from a time study are not uncommon or necessarily inappropriate. However, such adjustments require a clear and concise justification. The consultants were able to uncover only limited documentation that would not likely meet the requirements of many oversight authorities. (See Workload Analysis Report to Management Council 1/12/84). More specifically, the supervision categories of maximum, medium and minimum were all adjusted to a significant degree (upward) to warrant additional written justification.

The category for clients in review (i.e., new cases being processed for classification after intake) was also significantly adjusted. However, the original study also produced a workload measure very close to the current standard when CMC was included (in brackets). The understanding of current Division policy, however, requires CMC only on clients classified in maximum supervision and thus brings the current standard into question. Finally, the current WRAS continues to give workload credits for

TABLE 4-1

**Comparison of Workload Units from
Original Time Study and Current Agency Standards**

Function	Original Time Study	Agency Standard	Difference
<u>Supervision Level</u>	(Hours)	(Hours)	(Hours)
Review (New)	1.46 (1.9)	2	+0.54 (+.1)
Maximum	1.42	2	+0.58
Medium	0.52	.75	+0.23
Minimum	0.35	.5	+0.15
Non-Active	0.24	.25	+0.01
Delinquent (3 years or less)	0.29	.3	+0.01
Intake	0.69	.70	+0.01
Investigations	(Minutes)	(Minutes)	(Minutes)
Home & Employment	65.8	66	+0.2
Pre-Parole/Jail	168.5	180	+11.5
Pre-Sentence	468.5	480	+11.5
Special Division	72.6	72	-0.6
Applicant	469.7	480	+10.3
Executive Clemency	1009	1008	-1.0
Special Court	150.2	150	-0.2
Pre-Trial	419	420	+1.0
Post-Sentence/Court	451.9	450	-1.9
Post-Sentence /Life	Not Studied	240	+240
Interstate Home & Employment	84.5	90	+5.5
Interstate Background	177.4	180	+2.6

review cases even when they remain unclassified after the 30 day deadline. Clearly, this would inflate workload figures for Agents who fail to adhere to Division policies and procedures as currently written. Indications were received that this cliché in the WRAS has been detected and was slated for corrective action and that supervisors were examining review cases which were beyond the deadline, in order to adjust workload measures on the local level and insure that Agents take corrective actions.

A similar situation exists with regard to cases which have passed their expiration date. The WRAS continues to give workload credit at the rate for the latest assessed supervision level until the Agent submits the final reassessment and termination forms. The consultants were also informed that this cliché was also slated for corrective action and that supervisors were reviewing Agent caseloads to detect such cases and insure correction action.

While these types of cases are mentioned here as sources of inaccuracy for the WRAS, more importantly, they represent violation of Division policy and procedures for timely supervision. These and other supervision requirements such as the completion of CMC on mandatory cases and the timely completion of reassessments and maximum consideration of early termination and abatements should be continuously and consistently monitored by Field Supervisors. A special monthly report to Supervisors indicating cases that exceed deadlines or appear to qualify for early termination or abatement would facilitate such oversight and would improve the quality of supervision, increase the accuracy of the WRAS as well as control workload itself.

While there was only the most minor of adjustments in workload standards for the supervision categories for non-active and delinquent cases, these standards raised other questions. Cases in the non-active category were described as those unavailable for supervision, those with legal sentences but not actively supervised, those with duplicate or multiple cases (i.e., sentences) and those requiring monitoring instead of

supervision. It remains unclear as to the specific responsibilities that Agents have for client/cases in this category, so it is not possible to assess the appropriateness of the workload standard itself at this time. However, even the small amount of workload credit accorded cases in the non-active category has a significant impact on the assessment of staff resources as there are more cases in this category for supervision than any other (27,589 in June 1988). Further, delineation of Agent responsibilities for these cases as the basis for a justification of the current workload standard is warranted.

Similarly, while there was also only minor adjustment to the workload standard for delinquent cases, this category also raised other questions. Cases in this category were described as those who have failed to report and/or absconded and for whom a warrant has been issued. Agents are given a relatively small amount of workload credit for delinquent cases for up to three years, but again, the number of cases in this category is substantial (14,673 in June 1988). It would seem more appropriate for Agents to receive a much larger credit for a short period of time in order to attempt to locate the client. Failing that in a reasonable period, the case would await apprehension by law enforcement and the workload credit should be eliminated until and unless the client was located and reactivated for supervision. The current approach appears to require reconsideration.

Finally, in the area of supervision, the consultants were told by many field staff on all levels that the amount of time Agents spend in Court processing violators has increased substantially. This is the result of both an increase in the number of violations as well as the inefficiency of the court process where hearings are unscheduled and Agents must wait for long periods of time to appear on the violation. Obviously, efforts to establish reasonably efficient methods for processing violations is the most desirable solution and should be actively and aggressively pursued on all levels. Should the current

circumstance continue, it may be advisable to have actual court time for violations collected, compiled and reported separately. Yet, another alternative would be to conduct a new time study of court time in relation to supervision activities. This issue should be important to the Courts as well as the Division as excessive waiting time in courtrooms will compromise the Agent's ability to provide supervision and investigative services on which the courts rely.

In the area of investigative functions, workload standards received only minor adjustments when compared to the original time study, however, the consultants were made aware of other factors which bring their accuracy into question. First, Agents consistently reported that heavy workloads in this area and there underestimation of the importance and implications of the original time study resulted in less than adequate recording practices. Perhaps even more importantly, the form and content of certain investigations have changed significantly since the original time study. A case in point is the Pre-Sentence Investigation (PSI) which is the single largest category of investigations by volume and requires a significant amount of time to complete (current workload standard is 8 hours). The following sections of the PSI have been expanded since the original time study in 1983: 1) the criminal record section now requires dispositions for all entries; 2) a motor vehicle record must be obtained for all offenses; 3) for cases with prior parole or probation history, the investigator must identify and contact the supervising Agent(s); 4) the employment record must cover 5 years instead of 3; 5) a financial section listing assets and liabilities has been added to aid the court in assessing restitution; and 6) a victim impact statement has been added which must include a face-to-face contact with the victim(s).

For these reasons then, a new time study of investigations should be undertaken in which strict quality control measures must be included. Quality control measures should include a thorough review of all data collection forms for completeness, accuracy, etc. In addition, all investigations included in the

study should be reviewed for completeness, verifications, etc., so that the ultimate time standards will be based on products that meet the Division's minimum quality standards.

Work Time Available

Work time available is the other major component of the workload formula and is defined as the amount of work capable of being performed by an Agent, Section, Office, or Division within a specified period of time. Work time available is computed by totaling the number of work hours per day multiplied by the number of work days per month and then deducting time for annual and sick leave, personal days, training as well as time for non-direct client services and administrative duties. The current standard for work time available is based on the original time study averages for the deductions listed above which is the capacity figure of 1,065 workload units or approximately 106 hours per month.

By way of general comparison, this capacity figure for work time available (106 hours per month) is significantly below the same figure for similar agencies known to the consultants, which generally averages from 117-120 hours per month. This difference is wholly or largely attributable to the shorter work week (35.5 hours) and larger number of holidays and personal days of Agents in Maryland. However, a closer examination of factors affecting work time available revealed several sources of potential inaccuracy.

One such source for potential inaccuracy is in the area of training time. At the time of the original study, the standard for training for all Agents was 40 hours per year. Since that time, this standard has been reduced for Senior Agents to 20 hours per year with additional training available on an elective basis. In addition, new Agents are considered to have 100% training time during their first month (0% time available) and 50% training time during the next 5 months (50% time available). It is the so-called Agent Table File within the Division's automated WRAS where training time and time available are to be

recorded. A random sample of two new Agents was examined and they were found to be inaccurately listed as to time available. For these reasons, the Division should establish a systematic process and clear responsibilities for differentiating training time and time available by individual Agent on an ongoing basis so that the Agent Table File will accurately reflect these factors for computing workload.

Yet, another source for potential inaccuracy is in the area of deductions for annual, sick and personal leave days. The current WRAS utilizes average credits for these factors derived from the workload study five years ago. While leave patterns may or may not be stable from year to year, they should be reexamined annually to insure their accuracy. This would not necessitate a new time study each year, but can be done by simply averaging leave time reported by Division personnel to the Department's Personnel section on an annual basis with the workload capacity figure adjusted accordingly for the next year.

In general, it has been the experience of the consultants that the work time available component of the workload formula often receives as much, if not more, attention from oversight authorities as does the work time required component. As a result, this figure should be carefully reexamined and modified and refined as appropriate each year so that it too continues to meet the standards of defensibility and credibility.

III. AGENT ALLOCATIONS

In addition to equally distributing work among Agents, a WRAS can be used to appropriately allocate positions among offices, regions, etc. As part of this review of the Division's management systems, the question was raised as to whether allocations were being made on a reasonable basis. In order to definitively answer that question, what's required would be a detailed comparison of actual allocation decisions with the workload and other data available at that time. The limited period available for the on-sight assistance would not allow for the conduct of such an assessment. As an alternative, the

consultants interviewed Regional Administrators and other Supervisors to determine the process they used to make allocation decisions.

Each manager was asked to describe the information that was used, the source of the information and potential inaccuracies as well as additional factors they consider. Uniformly, all managers referred to the monthly statistical summary distributed by Headquarters and containing workload data for each region, section and office as the primary source of information for allocation decision. Everyone interviewed displayed a clear familiarity with the information and a facility for comparing the data across offices or sections to determine areas with the highest workload demand. Further, all managers referred to local conditions and circumstances (e.g., vacancies, extended leaves, space, Agents in training, etc.) as additional factors they consider in reaching allocation decision. Finally, managers also referred to potential sources of inaccuracies in the workload data which had to be examined before finalizing any decision. These sources of inaccuracy included such circumstances as a large number of cases in review past the prescribed time line for classification or cases past expiration.

Based on this review of the process, the Division appears to use the WRAS consistently and effectively for making allocation decisions and that using workload data in combination with local conditions and considerations is a reasonable basis on which to make these decisions. However, in exploring the process of decision-making, two related problems were uncovered. First, most managers interviewed indicated that where workload demands were equally high, the priority would most often be given to allocating an investigating Agent rather than a supervisory Agent position. This prioritization is necessitated by the higher level of accountability for investigative over supervisory services on the local level. This is a most unfortunate reality for the Division since the supervision of offenders is a higher priority for the Division in the minds of most oversight authorities and the general public.

Beyond the appropriateness of the allocation decision itself, most managers bemoaned the protracted nature of the hiring process. Apparently, hiring is limited to twice annually to coincide with the conduct of the training program for new Agents held at the academy every six months. Potentially then, it may be up to six months between the time a new position is allocated or a replacement position authorized (following a transfer, resignation, retirement, etc.) and a new Agent is actually hired. This, of course, is then followed by a six-month training program before the new Agent is considered to be fully functional. In total then, up to a year may elapse between the allocation of a new or replacement position and the presence of an Agent functioning in that position. This circumstance is clearly debilitating for staff morale and the viability of field operations. The Department/Division should give immediate consideration to methods to expedite the hiring and training process which may involve the scheduling of additional academy training sessions or developing a structured training curriculum that can be delivered on a local level.

IV. WORKLOAD-BASED BUDGETING

The third important purpose or use for the WRAS is as a justification for budget requests. Although the Division's WRAS was implemented in 1984, the first workload-based budget was not presented by the Division until 1987 for Fiscal Year 1988 (See Over-the-MARC request from William DeVance, Director, to Secretary Robinson, dated October 19, 1987). This is unfortunate, for although budgeting is essentially a political process, it is also an educational process. Budgeting by workload provides a whole new basis for justification using new language and measurement techniques as well as a new perspective on the functions of parole and probation. To be effective, this requires a concerted educational process on the part of the Division and the Department which usually requires several budget cycles to fully accomplish. To postpone this production of a workload based-budget extends the necessary time for this

educational process farther into the future and further entrenches the traditional caseload count and status quo perspectives on parole and probation.

Upon examination of this, the first workload-based budget request, several specific concerns emerged. Chief among these concerns was the fact that although the overwhelming majority of new positions were requested, "to respond to workload growth," most of the subsequent discussion relies on actual and forecasted "caseload growth" over several years. This is at least confusing and perhaps worse, self-defeating. It is confusing as workload is a distinctly different basis for budgeting than caseload, yet both are presented simultaneously with little, if any, discussion of the relationship between the two. This would seem to further entrench the traditional caseload perspective rather than foster a shift to an acceptance of the new workload perspective with its clear advantages for taking into account all functions (e.g., investigations and supervision) as well as individual differences between clients (i.e., classification based on risk and needs, etc.).

This mixture of caseload and workload figures can also be self-defeating. Workload is supposed to provide a more credible basis for budgeting in so far as it is based on an objective - data based system. On the other hand, caseload counts are known to present the most extreme and largely inflated view of the volume of parole and probation activity and bears little direct relationship to workload calculations. To simply present caseload consideration in conjunction with workload will likely unnecessarily reduce the realibility of later. Instead, the budget justification should begin with an overall assessment of workload growth and required staffing levels followed by separate but related discussions of the components of workload including changes in the number of clients by classification level, number of investigations, etc.

Still further, this budget request is based on "forecasted growth." While forecasting or projections is commonly used in budgeting, the results and methods are often subject to close

scrutiny and intense controversy themselves. To use forecasting in conjunction with an entirely new basis for budget justification (i.e., workload) will at least complicate the education process at the outset and may even unnecessarily undermine the credibility of the basic systems. The Division should consider eliminating the use of forecasts until the workload system is well understood and accepted, or present both forecasted and current workload measures in each request.

Finally, this budget request provides only very general and vague references to the consequences of the failure to have staffing levels keep up with workload growth. General references to the "deterioration of quality and credibility" should be couched in specific operational terms such as incomplete, unverified and delayed investigations and inability to meet minimum standards of supervision with direct consequences for public safety, offender assistance, etc. Even further, the Division should present what action or alternatives will be taken or at least considered in the event that appropriations are not authorized which would bring staffing levels in line with workload demands.

V. OVERALL STAFFING LEVELS

Based on the WRAS as currently implemented and the data reported in the Division's statistical summary for June 1988, (which was not available to any field personnel at the time of the on-site visit) the Division shows a calculated deficit of approximately 63 Agents for supervision activities statewide. Although, the absolute number of Agents needed varies considerably across the four regions (e.g., 4 for Region I to 26 for Region IV), the percentage of additional Agents needed is fairly narrow in range as follows:

Table 4-2
AGENT ALLOCATION

<u>Region</u>	<u>%Agents Needed</u>
I	+ 8%
II	+13%
III	+11%
IV	+17%

It can therefore be concluded that the Division is significantly but not extremely understaffed in the area of supervision (approximately 13% statewide) and that this deficiency is somewhat evenly distributed across the Regions. However, a closer examination of staffing deficiencies within sections and offices reveals a much wider disparity with two small offices in Region II at 108% staffing for Leonardstown compared with -70% staffing for Prince Frederick, as examples of the extremes. As an example of the disparity in staffing levels for medium-size offices, the same report reveals 103% staffing for the Guilford-C office in Region II compared with -34% staffing for the Silver Spring office in Region IV.

Clearly, this assessment of current staffing levels must proceed to include the functional areas of investigations and intake. However, the information presented in the June summary is not presented in a way that offers as direct an assessment without further computations. Even more importantly, the data as presented does not allow for an overall assessment of staffing levels across all functional areas. It appears that the statistical summary report can be improved so that it is easier to use and more useful. Changes to this report are discussed in more detail in the next section.

Despite the limitations of the data as presented, it is generally clear that the Division lacks sufficient staff to meet the current volume of work in accordance with established standards, without significant amounts of uncompensated overtime by staff in certain locations. It is therefore essential that the Division and the Department develop and articulate a clear set for strategic and tactical policies and procedures at this and any future points in time to bring work requirements in balance with available staff resources. Not to do so will seriously undermine the morale of the Division's staff and further deteriorate the credibility of its management systems among staff and oversight authorities alike.

Clearly, obtaining additional staff through the appropriations process using a workload-based budget request

would be the most desirable approach. If this is unlikely, a set of other options should be delineated and prioritized for implementation in the face of continued understaffing. The Division has approached this task in a very limited way with the so-called override policy directive. However, it appears these options have never been authorized (officially) and may not be sufficiently effective, nor do they consider the full range of options available. A more complete consideration of options to be used, temporarily or permanently, to bring workload demands in line with staff resources should include the following (with no particular priorities intended or implied):

1. Relaxed supervision standards - the number of contacts remains the same, but the type of contacts may be relaxed such as face-to-face contacts in the office or by telephone, etc;
2. Undersupervision - where standards remain the same but authorization is given to supervise certain types of clients at a lower level such as medium level clients supervised as minimums;
3. Reassessments - can be authorized or required at more frequent intervals and/or using more relaxed standards for reclassifications;
4. Cut-off-scores - for classification levels can be adjusted so as to place more clients in lower levels of supervision;
5. Reassignments - staff positions can be moved from one location to another where possible or as vacancies become available; and/or
6. Supervision standards - can be changed so as to require less time to meet the required minimum contact standards.

VI. FORMAT OF WORKLOAD AND STATISTICAL REPORTS

Information is as an important a resource as people, time and money and should be managed as carefully. Unfortunately, too often this is not the case and information may be inaccurate or not timely, or too little or too much information is presented.

The later is the case in regard to the monthly statistical report prepared by the Division. While the report presents valuable and important information, it is too voluminous to be most useful for many managers. This report should be reformatted so that only the information needed by specific individuals is presented. For example, the level of detail in the report is well beyond that needed by the Secretary. Instead, an extract of this report should be prepared which clearly highlights the information most important for his purposes. This should probably be confined to statewide figures for activity levels in functional areas as well as workload data compared with current staffing levels. Other information not currently reported may also be added depending upon his interests and need to know, such as success/failure rates by supervision level, overall rate, etc. A similar assessment should be made for specific individuals to which the report is currently distributed.

In addition, further changes to its format can improve its usefulness. While monthly data is important and of interest, decisions often require an assessment overtime, rather than simply an assessment of a single point in time. It would be more useful if this report was reformatted to present monthly statistics in relation say to previous year, quarter, etc. Similarly, interpreting the significance of data can be greatly facilitated by using illustrations such as graphs, pie charts, etc., rather than simply presenting tables of numbers.

Finally, the current caseload summary fails to clearly differentiate between cases and clients and in some cases combines both. In other words, what is labeled as cases, upon closer examination, turns out to be clients (i.e., individual offenders) in some instances, cases (i.e., legal sentences for which a single offender may have more than one or several) in other instances and a combination of cases and clients in still other instances. This is extremely confusing to all except the most careful and knowledgeable user. This report would be much more useful if it were reformatted to more clearly differentiate between cases and clients.

VII. CONCLUSIONS

The Division of Parole and Probation has made a substantial commitment of resources to design, implement and utilize a WRAS. The WRAS was designed using widely accepted and appropriate methods. The WRAS also appears to be used effectively and consistently for allocations decisions and when used in combination with local conditions and considerations, workload data is a reasonable basis on which to make these decisions. However, the Division's commitment to the WRAS has waned in regard to the maintenance and refinement of the system. In addition, the Division has failed to educate Department staff and oversight officials fully about the advantages, design and operation of the WRAS. As a result, the WRAS lacks the general acceptance and creditability that is required for it to serve as a fully effective management tool. What is now required is a multifaceted action plan that must include: 1) a full and objective assessment of its strengths and limitations; 2) a reaffirmation of the commitment to manage by workload for assignments, allocations and budget development; 3) the establishment of an ongoing process for the reexamination and revalidation of its measures and methods; 4) the establishment of a central authority for the WRAS; and 5) a concerted effort to educate Department staff as well as budget and other oversight authorities as to its purposes, uses, methods, advantages and operations on a continuing basis.

RECOMMENDATION #4-1

The Division should develop clear and cogent justifications for the adjustments made to the workload standards for maximum, medium and minimum supervision which must be sufficient to withstand the scrutiny of oversight authorities.

RECOMMENDATION #4-2

The Division should reassess the current workload standard for review (i.e. new) cases in light of changes to CMC policies which limit its application to cases in the maximum level of supervision.

RECOMMENDATION #4-3

The Division should modify the WRAS so that Agents will not receive credit for cases in review longer than 30 days and those past their expiration date. Supervisors should also monitor Agent caseloads on an ongoing basis to insure that corrective action is taken in these cases.

RECOMMENDATION #4-4

The Division should review the responsibilities of Agents for non-active and delinquent cases as the basis for reassessing current workload standards for these categories.

RECOMMENDATION #4-5

The Division should actively and aggressively pursue an agreement with the Judiciary on all levels (e.g. individual Judges, chief Judges, Court Administrators, etc.) to establish efficient procedures for the processing of supervision violators.

RECOMMENDATION #4-6

The Division should reaffirm its commitment to workload-based budgeting and insure that the form of budget justifications and presentations consistently utilizes workload measures and methods.

RECOMMENDATION #4-7

After a thorough consideration of all available options, the Department and Division should develop and articulate a strategy that will bring workload in balance with available staff resources.

RECOMMENDATION #4-8

The current monthly caseload summary report should be reformatted to clearly and consistently differentiate clients and cases.

RECOMMENDATION #4-9

The Division should establish a central authority to maintain, monitor and reassess the WRAS on an ongoing basis. This central authority should also serve as the repository for all WRAS documentation and communications so that Division may quickly respond to internal and external inquiries as to its design and operation.

RECOMMENDATION #4-10

The Division should develop, distribute and train Supervisors to utilize a special monthly "Overdue Report" which identifies cases which appear not to be supervised in accordance with policies and procedures. These types of cases include cases in review more than 30 days, maximum cases without CMC, overdue reassessments, cases past expiration and cases eligible for early termination or abatement.

RECOMMENDATION #4-11

If time in court for the processing of violations can be reasonably controlled, the Division should consider modifying the WRAS to report court time separately or conduct a new time study in this specific area.

RECOMMENDATION #4-12

The Division should consider the conduct of another time study for Investigations using strict measures of quality control.

RECOMMENDATION #4-13

The Division should modify the WRAS to accommodate different amounts of training time for various Agent positions.

RECOMMENDATION #4-14

The Division should reassess, and revise where warranted, the workload credit for all leave categories on an annual basis.

RECOMMENDATION #4-15

The Department should find alternative methods to expedite the hiring and training process for new Agents.

RECOMMENDATION #4-16

The Division should revise the format and content of the monthly statistical reports to meet the specific information requirements of individual Department and Division managers and should employ comparative (e.g. trend) data and illustrations where appropriate.

VIII. FOLLOW-UP ANALYSIS OF WORKLOAD RESOURCE ALLOCATION SYSTEM

Based upon the initial review of the Workload Resource Allocation System and Agent allocation by the NIC consultants presented in sections I-VII above, Secretary Bishop L. Robinson contracted for consultant services to carry out a two-phase follow-up of the deficiencies cited in the workload system. First, a detailed analysis is to be conducted of the empirical basis currently used by the Division to calculate workload and a validated recalculation performed of the current workload units, currently reported as 1065 units per Agent. Secondly, based upon a revised mission statement and policy directives to carry out the Division's mission, an implementation plan will be promulgated to put in place a Workload Resource Allocation System and Agent allocation to achieve the agency mission and policy successfully.

The following summarizes a five-step process for advancing the Maryland Division of Parole and Probation beyond the initial assessment to a resolution of key issues for case management and Workload Resource Allocation System, as well as a long-range plan to revise, implement, properly utilize and maintain these systems. These follow-up activities will be completed on or before March 1, 1989:

STEP 1: Clarification of the goals and objectives of parole and probation supervision. The existing statements of the goals of supervision in law and in policy are overly broad, are too vague and do not establish clear priorities for field operations. The consultants will conduct structured meetings with the Secretary and other key Department and Division policy makers in order to: 1) review the range of potential goals and objectives of supervision (i.e., the desired outcomes); 2) develop a clearly articulated statement of goals and objectives including priorities; and 3) develop a detailed plan to operationalize these goals and objectives including the supervision techniques to be employed, specific offender selection criteria and the necessary resources to be obtained or redeployed.

STEP 2: Revision of Supervision Standards. These standards are the behavioral expectations for field Agents as to the type and frequency of client contacts and are established by Division policy. As reflected in the NIC findings, Agent contacts currently focus on the enforcement of court/Parole Commission-ordered conditions. Further, the workload credits given for the various supervision levels vary significantly from those produced by the original time studies. On this basis, the consultants will conduct a meeting of a Task Group of Department and Division representatives as well as individual meetings with the Secretary and/or other key policy-makers and operational personnel in order to: 1) re-examine the original basis for the current supervision standards and workload credits; 2) develop a more accurate and defensible set of standards and credits reflecting current practice; and 3) develop a second set of standards and credits necessary to operationalize the revised goals and objectives statement developed in Step 1.

The supervision standards and workload credits will be policy-based. In other words, they will be estimates of requirements and credits which can be later validated and/or revised based upon empirical studies (e.g., time studies) in the future when appropriate and when sufficient time is available.

STEP 3: Recomputation of the time available or so-called "1065" figure currently used for the workload reporting system. The NIC review cited several areas of potential inaccuracy in the computation of this important workload component. The consultants will review Department records (e.g., personnel training, leave, etc.) and meet with a Department/Division Task Group (from Step 2) in order to: 1) reconstruct the original basis for the time available component; 2) identify alternative methods to correct inaccuracies; and 3) produce a more accurate and defensible figure. Again, appropriate empirical studies may be conducted to validate and/or revise this figure in the future when time permits.

STEP 4: Recalculate Staff/Workload Ratio. Using the policy-based adjustments to the supervision standards and workload

credits from steps 2 and 3, the consultants will work with Department/Division information systems personnel in order to: 1) reevaluate current staff/workload ratio; and 2) estimate the staffing level required to implement the revised supervision standards consistent with the goals and objectives from Step 1.

STEP 5: Final Report. The consultants will prepare a comprehensive final report detailing the processes and outcomes of Steps 1-4 as well as a long-range plan to operationalize the new supervision standards, techniques, etc. and to implement, maintain and utilize the revised Workload Resource Allocation System on an ongoing basis. The final report and recommendations will be submitted as a supplement to the present audit.

**MANAGEMENT AUDIT
OF
THE MARYLAND DIVISION OF
PAROLE AND PROBATION**

PHASE I - JUNE - DECEMBER 1988

**Volume 5 of 8
COURT-ORDERED COLLECTIONS**

**Prepared By:
State of Maryland
Department of Public Safety and Correctional Services
Division of Audits and Compliance**

January 1, 1989

**William Donald Schaefer
Governor**

**Bishop L. Robinson
Secretary**

VOLUME 5 -- COURT-ORDERED COLLECTIONS

Background

Pursuant to a number of legal mandates, the Division of Parole and Probation acts upon Court Orders to collect certain money from sentenced offenders. The Court indicates the type of money to be collected in the Court Order as a fine, court cost, restitution or attorney's fee (for public defender costs). In addition to these ordered costs, the Division also may collect a 2% fee from the offender calculated against the total Court ordered restitution amount. Finally, in a number of jurisdictions, the Division collects room and board charges and any other charges from an offender sentenced to the local work release program. The collection of such charges is ordered by the Court in the sentencing jurisdiction.

The following audit is a review of the collection process established by the Division in order to fulfill its mandates with regard to Court-Ordered collections. The audit is divided into two parts each with recommendations; the first part is a review of the Live-In/Work-Out Account/Program set up to collect charges from offenders sentenced to local work release programs, and the second section reviews the Court-Ordered collections for Fines, Costs and Restitution.

Live-In/ Work-Out Account

Introduction

Pursuant to Article 27, sections 639A, 645AA, 645K, 645M, 645U, and 700E of the Annotated Code of Maryland and as ordered by the Court, the Division collects wages earned by the Live-In/Work-Out inmates who are serving sentences in local jurisdictions. These locally-sentenced inmates are employed in the community and return to the local detention center after work to serve their sentences. Wages earned by the offenders are then disbursed in accordance with the law, Court Order, and Division policy and procedure in order to cover expenses for room and board, clothing, court-ordered payments for support, fines, costs, restitution, two percent (2%) collection fee and attorney fees as well as personal expenses and any other services approved and stipulated by the Court or agreed to by the defendant. Any balance retained after such expenses are deducted is to be paid to offenders within 15 days of their release.

Scope of the Audit

During Fiscal Year 1988, 373 new Live-In/Work Out cases were opened and supervised. Additionally, some cases that were opened prior to Fiscal Year 1988 were still open and under supervision during Fiscal Year 1988. As a result, there were 572 Live-In/Work-Out cases supervised by the Division during Fiscal Year 1988. Of these cases, a random sample of 75 cases (confidence level of 88.5%) was generated by the Research and Statistics Unit of the Office of the Secretary, using the Statistical Package for Social Science (SPSS) software package. Lists of the sample cases selected for audit in each region were forwarded to the Regional Offices along with a request to have the files available for review on a specific date. The following is a breakdown by Administrative Region of the cases reviewed:

Table 5-1
LIVE-IN/WORK-OUT CASE SAMPLE BY REGION

<u>Region</u>	<u>Total Cases</u>	<u>% of Total Cases</u>
I	23	31%
III	22	29
IV	30	40
	<u>75</u>	<u>100%</u>

This percentage breakdown is consistent with the total distribution of Live-In/Work-Out cases among the three Regions having Live-In/Work-Out Accounts.

Findings and Conclusions

The Live-In/Work-Out program is operated in three of the Division's four regions. Region II (Baltimore City) does not collect Live-In/Work-Out charges through the Division of Parole and Probation. Furthermore, only some of the counties within a Region have work release charges collected through the Division. The following is a breakdown of the counties within each of the administrative Regions currently using the Division to collect Live-In/Work-Out charges:

Table 5-2
COUNTIES USING THE DIVISION FOR LIVE-IN/WORK-OUT COLLECTIONS

<u>Region</u>	<u>County</u>
I	Caroline Kent
II	N/A
III	Howard
IV	Frederick Washington Allegany Garrett

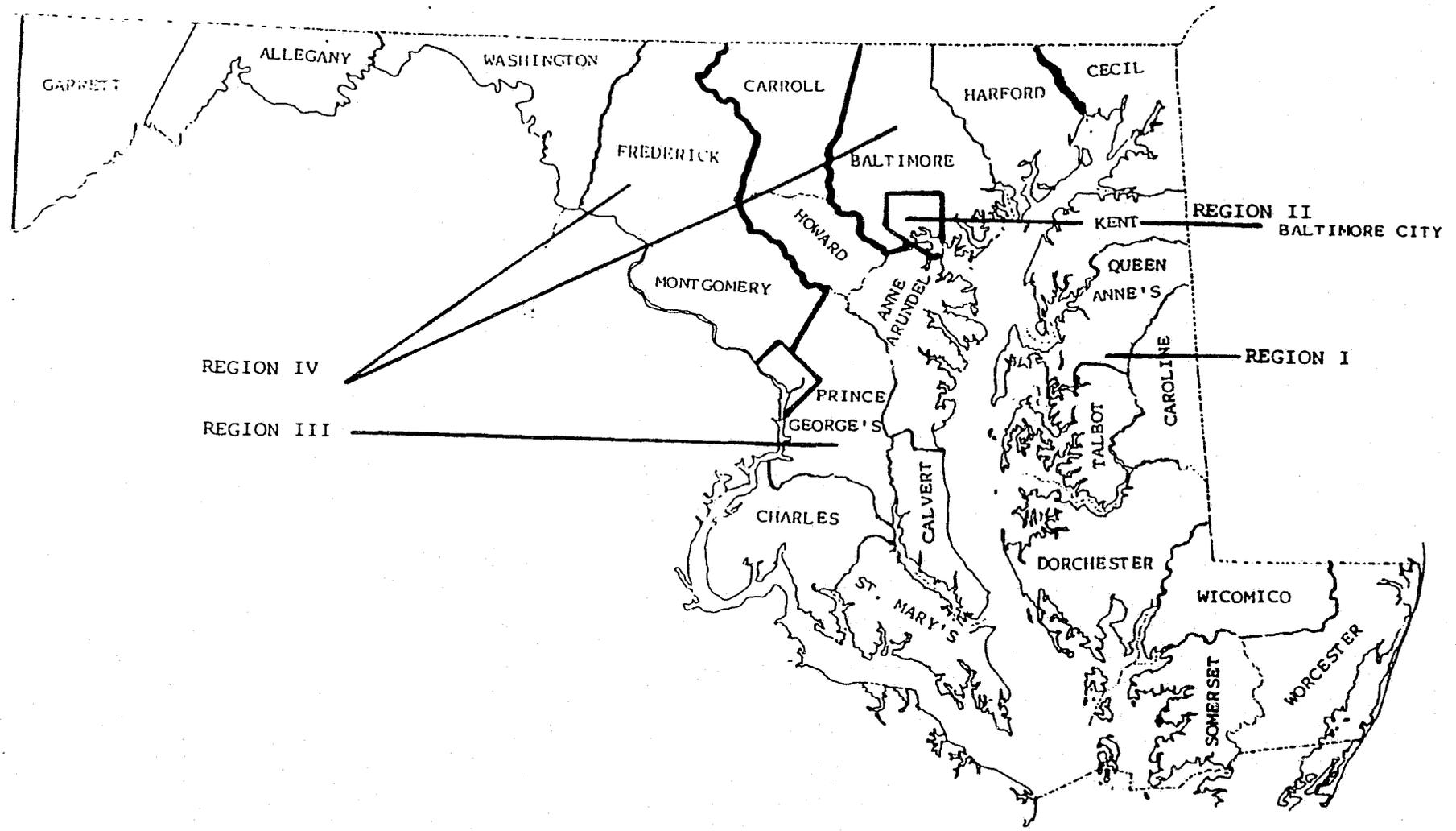
The map on Page 5-5 can be referred to for determining the counties within each Administrative Region. During FY 1988, a total of \$318,617 was collected for this program through each of the three Regions.

Operation of Live-In/Work-Out Account

The Division's policy for the Live-In/Work-Out program is based upon Article 27, Section 645(M) of the Annotated Code of Maryland requiring work release clients to submit their paychecks to the Division. The checks are deposited by the Division in the State Treasurer's account through the designated banking institution to the credit of the State Treasurer of Maryland and accounted for to the Comptroller. Disbursements transmittals are prepared and forwarded to the Comptroller of the Treasury for payment.

ADMINISTRATIVE REGIONS

DIVISION OF PAROLE AND PROBATION



Regional Working Fund

Disbursements are made through the Regional Working Fund accounts. The working fund is then reimbursed by the Comptroller. There is a problem with the amount of time it takes for the checks to be returned from the Comptroller's Office to the Regional Office to replenish the working fund. The turn-around time from the office to Annapolis to the office is suppose to take approximately one week after receipt of the Division's transmittal. However, in one office as of November 22, 1988, transmittals were outstanding from November 7 and 14, 1988.

As a result of this lag in turn-around time for reimbursement, the working fund is not replenished; and therefore, funds are not available for the current weeks Live-In/Work-Out disbursements. This creates a hardship for the families of the clients who depend on the inmates income for support and daily living. Some judges recognizing this hardship, are ordering the client to only pay jail expenses and to retain his paycheck. Some detention centers are also directing the clients to pay only the jail expense and directly to the jail.

RECOMMENDATION #5-1

The Division should review the problem with turn-around time and confer with the Comptroller's Office in order to determine the specific nature of the problem. One approach to be considered would be a direct computer link with the Comptroller's Office in Annapolis or the establishment of a courier service that could ensure prompt delivery of the transmittal and reimbursement.

Accounting Procedures

The three Regions have developed accounting procedures consistent with the operation of the local work release programs within their Regions. As a result, procedures differ among the Regions. For example, some detention centers charge the inmates room and board weekly while others only charge for days at work. Therefore, a Region will collect accordingly. In another case, some Regions disbursed the jail expenses weekly and other Regions hold the jail expense until the offender is released from jail. Additionally, each Region uses Live-In/Work-Out forms indigenous to the Region.

RECOMMENDATION #5-2

While it is understood that each Region may have local detention center programs with varying operating procedures, forms in use by the Regions should be consistent and recognized as official Division forms rather than specific to a Region.

Case Supervision

The duties of the Agents assigned to supervise the Live-In/Work-Out cases include review of the work release contract with the inmate; collection of the inmate paycheck and delivery to the Regional Office for disbursement; monitoring of the work release inmate's work hours; requesting disciplinary hearings for work release inmates who violate the conditions of work release; and answering inquiries from inmates, family members, employers, attorneys, the courts and the public regarding the program. The work release inmates are treated like other supervision cases and are categorized according to the Division's case classification scheme (see Volume 3 of this audit report).

It is noted in Region IV (Western Maryland) that the Regional Office has not received any active cases from Allegany County in approximately one year. However, the Regional Office has not received notice from the County Detention Center that the County is assuming responsibility for administering the program.

RECOMMENDATION #5-3

The Division should contact Allegany County and request the status of the Division's continued administration of the Live-In/Work-Out program.

Status/Disposition Reporting

There is a communication problem among the detention centers, Agents and the fiscal units. Review of the case files disclosed that several clients had been released from the detention centers up to three weeks before the supervising Agents knew of the releases. In some cases, the Agents determined the status of an individual by calling the detention center concerning a different case and at that time were informed that their client had been released. Agents must continually call the detention centers when they want to know if their clients have been released because they are not routinely informed at the time of release. As a result, Regional fiscal units have cases open for which they have not received status information for several weeks. In some instances, several requests for information had been sent to the supervision Agents from the fiscal units, but no response was received. Supervision of these cases appeared to have been discontinued prior to this audit without written notification submitted to the Regional fiscal unit.

RECOMMENDATION #5-4

Representatives of the Division and the Detention Centers should meet to establish a routine method of reporting status and release information on the work release offender. It is also recommended that supervising Agents advise the fiscal units of any change in an offender's work release status. Furthermore, Agents should promptly forward the appropriate supporting documentation for any status to the fiscal units. Finally, while it is recognized that some of the delay by the Agents in responding to the fiscal units' inquiries is due to the problems with the detention centers, Agents should respond to the fiscal units explaining delays in answering their questions.

Bad Checks

Some checks from employers made payable to the work release clients have been returned for insufficient funds. However, the Regional Office has already disbursed funds in anticipation of those checks and as a result the working fund is in debt by the amount of the checks. The Division apparently has no legal remedy for obtaining payment from the employer.

RECOMMENDATION #5-5

The Division should obtain legal advice from the Department of Public Safety and Correctional Services' legal counsel regarding the Division's authority to obtain restitution for bad checks.

Prisoner Earnings

Under the provisions of Article 27, Section 645M, of the Annotated Code of Maryland, "The earnings of prisoners shall be collected by the Division of Parole and Probation, the County Probation Department or the Warden of the Baltimore City Jail." Tests of the transactions disclosed that some prisoners are only remitting funds to cover room and board and various other disbursements, and are not turning over their entire paycheck to the Division.

RECOMMENDATION #5-6

In order to be in compliance with Article 27, Section 645M, of the Annotated Code of Maryland, work release offenders who do not turn over their entire paycheck should be considered in violation of their conditions of work release and a violation report should be forwarded to the Court. If the offender's paycheck is to be handled otherwise, confirmation should be obtained from the Court through an amended Court Order.

Case Files and Documentation

Better care should be exercised by the Agents in the maintenance of the case files. In some instances, workpapers and

reports are loosely placed in the case files. As a result, papers are lost, separated or misplaced.

RECOMMENDATION #5-7

All workpapers should be secured in the files and in a manner (e.g., chronologically) that the papers can be easily reviewed and updated.

Verifying Signatures/Internal Control

Senior Agents are not required to obtain their supervisors' signatures on Form 43's (Case Record Update Form) and Form 53's (Case Record Input-Intake Form), except for those cases involving money. Obviously, all Live-In/Work-Out cases involve money. However, a review of the closing Form 43's disclosed that supervisors did not initial or sign the forms. Additionally, the Agents did not identify themselves as senior Agents on the form; therefore, it was unknown if the senior Agents are exempt from obtaining their supervisors' signatures due to their classification, or if, in fact, the supervisor was required to sign off on the reports.

Further review of the Form 53's also disclosed an internal control problem. Some of the forms did not have all the required initials or signatures. Without the required initials or signatures, there is no verification that the information recorded is accurate, valid, or entered on the automated OBSCIS II system.

RECOMMENDATION #5-8

On all closing Form 43's that involve money, the supervisor should review and approve the closings. It is also recommended that senior Agents note their classification on the closing 43's as well as other 43's. In addition, all information should be reviewed by the designated supervisory personnel and documented with appropriate initials or signatures.

Case Closings

During the audit, cases were found closed approximately 43 days after the client was released from the detention center. The Division's procedures are silent with regard to a time limit for closing Live-In/Work-Out Cases after release.

RECOMMENDATION #5-9

The Division should establish a time limit for closing Live-In/Work-Out Cases. In addition, while part of the problem may be the lack of communication between the detention center and the Agent, nothing prevents the Agent from phoning the detention center on a regular basis in order to obtain information. Therefore, until a procedure is established, supervising Agents should routinely (daily, weekly) call the local detention center for that information.

Fines, Costs and Restitution Collections

Introduction

Agent case files were reviewed for compliance with State law and agency policy and procedures on the collection of fines, costs, restitution, public defender fees and the 2% collection fee for restitution. During FY 1988 there were 17,019 intakes opened with Court-Ordered special conditions of Fines, Costs, or Restitution. The table below displays the amount of fines, costs and restitution ordered by the court for those cases opened during FY 1988 as reflected on a computer printout generated on August 3, 1988.

Table 5-2
FINES, COSTS AND RESTITUTION ORDERED FY 1988

<u>Region</u>	<u>Restitution Amount Ordered</u>	<u>Fines Amount Ordered</u>	<u>Costs Amount Ordered</u>
HQ's	\$ 11,205	\$ -0-	\$ 85
I	684,988	398,383	139,510
II	3,148,839	742,713	409,802
III	2,255,784	352,915	247,460
IV	2,178,635	558,196	343,516
Total	8,279,452	2,052,209	1,140,374

Scope of Audit

For FY 1988, 6,318 cases (37%) were closed with money outstanding. Of the 6,318 cases closed, a random sample of 130 cases (confidence level of 91%) was generated by the Research and

Statistics Unit of the Office of the Secretary, using the Statistical Package for the Social Science (SPSS) software package. Notice of the date of audit and list of cases selected for each region were forwarded to the four Regional Offices with a request to have the files available for review on the specified date.

Following is a breakdown by Region of the total sample cases reviewed:

**Table 5-3
SAMPLE FCR CASES BY REGION**

<u>Region</u>	<u>Total Cases</u>	<u>% of Total Cases</u>
I	15	10%
II	77	60
III	19	15
IV	<u>19</u>	<u>15</u>
	130	100%

The sample of 130 cases closed totaled \$65,689.96 of money outstanding. The highest amount owed was \$3,194.30 and the smallest amount was \$6.34. The average amount per case was \$505.31. Of the 130 sample cases tested, four (4) cases files could not be located -- two (2) in Region II and one each in Region III and IV.

Findings and Conclusions

Review of the Division's Mandates for FCR Collections

In accordance with Articles 27, 27A, 38, and Title I of the Annotated Code of Maryland, when directed by the Court or Parole Commission, the Division collects payment for fines, costs, restitution, and public defender's fees from offenders. The Division may also collect a fee for the collection of restitution, up to two percent (2%). The Division is mandated to disburse periodically to the payee, designated by the Court or Parole Commission, the monies which it collects. On June 17, 1976, Chief Judge Robert C. Murphy issued guidelines for the

collection and supervision of cases involving fines, costs, restitution, and attorney's fees. These guidelines are part of the Division's operating procedures.

In some cases the Court allows the defendant the option of performing community service in lieu of the payment of monies ordered. This is usually done through an amended Court Order. Although court costs and public defenders' fees are collected by the Division, these appear not to be a mandated responsibility. Title I, Section 605 of the Annotated Code of Maryland specifies that the Chief Judge,

in conjunction with the State Comptroller, establish a system for the collection and remittance of costs, fines, penalties, and forfeitures collected by the District Court.

Although it appears that this section does not require the Division to collect court-ordered fines and costs, the Division's Operating Manual cites Section 605 as the statutory authority for the Division's collection responsibility for fines and costs.

The Division's Operating Manual also cites Article 27A, Section 7(f) as the statutory authority to collect Public Defender's fees. This article states that,

The Department of Budget & Fiscal Planning, on behalf of the Public Defender and in the name of the State shall do all things necessary and proper to collect all moneys due to the State by way of reimbursement for services rendered pursuant to this article. (g). . . The amount, time, and method of payment shall be established by the court. In all other cases of reimbursement for services rendered, collection shall be made in accordance with subsection (f).

This section also does not specify that payment of Public Defender fees be made through the Division.

However, there is statutory authority for the collection of fines, restitution, and the 2% collection fee. Article 38, Section 4 states:

When a court imposes a fine upon an individual, the court may direct that the fine be remitted to a probation agency or officer, who shall report to the court in the event of any failure to comply with the order.

Furthermore, Article 27 Section 640 states,

Restitution is made by the defendant to the Division of Parole and Probation . . . The Division shall forward any payments or return of property in satisfaction of the order.

In addition, Article 27 Section 640 (4) states,

The Division may assess additional fees not to exceed 2 percent of the amount of the order to pay for administrative costs of collecting payments or property. These fees shall be paid by the defendant.

With respect to the two percent (2%) fee, since the fee is not a court-ordered fee, the court does not enforce the payment of the fee by the parolee or probationer. Additionally, since the law states that the Division may assess a fee instead of shall assess a fee, the Division cannot use the nonpayment of the 2 percent fee as a reason to violate a client. As a result, cases can expire with the 2 percent fee still outstanding and thus will appear on the Division's exception report.

Finally, it is clear that the courts have the authority to order payments and direct who or what agency is to collect the payments, as well as any special payment conditions. For example, the Court can have the Sheriff's Department of a local jurisdiction collect such costs or fees. However, if the Division is to continue to collect court costs and public defender fees, the basis for this responsibility should be clearly stated in the Annotated Code of Maryland.

RECOMMENDATION #5-10

The Division should, in conjunction with the Attorney General's Office, make a complete review of its statutory mandates, and consistent with Department policy, make recommendations for legislative revisions.

Case Closings

At the time of case closing, a type of closing outcome must be selected which best describes the status of the case. Some cases are closed as cease interest-warrant outstanding. The code is used when the court has ordered the interest of the Division to cease until the client is picked up on the warrant.

The Agent must also determine a fines, costs, and restitution (FCR) outcome at the time of closing. The FCR

outcome has three types of closing: D-deemed uncollectable, T-termination, and S-Satisfactory. The Agents Manual instructs the Agents to use the T code when a case is closed by cease interest-warrant outstanding. The audit found cases with incorrect FCR outcome of "D" for deemed uncollectable. However, only the court can abate or deem monies uncollectable. Accordingly, this code should only be used when there is a Court Order indicating such a basis for the non-collection.

RECOMMENDATION #5-11

The Agents should exercise greater care when marking the FCR outcome block during case closings. Furthermore, supervisors should use greater care when reviewing the closing Form 43's.

According to Division procedures, Agents select the type of close that best describes the status of the case at the time of closing based on the following definitions:

Cease interest--warrant outstanding - The court has ordered the interest of the Division to cease until such time as the client is picked up on the unserved warrant.

Revoked - New Offense - Probation or parole is revoked by the Court or Parole Commission on the basis of the commission or conviction of a new offense. For probation cases, incarceration may or may not be imposed by the Court when probation is revoked.

Unsatisfactory - Other- The client's supervision is unsatisfactory and the case is ordered closed by the court or Parole Commission.

Revoked - Technical - Probation or parole is revoked by the Court or Parole Commission because of technical violation of the conditions. For probation cases, incarceration may or may not be imposed when probation is revoked.

Satisfactory - The client has satisfactorily completed the conditions of parole or probation.

Expiration - The maximum expiration date has been reached and the client has generally complied with the terms of their supervision.

The following is a breakdown by type of closing noted above for the 130 sample cases:

Table 5-4
FCR CASE CLOSING SAMPLE BY TYPE OF CLOSING

<u>Region/ #Cases/%</u>	<u>Cease Int./ warr. o/s</u>	<u>Rev. New Off.</u>	<u>Unsat.- Other</u>	<u>Rev.- Tech</u>	<u>Sat.</u>	<u>Exp.</u>	<u>Death</u>
I-15	5	7	1	2	0	0	0
II-77	29	14	14	10	1	8	3
III-19	3	2	4	5	0	4	1
IV-19	2	8	3	3	0	2	1
130/100%	39/30%	29/22%	22/17%	20/15%	1/1%	14/11%	5/4%

As the table indicates, eleven percent (11%) of the 130 cases were closed with money outstanding at expiration. However, the Division's policy is not to close any case by expiration when money is outstanding. These cases were reviewed in order to determine whether there was non compliance with agency policy or procedure which may have contributed to the closing with money outstanding. The Table below displays the results of the audit findings for the fourteen (14) cases closed by expiration with money outstanding:

**Table 5-5
AUDIT OF FCR CASES WITH MONEY OUTSTANDING**

<u>Region</u>	<u>Total Cases</u>	<u>Court Modified To Community Service</u>	<u>Warrant Issued</u>	<u>Warrant Ceased</u>	<u>Court Deemed Uncollectable</u>	<u>Case File Not Found</u>	<u>Other</u>
I	0	0	0	0	0	0	0
II	8	5	1	1	0	1	0
III	4	1	0	0	2	1	0
IV	2	0	0	0	1	0	1
	14	6	1	1	3	2	1

the cases are not actually closed when placed in a "cease interest-warrant outstanding" status, it is not inappropriate to use a "Y" for the FCR outcome.

There is also no Division policy regarding the length of time between when a warrant is issued by the court and when a case is closed. In fact, the audit showed that the amount of time varies among Regions, ranging from three years to as soon as the warrant is issued.

RECOMMENDATION #5-13

The Division should develop a policy to establish the length of time allowed from when a warrant is issued to when a case can be closed (as in "cease interest-warrant outstanding" cases). In addition, the Form 43 should be modified or procedures revised, whichever is cost-efficient, to include a "Y" code for use in the FCR outcome block in order to designate the "cease interest-warrant outstanding" case closings.

Case Folders

Better care should be exercised by the Agents in the maintenance of the case files. Work papers and reports are loosely placed in the case files and, as a result, papers could easily be lost, separated, or misplaced. Additionally, the workpapers are not organized in a specific manner (i.e., chronologically or by events).

RECOMMENDATION #5-14

All workpapers should be secured in the files and in such a manner, that the papers can be easily reviewed and updated.

Closing Documentation

When a client is found by the court to be in violation of probation, the judges usually close the current probation case and deem uncollectable any monies that were ordered in the case.

The reasons for closing by expiration vary. The following is a description by Region of these cases:

Region II - 8 cases closed by expiration: 5 cases were closed due to community service served in lieu of court-ordered monies; 1 case could not be located. For each of the three remaining cases the field note entries made it difficult to understand exactly why the cases were closed. Based upon the Agents case closing information, the field note entry for one case noted "payment-case closed"; however \$35 is still appearing as outstanding on the exception report. The field note entry for the second case notes that "the court will request a warrant. We close interest. Don't request another warrant- court won't sign two." The third case was closed by the Agent and noted in the field notes as closing "due to interest in the outstanding warrant ceasing."

Region III - 4 cases closed by expiration: 1 case could not be located; 2 cases had monies deemed uncollectable by the court; and in one case the court rescinded restitution.

Region IV - Two (2) cases closed by expiration: in one case the court ordered the monies deemed uncollectable and the client placed on unsupervised probation; the other case involved a missing money order which is currently being investigated.

RECOMMENDATION #5-12

Supervisors should take greater care in reviewing cases at closing in order to ensure proper reporting of closing status. In addition, office practices should be reviewed to ensure that case files are not misplaced or lost.

Warrant Policy

The audit identified some "cease interest warrant outstanding" cases with a FCR outcome of "Y", a code designation not identified in the manual for use with this data element. A "Y" code is actually used elsewhere on the reporting form to signify "stayed" or "hold" status for a warrant. However, since

The only documentation or verification of this new court action are the entries recorded by the Agents in their field notes. There is potential for abuse by the Agents to deem monies uncollectable, without court approval, since no other documentation is available to verify either the court's decision or the Agent's field note entries.

RECOMMENDATION #5-15

The Division and the Courts should confer to develop a method that will provide needed verification of new court action. One alternative is for the Division to develop a form that would be signed by the judge (or designee) to provide the needed documentation. At a minimum the Division should require more detail in the Agents' field notes; e.g., the judges name, court, docket number, and any other relevant information to document when the monies are deemed uncollectable.

Payment Schedules

The Division sets up the payment schedules in order to ensure that all monies ordered by the Court are paid before the expiration of the case. As a result of Edwards vs. State of Maryland, 67 Md.App. 276 (1986), the Division cannot enforce payment schedules unless directed by the Court. If the court wants the probationer to make installment payments, this should be specified as a condition on the order for probation. The Court should either establish the schedule or direct the Division to determine one.

RECOMMENDATION #5-16

The Division's policy should indicate that Agents should request, when possible, that judges determine a payment schedule on the court order to ensure the payment of ordered monies before the expiration of the case. Furthermore, if a payment schedule is not recorded on the court order, the Agent should return the probation order to the court and ask the court to determine the payment plan. These actions should be documented in the case files.

Internal Control

As in the case of Live-In/Work-Out accounts, a review of the Form 53's and 43's disclosed an internal control problem. Some of the forms did not have all the required initials or signatures. Without the required initials or signatures there is no verification that the information recorded is accurate, valid or entered on the system. In addition, senior Agents are not required to obtain their supervisors' signatures on Form 43's except for those cases involving money. All the cases reviewed for this audit involved cases closed with money outstanding. However, a review of the closing Form 43's disclosed that the supervisors did not initial or sign these forms, even though court-ordered monies were involved. Additionally, the Agents did not identify themselves as senior Agents on the form; therefore it was unknown if the senior Agents were exempt from obtaining their supervisors signature due to their classification or if the supervisor was required to sign off on the reports.

RECOMMENDATION #5-17

All information should be reviewed by the appropriate personnel and the review process should be documented with appropriate initials or signatures. It is also recommended that on all closing Form 43's that involve court-ordered monies, the supervisor should review and approve the closing. Finally, it is recommended that senior Agents document their classification on the closing Form 43's and all other Form 43's during supervision.

Community Service

In some cases, judges will allow the defendant the option of performing community service in lieu of the payment of the monies ordered. In these cases, the conditions of the court are satisfied by the performance of the community service, and the cases are closed. However, these cases repeatedly appear on the computer exception list as cases closed with money outstanding since a classification for performing community service has not been developed for the system.

RECOMMENDATION #5-18

In order to add clarity to the exception list and to have each case reflect a true balance of money due, a code for community service should be developed for reporting purposes. The Division should make whatever changes are necessary so the accounting and reporting system will properly reflect the correct status of all accounts.

Miscellaneous Errors

Isolated errors were found which could have been corrected with closer supervisory monitoring. Specifically, these errors included: cases with field notes missing and in which the last field note entry was made several years before the case closed, no death certificate was on file to document the death of a client as required by Division policy; direct payments reported without documentation on file; incomplete and incorrect information on the Form 43; and Court-ordered monies due February 1, 1987 but a warrant was not requested until May, 1987.

RECOMMENDATION #5-19

Greater care should be taken, specifically by supervisory personnel, in monitoring closure of cases. The Division should review regularly supervisory approval of case closings.

**MANAGEMENT AUDIT
OF
THE MARYLAND DIVISION OF
PAROLE AND PROBATION**

PHASE I - JUNE - DECEMBER 1988

**Volume 6 of 8
DRINKING DRIVER MONITOR PROGRAM**

**Prepared By:
State of Maryland
Department of Public Safety and Correctional Services
Division of Audits and Compliance**

January 1, 1989

**William Donald Schaefer
Governor**

**Bishop L. Robinson
Secretary**



Maryland Department of Transportation

The Secretary's Office

William Donald Schaefer

Governor

Richard H. Trainor

Secretary

Stephen G. Zentz

Deputy Secretary

January 3, 1988

Honorable Bishop L. Robinson
Secretary
Maryland Department of Safety
and Correctional Services
6776 Reisterstown Road
Suite 310
Baltimore, Maryland 21215-2341

Re: Drinking Driver Monitoring Program

Dear Secretary Robinson:

Enclosed please find the audit of the Drinking Driver Monitoring Program for the period from July 1, 1987 to June 30, 1988.

If you have any questions, please direct them to William Dennison, Director, Office of Internal Audit, at 684-3061.

Thank you for your cooperation.

Sincerely,

Dick

Richard H. Trainor
Secretary

RHT/ps
Enclosure

cc: Stephen G. Zentz
Deputy Secretary

William E. Dennison
Director, OIA

RECEIVED

JAN 4 1988

DEPT. OF PUBLIC SAFETY
COMMUNICATIONS SECTION

CEB
V. J. P.

My telephone number is (301)- 859-7397

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***Maryland Department
of Transportation***

**Secretary's Office
Office of Internal Audit**

Audit Report

**AUDIT OF THE DRINKING DRIVER MONITORING PROGRAM
OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES**

AUDIT REPORT NO: 3-S-88

DATE ISSUED: December 30, 1988

**AUDIT PERIOD: July 1, 1987 to
June 30, 1988**

Harold K. Joyce II

Harold K. Joyce II, CPA
Managing Internal Auditor

William E. Dennison

William E. Dennison, CPA, CISA
Director, Office of Internal Audit

Stephen G. Zentz

Stephen G. Zentz
Deputy Secretary

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ACKNOWLEDGEMENT

We wish to thank the Drinking Driver Monitoring Program administration and staff for their cooperation and assistance during our review, in particular, Carole Hinkel, Administrator and District Supervisors Sandra Cross and Kay Parker.

INTRODUCTION

The Drinking Driver Monitoring Program (DDMP) is one of the five components established by the Governor's Task Force on the Drinking Driver to provide "a specialized probation service for offenders convicted for or given probation before judgment for driving while intoxicated (DWI) or driving under the influence (DUI)".

The program provides for a central administrative headquarters, twelve district offices located throughout the State and numerous monitoring sites to receive offenders and to verify compliance with their conditions of probation. Monitor personnel schedule meetings with offenders, usually on a weekly basis, to verify attendance at required meetings and/or counseling and to identify whether the offenders remain abstinent from alcohol or drugs. The monitors are required to notify the courts when the offenders violate the conditions of their probation.

The program has been administered by The Department of Public Safety and Correctional Services since May, 1984, however, it is funded by the Transportation Trust Fund. The program expended approximately 2.76 million dollars in Fiscal Year (FY) 88 and has budgeted approximately 3.74 million dollars for FY 89.

We reviewed 159 case files representing approximately 1 percent of the 13,379 active case files at the 9 district offices visited. We randomly sampled the files from the computer generated terminal lists where available. We also observed the process of monitors meeting with offenders in several of the districts.

Audit Report 3-S-88

A. SCOPE OF AUDIT:

Our audit of the DDMP at the Department of Public Safety and Correctional Services covered the areas of responsibility as defined in the Maryland Division of Parole and Probation Operations Manual for the program involving the review of the following:

- 1) Timeliness of the intake process.
- 2) Documentation of statistical information.
- 3) Periodic re-arrest checks on offenders.
- 4) Verification of conditions of probation for offenders and related documentation.
- 5) Uniform treatment of non-compliance.
- 6) Monitor contact with treatment providers.
- 7) Notification of courts of non-compliance.
- 8) Supervisory review of monitor performance.
- 9) Accurate statistical reporting.
- 10) Allocation of monitor personnel.

Our audit was performed in accordance with General Accounting Office Standards. The scope of the audit was designed to provide assurance that:

- 1) Personnel were allocated to most efficiently manage the caseload of the division.
- 2) The DDMP is being effectively administered.
- 3) The contact and the frequency thereof between the DDMP monitoring personnel and the individual offenders is of value.

B. FINDINGS AND CONCLUSIONS:

The cases referred to the program from either the courts or the Medical Advisory Board of the Motor Vehicle Administration are assigned to monitors, transferred to other districts or held in pending (pre-intake) status. The monitors maintain their own case files and log information on a partially installed computerized database system. They also prepare a status report of their cases to the district supervisor who submits a Monthly

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Statistical Report to headquarters.

We were unable to assess the effectiveness of the DDMP since no criteria exists establishing standards for effective performance. Additionally, there are no standards to evaluate the contact and frequency between monitor personnel and offenders in the program.

During the course of our audit, we identified several areas where performance could be improved.

1. Inadequate control exists in both the manual and the computerized system over the cases managed by the DDMP. An example of an effective control would be a control number assigned to cases so they can be tracked through the program. At present, the only controls in effect are the maintenance of manual logs as cases are referred to the program and the confidence placed on the monitors to properly maintain and secure the case files and reporting cards. This lack of control allows for the possibility of files being lost, destroyed or deliberately discarded without detection. For example, we noted the number of cases listed on the Monthly Statistical Reports as transferred to other districts did not agree with the number of cases transferred in.
2. We cannot accurately identify the number of cases assigned to the program due in part to the above deficiencies. In addition we noted a lack of standardized forms and methods of preparing the monthly status reports of cases by the monitors. Subsequently, we found the Monthly Statistical Reports to be inaccurate and unreliable. In District #5, Prince George's County, the October 31, 1988 statistical report identified 2,645 active cases, as compared to an actual count of 2,227 files on hand. The computer system is not now being used to prepare statistical reports.
3. The Monthly Statistical Reports do not reflect accurate caseload totals and do not contain pertinent information for the district supervisors to effectively allocate cases to monitors and make adjustments in manpower. The reports do not contain sufficient information to assess the monitor's current workload. For instance, we noted monthly reports that included active cases to be closed but were still outstanding. Also, offenders who had violated the conditions of their probation (VOP) and had been issued bench warrants were carried as active cases and were included

in the monitor's caseload. We also noted offenders listed as "minimum supervision" who do not have to contact the monitors on a weekly basis. It does not appear the number of cases assigned to a monitor is an accurate measure of the monitor's workload.

4. The DDMP management allocates manpower based on caseload. Using the Monthly Statistical Report dated June 30, 1988, we computed the average statewide caseload per monitor to be 236, ranging from a low of 147 in District #3 (Upper Eastern Shore Counties) to a high of 377 for District #11 (Frederick/Washington Counties). Although we consider the statistical reports to be unreliable, we are concerned about the apparent disparity of the assignment of caseload. Additionally, we believe this disparity impairs the value of the contact between the offender and the monitor, particularly in those districts with a high offender/monitor ratio.
5. One of the purposes and objectives of the DDMP is "to provide the Maryland Courts with a viable sentencing alternative for DWI/DUI offenders". We noted a range of participation by the various district and circuit court judges in the program. Some judges and circuit courts do not use the program.
6. We noted numerous errors and omissions in the documentation formed in the offender case files, and evidence of non-compliance with requirements and standards set forth in aforementioned Operations Manual. None of the discrepancies were significant in and of themselves but indicated a lack of supervisory review of the case files.

We found a major strength of the DDMP to be the positive attitude exhibited by the administration and staff during the course of our review, offering a strong commitment to make the program successful in spite of working conditions and caseload.

C. RECOMMENDATIONS:

1. Based on our audit, we recommend a comprehensive study of the DDMP be performed by a Task Force comprised of representatives of the Department of Parole and Probation, Department of Transportation and the District and Circuit Courts of Maryland. Areas of study should include:
 - a) The development of criteria to assess the

Audit Report 3-S-88

effectiveness of the DDMP in subsequent years.

- b) The development of criteria to assess the value and frequency of individual monitor contact with offenders.
 - c) The development of an effective automated data processing system that would allow for adequate control of case file records and provide management with meaningful statistics to effectively administer the program. This should also include an examination of internal security controls and access restriction measures.
 - d) An examination of ways to increase the courts' participation in the DDMP and improve cooperation regarding the preparation and transfer of documents, scheduling of hearings and other mutually beneficial areas of concern.
 - e) An analysis of staffing and compensation for DDMP employees based on actual monitor workload.
2. We recommend the DDMP immediately establish new procedures for collecting statistical information that accurately identifies offender caseload, including written instruction to preparers and standardized forms to assure consistency in collection of data.
 3. We recommend the filling of the intermediate supervisory positions that have been proposed.
 4. We recommend a subsequent audit of the DDMP to include a review of any new systems as they are developed and a review of the entire program when the recommendations are implemented.

**MANAGEMENT AUDIT
OF
THE MARYLAND DIVISION OF
PAROLE AND PROBATION**

PHASE I - JUNE - DECEMBER 1988

**Volume 7 of 8
ELECTRONIC MONITORING/HOUSE ARREST**

**Prepared By:
State of Maryland
Department of Public Safety and Correctional Services
Division of Audits and Compliance**

January 1, 1989

**William Donald Schaefer
Governor**

**Bishop L. Robinson
Secretary**

ADJUDICATION TECHNICAL ASSISTANCE PROJECT
Technical Assistance Assignment No. 172

**Recommendations Relating to the Feasibility
of Establishing an Electronic Monitoring
Program for High Risk Probationers in Maryland**

January 1989

Consultants:

**R. William Linden
David Dreese
Leonard Flynn
Terry Gassaway**

Prepared Under BJA Cooperative Agreement No. 87-DD-CX-K061

ASSIGNMENT DATA SHEET

Technical Assistance No.: 172

Requesting Jurisdiction: State of Maryland

Requesting Agency: Maryland Department of Public Safety and
Correctional Services

Requesting Official: Bishop L. Robinson, Secretary

Dates of On-Site Study: December 14-15, 1988

Consultant(s) Assigned: R. William Linden
David Dreese
Leonard Flynn
Terry Gassaway

Central Focus of Study: Jail Crowding Reduction/Electronic Monitoring

This report was prepared in conjunction with the EMT Adjudication Technical Assistance Project, under a Cooperative Agreement with the Bureau of Justice Assistance of the U.S. Department of Justice.

Organizations undertaking such projects under Federal Government sponsorship are encouraged to express their own judgment freely. Therefore, points of view or opinions stated in this report do not necessarily represent the official position of the Department of Justice. EMT is solely responsible for the factual accuracy of all material presented in this publication.

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I. INTRODUCTION

A. Background

The Maryland Department of Public Safety and Correctional Services requested technical assistance from the Bureau of Justice Assistance's Adjudication Technical Assistance Project (ATAP) operating under the auspices of the EMT Group, Inc., to determine the feasibility of using electronic monitoring/house arrest programs for high risk probationers. The request for assistance was motivated by a desire on the part of the Department to explore creative ways of addressing resource limitation problems in the corrections area and to be responsive to a direction from the Joint Appropriations Committee of the Maryland General Assembly to analyze and report on "(t)he use of innovative electronic surveillance to provide intensive probation supervision of high risk offenders."

Like most of its sister states, Maryland is experiencing problems in its state and local corrections systems resulting from capacity restrictions and physical plant limitations. As a result of a unique statute that requires the state to fully finance the cost of constructing or renovating county-level corrections institutions, the state of correctional facilities at the local level is superior to that at the state level where several penal institutions are approaching or have passed the 100 year-old landmark. At the time of the technical assistance study, the state corrections system in Maryland housed an estimated 13,600 convicted persons and another 93,335 persons were technically under some type of postincarceration supervision by the Parole and Probation Division of the Department, although the lesser number of 50,469 persons are under active supervision. Also, at the time of the study, the Department, under the leadership of Secretary Bishop Robinson, is developing a comprehensive, long-term plan for the corrections system in Maryland, within which an electronic monitoring/house arrest program may be a component. The plan is being prepared for eventual presentation to the Maryland legislature.

The Maryland Department of Public Safety and Correctional Services is a cabinet-level agency of government providing services in two major areas: law enforcement (state police), and corrections (correctional services). The Department has approximately 9,300 employs and an annual budget of approximately \$500 million.

The technical assistance team wishes to express its gratitude to Secretary Robinson for the courtesies extended to it by him and his staff during the site work. We are especially grateful to Dr. Henry R. Lesansky, Director of Audits and Compliance for the

Department who served as the local coordinator for this assignment and arranged the team's site schedule.

B. Study Methodology

The specific objectives of the technical assistance study were identified and refined by ATAP and Department staff prior to the site work by the technical assistance team. As articulated in the charge to the technical assistance team, these study objectives included:

- o Assessment of the feasibility of instituting electronic monitoring programs.
- o Identification of groups of persons who might appropriately participate in electronic monitoring programs.
- o Identification of screening criteria for individuals identified within the target groups for participation.
- o Identification of the appropriate supervision level needed to be provided to persons participating in an electronic monitoring program.
- o Identification of how referrals to electronic monitoring programs ought to be made.
- o Identification of how electronic monitoring might be funded most notably whether user fees should be assessed.
- o Identification of electronic monitoring equipment alternatives and what factors are relevant when making equipment selection decisions.
- o Identification of personnel and other such costs involved in administering an electronic monitoring program.
- o Identification of policy issues relevant to the implementation of an electronic monitoring program.

During the site work, several other significant issues emerged, including (a) the continued development of local electronic monitoring programs and how to assure that any state-level development complements such efforts and (b) questions relating to target populations for electronic monitoring and whether such programs ought to be limited to persons in a probationary status or extended to persons who otherwise would be housed in a state correctional institution.

C. Consultants Assigned and Site Schedule

The consultants assigned by the ATAP to conduct this study were: R. William Linden, State Court Administrator for Oregon, a jurisdiction which has given considerable attention to the use of electronic monitoring; Leonard Flynn, retired Director of Florida's Department of Probation and Parole which had made extensive use of electronic monitoring under Mr. Flynn's direction; Terry Gassaway, Director of the Clackamas County (Oregon City), Oregon Corrections Department which has been using electronic monitoring for a number of years; and David Dreese, Chief Probation Officer for Berrien County (St Joseph), Michigan which has also been using various electronic monitoring techniques for probationers. Mr. Linden served as team leader for the study and compiled this technical assistance report.

The site work occurred on December 15-16, 1988, at the Department's headquarters in Pikesville, Maryland. On December 15, the technical assistance team was briefed extensively by Dr. Lesansky, met with Steven Bocian, Manager, Special Field Services, and attended a meeting with representatives of local electronic monitoring programs. On December 16, the team again met with Dr. Lesansky and then discussed a broad range of issues relating to electronic monitoring with Department Secretary Bishop Robinson. A complete list of persons interviewed or met with during the site work is attached at Appendix A.

Prior to the site work, the consulting teams reviewed extensive materials prepared by the Department describing several electronic monitoring programs operational in Maryland at the local level and various national studies and articles germane to this area. During the course of the site work, additional materials were provided to the team by Dr. Lesansky, including relevant Maryland statutory provisions, statistical profiles of probation and parole populations and a description of work load measurement standards used in allocating probation and parole case loads.

II. FINDINGS

At the conclusion of the technical assistance site work, the team had gathered sufficient information to allow it to make assessments as to the feasibility of establishing an electronic monitoring program under the auspices of the State Department of Public Safety and Correctional Services.

Electronic monitoring programs, as one method of effective house arrest, exist in numerous jurisdictions. These programs have generally proven to be effective means of offender supervision and, while it remains arguable what cost savings actually result from implementing these programs, cost avoidance obtained by diverting offenders from correctional facilities does occur.

The Department of Public Safety and Correctional Services is currently engaged in the challenging task of responding to capacity and facility problems in its state penal institutions and is seeking innovative approaches to resolving these problems. Its efforts are externally hampered by the fact that funding to help solve these problems is limited and will be intensively competed for in the coming session of the Maryland legislature.

The receptivity to the electronic monitoring concept expressed by Department staff during the site visit indicated to the technical assistance team that the Department is approaching its problem-solving tasks from a creative perspective and with a willingness to thoroughly explore any viable alternatives which can be identified.

The information the team received in written form and directly from representatives of the county-based electronic monitoring programs indicates that these programs are operating successfully and have had a salutary effect on the management of the correctional population in those counties with operational programs. In developing its own electronic monitoring program, the Department would benefit from drawing on the experiences of these local programs and the expertise of the staff that manage them.

While the team did not meet with any members of the Maryland legislature, it appears that the legislature also is interested in innovative, cost-effective alternatives to incarceration. The budget note directing the Department to study the feasibility of electronic monitoring is indicative of this interest. The Department should give consideration to involving legislative officials at an early stage in the discussions concerning implementing an electronic monitoring program to gain their support and participation.

The team concludes that the climate is right in Maryland to aggressively pursue the electronic monitoring alternative. The correctional system needs innovation to help address its challenging agenda, and the interest of key actors appears to be present.

III. RECOMMENDATIONS

A. Summary of Recommendations

Outlined below are the major recommendations developed by the technical assistance team. The section following the summary provides a discussion of the rationale behind the recommendations.

1. Implementation of electronic monitoring programs could have a beneficial effect on the management of the state correctional system population.
2. Before a decision is made to implement a state level electronic monitoring program, top management must make a clear commitment to the program both in terms of its policy implications and its fiscal and work load impact.
3. If an electronic monitoring program is implemented at the state level, the target groups for participation ought to be persons lodged in the various prerelease centers, maximum-level probationers or first-time, nonviolent offenders who otherwise would be confined in state penal institutions for short periods of time.
4. Implementation of a state-level electronic monitoring program ought to begin on a limited test-site basis.
5. In instituting an electronic monitoring program a high priority commitment needs to be made to the pre-implementation tasks critical to the success of any program.
6. Competent, dedicated and experienced probation and parole staff need to be attracted to participate in an electronic monitoring program and incentives will need to be developed to encourage their participation.
7. Electronic monitoring programs at the local level need to be encouraged and expanded and the state needs to assure that its program development complements local efforts.

B. Discussion of Recommendations

1. Implementation of electronic monitoring programs could have a beneficial effect on the management of the state correctional system population.

In addressing its overall state corrections system development, the Department of Public Safety and Correctional Services will need to be creative in fashioning a plan which will realistically balance system needs, available resources and public expectations. This will require incorporating into the plan, innovative techniques that provide an acceptable level of client supervision in a cost-effective manner. The electronic monitoring of appropriate clients is one such innovative method. Experience in Maryland, and many other states, has shown that electronic monitoring is a reliable means of monitoring offenders at reasonable costs and under conditions that encourage the offender to re-enter society in a responsible manner. It is important to note that electronic monitoring programs are not any kind of panacea for correctional system problems. Rather, these programs can be an effective tool in an overall integrated corrections system.

2. Before a decision is made to implement a state level electronic monitoring program, top management must make a clear commitment to the program both in terms of its policy implications and its fiscal and work load impact.

This recommendation is self-explanatory, but it is appropriate to note why its acceptance is viewed to be so critical to the success of a program. As in any organization, public or private, the perceived level of commitment to a program exhibited by the leaders of the organization does much to inspire staff throughout the organization.

3. If an electronic monitoring program is implemented at the state level, the target groups for participation ought to be persons lodged in the various prerelease centers, maximum level probationers, or first-time, nonviolent offenders who otherwise would be confined in state penal institutions for short periods of time.

Identifying an appropriate target group for participation in an electronic monitoring program is fundamental to the success of any such effort. Picking the right type of participants will obviously have much to do with the success rate of the program as measured by participant adherence to monitoring conditions and incidence of criminal behavior while in the program. A balance needs to be struck in choosing who will go into the program. High-risk offenders with histories of violent conduct coupled with

other behavioral characteristics such as addictive substance abuse may well not be appropriate candidates for electronic monitoring and if such persons participate they may well adversely affect the real or perceived success of the program. On the other hand, participant selection should not simply "cream the crop" or "widen the net." "Cream the crop" means selecting only those participants whose probability of successful participation is so high that the program eliminates virtually any risk factors. Of course, such a program will be viewed as a success, but it will also be reaching the wrong target group. Widening the net occurs when target groups are included in electronic monitoring programs composed of persons who otherwise would be placed in less restrictive supervision categories and should be avoided.

The technical assistance team studied the different potential target groups which included the following:

- o Minimum level probationers/parolees
- o Medium level probationers/parolees
- o Maximum level probationers/parolees
- o Offenders in state prerelease centers
- o Persons incarcerated in state penal institutions, except those held in the Pautuxent facility.

The team does not recommend including minimum or medium level probationers or parolees in the target group because, based on the available information about the supervision levels these persons receive, inclusion in an electronic monitoring program would result in a net-widening effect. The team also does not recommend inclusion of persons who otherwise would be lodged in state institutions unless they are first-time, nonviolent offenders serving short-terms. The reasons why these offenders are appropriate candidates for electronic monitoring are that they generally possess the personal characteristics mentioned above which can lead to the conclusion that they are good risks and that their diversion from institutional incarceration has the potential for freeing up critically needed space in the corrections system for more serious offenders.

The rationale for including maximum-level probationers in the potential target group is that these persons might present an acceptable balance between the risk of their participation and a level of supervision that would benefit their positive re-entry into society. These individuals obviously demand and receive more supervision than other

probationers. It is not inconceivable that persons within this category could successfully participate in electronic monitoring.

Perhaps the group that should receive the most serious consideration for participation in an electronic monitoring program are those offenders who have been released from state institutions, but lodged in residential prerelease centers. These persons typically are placed in centers in their home communities and are allowed during working hours to report to their place of employment if employed. Such residential centers are costly to operate and the diversion of offenders, who otherwise would be placed in these settings to participation in a house electronic monitoring program could be cost-effective and facilitate the offender's re-entry into his or her family and community life. If this option is pursued, it is further recommended that participation be limited to persons in prerelease status who have one-year or less left to serve in that status.

4. Implementation of a state-level electronic monitoring program ought to begin on a limited test site basis.

Assuming a decision is made to implement a state-level electronic monitoring program, it is recommended that the program be initially implemented on a test-site basis. The rationale for this is multifaceted. First, it will simply be easier to implement a new program on a limited test-site model than on a broader scale and ease of implementation is critical to any new program. Second, it will be less costly to implement on a limited basis because personnel and equipment costs will be largely determined by the number of sites and clients in the program. Third, a modest beginning that bears fruit will allow the program to build on its successes and develop a positive track-record as the program later moves into an expansion phase. Finally, important actors critical to the long-term success of the program (i.e., judges, probation staff, legislators, law enforcement officials, etc.) and the public will have to be "sold" on the electronic monitoring program and this will take time and a proven success record to achieve. Small, initial successes are successes nonetheless and will do much to develop confidence in the program and enthusiasm for its expansion.

5. In instituting an electronic monitoring program, a high priority commitment needs to be made to the preimplementation tasks critical to the success of any program.

The technical assistance team recommends, with special emphasis, the critical importance of proper preimplementation planning for an electronic monitoring program. There are many tasks involved in doing this. Discussed below are some preimplementation factors, but certainly not all, generally considered important to eventual program success.

- a. Identification of Target Client Groups (see recommendation #3 above)

- b. Selection of Criteria for Program Participation: Once a target group is identified, decisions must be made as to what criteria will be applied in selecting offenders for possible participation in the electronic monitoring program. First and foremost, the offender must voluntarily agree to go into the program. Other criteria might include whether the offender is employed, whether the offender has a stable residence, and the commitment the offender's family is willing to make in assisting him or her in satisfactorily participating. History of addictive substance abuse or a past pattern of violent criminal behavior often are cited as indicators of poor risk offenders.

- c. Selection of Electronic Monitoring Methods and Equipment: Decisions will need to be made about whether to use "active" or "passive" methods of electronic monitoring. It is the recommendation of the technical assistance team that both types of devices be used. This will allow the electronic monitoring program to have more flexibility in tailoring program participation to the individual offender. For example, the higher risk an offender poses, the more appropriate it will typically be to assign such an individual to an "active" monitoring system which is the more restrictive method. With ever changing technology, intense vendor competition, different equipment reliability records and differences in cost, equipment selection can be a complex task that will require much research and evaluation. An extended discussion of equipment selection issues is included in Appendix B of this report.

- d. Development of Detailed Program Procedures and Policies: A commitment must be made to developing and adopting policies and procedures to govern the operation of the electronic monitoring program before implementation occurs. The short-term advantage in doing this is that initial implementation ought to proceed more smoothly than if program staff were required to operate with ad hoc or unwritten policies and procedures. In the long-run, complete and updated procedural guidelines will allow the program to operate professionally and make the rules of operation clear to all. Field staff from local electronic monitoring programs should be heavily relied on in the procedure development process. Practitioners in programs in other jurisdictions or outside "experts" may also be constructively used in the development process, but care must be taken to assure that the procedures and policies reflect conditions unique to the state of Maryland and its criminal justice system.
- e. Examination of Program Fiscal Implications: Before the program becomes operational, realistic assessments need to be made of the cost of operations and whether offender participants should, through user fees, pay for a portion of these expenses. It is most probable that, in the short-run, there will be no identifiable cost savings and, in fact, there will need to be an acknowledgement that the program is going to cost "new" money to run. In the long-run, there are potential cost savings that could be substantial, particularly if the participant population includes persons who otherwise would have been incarcerated in state penal institutions. Virtually all jurisdictions with electronic monitoring programs impose reasonable user fees on offender participants that range from \$2 to \$10 per day depending on the jurisdiction. It would be entirely appropriate for the state of Maryland to determine a justifiable user fee to help defray a portion of the program cost. It is important, however, that provisions be made to allow indigent offenders to participate in the program at no, reduced or deferred fees if such offenders are otherwise eligible to do so.

- f. Education and Training for Program Staff and Other Criminal Justice System Actors: If the Department is to become involved in any type of electronic monitoring system, it is imperative that it make a strong commitment to providing both education and training. For purposes of this discussion, education is defined as the process of making people aware of what electronic monitoring programs are and the purposes which they can serve; training is providing the technical skills necessary to operate the system to the persons involved at the line level.

(1) Education

With that in mind, it is important that the Department begin the educational process with the top level Regional Administrators in probation and parole. The Regional Administrators must buy into the Department's goals for the electronic monitoring program and have a good understanding of how the Department intends to implement the program, including what specific types of clients the Department intends to target. After completion of the educational phase described above, it is recommended that the Regional Administrators meet with the local probation and parole staff as well as members of the various local privately-run programs, and discuss the Department's goals and objectives for the electronic monitoring program. Again, it is important that there be a common understanding between the management and first line supervisors, as to both the Department's intent and its need for cooperation to help bring about the implementation of these programs in the local communities.

The next phase of activity should focus upon the local supervisors' reviewing their own communities for individuals who might be supportive of a program such as electronic monitoring. This review should include identifying persons in neighboring counties who already have an electronic monitoring program of some type who could talk with county commissioners and the judiciary to highlight the advantages which electronic monitoring presents.

Clearly, it is imperative that the judiciary be educated so that they are aware of the Department's commitment to the program as well as the Department's needs for assistance in helping to screen whatever group of clients the Department chooses to target.

In conducting these phases of educational effort, there may be considerable resistance encountered regarding the use of electronic monitoring because the concept is new and different. Many of the people who will be involved in the

process of education will have in their own minds preconceived ideas about what electronic monitoring can and cannot do. The goal of the Department, through each of these educational activities, should be to stress the positive aspects of the program and the importance of having people involved in its implementation committed to making the program work. Many different techniques can be used to offer incentives for the buy-in. The type of incentive which is appropriate, of course, will depend upon the particular use and type of client the Department chooses to target.

(2) Training

As noted above, training is defined as the provision of technical and other skills to those persons involved in the operation of the electronic monitoring program so as to properly operate the system. While the Regional Administrators need to be educated in the process, obviously, they will not be involved directly in the technical portions of the training program. It is important, however, that each region have a technical "expert" assigned to an office to help coordinate and, perhaps, direct the local programs that report to that particular region. This person could be responsible for inventory control to insure that maximum use is made of the equipment the Department uses as well as to provide continuity between the different local programs.

The supervisors in each office need to be aware of the technical aspects of the program as they may be called upon in emergency situations to deal with a particular aspect of the monitoring system. However, their training could be provided on a one-time basis, with the briefing concept in mind, rather than providing them with trouble shooting skills needed by other agents in the local offices.

The most important person in the whole tether electronics monitoring system is the particular agent selected in each office or program to actually utilize the equipment. These individuals must become trained in every phase of the use of the equipment. The more training that can be provided up front, either through the vendor or by the Department's regional personnel, the better.

It is important to stress that, as an electronic monitoring program is begun, some frustration can be experienced until the technical skills necessary to operate the equipment are perfected. Without the proper training, this frustration can lead to a negative attitude about the program and, in fact, could diminish the frequency and type of use to which the equipment is made.

8. Public Education and Awareness: The Department should develop a formal plan for providing information and education to the general public about the electronic monitoring program. The public most likely will be interested in learning about the program and will undoubtedly be most concerned with its implications on neighborhood safety. The Department should be pro active in filling this information need. The public will be accepting of the program, and its successes and failures, if it understands what electronic monitoring does and does not mean, what the risks are, how the program operates, why are such programs needed and whether they are cost-effective alternatives to incarceration. Since the print and electronic media are conduits through which to inform the public, the department should take necessary steps to regularly inform the media about program development and operation.
6. Competent, dedicated and experience probation and parole staff need to be attracted to participate in an electronic monitoring program and incentives need to be developed to encourage their participation.

It is quite important that the right staff be recruited to participate in an electronic monitoring program and that proper incentives and motivation be provided to them. Electronic monitoring programs are very rigorous and require professional staff specially trained to provide surveillance and control, but who at the same time must be genuinely concerned with assisting the offender in his or her self-improvement efforts. Incentives are needed to attract and recruit the most experienced and best qualified probation officers for these demanding roles. Program officers are required to maintain irregular hours including night, weekend and holiday duty. They provide surveillance and close supervision of more dangerous offenders; the enforcement process is more dangerous; one must go into high crime areas at night, for example. This increased job pressure can led to early "burnout." Among the incentives for staff which ought to be considered are: 1) specialized and continuing training; 2) case load size limited to 20 cases per officer; 3) salary levels established at a minimum of one pay grade above that of regular probation officers; and 4) specialized job titles providing increased recognition and status.

7. Electronic monitoring programs at the local level need to be encouraged and expanded and the state needs to assure that its program development complements local efforts.

The locally administered programs in Maryland appear to be operating effectively. Staff of these programs met with the technical assistance team and discussed their operations and general thoughts about the potential for implementing electronic monitoring programs at the state level. Their insights were extraordinarily helpful to the team in gaining a proper perspective on the situation in Maryland. These local programs obviously are administered by competent and dedicated managers. They have been successful and they can, in many senses, be referred to as acceptable examples in the development process of a state-level electronic monitoring program.

Eventually, the Department of Public Safety and Correctional Services should consider developing a technical assistance capability that local jurisdictions who are interested in implementing new electronic monitoring programs or in improving existing ones can turn to as a resource. Such a capability might make a real difference in how extensive electronic monitoring use at the local level in Maryland becomes.

IV. SUMMARY

In the opinion of the technical assistance team, implementation of an electronic monitoring program in the state correctional system in Maryland would be a positive action. A firm commitment from top management needs to be forthcoming, although if Secretary Robinson's supportive remarks to the team during the site work are indicative, the commitment exists and merely needs to be formalized and communicated downward and outward. In implementing any program, very careful consideration must be given to program planning issues. Long-term cost saving potential does exist. Competent staff will be very important to the program's success while at the same time, assignment to the program will be demanding and hard on staff. Finally, there are target populations in the state correctional system who present acceptable risks for program participation most particularly the prerelease center population.

V. APPENDICES

- A. Persons Interviewed or Contacted During Site Work**
- B. Equipment Considerations**

Persons Interviewed or Contacted During Site Work

Bishop Robinson
Secretary
Maryland Department of Public
Safety and Correctional Services
Pikesville, Maryland

Dr. Henry R. Lesansky
Director of Audits and Compliance
Maryland Department of Public Safety
Correctional Services
Pikesville, Maryland

Dr. Donald Atkinson
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Arthur Ford
Field Supervisor
Division of Parole and Probation
Chestertown, Maryland

Deputy Michael L. Moore, Jr.
House Arrest Program
Calvert County
Prince Frederick, Maryland

Peter Caputo
Anne Arundel County
Detention Center
Annapolis, Maryland

F. J. "Zeke" Zylwitis
Anne Arundel County
Detention Center
Annapolis, Maryland

Gary Reiner
Electronic Monitoring, Inc.
Rockville, Maryland

Sgt. Joseph Lonczynski
Home Detention Program
Towson, Maryland

John Camou, Director
Pretrial Services
Baltimore, Maryland

ELECTRONIC MONITORING EQUIPMENT CONSIDERATION

The offender you intend to target will determine your equipment choice.

Buying Equipment

Because this is a new field, new manufacturers seem to appear and disappear daily. The technology is evolving so fast that the latest models will soon be obsolete, much like the computers in today's market.

Buying equipment could be more cost effective over the long term, providing the equipment is well built and holds up to heavy use by offenders. It is possible to charge a fee and amortize the cost of the equipment over a period of time and retrieve the agency's initial investment.

Leasing Equipment

Due to the rapid technological changes in electronic monitoring, it may be advisable to entertain a lease option. This will allow time to test the new system and make sure the equipment is reliable before you purchase.

This will also give you the opportunity to upgrade your system at no cost to you, as the technology changes.

A lease usually allows you to start up an electronics program without heavy costs up front.

TYPES OF EQUIPMENT

Passive System

This system has the advantage of letting you hear the offender's voice. Often an offender can be detected using drugs or alcohol, which is a problem among many clients. The passive system is also less expensive but can be somewhat time consuming listening to the messages. The Passive System is very reliable although somewhat limited in what it can do for you in the way of constant monitoring.

**ELECTRONIC MONITORING
EQUIPMENT CONSIDERATION
Page 2**

Radio Frequency or (R.F.)

R.F. equipment is a good choice when you want to know exactly when a client enters or leaves his home, or whenever you want to monitor someone on a 24-hour basis while under home arrest. R.F. equipment is less reliable than passive and for some unknown reason, may fail for seconds or hours which could leave the client totally unsupervised. You will find that R.F. is more expensive than passive systems.

Recommendation on Equipment Choice

Look for a system that has both R.F. and passive combined. This will give you the reliability of the passive and the constant monitoring of the R.F. When selecting your system, look for hidden costs such as training for personnel and setting the equipment up on-site. Make sure that the company you choose will service the equipment quickly and efficiently. Make sure that the software that comes with the system is user friendly and not difficult to implement. Determine ahead of time if the program will be monitored 24 hours or on a 8 hour basis.

Last, but not least, make sure you have enough staff to operate the system you choose! Start out small and develop the program into the size you need so that the program will not be jeopardized by improper planning.

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I. Introduction

In December 1988, BJA's Adjudication Technical Assistance Project (ATAP) at the EMT Group, Inc. provided on-site technical assistance to the Maryland Department of Public Safety and Correctional Services to assess the feasibility of using electronic monitoring for high risk probationers. The final report of this assignment was submitted to the Department Secretary, Bishop Robinson, in early January 1989. This Supplemental Report has been prepared at the request of Secretary Robinson to address additional issues regarding the use of electronic monitoring which go beyond the scope of the original t/a effort to address the potential application of electronic monitoring as both a diversion and a sentencing alternative, e.g., expanding the potential focus of electronic monitoring programs from that of probationers as use as a "front-end", punishment-oriented alternative to conventional imprisonment and as a "back end" alternative involving early release. Further consideration and analysis of the criminal justice system in Maryland, including a review of Sentencing and Release Statistics, 1987, and staff discussions with Department officials, indicate that the feasibility of such an expansion should be considered.

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II. Additional Potential Uses of Electronic Monitoring

A. "Front End" Alternative

1. Comparison with Conventional Incarceration

Community Control House Arrest, which provides for certain criminal offenders to, in effect, serve a prison sentence in their own home or place of residence, was implemented statewide in Florida in 1983. Several other states have also embraced this concept.

During the first year of the house arrest program in Florida, the number of prison commitments dropped by an average of 180 per month and a total of 2,260 for the first year. In no other time in recent Florida history had the annual number of prison commitments decreased from that for the preceding year. While sentencing guidelines went into effect at the same time as the house arrest program and may have had some effect on the reduction in the number of commitments, the impact projections of the guidelines actually indicated an increase in the number of commitments although the terms for imprisonment were projected to be shorter.

It is further noted that electronic devices were not initially used to increase surveillance. Community Control House Arrest officers carried portable radios tuned to law enforcement frequencies to reduce dangers and improve surveillance.

Some people claim House Arrest is not punishment while others say it is so rigid and punishment-oriented that it has built-in failures. The non-punishment perspective, however, is not supported by any research and the Florida experience indicates that House Arrest does provide considerable punishment if properly enforced to insure that the offenders are, in fact, incarcerated in their homes except during hours of mandated employment.

A comparison of the features of house arrest and conventional imprisonment indicates the following:

House Arrest deprives the offender of freedom just as prison does;

House Arrest provides surveillance as does prison;

House Arrest mandates regular productive employment; prisons usually provide "busy work" and much idle time.

House Arrest requires the participant to support himself or herself and dependents; imprisoned offenders, and frequently their dependents, are supported at taxpayers'.

In light of these and other factors identified in the initial report, Maryland should give high priority to implementing a House Arrest program with the additional use of electronic monitoring as an alternative sanction and sentence for use by the courts.

Experience with house arrest reflects that it provides a punishment-oriented custody type alternative to conventional imprisonment while, at the same time, provides reasonable protection to the community. In Florida, less than 9% of 30,614 offenders placed on house arrest committed a new crime. Although comparable data is not yet available on offenders under electronic monitoring, it is anticipated that rates will be lower even when dealing with higher risk offenders.

2. Target Groups

A review of the sentencing and release disposition statistics in Maryland for 1987 reflects a sentencing profile that could lend itself to the identification of offenders potentially eligible for consideration for house arrest without seriously jeopardizing the safety of the community. The target groups for such a program include:

The first group involving front end diversion consists of offenders who are currently being sentenced to prison for short terms (3 years or less). Because of the relatively short length of the sentence, the courts did not classify the offense and/or the offender to be high risk. With gain time or good time awards ranging up to 15 days per month, the active time served can be reduced to 50% of the original sentence, further indicating that this group appears to be a lower risk. Of course, many of the short time offenders, because of aggravating circumstances, warrant regular imprisonment, even if it is of short duration, and these individuals would need to be identified.

During 1987, there were 3,095 offenders in Maryland sent to prison for 3 years or less. This included 2,332 with sentences of two years or less.

Based on the assumption that 50% of the offenders with sentences of two years or less could be identified by the sentencing judges as candidates for Electronic House Arrest, in the event it was available, almost 1,200 offenders could be diverted from confinement in prison to incarceration in their homes.

Officers, specially trained in enforcement of house arrest and limited to caseloads of 20 offenders, should supervise and control the offenders with the use of

electronic surveillance and portable radios.

Assuming that the courts could identify 30% of the offenders in the two to three year sentence category who were suitable for community control house arrest, an additional 229 or a total of about 1,500 offenders could be diverted from conventional imprisonment, based on the 1987 statistics alone.

3. Anticipated Cost Savings

The cost of supervisory staff and electronic equipment to operate an electronic monitoring program is about \$ 12.00 per day per offender. Predicated on prison operating costs of \$ 34.00 per day per offender, an electronic monitoring program would provide a cost savings of \$ 22.00 per day per inmate. This constitutes an annual cost savings or cost avoidance for 1,500 diversions of \$ 12,045,000. These figures do not address additional cost savings that may result in the reduction of future needs for prison construction.

4. Legislation and Legal Authority Required

It seems feasible to pass legislation which would specifically establish community control house arrest, with the utilization of electronic monitoring when appropriate, as a punishment-oriented sentencing option for the courts. Provisions for processing violations, similar to probation, will also be necessary. The courts should be the final authority for violation hearings and dispositions based on an officer's charge.

House arrest officers should have at least limited arrest powers to provide proper enforcement and expedite the violation process in order to maintain program integrity.

5. Effectiveness Measures

Recommendations regarding the measurement of house arrest effectiveness as a front end diversion include the following:

- a. Number of offenders diverted to house arrest whose sentencing guideline scoresheet scores a prison sentence.
- b. Comparison of the number of offenders with prison sentences of three years or less prior to and following implementation of the house arrest program;
- c. Comparison of operational costs of regular imprisonment with house arrest incarceration;
- d. Measurement of the cost avoidance or cost savings in reducing the need for future prison constructions.

In addition, records should be maintained on total intakes, technical violators sent to prison, and the number of offenders committing new crimes. These figures will provide indicators measuring the program's effectiveness in protecting the community.

6. Staffing Required for an Electronic House Arrest Program

As indicated in the original report, it is imperative to provide necessary incentives to attract experienced and qualified staff as community control officers. This is due to the irregular hours, easy burnout, dangers, and other rigorous conditions surrounding proper enforcement which a House Arrest Officer encounters. Officer incentives should include:

- (1) a limited caseload size of 20 participants;
- (2) provision of specialized and continuing training;
- (3) salary levels which are a minimum of one pay grade above regular probation officers;
- (4) specialized job titles;
- (5) provision of warrantless arrest powers; and
- (6) provision of portable radios tuned to regular law enforcement radio frequencies (this could also include a cooperative effort with local law enforcement by providing a monitoring computer).

These incentives are designed to recruit and retain highly qualified professionals, insure proper implementation of electronic house arrest, and maintain program integrity and effectiveness.

B. Back End Diversion

1. Potential Utility

The principals and rationale for "front end" diversion can also be applied to "back end" diversion or early release. Using house arrest as a tool for gradually reducing in-custody status could provide a continuum of punishment equivalent to existing work release centers. Instead of reporting to the more costly work release centers at the completion of each work day, the program participant would report to his or her place of residence in the community. Surveillance at the home would be provided through electronic devices and regular officer contact. Such surveillance methods would insure that confinement is maintained during all off-work hours.

The use of electronic house arrest on the back end of the sentence could help reduce prison population and has the potential to phase out or reduce the number of pre-release centers and to serve the functions they perform at much less cost.

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2. Effectiveness Measures

Effectiveness measures for back end diversion include the following:

- (a) the number of offenders placed in house arrest and the resultant number of prison beds emptied;
- (b) the number of pre-release centers phased out;
- (c) the cost savings derived when comparing the operating costs of imprisonment compared with those for house arrest incarceration.

**MANAGEMENT AUDIT
OF
THE MARYLAND DIVISION OF
PAROLE AND PROBATION**

PHASE I - JUNE - DECEMBER 1988

**Volume 8 of 8
INVESTIGATIVE SERVICES**

**Prepared By:
State of Maryland
Department of Public Safety and Correctional Services
Division of Audits and Compliance**

January 1, 1989

**William Donald Schaefer
Governor**

**Bishop L. Robinson
Secretary**

DRAFT

III. Equipment considerations

Considerable cost savings may be achieved by purchase or lease-purchase of the equipment for electronic monitoring programs. Current charges for equipment leasing are approximately \$ 6.00 per day and run as long as the equipment is in use. Costs for purchase, however, may be recouped within six months to a year. The Department should obtain price quotations for both leasing and purchase in order to determine the most cost-efficient method for satisfying its equipment needs.

VOLUME 8 -- INVESTIGATIVE SERVICES

PRE-TRIAL INVESTIGATIONS

Background

Upon request of the Courts, the Division provides certain special investigative services. One of these special services is termed "Pre-Trial Investigations." According to Division policy, such investigations are "to provide the Court with information prior to rendering a verdict." Furthermore, such investigations are to follow the format of a pre-sentence investigation report except for the elimination of the defendant's statement, recommendation, victims impact statement and sentencing guidelines worksheet. The statutory basis, cited in the Division's Procedures Manual, for providing these types of investigations is the same as for pre-sentence investigations, Article 41, Section 4-609 which states that,

The parole and probation Agents of the Division shall provide the judge of the Court with pre-sentence reports or other investigations in all cases when requested by the judge.

The number of these investigations is very small, totaling 77 for both FY 1987 and FY 1988. Furthermore, most the investigations were requested from Court jurisdictions where no pretrial release services are available. However, there were exceptions to this which are discussed further in this report.

SCOPE OF AUDIT

A review of the entire 77 investigations termed "Pre-Trial Investigations" for FY 1987 and FY 1988 was completed by staff from the Division of Audits and Compliance, Office of the Secretary and the Pre-Trial Release Services Division, a separate agency within the Department. The Division of Pre-Trial Release

Services staff assisted in the review because of their recognized expertise in providing pre-trial services to the Baltimore City Courts.

The Division of Parole and Probation pre-trial investigation reports were reviewed in terms of compliance with Division policy as well as the criteria used by the Division of Pre-Trial Release Services for determining the risk of non-appearance before trial.

FINDINGS AND CONCLUSIONS

Purpose of Pre-Trial Investigations

The Division's Pre-Trial Investigations for FY 1987 and FY 1988 were grouped into categories of apparent purpose or nature. This was determined from a review of each investigation report's contents as well as comparing the report's submission date against certain key dates such as date report was requested, date of trial, and date a verdict was rendered. This grouping by purpose is displayed in the Table below.

Table 8-1

PRE-TRIAL INVESTIGATIONS BY CATEGORY

<u>Category of Purpose</u>	<u>Number</u>	<u>Percent</u>
A. Pre-Trial Release i.e., ROR or Bail Release	2	2%
B. Amendment of Pre-Trial Release/Bail Review	16	21%
C. Plea Bargain Acceptance	9	12%
D. Verdict Determination	30	39%
E. Pre-Sentence	19	25%
F. Post-Sentence	<u>1</u>	<u>1%</u>
TOTALS	77	100%

In the above Table, investigations in Categories A, B and C occurred before a trial for the purpose of assisting the Court in making a determination about the defendant's status prior to trial. 23% (Categories A and B) of these investigations provide information in order to assess the risk of nonappearance by the defendant before trial. This is the generally accepted purpose of a pre-trial investigation. Another 12% (Category C) are investigations also provided prior to trial which assist the Court in weighing acceptance of a plea bargain agreement between the defendant and the local State's Attorney.

Category D has the largest number of investigations. This Category represents investigations completed after bail release, or Release on Recognizance (ROR), has been decided by the Court and submitted just prior to or at the time of trial. The timing of the submission to the Court of these investigative reports apparently raises certain Constitutional questions. It appears these investigations are being used by the Court to assist it in determining a verdict and appropriate sentence. Furthermore, in some of these reports, there is material that should not be present as stated in the Division's pretrial policy, i.e. victim statements, completed Sentencing Guideline worksheets, and past offense histories. This information is prejudicial to the determination of guilt or innocence of the defendant for the instant offense.

The final two categories, E and F, represent those investigations titled "Pre-Trial" but which are apparently mislabeled because they have been completed and submitted after a verdict and/or sentence has been rendered. As a result these investigations appear to be pre-sentence or post-sentence reports rather than pre-trial reports.

RECOMMENDATION #8-1

The Division should review with field supervisors the use of pre-trial investigations reports by the Courts. This review should result in a better defined policy as to the format of the pre-trial investigation report. Furthermore, the Division should

consult with the Attorney General Office with regard to appropriateness of investigation reports submitted for the apparent propose of verdict determination. Depending upon the view of the Attorney General's Office, a clearly defined policy should be issued on how to handle such requests from the Courts.

Requesting Jurisdictions

As was indicated earlier in this report, most of the Courts requesting pre-trial reports were in jurisdictions without pre-trial services units. The following Table lists the number of pre-trial reports by jurisdiction for FY 1987 and FY 1988. Those noted with "Boldface" currently have pre-trial services units in operation.

Table 8-2

PRE-TRIAL INVESTIGATIONS BY JURISDICTION

<u>Jurisdiction</u>	<u>FY 1987</u>	<u>FY 1988</u>
Anne Arundel	0	0
Allegany	1	1
Baltimore	1	0
Baltimore City	0	0
Calvert	1	0
Caroline	4	1
Carroll	0	0
Cecil	0	0
Charles	0	0
Dorchester	0	1
Frederick	4	1
Garrett	0	0
Harford	11	14
Howard	0	1
Kent	0	0
Montgomery*	1	0
Prince George's	5	4
Queen Anne's	12	10
Somerset	0	1
St. Mary's	5	4
Talbot	0	1
Washington	2	0
Wicomico	0	0
Worcester	0	0
	<u>38</u>	<u>39</u>

*operational in 1988

As can be seen from the chart, for the most part, Courts requesting pre-trial investigations are in those jurisdictions without pre-trial services units. The exceptions are Prince George's County which has a total of nine (9) reports and one (1) report for Baltimore County in FY 1987.

In looking more closely at the nine (9) Prince George's County reports based on the categories discussed in the preceding section, four (4) reports were for review of bail or acceptance of a plea, one (1) appeared to be for verdict determination and the remaining four (4) reports appeared to be pre-sentence in nature. Since a pre-trial services unit is operational in Prince George's County, it appears that the first four reports could have been referred to the county unit rather than completed by Division staff.

RECOMMENDATION #8-2

The Division should ensure that requests from jurisdictions with pre-trial services units are referred to these local units. Furthermore, since the number of pre-trial investigation reports done by the Division is very small, the Division should discuss with the Department's Division of Pre-Trial Services the possibility of having that Division do pre-trial investigations requested in those jurisdictions without pre-trial services. This would free up limited Parole and Probation resources to be concentrated in other investigation or supervision areas.

PRE-SENTENCING INVESTIGATIONS

Background

As part of a comprehensive study of the operation of the Division of Parole and Probation, Secretary Bishop L. Robinson requested the National Institute of Corrections (NIC) to conduct a specific evaluation of the agency's current pre-sentencing investigative services and related aspects of pre-trial and post-sentencing investigations conducted by the Division. This section of the report provides the results of that review which was conducted during the five-day on-site visit to Baltimore, Maryland on August 8-12, 1988.

This review of investigative operations was conducted in order to determine if the agency meets its statutory responsibilities as set forth in Article 41 and the District Court Rule 721C2 of the Annotated Code of Maryland. These requirements are incorporated in the programmatic goal articulated in the Division's mission statement:

To provide timely, accurate and pertinent information on selected offenders for the courts and parole authorities in order to improve decision making with regard to offender dispositions in the criminal justice system.

The review process included meeting with or personally interviewing twenty individuals including seven investigation Agents, four field supervisors, a Regional Administrator, the Parole Commission Chairman, three Circuit Court Judges including the Chief Judge and others. These persons were as follows:

Bishop L. Robinson, Secretary of the Department
Donald Atkinson, Ed.D, Acting Director of the Division
Chief Judge Robert I. H. Hammermann, Circuit Court
Judge Mary Arabian, Circuit Court
Judge Elsbeth L. Bothe, Circuit Court
Paul J. Davis, Chairman, Maryland Parole Commission
French Mackes, Region II Administrator
Lois Hausman, Field Supervisor I
Nancy Hoffmann, Field Supervisor I
Larry Flynn, Field Supervisor I
Cathy Brophy, Field Supervisor I
Rodger Thompson, Special Agent
Eugene Smith, Special Agent
Ivan Lawson, Special Agent
Michael Meagher, Special Agent
Raymond Smith, Special Agent
Neil Goldstein, Special Agent
Michele Joyce, Special Agent
Henry R. Lesansky, Ph.D. and Albert J. Dardas, Jr.,
Department of Public Safety and Correctional Services,
Division of Audits and Compliance.

This study was limited by available time so that the assumption had to be made that the functions of the Region II investigative units are representative of those performed by the other investigative units of the Division. It is noted that the 1985-1986 Annual Report of the Division reflects that Region II conducts an average of 3,678 (or 52 percent) of the approximately 7,000 pre-sentence investigations performed by the agency each year; one-third of all executive clemency investigations, and nearly one-fifth of all types of investigations completed by the Division of Parole and Probation.

It should be further noted that while the original request for evaluation included pre-trial services, the Pretrial Services Release Program was transferred out of the Division of Parole and Probation in June 1988 and this was not specifically evaluated. Division statistical reports for June 1988 reflect that for the four regions of the state only seven pre-trial investigations were assigned to investigative Agents by the District or Circuit Courts (see section on Pre-Trial Investigations on Page 8-1).

QUALITY OF WRITTEN REPORTS

Copies of written investigative reports completed during 1988 were reviewed seeking thoroughness, necessary verification of fact and timeliness. The reports reviewed, particularly the pre-sentence investigations, were uniformly excellent, easily meeting the three criteria. The redesign of the pre-sentence investigation format in September 1985 appears to have created a most usable document. It is important to note that each pre-sentence report on a felony offense now contains both a victim impact statement and a sentencing guideline worksheet. The reports reviewed should meet the informational needs of the sentencing court, the Division of Correction, Parole Commission and subsequent parole or probation supervision.

The system utilized to document and control the receipt and assignment of pre-sentence investigation requests was reviewed, as was the system to insure the timely completion of reports for presentation to the sentencing court. Both a manual and

automated system are utilized and appear to be most adequate for the intended purpose.

Problems exist, however, in the lack of time allowed to complete the typical pre-sentence investigation. Investigations unit personnel, at the line and supervisory levels, indicate that while deadlines for completion of reports are normally met, it is only because of frequent uncompensated overtime by investigating Agents. The Baltimore City Circuit Courts normally set a sentencing date thirty calendar days from the date of the guilty plea or verdict. While this is a fairly common and normally acceptable time frame, the notice to the unit that an investigation has been ordered may not arrive for as long as a week following its issuance. Those notices are usually delivered by a court bailiff or placed in the mail. Since the courthouses are only two blocks from the division offices, a more efficient system can be devised to allow the full thirty days for the completion of the investigation and report. While several of the Agents interviewed suggested 45 days as the optimum time frame, it would appear more realistic to attempt to maximize the traditional time frame rather than to change the procedures of approximately forty district and circuit judges. Toward this end, the Division should consider providing a staff person to visit the district and circuit courts on a daily basis to pick up any pre-sentence investigation notices entered that day.

A second area of inquiry concerned the parole plan verifications done by the investigating Agents for the Parole Commission. These reports are called home and employment verifications or "H&E's." While this is a most important aspect of the parole decision, the process utilized by investigating Agents has evolved to the point of simple verification by telephone of the listed residence and employment. Only in the rare situation is a personal visit made. The functions performed in the typical process might just as easily be completed by clerical staff or paraprofessionals, or by institutional case workers. Those "H&E's" requiring the on-site visit by an investigating Agent could be continued using the present procedure.

In any event, consideration should be given to the development of an alternate form of home and employment verification for the routine case typically accomplished by telephone.

PRE-SENTENCE INVESTIGATIONS COMPLETED

The low percentage of pre-sentence investigations completed, compared to the total number of inmates/probationers entering the system each year, greatly reduces the effectiveness of the agency. In each of the last two years, approximately 46,000 defendants, both felons and misdemeanors, have been sentenced. In less than 8,000 cases per year are pre-sentence investigations done, resulting in nearly 38,000 individuals entering an institution of the Department of Corrections or probation supervision without verified background information.

While it is known that approximately 80% of all new admissions to the system (prison and probation combined) are misdemeanors, it could not be determined as a part of this review whether a higher percentage of pre-sentence investigations are completed in felony cases. The Division may wish to extract this information as a part of a more complete evaluation of this area.

The lack of minimal verified information about the individual can cause a serious breakdown in even the best classification system. Inmate or probationer self-reporting is not adequate when public and personal safety is at issue. Additional information users such as the Parole Commission, treatment agencies and law enforcement agencies must have verified information on which to base discretionary decisions at many points in the criminal justice system. Thus, consideration should be given to the preparation of a post-sentence investigation on each individual entering the system (prison or probation) in which a pre-sentence investigation has not been completed.

While admittedly this recommendation would require a significant manpower commitment, it is believed that the investment would pay dividends to the entire system. If it is

assumed that a post-sentence investigation format could be developed requiring approximately one-half the time of the present pre-sentence investigations, a workload unit standard would allow 40 workload units per pre-sentence report. With the present workload standard of 1,065 units per Agent per month, one Agent position could complete 27 post-sentence investigations per month or 320 per year. At this pace, an additional 119 Agents would be necessary to complete the approximate 38,000 reports each year.

In order to assess this recommendation fully, it is suggested that priority be given to the consideration of post-sentence investigations in felony cases to include victim impact statements. It should be noted that under present procedure without a pre-sentence investigation, there is no victim impact assessed at the discretionary decision points of classification, furlough, parole or community supervision.

CONTACT WITH JUDICIARY

Three Circuit Court Judges, including the Chief Judge, were interviewed as to their opinions regarding the pre-sentence investigation services provided their courts. During interviews with investigating parole and probation Agents, names of circuit court judges were solicited which would reflect varied opinions as to the value and quality of the pre-sentence investigation and report. Two of the three judges interviewed were, by general consensus, perceived by staff to view both the pre-sentence report and investigations staff in a negative fashion.

Conversation with the judges, however, revealed no negative feelings regarding the pre-sentence product with one judge specifically describing reports provided to her court as "good and excellent". Another judge pointed out occasional mistakes in a defendant's criminal history section of the reports, but also added that the criminal history information provided as a part of the pre-sentence report was routinely more accurate than that provided by the state's attorney. None of the three judges could provide recommendations for the improvement of the pre-sentence document.

Each of the judges was queried as to the apparent low volume of pre-sentence investigation requested in their courts. All appeared rather surprised that percentages were as low as reported, but specifically attributed the relatively small number to plea bargaining. Each stated, in different fashions, that frequently sufficient information existed on the record without the necessity of a pre-sentence investigation to determine whether or not to accept a plea bargain agreement or make an informed sentencing decision.

Although the format of the pre-sentence report calls for a specific sentencing recommendation by the investigating Agent, none of the three judges interviewed desired to receive such a recommendation as a part of reports prepared for their court. Each expressed the opinion that the court was in a better position to weigh all of the information presented regarding the offense and offender and reach the sentencing decision.

While the division apparently attempts to maintain liaison with the courts, routine contacts only appear to occur when specific problems arise, thus leaving the impressions with investigating Agents that the courts have a low opinion of their work. Consideration should be given to the development of a format to allow investigating Agents to receive regular feedback from the courts regarding pre-sentence reports. This might be in the form of a written checklist completed by the judge, regular meetings between supervising staff and judges, etc.

WORKLOAD UNIT SYSTEM

The investigating Agents and Supervisors interviewed do not believe that the present workload unit system accurately reflects the time necessary to perform the investigative functions of the agency. All of the investigating Agents and supervisors interviewed believe in a workload-based system that assigns various "units" to different investigative functions and further believe that such a system can, if developed properly, adequately be presented to a legislative body to secure necessary appropriations. The same Agents, however, do not believe that

the time study conducted in 1983 was adequately explained to the participating staff and thus was not undertaken in an accurate manner by those staff members asked to record their times for specific investigative events. Further, subsequent additions such as the new pre-sentence format, the Victim Impact Statement and others have been combined to perhaps render invalid the results of the earlier study. Further, investigative Agents are not convinced that the same standards developed for supervision Agents can be made to apply to investigating Agents, given the cyclical nature of the business, particularly with the "boom or bust" nature of pre-sentence investigation requests. Consideration should be given to either a reexamination of the 1983 time study or to conducting a new time study to assess the time necessary to complete the various investigative functions of the agency and assign proper workload unit credit.

AVAILABILITY OF COMPUTER ACCESS TO CRIMINAL HISTORIES

The availability of access to criminal history information via office terminal has greatly enhanced the ability of investigating Agents to perform their function. While significant gain has occurred as a result of this access to criminal history information, training on the procedures to fully utilize each available data base has not been standardized. This gap in training has resulted in a few Agents who are identified as "experts" in the process and others who are intimidated by the hardware and are only securing partial information. Consideration should be given to providing each office with a fully-trained terminal operator who can access all available criminal history information as required by investigating Agents.

CAREER ADVANCEMENT

Investigating Agent positions are viewed by staff, particularly supervision Agents, as the preferred top of the line positions. After achieving this level, however, investigating Agents have no further career incentives.

Most investigating Agents have long tenure with the agency, have developed a high degree of competency in their work, possess excellent writing and communication skills and do not strive to advance to supervisory or administrative levels. These Agents generally achieve the top salary levels after approximately ten years and have no further incentives in terms of higher education or career advancement that might be of benefit to themselves and the agency. Thus, consideration should be given to the development of a "career-ladder" concept between the Divisions of the Department of Public Safety and Correctional Services to allow and encourage professional advancement and development among employees.

TRAINING

Most Agents and Supervisors believe in the value and content of the academy training program provided to new Agents prior to entering the agency. While general consensus is positive regarding new Agent training, the required in-service training for veteran staff is generally viewed as repetitive and unrewarding. Investigating Agents do not feel that they are being kept in touch with such items as available community resources as part of in-service training that might allow a closer match of the needs identified in a pre-sentence investigation with a recommendation for special conditions of probation or institutional treatment. As previously discussed, in-service training might include basic instruction regarding access to criminal history information through office terminals. Consideration should be given to allowing a number of Senior Agents to assist in the development of a revised curriculum for in-service training specifically of interest and value to investigators.

STAFF MORALE

The morale of the investigative staff of the Division of Parole and Probation appears at the present time to be neither high nor low. While the general state of morale appears

moderate, there is a very clear perception by the staff that the Division of Parole and Probation occupies the bottom rung in terms of priority within the Department of Public Safety and Correctional Services. Although the general malaise of the Division may be due to a combination of high workload, low salaries and recent administrative turnover, it is believed that perhaps more communication with administration would provide staff both an outlet for problems as well as input into possible problem solutions. To this end, the now dormant Director's Advisory Board, comprised of selected staff persons, would be of assistance even if meetings are infrequent. Further, if this body were granted direct communication with the Secretary of the Department regarding specific issues, very important two-way communication would result. Consideration should be given to reactivating the Director's Advisory Board as soon as possible.

RECOMMENDATION #8-3

The Division should consider providing a staff person to visit the District and Circuit Courts on a daily basis to pick up any pre-sentence investigation notices entered that day.

RECOMMENDATION #8-4

Consideration should be given to the development of an alternate form of home and employment verification for the routine case typically accomplished by telephone.

RECOMMENDATION #8-5

Consideration should be given to providing each office with a fully-trained terminal operator who can access all available criminal history information as requested by investigating Agents.

RECOMMENDATION #8-6

Consideration should be given to reactivating the Director's Advisory Board as soon as possible.

RECOMMENDATION #8-7

Consideration should be given to the development of a format to allow investigating Agents to receive regular feedback from the courts regarding presentence reports. This might be in the form of a written checklist completed by the judge, regular meetings between supervisory staff and judges, etc.

RECOMMENDATION #8-8

Consideration should be given to either a reexamination of the 1983 time study or to conducting a new time study to assess the time necessary to complete the various investigative functions of the agency and assign proper workload credit.

RECOMMENDATION #8-9

Consideration should be given to the development of a "career-ladder" concept among the Divisions of the Department of Public Safety and Correctional Services to allow and encourage professional advancement and development among employees.

RECOMMENDATION #8-10

Consideration should be given to allowing a number of Senior Agents to assist in the development of a revised curriculum for in-service training specifically of interest and value to investigators.

POST-SENTENCING INVESTIGATIONS

Background

Post-sentence investigations are performed by the Division at the request of the Courts. The investigations assist the Courts in reconsidering sentences imposed upon an offender who has petitioned for such reconsideration. The Division also provides another type of post-sentence

investigation at the Courts' request which reports whether or not the conditions of probation are being followed. These investigations are used at violation of probation hearings. The Division's Procedures Manual cites Article 41, Section 4-609 as the statutory authority for performing these post-sentence investigations. This Article which is the authority for pre-sentence investigations states the Division will also provide the Court with, "... other investigations in all cases when requested by the judge." The number of these investigations is quite small, totaling 80 for both FY 1987 and FY 1988.

SCOPE OF AUDIT

The total number of post-sentence investigations for FY 1987 and FY 1988 were obtained and reviewed for compliance with applicable state law and Division policy and procedure.

FINDINGS AND CONCLUSIONS

Requesting Jurisdiction

There were a total of 80 post-sentence investigations for FY 1987 and FY 1988 prepared by the Division. In reviewing the investigations by requesting jurisdictions, it was found that 67.5% of the total were requested by just three jurisdictions-- Baltimore, Harford and Washington Counties. Why the vast majority of the post-sentence investigations are centered in these three counties could not be determined.

Table 8-3

JURISDICTIONS REQUESTING
POST-SENTENCE INVESTIGATIONS
FY 1987 and FY 1988

<u>Jurisdiction</u>	<u>FY 1987</u>	<u>FY 1988</u>
Anne Arundel	2	2
Allegany	0	0
Baltimore	8	4
Baltimore City	0	0
Calvert	0	0
Caroline	0	0
Carroll	1	3
Cecil	0	0
Charles	3	3
Dorchester	0	0
Frederick	0	0
Garrett	0	0
Harford	19	9
Howard	1	0
Kent	1	0
Montgomery	2	0
Prince George's	3	3
Queen Anne's	0	0
Somerset	0	0
St. Mary's	1	0
Talbot	1	0
Washington	8	6
Wicomico	0	0
Worcester	0	0
TOTALS	50	30

As can be seen from the Table, 28 (35%) of the total 80 post-sentence investigation reports were requested from Harford County. The next largest numbers were requested from Washington County with 14 (17%) and Baltimore County with 12 (15%). As a result almost two-thirds of the post-sentence investigations were provided for these three jurisdictions during FY 1987 and FY 1988.

RECOMMENDATION #8-11

The Division should determine if there is any correlation between the lack of pre-sentence reports and the use of post-sentence reports in these jurisdictions. If pre-sentence reports are not used in these jurisdictions, the Division may want to encourage the Court to request these reports.

Consideration should be given to the completion of a post-sentence investigation on each individual entering the system (prison or probation) in which a pre-sentence investigation has not been completed.

The investigations were also categorized as to the type of investigation based on the reason requested, the recommendations of the investigator and the information provided in the report. These results are displayed in the following Table.

Table 8-4

REASONS FOR REQUESTING POST-SENTENCE REPORT

<u>Reason</u>	<u>Number (%)</u>
Consideration for Residing in Local Jail	3 (4%)
Reconsideration of Sentence	50 (63%)
Special Evaluation	2 (2.5%)
Violation Hearing	2 (2.5%)
Status Report	<u>22 (28%)</u>
TOTALS	79 (100%)

As can be seen from the Table, the majority of the reports are to provide information for reconsideration of sentences based upon the request of the sentenced offender. In these reports a recommendation is provided to the Court in considering the requested revision to the sentence.

The next largest category of post-sentence investigations requested by the Courts appear to be for the purpose of obtaining information on the adjustment or classification status of an offender sentenced to the Division of Correction. In some of these cases an initial post-sentence investigation was completed and an update to that original investigation was requested by the Court but no recommendations are provided in the current report.

RECOMMENDATION #8-12

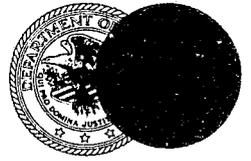
The Division should confer with the Courts and determine whether these "Status Report" post-sentence investigations are useful and if the format and information provided are adequate. It may be that such requests for adjustment or classification information on offenders sentenced to the Division of Correction could be referred to that agency for reply directly to the Courts.

Policy and Procedure

In reviewing the Division's policy and procedure for preparing the post-sentence investigations, an apparent inconsistency was found in the procedure. The present procedure, "Section V. Post-Sentence Investigation - Court", indicates that if a pre-sentence report does not exist then the pre-sentence format is followed excluding a victim impact statement and a sentencing guidelines worksheet. Apparently, the exclusion of this material is based on the understanding that this information was already incorporated by the Court in the sentencing decision. However, if a pre-sentence report does exist then the only requirement is to update the original pre-sentence report. The pre-sentence report procedures require that for Circuit Court cases where a pre-sentence investigation is ordered, a victim impact statement will be completed if the offense resulted in serious physical injury or death to the victim. In addition, for all Circuit Court cases a sentencing guideline worksheet is also to be completed and included in the pre-sentence report.

RECOMMENDATION #8-14

The Division should emphasize the format of the post-sentence investigation report in order to ensure that the information needed for the report is included.



Department of Justice

A Survey of Intermediate Sanctions

Office of Justice Programs
National Institute of Corrections

125317



U.S. Department of Justice

Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

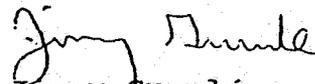
FOREWORD

All across the country, State and local criminal justice officials are searching for ways to fill the gap in correctional alternatives between simple probation and incarceration. Intermediate sanctions -- such as boot camps, house arrest, community service, expanded use of fines, restitution, etc. -- can provide the needed continuum of sentencing options, so that offenders are held accountable for their crimes, while, at the same time, the public safety is ensured.

The information contained in this Survey of Intermediate Sanctions provides valuable and timely information for State and local governments, agencies, and organizations, as well as criminal justice practitioners and researchers, on the concept of intermediate sanctions and its development. In addition, it presents practical information regarding relevant activities of the various Office of Justice Programs' (OJP) bureaus and offices: the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, and the Office of Juvenile Justice and Delinquency Prevention; as well as those of the National Institute of Corrections. Reference materials, sources of technical assistance, and representative programs are also included in this report.

The Office of Justice Programs' bureaus and offices assist State and local governments to reduce crime and to foster the cooperation and coordination needed to make the criminal justice system function more effectively and fairly. In carrying out its duties and responsibilities, OJP works to form partnerships with State and local governments to help policymakers, practitioners, and the public to identify emerging criminal justice problems and issues, promote innovative solutions, test them, and disseminate the results.

President Bush, through the National Drug Control Strategy, and the Attorney General have emphasized the need to plan, develop, and implement intermediate sanctions, particularly for non-violent drug offenders. It is our hope that this publication will aid in achieving that goal.


Jimmy Gurulé

Assistant Attorney General

SURVEY OF INTERMEDIATE SANCTIONS

Prepared by

**The Office of Justice Programs
United States Department of Justice**

September, 1990

125317

**U.S. Department of Justice
National Institute of Justice**

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**SURVEY OF
INTERMEDIATE SANCTIONS**

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PART ONE: AN OVERVIEW OF INTERMEDIATE SANCTIONS

THE ROLE OF INTERMEDIATE SANCTIONS IN THE NATIONAL DRUG CONTROL STRATEGY

"We also know that there are many for whom incarceration is not appropriate. But is simple probation sufficient? Particularly when probation officers are carrying caseloads far beyond what is manageable? We need to fill the gap between simple probation and prison. We need intermediate steps--intermediate punishments."

"This concept has appeal in both principle and practice. In principle, if we recognize gradations in the seriousness of criminal behavior, then we should have gradations in sanctions, as well. That's why we need a portfolio of intermediate punishments that are available--independent of whether our correctional facilities are full or empty, or whether our correctional budgets are lush or lean, or whether our offender populations are increasing or declining."

From the Opening Remarks by Dick Thornburgh,
Attorney General of the United States at the
National Drug Conference, May 15, 1990.

The term "intermediate sanctions" refers to the range of post adjudication sanctions being developed to fill the gap between traditional probation and traditional jail or prison sentences. The President's 1989 National Drug Control Strategy (September 1989) (hereafter "Strategy I") described the problem well: "In many jurisdictions, the choice of criminal sanctions is between prison or nothing at all." Intermediate sanctions--from the expanded use of fines, restitution, and community service to house arrest, intensive supervision, and shock incarceration--can utilize a host of innovative techniques that provide a continuum of sanctioning options. For this reason, innovative tools and techniques will be discussed that are related to intermediate sanctions, but are not necessarily intermediate sanctions as defined here.

As noted by the Attorney General, the concept has appeal in both principle and practice. If we recognize gradations in the seriousness of criminal behavior, then we should have available sanctions of graduated severity. From this perspective, we need a variety of intermediate sanctions from which to choose, notwithstanding the problems of prison overcrowding, budgetary concerns and fluctuating offender populations. In practice, intermediate sanctions can provide a means to hold offenders appropriately accountable for their actions, and, by increasing surveillance and control of the higher risk offenders supervised in the community, can contribute to public safety.

This is essential at a time when close to 3 million offenders are under community supervision, when demands on probation in major cities is probably increasing more dramatically than the demands on jails and prisons, and when rising probation caseloads may make one officer responsible for monitoring 200 offenders. An important feature of the concept of intermediate sanctions is that new sentencing options become available that are not dependent upon any particular sentencing structure or process. Intermediate sanctions may be utilized by sentencing judges or correctional agencies. For example, they may be implemented in States that do not employ sentencing guidelines.

Development and expansion of intermediate sanctions is one of the major criminal justice priorities identified in President Bush's Strategy I. In particular, Strategy I calls for: "Federal funding to States for planning, developing, and implementing alternative sentencing programs for nonviolent drug offenders, including house arrest and boot camps." (Page 16.)

Strategy I further concludes that "we need a national drug law enforcement strategy that casts a wide net and seeks to ensure that all drug use--whatever its scale--faces the risk of criminal sanction." (Page 18.) In defining appropriate criminal sanctions, Strategy I advises: "If State and local officials wish to expand their capacity to prosecute and sentence drug offenders they must broaden their notions of what constitutes punishment." (Page 25.) Strategy I specifically identifies "more efficient and often less expensive" options which include: "military-style boot camps" with rigorous regimes and austere conditions that "bring a sense of order and discipline to the lives of youthful, non-violent first-time offenders, and perhaps serve as a deterrent against future crimes;" "halfway houses" with "strictly supervised addiction recovery programs" for "offenders who require treatment;" and "house arrest programs that keep an offender incapacitated at his own expense." (Page 25.) An array of additional formal and informal sanctions stressing public safety and "accountability" are presented.

Strategy I concludes its discussion of criminal sanctions as follows (page 26): "Alternative sentencing need not and should not mean a weekend of charity work. The aim, rather, should be a flexible, high-volume processing system for a range of drug offenders, one that is swift, certain, and carefully linked to drug treatment and testing."

President Bush's 1990 National Drug Control Strategy (January 1990) (hereafter "Strategy II") continues the emphasis on intermediate sanctions begun in Strategy I. It states, "At the State level, there is a pressing need to maintain a high level of supervision for the thousands of convicted drug offenders who are returned to

the community." (Page 25.) Strategy II also notes that "States have begun to explore a broader array of sanctions including highly-structured boot camps and house arrest programs." (Page 24.)

DEFINING INTERMEDIATE SANCTIONS

The terminology used in defining various criminal sanctions is, at times, duplicative and confusing. For instance, the term "intermediate sanction" is often referred to as "intermediate punishment," "sentencing alternative" or even "alternative to incarceration."¹

For purposes of consistency and clarity, however, a standard definition will be used in this paper which is generally applied to both "intermediate sanction" and "intermediate punishment." The following definition of "intermediate sanction" is adopted: a punishment option that is considered on a continuum to fall between traditional probation and traditional incarceration.

Thus, intermediate sanction may, in fact, include elements of probation, incarceration and alternatives to incarceration--but it is not synonymous with any of these particular concepts. One advantage to not using the terminology "intermediate punishment" is that "punishment" is commonly equated with a single rationale for applying criminal sanctions--the rationale of "retribution" or "just deserts"--to the neglect of other traditional goals, including deterrence (both "general" and "specific"), incapacitation (or "isolation," "incarceration"), and rehabilitation (or "habilitation," "treatment," or "reformation"). Similarly, "restitution" (compensation to the victim or society) is another purpose that may be served through criminal sanctions. Intermediate sanctions may accommodate and include all of these purposes. It is important that this multi-purpose sanction not be evaluated by a single criterion (*i.e.*, recidivist rate) to the neglect of other important criteria (*i.e.*, enhanced public safety through greater supervision or isolation of an offender).

¹ See Dillingham, Steven D., et. al., Probation and Parole in Practice, (Cincinnati: Anderson Publishing Co., 1990); Morris, Norval and Tonry, Michael "Between Prison and Probation -- Intermediate Punishments in a Rational Sentencing System" NIJ Reports, No. 218, pp. 8-10, January/February 1990); National Drug Control Strategy, Superintendent of Documents, U.S. Government Printing Office, 1989; von Hirsch, Andrew, Doing Justice, (New York: Hill and Wang, 1976).

ISSUES RELATED TO INTERMEDIATE SANCTIONS

- It is important to emphasize that "intermediate sanctions" provide a wide array of sentencing options as called for in Strategy I. Intermediate sanctions may include: periods of incarceration in "boot camps;" intensive supervision of probationers and parolees, with drug testing requirements; electronic monitoring programs; house arrest programs; and community service and work programs with restitution requirements. Innovative techniques that may be used in conjunction with intermediate sanctions and that also create additional sentencing options, include: stiff fines and civil penalties for "casual" users; property forfeiture; driver's license suspension; employer notification; overnight or weekend detention; eviction from public housing; forfeiture of cars; school suspension; parental notification; postponement of driver's license eligibility; community service requirements for juveniles; and other options yet to be developed.
- Intermediate sanctions should not be considered substitute sanctions for those deserving incarceration for their crimes, whether short-term or long-term. Although intermediate sanctions may be a useful sentencing tool for the criminal justice system, they may not be appropriate sentencing considerations if they diminish criminal accountability. Unfortunately, some may view it as a convenient substitute for incarceration of serious offenders. It indeed may be convenient and cost-effective for selected offenders, but it must always be weighed against an overriding concern for public safety. Public safety must remain the paramount consideration.
- Drug testing programs are to be implemented throughout State criminal justice systems. Both Strategy I and Strategy II emphasize drug testing as a tool for combatting and monitoring illegal drug use, and call for drug testing programs as a condition for receipt of Federal criminal justice funds. As a consequence, drug testing will be a central element of most intermediate sanctions options and will require dramatically increased resources, including expanded training and technical assistance. While drug testing is of importance to pre-trial services in assessing risks associated with release pending final adjudication, drug testing requirements are even more critical to probation and parole functions which include the vast majority of convicted offenders. As stated in Strategy I (page 26):

"Probation, like parole, court-supervised treatment, and some release programs, should be tied to a regular and rigorous program of drug testing in order to coerce offenders to abstain from drugs while integrating them

back into the community. Such programs make prison space available for those drug offenders we cannot safely return to the streets. But unless they rigidly enforce drug abstinence under the threat of incarceration, these efforts lose their teeth. Drug tests should be a part of every stage of the criminal justice process--at the time of arrest and throughout the period of probation or incarceration, and parole--because they are the most effective way of keeping offenders off drugs both in and out of detention."

Strategy II (pages 25-26) confirms the weight placed on drug testing and states:

"Drug testing through urinalysis is the only reliable and practical method currently available for determining whether someone in custody or under correctional supervision has been using illegal drugs. Testing within the criminal justice system can serve as an 'early warning system' that provides another method of keeping offenders in check while they are on pretrial or post-conviction release. Moreover, random, mandatory drug tests, coupled with certain penalties, create a powerful incentive for those under correctional supervision -- a high risk group -- to get off and stay off drugs."

■ **One of the most recent and exciting forms of intermediate sanctions being adopted by the States is "boot camps."** The President's Strategy I calls for more support and attention to these programs, and program administrators and staff are almost unanimous in their enthusiasm for them. Although there were some early critics of these programs, their concerns may serve the useful purpose of improving the programs. Probable benefits of "boot camps" include:

- **Alternative sentencing options.** Boot camps should be considered as intermediate sanctions for offenders who pose risks too high for immediate supervised release. This option reinforces "user accountability" and promotes effective drug testing programs for offenders upon release.

- **Enhanced public safety through incapacitation.** Offenders in boot camps are, in fact, incapacitated for a period of time, preventing an immediate threat or opportunity for continued drug abuse.

- **Deterrence and punishment.** The rigors of boot camps, discipline, and the threat of more serious sanctions provide a potential deterrent and the perception of punishment for some offenders.

- **Rehabilitation and treatment.** The system of discipline and structured rewards demonstrates the relationship of wrongful behavior and undesired consequences. The curriculum typically includes structured physical drills, life skills improvement, self-esteem enhancement, educational and vocational training, confidence building, personal hygiene improvement, and substance abuse treatment. While firm in approach, these programs represent significant attempts to actually change criminal behaviors and should be considered rehabilitative in approach.

- **Reduced costs and implementation advantages.** Boot camps may utilize surplus property and have shortened start-up time requirements in comparison to prison start-ups. While costs are dependent upon design and operational features, boot camps offer potential cost-savings over prisons and experience less community resistance as they pose significantly reduced public risks due to the population consisting of non-violent offenders.

- **Opportunities for restitution and community service.** Boot camps frequently provide opportunities for performing valuable community services, both while incarcerated in low-security facilities and during intensive supervision upon release. A restitution requirement may also serve as an element of release.

PART TWO: INTERMEDIATE SANCTIONS AT THE STATE AND LOCAL LEVEL

This section contains a review of a range of intermediate sanctions and related innovative tools, and how they are being used by State and local governments. Several points should be noted here: First, while many of the State and local programs were initially established and promoted explicitly as less costly alternatives to incarceration, i.e., to address prison and jail crowding, most have also been used for, and increasingly are being designed for, a range of offenders who would otherwise have received "standard" probation. Again, intermediate sanctions serve more purposes than reducing costs and providing bedspace. Second, the sanctions described below are not mutually exclusive, but are frequently used in combination. Thus, a program of Intensive Supervision Probation may include requirements for community service, restitution, regular drug testing and a curfew. And third, these intermediate punishments can be effective--can function as credible sanctions with both offenders and the public--only to the extent that compliance with conditions is strictly monitored and enforced, and that the "back-up sentence"--the penalty for non-compliance--is defined and capable of implementation.

Technologies to Monitor Compliance with Conditions: Two technologies that permit criminal justice agencies to monitor more accurately an offender's compliance with the conditions of the sentence--drug testing and electronic monitoring--are increasingly being used in State and local intermediate sanctions programs.

- **Drug Testing:** Drug testing, to determine that an offender remains drug-free, is now being used as part of intensive supervision probation (ISP), house arrest, probation with day reporting, and shock incarceration programs at the State and local level. For example, Georgia's ISP program includes both routine and unannounced drug testing; Oklahoma's house arrest program mandates drug testing; Day Reporting Centers in Massachusetts test participants on a frequent, but random, basis; and SI programs in New York and Louisiana use drug testing both during the program and as part of post-release supervision. Urinalysis, which identifies recent drug use, is the current technology. Hair analysis, which can identify drug use over time, is too expensive presently for widespread application. However, the technology is developing rapidly and may hold promise for a less intrusive testing method, which could be used at less frequent intervals to provide not simply a "snapshot" of recent drug use, but a history of use over time.
- **Electronic Monitoring:** Electronic monitoring is used in a number of house arrest and ISP programs to monitor compliance with confinement conditions--in short, to make sure offenders are where they are supposed to be. Growth in use has been

explosive in recent years. A series of National Institute of Justice (NIJ) surveys provide annual 1-day counts of the number of offenders being electronically monitored. In February 1987, 826 offenders were being monitored in 21 States; by February, 1988, the figure had tripled to 2,277 offenders in 32 States; and the February 1989 count is estimated at 7,200 offenders in at least 37 States.

Electronic monitoring is being used with major traffic offenders (particularly DUI or DWI), property offenders, drug offenders, and for some sex offenses and/or offenses against persons. Florida and Michigan are the two States making the greatest use of monitors. In Michigan, the bulk of the offenders being monitored are under the supervision of the State Department of Corrections. In Florida, by contrast, approximately half of the participating offenders are monitored by the Department of Corrections, another quarter are monitored by city or county agencies (including sheriffs' offices and police departments), and most of the remainder are monitored by private agencies.

Commercially available monitoring equipment acquires information about the offender's presence in or absence from the monitored location and transmits it, normally by telephone line, to a computer where it is available to the surveillance officer. Two approaches are prevalent: a "continuously signalling device" which constantly monitors the offender's presence at a given location and the "programmed contact device" which phones offenders periodically to verify their presence. Recently, "hybrid" equipment has been introduced. It normally functions as a continuously signalling device, but when the computer is alerted to an unauthorized absence is capable of functioning as a programmed contact device, telephoning the offender and requesting verification that the individual responding is the offender being monitored. Numerous other advances and refinements are being incorporated in the systems, including visual verification through transmission of a snapshot activated by the person answering the telephone.

Shock Incarceration (SI) Programs: Shock Incarceration programs, popularly known as "boot camps," are one of the most publicized intermediate sanction programs. As of February 1990, SI programs were operating in 14 States. Programs vary in size, duration, location, who controls entry (judiciary or department of corrections), the level of post-program supervision and differences in the level of training, education, or treatment programming provided. All are relatively brief--most, three to four months--and are designed for offenders who have not yet served time in a State prison. The programs draw on the model of a military boot camp. They stress strict discipline, obedience, regimentation, drill and ceremony, and physical conditioning, sometimes including manual labor. SI participants are expected to learn self-discipline, teamwork and develop improved self-respect. Program

participants are housed separately from the general prison population, although in some programs they are within sight and earshot of general population inmates.

Adult boot camp programs are now operating in Alabama, Arizona, Florida, Georgia, Idaho, Louisiana, Michigan, Mississippi, New York, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. New York has the most offenders serving time in SI programs, all of which are located some distance from regular prisons. The New York program is six months in duration, focuses on strict discipline and rehabilitation activities (including drug treatment and education), and includes an after-care program as part of post-release supervision. There is also an intensive staff training component.

Louisiana's program, which also combines discipline with rehabilitation activities, was established within an existing prison, permitting relatively low start-up costs. Oklahoma's program, emphasizes correctional programming, particularly education, but also provides discipline and work. By contrast, the programs in Florida and Georgia emphasize hard work and discipline, but also provide some programming and rehabilitation activities.

Intensive Supervision Probation (ISP): Intensive supervision probation (ISP) as a technique for increasing control over offenders in the community (and thereby reducing risk), has gained wide popularity. A 1988 survey found that 45 States had or were developing ISP programs. The most basic elements of ISP are increased supervision, surveillance and control, usually achieved through reduced caseloads, increased numbers of contacts per month, and a range of mandated activities for participating offenders--for example, work or vocational training, community service, drug testing and treatment, and, in some cases, a curfew. Programs vary, however, in terms of the number and type of contacts per month, caseload size, type of surveillance conducted and services offered, whether staffed by specially trained officers or regular probation officers, and whether an officer "team" approach is used. Entry to a program may be the province of the sentencing judge, a prison release board, a parole board, or the probation agency.

Georgia's program requires up to five face-to-face contacts per week, 132 hours of mandatory community service, a mandatory curfew, mandatory employment, a weekly check of local arrest records, automatic notification of arrest elsewhere via the State Crime Information Network listing, and routine and unannounced drug and alcohol testing. These standards are enforced by a probation team made up of a probation officer and a surveillance officer, an approach designed to provide both surveillance and treatment-oriented counseling. Each team normally supervises 25 probationers, although in some areas a team of one probation officer and two surveillance officers may supervise a caseload of 40.

New Jersey's ISP program differs in that offenders are released into ISP from prison. Established in 1983, the program is designed to handle up to 500 offenders--who apply for admission from prison and have normally served three to four months before entering the program. New Jersey uses seven separate eligibility reviews to ensure that only low risk prisoners are admitted to the program, with final selection made by panels of superior court judges. The New Jersey ISP is an 18-month program and is divided into three phases, with unconditional release upon successful completion. The program runs 24 hours a day, seven days a week, and is staffed by specially-trained probation officers who regularly work evenings and weekends with caseloads limited to 25. In the first phase, offenders must have a minimum of 20 contacts a month with the probation officer. (An evaluation of the program, however, found that the median number of monthly contacts was higher: 31 in the first stage, 25 in the second, and 22 for the final phase.) There is a mandatory curfew with late night curfew checks. Employment or vocational training is required, and non-compliance is cause for revocation and return to prison. Sixteen hours of community service are also mandated.

By contrast, the Massachusetts ISP program was not intended to serve prison-bound offenders, but was designed specifically to provide better community protection over a sub-set of offenders normally placed on probation. The program targets high-risk probationers, determined through the use of an objective risk-classification instrument. A needs assessment is part of the intake process, and probation officers develop specific intervention strategies based on the needs identified, and make mandatory referrals in high-need areas, e.g. drug or alcohol abuse, which may include additional special conditions established by the judge. Four face-to-face and six collateral contacts (contacts other than face-to-face) are required per month; employment is verified every 14 days, and a records check conducted once a month. Probation conditions are rigorously monitored and enforced, using a four-step revocation process. Continuation in the program is reviewed in the fourth and tenth month; if the offender's risk level has improved, the individual may move to a lower level of supervision.

Day Reporting Centers: An emerging development in the field of intensive supervision is the Day Reporting Center (DRC), the subject of a current NIJ study. It identified 13 DRC's in six States (Connecticut, New Jersey, New Mexico, Massachusetts, Minnesota, and Wisconsin), the majority operated by private organizations. While programs vary in detail, in general, offenders must physically report to the Center on a daily basis, provide a schedule of their planned activities, and must participate in designated programs, services, and activities provided by the center or other community agencies. They must report by phone to the center throughout the day, and they can expect random phone checks by center staff both during the day and at home following curfew.

The NIJ survey found that in some existing programs offenders must contact the reporting center an average of 60 times per week and, in all but one, take random drug tests. Sanctions for drug violations vary--officials in Boston and Springfield, Massachusetts programs return offenders to the House of Corrections for their first positive drug test, while those in Bridgeport step up counseling and order more frequent testing, but revoke only chronic cases. Failure to report or participate in programming is a violation for which conditional release or community supervision may be revoked. Participation in the DRC can be a condition of probation; in some instances, it may be imposed as a sanction for probation violators, as a penalty short of returning them to prison. In some jurisdictions, it is also used as a step-down from a parole half-way house, or as a form of supervised pre-trial release. Many DRC's simultaneously serve a mixed population consisting of probationers, parolees, and other individuals under some kind of criminal justice supervision.

There is considerable variety in the size of DRC's and the extent to which services are offered in-house or brokered through existing community agencies. AIC, in Hartford, Connecticut, can handle 150 participants, provides all training and programming on-site, and supervises the average participant for 110 days. The Metro DRC, in Boston, has a capacity of 50, makes extensive referrals to off-site programs, and supervises its offender for an average of 42 days.

House Arrest and Home Confinement Conditions: Home confinement conditions restrict an individual to his or her residence for specific periods of time. Such conditions may be one component of a separate sentence (for example, the curfew conditions of intensive supervision programs), or may constitute an independent sanction, popularly known as "house arrest." In most house arrest programs, offenders are permitted to leave their homes only for employment, medical needs, or such mandated assignments as community service.

In the spectrum of intermediate sanctions, house arrest is considered more punitive than intensive probation which, in addition to close surveillance, may offer the offender counseling, treatment, and support services. In house arrest, the focus is on confinement, and the supervising officer's role is to ensure that the offender stays confined at home--a function supported in some programs with electronic monitoring. House arrest programs have been established in several States; those in Florida and Oklahoma are among the best known.

Florida's Community Control Program, established in 1983, is the largest and most widely known house arrest program in the country. The program has handled 20,000 offenders to date and has 6,000 "community controllees" under supervision at any given time. The sentencing judge assigns participants to the program. Three categories of offenders eligible: those convicted of nonforcible felonies, probationers and parolees charged with technical or

misdemeanor violations, and a flexible category, "others deemed appropriate" by the sentencing judge. Community controllees must support themselves and their families, perform community service, pay restitution, pay supervision fees of \$30-\$50 per month, maintain a daily log of their activities, and comply with restrictions on their movement.

Surveillance is conducted by specially trained community control officers whose caseloads are limited to 20 offenders and who are required to make a minimum of 28 personal and collateral contacts with each offender per month. In recent years, electronic monitors have been used for some programmed phone checks, and in 1987 the Florida legislature allocated \$418,000 to purchase or lease monitors for around-the-clock surveillance of some program participants. Florida's Community Control Program was initiated explicitly as an "alternative to incarceration"; current evaluation findings indicate that slightly over 50 percent of the offenders would otherwise have gone to prison, while the rest would have been placed on probation.

The Oklahoma house arrest program is a "back door" early release program. It is of interest in terms of "intermediate" sanctions because it deals with higher risk offenders than is characteristic of most IS programs. Since its initiation in 1984, well over 4,000 Oklahoma prisoners have been released early from prison into house arrest. Enabling legislation permits the Department of Correction to grant early release into house arrest for up to 15 percent of the total inmate population. Prisoners must serve 15 percent of their maximum sentence before being eligible, and must be within 27 months of discharge for a non-violent offense and 11 months of discharge for a violent offense. Sex offenders and those denied parole within the last six months are ineligible. Each house arrestee is supervised by a correctional case manager and a community correctional officer. Program participants have up to three random field contacts per week, regular meetings with their correctional officer, and drug testing; they pay \$45 per month in supervision fees and restitution. From October 1984 to October 1985, 2,404 offenders were released into the program; 67 percent completed their house arrest successfully, with only five percent failing because they committed new crimes. Both the Florida and Oklahoma programs are currently being evaluated by NIJ.

Expanded Use of Fines: Many proponents of intermediate sanctions are urging expanded use of fines as a sanction, based 1) on a growing body of U.S. research, and 2) on the British and European experience, including the use of "day-fines."

U.S. Research and Practice: While the fine as a criminal sanction is clearly punitive in nature, criticisms include: many fines are small and their punitive symbolism is limited; collection practices burden overworked courts, thus many fines are not collected, weakening the credibility of both the sanction and the court; and, because of disparity in offender incomes, set fines are inherently unfair. Recent research, however, demonstrates that there are many courts across the country where fines are imposed frequently and collections rates are high; and that often such straightforward administrative measures as requiring immediate payment, keeping installment schedules short, monitoring payment and sanctioning non-compliance quickly, appear to be major factors in program effectiveness. A number of courts are turning to the private sector for assistance with collection and enforcement.

Among the courts using innovative collection and enforcement strategies are the Phoenix Municipal Court, where offenders must consult a fine coordinator if they cannot pay the fine immediately, set up a payment schedule, and sign a contract agreeing to pay on time. The information is entered into a computer system which credits payments to the offender's account and, if a payment is missed, automatically triggers enforcement strategies, from a computer-generated letter to phone calls from the coordinator. The Tacoma (Washington) Municipal Court uses a private telemarketing firm to remind offenders to make their payments; in two years, the technique generated \$375,000 in fine revenue at a cost to the court of \$26,000. The Evergreen District Court, in Snohomish County, Washington, found using a licensed collection agency almost four times as productive as a court-generated delinquency notice for fines between 90 and 120 days overdue. Interest in using licensed collection agencies is growing. Such companies are not limited by State lines, frequently can contact other data bases to track offenders' addresses, and often notify credit bureaus of delinquent accounts; the potential impact on credit ratings appears to be a strong impetus for payment.

The European Experience: The use of fines as the sole sanction for non-trivial criminal cases has been demonstrated in the United Kingdom, West Germany and Sweden. During 1980 in England and Wales, 24 percent of those convicted for burglary, 50 percent of those convicted of violence against a person, and 52 of those convicted of theft or handling stolen property were fined. In West Germany, roughly 75 percent of adults convicted of other than traffic offenses are fined. The reported proportion in Sweden is close to 70 percent. A study in West Germany reported no difference in recidivism between professional thieves and traffic offenders given short-term imprisonment and those given a fine; it

reported fines were considerably more effective than either imprisonment or probation for offenders convicted of embezzlement, theft, and fraud.

Day Fines: One technique for addressing the equity issue in using fines for offenders with vastly different incomes is the European Day Fine, widely used in West Germany and Scandinavia. With day fines, the judge first decides the number of "day fine units" warranted, based on the nature and severity of the crime (the more serious the crime, the higher the number of units), but with no consideration of the offender's income or resources. The monetary value of each day-fine unit is then determined based on the offender's income. The individual offender's "day fine" times the number of units imposed, becomes the total fine. In Sweden, a day fine is 1/1000th of the individual's annual income, with deductions made for taxes, dependents and major debts, but with increases based on net worth. Essentially, the Swedish system deprives offenders of disposable income over and above their basic living expenses. In Germany, a day-fine unit is described as the offender's net income for one day, without deduction for family maintenance; the total fine then represents the net income the offender would have lost had he or she been incarcerated. Such fines can be adjusted to reflect individual circumstances.

Based on the European experience, NIJ is sponsoring an experiment and demonstration of day fines in the criminal court of Richmond County (Staten Island) New York. An independent pilot project is also underway in Phoenix, Arizona, and similar programs are reported under consideration in Minneapolis, Minnesota and Portland, Oregon.

Community Service: Community service orders require offenders to work without pay for a designated number of hours, normally for public or non-profit organizations. Typical tasks include cleaning up highways and public parks, maintenance work in hospitals or nursing homes, or clerical tasks in public agencies. Community service has been discussed earlier as one element within a more stringent intermediate punishment (*e.g.*, intensive probation, house arrest, or in conjunction with a heavy fine for white collar offenders who are seen as posing no risk to the public). Community service orders are also used as a stand-alone sanction or a condition of probation for low level indigent offenders unable to pay a fine; for lesser white collar offenders and for many juveniles. A recent review indicated there were well over 250 community service programs serving adult criminal courts and double that number for juveniles. Both the advice of experienced program administrators and research findings on community service indicate that to be effective--whether as an independent sanction or an element of a more punitive sentence--programs must focus on judicial acceptance, enforcement of community service orders, supervision of the work to be performed, and, often, training offenders to perform the work.

New York City's Community Service Program (focused on relatively low-level but repeat offenders and initiated in conjunction with the Vera Institute) has been the most intensively studied adult program in the country. That research found that judges would sentence to community service both offenders who would otherwise have received lesser sentences, and those who would otherwise have been given short jail terms for punitive, rather than incapacitative, purposes. Though early proponents of community service had frequently argued its rehabilitation potential, in New York, the subsequent criminality of those sentenced to community service was comparable to offenders given short jail terms, and some crimes, though typically not serious ones, were committed by the community service group. Further, the research found that offenders did not perceive community service as a form of victim restitution. The study's principal investigator recommends that community service "be conceived of, and designed principally as a punishment rather than a rehabilitative strategy or symbolic restitution."

Restitution: Financial restitution to the victim (or, in the absence of an identified victim, mandated contributions to the State victim compensation fund) is increasingly seen as one element of a more stringent intermediate sanction, such as intensive supervision probation. Here, there is a supervision mechanism in place to enforce payment. When victim restitution is ordered as a condition of probation, it may be administered by the probation agency, a victim-assistance program, or an independent program. A 1986 analysis of restitution practices found both victim-focused and offender-focused restitution programs, but in few cases was victim restitution the sole sanction. For all types of programs, the techniques for determining restitution amount were a key issue. Concerns surrounding restitution collection, strategies to encourage payment and sanctions for non-compliance parallel those involved in fines, although there appeared to be less innovation in addressing them.

The analysis highlighted the variety in restitution practice: In Multnomah County, Oregon, Project Repay is a dedicated restitution unit within the Victim Assistance Program of the District Attorney's Office; it has a staff of six and a restitution caseload of over 700. In most victim assistance programs, however, all program staff are expected to handle restitution as part of the delivery of victim services. In Glendale, Arizona, where the victim assistance program is an office of city government, a staff of ten handled approximately 100 restitution cases annually; in Santa Clara County, California, the 12-person staff of the victim witness program sponsored by the National Conference of Christians and Jews reported an annual restitution caseload of 300. Victim-Offender Reconciliation Programs (VORP) were developed to address both the economic and psychological needs of crime victims. Most are sponsored by church-related organizations, though some are housed in government agencies, such as the sheriff's department in Batavia, New York. The programs rely heavily on volunteers in

assisting victims to work out acceptable restitution and repayment by the offenders; restitution caseloads are typically much smaller than in traditional victim assistance programs. In Elkhart County, Indiana, however, the VORP sponsored by the Center for Community Justice, reports that its staff of six, plus volunteers, handle over 200 restitution cases annually.

Corrections (and occasionally law enforcement) agencies administer differing types of restitution programs. "Restitution/employment" programs arrange for probation by the offenders and help the offender obtain employment so that restitution can be paid. One of the best-known is the "Earn-It" program of the Quincy (Massachusetts) District Court Probation Department. The program provides over 1,630 offenders annually with temporary minimum wage jobs so they can pay restitution; over 40 businesses in the court district have agreed to hire offenders for up to 100 hours. The Victim Restitution Unit of the Warwick, Rhode Island Police Department is a variation on the "Earn It" model. One full time police officer handles over 430 restitution cases annually. For adult offenders, restitution is a condition of probation, but for juveniles, it can be arranged prior to adjudication as a diversion. The second offender-focused restitution practice gives the responsibility for arranging restitution agreements and monitoring payment to probation officers. While some probation agencies, such as the Municipal Probation Department of Minneapolis, MN, and the Nevada State Probation Department, have dedicated Restitution Units, more common practice is to make it the responsibility of all probation officers with respect to their own caseload.

Mandatory Driver's License Suspension: Mandatory suspension of a driver's license (or ineligibility to apply for one) is drawing increasing attention as a potential sanction for drug users as well as for alcohol offenses. It is theorized that the loss of a driver's license for a significant period of time may not only enhance public safety, but also provide an inexpensive and administratively simple sanction that can have a significant deterrent effect, particularly for casual drug users and juveniles. There are already a few programs in operation--in Oregon, Missouri, and New Jersey--but little is known about their effectiveness. The Oregon Program is the oldest and targets 13 to 17 year-old's. It was established in response to the Oregon Denial Law passed in 1983, which was the nation's first State law to revoke minors' driving privileges for alcohol or drug offenses, whether the vehicle was involved in the offense, or not.

Missouri's program, based on the Use and Abuse Law passed in September 1987, targets offenders under the age of 21. Their licenses can be revoked for alcohol-related vehicular offenses and for any drug offenses whether or not they are vehicle-related. New Jersey's program began as part of the New Jersey Comprehensive Drug Reform Act of 1987. It targets both adults and juveniles involved in drug offenses, and in 1988 suspended 9,600 licenses. A planned

NIJ study will examine these programs (along with other non-incarcerative sanctions for drug users) to develop information on program operation, effectiveness, and costs.

In addition, some jurisdictions, such as New York City, are experimenting with confiscating the automobiles of drug users driving to a "drug market" to purchase drugs.

State Efforts to Expand Sentencing Options and Intermediate Sanctions: A very ambitious State effort to date to expand--and to structure--the range of sentencing options was initiated in Delaware by former Governor Pierre du Pont, at the recommendation of the Delaware Sentencing Reform Committee. He proposed establishing a range of sanctions, spread over 10 separate "levels of accountability," with increasing control, supervision, and obligations at each level. Such factors as the amount of mobility permitted or confinement required, the amount of supervision and numbers of contacts, privileges to be withheld or other special conditions, were specified for each level. Thus, Level I was unsupervised probation to which a fine and court costs might be attached, while Levels VIII, IX, and X were incarceration in a minimum, medium, and maximum security prison, respectively, with considerable privilege restriction and financial obligations. At Level IV, the offender might have weekend community service or mandatory treatment five hours per day; be required to have 3-6 face-to-face contacts per month, and weekly phone contact; pay a fine, court costs, and \$30 a month in probation fees; and be prohibited from drinking or traveling out of state.

As envisioned, offenders would be sentenced to an initial Level based on the severity of the offense and criminal history, but could, depending on behavior and compliance with conditions, move up or down, particularly in Levels I - VII. Delaware moved to implement the program, after combining several of the levels (e.g., VIII, IX, and X) and reducing the overall total to five. The system is voluntary and non-binding, but reportedly has strong support within the judicial and corrections community. Sentencing commissions in Oregon, Minnesota, and Louisiana are also reportedly exploring building intermediate sanctions into their guidelines system. Sentencing guidelines for the State of Washington suggest "exchange rates" between incarcerative and non-incarcerative sentences for some less serious offenses.

New York State, which is generally recognized as having a large number of different intermediate sanction programs, has taken a different approach to stimulating the expansion of intermediate punishments. Through its Division of Probation and Correctional Alternatives, it makes State dollars available to the counties for program development and technical assistance in this area, but encourages each locality to determine its own problems and needs with respect to the specific type of program to be mounted or offenders to be targeted. The approach has reportedly stimulated new programs in 64 counties.

PART THREE: INTERMEDIATE SANCTION ACTIVITIES

The Office of Justice Programs (OJP) and the National Institute of Corrections (NIC) are currently assisting State and local governments and agencies in undertaking a number of projects to study, demonstrate, and evaluate a variety of intermediate sanctions. What follows is a listing of activities, broken down by OJP bureau and NIC, including some past and current projects, that might be useful to those interested in some of the more practical considerations to implement intermediate sanctions in their jurisdictions.

Note: The following programs are provided for information purposes only; this is not a solicitation for applications.

BUREAU OF JUSTICE ASSISTANCE (BJA)

BJA administers grant programs to support national drug control efforts and to improve State and local criminal justice systems, particularly law enforcement activities. BJA's intermediate sanction efforts include publications and demonstration and evaluation projects that are listed below.

Intensive Supervision Probation/Parole Demonstration Program--The goal of this program is to protect public safety by increasing the surveillance of offenders to ensure they are complying with the terms of their release. This surveillance may serve to reduce criminal activity and drug dependence among certain offenders by providing heightened accountability. The intensive supervision projects emphasize frequent face-to-face contacts and surveillance. Drug offenders are also required to participate in frequent drug testing and alcohol and drug treatment, when such treatment is available.

Several of the 11 demonstration sites accepted clients from the general offender population, and six sites targeted drug offenders. Two of the projects were designed to divert offenders from prison. Projects have been funded in the following sites: Los Angeles County, California; Ventura County, California; Marion County, Oregon; Milwaukee County, Wisconsin; Contra Costa County, California; Winchester and Frederick Counties, Virginia; Santa Fe, New Mexico; metropolitan Seattle, Washington; Atlanta, Macon and Waycross, Georgia; and Polk County, Iowa.

An independent evaluation being conducted for BJA by the Rand Corporation will establish how participation in the Intensive Supervision Program and control programs affected subsequent behavior of offenders. Technical assistance, in support of Intensive Supervision Probation/Parole, has been provided through a BJA cooperative agreement with the National Council on Crime and Delinquency.

Electronic Monitoring in Intensive Probation and Parole Programs--
-A monograph entitled Electronic Monitoring in Intensive Probation and Parole Programs has been published by the Bureau of Justice Assistance to assist criminal justice agencies define the objectives of electronic monitoring, develop policies, review equipment bids, and secure technical assistance. The use of electronic monitoring devices has spread rapidly. First used in December 1984, electronic monitoring devices were being used in 20 states by early 1987 and in 32 states by early 1988. The purpose of the monograph is to provide guidance in the planning and implementation of electronic monitoring in intensive supervision probation and parole programs. The monograph discusses the applications of electronic monitoring, goals and objectives, legal issues, policies and procedures, implementation strategies, requests for proposals, the bidding process, research and evaluation, and program experience.

Shock Incarceration (Boot Camp) Assessment and Demonstration --
BJA is conducting a demonstration program and assessment of the effectiveness of Shock Incarceration. Demonstration sites were funded in FY 1989 in New York and Texas. These demonstration sites and several programs already operating in the States are being evaluated under a cooperative effort between the BJA and the National Institute of Justice (NIJ). Since 1989, projects with a high proportion of drug offenders have been targeted to examine possible strengths in dealing with drug offenders, although most boot camp programs have found that a high percentage of offenders generally have a substance abuse history.

Drug Testing Throughout the Criminal Justice System--This program has three related components: 1) Pretrial, which will support the provision of technical assistance (T/A) and establishing demonstration models for drug testing programs for pretrial offenders. 2) Probation and Parole, which will assist State correctional officials and jail officials with development and implementation of drug testing programs for offenders serving probation or parole. (The program will utilize offender management tools, such as the threat of additional sanctions and imposition of user fees, and will stress the linkage between intensive supervision and drug testing after adjudication). 3) Model Demonstration Sites to provide financial assistance to one or two jurisdictions (including statewide) to demonstrate a comprehensive drug testing system involving all stages of the criminal justice process. Selected jurisdictions will be eligible to receive training and technical assistance from providers who receive awards in the preceding drug testing program components.

Drug Testing and Intensive Supervision--This program will demonstrate pretrial drug testing and monitoring through three distinct components: continuation of four demonstration sites, technical assistance, and a comprehensive program evaluation.

Drug Testing Technology/Focused Offender Disposition Program--This program has focused on the post-adjudication management of offenders and has included: the use of drug testing as a part of offender assessment, the critical elements of offender assessment, the relative efficacy of the Offender Profile Index as an assessment instrument to inform disposition and intervention decisions, and the relative efficacy of urine monitoring as a disposition consideration for drug using offenders.

Drug Use Forecasting: This program, co-funded by the Bureau of Justice Assistance and the National Institute of Justice, provides specific information on the prevalence and type of drug use among arrestees in over 20 sites.

Treatment Alternatives to Street Crime (TASC)--BJA has conducted an ongoing effort to promote the adoption of offender management programs that incorporate urinalysis and graduated sanctions as critical program elements. Cooperative agreements have been utilized to provide technical assistance, training, and program documentation for State and local officials seeking to establish or improve programs for the management of drug-dependent offenders.

Denial of Federal Benefits--Section 5301 of the Anti-Drug Abuse Act of 1988 provides that an individual convicted of a Federal or State offense for the distribution or possession of a controlled substance may, at the discretion of the court, be denied Federal benefits including: grants, contracts, loans, professional licenses or commercial licenses. The 1990 program plan includes funds to establish a system for reporting drug convictions to the General Services Administration (GSA) for inclusion on its list of Debarments and Suspensions.

Civil Penalties--Section 6486 of the Anti-Drug Abuse Act of 1988 provides a civil penalty in an amount not to exceed \$10,000 for each possession of "personal use" amounts of certain controlled substances. This program will demonstrate the effectiveness of using civil penalties as a means of holding drug users accountable for their actions and will provide for cross-designation of State and local prosecutors with U.S. Attorneys.

Structured Sentencing Program--As a joint program with the U.S. Sentencing Commission, BJA provides technical assistance to States to develop and implement sentencing policies and practices that facilitate consistent and appropriate punishment of convicted offenders.

Prison and Jail Industries Development, Implementation and Expansion: This program provides necessary resources, leadership, management and coordination of training and technical assistance delivery to support the Private Sector/Prison Industry Enhancement (PIE) Certification Program or to meet similar identified prison or jail industry needs. The program is designed primarily to assist certified agencies, designated prison industry operations, and agencies interested in seeking certification.

Correctional Industry Information Clearinghouse: The Correctional Industry Information Clearinghouse Program is designed to support improved operations and expansions of correctional industries, both as a means to reduce idleness and to develop revenues for a variety of correctional and social purposes. During 1990, this project has been providing for the continuation of an automated information system for correctional industries. Technical assistance is available on a wide-range of prison and jail industry issues, including legislation, personnel procedures, marketing and sales, and organization and management, as well as joint ventures with the private sector.

Offender Supervision and Victim Restitution Project: This program collects and analyzes information on existing probation and parole supervision practices related to protecting victims and providing victim services (including restitution) for purposes of developing a model curriculum and incorporating it into actual case management systems.

Evaluation--A number of comprehensive evaluations of programs funded under BJA's Formula Grant and Discretionary Grant Programs are being conducted. In 1990, NIJ will fund up to 20 evaluations that include several intermediate sanctions projects.

BUREAU OF JUSTICE STATISTICS (BJS)

BJS collects, analyzes, publishes, and disseminates statistical information on crime, criminal offenders, victims of crime, and the operations of justice systems at all levels of government. While BJS statistical activities do not focus strictly on intermediate sanctions, several of BJS' statistical series provide useful and pertinent information on the subject.

Census--A census of State probationers began in January 1990 to compile national data on three types of intermediate sanctions: intensive supervision, house arrest, and electronic monitoring. Results are expected in November, 1990. In addition, a census of State correctional facilities was begun in June, 1990 to compile national data on the number of facilities entirely or partly operated as a boot camp, the types of programs offered, eligibility requirements for participation, and the number of inmates participating. Results are expected in April, 1991.

National Probation and Parole Initiative--BJS launched an initiative with the dual objectives of obtaining detailed data on each probation and parole agency nationwide and, eventually, the collecting of information on the offense, criminal history, and substance abuse history of the nearly 3 million offenders under conditional supervision in the community. The agency census will collect information on the size and composition of agency workloads, staffing, service provision, budgets, and the availability and use of intermediate sanctions. Based upon these

agency data, it is anticipated that a nationally representative sample of probationers and parolees will be interviewed about their criminal careers, patterns of drug and alcohol abuse, the characteristics of their victims, their use of firearms, their conditions of supervision and revocation experiences, and their participation in rehabilitation programs and intermediate sanction activities (electronic monitoring, boot camps, etc.).

These efforts are expected to be completed in FY 1993. All data collection will be planned and undertaken with the input, guidance, and support from relevant Federal agencies (National Institute of Corrections, Administrative Office of the U.S. Courts, Bureau of Prisons, U.S. Sentencing Commission, Office of National Drug Control Policy, National Institute on Drug Abuse), representatives of State and local probation and parole agencies, and representatives from professional organizations, such as the American Probation and Parole Association and the American Correctional Association.

BJS Survey: Felony Probationers Under Supervision in the Community--A BJS survey compiled information on approximately 3,000 convicted State felons sentenced in 1983 to probation in 16 counties throughout the Nation. The 3,000 felons were sampled to represent all 10,400 felony probationers in these 16 counties. Details on the type of intermediate sanction and the percentage receiving the sanction are included. Survey findings are described in detail in a BJS report entitled, A Sentencing Postscript: Felony Probationers Under Supervision in the Community.

BJS Surveys: Felony Sentences in the State Courts, 1986 (1989); Felons Sentenced to Probation in State Courts, 1986 (1990)--These BJS surveys compiled information on approximately 50,000 felons convicted in 1986 in the State courts of 100 counties. The 50,000 were selected to be representative of an estimated total 580,000 felons convicted in State courts nationwide. Information including type of sentence and percent receiving the sentence are available. The surveys also compiled information on restitution, fines, and compulsory treatment. Another survey covering State felons convicted in 1988 in 300 counties is nearly completed, with results expected in 1990.

Annual Census of Probation and Parole--The report on this assessment will be published in November 1990 and will provide national data on the number of probationers subject to three types of alternative sentencing programs: intensive supervision, house arrest, and electronic monitoring.

Survey of Felony Sentencing in State Courts, 1986--This survey produced the first nationally representative data on felony sentencing throughout the nation.

Quinquennial Census of State Prison Facilities--This census will compile national data on the number of facilities entirely or partially operated as a boot camp, the types of programs offered, eligibility requirements for participation, and the number of inmates participating.

NATIONAL INSTITUTE OF JUSTICE (NIJ)

NIJ sponsors and generates research and development on crime and crime control issues to assist Federal, State, and local criminal justice policymakers. As the following list of activities illustrates, NIJ has numerous publications and research activities involving various intermediate sanctions.

A Multi-site Study of Shock Incarceration--This is a project funded jointly by the NIJ and BJA that coordinates the research evaluation of programs in seven States. Researchers are working together to identify the specific components of the programs that are most effective in correctional systems and the type of offenders who most benefit from the programs. Two of the sites involved in this multi-site evaluation effort are programs designed to target the drug offender. As part of the multi-site evaluation, researchers will examine the success of the programs for drug offenders. Preliminary results may be available in August 1991.

National Conference on Intermediate Punishments as Sentencing Options--A national conference on Intermediate Punishments as Sentencing Options, sponsored by NIJ in conjunction with the National Institute of Corrections (NIC), with the Office of Justice Programs (OJP), BJA and the State Justice Institute (SJI) is planned for the fall of 1990.

An Intensive Evaluation of Shock Incarceration in Louisiana--This is a National Institute of Justice sponsored research project evaluating a shock incarceration program in Louisiana. The work is being done by the Louisiana State University and the Louisiana Department of Corrections. There are some preliminary reports available from this work, and a draft final report is expected in August, 1990.

Evaluation of the Oklahoma Department of Corrections Electronic Monitoring/House Arrest Program--An effort is underway to evaluate the impact of the Oklahoma Department of Corrections' House Arrest program on public safety and costs. Within the house arrest evaluation, an experimental design will be implemented on the effects of imposing electronic monitoring supervision on offenders who qualify for the house arrest program. Completion of this project is expected in January 1991.

An Experimental Assessment of the Application of Home Detention to an Offense Specific Population--A project is underway in Indianapolis, Indiana to complete an experimental evaluation (where two or more interventions are tested to determine if either is effective,

and if so, how effective) of a home detention program for juvenile burglars. The curfew restriction to be imposed will be monitored through both electronic equipment and field visits by uniformed police officers. The study is designed to facilitate the answer to several research questions. These include: How well does home detention work with juveniles? How well does electronic monitoring work with juvenile burglars? Does the use of uniformed police officers to assist in monitoring enhance a home detention program? Can police visits and electronic monitoring be utilized together to monitor home detention orders? Can a home detention program produce lower burglary rates while protecting public safety? This project will be completed in January 1991.

Electronic Surveillance of Work Furlough Inmates--In this project, persons convicted of nonviolent felonies and sentenced to the work furlough program in San Diego will be randomly assigned either to electronic monitoring at home or to the Work Furlough Center. The research team will address program implementation, offender performance in the program, post-release behavior, cost-effectiveness, impact on local detention facility populations, and electronic surveillance as a form of punishment. Work was suspended due to change in court procedures, but completion of the study is being pursued.

Evaluation of the Florida Community Control Program--This research provides for a full-scale evaluation of the Florida Community Control Program. This program was designed to effectively control prison and jail-bound offenders in the community, and it is among the most intensive surveillance controlled, community-based programs in the Nation. Incorporated in this program's design are house arrest, payment of fees, restitution, and community service orders. This is the largest house arrest program in the country, having admitted over 16,000 individuals since its inception in October 1983. This program is intended to ensure punishment and to build accountability and responsibility. A draft final report is anticipated in 1990.

An Experiment on the Use of Day Fines in Criminal Court--This project in Staten Island, New York is the first demonstration in the United States of the "day fines" approach. It is being done with the cooperation of the judges and the prosecutor and concluded with a final report in April 1990. The preliminary results are positive, particularly in regard to the attitudes of the criminal justice system practitioners.

Drug Testing in Community Corrections--This program supports investigations using experimental research designs to examine the effectiveness of drug testing, treatment programs, and punitive sanctions to reduce criminal behavior and drug use among persons under pretrial release or convicted offenders under community supervision. Initial pipeline or sampling studies will be completed in the fall of 1990.

Day Reporting Centers: A Descriptive Analysis of Existing Programs--This report reviews the concept of "day reporting" and the prevalence of its use in North America (14 currently operating centers were identified, one in Canada). Day Reporting Centers, are programs to which persons on pretrial release, probation, pre-release or parole are required to report on a frequent and regular basis in order to participate in programs, services or activities provided by the Center or other community agencies. Failure to report or participate is a violation for which the conditional release or community supervision may be revoked. The study gives correctional practitioners a summary of current programs: how they were developed, what purposes they seek to attain, how they operate, what they cost, and problems they have encountered and resolved during their implementation. It also identifies key issues that correctional officials and policymakers should consider when deciding if they should develop day reporting centers. The report is being published as part of the NIJ publication series Issues and Practices in Criminal Justice.

Electronic Monitoring of Non-Violent Convicted Felons: An Experiment in Home Detention--This study has evaluated the Indianapolis, Indiana Electronic Surveillance of felons convicted of nonviolent offenses. This evaluation collected data to describe and document the program (population served, levels of supervision, disposition) and gauge success in meeting the program objectives. The project will be completed in 1990.

Electronic Monitoring--This study will conduct a controlled experiment in house arrest with electronic monitoring for drug-law violators in three urban neighborhoods in Los Angeles County. Specifically, using contrasting ethnic populations and drug preferences, it will test: (1) whether differences in probation outcomes result from house arrest; (2) whether active or passive type electronic monitoring is most effective; and (3) whether either type monitoring becomes more effective by increasing the ability of officers to respond to alarms from the monitoring equipment at night.

Electronic Monitoring Equipment--This pamphlet describes the four types of electronic devices for monitoring an offender's presence in a given environment and presents the NIJ's latest information on manufacturers and distributors of the equipment, as of February 1987. This was published in 1987.

NIJ Reports - Electronically Monitored Home Confinement--A discussion of the development of systems for electronically monitoring offenders placed on home confinement accompanies descriptions of programs in five jurisdictions that were considering or using monitoring programs involving equipment currently on the market was published in 1985.

House Arrest: "Crime File" Segment--In response to rising incarceration rates and prison crowding, Florida developed the first statewide house arrest program. As part of NIJ's "Crime File" video tape series, this segment examines the house arrest program and its use of electronic monitoring devices. A final report was published in 1986. It is also available under the Crime File II Series. An accompanying study guide examines the nature of and reasons for house arrest, its advantages and disadvantages, and the components of Florida's house arrest program (Community Control Program). This was published in 1988.

Analysis of the Cost Effectiveness of Private and Public Correctional Facilities--This study was undertaken to compare State government correctional facilities in two states (Massachusetts and Kentucky) that are managed and operated by private contractors to similar facilities that are managed and operated by the government. The study's primary objective was to assess and identify differences in cost, service quality, and effectiveness between the private and publicly operated institutions. The executive summary and full report produced under this project are entitled, "Comparison of Privately and Publicly Operated Facilities in Kentucky and Massachusetts."

Comparing Public and Private Prisons--This study will compare the quality of a women's prison in New Mexico before and after award of a contract for private operation of the prison. A final report is anticipated in late 1990.

Commercial Prisons: Cons and Pros--This Visiting Fellowship project helped to clarify the debate over privatization in corrections. Another product generated from this study focused on costs of public and private prisons, and was published in the September--October 1989 issue of NIJ Reports.

Private Prisons--After reviewing recent developments in the privatization of prison facilities and services, this "Crime File" study guide reviewed major issues and controversies and provides background information for the debate. It was published in 1988.

Issues in Contracting for the Private Operation of Prisons and Jails--This report reviewed and analyzed 1) the legal issues, 2) the policy and program issues to be decided before contracting, 3) RFP and contract issues, and 4) monitoring and evaluation issues surrounding contracting for the private operation of correctional facilities. It was published in October, 1987

Privatization of Corrections--This report identifies the major trends in the privatization movement in corrections, and outlines the issues surrounding proposals for private financing, construction, and operation of prisons and jails. This was published in Issues and Practices in 1985.

Research on New Jersey's Intensive Supervision Program--This report presents an evaluation of the New Jersey's Intensive Supervision Program for controlling offenders in the community. Under this program, offenders who are sentenced to prison by trial judges (and actually committed to prison) are re-sentenced into a program of intensive supervision in the community by a specially created panel of judges appointed by the Chief Justice. The final report from the original evaluation is available at National Criminal Justice Reference Service (NCJRS). A follow-on study is conducting in-depth examinations of the experience of drug abusing offenders in the program; a report on that research is expected in June 1991.

New Dimensions in Probation: Georgia's Experience With Intensive Probation Supervision (IPS)--This evaluation, which analyzed data on all probationers in Georgia's Intensive Probation Supervision (IPS) program between 1982 and 1985 (2,322 probationers), found that IPS reduced the prison population, cost less than prison, and produced less recidivism than regular probation. It was published as a Research in Brief in 1987.

Impact of Intensive Probation Supervision in Massachusetts--This study was undertaken to evaluate the impact of intensive probation supervision (IPS), recently implemented in 15 courts throughout Massachusetts. Specifically, by examining "high risk" probationers in a sample of 15 non-participating courts, the project analyzed the direct and indirect effects of the IPS program on the Massachusetts' Correctional System. A final report is available at NCJRS.

Restitution and Community Service--After tracing restitution's historic roots and profiling contemporary restitution and community service, this "Crime File" study guide discusses the rationale for these sentences, their effectiveness in rehabilitation and as alternatives to prison and their future use. A videotape by the same title accompanies the guide. It was published in 1988.

Shock Incarceration: An Overview of Existing Programs--This study provides information on shock incarceration and identifies the key issues and problems involved in developing this program. It was published as part of the NIJ series Issues and Practices in Criminal Justice in 1989.

Use of Forfeiture Sanctions in Drug Cases--This summary analyzes major provisions of State forfeiture laws as they apply to narcotics trafficking, reports on a survey of prosecutors regarding their use of such laws, and suggests practical steps for expanding the use of this legal tool. This was published as a Research in Brief in 1985.

Deterring Drunk Driver Recidivism--This contract was awarded for a pilot study to test the feasibility of and to develop a research design for a field experiment to measure the relative effectiveness of incarceration versus other sanctions for preventing recidivism among first offender drunk drivers. Through analysis of Hennepin County (Minneapolis) Municipal Court records for an 11-month period and subsequent analysis of rearrest records for a 23-month follow-up period, the drivers who were sentenced to a 2-day jail confinement plus a fine were compared with those who received sanctions of fines without jail incarceration. The research findings indicated that a sanction of incarceration with fine was no more effective as a deterrent to drunk driving recidivism than a sanction of fine without jail confinement. A report is available at NCJRS.

Expanding Sentencing Options: A Governor's Perspective--This Research in Brief, published in 1985, outlines the proposal of then Governor Pierre duPont and the Delaware Sentencing Commission for a sentencing guideline structure involving 10 graduated levels of supervision.

Crime Victim Restitution--This report, part of the publication series, Issues and Practices in Criminal Justice, reviews the operations of a range of restitution programs and their use in conjunction with community supervision sentences. It was published in 1986.

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP)

Through its discretionary and formula grant programs, OJJDP provides direction, coordination, and resources to assist State and local governments and agencies improve their juvenile justice systems and in preventing delinquency. OJJDP has a publication program and several demonstration projects underway involving intermediate sanctions and their use within the juvenile justice system.

Electronic Monitoring of Juvenile Offenders--Through a contract, OJJDP is engaged in an assessment of electronic monitoring in the juvenile justice system. A literature review and survey are being conducted and a prototype electronic monitoring program for both pre-adjudication and post-adjudication serious juvenile offenders will be developed. If approved, OJJDP will consider testing this prototype.

Demonstration of Post Adjudication Non-Residential Intensive Supervision Programs--A cooperative agreement was entered into in FY 1987 to assess the field regarding post-adjudication intensive supervision and then to develop models for the purpose of demonstrating effective approaches. However, the assessment

revealed that there were no empirically substantiated models to demonstrate. As a result, a decision was made to develop a prototype that can be tested. The project is underway.

Victim/Offender Mediation Simulation--This program is part of the Restitution Education, Specialized Training and Technical Assistance (RESTTA) program. The RESTTA program has developed a victim/offender mediation simulation video tape to help train those using restitution programs in this technique. In addition, RESTTA has developed a draft monograph on the victim/offender mediation process.

National Trends In Juvenile Restitution Programming--In 1986, under the RESTTA grant from OJJDP, a survey was conducted of restitution programs throughout the country. This survey resulted in a "National Directory of Restitution Programs" and a publication entitled "National Trends in Juvenile Restitution Programming."

Private Sector Probation--In 1985, OJJDP funded a project to develop methods for private contractors to provide selected juvenile probation services. Five sites received technical assistance and training to help transfer publicly operated probation services to private sector vendors. They are: the city and County of San Francisco, California; Salt Lake City, Utah; Cuyahoga County, Ohio; Kenosha County, Wisconsin; and Oklahoma City, Oklahoma.

Boot Camps--The FY 1990 program plan includes funds to develop an intermediate sanctions program. A solicitation for this program entitled, Juvenile Boot Camps: Constructive Intervention and Early Support, was issued in June, 1990 and a research and development program will be funded in mid-1990 to determine if the concept of boot camps is effective. In accord with the OJJDP program development process, the recipient of this award will conduct an assessment of the field, including a literature review, develop a prototype, and then develop training and technical assistance materials to support the testing of the prototype. This is a joint program solicitation between OJJDP and BJA. NIJ will be evaluating the program.

Private Sector Options for Juvenile Corrections--The purpose of this program is to improve the quality of juvenile correctional services by careful analysis of existing services, redesign of service delivery, and development of a competitive process to contract service delivery to a private provider.

NATIONAL INSTITUTE OF CORRECTIONS (NIC)

NIC seeks to improve correctional programs and practices, especially in State and local organizations. Of particular note are the Technical Assistance Programs available for State and local organizations needing support to implement intermediate sanctions. This program and several other pertinent NIC intermediate sanction programs are listed below.

Short- and Long-Term Technical Assistance Programs--The National Institute of Corrections (NIC) provides short- and long-term technical assistance on a wide variety of intermediate sanctions issues and programs from each of its functional Divisions--Community Corrections, Jails, and Prisons. In the Community Corrections Division, for example, technical assistance has helped correctional agencies solve problems in the design of intensive supervision probation, day reporting centers, electronic surveillance, day-fines, and residential facilities. The Jails Division has assisted local jailers interested in work alternative programs, electronic monitoring, day reporting and county parole. Finally, the Prisons Division has provided training to State systems on the role and operation of boot camps.

Facilitating the Use of Intermediate Sanctions--The project is a 2-year effort to provide training and technical assistance to 12 large jurisdictions seeking to build a more credible, effective range of sanctions between traditional probation and incarceration. The project works with teams of judges, chief probation officers, prosecutors and other key officials in the jurisdictions to improve the use of intermediate sanctions. The Project is jointly funded and managed by the National Institute of Corrections and the State Justice Institute (SJI), a private nonprofit corporation established by Congress, to improve the administration and quality of justice in State courts. The design and administration of the symposium and technical assistance services is a collaborative effort operating under a cooperative agreement with NIC.

The 12 jurisdictions selected in the fall 1989, to participate in the project were: Mobile, Alabama; Phoenix (Maricopa County), Arizona; San Mateo County, California; the District of Columbia; Tallahassee, Florida (Second Judicial District); Belleville, Illinois (20th Judicial District); Detroit, Michigan (Third Judicial District); St. Paul (Ramsey County), Minnesota; Kansas City (Jackson County), Missouri; New York City (Bronx), New York; Charlotte (Mecklenburg County), North Carolina; and Houston (Harris County), Texas.

Parole Violation and Revocation Issues--An 18-month effort, the project will provide technical assistance to five State paroling authorities to assess the impact of their current revocation practices (including analysis of data, policy and process); identify specific policy and process options and a range of

intermediate sanctions to improve revocation practices; and test these options for actual and potential impact on revocations. While the project focuses on parole, much of what is learned about violation and revocation issues will have direct relevance to probation and may form the basis of a future Institute initiative in the probation area.

Meeting on the Current State-of-the-Art in Risk Classification and Prediction in Community Corrections--This project will support a meeting of practitioners and academicians to explore the current technology and practice of risk classification and prediction in community corrections. The state-of-the-art has evolved rapidly in this field in the last five years. A summary of papers prepared for the meeting and the results of discussions will be published and made available to the corrections community.

1990 Seminars, National Academy of Corrections--Through the Academy, NIC develops and delivers training to prison, jail, and community corrections practitioners in three broad areas: management development for administrators, trainer development, and special issue seminars. While the first two areas generally will have an impact on the ability of corrections practitioners to design and operate corrections programs, a number of the special issue seminars focus on topics of direct relevance to the development of effective, intermediate sanctions. Among these are:

- o Substance Abuse Programming in Community Corrections--A 36-hour seminar on screening, supervising and treating substance abusing offenders.
- o Treatment Skills for Professionals Working with Sex Offenders--A 36-hour seminar designed to train clinicians on issues related to treating sex offenders and to provide them with specialized curriculum and training materials to train others.
- o Offender Treatment in an Era of Risk Control and Public Protection--A 36-hour seminar for agency managers who have adopted an agency mission of risk management, to examine the role of treatment interventions in achieving agency goals.
- o Offender Classification in Community Corrections--A 36-hour program for community corrections managers who employ objective classification systems to identify and manage offenders who pose the greatest threat to the community.

1991 Seminars, National Academy of Corrections--Special Issue Seminars:

- o Statewide Coordination of Community Services for Substance-Abusing Offenders--A 20-hour seminar to enhance the planning and management of statewide services for substance-abusing

offenders, for State teams representing community corrections and State substance abuse agencies.

- o **A Systems Approach for Managing Substance-Abusing Offenders--**A 36-hour seminar to assist administrators of community and institutional programs in better managing and treating substance-abusing offenders.

- o **Offender Treatment in an Era of Risk Control and Public Protection--**This 36-hour seminar repeats the 1990 offering. The seminar assists agency managers, who have adopted an agency mission of risk management, to examine the role of treatment interventions in achieving agency goals.

Intermediate Sanctions (Boot Camp) Demonstration, Training and Technical Assistance Program--In collaboration with the Office of Justice Programs, NIC will develop a training and technical assistance program for State and local officials who are planning or have established a "boot camp" intermediate sanctions program. The effort will include the design of a comprehensive manual on planning and managing "boot camps."

Facilitating the Use of Intermediate Sanctions--NIC and SJI propose to continue the joint project to improve the use of intermediate sanctions in large urban jurisdictions in the United States in fiscal years 1991 and 1992. The project will provide training and technical assistance to teams of judges, district attorneys and community corrections managers from another 12 jurisdictions over a 2-year period.

Intermediate Sanctions for Female Offenders--The project will award small grants and provide technical assistance to two community corrections agencies interested in expanding the range of intermediate sanctions available to female offenders.

PART FOUR: RESOURCES FOR DEVELOPING INTERMEDIATE SANCTIONS PROGRAMS

A. FEDERAL RESOURCES

This section is intended to help corrections practitioners and criminal justice policy makers locate information and sources of technical assistance for developing intermediate sanctions. This is only a **partial** listing developed by the National Institute of Corrections and as such **does not constitute an endorsement** of any particular program.

Reference materials: Information relating to intermediate sanctions (and related innovative sanctions) may be obtained from the following sources:

National Institute of Justice
National Criminal Justice Reference Service
Box 6000
Rockville, MD 20850
1-800-851-3420
1-301-251-5500
FAX: 1-301-251-5212
Electronic Bulletin Board 1-301-738-8895

In 1972, the National Institute of Justice established NCJRS to serve criminal justice policymakers, practitioners, and researchers. The centerpiece of NCJRS is the computerized data base and library collection of more than 100,000 criminal justice-related, published and unpublished books, reports, and articles, of which approximately 17,000 are corrections-related. Users can obtain access to the data base by contacting information specialists at NCJRS, using the NCJRS Library located in Rockville, Maryland, or by searching the data base on the DIALOG Network. NCJRS also distributes publications for NIJ and other Department of Justice agencies, including NIJ Reports, their free bimonthly journal.

Bureau of Justice Statistics
Justice Statistics Clearinghouse/NCJRS
Box 6000
Rockville, MD 20850
1-800-732-3277
1-301-251-5500
FAX: 1-301-251-5212

The Bureau of Justice Statistics (BJS) serves as a resource for policymakers, practitioners, researchers, and others who are seeking criminal justice data. The Justice Statistics

Clearinghouse, a component of the NCJRS, responds to requests for crime and justice data, distributes BJS publications, and provides referrals to agencies and organizations that disseminate justice statistics.

Bureau of Justice Statistics
Drugs and Crime Data Center and Clearinghouse
1600 Research Boulevard
Rockville, MD 20850
1-800-666-3332
FAX: 1-301-251-5212

The Drugs and Crime Data Center and Clearinghouse was created in 1988 to respond to the growing need of policymakers, researchers, and others for easy access to clear-cut information on drug law violations, drug-related law enforcement, and the impact of drugs on the criminal justice system. The Clearinghouse has two distinct functions. The first, the data analysis and evaluation function, involves the preparation of a comprehensive report of drug data in an easy-to-understand reference volume. The Clearinghouse and user services component, the second function, responds to telephone requests for drug and crime statistics, distributes Department of Justice drug-related publications, conducts literature searches, and makes referrals.

Office of Juvenile Justice and Delinquency Prevention
Juvenile Justice Clearinghouse/NCJRS
Box 6000
Rockville, MD 20850
1-800-638-8736
1-301-251-5500
FAX: 1-301-251-5212

The Juvenile Justice Clearinghouse was established in 1979 as the central dissemination point for the Office of Juvenile Justice and Delinquency Prevention's research findings and publications. As a component of the NCJRS, the Clearinghouse also provides juvenile justice practitioners and policymakers access to the NCJRS juvenile justice data base. Juvenile justice information specialists are available to answer questions, make referrals, and register users for the OJJDP mailing list.

Bureau of Justice Assistance
Bureau of Justice Assistance/NCJRS
Box 6000
Rockville, MD 20850
1-800-688-4BJA
1-301-251-5500
FAX: 1-301-251-5212

In support of the Bureau of Justice Assistance's mission of aiding State and local units of government in controlling crime and drug abuse and to improve the criminal justice system, BJA created the Bureau of Justice Assistance Clearinghouse. The Clearinghouse, a part of NCJRS, informs State and local criminal justice practitioners about BJA products and programs and distributes their publications to interested policymakers and practitioners.

Office of Victims of Crime
National Victims Resource Center/NVRC
Box 6000
Rockville, MD 20850
1-800-627-6872
1-301-251-5500
FAX: 1-301-251-5212

The National Victims Resource Center collects, maintains, and disseminates information about national, State, and local victims-related organizations and State programs that receive funds authorized by the Victims of Crime Act. The Resource Center is the central dissemination point of publications produced by the Office for Victims of Crime (OVC). Victims of crime specialists are available to answer questions, make referrals, and register users for the OVC mailing list.

National Institute of Corrections
Information Center
1790 30th Street, Suite 130
Boulder, Colorado 80301
1-303-939-8877
FAX: 1-303-442-3412

The Information Center maintains a computerized bibliographic database of its library, which specializes in unpublished materials developed by State and local criminal justice agencies. The Information Center also works closely with other organizations, clearinghouse services, and operating agencies to find the most accurate, current, and useful information. The information service is free to practitioners.

Sources of technical assistance and training: A large number of agencies, organizations and individuals are available to offer technical assistance to practitioners and policy makers on the basis of specialized knowledge. Please note that the primary sources below are able to provide information regarding a wide range of providers and services that may be of interest to criminal justice agencies and officials at all levels of government.

Office of Justice Programs
Bureau of Justice Assistance
Discretionary Grant Programs Division
633 Indiana Avenue, N.W.
Washington, D.C. 20531
202-514-5943

The Bureau of Justice Assistance has supported major demonstration and assessment programs in a number of intermediate sanctions areas. These include: the Intensive Supervision Probation/Parole Demonstration Program; the Shock Incarceration Assessment and Demonstration Project; the Treatment Alternatives to Street Crime (TASC) demonstration and technical assistance projects, which are based on the notion of the development of graduated sanctions; and the Prison Capacity and Structured Sentencing Projects which have generated findings regarding the need for intermediate sanctions.

Program specialists should be contacted for more detailed information on these efforts and for Program Briefs that summarize their results.

Office of Justice Programs
Office for Victims of Crime
Special Projects Division
633 Indiana Avenue, N.W.
Washington, D.C. 20531
202-514-6444

The Office for Victims of Crime supports major training and technical assistance projects involving the use of intermediate sanctions in offender restitution programs. Two grant program initiatives, entitled the *Offender Supervision and Victim Restitution Project* and the *Corrections-Based Victims Assistance Project*, will be funded during FY 1990, in part, to improve the management of restitution programs by corrections personnel, including probation and parole officers. Improved management of restitution programs and the enhanced provision of restorative assistance to crime victims entails the imposition of graduated sanctions for offender lapses in meeting restitution payment schedules.

Program specialists should be contacted for more detailed information on these efforts.

Office of Justice Programs
Office of Juvenile Justice and
Delinquency Prevention
633 Indiana Avenue, N.W.
Washington, D.C. 20531
202-307-5914

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) supports several assessment and demonstration programs in a number of different intermediate sanction areas. These include: Electronic Monitoring of Juvenile Offenders (an assessment of electronic monitoring in the juvenile justice system); Post Adjudication Non-Residential Intensive Supervision Programs (an assessment of promising approaches); Restitution Education, Specialized Training and Technical Assistance (RESTTA) program. In addition, OJJDP has initiated a Boot Camp demonstration program designed as an intermediate sanction for non-serious juvenile offenders.

Program specialists should be contacted for more detailed information on these efforts and for program Briefs which summarize the goals and objectives.

Office of Justice Programs
Bureau of Justice Statistics
633 Indiana Avenue, N.W.
Washington, D.C. 20531
202-307-0765

The Bureau of Justice Statistics (BJS) supports a variety of data collection programs that obtain information on the use of intermediate sanctions. These include: annual censuses of probation and parole populations; periodic censuses of State, local, and privately-operated correctional facilities; the biennial National Judicial Reporting Program; the Offender-Based Transaction Statistics Program; and, periodic self-report surveys of offenders in the custody of State and local correctional institutions. BJS is planning to undertake a major effort to obtain data on community supervision agencies and a survey of those offenders under conditional sentence or conditional release in the community.

BJS publishes a **Telephone Contacts** bulletin that lists statisticians by area of specialization.

Federal Bureau of Prisons
National Institute of Corrections
320 First Street, N.W.
Washington, D.C. 20534
and
1790 30th Street
Boulder, Colorado 80301

Community Corrections Division (202) 307-3995
Prisons Division (202) 307-1300
Jails Division (303) 939-8877
National Academy of Corrections (303) 939-8855

Short- and long-term technical assistance are available on a wide variety of topics from each of the NIC Divisions. Short-term assistance involves sending a correctional expert to the State or local site to assist agency personnel in addressing a specific issue or problem. Long-term technical assistance consists of providing a financial assistance award to an agency so that the agency can obtain the necessary help. Grants for long-term assistance range from a maximum of \$15,000 in the Community Corrections and Jails Divisions to \$25,000 in the Prisons Division.

To request on-site, **short-term assistance**, send a letter on official stationery to the appropriate Institute Division outlining the problem. More detailed instructions on applying for technical assistance are provided in each Division's section of the Annual Program Plan and Academy Training Schedule for Fiscal Year 1990, available from the Information Center.

To apply for **long-term assistance**, the agency administrator must submit a completed OMB Form 424, Application for Federal Assistance, prepared in accordance with the instructions in the Annual Program Plan.

B. INTERMEDIATE SANCTIONS PROGRAMS/SURVEILLANCE TECHNIQUES

This section includes 12 categories of intermediate sanctions programs or surveillance techniques. In each program category, reference materials, sources of technical assistance, and programs are suggested.

The reference materials and sources of technical assistance which are identified constitute only a **partial, select** list of those available in the field. The reader is encouraged to explore further the research literature and program experience with intermediate sanctions by contacting the above listed reference services. In those sections where abstracts of cited reference materials are not included, information was not yet available.

In each intermediate sanctions area, samples of well-established programs are listed. In many cases, programs have not been thoroughly evaluated, and therefore, their inclusion is not an endorsement does not amount to a statement that they are "successful." Rather, programs were selected that have a stable program history and clearly defined goals, intervention approaches, and target populations. Program administrators have agreed to the inclusion of their programs as resources for practitioners wishing to learn more about their accomplishments.

1. SHOCK INCARCERATION

Reference Materials

Dale G. Parent. Shock Incarceration: An Overview of Existing Programs, U.S. Department of Justice, National Institute of Justice, Issues and Practices Report, June, 1989.

The study reviews information on existing shock incarceration programs, and identifies key issues and problems which should be considered and resolved in developing new programs.

Doris L. MacKenzie and Deanna B. Ballow. "Shock Incarceration Programs in State Correctional Jurisdictions--An Update," in NIJ Research in Action, May/June, 1989.

A brief article reports on a survey of State correctional jurisdictions which identifies 11 States with shock incarceration programs. Characteristics of the programs are summarized in a table format.

Doris L. MacKenzie. "Boot Camp Prisons: Components, Evaluations, and Empirical Issues," forthcoming in the August issue of Federal Probation.

The paper describes components of current shock incarceration programs and evaluation efforts to date.

National Institute of Justice/NCJRS. "Shock Incarceration/Boot Camps." March, 1990.

A two-page listing of States with established shock incarceration programs and States with programs in developmental stages, including program location, contact and telephone number. The list was prepared by NCJRS Corrections Specialists.

Sources of Technical Assistance

National Institute of Justice
633 Indiana Avenue, N.W.
Washington, D.C. 20531
Doris L. MacKenzie
(202) 724-7460

Abt Associates, Inc.
55 Wheeler Street
Cambridge, Massachusetts 02138-1168
Dale G. Parent
(617) 492-7100

Shock Incarceration Programs

New York State Shock Incarceration Program

Correctional Facilities
New York State Department of Correctional Services
Building 2, State Campus
Albany, New York 12226
Glenn Goord, Deputy Commissioner
(518) 457-8138

OR

Division of Parole
97 Central Avenue
Albany, New York 12206
Barbara Broderick, Director of Policy Analysis and Information
(518) 473-5189

South Carolina Shock Incarceration Program

Department of Parole and Community Corrections
P.O. Box 50666
Columbia, South Carolina 29250
Dolly Kent, Director of Residential Services
(803) 734-9244

OR

South Carolina Department of Corrections
Thames Shock Incarceration Unit
Wateree River Correctional Institution
P.O. Box 214
Rembert, SC 29128
Howard Arden, Deputy Warden
(803) 775-0973

Louisiana IMPACT Program

Department of Public Safety and Corrections
P.O. Box 94304
Baton Rouge, Louisiana 70804-9304
Jean Wall, Corrections Executive Officer
(504) 342-6740

Florida Shock Incarceration Program

Florida Department of Corrections
2601 Blairstone Road
Tallahassee, Florida 32399-2500
James G. Mitchell, Director of Youthful Offender Programs
(904) 488-6903

Georgia Shock Incarceration Program

Georgia Department of Corrections
Floyd Building, Twin Towers East, Room 756
2 Martin Luther King, Jr. Drive, S.E.
Atlanta, Georgia 30334
Thomas Payne, Director of Probation Facilities
(404) 656-4747

2. DRUG TESTING

Reference Materials

James B. Eaglin. The Impact of the Federal Drug Aftercare Program. 1986.

Although a high percentage of 1,000 drug-dependent probationers and parolees evaluated in this analysis had at least one positive urine sample during the period studied, most offenders in the aftercare program had no arrests or technical violations in the program's first year. Moreover, the percentage of offenders in the program who gained employment rose steadily during the period studied.

John A. Carver. "Drugs and Crime: Controlling Use and Reducing Risk Through Testing." Research in Action from National Institute of Justice Reports, SNI: 199 September/October. 1986.

This brief paper describes how the District of Columbia's pretrial drug testing program, as funded by NIJ, was implemented and its impact on the court system.

Toberg Associates. Assessment of Pretrial Urine Testing in the District of Columbia. 1987.

A series of six monographs describes the results of the NIJ-funded evaluation of the District of Columbia's Pretrial Service Agency's urine testing program. The six titles are:

Monograph Number 1: "Background and Description of the Urine-Testing Program."

Monograph Number 2: "Analysis of Potential Legal Issues."

Monograph Number 3: "The Views of Judicial Officers."

Monograph Number 4: "Analysis of Drug Use among Arrestees."

Monograph Number 5: "Periodic Urine Testing As a Signaling Device for Pre-Trial Release Risk."

Monograph Number 6: "The Efficacy of Using Urine-Test Results in Risk Classification of Arrestees."

National Association of State Alcohol and Drug Abuse Directors. Urinalysis as Part of a Treatment Alternatives to Street Crime Program. Bureau of Justice Assistance. 1988.

This monograph explores basic issues involved in implementing a urine testing program for offenders, and considers the uses of urinalysis, legal issues, technologies and methodologies, and operational concerns associated with establishing a program. Although the material was created for TASC programs, because the document advocates a comprehensive case management approach to offender supervision and treatment, it will be helpful for any agency that is responsible for urinalysis as part of case management and supervision of drug offenders.

American Probation and Parole Association. Drug Testing Guidelines and Practices for Adult Probation and Parole Agencies. Bureau of Justice Assistance. (Currently in draft form, it is anticipated that this document will be published in early 1991.)

This document is intended as a guide to the key issues that agencies should consider when designing a drug testing program. The document identifies and discusses major components of an effective urinalysis program, including, agency mission, purposes of testing, policies and procedures, authority to test, drug testing methodologies, confirmation, offender selection, protocols, collection sites, chain of custody, reporting and use of results, confidentiality, contract versus in-house laboratories, field laboratories, costs, MIS systems, and evaluation.

Jeffrey A. Schwartz and Catherine A. Farrell. "Laboratory versus On-Site Drug Testing in Criminal Justice: An Overview," Journal of Offender Monitoring. Volume 2, Number 2, Spring, 1989.

This article encourages programs to evaluate the strengths and weaknesses of laboratory and on-site drug abuse testing within the context of each program's objectives.

Pretrial Services Association. Estimating the Cost of Drug Testing for a Pre-Trial Services Program. Bureau of Justice Assistance. July, 1989.

This document answers questions about the costs of implementing and operating a pretrial drug testing program.

Drug Recognition Program. Bureau of Justice Assistance. April, 1989.

This document explains how a jurisdiction can train staff to recognize drug intoxicated offenders and offers a preliminary assessment of whether or not this program would be effective in a particular jurisdiction. The monograph explains the program goals, how it works, training requirements and associated costs for projects included in the pilot program.

Eric D. Wish, PhD., and Mary Cuadrado and John A. Martorana, Narcotic and Drug Research, Inc., and New York City Department of Probation. Estimates of Drug Use in Intensive Supervision Probationers: Results from a Pilot Study. 1986.

Richard L. Hawks and C. Nora Chiang, eds.. Urine Testing for Drugs of Abuse. Washington, D.C.; U.S. Department of Health and Human Services, National Institute on Drug Abuse. 1986.

Sources of Technical Assistance

American Probation and Parole Association
c/o Council of State Government
Iron Works Pike P.O. Box 11910
Lexington, KY 40578
Tim Matthews, Staff Director
(606) 231-1914

Bureau of Justice Assistance
633 Indiana Avenue
Washington, D.C. 20534
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National Association of State Alcohol and Drug Abuse Directors
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Washington, D.C. 20013
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National Consortium of TASC Programs
c/o Treatment Assessment Screening Center
2234 North Seventh Street
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Ron Rian, Assistant Director
(602) 254-7328

National Institute of Justice
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Washington, D.C. 20531
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Pretrial Services Resource Center
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Washington, D.C. 20005
John Clark, Project Coordinator
(202) 638-3080

Toberg Associates, Inc.
8401 Corporate Drive, Suite 420
Landover, MD 20785
Mary Toberg, President
(301) 306-0900

Drug Testing Programs

Washington County Restitution Center/Intensive Custodial
Home Supervision
169 N. First Street
Hillsboro, OR 97124
Robert M. Gates, Manager
(503) 648-8818

**Georgia Department of Corrections/Drug Surveillance Program
Community Program/Probation Division**
2 Martin Luther King, Jr. Drive, Suite 954
Atlanta, GA 30334
Annette Z. Henderson, Community Programs Coordinator
(404) 656-4696

Orange County Probation Department
301 The City Drive
Orange, California 92668
Kathy Miller, Supervising Probation Officer
(714) 569-2000

Cuyahoga County Department of Probation
Court of Common Pleas
Courts Tower, 1200 Ontario Street
Cleveland, OH 44113
William D. Kroman, Supervisor
(216) 348-4852

Treatment Assessment Screening Center
2234 North Seventh Street
Phoenix, AZ 85006
Barbara Zugor, Executive Director
(602) 254-7328

Illinois TASC, Inc.
1500 North Halsted, 2nd floor
Chicago, IL 60622
Melody Heaps, Executive Director
(312) 787-0208

District of Columbia Pretrial Services Agency
400 F Street, N.W. 3rd Floor
Washington, D.C. 20001
Jay Carver, Director
(202) 727-2911

3. ELECTRONIC SURVEILLANCE

Reference Materials

Charles M. Friel and Joseph B. Vaughn. "A Consumer's Guide to the Electronic Surveillance of Probationers." Huntsville, TX., Criminal Justice Center, Sam Houston State University. 1985.

Based on a telephone survey of users and manufacturers, this paper looks at electronic surveillance technology and how it works, considers costs vs. potential benefits, examines functional characteristics of the technology and their importance to the probation function, discusses types of offenders suited to monitoring, and helps administrators look at potential abuses as well as philosophical considerations in the use of this tool.

James M. Byrne, Linda Kelly, and Susan Guarino-Ghezzi. "Understanding the Limits of Technology: An examination of the Use of Electronic Monitoring in the Criminal Justice System." A paper presented at the annual meeting of the Society for the Study of Social Problems, Chicago, IL, August 1987 and reprinted in the American Probation and Parole Association Journal-Perspectives, May, 1988.

Electronic monitoring is seen at the forefront of the movement to make community-based sanctions more marketable by emphasizing the best features of prisons (24-hour monitoring and a degree of incapacitation), while reducing overcrowding and associated costs. While potentially redefining community corrections in terms of offender punishment and control, limitations of the technology suggest to the authors that the perception of a "panacea" does not fit with the reality of the technology. Care needs to be taken not to oversell the solution, or disillusionment will result in a return to less desirable forms of punishment.

Arnold G. Perrey, Barry A. Bell, and Marshall J. Treado. Evaluation of Electronic Monitoring Devices. Gaithersburg, MD.: U.S. Department of Commerce, National Bureau of Standards/National Engineering Laboratory. 1986.

In 1985, manufacturers of electronic monitoring devices were invited to submit their devices for testing. Only two were willing to do so in 1985; an additional two were added in 1986. The systems were tested under a variety of field conditions, as well as in a laboratory. None were found to be unsafe, but a reduced operating range was noted when shielded from line of sight. The low effective output of power of these systems also makes them vulnerable to interference in the vicinity of broadcast transmitters. Findings, while limited and dated, are helpful in pointing

out areas that need to be explored in testing any electronic monitoring device, and the advisability of proceeding with caution when considering their use.

Electronic Monitoring in Intensive Probation and Parole Programs.
Washington, D.C.: U. S. Department of Justice; Bureau of Justice Assistance. 1989.

Issued as a supplemental document to an earlier monograph, Intensive Supervision Probation and Parole (ISP), electronic monitoring is reviewed as an innovation with potential for assisting in the supervision of certain higher risk offenders on probation or parole. A process for defining objectives of electronic monitoring, developing policies, reviewing equipment bids and securing technical assistance is described. Also provided is a brief review of legal issues and a description of four programs with experience in electronic monitoring (Colorado, Georgia, New Jersey, and Utah).

Journal of Offender Monitoring. Post Office Box 1013, Warrensburg, MO.: Alpha Enterprises. 1990.

The Journal of Offender Monitoring is a monograph published quarterly with emphasis on the use of technology in supervising offenders. Included are articles on policy issues, equipment, legal issues, program descriptions, etc. Of particular interest, each issue contains an "Index to Current Manufacturers" listing products and contact persons.

Sources of Technical Assistance

Federal Bureau of Prisons
320 First Street, N.W.
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J. Robert Lilly, Ph.D.
(606) 572-5253

Central Missouri State University
Department of Criminal Justice Administration
Warrensburg, MO 64093
Joseph B. Vaughn
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Clackamas County Department of Corrections
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Oregon City, OR 97045
Terry Gassaway, Director
(503) 655-8603

Probation and Parole Programs
Florida Department of Corrections
1311 Winewood Blvd.
Tallahassee, FL 32399-2500
Harry T. Dodd, Director
(904) 487-2165

Electronic Surveillance Programs

**Clackamas County (Oregon) Community Corrections Electronic
Surveillance Program.**

Clackamas County Department of Corrections
9200 Southeast McBrod Street
Milwaukie, OR 97222
Donna Lauer, Program Coordinator
(503) 655-8262

Palm Beach County (Florida) In-House Arrest/Work-Release Program.

P.O. Box 85
Loxahatchee, FL 33470
Lt. James Holland
(407) 793-5756

4. INTENSIVE SUPERVISION PROBATION (ISP)

Reference Materials

James M. Byrne, Arthur J. Lurigio, and Christopher Baird. The Effectiveness of the New Intensive Supervision Programs. Washington, D.C.: Kutak Foundation and the National Institute of Corrections. 1989.

The monograph provides a detailed review of the intensive supervision movement. Information is provided on the history and implementation of intensive supervision and a summary of available evidence regarding program effectiveness. In addition, three practitioners provide insights into victim's perspectives, marketing strategies, implementation difficulties, and the likely future of the movement.

Federal Probation. Washington, D.C.: Administrative Office of the United States Courts. June, 1986.

This edition is devoted to the topic of intensive probation supervision. Articles range from program descriptions (Georgia, Massachusetts, and New Jersey) to a discussion of the control controversy giving rise to modern intensive supervision programs.

Crime and Delinquency. San Francisco, CA: National Council on Crime and Delinquency. January, 1990.

Devoted to the topic of intensive supervision, articles include a discussion of the future of ISP as an intermediate sanction; a critique of current program goals and objectives; a review of programs in New Jersey, California, and Florida; and an exploration of factors that permit intensive supervision programs to survive.

Intensive Supervision Probation and Parole (ISP) - Program Brief. Washington, D.C.: Bureau of Justice Assistance. 1988.

As part of an on-going effort to identify programs that show success in improving criminal justice operations, this monograph defines critical elements in implementing and operating intensive supervision programs, and provides program experience from Georgia, New York, Texas, and New Jersey.

Joan Petersilia. Expanding Options for Criminal Sentencing. Santa Monica, CA: The Rand Corporation. 1987.

Within the context of alternative sanctions to fill the gap between standard probation and prison, this volume discusses a variety of possible approaches including intensive supervision. It provides an overview of the movement, including perceived advantages and common objectives for such

programs, as well as descriptions of current operations in Georgia, New Jersey, Massachusetts, and Illinois.

Billie S. Erwin and Lawrence A. Bennett. Washington, D.C.: U. S. Department of Justice, National Institute of Justice. 1987.

As part of the "Research in Brief" series, this document summarizes findings from an evaluation of Georgia's Intensive Supervision Program by Georgia's Department of Offender Rehabilitation, Office of Evaluation and Statistics. Looking at the State's program, which began in 1982, evidence strongly suggests that ISP has played a large role in diverting offenders from prison at a cost, while greater than traditional probation, nevertheless is much less than incarceration. Further, the risk to the community through this diversion was very limited, e.g., of the 2,322 offenders sentenced to the program, only 0.8% were involved in subsequent violent crimes.

Emily Herrick. "Early Signs of Long Term Success: Intensive Probation Supervision". Corrections Compendium: Contract Center, Inc. 1988.

In a survey conducted by the Contract Center for Corrections Compendium, 35 of 50 States already had ISP programs; 10 were on the way to developing such programs; and only five had no plans for ISP in the future. The article goes on to describe common features of these programs including numbers and types of offenders served, caseload size, and method of administration.

Sources for Technical Assistance

Georgia Department of Corrections
Substance Abuse Section
2 Martin Luther King Jr. Drive, SE
East Tower, Room 756
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Probation Division
Georgia Department of Corrections
2 Martin Luther King Jr. Drive, SE
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National Council on Crime and Delinquency
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American Probation and Parole Association
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Tim Matthews, Staff Director
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Office of the State Court Administrator
Colorado Judicial Department
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Intensive Supervision Programs

Georgia Department of Corrections, ISP Program
Probation Division
2 Martin Luther King Jr. Drive
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The New Jersey ISP Program
New Jersey Administrative Office of the Courts
Probation Division
Justice Complex, CN-987
Trenton, NJ 08625
Richard Talty, Director
(609) 984-0076

The Massachusetts ISP Program
Massachusetts Parole Board
Fort Point Place
22-43 Wormwood Street
Boston, MA 02210
Gerald J. Early, Supervisor
(617) 727-3271

5. DAY REPORTING CENTERS

Reference Materials

Dale Parent, Abt Associates, Inc. Day Reporting Centers for Criminal Offenders: A Descriptive Analysis of Existing Programs, a National Institute of Justice, "Issues and Practices Report", September, 1990.

The study provides a summary of current Day Reporting Center programs, describes how they were developed, what purposes they seek to attain, how they operate, what they cost, and what problems they have encountered and resolved during their implementation. It also provides a contact list of Day Reporting Center programs and a discussion of key issues which policy makers should study when considering if they should develop such a program.

John Larivee and William O'Leary. Managing the Development of Community Corrections. U.S. Department of Justice, National Institute of Corrections, February, 1990.

The monograph provides community corrections administrators with suggested principles to follow during the early stages of developing a new program--that critical period when decisions are made regarding the concept's goals, target population and site, and when initial steps are taken to introduce the program. It also provides a case study of the formation of the Hampden County, Massachusetts, Day Reporting Center.

Center for Applied Social Research, and the Crime and Justice Foundation, Evaluation of the Hampden County Day Reporting Center. Boston, Massachusetts, 1988.

A preliminary evaluation of the Hampden County Day Reporting Center, which examines implementation, operation and client characteristics, but not post-release outcome.

Sources of Technical Assistance

Crime and Justice Foundation
95 Berkeley Street
Boston, Massachusetts 02116
John Larivee, Elizabeth Curtin
(617) 426-9800

Abt Associates, Inc.
55 Wheeler Street
Cambridge, Massachusetts 02138-1168
Dale Parent
(617) 492-7100

Connecticut Department of Corrections
340 Capitol Street
Hartford, Connecticut 06106-1494
Lawrence Albert, Deputy Commissioner, Field Services
(203) 566-3846

Day Reporting Center Programs

Alternative Incarceration Center
Connecticut Prison Association
9-11 Wyllys Street
Hartford, Connecticut 06106
Jim Green, Director of Programming
(203) 525-6691

Hampden County Day Reporting Center
590 West Columbus Avenue
Springfield, Massachusetts 01105
Kevin Warwick, Director
(413) 787-1780

Metropolitan Day Reporting Center
Crime and Justice Foundation
20 West Street
Boston, Massachusetts 02111
Elizabeth Curtin, Director
(617) 426-9800

Genesis II for Women, Inc.
3036 University Avenue, S.E.
Minneapolis, MN 55414
Janet Johnson, Executive Director
Tel. (612) 348-2762

6. HOUSE ARREST

Reference Materials

Richard A. Ball, C. Ronald Huff, and J. Robert Lilly. House Arrest and Correctional Policy -- Doing Time at Home. Newbury Park, California: Sage Publications, Inc. 1988.

This volume provides an up-to-date review of house arrest within an historical context of incarceration as the primary punishment for criminal offenders. The prison civil rights movement, with its search for alternatives to imprisonment coupled with the overcrowding and costs resulting from the "get tough" approach of the eighties, has led to a new prominence of community-based sanctions including house arrest. A number of programs are reviewed and experiences are generally seen as favorable. Advantages of house arrest are explored while noting the potential for abuse, particularly where electronic monitoring devices are employed.

Joan Petersilia. "House Arrest," Crime File Study Guide and Video Tape. Washington, D.C.: National Institute of Justice. 1988.

A 28:30 minute video tape with accompanying study guide. A discussion involving Alvin Bronstein, National Prison Project; Leonard Flynn, Florida Department of Corrections; and Joan Petersilia, The Rand Corporation, with James Q. Wilson of the University of California at Los Angeles as moderator. Using Florida's Community Control Program as its prime example, this video tape explores the concept of house arrest as a criminal sanction. Both advantages and disadvantages of this approach are discussed. While the potential for a much-needed "intermediate" sanction is present, house arrest may also lead to a more punitive and costly sanction for offenders.

Florida Community Control "House Arrest" Program -- A Three Year Report 1983-86. Tallahassee, Florida: Probation and Parole Services, Florida Department of Corrections. 1987.

This report summarizes findings by the Florida Department of Corrections for the first three years of operation of its Community Control Program. Designed as a "punishment" alternative, offenders were allowed to serve sentences in their homes rather than in prison. Findings indicate the program was functioning as intended with savings resulting from diversions from prison and without unacceptable danger to the public.

Joan Petersilia. In Federal Probation, June, 1986. Washington, D.C.: Administrative Office of the United States Courts. 1986.

The article summarizes characteristics of house arrest both with and without some form of electronic monitoring of offenders. Potential advantages, including cost effectiveness and flexibility to meet local needs, are documented. Unresolved issues such as adding new and costly sanctions to offenders not in need of such services, the potential for intrusiveness in the lives of offenders, and the adequacy of protection afforded the public are discussed.

Sources for Technical Assistance

Probation and Parole Programs
Florida Department of Corrections
1311 Winewood Blvd.
Tallahassee, FL 32399-2500
Harry T. Dodd, Director
(904) 487-2165

Division of Probation and Parole
Oklahoma Department of Corrections
3400 North Martin Luther King Jr. Ave.
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Justin Jones, Deputy Director
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Northern Kentucky University
Department of Sociology
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(606) 572-5253

National Council on Crime and Delinquency
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House Arrest Programs

Florida Department of Corrections' Community Control Program
Probation and Parole Programs
Florida Department of Corrections
1311 Winewood Blvd.
Tallahassee, FL 32399-2500
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(904) 487-2165

Oklahoma Department of Corrections' House Arrest Program
Division of Probation and Parole
Oklahoma Department of Corrections
3400 North Martin Luther King Jr. Ave.
Oklahoma City, OK 73136-0400
Justin Jones, Deputy Director
(405) 425-2555.

7. FINES AND DAY FINES

Abstracts for the following reference materials are unavailable.

Reference Materials

Sally T. Hillsman, Judith A. Greene. Improving the Use and Administration of Criminal Fines. Vera Institute of Justice. New York, NY. 1987.

Sally T. Hillsman. Fines and Day Fines. Vera Institute of Justice. New York, NY. 1989.

Judith A. Greene. Structuring Criminal Fines: Making an Intermediate Penalty More Useful and Equitable. The Justice System Journal. Volume 13, Number 1. 1988.

Judith A. Greene. Staten Island Economic Sanctions Project. Preliminary Data Report, Day Fine Pilot Project. Vera Institute of Justice. New York, NY. 1989.

Sources of Technical Assistance

Vera Institute of Justice

377 Broadway
New York, NY 10013
Judith A. Greene, Director of Court Programs
Sally T. Hillsman, Director of Research
(212) 334-1300

Institute for Court Management

National Center for State Courts
1331 17th Street, Suite 402
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Day Fines Programs

Economic Sanctions Project

Staten Island Criminal Court
Richmond County District Attorney's Office
36 Richmond Terrace
Staten Island, NY 10301
Arnold Berliner, Assistant Administrative District Attorney
(718) 390-2683

OR

Economic Sanctions Project

Staten Island Criminal Court
Vera Institute of Justice
377 Broadway
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Vaughn Jackson, Project Director
(212) 334-1300

Maricopa County Day Fines Project
Maricopa County Superior Court
201 West Jefferson, Fourth Floor
Phoenix, AZ 85003
Michael Planet, Deputy Court Administrator
(602) 262-3204

OR

Maricopa County Superior Court
Adult Probation Department
11 West Jefferson, Suite 216
Phoenix, AZ 85003
Michael Goss, Division Director
(602) 262-3261

Milwaukee Municipal Court Day Fine Pilot Project
Wisconsin Correctional Service
436 West Wisconsin Avenue, Room 500
Milwaukee, Wisconsin 53203
Charles Worzella, Research Director
(414) 271-2512

8. COMMUNITY SERVICE

Reference Materials

Douglas C. McDonald. Restitution and Community Service. National Institute of Justice. Crime File Study Guide. Washington, DC. 1988.

This article traces restitution's roots and describes contemporary practices. The purposes of restitution sentences and the results of programs also are explored.

M. Kay Harris. Community Service by Offenders. National Institute of Corrections. Washington, DC. 1979.

Although old, it is still useful, particularly for program implementation. Dr. Allen Harland, Temple University, is working on a survey of community service which should update many of the items in the monograph.

Sources of Technical Assistance

Department of Criminal Justice
Temple University
Philadelphia, PA. 19122
Kay Harris, Associate Professor
(215) 787-5167

National Community Service Sentencing Association
Michigan Office of Community Corrections
Grandview Plaza
P.O. Box 30003
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Dennis Schrantz, President
(517) 373-0415

National Community Service Sentencing Association
1368 Lincoln Avenue, Suite 108
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Cres Van Keulen, Membership Coordinator
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Community Service Programs

Multnomah County Community Service Forest Project
Community Service Forest Project
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Susan Kaeser, Program Manager
(503) 248-3007
(503) 374-8764 (Site)

Washtenaw County Community Work Program
Washtenaw County Sheriff Department
2201 Hogback Road
Ann Arbor, Michigan 48104
Deputy Dewey Reeves, Program Director
(313) 971-8400

Monmouth County Work/Wristlet Program
Monmouth County Courthouse
Freehold, New Jersey 07728
Sheriff William M. Lanzano
(204) 431-7139

New York City Community Service Program
Vera Institute of Justice
377 Broadway
New York, N.Y. 10013
Judith Greene, Director of Court Programs
(212) 334-1300

9. RESTITUTION PROGRAMS

Abstracts for the following reference materials are unavailable.

Reference Materials

Alan Harland, Marguerite Warren, Edward Brown. A Guide to Restitution Programing. Albany, N.Y. Criminal Justice Research Center

Andrew Klein. The Earn-it Story. National Institute for Sentencing Alternatives. Brandeis University. Waltham, Mass. 2nd Edition. 1981.

Michael E. Smith. Development of Bronx Pilot Project. Vera Institute of Justice. New York, NY. 1981.

Sources of Technical Assistance

Justice Fellowship
P.O. Box 17181
Washington, DC 20041-0181
Thomas Crawford, Director of Policy Analysis
(703) 834-3650

Restitution Programs

Residential Centers:

Mississippi DOC, Division of Community Services
723 N. President St.
Jackson, MS 39202
John Grubbs, Deputy Commissioner, DOC
(601) 354-6454

Texas Department of Criminal Justice
Community Justice Assistance Division
8100 Cameron Road, Suite 600
Austin, TX 78753
Contact: John Newton, Division Manager
(512) 834-8188

Georgia Department of Corrections
#2 Martin Luther King Jr. Dr. SE
Atlanta, GA 30334
Contact: Larry Anderson, Diversions Program Coordinator
(404) 656-4696

Non-Residential Programs:

"Earn-It" Juvenile and Adult Court Restitution Program
Quincy District Court
Quincy, MA 02614
Justice Albert L. Kramer
(617) 471-1650

Victim Offender Reconciliation Programs (VORP)
Minnesota Citizens Council on Crime and Justice
822 South Third Street, Suite 100
Minneapolis, MN 55415
Mark Umbreit, Vice President
(612) 340-5432

10. STATE EFFORTS TO EXPAND SENTENCING OPTIONS AND INTERMEDIATE SANCTIONS

Abstracts for the following reference materials are unavailable.

Reference Materials

Norval Morris and Michael Tonry. Between Prison and Probation: Intermediate Punishments in a Rational Sentencing System. New York, Oxford University Press, 1990.

National Conference of State Legislatures. A Legislator's Blueprint to Achieving Structured Sentencing. August, 1989.

Kay A. Knapp. "Correctional Policies: Balancing Reform With Resources." The Journal of State Government, March/April 1989.

Daniel J. Freed and Barry Mahoney. "Between Prison and Probation: Using Intermediate Sanctions Effectively." The Judges Journal, Winter, 1990.

Andrew von Hirsch, Martin Wasik, and Judith Greene. "Punishments in the Community and the Principles of Desert." Rutgers Law Journal, Volume 20, Number 3, Spring, 1989.

Sources of Technical Assistance

Center for Effective Public Policy
1250 Connecticut Avenue, N.W.
Suite 610
Washington, D.C. 20036
Peggy McGarry, Project Director
Intermediate Sanctions Project
(202) 637-6492

Institute for Rational Public Policy
40 Philadelphia Avenue
Takoma Park, MD 20910
Kay Knapp, Director
(301) 270-4480

Georgia Department of Corrections
Probation Division
2 Martin Luther King Jr. Drive
954 East Tower
Atlanta, GA 30334-1703
Vince Fallin, Deputy Commissioner
(404) 656-4747

Washington State Institute for Public Policy
The Evergreen State College
Seminar Building 3162
Mail Stop TA00
Olympia, Washington 98505
Roxanne Lieb
(206) 866-6000

Programs

Delaware Sentencing Accountability Commission
Criminal Justice Council\Carvel State Building, Fourth Floor
820 North French Street
Wilmington, Delaware 19801
Thomas Quinn, Director
(302) 571-3430

Louisiana Sentencing Commission
2035 Wooddale Boulevard, Suite D
Baton Rouge, LA 70806
Carle Jackson, Executive Director
(504) 925-4440

Oregon Sentencing Guidelines Commission
Criminal Justice Council
Portland State University
P.O. Box 751
Portland, Oregon 97207
Kathleen Bogan, Director
(503) 636-6722

Minnesota Department of Corrections
Community Services
300 Bigelow Building
450 North Syndicate Street
St. Paul, Minnesota 55104
Bruce McManus, Deputy Commissioner
(612) 642-0200

Georgia Department of Corrections
Probation Division
2 Martin Luther King Jr. Drive
954 East Tower
Atlanta, GA 30334-1703
Vince Fallin, Deputy Commissioner
(404) 656-4747

Washington State Sentencing Guidelines Commission
3400 Capitol Boulevard
Mail Stop QE13
Olympia, WA 98504
David Fallen, Research Director
(206) 753-3084

11. RESIDENTIAL PROGRAMMING

Abstracts for the following reference materials are unavailable.

Reference Materials

"Manual of Standards for Adult Community Residential Services," 2nd edition, American Correctional Association, Laurel MD., 1980, with subsequent revisions within Correctional Standards Supplement, American Correctional Association, Laurel, MD pp. 10-16, 1986.

Dale Parent. "Residential Community Corrections: Developing an Integrated Corrections Policy." Issues in Residential Community Corrections Policy and Practice, May, 1990.

Margot Lindsey. "A Matter of Partnership: Public Involvement in Residential Community Corrections." Issues in Residential Community Corrections Policy and Practice, May, 1990.

U.S. Bureau of Prisons, Community Programs Division. Statement of Work-Community Corrections Centers. 320 First St, N.W., Washington, D.C. (Draft) February, 1989.

Harry E. Allen, Eric W. Carleson, Evalyn C. Parks, and Richard P. Seiter. "Halfway Houses: Program Models". Office of Development, Testing, and Dissemination, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice. November, 1978.

Richard P. Sieter, Eric W. Carlson, Helen H. Bowman, James J. Grandfield, and Nancy J. Beran. Halfway Houses, National Evaluation Program Phase I Summary Report. National Institute of Law Enforcement and Criminal Justice, Law Enforcement Administration, U.S. Department of Justice, January, 1977.

Hewitt B. Clark, et al. "Environmental and Architectural Planning for Community Based Residential Treatment Facilities." Journal of Rehabilitation Administration, 7(1):28-33.

Sources of Technical Assistance

International Association of Residential and Community Alternatives (IARCA)
P.O. Box 1987
LaCrosse, WI 54602
Peter Kenziger, Administrator
(608) 788-5006

American Correctional Association
8025 Laurel Lakes Court
Laurel, MD 20707
Hardy Rauch, Director, Standards and Accreditation
(301) 206-5100, Ext. 239

Massachusetts Half-Way Houses, Inc.
P.O. Box 348, Back Bay Annex
Boston MA 02117
J. Bryan Riley, Executive Director
(617) 437-1864

Residential Programs

Private, non-profit organizations that contract with federal, state, or local criminal justice jurisdictions:

Talbert House
328 McGregor St.
Cincinnati, OH 45219
Neil Tilow, Executive Director
(513) 751-7747

Pioneer Human Services
P.O. Box 18258
Seattle, WA 98118
Gary Mulhair, President
(206) 322-6645

Publicly operated programs:

Montgomery County Work Release
11651 Nebel Street
Rockville, MD 20852
Kent Mason
(301) 468-4200

Fairfax County Pre-Release
10520 Judicial Drive
Fairfax, VA 22030
Ken Lane, Chief, Community Corrections
(703) 246-4465

Georgia Restitution Centers
Georgia Department of Corrections
2 Martin Luther King Jr. Drive, S.E.
Atlanta, GA 30334
Larry Anderson, Assistant Deputy Commissioner of Facilities
(404) 656-4696

Treatment oriented programs:

Delancey Street Foundation
2563 Divisadero Street
San Francisco, CA 94115
Mimi H. Silbert, President
(415) 563-5326

Amity, Inc.
P.O. Box 60520
Tuscon, AZ 87571
Naya Arbitar, Director

Alabama Department of Corrections
Drug and Sex Offender Treatment Programs
3371 Atlanta Highway
Montgomery, AL 36130
Dr. Merle Frieson, Director of Treatment
(205) 261-2962

12. DRIVERS' LICENSE REVOCATION

Reference Materials

The Digest of Alcohol-Highway Safety Related Legislation (Eighth Edition). The Digest reviews State laws in effect on January 1, 1990, regarding alcohol/drug use and highway safety. It provides (1) an **Analysis By State - High Interest Legislation**; and (2) a **State Law Summary Analysis**. Included is a chart indicating that 34 States have an "administrative per se law"; a statute that allows a State's driver licensing agency to either suspend or revoke a driver's license, completely independent of any action related to a DWI offense conviction. Also included is information concerning mandatory minimum fines for a DWI conviction; and community service in lieu of jail for a DWI conviction. Copies may be requested from:

National Highway Traffic Safety Administration
Office of Alcohol and State Programs - Code NTS-20
400 7th Street, S.W.
Washington, D.C. 20590
Attention: Legislative Resource Center
Telephone: (202) 366-2729
Citation: DOT HS 807 522; January 1990