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NATIONAL INSTITUTE OF JUSTICE

Research in Brief

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Reprinted from *NIJ Reports*, No. 222, Nov./Dec. 1990

Use of Electronic Monitoring in the United States: 1989 Update

by Marc Renzema and David T. Skelton

For the third consecutive year, survey data show continued rise in the use of electronic monitoring as a criminal sanction. While the numbers are still very small relative to the incarcerated population, the total has roughly tripled each year. Some States (Kansas, Nevada, Texas, and Washington) have seen an eightfold to tenfold jump in the number of offenders monitored between 1988 and 1989.

It has been less than 6 years since the first offenders were placed on electronically monitored house arrest, but this sanction is steadily gaining acceptance as an intermediate punishment.

In mid-February 1987, a National Institute of Justice survey found 826 offenders on monitoring devices. In 1988, a second survey counted 2,277. Results of a third survey for NIJ, conducted on February 12, 1989, show 6,490 electronically monitored offenders nationwide on that day. In each case the survey represented a single day's count only and not the total annual number of electronically monitored offenders.

The 1989 survey, like the 1987 and 1988 surveys, studied the extent of electronic monitoring use and the offenders on whom it was used. NIJ extended the scope of the third survey to include a look at how electronic monitoring is used with other super-

vision and treatment methods and how agency staffing levels have been affected by use of the new sanction. The 1989 study also explored other aspects: the effects of using specific electronic monitoring technologies, program responses to offender violations, termination and success rates, and laws related to electronic monitoring. This *Research in Brief* summarizes some of the findings of the February 1989 survey.

Surveying the sites

Like the previous two, the 1989 study mailed questionnaires to both public agencies and private corrections service providers that manufacturers of monitoring equipment had identified as electronic monitoring users. The users were asked to provide specific information on their use of electronic monitoring on a specific "census day," February 12. Their responses, summarized below, answer some important questions on the current status of electronic monitoring in the United States.

How many offenders are being monitored? By February 1989, monitoring programs were operating in 37 States, the District of Columbia, and the Commonwealth of Puerto Rico. The programs involved a total of 6,490 offenders.

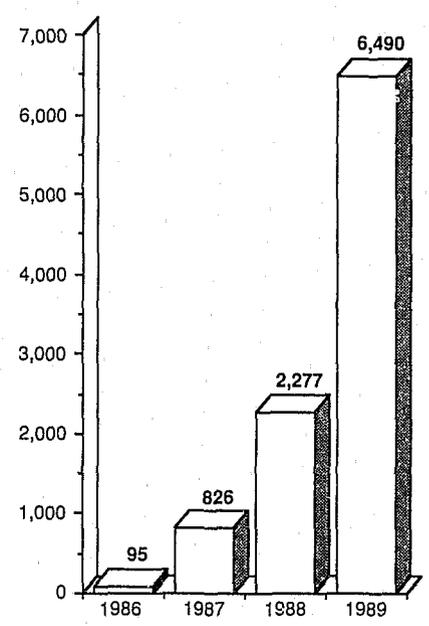
Figure 1 shows the 4-year growth of electronic monitoring use since NIJ research on the subject began. Figure 2 shows the geographic spread of monitoring use nationwide in 1989 compared to 1988.

The District of Columbia, Idaho, Iowa, Kansas, Louisiana, Puerto Rico, South

Carolina, and West Virginia initiated programs between the 1988 and 1989 censuses, bringing the total number of States with monitoring sites to 37—plus the District of Columbia and Puerto Rico—by February 1989.

Who is being monitored? When the first survey was done in 1987, three out of four

Figure 1
Estimated Daily Monitored Population in the United States, 1986-1989



Sources: U.S. Department of Justice, National Institute of Justice, *Electronic Monitoring and Correctional Policy* by C.M. Friel, J.B. Vaughn, R. del Carmen; and *The Use of Electronic Monitoring by Criminal Justice Agencies, 1988* by Annesley K. Schmidt; and the present 1989 survey.

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persons monitored were probationers. By 1989 the proportion was down to only one out of four.

The 1989 results suggest that monitoring is being used with a much broader range of offenders as the technology is refined and as corrections programs become more confident of their abilities to manage the technology. There seems to be considerable movement toward use of monitoring as a followup to incarceration and community corrections sentences. Another change is the increasing use of monitoring before trial or sentencing.

How do monitoring programs respond to program violations? Monitoring pro-

grams need to maintain their credibility in order to deter violations by their clients and thus protect the public. One way to do this is by quickly and invariably jailing those who fail to live up to the conditions of their sentence. Yet with jails crowded, this solution may be difficult to achieve.

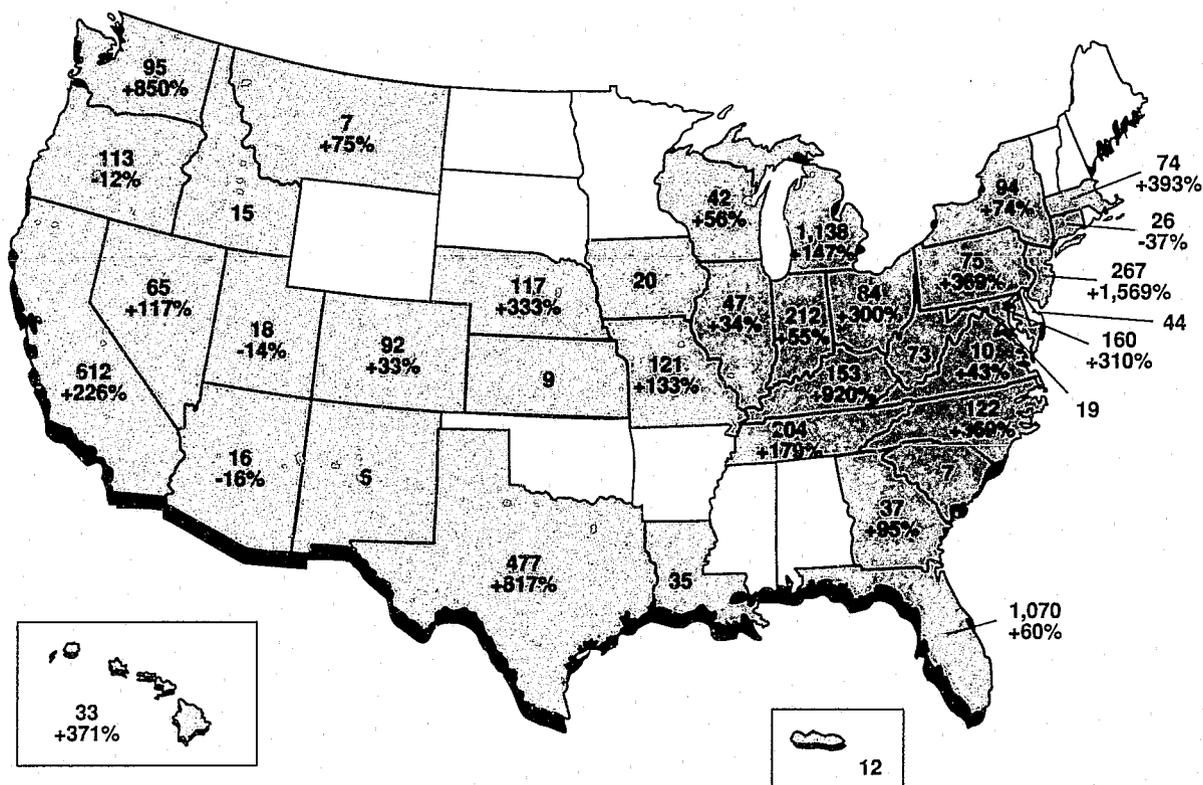
Consequently, programs are generally flexible in how they respond to rule violations, the study found. Some programs may intensify office reporting requirements, impose stricter curfews, increase community service hours, provide for temporary detention in a residential facility other than prison, or remove the violator from the program to incarceration.

Programs supervising "inmates"—monitorees diverted from prisons or jails—were more likely to use incarceration when violations occurred. Sites supervising parolees did not report any revocations based solely on curfew violations detected by monitoring.

What other program elements are used with monitoring? Routine substance abuse testing, especially onsite, is thought to work in concert with electronic monitoring to produce more impact on offender behavior than the individual effects of the two techniques. Monitoring sites were therefore asked the extent to which they employed drug testing in their programs. Among the 182 sites responding to the

Figure 2

Number of Offenders Being Electronically Monitored on February 12, 1989, and Percent Change From 1988



Note: If no percent change is noted, the State had no electronically monitored offenders on the survey date in 1988. There were no programs in Alaska.

Not shown: An additional 669 offenders were monitored under programs serving more than one State.

Sources: U.S. Department of Justice, National Institute of Justice, *The Use of Electronic Monitoring by Criminal Justice Agencies, 1988* by Annesley K. Schmidt; and 1989 survey.

question on testing, 33 said they did no testing, 66 routinely tested all monitored offenders, and the rest tested selected offenders. Some sites charged for the testing.

What fees do offenders pay? More than two-thirds of the sites charged electronic monitoring fees, and the fees were often high enough to pay for the lease of monitoring equipment. Monthly fees varied. Half the programs that charged fees set them between \$100 and \$300. A quarter charged less than \$100, and a quarter charged upwards of \$300 (and as high as \$450).

Since most monitoring programs require that offenders have jobs, telephones, and fixed residences, and since most also impose fees, critics say that electronic monitoring discriminates against offenders who are poor. Survey responses indicated, however, that these requirements are not inflexible or universal. Mothers of young children, for instance, are excused from the employment requirement, and some programs subsidize telephone service for indigent offenders.

The fixed residence and the user fee requirements have not so readily been set aside. Responses to the question about how fees are set were usually vague. A few programs impose an inflexible fee on all monitored offenders regardless of their ability to pay.

How does monitoring affect staffing levels? Adequate staffing of monitoring centers is necessary to review computer messages and corroborate violations of monitoring conditions. The survey asked how sites staffed the central computers that monitor the offenders. A total of 190 programs provided such information:

- At 66 sites monitoring centers were staffed 24 hours a day, 7 days a week.
- At 54 sites the centers were staffed during business hours but achieved 7-day, 24-hour coverage by issuing digital beepers to oncall staff. When probable violations occur, the monitoring computer pages the oncall staff person and displays the case number and type of violation.
- At 41 sites the centers were staffed only during regular Monday through Friday business hours.

- The other 29 sites had different staffing patterns, generally involving longer business days—sometimes as long as 16 hours—and intermittent weekend coverage.

Employee fears that electronic monitoring poses a threat to their jobs have not been realized. Of the 173 agencies reporting employment data, 88 added employees, 12 lost employees, and 73 showed no change.

Characteristics of those monitored

With respect to information gathering on offender characteristics, the 1989 survey differed in two significant respects from the previous surveys.

First, the 1989 survey did not attempt to obtain information for *all* offenders but only for *a sample* of offenders. Questions about offender characteristics were not asked on the February census day but were

asked in a separate questionnaire sent later in the year to a sample of one-third of the sites that had responded to the February 12 census. Findings about offender characteristics discussed below are expressed in *percentages* rather than *numbers*, since the characteristics of the monitorees in the 1989 project's *sample* are compared with characteristics of the *complete monitored population* in 1987 and 1988.

The second change involved revision in the way monitoring duration was measured. The earlier surveys asked how long each offender had been on monitoring *on the census day*. The 1989 project, in the followup questionnaire to the sample group, asked instead for *the total duration of monitoring* for those who completed their monitoring sentences during August, September, or October 1989. This change allowed the researchers to provide better information on success rates.

Age and sex of monitored persons. In 1987 the mean age was 30.4 years and in

Figure 3

Monitored Offenders by Offense Category, 1987–1989

Offense Category	1987 % of Total Number	1988 % of Total Number	1989 % of Sample
Crimes against the person	5.6	9.7	11.8
Drug offenses	13.5	15.3	22.0
Frauds	3.3	3.8	2.3
Major traffic offenses	33.4	25.6	18.9
Property offenses	18.2	20.1	31.7
Sex offenses	2.8	4.0	1.4 ^a
Weapon offenses	1.2	1.3	2.2
Multiple offenses	10.2	6.1	.9 ^b
Other offenses	11.8	14.2	8.9

^a Neither of the jurisdictions best known for the monitoring of sex offenders was included in the 1989 sample—this decline is likely an accident of sampling rather than a significant trend.

^b The decline in "multiple offenses" is probably an artifact caused by form design. The 1989 form offered respondents an opportunity to precode responses and only limited space for multiple offenses.

1988 it was 30.3. The mean age in the 1989 sample was noticeably lower at 29.1 years. The most significant changes appeared in the 17 and younger age group, which rose from 2.0 and 2.9 percent of the monitoree population for 1987 and 1988, respectively, to 5.9 percent in 1989.

The proportion of women has not changed much over the past 3 years, fluctuating slightly from 10.2 percent in 1987 to 12.7 percent in 1988, to 10.4 percent in the 1989 sample.

When age and sex are taken together, the data show that monitoring use is increasing disproportionately with young offenders, particularly young female offenders.

Offenses. Today's offenders on electronic monitoring are likely to have committed more serious offenses than those of previous years. In 1987 the typical person on electronic monitoring was a male convicted of driving under the influence of alcohol. By 1989 the typical offender was

a burglar. Drug offenders were more common (22 percent) in 1989 than major traffic offenders (18.9 percent). Although still relatively few in number, the proportion of offenders who had committed violent crimes (crimes against the person) nearly doubled between 1987 and 1989, from 5.6 percent to 11.8 percent. Figure 3 presents details on these offense patterns.

Duration and type of electronic monitoring

Figure 4 shows the number of offenders who successfully completed their monitoring sentences, by duration of monitoring. It also shows how many were unsuccessfully terminated, either because they violated conditions of monitoring (e.g., violated their curfews) or because they committed new offenses while on electronic monitoring.

Program reports and administrators both say there is a point beyond which monitor-

ing becomes counterproductive, that somewhere between 60 and 120 days is "about as much as anyone can take" of monitoring.

Yet the odds of a successful termination gradually *increased* with the duration of monitoring, even to periods beyond a year. The findings somewhat support another assumption that says that within the first few days of monitoring one can tell whether a person is going to make a successful adjustment to the sanction.

As monitoring progresses, technical violations taper off, with new offenses continuing at a stable but relatively small rate. This suggests that monitoring might be useful for longer durations than the average current term of 79 days.

Termination by offense and status categories

Are offenders convicted of certain offenses better risks on electronic monitoring than offenders convicted of others? Very little difference was found among offense categories with one exception. Major traffic offenders committed fewer technical violations and new offenses than persons convicted of other offenses. Major traffic offenders are older than other monitored offenders, and, as figure 5 shows, age is relevant to success rate. Moreover, major traffic offenders are monitored for shorter periods of time than persons in any other category; thus their time at risk for technical and new offense violations is shorter.

The study found no significant differences in outcomes among programs that primarily supervise probationers, "inmates," or offenders on parole or in community corrections. All had successful termination rates of between 74.3 and 76.0 percent.

Looking to the future

On the whole, the equipment itself is becoming more reliable, even though many sites have reported significant difficulties in operating and maintaining their equipment. Some of these difficulties are attributable to premature release of equipment and software by manufacturers, but personnel turnover, unrealistic expectations, and inadequate training are contributing factors.

Figure 4

Type of Termination by Months on Monitoring, 1989 Sample

Duration of Monitoring	Successful Terminations	Technical Violations	New Offense Violations
1st month	271	94	16
2d month	211	71	7
3d month	170	43	6
4th month	128	26	9
5th month	67	16	3
6th month	46	11	0
7-12 months	66	12	6
13-24 months	14	2	1
Total	973	275	48

Successful Terminations are those in which the offender completed the assigned term or was removed for administrative reasons.

Technical Violations include curfew violations, substance abuse violations, absconding, and other rule violations that caused the offender to be removed from monitoring. The usual but not invariable consequence of technical violations was incarceration.

New Offense Violations were those in which the offender was arrested for an offense during electronic monitoring.

Electronic monitoring as a correctional technique is so new that the legal system has only now begun to respond to the legal implications of this new sanction. Somewhat fewer than half the States have specific enabling statutes, and only four appellate decisions have been reported that involve litigation initiated by electronic monitorees. The legal and constitutional challenges anticipated by scholars have not materialized, and there is no apparent legal or constitutional objection to the use of electronic monitoring technology per se.

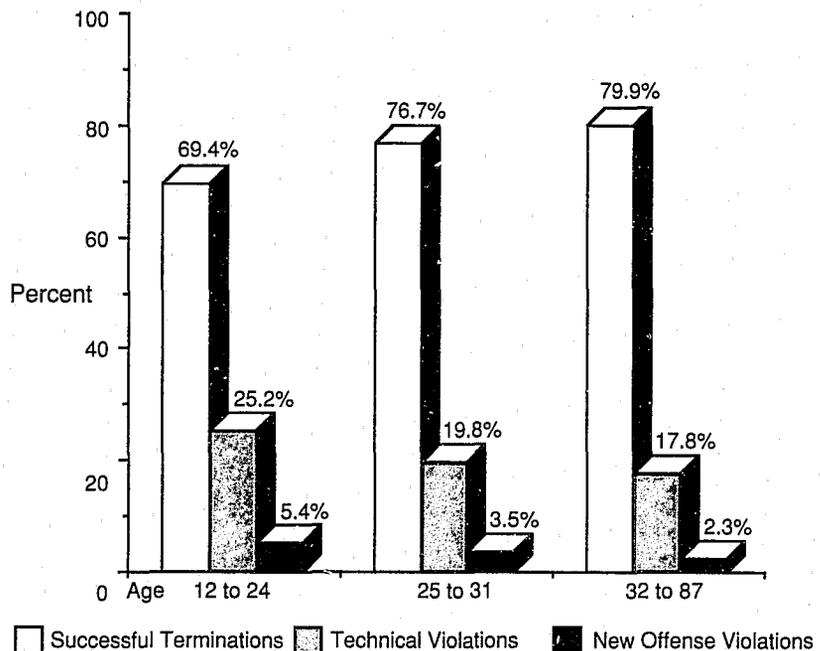
Correctional planners, entrepreneurs, and legislators all want to know: How many people will eventually be monitored? The estimates range from 25,000 to 1,000,000. Those guessing at the high end may ignore monitoring's cost and labor intensity in comparison to other nonincarcerative sanctions. Although per diem equipment costs are but a small fraction of the per diem costs to incarcerate an offender, there are other costs to consider, including costs to process the information generated by the equipment and to provide community supervision.

Nonetheless, queries to manufacturers suggest that growth is continuing at a rapid pace and that both New England and the Southern States, which had lagged in adopting electronic monitoring, are now coming on board. A first look at data from a survey done in February 1990 suggests that the number of persons being monitored doubled from 1989 to 1990. (Since the average monitoring sentence terminates at 79 days, some analysts believe the annual number of persons placed under monitoring supervision is actually four to five times the single-day figure recorded in NIJ's surveys.)

Much of the growth between the 1988 and 1989 censuses came in the expansion of programs targeted to offenders who would have been incarcerated. Faced with a variety of laws and court orders that shorten prison and jail sentences to make room for new prisoners, parole boards, judges, and sheriffs have discovered that monitoring makes it possible to retain some control over offenders who must be released but who would not have been released except for severe institutional crowding. ■

Figure 5

Termination Type by Age of Monitored Offender



This *Research in Brief* is a followup to "Electronic Monitoring of Offenders Increases," a *Research in Action* article in the January/February 1989 *NIJ Reports*. Annesley K. Schmidt, author of the 1989 article, conducted the 1988 electronic monitoring survey while she was a research analyst at the National Institute of Justice.

For More Information

This *Research in Brief* summarizes selected findings from the authors' full report, *The Use of Electronic Monitoring by Criminal Justice Agencies, 1989: A Description of Extent, Offender Characteristics, Program Types, Programmatic Issues, and Legal Aspects*, available for \$3.00 from Marc Renzema, Criminal Justice Program, Kutztown University, Kutztown, PA 19530, or from the National Institute of Justice/NCJRS, Box 6000, Rockville, MD 20850 (800-851-3420 or 301-251-5500). Ask for NCJ 126159.

Details about the 1986 survey are contained in *Electronic Monitoring and Cor-*

rectional Policy: The Technology and Its Application by Charles M. Friel, Joseph B. Vaughn, and Rolando del Carmen, (Washington, D.C.: National Institute of Justice, June 1987). This document (NCJ 104817) is available from the National Institute of Justice/NCJRS for \$8.40 at the above address.

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NCJ 131651