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Electronic Monitors— Realistically, What Can Be Expected?

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Introduction

THE ELECTRONIC monitoring equipment presently in use in the United States applies telemetry technology to determine whether an offender is present in the required location at the required times. First used on offenders in 1984, it is presently used daily on at least 12,000 probationers, parolees, work releasees, pretrial releasees, and other offenders under correctional supervision in the community. (Renzema)

There are two basic types of electronic monitoring devices. "Continuously signalling devices" constantly monitor the presence of an offender at a particular location. "Programmed contact devices" contact the offender periodically to verify his presence.

A "continuously signalling device" has three major parts: A **transmitter** attached to the offender sends out a continuous signal. Transmitters produced by some manufacturers send an altered signal to alert officials if they are tampered with, and others do not. A **receiver-dialer** located in the offender's home is attached to his telephone and detects signals from the transmitter. It reports to the central computer when it stops receiving the signal and when it starts receiving it again. A **central computer** accepts reports from the receiver-dialer over telephone lines, compares them with the offender's curfew schedule, and alerts correctional officials to any unauthorized absences. The computer also stores information about routine entries and exits of each offender so that reports can be prepared.

"Programmed contact devices" provide an alternative approach. They contact the offender at intervals to verify that he is at the location where he is required to be. These devices all use a computer programmed to telephone the offender during the monitored hours, either randomly or at specifically selected times. The computer is also programmed to prepare reports on the results of the call. However, each manufacturer uses a different method to assure that the offend-

er is the person responding to the call and is in fact at the monitored location as required. One system uses voice verification technology. Another system requires a "wristlet," a black plastic module, which is strapped to the offender's arm. When the computer calls, the wristlet is inserted into a verifier box connected to the telephone to verify that the telephone is answered by the monitored offender. A third system uses visual verification to assure that the telephone is being answered by the offender being monitored.

"Hybrid" equipment, introduced by several manufacturers, functions as a continuously signalling device. However, when the computer notes that the offender appears to have left at an unauthorized time, it functions similarly to a programmed contact device, contacting the offender by telephone and verifying that the person responding is the offender being monitored either by the use of voice verification technology or the insertion of a "wristlet" into a "verifier box" attached to the telephone. If verification does not occur, notification is made that a violation has occurred.

The role of the telephone, in the electronic monitoring of offenders, requires that certain new telephone technologies are not in use on the offender's telephone. For example, "call forwarding," where the telephone will automatically switch the call to another number, and a portable telephone would make it easier for the offender to respond to calls while away from home. Many programs also prohibit "call waiting" since it might interfere with the equipment's effort to call the central computer or for the verifier box to be attached. The program must review the offender's monthly telephone bill to assure that none of the prohibited services have been acquired.

At present, most of the equipment limits participation in monitoring programs to those who have a telephone at home. However, at least one company produces equipment that allows an officer to drive near the offender's house and tune to the frequency of the offender's transmitter and thus to determine if the offender is home without the officer leaving the car or the offender knowing that monitoring has occurred. Other companies are investigating similar approaches.

Offenders are also monitored without electronic verification. One approach uses the automatic

*The opinions expressed herein are those of the author and do not necessarily reflect the official position of the U.S. Department of Justice or the Bureau of Prisons.

equipment to telephone the offender and records the response. With this approach, verification that the person responding is in fact the monitored offender occurs when the recording is played by someone who recognizes the offender's voice. Another simpler, traditional approach has officers knocking on the door of offenders' homes to assure that they are home.

For the past 6 years, I have been watching the development of these electronic monitoring devices. During that time, which dates almost from the beginning of the correctional application of the technology, I have observed the continuing development, refinement, and improvement of the equipment, along with the beginnings, mergers, demise, and growth of manufacturers. There has also been the parallel development of a related service industry. These companies receive the output of the monitoring and respond to each different agency according to pre-determined specifications.

While the equipment and service industries have been developing, the users have made strides toward defining appropriate uses for the equipment, as well as determining which uses are inappropriate because the technology does not further the program's goals. Programs have also become clearer in their definition of purpose and therefore in deciding which type of equipment is most suitable and whether, in that particular program context, it makes more sense to handle their own monitoring equipment or contract with a service provider.

I have also tried to stay aware of developments in the field. To accomplish this, I have read the literature about monitors, written papers, visited programs, and interviewed monitored offenders, the officers supervising them, and those directing the programs. In addition, I have heard and participated in discussions with proponents and opponents. Much of what I have read and heard appears accurate and realistic, but some seemed to include exaggeration, distortion, misunderstanding, or wishful thinking.

The development of new technology has led to at least the possibility of a different approach to the supervision of offenders in the community. However, it has been only a short 6 years since the first program began, so there are many questions, the answers to which are yet to be learned. In this context, it is not surprising that some misinterpretations, misconceptions, myths, and misunderstandings have also emerged.

The sources of various perceptions and misconceptions are different depending on the nature of

the issue. There are the concerns that arise from philosophical objection to the use of any equipment to monitor the behavior of offenders in the community. Some show a misunderstanding about the functioning of the equipment. Others have arisen when the equipment and the program using it have been "oversold" so that no program could possibly accomplish the goals that have been established with the resources given. This overselling often reflects a misunderstanding about money, the potential economic impact that a monitoring program might have. (Byrne)

Philosophical Issues

The development of electronic monitoring has coincided with the increasing discussion of intermediate sanctions. This dialogue examines sanctions that can be applied to criminal behaviors which are less serious than those requiring long-term incarceration, while, at the same time, being more serious than those deserving standard probation. The use of electronic monitors has fitted into this discussion, both when equipment is the sanction and when it is a part of efforts to increase the credibility and viability of probation as a sanction, as can be seen in programs such as intensive supervision.

When electronic monitoring devices are used as a part of correctional supervision in the community, such application may generate controversy. There are some people who feel that monitoring is improper. This point of view is aptly illustrated by the title of a recent paper, "No Soul in the New Machines: Technofallacies in the Electronic Monitoring Movement." (Corbett & Marx) It discusses "fallacies" that can occur in the establishment of programs. Some of the fallacies the authors mention, such as failure to clearly state the program's agenda or purpose, can occur in the establishment of any kind of program, have happened in a few monitoring programs, and should not be permitted to happen in any well-thought-out program of any type. However, it is not a criticism of monitoring programs, in particular, as much as it is a criticism of impulsive program design.

The issues more specific to monitoring programs are related to the purpose of correctional supervision in the community. A recent annual conference and training institute of the American Probation and Parole Association stated the apparent conflict in its title, "Supervision in the 1990s: Surveillance vs. Treatment." (APPA) The descriptive materials about the conference posed a question: "Are the concepts really conflicting or

can they be supporting and complementary?" (*Ibid*, p. 20) The answer to that question must be determined by each agency. In the case of public agencies, the answer is determined by the politicians who chart the agency's course either overtly or through the budget that they provide. That answer, no matter how it is arrived at, will determine whether the use of monitors could make sense in their context.

Electronic monitoring devices are surveillance technology. Therefore, if surveillance is not one purpose of the program, these devices would be inappropriate. By the same token, if surveillance is a purpose of the program, the use of equipment is one way to enhance effort to achieve it, but not the only way. As mentioned earlier, humans knocking on doors would be another way to achieve the surveillance objective.

Another proposition states that monitoring will lead to "net widening." The expression "net widening" is based on an analogy to catching fish in a net. If the net is opened more widely more fish will be caught. Thus, in this context, it refers both to sanctioning those who would not otherwise have been sanctioned and to sanctioning someone more severely than would otherwise have been done. In this case, the concern revolves around hypotheses about what would happen if the program did not exist or what will happen if a program is established. If offenders are being monitored who would otherwise have been incarcerated, the use of the equipment may be seen as a reduction in the severity of the sanction. If, on the other hand, monitors are being used for offenders who might receive probation with little direct supervision, the level of the sanction appears to have been increased, and the question becomes, "Is the community receiving a needed increase in protection?"—a very different issue.

When "net widening" is discussed, the issue has two distinct ends with abundant space in between. At one end is the concern that the use of monitors may increase the level of sanctioning and therefore cause "net widening." At the other end is the argument that presently offenders are being sanctioned at a lesser level than is appropriate because of prison crowding. Therefore, if there is an increase in the level of sanctioning, it is an increase to an appropriate level. Differences among programs make a general resolution of this issue impossible, and specific resolutions must occur in the context of the handling of individual cases by individual programs.

Another issue has been expressed as: Monitors spy on people and reveal their secrets. (Marx,

1985 & 1986) We have all seen the spy movie where the olive in the martini is really a transmitter revealing the plans of "the bad guys" to "the good guys" so that the good guys can come and save the day. It seems plausible that such technology is available, but the present electronic monitoring equipment used on offenders does not have that capacity. Whether future equipment will have that capacity is unknown, and, if it does, whether it would be used is dependent on the ethics of those operating the program. Furthermore, some people would contend that an officer, entering an offender's home during a surveillance check, is likely to learn more about the activities in the house and the interaction of the members of the household.

There is equipment on the horizon with the capacity to track the offender. When this becomes available, programs will be able to plot a route for the offender to use when traveling to and from work and learn of deviations from that, as well as know about unauthorized departures from work. This new knowledge may be reassuring to those concerned about detailed monitoring of activities. At the same time, those who question the appropriateness of surveillance will have a further basis for their questions.

When considering these philosophical issues, it needs to be kept in mind that there is a distinction between the equipment and the program that uses it. It is the program that makes and enforces the rules and responds to what it learns from the equipment. The equipment provides information which can be responded to immediately, later, or not at all, with a phone call or a visit, as specified by the program's procedures.

Misunderstandings About the Equipment

Assuming that any potential philosophical misgivings are answered, it is important that the program designers are realistic about what the equipment can and cannot accomplish. For example, as mentioned earlier, equipment that tracks offenders is expected to come onto the market, but it is not presently available. However, the present equipment is often incorrectly assumed to have the capacity to track the offender as he moves around the community.

Since the introduction of the equipment, some have posited: This is new and it's technology, so it must be "good." As the pioneers who first used the equipment learned, the equipment and the computer programs that convert the signal from the equipment into something meaningful, needed to be tried, tested, refined, and modified in the

real world. Vast strides have been made in the technology, and its reliability has increased greatly. At the same time, it seems unlikely that it will ever be 100 percent perfect.

A closely related erroneous assumption is: Monitors are technology so they must be an improvement. Any program that acquires monitors will obtain more information about those being supervised than was previously available. Whether or not this new information is an improvement depends on the use to which it is put. If more paper is added to files, and little else is done, then a question can be raised about the value of the information from the equipment. In addition, when the offender learns by experience that violations are of little or no consequence, the credibility of the program is undermined. On the other hand, if violations are responded to, the offender learns that the program means what it says, and greater control is achieved. Thus, the program establishes its credibility with offenders and the public.

Even when the equipment is functioning correctly, it cannot *prevent* violations, as some have hoped. The offender is free to leave any time he decides to do so, and nothing about the equipment will stop him. In addition, the offender can leave as if he were going to work and then go anywhere. Unless the officer happens to check with the place of employment, he'll find out that the offender did not go to work when he sees reduced hours on the pay stub or when the offender is fired. Finally, there is no information about what the offender is doing when he is home which could be anything from something innocuous like watching TV to something as heinous as drug dealing or inflicting physical abuse on another member of the household. The equipment simply provides information showing that the offender is present within range of the receiver-dialer.

Any program has to determine how it will respond to the increase in information, realizing that the additional information may well mean that the program is now aware of failures that would have previously been unknown. This newly acquired information must be responded to by the staff if the program is to maintain its credibility with the offenders and with the public. If the staff is overworked and unable to respond to the information that it now receives, acquiring more information from monitors will only increase the staff frustration and decrease the program's credibility.

Some manufacturers of continuously signalling

equipment provide a special feature in the band that holds the transmitter on the offender. When present, the nature of the signal changes when the band is tampered with. At first blush, this tamper-resistant band appears to prevent violations. However, tamper signals may occur when the equipment is twisted or otherwise handled roughly but not actually tampered with. On the other hand, the tamper signal can only be perceived if the offender is within range of the receiver-dialer. Outside that range, it will signal, but there is no way it can be "heard."

Monitoring requires that an offender have a home with a telephone and that he remain there. Some offenders do not have homes, and others have homes without telephones. Secondly, if others in the household are not supportive of the offender's participation in the monitoring program, they can sabotage the offender. For example, if the household contains teenage phone users who are not willing to limit their calls or relinquish the phone to the equipment, the offender cannot successfully participate. Moreover, there are situations when a house is not a home—at least not one for home confinement. This would be especially true if abuse is present.

Money: What Monitors Can Save

Program funders often hope or assume that they can buy equipment and save money directly or indirectly by decreasing staff or, at the very least, not increasing it. First, capital or money is required if the equipment is purchased. But, equipment can be and often is obtained by lease or lease-purchase arrangements which do not require a large initial outlay. Second, the caseloads of monitoring programs are usually about 25 while regular probation programs frequently have caseloads of over 100 offenders. In addition, monitoring programs require substantial labor if reported violations are responded to on a 24-hour, 7-day per week basis. This may have implications for staff, staffing costs, and labor-management agreements if the staff is required to be available during times which have not been traditionally considered to be working hours. Additionally, the outputs of equipment will provide staff with previously unavailable information to which staff now must respond.

The actual cost obviously depends on the type of equipment, the number of units, and whether the equipment is purchased or leased. In addition to staffing, extra costs may be incurred because of telephone charges. The In-House Arrest Work Release Program of the Sheriff's Stockade in

Palm Beach County, Florida, charges participants in the voluntary program \$9 per day. (Garcia, 1986) Within the first 14 months of program operation, the program's investment in equipment had been returned by offender fees. However, if the initial amount invested is more or less, if fees are charged at a lower or higher rate, or not at all, or if the equipment is in use a greater or lesser proportion of the time, then the pay-back period will change. Also, the costs have changed as the competition between the manufacturers has increased. During the same time, staff salaries have increased, and many programs have been established in sites that are not routinely staffed 24 hours a day, 7 days a week. And, most importantly, there are many who do not feel that it is appropriate to charge offenders for their supervision. This philosophical consideration has been the subject of numerous booklets and articles and is mentioned here. Detailed consideration of this point is outside the scope of this article but an important financial and philosophical issue for program designers to consider.

The staff of some agencies has become concerned that monitors will replace people. However, this loses sight of the fact that monitors are just equipment. People are required for a number of purposes by a program that uses monitors. First, people must screen participants and attach the equipment. Once participants are in the program, staff is required to interpret the output from the equipment. Then, based on that interpretation, staff has to respond to the offender. Additionally, there are things only people can do, such as counseling, job placement, and employment verification. Given the smaller caseloads needed to respond to the additional information provided by the monitors, it seems unlikely that programs will be able to replace staff with the equipment, and many have found that more staff is required.

Many jurisdictions have justified the acquisition of electronic monitors with assurances that it will alleviate prison and jail crowding. This view may be optimistic, for a variety of reasons. First, in addition to issues related to what a community can, will, and should be expected to tolerate, it should be reiterated that monitors are technological devices potentially useful in a variety of program contexts. The population selected as the focus of monitoring programs may or may not be one that might otherwise be sent to jail or prison if monitors were not available. Second, consideration needs to be given to the likely impact on the total problem. In a thousand-man jail, the release

of 20 monitored inmates would reduce the population by only 2 percent. One hundred monitored inmates would have to be released before the population would be affected by 10 percent. In a smaller jail, more impact would be achieved by a system the size of the typical initial purchase of 20 units, if all units were being used at the same time. In the prison systems of many states with much larger populations, more monitored inmates would have to be released before a significant reduction in population could occur. Furthermore, the cost of a monitoring program cannot be directly compared to per diem costs of incarceration. The largest component of per-diem costs is staff salaries. Therefore, until the number of released inmates is large enough to affect staffing of the facility, the only savings achieved are in marginal categories such as food.

Closely related to the assertion that monitors will solve crowding is the assertion that monitors save money because monitoring is less expensive than jail. The arguments seem to rest on faulty mathematics and inappropriate comparisons when comparing the per diem of jail with the per diem costs of monitoring. Jails are labor intensive, with about 80 percent of the costs being staffing. Therefore, unless staffing can be affected or construction becomes unnecessary, the only costs savings are marginal items such as food and medical care. It is also important to note that this comparison is based on the assumption that all monitored offenders would otherwise be in jail. The experience of many programs makes this assumption at least questionable.

All of the assertions made about monitors in the corrections literature and the popular press lead to the assumption that the use of monitors is widespread. However, Marc Renzema's latest 1-day count shows about 12,000 to 14,000 offenders being monitored. (Renzema) At the same time, the Bureau of Justice Statistics tells us that there are 2.6 million offenders under supervision in the community. (BJS) As can be readily seen, monitors are used on only a very small proportion of offenders.

Some Strategies to Avoid Misunderstandings

During the short period that monitors have been available, experience has taught some of the issues that must be resolved before or during the establishment of a monitoring program. There are myriad decisions which must be made, few of which have known "right" answers. However, if the questions are answered clearly, many myths can be laid to rest and misunderstandings avoid-

ed.

The program needs to provide the context in which the equipment is to be used. If that is lacking, there will be the inappropriate situation of equipment in search of a program. The program needs to be defined in terms of how an offender enters the program, who will make the decision, and on what will the decision be based—risk, need, offender status, etc.; then, how long people will remain in the program.

The program's statement of purposes and objectives should supply a clear rationale for the use of monitors, which means that at least one of the program goals should be offender surveillance and control. If this is not a goal, there seems little reason to use monitoring equipment and little justification for it.

Then, the program needs to determine what type of equipment will be used, keeping in mind both the cost and surveillance implications of the choice. It should be noted that different features are available on different equipment, even equipment of the same type. These choices should be evaluated in terms of how the features relate to goals of the program. The equipment decision should consider the cost and desirability of certain features to determine whether the program wishes to monitor consistently or intermittently; whether tamper-resistance is required or visual inspection for damage will be sufficient; and what the nature and size of the equipment itself is.

If equipment seems appropriate in the context of the program, the next question is financial. What will be purchased? The usual choice is one of two possibilities—equipment or service. Either the agency obtains the equipment and uses its staff to provide the service or the agency contracts for service with a company that will provide both monitoring equipment and monitoring. The equipment may be acquired through a lease, purchase, or lease with an option to purchase.

The equipment is going to provide information which was previously unknown. This will range from simple facts, such as what time the offender left for work or that the offender was late leaving and therefore was probably late for work. The program will also learn that the offender is not at his residence when he is supposed to be. The program needs to anticipate these issues and determine in advance how it will respond. For the simpler issues, responses may be as simple as telephoning the employer to determine that the offender is, in fact, at work. The response to reported violations may vary. It may be by phone or in person, at the time when it first becomes

known or during the next workday.

The decisions about response to violation have implications for costs and staff. They must also be made considering what the responsible authorities—usually a court or parole board—are going to require as proof of violations. When planning the response to violations, the program should consider the possibility that false alarms may occur and that equipment may be damaged accidentally or purposely.

Once these decisions, and many others, have been made, it is important that the program plan allow time to test and get acquainted with the equipment and to train staff.

As the program plan is being developed, there are a variety of other issues which need to be considered. All the elements of the criminal justice system need to be involved in the planning so that their issues and agendas can be considered. Cooperation of the courts and probation and parole will likely be required. Additionally, many times, planning also may involve the sheriff, other law enforcement agencies, and others. As with any multi-agency effort, the lines of responsibility must be clear and the cooperation between them developed. For example, if the program is going to monitor the output of the equipment around the clock, then the base is optimally located where 24-hour staffing is already present. This facility might be a jail operated by the sheriff. If the program, on the other hand, is being operated by the probation office, the division of responsibilities and expectations should be clearly specified, preferably in writing. At the same time, at least some elements of the broader community should be involved, such as the press and political action groups concerned about criminal justice issues, such as MADD (Mothers Against Drunk Driving).

The establishment of a monitoring program in some areas has provided an opportunity for the agency to be proactive, reaching out to the public and the press. This contrasts with the reactive posture often assumed by corrections and may lead to the development of relationships with the press which may be useful in other contexts.

In summary, when starting a program, it is important to be *realistic* about why the program is being established and what it is expected to accomplish. In addition, the program needs to be placed in a context that is well thought out, has consistent policies and procedures, and documents events that occur and specific expectations. Above all, monitoring equipment should never be equipment in search of a program.

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