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**DADE JUSTICE IMPROVEMENT MODEL
Work Furlough / House Arrest
Fiscal Impact of Program Expansion.**

Prepared for:
Honorable Chief Judge Gerald T. Wetherington
and the
Criminal Justice Coordinating Committee

~~PREPARED BY:~~
Prepared by:
Dept. of Justice Assistance
in cooperation with the
Dept. of Corrections & Rehabilitation

April 4, 1991

149759

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EXECUTIVE SUMMARY

Construction of jails and prisons alone are not and will not keep pace with the growing population of criminal offenders. While jail and prison sentences are the only alternative for serious crimes, habitual offenders and career criminals, the justice system must be innovative and further develop intermediate sanctions as a way of reducing inmate populations and jail crowding. Although there exists a number of community corrections options, i.e., county work camps, pre-trial diversion, and probation restitution centers, as well as several others, this analysis will focus on the enhancement of an existing program, the Metro-Dade County Department of Corrections and Rehabilitation's Work Furlough/House Arrest Program.

The analysis presented in this report, and in particular the simulation or "what if" application of diverting 3,000 inmates per calendar year, is purely hypothetical and should be viewed as a starting point. Revisions utilizing different figures are encouraged based on further input from system professionals. The report's basic premise and design is to bring together decision makers from the various components and agencies of the criminal justice system, to examine and consider the expansion of the House Arrest Program as a viable and cost-effective alternative to incarceration.

WORK FURLOUGH/HOUSE ARREST STUDY
Fiscal Impact of Program Expansion

I. DADEJIM

The Dade Justice Improvement Model (DADEJIM) is a computerized informational system developed to simulate and forecast the impact and repercussions that changes in policy, workload, and resources may have upon the Criminal Justice System. DADEJIM is classified as an "aggregate, linear, steady-state" simulation model rather than the more traditional "case-by-case" approach, incorporating sensitivity analysis as the driving force of its methodological framework. This technique involves dividing policy objectives into smaller components and then changing the quantity of one factor at a time, while keeping other variables constant. Most important, this methodology has the flexibility of projecting the impact of major system changes or "what if" applications. (See attachment).

II. Electronic Monitoring Systems and Community Corrections Residential Programs.

The current experience of growing jail and prison populations accompanied by tighter budgets have spurred innovation and the implementation of policies designed to alleviate jail crowding. In Metro-Dade County, most of the attention has been placed at the front-end of the criminal justice system, where in an effort to relieve jail crowding and through various judicial administrative

orders (1987 through 1990), the Department of Corrections and Rehabilitations' Pre-Trial Release Program annually releases in excess of 40% of pre-trial felony offenders booked into the Dade County Jail. Though efforts to increase pre-trial diversion should not be diminished, greater emphasis needs to be placed in the development of intermediate incarceration alternatives of sentenced inmates.

In recent years, we have seen the implementation of community-based correctional programming, i.e. House Arrest, as a possible answer to the skyrocketing jail and prison populations. This type of incarceration alternative and has been facilitated by the development and application of electronic monitoring systems (EMS). Since its establishment in the mid 80's, EMS services have flourished throughout the United States. In Washtenaw County, Michigan, where one of the first EMS programs was implemented (1986), there are currently more than 80 felony probationers at any one time wearing electronic monitors.¹ This, from a community with a population of 282,937, one-seventh of the population of Dade County; and with approximately one sixteenth (915 vs 26,027) the number of convictions of Dade County (Illustration #1).²

¹ Washtenaw County, Department of Corrections - "Tether Program" - J. Crawford, Director.

² 11th Judicial Circuit - State Attorney's Office. B. Lynch., Systems Analyst.

In Hampden County, Massachusetts, where EMS is currently being used on inmates participating in its Community Residential Program (CRP), and based on an evaluation performed by the Center for Applied Social Research at Northeastern University, of the first 96 clients to complete the program, 81% did so successfully, 18% were terminated early for violating the terms of the program (drug use or curfew violation), and 1% were arrested for a new crime while in the program. This study concluded that the program was "successfully managing the transition to the community of otherwise incarcerated offenders," was "effectively supervising offenders in the community" and was "directly impacting crowding."³

The Crime and Justice Foundation's day reporting center in Boston, a larger metropolis than Hampden County and similar in size to Miami, has realized similar results to those previously mentioned. Of the first 350 clients to complete the program, 68% did so successfully, 28% were returned to custody for a program violation, and 4% were arrested for a new offense or escape.⁴

Though neither Washtenaw County nor the City of Boston have similar demographics, socio-economic conditions, and criminal offense patterns to that of Dade County, Metro-Dade/11th Judicial Circuit lags behind other jurisdictions in the number of sentenced inmates

³Larivee, John, "Day Reporting Centers - Making Their Way from the U.K. to the U.S." Corrections Today. October 1990, p.88

⁴IBID, p. 89

participating in a House Arrest or a similar community corrections program. (According to 1989 figures, less than 2% of sentenced inmates, participate in the Department of Corrections and Rehabilitation Work Furlough/House Arrest.)⁵

In Metro-Dade County, the Department of Corrections and Rehabilitation's Work Furlough/House Arrest Program was established in late 1986. In Calendar Year 1987, 309 inmates were admitted in the program and 192 (62%) completed the program successfully. In 1988, 297 inmates were admitted and 210 (71%) completed the program successfully. In 1989, 474 clients were enrolled in the program and 378 (79%) were terminated positively. In Calendar Year 1990, the Work Furlough/House Arrest Program had its most successful year to date: 582 inmates were placed in the program and 481 (83%) completed the program successfully.⁶ These numbers not only indicate an increasing success ratio, but also reflect a gradual and "substantive" 88% increase (CY 1987 vs CY 1990) in the number of inmates participating in the program. (Illustration #2). In spite of this increase and for the past three years, the Work Furlough/House Arrest Unit has maintained the same level of personnel: One-third (1/3) administrator, two (2) correctional officers, and two (2) bookkeepers.

⁵ Metro-Dade County - Department of Corrections and Rehabilitation - Work Furlough/House Arrest Unit - End of year Reports. CY 1989.

⁶ IBID, CY 1987, 1988, 1989, and 1990.

III. Work Release/House Arrest Program Expansion - Short and Long Term Impact

Although an ambitious project, increasing Work Furlough/House Arrest participation is a viable and effective alternative to relieving jail crowding. For this report, a DADEJIM simulation was conducted, estimating the effect of diverting 3,000 inmates per year (nearly a five-fold increase over 1990 figures) into the House Arrest Program. The increase in personnel necessary to handle the new workload would not have to be linear in nature, as economies of scale would come into effect. Hence, and based on several meetings with Work Furlough/House Arrest officers and other experts in the field, the additional personnel necessary to handle the new workloads would be approximately 18 employees. In addition to existing staff, these new employees would consist of approximately 8 new correctional officers (plus 2 existing officers), 4 Job Developers/Training Specialists, and 6 Support/ Clerical staff. (Illustration #3). The aggregate annual appropriation increase, exclusively for salaries and fringes, would be approximately \$696,000. (Illustration #4). Adding these figures to current Work Furlough expenditures, the total aggregate personnel-related expenditures would be approximately \$870,000 (\$868,000 - 1987 dollar figures). Again, this figure excludes any type capital outlays, contracted services, and supplies.

An alternative consideration that would minimize operating costs is the hiring and use of Correctional Service Assistants. These

civilian staff, would monitor, both physically and electronically, the status of participating inmates. As civilian staff, the Correctional Service Assistants would have lower salaries and fringes than sworn Correctional Officers, lowering the aggregate costs of implementing the program by more than \$120,000 per year. (Illustrations #5 & #6).

It must be noted that the increase in expenditures necessary to handle the new workload would be significantly reduced by the incoming revenue generated by the program. Participating inmates would be required to pay a weekly "administrative fee" of \$50 (which signifies an increase of \$8 a week over current fees). At the hypothesized aggregate average of 500 clients per month (with an average length of stay of 8 weeks), and offsetting for capital operating costs, (the lease option per electronic monitor is \$2.50/day/inmate versus the \$1,200 average cost per unit), the House Arrest Unit could generate approximately \$107,500 per month; which translates into \$1.29 million per year. (Table 1 and Illustration #7).

An alternative option is the development of a "sliding-fee scale" for those inmates earning in excess of a pre-determined amount. An illustration of a possible sliding-fee scale is presented in Illustration #8 and Table 2. This example takes a decreasing percentage of the gross hourly wage, as wage-rates increase. The implication is that as the inmate makes more money, administrative

fees would increase at a decreasing rate. Of course, legal sufficiency would have to be explored before any fee scale can be implemented.

The insertion of a "sliding fee scale" into the House Arrest/Work Furlough Program signifies that the incoming revenue can be augmented, by approximately \$100,000 per year; further alleviating the County from this fiscal burden. The overall implication is that revenue generated by the administrative fees would pay for personnel related expenditures, making the program almost self-sufficient. (Illustrations 9 and 10).

With respect to the electronic monitors, pursuing a lease option would be the most pragmatic avenue to follow, not only because current lease options (\$2.50/day/inmate) includes servicing of the equipment, but mainly because this industry is very dynamic, and buying an electronic monitoring system would signify locking into a technology that could become obsolete within a short period of time.

IV. Fiscal Impact

Based on DADEJIM's Base Year figures, (which refers to both 1987 dollar figures and disposition ratios), diverting 3,000 offenders immediately after sentencing, implies an operating re-occurring gross cost-reduction in excess of \$5 million. (See Table 3). The \$5 million figure includes salaries and fringes of

existing personnel, services, supplies and operating capital outlays. It does not include additional staff, debt service payments or structural/fixed capital expenditures.

Assuming 8-10 weeks average length of stay in the House Arrest Program, (based on current House Arrest Program figures), the diversion of 3,000 inmates per year implies that there will be an average of 500 sentenced inmates being diverted out of a correctional facility every month. This in turn, means that there could be a deferral on the future construction and staffing of a 500 bed, medium/minimum security detention facility.

According to the Department of Development and Facilities Management, the construction of a medium/minimum, 3 level or less, dormitory style detention center would cost in the range of \$80-\$90 per square foot. These are local figures, much lower than the national average of \$106 per square feet for a minimum security detention facility. Based on statistics from the Metro-West Detention Center, (which is a one thousand bed facility), the average cost per bed is \$15,200. This figure, small when compared to the \$48,000 average cost per bed for a maximum security-third generation detention facility, [obtained from building costs - Turner-Guilford-Knight (T.G.K.) Detention Center], includes site preparation, infrastructure, architectural design, and furnishings. Considered a "turn-key" dollar figure, the \$15,200 per bed cost excludes financial externalities, such as bond issue and subsequent debt service payments. Amortized over 30 years, and at present

interest rates (6.25%), the annual debt service payments of a \$7.6 million facility, (including both interest and principal) will be in excess of one-half million dollars (\$561,153 to be exact - See Table 4).

This figure is quite conservative as it assumes that the average construction cost per bed of a 500 bed facility will be the same as that of 1,000 bed facility. This is not an inaccurate assessment as one would experience decreasing economies of scale, and the average cost per unit will be higher than the \$15,200. This dollar figure however, can certainly be used for illustrative purposes and as a point of reference.

Again, the \$15,200 per unit cost reflects a "one time" capital cost, but excludes re-occurring costs such as staff required to run the facility (correctional officers, administrative, clerical, and technical staff), utility costs, contracted services, supplies, and operating capital outlays.

Based on 1987 figures, (DADEJIM's Base Year), the inmate to correctional officer ratio for a medium security detention facility is approximately 6:1 (six inmates for every correctional officer). Accounting for changes in shifts, the ratio of inmates to correctional officers present at anyone time in the detention facility averages out to 16:1. (Actual figures fluctuate, as shift #2 - 7:00 a.m. to 3:30 p.m. - has a higher number of personnel, both civilian and sworn).

For a 500 bed medium/minimum security facility, and based on DADEJIM's Base Year figures, approximately 84 new correctional officers and 24 additional support staff would have to be hired to operate and maintain the facility. Accounting for salaries and fringes, the aggregate personnel related expenditures would range between \$3.6 and \$3.9 million; with \$2.8 million earmarked for sworn personnel.

Hence, and assuming the deferral or cancellation of constructing a 500 unit minimum/medium security correctional facility, aggregate system-wide cost reductions would be in excess of \$18 million, (\$18,568,000).

In the scenario presented herein, there is little or no impact on the courts because diversion of the inmate occurs post-sentencing. The greatest impact would be felt by the local correctional system; where inmates would be restricted to the confines of their respective homes, absorbing a great portion of their correctional upkeep costs. The implication is that the eligible inmates will not only be gainfully employed, positively contributing to society; but most important, while being incarcerated in their homes, they will have to provide their own food, shelter, and medical upkeep. This is a crucial and most important economic factor of the hypothesis.

Under the auspices of a Work-Release/House Arrest Program, the average daily cost per inmate would range between \$8 and \$15 depending on the final staff breakdown. (\$9/day based on current

DADEJIM projections). This figure pales in comparison to the \$47 - \$52 per day per inmate cost of housing an individual in a correctional facility, as estimated by the Department of Corrections and Rehabilitation. (This figure excludes construction costs of jail facilities, bond issues, etc.). Based on DADEJIM projections, the establishment of such a program would have system-wide cost reductions in excess of \$5 million in the short-run, and more than triple that figure in the long-run. [\$5,500,000 and \$18,500,000 to be exact]. (See TABLE 3 & 4 and Illustrations #11, #12 and #13).

V. Recommendation

By diverting eligible inmates into the House Arrest Program, the criminal justice system will be able to free up jail beds, making them available for more serious/high risk felony offenders. Furthermore, the inmates participating in the House Arrest Program hedge their upkeep expenses by paying a weekly "administrative" fee. The idea is that the eligible inmate will be repaying his/her debt to society by being gainfully employed, while simultaneously contributing to its own correctional upkeep. A simple cost analysis of the program reveals a 5:1 short-term and a 18:1 long term leverage: \$1 million in expenditures up front resulting in re-occurring cost reductions to the criminal justice and correctional system in particular, well in excess of \$5 million and \$18 million in both the short and long-run respectively.

Although the profile and requirement for participation in the House Arrest program will remain geared toward the low-risk felony offender, with the additional staff, participation could be possibly expanded to include other populations; such as repeat misdemeanor offenders, certain traffic cases (i.e., DUI), etc., in addition to selected felony offenders. Again legal issues must be further explored before the program can be expanded to target other populations.

There are two key variables influencing the success of this program: one is that the Work Furlough/House Arrest Program Selection Committee must ascertain that proper screening is made of each potential candidate. This should include assessment of previous criminal history, employment history, condition of social and family support, overall demeanor, and psychological profile just to name a few variables. The second key factor influencing the success of this program is that from the onset, it must have complete support from correctional administrators, law enforcement elected officials, judges, prosecutors, and public defenders. Without the establishment of these two measures, this worthwhile effort will be doomed to failure from the very start.

According to Governor Lawton Chile's Task Force on Criminal Justice, which is chaired by Florida's Chief Justice, the Honorable Leander J. Shaw Jr., there is a need to create and expand the number of intermediate punishments, namely House Arrest/Work

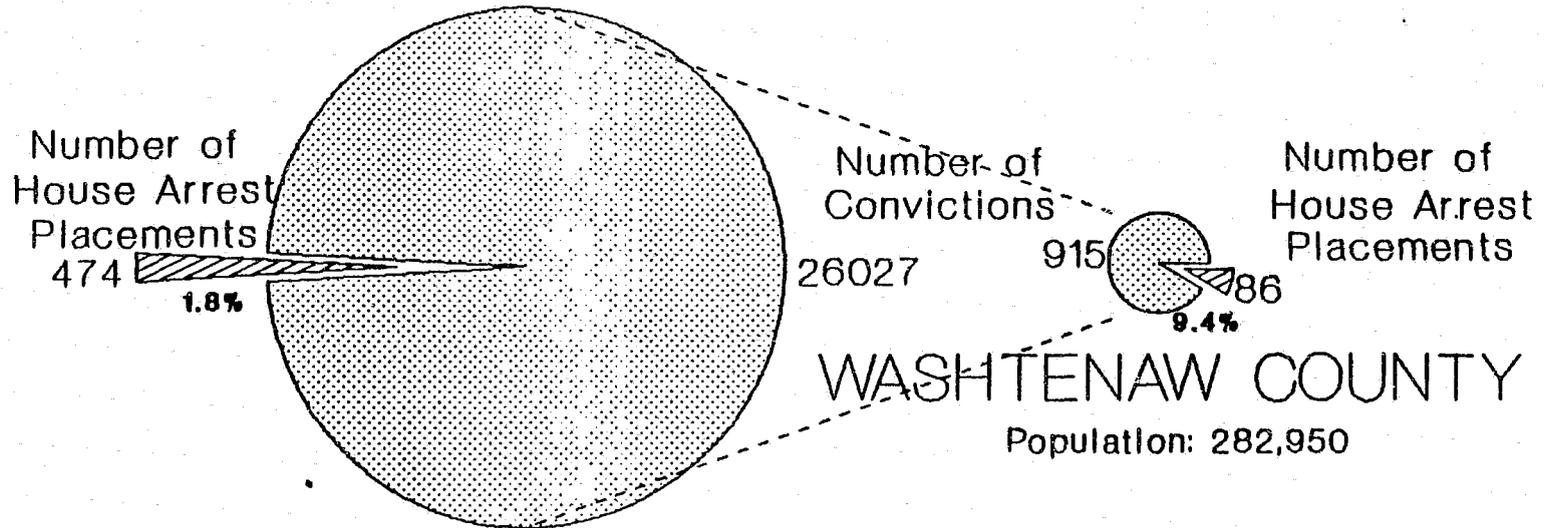
Release Centers. Construction of prison beds however, cannot and should not be abandoned, as they provide the "hammer" over those who fail in the intermediate sanction programs.⁷

Multi-million dollar prison and jail expansions alone cannot and will not keep pace with the flood of offenders entering the criminal justice system. Intermediate sanctions, and in particular Work Furlough/House Arrest Programs complemented by electronic monitoring devices, provide an alternative to incarceration for low-risk offenders sentenced to any of the Metro-Dade's five correctional detention facilities. The development and establishment of such mechanisms will make more jail beds available for higher-risk offenders. Furthermore, the fiscal impact and long-term cost-reductions created as a result of the case-flow diversion, lower overhead and the generation of income, behooves criminal justice administrators and policy makers to seriously consider further analysis and the eventual expansion of the House Arrest Program.

⁷Killian, Mark D. "Criminal Justice System has Big Problems, Little Money" Florida Bar News. March 15, 1991, Vol 18, No. 6. pg. 1.

Illustration #1

DADEJIM - Adult Felony Phase Work Furlough / House Arrest Program Comparative Analysis Between Counties - CY 1989



METRO-DADE COUNTY

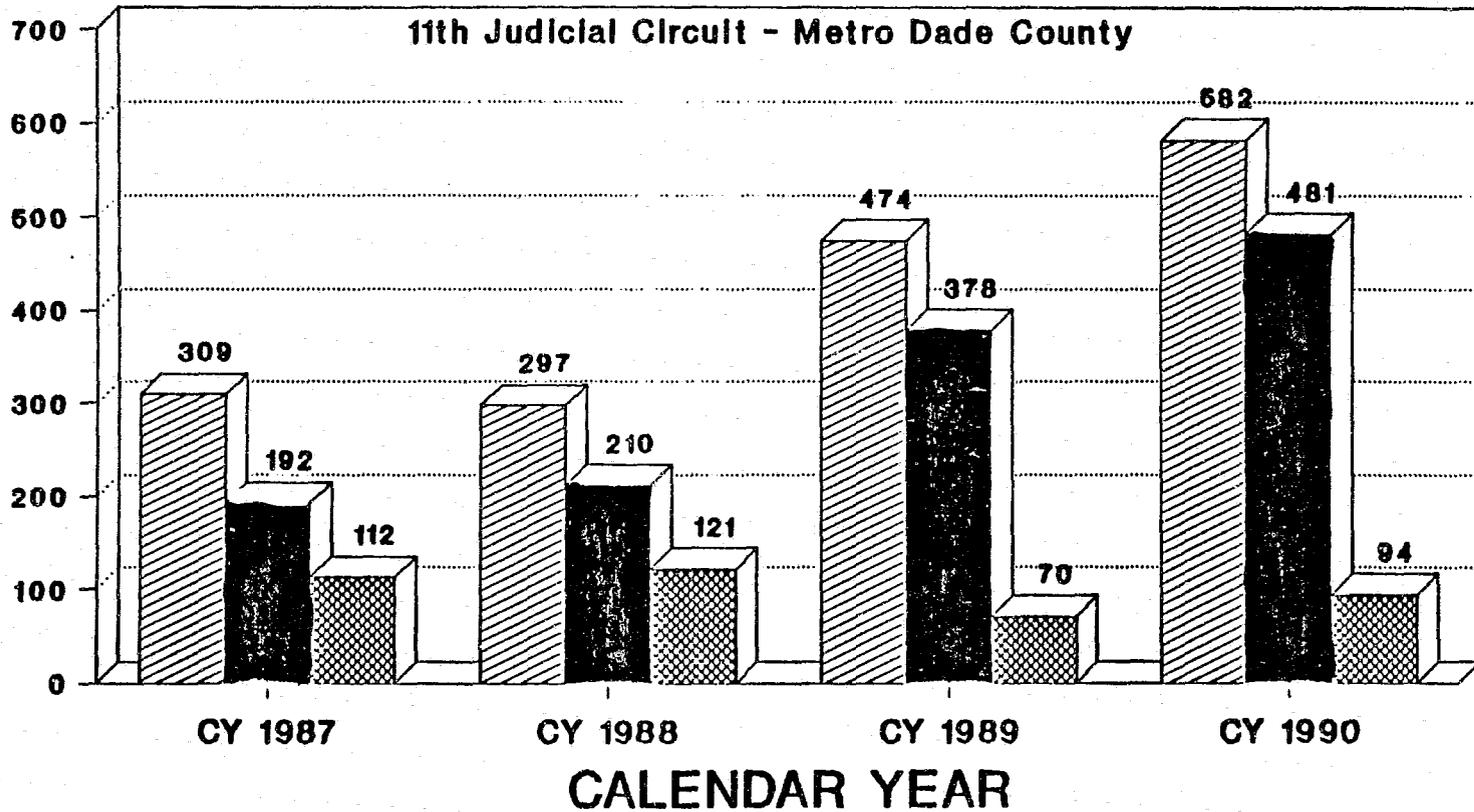
Population: 1,873,000

SOURCES: Washtenaw County Prosecutor's Office
11th Judic. Circuit - S.A.O.

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Research & Development Division

DADEJIM - Adult Felony Phase Work Furlough / House Arrest Program End of Year Report



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1,662 Placed In Program	1,261 Successful Term.	397 Unsuccessful Term.
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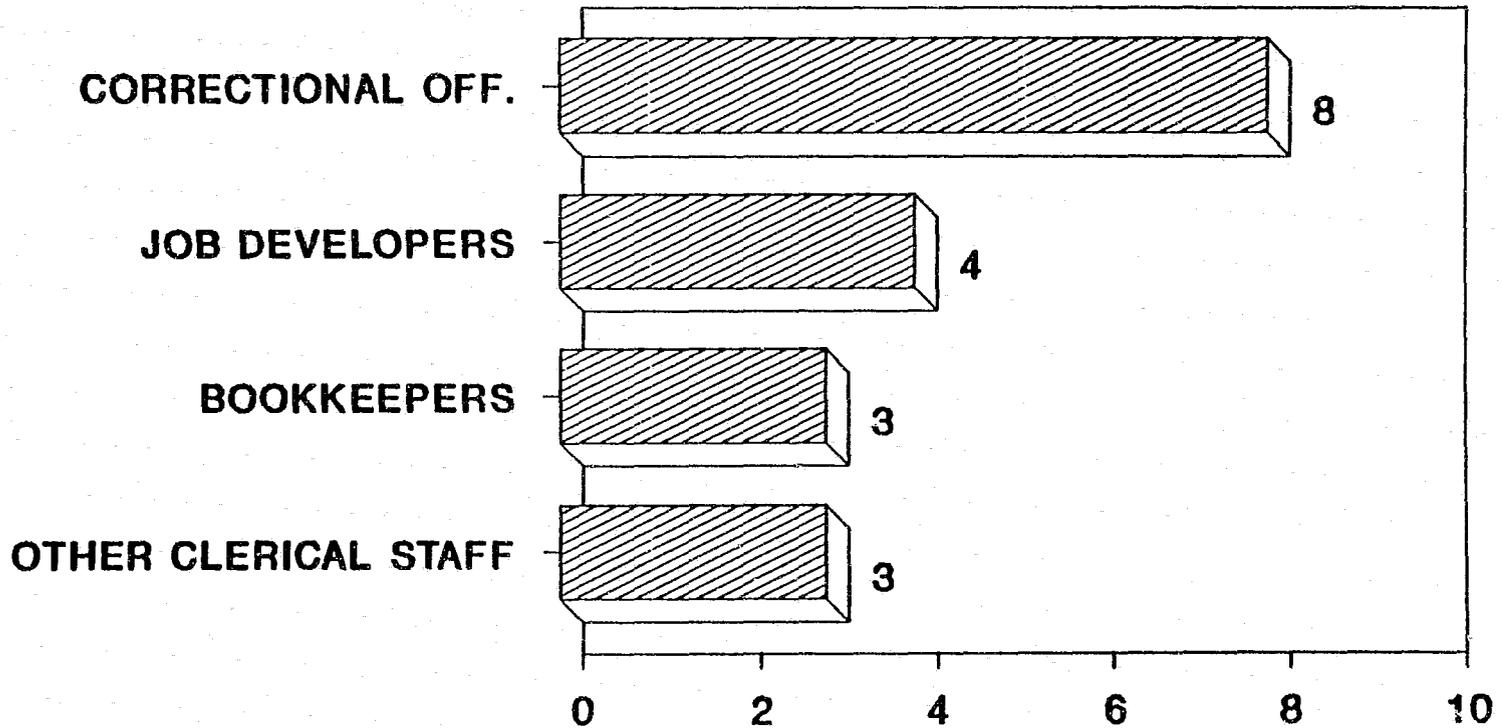
SOURCE: Dept. of C & R

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DADEJIM - ADULT FELONY PHASE Work-Furlough/House Arrest Program

Option A

New Staff Required - 3,000 Inmates per Year

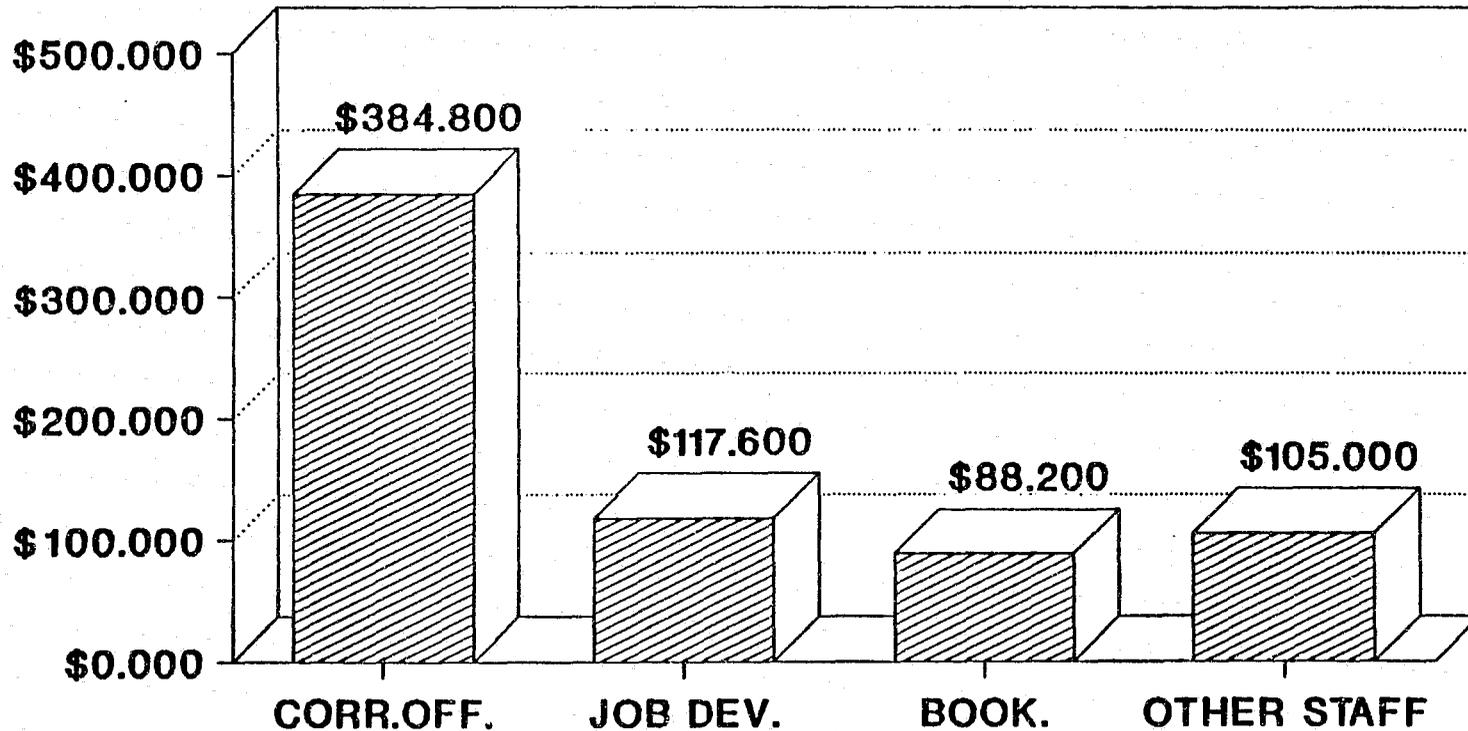


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DADEJIM - ADULT FELONY PHASE Work-Furlough/House Arrest Program

Option A

Personnel Related Expenditures - 3,000 Inmates/Year



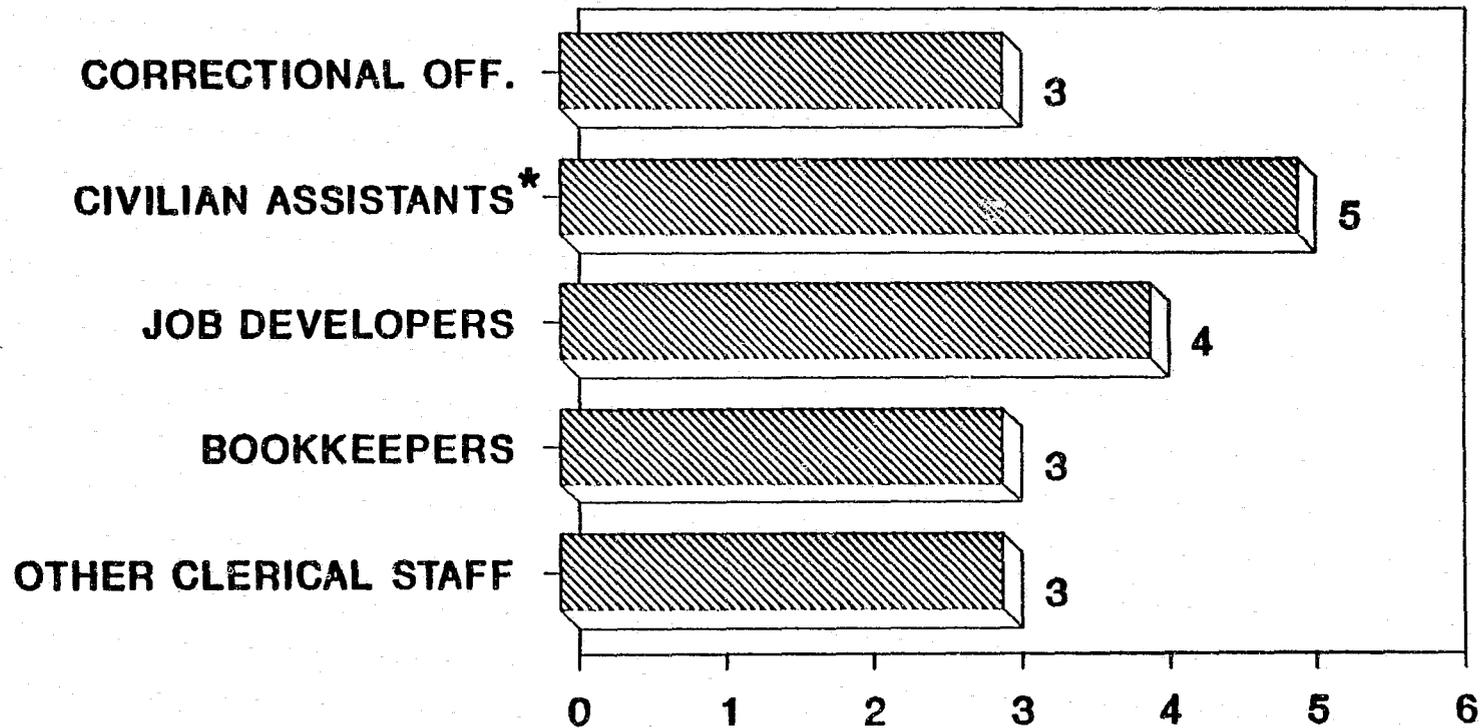
\$895,600
NEW SALAR.& FRINGES

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DADEJIM - ADULT FELONY PHASE Work-Furlough/House Arrest Program

Option B New Staff Required - 3,000 Inmates per Year



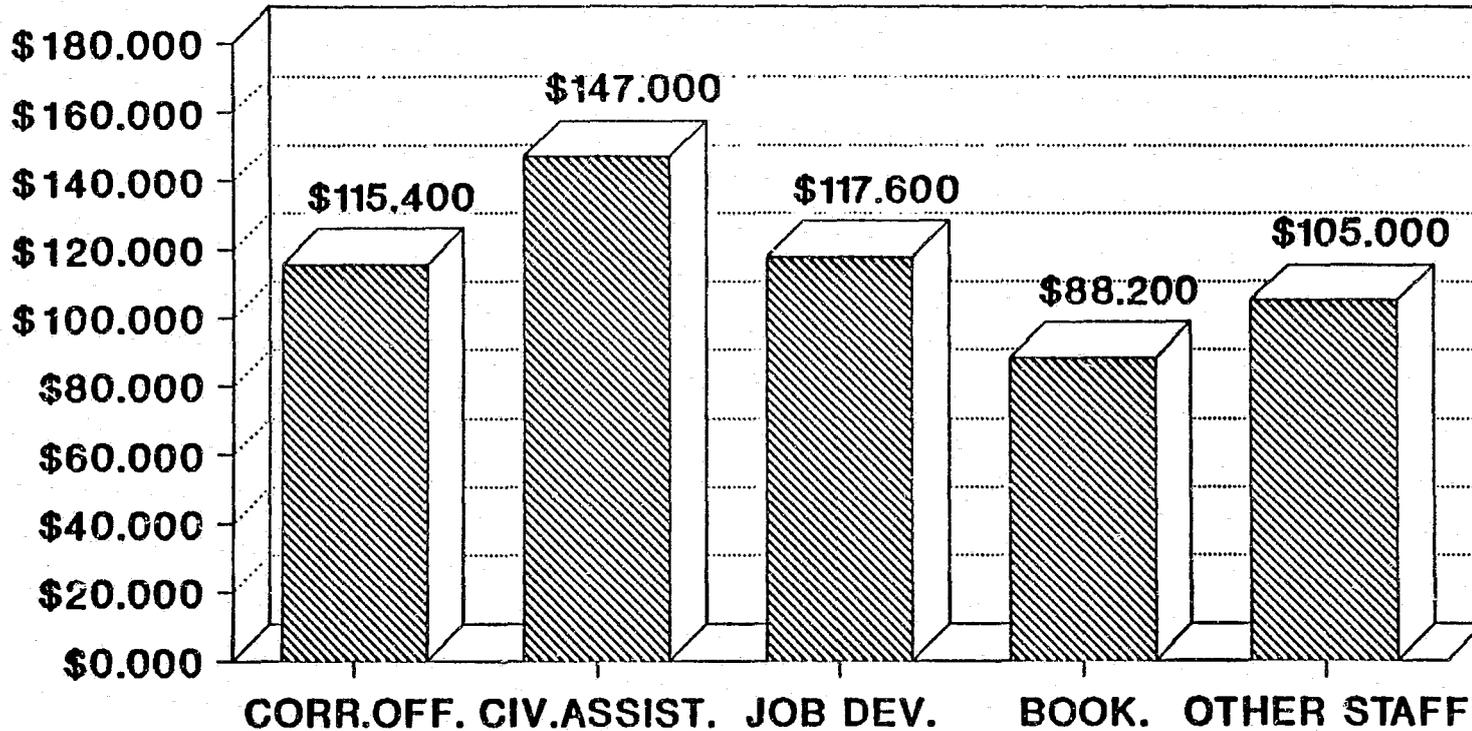
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DADEJIM - ADULT FELONY PHASE Work-Furlough/House Arrest Program Personnel Related Expendit. - 3,000 Inmates/Year

Option B



\$573,200
NEW SALAR.& FRINGES

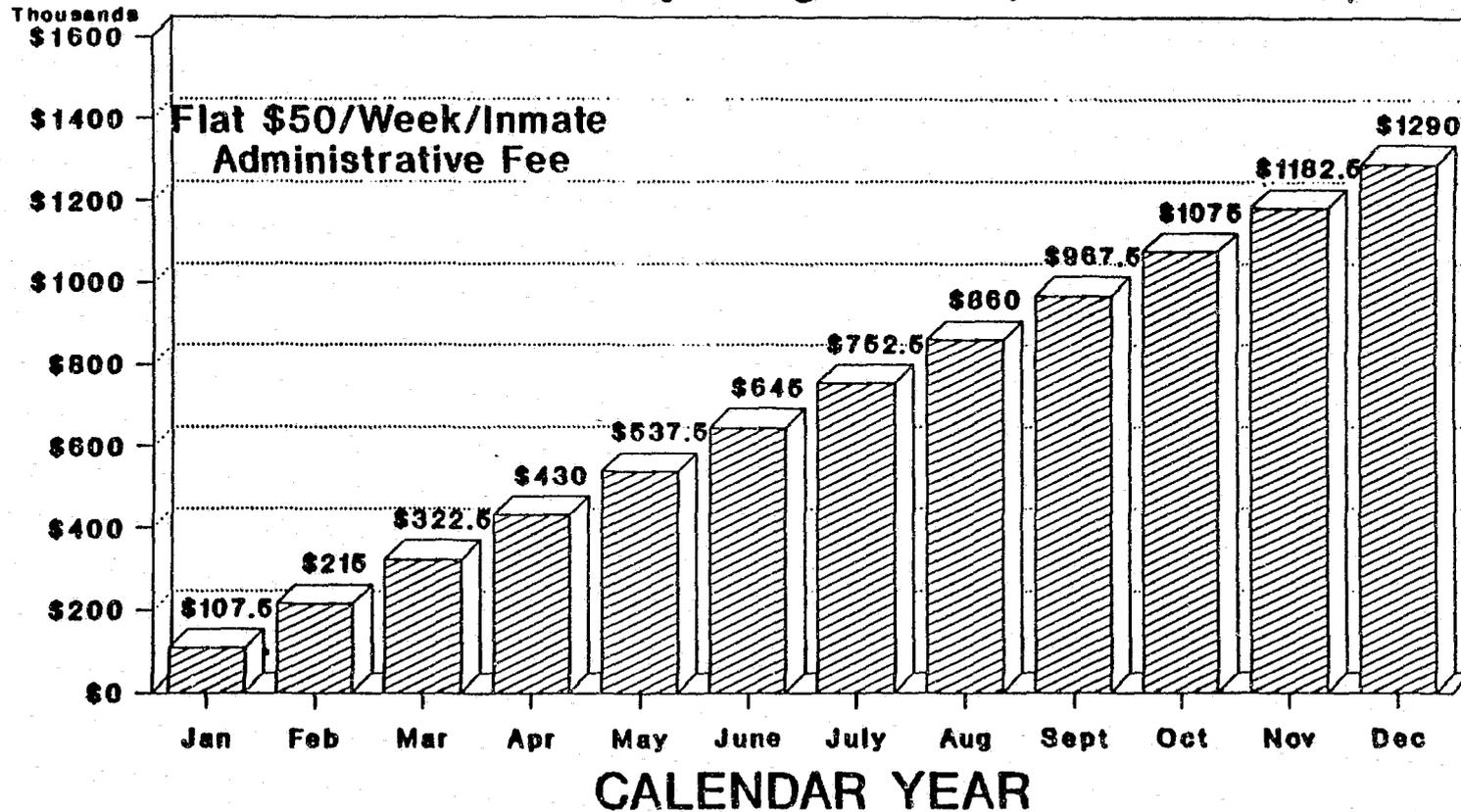
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Illustration #7

DADEJIM - Adult Felony Phase Work Furlough/House Arrest Program

Gross Revenue Generated by Program - 3,000 Inmates per Year

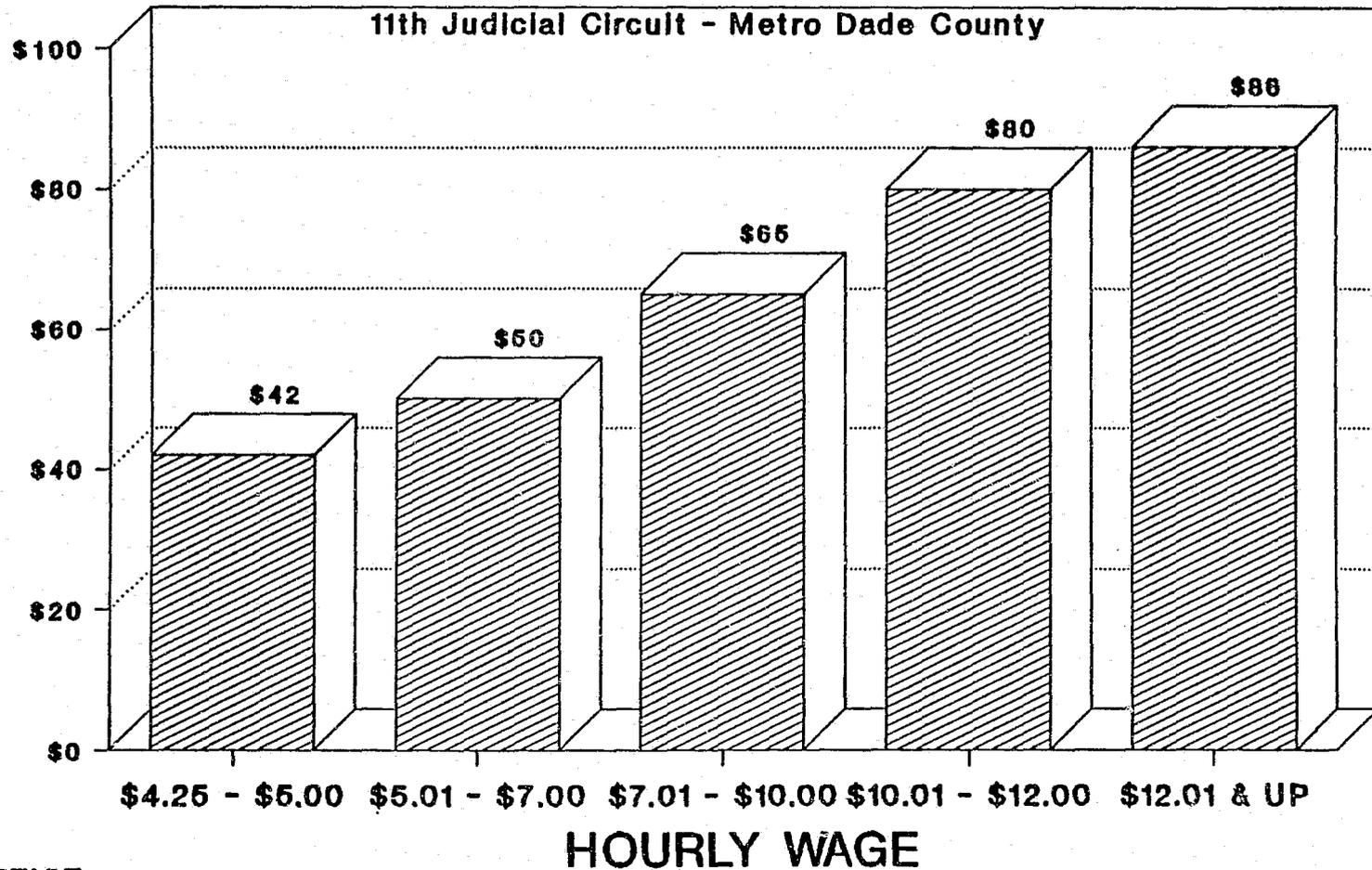


\$107,500
Ave. Month. Gross. Rev.

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DADEJIM - Adult Felony Phase Work Furlough / House Arrest Program Sliding Fee Scale for Participating Inmates

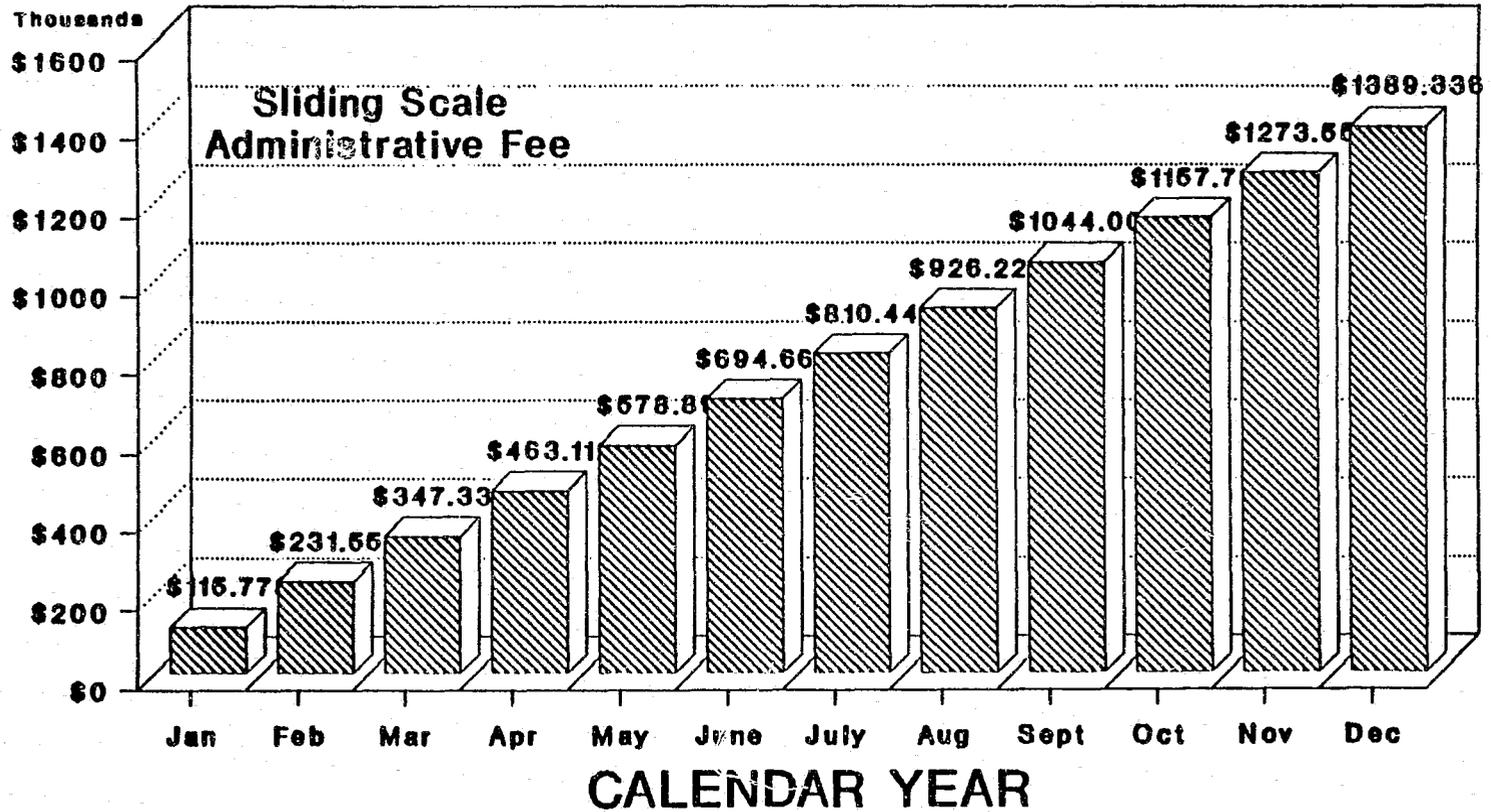


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HOURLY WAGE

Illustration #9

DADEJIM - Adult Felony Phase Work Furlough/House Arrest Program Gross Revenue Generated by Program - 3,000 Inmates per Year

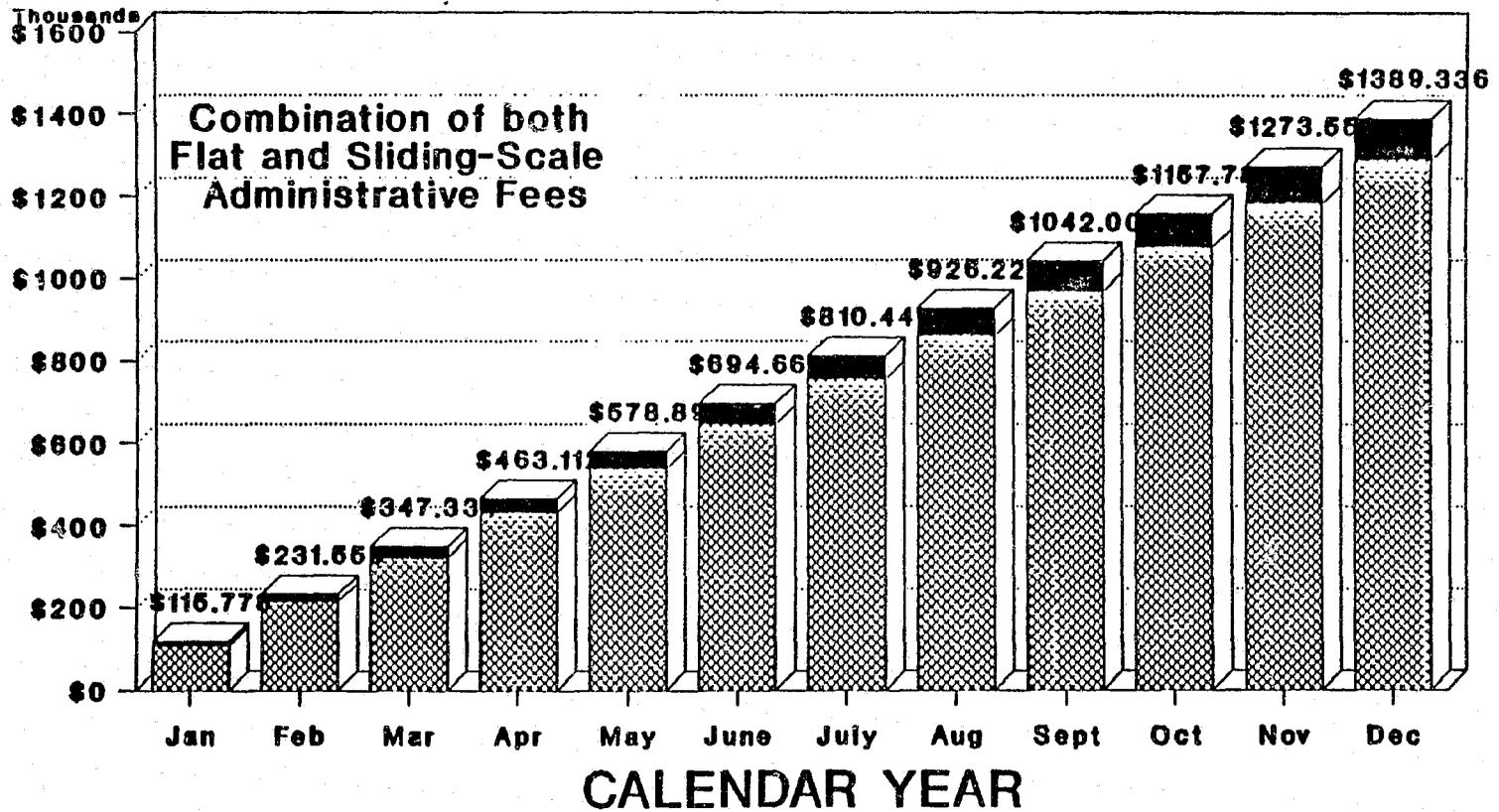


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DADEJIM - Adult Felony Phase Work Furlough/House Arrest Program

Gross Revenue Generated by Program - 3,000 Inmates per Year



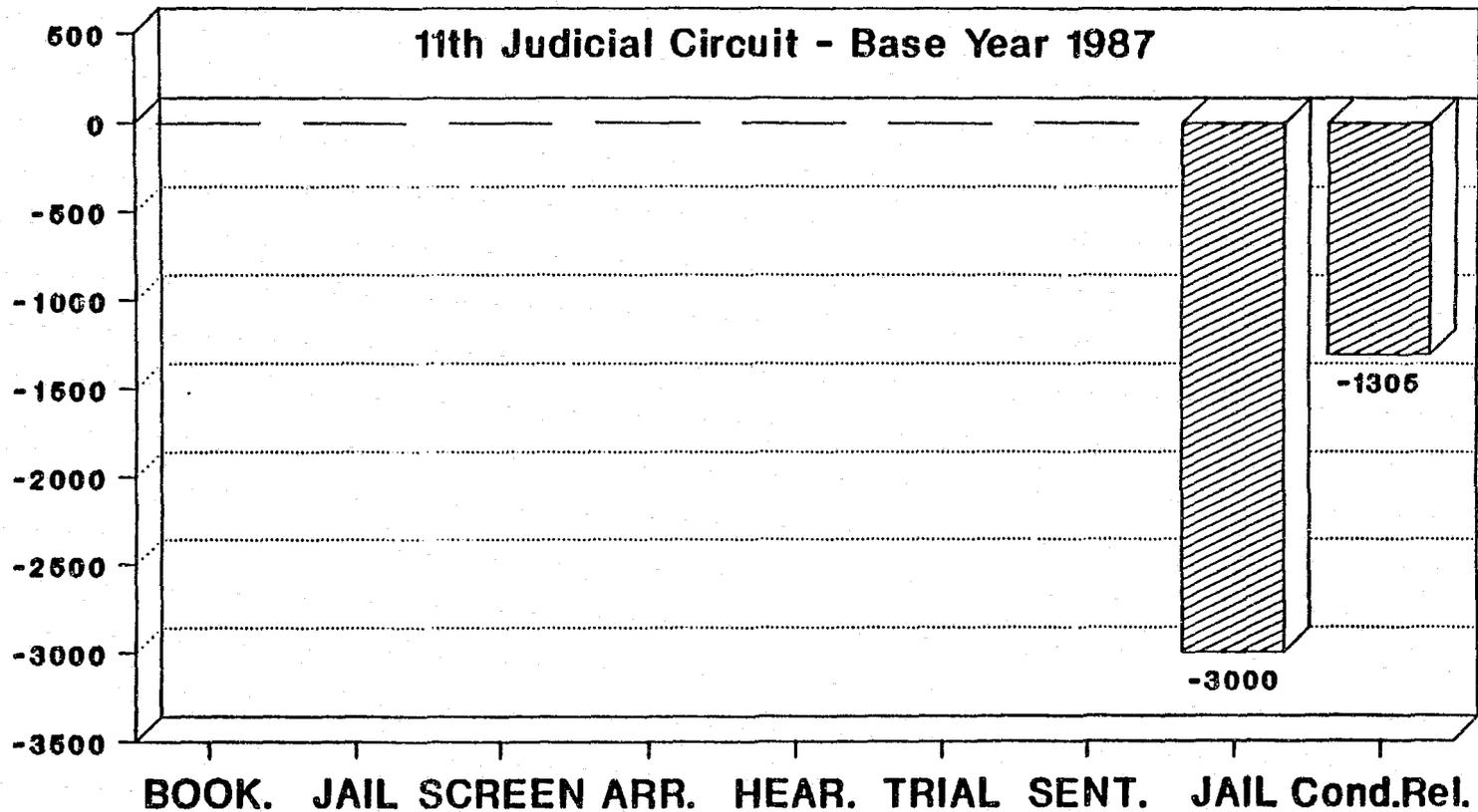
\$1,290,000	\$1,389,000
Flat Fee	Sliding-Scale Fee

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DADEJIM - ADULT FELONY PHASE

Caseflow Impact when Work-Furlough Increased to 3,000 Cases



 CASELOAD DECREASE

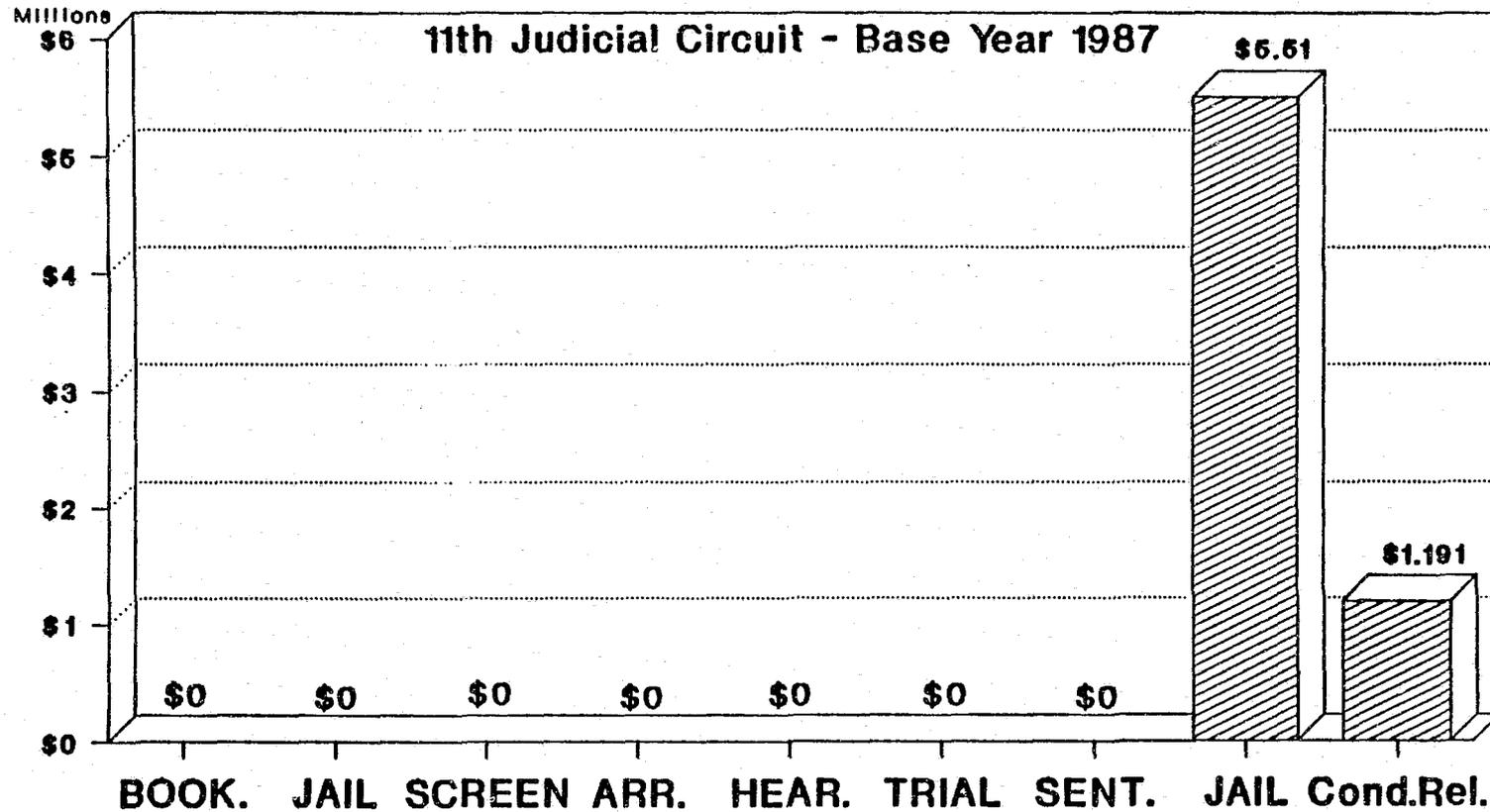
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Illustration #12

DADEJIM - ADULT FELONY PHASE

Effect of House-Arrest Program Increased to 3,000 Cases



\$6,701,700
GROSS COST-REDUCT.

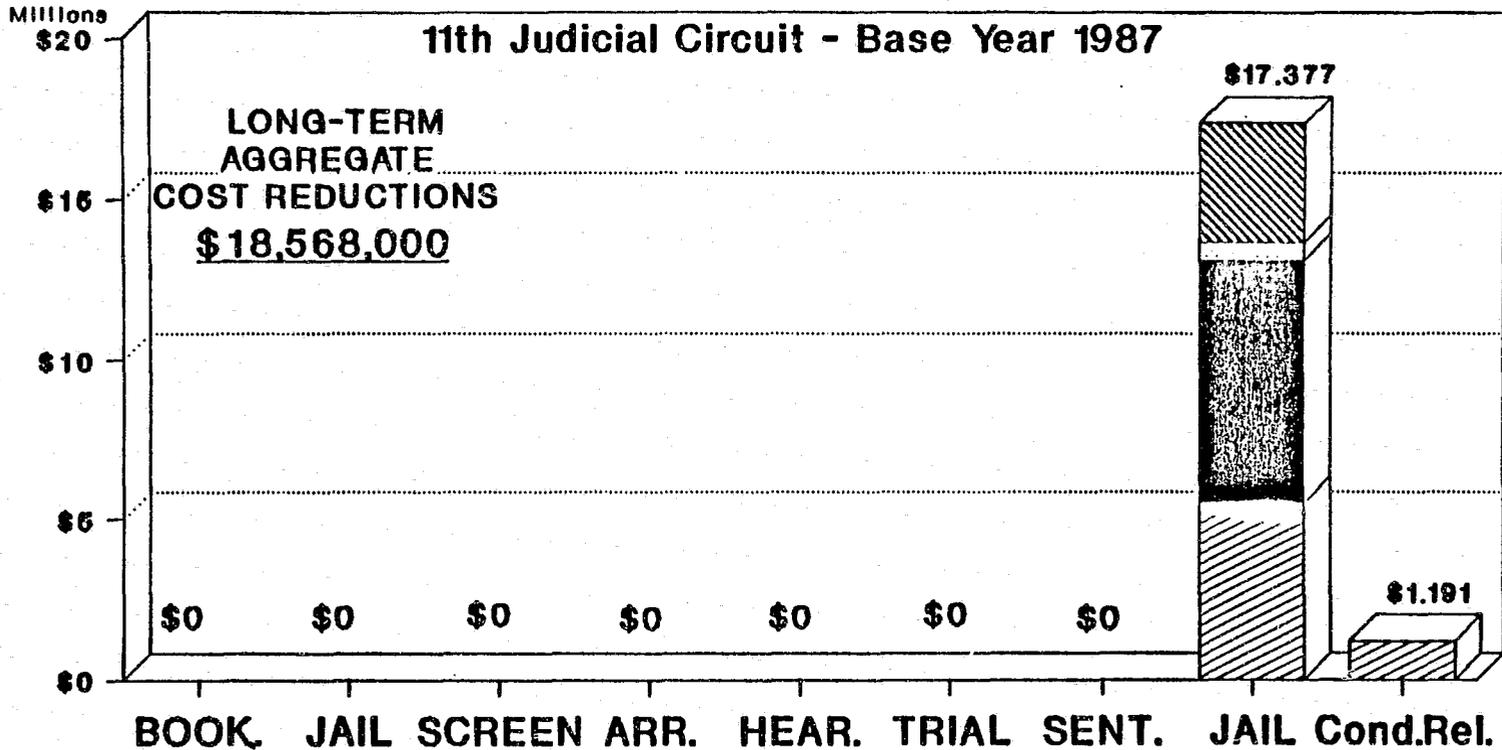
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Illustration #13

DADEJIM - ADULT FELONY PHASE

Annual Aggregate Cost-Reductions - House-Arrest Inc. 3K



	\$6,701,700		\$7,600,000
	PERSONNEL,OCO,SERVS		NEW CONSTRUCTION
	\$561,534		\$3,705,000
	DEBT FINANCE		ADDITIONAL STAFF

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TABLE 1

WORK-FURLOUGH / HOUSE ARREST PROGRAM
Gross Revenue Generated by Program
When 3,000 Inmates are Diverted Annually

I. Assumptions

Average Length of Stay Averages 8 weeks.
 Even & Decreasing Distribution of Income
 (for Sliding Fee Scale)

II. Hypothesis A - Flat Fee

500	Average Number of Inmates / Month
\$50	Weekly Administrative Fee
4.3	Average Number of Weeks / Month

\$107,500	Average Monthly Gross Revenue
\$1,290,000	Approximate Annual Gross Revenue

TABLE 2

III. Hypothesis B - Sliding Fee Scale

500	Average Number of Inmates / Month	
\$42	Weekly Administrative Fee -	40.0% of Inmates.
\$50	Weekly Administrative Fee -	30.0% of Inmates.
\$65	Weekly Administrative Fee -	15.0% of Inmates.
\$80	Weekly Administrative Fee -	10.0% of Inmates.
\$86	Weekly Administrative Fee -	5.0% of Inmates.

\$26,925	Average Weekly Gross Revenue	
4.3	Average Number of Weeks / Month	

\$115,778	Average Monthly Gross Revenue	
\$1,389,330	Approximate Annual Gross Revenue	

TABLE 3

**WORK-FURLOUGH / HOUSE ARREST PROGRAM
OPERATION COSTS**

I. Work-Release / House-Arrest Program

\$1,500,000	Approximate Gross Yearly Expenditures (Includes Services & Supplies, and excludes all types of Capital Outlays).
3,000	Number of Participating Inmates
<u>56</u>	Average Length of Stay (in days)
\$8.93	Approximate Daily Cost of Upkeep, per Inmate

II. Regular Jail / Prison

\$47.00 - \$52.00	Average Daily Cost of Upkeep, per Inmate. (Dept. of Corrections & Rehabilitation estimate - capital outlays are excluded).
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III. Cost/Benefit Analysis

A. Work-Furlough / House-Arrest Program	B. Serving Jail Sentence												
<table border="0"> <tr> <td style="padding-right: 10px;">3,000</td> <td>Number of Inmates</td> </tr> <tr> <td style="padding-right: 10px;"><u>80.00%</u></td> <td>Approximate Success Ratio</td> </tr> <tr> <td style="padding-right: 10px;">2,400</td> <td>Actual Number of Inmates</td> </tr> </table>	3,000	Number of Inmates	<u>80.00%</u>	Approximate Success Ratio	2,400	Actual Number of Inmates	<table border="0"> <tr> <td style="padding-right: 10px;">3,000</td> <td>Number of Inmates</td> </tr> <tr> <td style="padding-right: 10px;">@ ~ \$50.00/day X 56 days</td> <td></td> </tr> <tr> <td style="padding-right: 10px;">\$8,400,000</td> <td></td> </tr> </table>	3,000	Number of Inmates	@ ~ \$50.00/day X 56 days		\$8,400,000	
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\$8,400,000													
<p>@ ~ \$9.00/day X 56 days \$1,209,600</p> <p>+ 20% @ \$50.00 / day X 56 days \$1,680,000</p>													
<p>Difference <u>\$5,510,400</u></p>													

April 4, 1991

TABLE 4

WORK-FURLOUGH / HOUSE ARREST PROGRAM
Bond Issue and Debt Service When Building a 500 Bed Facility.

Debt service on a \$7.6 million loan, assessed at 6.25%, and amortized over 30 years.

PRINCIPAL	\$7,600,000
CURRENT INTEREST	6.25%
TERM OF LOAN	30 Years
	<hr/>
Annual Payments	\$561,534
Principal & Interest Through Life of Loan	\$16,846,023
Interest Through Life of Loan	\$9,246,023

Presentation to:
**FLORIDA ADVISORY COUNCIL
ON INTERGOVERNMENTAL RELATIONS**

**PROPOSED PRETRIAL RELEASE STATUTE
Electronic Monitoring Systems (EMS)**

Presented by:
Dr. Williams Stokes, Chairman
Dade-Miami Criminal Justice Council

Prepared by:
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Leon Cristiano, Division Director
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In Conjunction With:
Metro-Dade Department of Corrections & Rehabilitation

July 2, 1991

PROPOSED PRETRIAL RELEASE STATUTE -- EMS CONCEPT

Developing Alternatives to Monetary Bail

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I. General Background

This document attempts to assess and elaborate on the conditions and general provisions contained by the 1991 proposed pretrial release statute, originally introduced into the Florida Legislature by Representative Langston, and Senators Yancey, Malchon, and Dudley. This bill seeks to institutionalize early case review, screening procedures, and provide a series of alternatives to monetary bail.

An assessment of the general provisions, eligibility of pretrial agencies, pre-trial detention, and proposed guidelines showed no anomalies and appeared to be well structured. Part IV, labeled PRETRIAL RELEASE, delineates a series of conditions necessary for eligibility into the program and contains the fundamental piece upon which this document seeks to elaborate. Paragraph (n) under clause 1 (page 9), reads:

(n) any other condition, including a condition requiring that the person return to custody after specified hours or release for employment or other purposes.

This clause is crucial in the development and establishment of alternatives to complement monetary bail for pretrial offenders, particularly with respect to the possible establishment of Electronic Monitoring Systems (EMS) as a condition of pretrial release.

II. Electronic Monitoring System (EMS)

Growing jail and prison populations, compounded by tighter budgets have spurred innovation and implementation of polices designed to alleviate jail crowding. New technologies and the establishment of community-based correctional programming have facilitated the development and acceptance of EMS as a possible method of hedging skyrocketing jail and prison populations as well as operational cost, particularly with respect to pretrial release.

The technology involved in EMS continues evolve, and has increased geometrically in recent years. EMS, originally used exclusively for post-conviction programs (i.e. Work-furlough, House Arrest, and Probation), has been successfully expanded to include pretrial offenders by some jurisdictions. However, the expansion of EMS for pretrial detainees has not been a totally smooth transition. New challenges and problems have been presented to law enforcement and correctional agencies. These problems should not be viewed as roadblocks, but rather as temporary obstacles that must be removed and corrected in order to run a more effective pre-trial EMS program. Listed below is a brief synopsis of some of the positives and negatives of expanding EMS to include pretrial offenders.

ASSETS

- EMS may serve as an effective tool in relieving jail crowding.
- EMS can effectively ensure a defendant's appearance at trial and protect public safety.
- EMS can have a rehabilitative effect on a defendant, as pretrial

programs force the defendant to plan daily activities and restore order to life.

- Unlike jail, home confinement allows the defendant to reform and develop strong family ties and values.
- A record of responsibility and good behavior by a defendant may be considered by the judge at sentencing.
- EMS can be a cost-effective mechanism to skyrocketing correctional costs.
- Other jurisdictions have enjoyed high success rates (i.e. Marion County, Indiana, has a 73% successful completion rate).

Liabilities

- One fundamental problem with pretrial EMS revolves around the lack of power afforded to the program staff. Staff members generally only have the power to issue verbal warnings and are unable to follow up on threats. Police generally will not get involved until the defendant fails to show up for a court date.
- Pretrial programs are designed to release defendants who are unable to make bail. Therefore, it is difficult to charge the defendant for the cost of the program. This reduces the full impact cost minimization of the program.
- Pretrial participants have a greater incentive to escape as their trial date grows closer. Defendants fear the outcome of the trial and view the remaining time as their last chance to escape. Conversely, post-conviction participants' incentive to escape lessen as their EMS program nears the end. These participants know that they will be free following successful completion of the program.

III. Fiscal Impact

A simple cost-benefit analysis of expanding the EMS technology to include pretrial offenders reveals that such implementation would be a worthwhile endeavor. (See Attachment A). Statistics from the State Attorney's Office-11th Judicial Circuit - indicate that the average length of time between arrest and trial (or reaching a

mutually agreeable plea between the prosecution and defense attorneys) is approximately 180 days. Conversely, data from the Metropolitan Dade County Department of Corrections and Rehabilitation shows that the average jail-bed cost (for both pretrial and sentenced inmates) is approximately \$54 per day. In contrast, the average daily cost of an inmate participating in the County's House Arrest Program ranges between \$8 - \$15 per day (depending on the staff breakdown, technical support, and whether equipment is purchased or leased). Under this scenario, if the EMS program was to be expanded to include fifty (50) pretrial detainees annually (an extremely conservative figure), the annual net savings to the criminal justice system (and the Department of Corrections & Rehabilitation in particular) would be \$351,000. This figure includes the overhead incurred when expanding EMS to include pretrial offenders. However, this figure excludes the benefits that society would acquire by having these pretrial detainees remain gainfully employed and their contribution to the local economy.

IV. IMPLEMENTATION

In its current condition, acceptance of the proposed pretrial release statute for the State of Florida would allow the implementation of EMS technology as a supplement to or addition to a cash bond. The electronic monitor would be placed solely upon those individuals which, at the discretion of the State Attorney's Office and/or the Department of Corrections and Rehabilitation,

would be marginally eligible to participate in the pretrial release program. Hence, the electronic monitor would be used on a limited basis, and would apply only to those individuals that fall in the "gray area of eligibility."

Financially, expansion of the EMS concept for pretrial offenders appears to be a worthwhile endeavor. Successful implementation of such program would rest upon each individual participating agency. Accurate background checks, verification of employment, status of familial and support systems, and liquidity of bond (when applicable) are crucial and key factors which directly influence the success of expanding EMS for pretrial offenders.

Another factor influencing the successful implementation of the EMS concept for pretrial offenders would be the actual existence of a post-sentencing program familiar with EMS. For example, Metro-Dade County's Department of Corrections has an established and successful Work-Release/House Arrest program in place. It would be advantageous for this jurisdiction, or one in a similar situation, to expand their programs to possibly include pretrial offenders. In contrast, a jurisdiction that does not have such a program in place, may not cost effectively purchase or lease electronic monitors, hire the necessary personnel, locate a adequate facility, etc. and implement the EMS concept exclusively the pretrial population.

V. SUMMARY

The proposed pretrial release statute offers an opportunity to develop and institutionalize a statewide system of pretrial release, detention, and of alternatives to monetary bail. Electronic monitoring offers one such alternative. EMS provides the possibility - alone or with other innovations, such as intense supervision - to maintain public safety while simultaneously lowering operational costs and enabling the criminal justice system to use jail space for more serious felony offenders.

**Electronic Monitoring Systems (E.M.S.)
COST-BENEFIT ANALYSIS OF E.M.S. EXPANSION FOR PRE-TRIAL OFFENDERS
PROPOSED PRETRIAL RELEASE STATUTE
State of Florida**

I. Pertinant Information

Average Length of Stay of Pretrial Offender: 180 days.
(Average Period of Time between and Trial
or reaching a plea).

Daily Local Correctional Cost of a Jail/Bed: \$54.00 dollars
(for both pretrial and sentenced inmate).

Average Daily cost of an EMS participant: \$15.00 dollars

II. Hypothetical Case Scenario, Metro-Dade County.

50 Pretrial offenders released annually under the EMS program.
(an aggregate average of approximately one per week).

Annual savings to the criminal justice system, (and the Metro-Dade Department of Corrections
and Rehabilitation in particular).

\$351,000