

**STATE OF FLORIDA  
OFFICE OF THE AUDITOR GENERAL**



151516

**PERFORMANCE AUDIT**

**OF THE**

**USE OF ELECTRONIC MONITORING WITHIN  
THE COMMUNITY CONTROL PROGRAM**

**ADMINISTERED BY THE**

**DEPARTMENT OF CORRECTIONS**

**FEBRUARY 17, 1993**

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STATE OF FLORIDA  
OFFICE OF THE AUDITOR GENERAL



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February 17, 1993

NCJRS

DEC 2 1994

ACQUISITIONS

The President of the Senate, the Speaker of the  
House of Representatives, and the  
Legislative Auditing Committee

I have directed that a performance audit be made of the Use of  
Electronic Monitoring within the Community Control Program administered by  
the Department of Corrections. The results of the audit are presented to you in  
this report. This audit was made as a part of an ongoing program of  
performance auditing by the Office of the Auditor General as mandated by  
Section 11.45(3)(a), Florida Statutes.

Respectfully yours,

Charles L. Lester  
Auditor General

Audit supervised by:

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Audit made by:

Sandra L. Lipner

PERFORMANCE AUDIT  
 OF THE  
 USE OF ELECTRONIC MONITORING  
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 ADMINISTERED BY THE DEPARTMENT OF CORRECTIONS

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# **USE OF ELECTRONIC MONITORING WITHIN THE COMMUNITY CONTROL PROGRAM**

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## **Purpose and Scope**

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This audit reviews the Department of Corrections' implementation of electronic monitoring in the supervision of certain offenders placed into its Community Control Program. This audit was conducted as a part of the Auditor General's 10-year schedule of performance audits, as directed by Ch. 90-110, Laws of Florida. Our audit objectives were:

- To determine if the Department had evaluated the benefits of the use of electronic monitoring;
- To review the implementation of electronic monitoring in five selected circuits; and
- To determine how selected states were using electronic monitoring.

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## **Background**

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The Community Control Program provides offenders a form of intensive, supervised custody in the community. Community control is an alternative sentence that the court can use for offenders who may otherwise be incarcerated. According to the Department, regular community control costs approximately \$4.60 per offender per day compared to an average cost of \$41.92 per offender per day for incarcerated offenders. The Department's supervision of offenders sentenced to community control is provided through service areas that

## EXECUTIVE SUMMARY

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conform to the geographical boundaries of the state's 20 judicial circuits.

Electronic monitoring uses devices connected to the offender's telephone and secured to an ankle or wrist that enable the Department to monitor whether an offender is present at his residence. The system most commonly used by the Department involves a continuous signal transmitted from the offender's anklet to a receiving device on the telephone. When the offender moves out of range of the receiver, a signal is sent through the telephone lines to a central computer system. If the offender is not authorized to be away from his home, a private vendor, acting as the contracted monitoring service, notifies the Department of a possible violation of the home confinement condition of community control. A signal is also sent if the offender attempts to remove the anklet. Violations of the conditions of community control are reported by the Department to the sentencing court for possible modification or revocation of the community control order.

Corrections literature suggests that electronic monitoring can provide the following benefits to the state:

- Cost savings as an alternative to incarceration;
- Enhanced surveillance, control, and supervision capability for community control officers;
- Additional information on offender movements facilitating increased offender accountability; and

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- Reduced officer time expended on surveillance, allowing officers to concentrate on other supervisory activities.

Potential disadvantages of electronic monitoring include:

- The increased cost to the state when electronic monitoring is used for offenders who would otherwise have been placed in less costly supervision;
- Technical problems associated with the quality of the equipment and the technology; and
- Logistical or social complications created by the use of the electronic monitoring equipment, such as offenders who cannot afford private telephone service or who work in occupations in which the ankle device becomes obtrusive.

Electronic monitoring supervision is one of a number of conditions that can be imposed by the court as a part of the community control sentence. Section 948.03, F.S., also gives the Department the authority to use electronic monitoring, at its discretion, for any offender sentenced to community control. As of February 1992, the Department had 840 active electronic monitoring units providing the capability of supervising approximately 7% of the 11,500 offenders sentenced to community control. Electronic monitoring was initially implemented in 1983. Active electronic monitoring devices are currently used in 18 of the state's 20 judicial circuits. In the 1990-91 fiscal year, the Department spent \$916,894 on electronic monitoring, including \$447,500 to purchase 415 units. In the 1991-92 fiscal year, the Department spent \$515,156 for electronic

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monitoring, including the maintenance and repair of electronic monitoring equipment and contracted monitoring services. This figure does not include Department manpower costs.

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### Results in Brief

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While the Department has spent over \$1.4 million on electronic monitoring services over the last two fiscal years, the Department has not conducted ongoing evaluations of the results of its use. The Department has not maintained information on electronically-monitored offenders or determined the staffing requirements for electronic monitoring that would facilitate such evaluations. Additional information on the outcomes and benefits of the current use of electronic monitoring would enable the Department to determine if its use in Florida should be expanded or reduced.

Florida Statutes give the Department discretionary authority to use electronic monitoring supervision with any offender sentenced to community control. Due to an appellate court ruling, however, the Department does not use electronic monitoring unless directed or authorized in the court order. Reliance on the court to place and remove offenders from electronic monitoring restricts the Department's ability to efficiently use electronic monitoring supervision.

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## Findings

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### **Recent Evaluations of Electronic Monitoring Have Not Been Conducted**

Between 1983 and 1987, during the implementation of electronic monitoring supervision, the Department conducted several pilot studies testing the feasibility of using electronic monitoring equipment. These studies recommended the use of electronic monitoring, but also indicated the necessity of continued evaluations.

### **Monitoring Information Not Maintained by the Department to Assess Economy and Efficiency**

A Department study in 1988 found that the operation and management of electronic monitoring supervision is complicated and labor intensive, increasing rather than relieving the workload of community control officers. However, the Department does not collect information that would enable it to evaluate the economy or efficiency of electronic monitoring on officer workload or on Department staffing requirements.

### **Monitoring Information Not Maintained by the Department to Assess Effectiveness**

Although one purpose of electronic monitoring is to enhance the Department's capability for the surveillance of offenders, the Department does not collect data regarding the violations detected through monitoring nor the outcomes of offenders supervised with electronic monitoring. There is no centralized record of which offenders have been monitored, the total number of offenders monitored, or the types of offenders who have been monitored.

**Department Does Not Use Electronic Monitoring Without Additional Direction From the Sentencing Court**

The Legislature provided for the administrative use of electronic monitoring with any offender sentenced to community control. In a 1988 case, however, an appellate court overturned a circuit court decision to revoke an offender's community control sentence for failing to wear an electronic monitoring device as instructed by the Department, ruling that only the court may impose conditions of community control. As a result of this ruling, the Department refrains from using electronic monitoring without either general or specific authority provided in the court order.

In four of five circuits we visited, the Department used electronic monitoring only when it was specifically directed by the sentencing court. In the remaining circuit, the community control court orders included a general provision authorizing, but not requiring, the Department to use electronic monitoring supervision. Of the 27 electronically-monitored offenders in this circuit whose files we reviewed, 25 (93%) had been placed on electronic monitoring by the Department. The sentencing court had specifically directed that electronic monitoring be used in the remaining two cases.

Two adverse effects result from the practice of relying upon the court to place and remove offenders from electronic monitoring: (1) judicial involvement is required in decisions that could be made administratively, and (2) some offenders may stay on electronic monitoring longer than necessary.

**Alternative Uses of Electronic Monitoring**

We also contacted nine states that were the most frequent users of electronic monitoring according to a 1989 National Institute of Justice report to determine how those states were using electronic monitoring. Although some states used it as a part of a prison diversion program like Florida, others used it for all

offenders assigned to the prison diversion program or for offenders being released from prison. These represent possible expanded uses for electronic monitoring in Florida, but better evaluation of how electronic monitoring is currently used is necessary before such additional uses are considered.

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## Recommendations

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### Recommendations to the Department

To facilitate the administrative use of electronic monitoring the Department should:

- Work with the court system to require all community control court orders to include a general condition authorizing the Department to use electronic monitoring.

If the Department is unable to facilitate the administrative use of electronic monitoring through working with the court system, it should develop legislation to address this issue. Such legislation could include amending s. 948.03, F.S., to require all community control court orders to include a general condition authorizing the Department to use electronic monitoring.

To determine whether electronic monitoring enhances Department supervision of offenders or increases the number of offenders diverted from incarceration, we recommend the Department:

- Maintain data regarding the number and types of offenders electronically monitored, the effects of monitoring on officer workload and staffing

## EXECUTIVE SUMMARY

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requirements, and the outcomes of electronic monitoring.

- Periodically survey random samples of judges, community control officers, and electronically-monitored offenders to develop qualitative information on the usefulness of electronic monitoring; and
- Develop procedures for determining when offenders should be administratively placed on electronic monitoring.

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## Agency Response

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The Secretary of the Department of Corrections, in his written response to our preliminary and tentative findings and recommendations, described specific actions taken or contemplated to address the deficiencies cited.

## CHAPTER I

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### Introduction: Purpose and Scope, Methodology

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#### Purpose and Scope

This audit reviews the Department of Corrections' implementation of electronic monitoring in the supervision of certain offenders placed into the Department's Community Control Program. This audit was conducted as a part of the Auditor General's 10-year schedule of performance audits, as directed by Ch. 90-110, Laws of Florida.

The Department of Corrections is responsible for supervising felony offenders who are placed on community control. As one condition of the community control placement, the sentencing court may impose a period of electronic monitoring, or the Department may elect to supervise a community controlee by electronic means. Accordingly, our audit objectives were:

- To determine if the Department had evaluated the benefits of the use of electronic monitoring;
- To review the implementation of electronic monitoring in five selected circuits; and
- To determine how selected states were using electronic monitoring.

Although the courts play a major role in determining which offenders are electronically monitored, we did not seek in this audit to evaluate the court's decision to require electronic monitoring during the community control term. We also did not review the use of electronic monitoring by local governments.

## **Methodology**

This audit was made in accordance with generally accepted government auditing standards and accordingly included appropriate performance auditing and evaluation methods. Audit fieldwork was conducted from July through December 1991. Follow-up fieldwork was conducted in August 1992.

To gain a general understanding of how electronic monitoring systems operate, we reviewed relevant corrections literature and reports and evaluations of similar programs in other states; the results of research conducted by groups such as the National Center on Crime and Delinquency; and publications from the U.S. General Accounting Office and other entities. We also interviewed staff of the Department's Probation and Parole Program Office. To gain an understanding of the background and history of the Department's use of electronic monitoring, we reviewed relevant sections of the Florida Statutes, Laws of Florida, and Department program documents, reports, and publications. We also interviewed staff in the Department's Probation and Parole Program Office.

To understand the relationship between community control and electronic monitoring, and the roles of the state courts and of the Department, we reviewed relevant sections of the Florida Statutes, Laws of Florida and Department policies and procedures manuals. We also interviewed Probation and Parole Program Office staff.

To determine how the Department has implemented electronic monitoring, we interviewed staff of the Probation and Parole Program Office and Budget and Management Evaluation Office. We also reviewed Department community control and electronic monitoring policies and procedures manuals, program documents, reports on the use of electronic monitoring from the Department's circuit offices, budgetary material, and other program documents, including equipment contracts, invoices for monitoring services, and correspondence concerning electronic monitoring operations.

To focus on implementation at the operational level, we then interviewed staff in 5 of the Department's 20 circuits, including 12 Correctional Probation Officers, four Correctional Probation Supervisors, 2 Electronic Monitoring Specialists, and 6 circuit-level administrators. We also reviewed a total of 105 case files of offenders who had been electronically monitored in these 5 circuits. Appendix A, page 30, describes the methodology used in selecting sites and files.

For information concerning how electronic monitoring has been implemented in other jurisdictions, we conducted telephone interviews with corrections officials in nine other states.

## CHAPTER II

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### Background: Program Design and Organization

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#### Program Design

**Community Control Supervision.** The community control sanction provides an alternative sentencing option for certain felony offenders who would otherwise receive state prison sentences. Section 948.001, F.S., defines community control as a form of intensive, supervised custody in the community administered by officers with restricted caseloads. Approximately 11,500 offenders were on community control as of February 1992. According to the Department, community control costs approximately \$4.60 per offender per day compared to an average cost of \$41.92 per offender per day for incarcerated offenders. The offender's freedom to move about in the community is highly restricted during the term of community control, and offenders are required to remain confined to their residences when not at work, performing mandatory public service activities, or pursuing other approved activities, such as attending school or counseling.

**Electronic Monitoring as a Special Condition of Community Control Supervision.** As provided in s. 948.03, F.S., when an offender is placed on community control, the sentencing court may direct the Department of Corrections to supervise the offender by means of an electronic monitoring device or system. Thus, electronic monitoring is a special condition of the court order placing the defendant on community control. The court may specify a period of electronic monitoring shorter than the term of community control; for example, 24 months of community control with 12 months of electronic monitoring. Section 948.03, F.S., also provides that the Department may, at its discretion, electronically monitor offenders placed on community control. As of February 1992, the Department had 840 electronic monitoring units, giving it the capacity to monitor approximately 7% of the 11,500 offenders on community control.

**Electronic Monitoring Supervision.** According to the Department's Community Control II/Electronic Monitoring Manual of Procedures, electronic monitoring is a tool to be used in conjunction with the supervision requirements of the Community Control Program. The manual states that electronic monitoring can enhance an officer's surveillance, control and supervision capabilities, but does not replace an officer's personal supervision.

Corrections literature suggests that electronic monitoring can provide the following benefits to the state:

- Cost savings as an alternative to incarceration;
- Enhanced surveillance, control, and supervision capability for community control officers;
- Additional information on offender movements facilitating increased offender accountability; and
- Reduced officer time expended on surveillance, allowing officers to concentrate on other supervisory activities.

Potential disadvantages of electronic monitoring include:

- The increased cost to the state when electronic monitoring is used for offenders who would otherwise have been placed in less costly supervision;
- Technical problems associated with the quality of the equipment and the technology; and
- Logistical or social complications created by the use of the electronic monitoring equipment, such as offenders who cannot afford private telephone service or who work in occupations in which the ankle device becomes obtrusive.

A September 1990 report on intermediate sanctions prepared by the U.S. Government Accounting Office for the House Select Committee on Narcotics Abuse and Control states that electronic monitoring is almost always part of an intensive supervision, or

house arrest program, and rarely exists as a "stand alone" program, or independent sentencing alternative. Similarly, Florida uses electronic monitoring to supervise certain felony offenders the courts have placed in the Department's Community Control Program. This Program, which is characterized by home confinement, or "house arrest," serves as the state's intermediate, intensive supervision program. Electronic monitoring is thus used to assist correctional probation officers in ensuring that selected offenders comply with the program's confinement requirements.

Electronic monitoring systems generally use either "passive" or "active" technologies. A passive system consists of some form of electronic identification device, such as a wristlet, that the offender uses to verify his presence at home when the computer system calls his home. An active system consists of a continuous electronic signal from a device attached to the offender, such as an anklet, to a device attached to the offender's telephone. When that signal is broken, a centralized computer system is programmed to alert the monitoring service staff that the offender has left his residence. Both types of systems are capable of monitoring whether an offender is present at a single given location, usually the person's residence. Although these systems cannot tell the location of an offender when he is not at the residence, newer satellite technologies may soon be available that would permit the supervising agency to know the offender's whereabouts at all times. When the Department first began using electronic monitoring technology in 1983, active monitoring systems were not generally available in the marketplace. The Department now uses active monitoring systems almost exclusively.

#### **How the Department's Active Electronic Monitoring Systems Operate.**

The technology used by the Department requires the officer to attach an "anklet" transmitter to the offender's ankle. In accordance with requirements provided in s. 948.11, F.S., these transmitters are capable of alerting staff to an offender's attempts to tamper with the monitoring equipment. The anklet transmits a continuous radio frequency signal to a receiver connected to the offender's telephone. When the offender moves beyond the receiver's 150-foot range, a signal is sent through the telephone lines to a central computer.

The computer, which has been programmed with the offender's curfew schedule, compares the actual time the offender left home or returned home with the approved schedule. When a disparity occurs between scheduled and actual times, the computer generates an "exception," or "violation" report. Computer monitoring services are provided by private vendors under contract with the Department. The monitoring service sends a copy of the report by facsimile or computer printout to the supervising Probation and Parole Office within 30 minutes of the occurrence of a possible violation. The supervising officer is then required to investigate the circumstances involved in the incident to determine if the offender violated the home confinement requirement. Exception reports received during nonwork hours and on weekends and holidays are investigated as soon as practical.

### **Program Organization**

The chief administrative officer of the Department of Corrections is the Secretary, who is appointed by the Governor and confirmed by the Senate. Harry Singletary was appointed Secretary of the Department by Governor Lawton B. Chiles on April 12, 1991, and confirmed by the Senate on April 26, 1991.

Program responsibilities are assigned to the Assistant Secretary for Programs and the Assistant Secretary for Operations. (See Exhibit 1, page 9.) The Probation and Parole Program Office, headed by the Assistant Secretary for Programs, is responsible for developing program policies, plans, rules, and procedures, including those governing the use of electronic monitoring devices and systems; setting, monitoring, and controlling standards for the quality of community control supervision, including the use of electronic monitoring devices and systems; providing staff development and technical assistance services; and evaluating Department programs.

**Exhibit 1**

**Functional Organization Chart  
Electronic Monitoring Supervision of Offenders Placed in Community Control  
Department of Corrections**

**Secretary**

**Assistant Secretary for Operations**

- Provides statewide supervision over Department services and programs, including the use of electronic monitoring to supervise offenders placed on community control

**Assistant Secretary for Programs**

**Probation and Parole Program Office**

- Develops policies and procedures for the Community Control Program, including electronic monitoring supervision
- Sets, monitors, and controls the quality of standards for electronic monitoring supervision
- Develops plans, directives, rules, and regulations for community control and electronic monitoring
- Evaluates Department programs
- Responsible for overall coordination of electronic monitoring, including equipment purchases, contracting, and transfer of units among circuits

**Probation and Parole Circuit Offices (20)**

- Coordinate the Community Control Program and the use of electronic monitoring supervision with circuit courts
- Supervise the Community Control Program and electronic monitoring supervision provided by field offices located within the circuit
- Provide community control services and electronic monitoring supervision

**Probation and Parole Field Offices (125)  
Correctional Probation Officers**

- Make recommendations to the courts to impose a period of electronic monitoring for certain offenders placed on community control
- Provide surveillance by electronic means in accordance with the court's order, or the Department's authority to use electronic monitoring supervision
- Monitor and enforce all general and special conditions of the community control term, including home confinement requirements
- Report violations of community control terms and conditions to the courts, including violations of home confinement
- Make recommendations to the courts to remove offenders from electronic monitoring supervision

Source: Compiled by Office of the Auditor General from relevant Florida Statutes, Laws of Florida, Florida Administrative Code, and Department documents.

As provided in s. 20.315, F.S., the Assistant Secretary for Operations is responsible for coordinating and providing community control supervision in five service regions. Within each region, the Community Control Program is provided in service areas that conform to the geographical boundaries of the state's 20 judicial circuits. Staff in the 20 Probation and Parole Circuit Offices coordinate electronic monitoring operations within the circuit and correctional probation officers supervise electronic monitoring cases from designated field offices located within the circuit's geographical bounds. Officers assigned to supervise offenders by electronic means monitor the offender's compliance with home confinement sanctions by means of electronic monitoring systems that notify the officer when an offender fails to remain confined to his residence. Offenders who are monitored electronically must also fulfill all terms and conditions of regular community control supervision.

### **Program Resources**

The Legislature appropriated over \$135 million from general revenue and the Grants and Donations Trust Fund in fiscal year 1991-92 for the Department's community supervision programs including community control, probation and parole and other post prison release supervision programs. In fiscal year 1990-91, the Department spent \$916,894 on electronic monitoring services, including \$447,500 to purchase 415 electronic monitoring units. The Department spent \$515,156 during fiscal year 1991-92 for electronic monitoring maintenance and repair, and for contracted electronic monitoring services. The Department does not separately identify its manpower costs associated with electronic monitoring supervision.

Section 948.09, F.S., authorizes the court to require offenders supervised in the community to contribute no less than \$40 or more than \$50 per month as a cost of supervision fee. Monies collected for the cost of supervision are deposited into the General

Revenue Fund.<sup>1</sup> During fiscal year 1991-92, the Department collected approximately \$20.3 million in cost of supervision fees from offenders in the Department's various community supervision programs to help defray supervision costs. In addition, s. 948.09(2), F.S., states that offenders who are being electronically monitored shall be required to pay a \$1 per day surcharge in addition to the cost of supervision fee, as directed by the sentencing court. This surcharge is to be deposited into the Electronic Monitoring Recovery Trust Fund to be used by the Department for purchasing and maintaining electronic monitoring devices. The Department collected \$26,625 in surcharges during fiscal year 1991-92.<sup>2</sup>

As of February 1992, the Department had implemented active electronic monitoring in 18 of 20 circuits, with a total of 840 monitoring units available statewide. Exhibit 2, page 12, shows the distribution and average use of units by circuit for the period July 1991 through February 1992.

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<sup>1</sup> Ten dollars (\$10) of each monthly cost of supervision fee is to be used by the Department for administration of the Inmate Work Program, according to s. 946.40, F.S. The remaining collections may be used to offset the Department's costs associated with community supervision programs, subject to appropriation by the Legislature.

<sup>2</sup> Chapter 90-337, Laws of Florida, provides that this surcharge applies only to offenders whose crimes were committed on or after August 1, 1990. According to the Department, the surcharge is only collected if it is ordered by the court. Section 948.09(3), F.S., also provides criteria allowing the Department to exempt a person from these payments.

**Exhibit 2**

**Statewide Use of Electronic Monitoring Equipment  
For the Period July 1991 to February 1992  
Active Units Only**

<b>Circuit Number</b>	<b>Major Cities</b>	<b>Total Units February 1992</b>	<b>Average Percent in Use</b>	<b>Average Percent in Repair</b>	<b>Average Percent Lost/Stolen</b>	<b>Average Percent on Shelf</b>
1	Pensacola	30	68.3%	12.5%	0.0%	19.2%
2	Tallahassee	13	93.0%	0.0%	0.0%	7.0%
4	Jacksonville	30	92.1%	7.1%	0.0%	0.8%
5	Tavares/Ocala	25	81.6%	4.2%	0.0%	14.2%
6	Clearwater	33	73.9%	10.6%	0.4%	13.6%
7	Daytona Beach	20	80.0%	5.6%	0.0%	14.4%
8	Gainesville	17	74.7%	7.1%	1.3%	16.9%
9	Orlando	33	90.2%	1.9%	4.9%	3.0%
10	Bartow	50	80.7%	6.2%	1.6%	11.5%
11	Miami	33	78.7%	0.7%	3.3%	17.3%
13	Tampa	220	85.3%	5.4%	1.6%	7.6%
14	Panama City	15	77.5%	7.5%	0.0%	15.0%
15	W. Palm Beach	101	93.1%	3.5%	0.0%	4.4%
16	Key West	32	47.4%	21.5%	0.7%	30.4%
17	Ft. Lauderdale	70	78.1%	3.1%	9.5%	9.3%
18	Sanford/Cocoa	77	73.2%	7.7%	6.5%	12.6%
19	Ft. Pierce	21	84.0%	6.8%	0.0%	9.3%
20	Ft. Myers	20	86.3%	3.1%	4.4%	8.8%
	<b>Total</b>	<b>840</b>	<b>81.1%</b>	<b>6.1%</b>	<b>2.4%</b>	<b>10.5%</b>

Source: Office of the Auditor General Compilation from Department of Corrections Monthly Updates.

## **CHAPTER III**

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### **Findings and Recommendations**

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#### **Section 1**

#### **The Use of Electronic Monitoring**

##### **Background**

Section 948.10, F.S., directs the Department to develop and administer a community control program that is rigidly structured and designed to accommodate offenders who, in the absence of such a program, would have been incarcerated. The program shall offer the courts and the Parole Commission an "alternative, community-based method to punish an offender in lieu of incarceration." Community control is defined by s. 948.001(2), F.S., as a form of "intensive supervised custody in the community, including surveillance on weekends and holidays, administered by officers with restricted caseloads."

According to the Department's procedures manual for community control, the purpose of electronic monitoring supervision is to enhance the level of surveillance and to increase the number of offenders who are diverted from prison. Section 948.03, F.S., authorizes the sentencing court to include supervision by electronic monitoring devices or systems as a condition of a sentence to community control. Section 948.03, F.S., also authorizes the Department to electronically monitor an offender sentenced to community control at its discretion. For offenders who are electronically monitored, the Department of Corrections is required to develop procedures to determine, investigate and report an offender's noncompliance with the terms and conditions of sentence 24 hours per day.

In reviewing the Department's implementation of electronic monitoring supervision in five circuits, we identified two major concerns:

- The Department has not conducted ongoing evaluations of the use of electronic monitoring, nor does it keep data on the use of electronic monitoring supervision that would facilitate such evaluations; and
- Due to an appellate court ruling, the Department does not use electronic monitoring unless it is authorized to do so by the sentencing court. Reliance upon the courts to place and remove offenders from electronic monitoring restricts the Department's ability to efficiently use electronic monitoring supervision.

#### **Finding 1.1**

**The Department has not conducted ongoing evaluations of the use of electronic monitoring, nor does it keep data on the use of electronic monitoring supervision that would facilitate such evaluations.**

Between July 1, 1990, and June 30, 1992, the Department spent over \$1.4 million for electronic monitoring services, not including manpower costs. To determine what information was available to evaluate the results of electronic monitoring supervision, we visited the Probation and Parole Offices in five circuits to interview community control officers who supervise electronic monitoring cases and to review the files of electronically monitored offenders. We also interviewed Probation and Parole Office supervisors and circuit and regional office administrators. We found:

- The Department does not maintain data on the outcomes of offenders who are electronically monitored. As a result, the Department does not know whether electronic monitoring supervision increases the likelihood of successful completion of community control, or increases the likelihood that violations of community control will be detected and those offenders will eventually be incarcerated;
- The Department maintains records on the number of electronic monitoring units in use; however, the Department does not have information available to determine how many offenders are placed on electronic monitoring or the purposes for their placement; and

- Although prior reports have suggested that duties associated with the management of the electronic monitoring equipment may affect officer workload, the Department has not collected information that would enable it to measure the cost effectiveness of electronic monitoring on officer workloads.

## Evaluating the Results of Electronic Monitoring

The Department does not maintain records that would facilitate a determination of the results attained by electronic monitoring. Although one purpose of electronic monitoring is to enhance the Department's capabilities for the surveillance of offenders, the Department does not have data regarding the detection of community control violations as a result of electronic monitoring. The other purpose of electronic monitoring is to increase the number of offenders diverted from prison, but the Department also does not have data to indicate whether electronically monitored offenders are more or less likely to successfully complete the term of community control or to eventually be incarcerated.

Between 1983 and 1987, the Department conducted several pilot studies testing the feasibility of using electronic monitoring equipment. For example, in February 1987, the Department published evaluation reports on a "Verifier Wristlet Project" it conducted in Miami and Fort Lauderdale, Florida, and a "Protective Sentry Pager Project" it conducted in St. Petersburg, Florida. While both reports recommended the use of electronic monitoring, both also indicated the necessity of continued evaluations. In October 1988, the Department's Electronic Monitoring Task Force produced a report summarizing the Department's experience with electronic monitoring, and making recommendations regarding the administration of electronic monitoring. That report also indicated the need for ongoing research. In 1987, the Department contracted for a major evaluation of its Community Control Program that included an attempt to compare the effect of electronic monitoring supervision with regular community control.<sup>3</sup> This comparison was based on a limited

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<sup>3</sup> An "Evaluation of the Florida Community Control Program" was conducted by the National Council on Crime and Delinquency, using funds from a grant awarded by the U.S. Department of Justice (National Institute of Justice). The report was published in 1991.

number of cases from calendar years 1987 and 1988, and did not reach a conclusion about the effectiveness of electronic monitoring.

In addition to data on electronic monitoring outcomes, qualitative information on the use of electronic monitoring could be useful to the Department in evaluating the effectiveness of electronic monitoring. For example, judges, community control officers, and electronically monitored offenders may have observations about electronic monitoring that could help the Department identify situations and conditions that contribute to its successful use.

Because electronic monitoring is less expensive than incarceration, it offers the potential for significant cost savings to the state if used to divert offenders from incarceration. To determine whether electronic monitoring is successfully diverting offenders, it is necessary to know the outcomes of the offenders who are electronically monitored. For example, by detecting more violations, electronic monitoring may actually increase the likelihood that an offender will eventually be incarcerated. Data on the results of electronic monitoring should be evaluated to determine whether certain types of offenders are more likely to succeed when placed on electronic monitoring supervision and identify other factors that contribute to offender success.

#### **Basic Information on Electronically Monitored Offenders**

The Department maintains records on the number of electronic monitoring units that are used each month, as well as the number of units lost, stolen, or not in use. The Department does not, however, separately identify offenders who are electronically monitored in its management information system. The Department's Community Control Administrator reported that the contracted monitoring agencies do not maintain historical information on the number of individual offenders who were monitored during the course of a contract year. Therefore, there is no centralized record of which offenders have been

monitored, the total number of offenders monitored, or the types of offenders who have been monitored.

To identify a sample of offenders who had been electronically monitored in selected circuits, we reviewed electronic monitoring equipment logs to identify the offenders to whom electronic monitoring equipment had been assigned. Although we were able to identify a sample of offenders who had been electronically monitored, this method did not provide us with reliable information regarding the total number of offenders monitored.

### **The Cost Effectiveness of Electronic Monitoring Supervision**

Electronic monitoring increases the cost of community control supervision in two primary ways: purchase of the electronic monitoring units, and monitoring service and maintenance contracts with private vendors. In January 1991, the Department purchased 300 monitoring units at \$1,050 per unit. During fiscal year 1991-92, the Department established new contracts with four private electronic monitoring service vendors for amounts ranging from \$2.00 to \$2.47 per offender per day.

In addition to these costs, electronic monitoring may require more manpower than regular community control. In 1988, the Department's Electronic Monitoring Task Force reported that electronic monitoring had increased the workload of community control officers, contrary to suggestions by the electronic monitoring industry that it would lessen the workload burden on the officer. Although fewer telephone contacts with offenders are required, officers using electronic monitoring perform other tasks related to equipment management and offender supervision.<sup>4</sup> For example, the officer is responsible for installing, field-testing, and periodically checking the equipment to ensure it operates

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<sup>4</sup> The required number of monthly contacts between the community control officer and the offender drops from 28 per month to 12 per month when an offender is electronically monitored. Because electronic monitoring involves a form of continuous telephone contact, Department procedures do not require officers to make the additional 16 telephone contacts per month that are required for other community control offenders.

properly. In addition, officers are responsible for investigating any exception report generated by the electronic monitoring equipment indicating the offender may have violated the conditions of home confinement.

The Department has not collected information to evaluate the effect of electronic monitoring supervision on officer workload. Although the officer's responsibilities for electronic monitoring supervision are somewhat different from regular community control, the Department has not determined whether separate workload standards for electronic monitoring would be appropriate.

### **Conclusions and Recommendations**

Electronic monitoring represents an increased expenditure of state dollars for the purpose of enhancing the level of supervision of offenders and increasing the number of offenders diverted from prison. The Department does not keep data on the use of electronic monitoring supervision that would facilitate an evaluation of its use. Therefore, we recommend that the Department begin to maintain data regarding the number and types of offenders electronically monitored, staffing requirements and the effects of monitoring on officer workload, and the outcomes of electronically monitored offenders. Such data would be useful in determining how electronic monitoring is being used, its effect on community control supervision standards, and whether it enhances Department supervision of offenders or increases the number of offenders diverted from incarceration. Better data regarding the use of electronic monitoring would assist the Department in determining whether to expand or reduce the use of electronic monitoring. We also recommend that the Department periodically survey random samples of judges, community control officers, and electronically monitored offenders to develop qualitative information on the usefulness of electronic monitoring.

## Finding 1.2

**Due to an appellate court ruling, the Department does not use electronic monitoring unless it is authorized to do so by the sentencing court. Reliance upon the courts to place and remove offenders from electronic monitoring restricts the Department's ability to efficiently use electronic monitoring supervision.**

Although authorized by Florida Statutes to use electronic monitoring at its discretion to supervise offenders sentenced to community control, we found that in practice the Department does not use electronic monitoring without a provision in the court order authorizing its use. According to Department administrators, the Department's practice is based on case law. An appellate court ruled in a 1988 case, *Carson v. State of Florida*, that only the court has the authority to impose conditions of community control. The appellate court overturned a circuit court decision to revoke an offender's community control for failing to wear an electronic monitoring device as instructed by the Department. Because electronic monitoring had not been imposed by the sentencing court as a condition of community control, the court ruled that the failure to wear the device was not a violation of the community control court order.

The Department refrains from using electronic monitoring without either general or specific authority provided in the court order. In four of five circuits we visited, the sentencing court determined which offenders on community control would be supervised using electronic monitoring.<sup>5</sup> The court orders for each of the 76 offender files we reviewed in those four circuits included a specific requirement imposing electronic monitoring supervision as a condition of community control. In the remaining circuit that we visited, Department community control officers made the decision to use electronic monitoring supervision based on a general condition included in the community control court orders authorizing, but not requiring, the Department to use electronic monitoring supervision. Of the 27 electronically monitored offenders in this circuit whose case files we reviewed, the Department had placed 25 (93%) offenders on electronic monitoring based

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<sup>5</sup> Circuits visited included the 4th (Jacksonville), 5th (Tavares), 10th (Bartow), 13th (Tampa), and 18th (Sanford).

upon this authority. Electronic monitoring supervision had been specifically imposed by the sentencing court in the remaining two cases.

Our review of the Department's use of electronic monitoring identified two adverse effects that result when the Department does not use administrative authority to place offenders on electronic monitoring:

- Judicial involvement is required both to impose and terminate electronic monitoring supervision; and
- Because the Department does not make administrative decisions to remove offenders from electronic monitoring, some offenders may stay on electronic monitoring longer than needed.

### **Judicial Involvement in Administrative Decisions**

In authorizing the Department to use electronic monitoring at its discretion, the Legislature provided for an administrative use of electronic monitoring with offenders already sentenced to community control. Such administrative use would be in addition to those cases in which the sentencing court imposed electronic monitoring as a specific condition of community control. However, in four of the five circuits we visited, the court specifically ordered the imposition and termination of electronic monitoring supervision.

**Imposing the Use of Electronic Monitoring.** In 80% of the 76 cases that we reviewed in four circuits (circuits 4, 5, 13, and 18), the offender had already been under Department supervision prior to the court decision to use electronic monitoring. In 34 cases (45%), the court imposed electronic monitoring in response to Department reports of violations of community control or Department requests for modification of the terms of community control. In an additional 27 cases (35%), electronic monitoring was imposed as a condition of community control after the court revoked a sentence of probation. The court imposed electronic monitoring as a condition of the original sentence in only 15 of the 76 cases (20%).

In the 10th Circuit where electronic monitoring was a general condition of community control that could be used at the Department's discretion, 93% of the 27 cases we reviewed involved the administrative use of electronic monitoring. Practices in that circuit suggest that allowing the Department to make administrative decisions regarding the placement of offenders on electronic monitoring supervision could significantly reduce the number of cases requiring additional court resources.

**Removal from Electronic Monitoring.** If electronic monitoring is imposed as a specific condition of community control by the court, then the court determines when the offender is removed from electronic monitoring. In some cases, the court specifies a time period that the electronic monitoring should cover as a part of the condition of community control, such as 12 months of electronic monitoring supervision on a 24-month term of community control.

The Department has established procedures to review each offender's case at three month intervals to determine if the offender should be removed from electronic monitoring. If the Department decides to recommend removal, then the Department asks the court to modify the conditions of community control to remove the offender from electronic monitoring. Of the 23 offenders in the four circuits (circuits 4, 5, 13, and 18) who were not revoked from community control, 10 were removed as a result of the Department requesting modification of the condition requiring electronic monitoring. The remaining 13 offenders were removed from electronic monitoring when the court-ordered term of electronic monitoring was over or when the community control term ended.

In the 10th Circuit, offenders are removed from electronic monitoring supervision by the Department without specific direction from the court. The decision to remove an offender from electronic monitoring supervision is made by the community control officer with the approval of his supervisor. Of the 17 offenders in our sample from

this circuit whose community control sentences were not revoked, the Department removed 15 offenders from electronic monitoring prior to the end of the community control term.<sup>6</sup>

The involvement of the court in all decisions to place and remove offenders from electronic monitoring may represent an inefficient use of both Department and judicial resources. As the entity responsible for the supervision of community control offenders, the Department can identify offenders for whom the additional accountability of electronic monitoring supervision would be useful, or offenders for whom regular community control supervision does not provide enough information. If the Department makes the decision to use electronic monitoring, as it does in most cases in the 10th Circuit, then the Department would also be able to remove the equipment when the offender demonstrates satisfactory adjustment. The Department's use of its discretionary authority would result in a more efficient use of Department and court resources.

#### **Offenders May Stay on Electronic Monitoring Longer Than Necessary**

Community control with electronic monitoring is the most intensive and restrictive form of nonresidential community supervision in Florida. Community control without electronic monitoring and probation are, respectively, less intensive and less restrictive. Factors the Department uses to determine the appropriate form of community supervision needed include promoting the rehabilitation of the offender and protecting the community. Literature on electronic monitoring suggests that the benefits of electronic monitoring supervision may diminish after an offender has served four to six months. Although Department procedures direct community control officers to periodically review cases to determine if a less restrictive form of community supervision is warranted, our review suggests that officers may hesitate to ask the court to modify the conditions of

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<sup>6</sup> One of the two remaining offenders was removed at the end of the community control term and one was removed when his conviction was overturned on appeal.

community control. As a result, offenders may stay on electronic monitoring longer than necessary.

Of 38 cases in our sample that were removed from electronic monitoring for reasons other than revocation, the average length of time on electronic monitoring was 7.1 months.<sup>7</sup> Offenders removed from electronic monitoring by Department action stayed on electronic monitoring an average of 5.6 months, whereas offenders removed by the court or at the completion of a court ordered term stayed on electronic monitoring an average of 8.3 months.

Of 23 offenders in 4 circuits who were removed from electronic monitoring supervision for reasons other than revocation, 10 offenders went directly from the most restrictive form of community supervision (electronic monitoring), to the least restrictive form (probation), and 5 were released from further supervision. These movements resulted in skipping a level of community supervision and, thus, suggest that these offenders may have been appropriately removed from electronic monitoring supervision at an earlier date. Of the 15 offenders in the 10th Circuit removed from electronic monitoring by Department action, 13 offenders remained on community control after being removed from electronic monitoring.

## **Conclusion and Recommendation**

In authorizing the use of electronic monitoring, the Legislature provided for the Department to make administrative decisions regarding its use in specific community control cases without returning to the court for direction. In four of five circuits we visited, however, the court made the decisions to use and remove electronic monitoring supervision for community control offenders. If the Department were to use its discretionary authority to

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<sup>7</sup> Information on the length of time on electronic monitoring was not available for one case. Thus, the average length of time was calculated based on 37 cases.

impose and remove electronic monitoring supervision, it would result in a more efficient use of Department and judicial resources.

To facilitate the administrative use of electronic monitoring as authorized by Florida Statutes, we recommend that the Department work with the court system to require all community control court orders that do not impose electronic monitoring as a specific condition to include a general condition authorizing the Department to use electronic monitoring to supervise offenders placed in its Community Control Program. If the Department is unable to facilitate the administrative use of electronic monitoring through working with the court system, it should develop legislation to address the issue. Such legislation could include amending s. 948.03, F.S., to require all community control court orders that do not impose electronic monitoring as a specific condition to include a general condition authorizing the Department to use electronic monitoring. The use of such a general condition would not affect the sentencing court's discretion to impose electronic monitoring as a specific condition in the court order. We also recommend that the Department develop procedures for determining when offenders should be placed on or removed from electronic monitoring:

## Section 2 Program Alternatives

Based on our review of corrections literature and interviews with officials in other states, we determined that electronic monitoring supervision is generally used in two primary ways in other states. Like Florida, many states use electronic monitoring as a part of a prison diversion program, although in some states, all offenders assigned to the program are electronically monitored. Other states use electronic monitoring supervision for offenders who are being, or have been, released from prison.

To determine how other states use electronic monitoring supervision, we conducted telephone interviews with corrections officials in nine states, and with a representative of a private firm contracted to provide electronic monitoring supervision in one of these jurisdictions.<sup>8</sup> We selected the states with the highest number of offenders monitored as reported in a 1989 survey conducted by the National Institute of Justice that included 38 states and the District of Columbia. (See Exhibit 3, page 26.) The states we contacted were California, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Tennessee, and Texas. Kentucky reported it no longer uses electronic monitoring. Two of the states we contacted, Michigan and Texas, use electronic monitoring in more than one program.

### Use of Electronic Monitoring

**Prison Diversion Programs.** Two states, North Carolina and Tennessee use electronic monitoring in a manner similar to its use in Florida's program. In those states, electronic monitoring is used to supervise a portion of the offenders placed in home confinement or house arrest programs similar to Florida's Community Control Program. In

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<sup>8</sup> Information was obtained from both a state corrections official and a private provider in Marion County (Indianapolis), Indiana, where the local jurisdiction is responsible for electronic monitoring supervision programs.

these states electronic monitoring is imposed by the court as a condition of either regular or intensive probation.

Michigan and Indiana have separate or "stand alone" prison diversion programs which electronically monitor all offenders placed in these programs. In contrast, Florida monitors only a portion of the offenders placed in its diversion program.

### Exhibit 3

#### Top Ten States in Use of Electronic Monitoring As of February 12, 1989

State <sup>1</sup>	Number of Offenders Monitored
Michigan	1,138
Florida	1,070 <sup>2</sup>
Texas	477
California	312
New Jersey	267
Indiana	212
Tennessee	204
Maryland	160
Kentucky	153
North Carolina	122

<sup>1</sup> These figures include offenders monitored by local jurisdictions.

<sup>2</sup> In addition to units used by the state Department of Corrections, figures for Florida include data from at least two counties, Palm Beach and Broward, which use electronic monitoring to supervise certain misdemeanor cases.

Source: The Use of Electronic Monitoring by Criminal Justice Agencies 1989: A Description of Extent, Offender Characteristics, Program Types, Programmatic Issues, and Legal Aspects, "National Institute of Justice, March 6, 1990, section 2, page 4.

**Pre- and Post-Release Programs.** Representatives from five states reported their states use electronic monitoring to supervise offenders who are leaving prison. Maryland, Michigan, New Jersey, and Texas have implemented pre-release programs. In these states' pre-release programs, offenders are released from prison to serve a specified period of home confinement with electronic monitoring. During this period, offenders retain their inmate status. On successful completion of the supervision term, the offenders are eligible for parole. Each state excludes certain types of offenders from the program. For example, in Maryland, Michigan, and New Jersey, sex offenders are excluded from the program, and Texas excludes offenders with sentences that exceed 20 years or who have assault records.

In California and Texas, electronic monitoring is used in conjunction with parole as a post-release program. California uses electronic monitoring with patterned predatory offenders, such as sex offenders. Electronic monitoring is combined with parole for this group of offenders. Offenders begin parole on home confinement with electronic monitoring and move to less severe sanctions as certain criteria are met. Texas uses electronically monitored home confinement as a sanction for parole violators. Rather than returning these offenders to prison, the parole violators remain in the community under electronic monitoring supervision.

### **Methods of Responding to Violations**

**Response Procedures.** Indiana, North Carolina, and Tennessee reported using procedures similar to Florida's to respond to reports of violations. In Florida, reported violations are investigated as soon as practical. Although offenders are monitored 24 hours per day, violations that are reported after regular office hours or on weekends are normally investigated the next working day. In some of the Probation and Parole offices we visited, flexible work schedules are used to maintain limited staff coverage after regular office hours and on weekends. In one circuit, the Department has an agreement with the local police

department for officers to investigate reports of noncompliance that occur during the weekend.

When electronic monitoring is used as a prison release program, however, states tend to provide a more immediate response to reports of violations. Representatives from Maryland, Michigan, New Jersey, and Texas each indicated that officers respond immediately to reports of violations of the conditions of supervision. In Texas, offenders are considered to be serving prison time while being monitored and are considered escapees if they are in violation of their home confinement schedules for more than four hours.

### **Conclusion and Recommendations**

Our survey of other states suggests other possible uses of electronic monitoring that could be considered in Florida. For example, the Legislature could establish a diversion program separate from Community Control that uses electronic monitoring for all offenders, or electronic monitoring could be used for inmates being released from prison prior to the completion of their sentences. Other alternatives include using electronic monitoring as a sanction for offenders released early from prison who violate the terms of that release, as opposed to returning those offenders to prison.

However, before the Legislature or the Department considers any of these alternatives, we believe the Department should collect and evaluate information on the current electronic monitoring efforts. If that data shows that electronic monitoring is providing benefits to the state consistent with its cost, then the Department should review these alternative uses of electronic monitoring. In addition, the Department should collect information to determine whether it should expand the use of contracts with local law enforcement agencies, as authorized in s. 948.003, F.S., to assist in the apprehension of offenders detected in violation of the terms of home confinement.

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## Appendices

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## **Appendix A**

### **Methodology**

**Methodology for Selecting Audit Sites.** We determined that one method for selecting sites for audit fieldwork was to base the selection on relative differences in the availability of electronic monitoring devices given the size of the circuit's community control population. To derive an indication of the extent of electronic monitoring use, we calculated the ratio of the community control status population as of June 30, 1990 (most recent available published data at the time of site selection), to the number of monitoring devices available within the circuit (as of June 30, 1991). These calculations showed that some circuits had relatively few electronic monitoring devices in relation to the population of community controllees, while other circuits maintained a larger inventory in relation to the community control population. The ratios of offenders to units in the circuits selected for audit fieldwork are shown in Table A-1.

Table A-1

Selection of Circuit Sites						
Circuit	Location Visited	Community Control (CC) Population (as of 6/30/91)		Units Assigned (as of June 1991)		Community Control (CC) Population and Electronic Monitoring (EM) Usage
		Number of Offenders	Percent of Total	Number of Units	Percent of Total	
Circuit 4	Jacksonville	624	5.4%	30	3.2%	Higher CC population than EM usage
Circuit 5	Tavares	626	5.5%	30	3.2%	Higher CC population than EM usage
Circuit 10	Bartow	452	3.9%	55	5.9%	Lower CC population than EM usage
Circuit 13	Tampa (Sulphur Springs)	1,403	12.2%	120	12.9%	Nearly equivalent CC population and EM usage
Circuit 18	Sanford	564	4.9%	84	9.0%	Lower CC population than EM usage
Total Selected Circuits		<u>3,699</u>	<u>32.0%</u>	<u>319</u> <sup>1</sup>	<u>42.5%</u>	
Statewide Totals		<u>11,483</u>	<u>100.0%</u>	<u>750</u>	<u>100.0%</u>	

<sup>1</sup> Does not include 180 passive electronic monitoring units in use as of June 30, 1991.

Source: Department of Corrections Community Control admissions data as of June 30, 1991; Department of Corrections electronic monitoring status report for June 1991.

**Methodology for Selecting Files.** Although the Department maintains electronic data on its community control population, it does not separately identify those offenders who have been supervised by electronic means. Thus, to determine which offenders had been electronically monitored in those circuits we had selected for fieldwork, we reviewed the circuits' electronic monitoring equipment logs.

These equipment logs listed the date the monitoring equipment was placed on the offender, and the date the equipment was removed. We used this information to identify case files of offenders who had been removed from electronic monitoring supervision during the period from April to July 1991. Because of time constraints, we reviewed 105 of the

total 185 cases in which offenders had been removed from electronic monitoring in the selected circuits during the period April to July 1991. We later determined that two cases could not be included in our data analysis. In one case, although electronic monitoring had been imposed by the court, the offender had never been electronically monitored due to equipment problems. In the second case, the offender had been monitored for a short period of time at the court's request prior to placement into a Probation and Restitution Center. Because the equipment logs are designed to track equipment rather than people, we found that in some instances, offenders had not been removed from electronic monitoring. Instead, malfunctioning equipment had been removed and replaced with a different unit. In 14 cases, we determined that although it appeared from the log that equipment had been removed, the offenders were still on electronic monitoring at the time of our file review. Therefore, we collected partial data on these 14 cases and complete data in 89 of the 103 cases. (See Table A-2).

**Table A-2**

<b>File Selection Results</b>						
	<b>Circuit 4</b>	<b>Circuit 5</b>	<b>Circuit 10</b>	<b>Circuit 13</b>	<b>Circuit 18</b>	<b>Totals</b>
<b>Number of offenders removed from EM during sample time frame</b>	30	15	41	54	45	<u>185</u>
<b>Number of files requested for sample</b>	30	15	30	30	30	<u>135</u>
<b>Number of sample files reviewed</b>	15	14	28	29	19	<u>105</u>
<b>Number of cases still active</b>	10	0	1	2	1	<u>14</u>
<b>Number of files with partial data available</b>	15	14	27	28	19	<u>103</u>
<b>Number of files with all data available</b>	5	14	26	26	18	<u>89</u>

Source: Office of the Auditor General analysis of circuit electronic monitoring equipment logs.

## Appendix B

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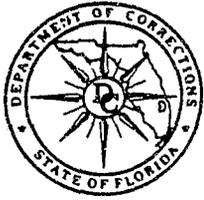
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## **Appendix C**

### **Response From the Department of Corrections**

In accordance with the provisions of s. 11.45(7)(d), F.S., a list of preliminary and tentative audit findings was submitted to the Secretary of the Department of Corrections for his review and response.

The Secretary's written response is reprinted herein beginning on page 37.



FLORIDA  
DEPARTMENT of  
CORRECTIONS

Governor  
LAWTON CHILES  
Secretary  
HARRY K. SINGLETARY, JR.

2601 Blirstone Road • Tallahassee, Florida 32399-2500 • (904) 488-5021

February 11, 1993

The Honorable Charles L. Lester  
Auditor General  
111 West Madison Street  
P.O. Box 1735  
Tallahassee, Florida 32302

Dear Mr. Lester:

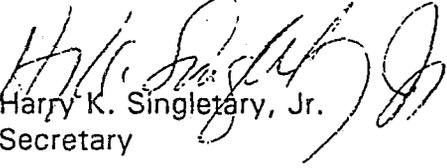
Pursuant to the requirements of Section 11.45(7)(d), Florida Statutes, enclosed is my response to the preliminary and tentative audit findings and recommendations related to:

Use of Electronic Monitoring within the  
Community Control Program  
Administered by the  
Department of Corrections

This response reflects the specific action taken or contemplated to address the deficiencies cited.

Thank you for your continued cooperation and presentation of recommendations for the improvement of our operations.

Sincerely,

  
Harry K. Singletary, Jr.  
Secretary

HKSJr/HTD/si

Enclosure

cc: Bill Thurber, Deputy Secretary  
Assistant Secretaries  
Ron L. Ferguson, Internal Auditor  
Harry Dodd, Director, P&P Services

## BACKGROUND

The department began the active electronic monitoring program in March of 1987. The program was established to provide the judiciary with another alternative to incarceration. The target population included probation and community control violators, both technical violations and new arrests, as well as original sentencing, cell 2 or higher. Additionally, the department clearly stated in its Community Control II program manual that electronic monitoring is considered "a tool" to be used in conjunction with the supervision requirements of the community control program. Electronic monitoring can enhance the surveillance, control and supervision abilities of the officer but does not replace personal supervision by the officer. With the above principles in mind the department embarked on a course to explain the program to the judiciary, the legislature, and the public.

The department experienced as expected, many problems with the electronic monitoring equipment during the first three (3) years of operation and implementation. Probation administrators involved in the program spent considerable time working with community control officers and the manufactures of the equipment in an effort to gain consistent performance of what was then a very new technology. The fiscal year 91-92 saw great improvement in equipment. The department has spent considerable time involved in operational concerns of the effort instead of conducting detailed research into its cost-effectiveness, the behavioral change impact upon the offender or the total diversionary impact. It must be noted that budget reductions over the

past three budget cycles saw the electronic monitoring effort perilously close to elimination.

The first field evaluation of active electronic monitoring was conducted in Tampa from March of 1987 through August, 1987. The six (6) month pilot study tracked a random group of offenders placed on community control and all offenders sentenced to community control II and found little difference in the technical and new arrest violation rate. The field evaluation did indicate identical revocation rates (24%) for offenders sent to prison. Although the sample groups were small and not matched by gender, age, prior convictions or instant offenses they generally indicated little difference in outcome.

The National Council on Crime and Delinquency (NCCD) compared a matched group of community control offenders with community control II offenders during 1987 and the first few months of 1988. Approximately 570 offenders were placed in the electronic monitoring program during that period versus several thousand admissions to regular community control during the same time period. NCCD matched 181 offenders in both groups. The major difference between the match groups was the unusually high percentage (67%) of probation and regular community control violators (14.9%). This was not unexpected because the program designed targeted probation and community control violators. During 1987 and early 1988, most electronic monitoring placements were made as an alternative to revocation and, thusly, prison commitment.

Concerning violations, comparisons were made with the community control group which indicated the monitored community control II offenders demonstrate a much lower incidence of technical violations (3.3% versus 18.1%) and a higher new offense rate (9.8% versus 3.7%), but the difference in overall recidivism clearly favors the monitor program (13.1% versus 21.8%).

Among non-violators, the monitored community control II and the regular community control offenders appear to demonstrate similar behavior. Combined recidivism for technical violations and new offenses is 16.3% in the community control match group and 18.6% among community control II offenders. These differences are not significant. It is recognized that the NCCD study was limited and not conclusive.

Given the overall findings of the National Council on Crime and Delinquency evaluation of the community control program, the department felt confident to continue to pursue community control II as an additional program to target prison diversions and provide additional surveillance capabilities for the community control officer.

#### **Finding 1.1**

The department has not conducted ongoing evaluations of the use of electronic monitoring, nor does it keep data on the use of electronic monitoring supervision that would facilitate such evaluations.

The department completed a field evaluation of active electronic monitoring in 1988. The department provided data to the National Council on Crime and Delinquency (NCCD) to conduct an evaluation of the community control program and the community control II program. The NCCD study was not furnished to the Department until January of 1990. The department felt confident after analyzing the results of those two studies that its policy and procedure concerning the program was appropriate, particularly as those results related to the diversionary impact of the entire community control effort.

In response to the audit, the department will develop a separate supervision code on the Management Information System (MIS) for community control II that will produce a management report on a monthly basis to compare and evaluate the similarities and differences from regular community control offenders. This report will keep specific and accurate records of the numbers of offenders placed on electronic monitoring, the origination of the placement (court-order or department ordered), and compare completion rates, violation rates and the actual length of community control II supervision. The changes to the MIS will be completed by July 1, 1993.

The department will evaluate the possibility of a workload time study in (2) two circuits for one (1) month to compare the impact and difference on officer workloads. It will be extremely difficult to determine the cost effectiveness of the increased workload because it will be difficult to assign a specific cost benefit associated with computer monitoring of the offenders compliance with house arrest sanctions. For

instance, does the department fix an hourly community control officers wage and benefits for each hour the electronic monitoring system monitors compliance or non-compliance with house arrest sanctions.

#### **Finding 1.2**

Due to an appellate court ruling, the department does not use electronic monitoring unless it is authorized to do so by the sentencing court. Reliance upon the courts to place and remove offenders from electronic monitoring restricts the department's ability to efficiently use electronic monitoring supervision.

The department agrees with the audit findings in 1.2; however, because of the 1988 appellate court ruling that only the court has the authority to impose conditions of community control, the department will attempt to expand its administrative authority to impose and administer electronic monitoring only by the approval of the chief judge of each judicial circuit. Sufficient statutory language exists for the department to administer electronic monitoring and the department would rather ensure judicial support for the community control II program. If the chief judge of the circuit court is unwilling to grant the department total administrative use of the program, then the department would rather comply with their decision and continue to make recommendations when appropriate to the circuit court.

The department has developed specific criteria for determining when offenders should be placed on electronic monitoring as stated in its Community Control II Manual on pages 13 & 14. The department has expanded its direction to the field on page 20 of the manual concerning removal, termination or modification from the community control II program.

The program office requested responses from field staff concerning the development of an offender profile for a community control II case who was likely to successfully complete the program. Responses from the field clearly indicate a profile of an offender who is likely to successfully complete community control II; however, it must be noted that offenders with the same profile would be most likely to complete regular community control. The department will develop more specific objective criteria for community control officers to utilize when evaluating the offenders need to be continued or removed from community control II. However, this probably will not shorten the length of time offenders are on the system because the court has the final authority to remove. Many circuit judges are adamant about not modifying the offenders sanction.

The department will continue to utilize its monthly reporting log to track product reliability, vendor monitoring and judicial use and demand for the community control II program. The department's electronic monitoring task force will reconvene after the 1993 legislative session to review the audit report and make any further recommendations involving the program.

