

# **Electronically Monitored Home Confinement - Not a Panacea for Corrections, But a Useful Tool**

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*Opinions expressed are the author's and do not necessarily reflect the policies or procedures of the Federal Bureau of Prisons.*

## **Introduction**

Criminal justice officials nationwide are seeking ways to relieve prison crowding while maintaining stringent crime control policies. Intermediate punishments have provided options for some offenders in lieu of incarceration without jeopardizing public safety. One innovative program that has attracted much attention is electronically monitored home confinement, a strategy that involves two distinct correctional concepts.

Home confinement refers to any judicially or administratively imposed condition requiring a participant to remain in his or her residence for any portion of the day. Home confinement may be monitored with the assistance of electronic equipment or without it and may be imposed as an alternative only to incarceration (Home Confinement Policy Manual, 1991). The goal of home confinement, like that of prison or jail, is to restrict an individual's freedom to a particular location, in this case the home. Electronic monitoring involves the use of a technological device to verify that offenders are at designated locations at specified time periods. Most electronically monitored programs are used as probation or parole conditions. When used as a condition of probation (at the front end of the sentence), a judge will usually sentence a non-violent offender to home confinement with the use of electronic monitoring instead of a period of incarceration. At the back end of the sentence, home confinement with electronic monitoring allows for the early release from prison (between 60 to 180 days) and is used as a condition of parole.

Researchers have cautioned that electronic surveillance is neither a panacea for the 1990's nor a substitute for the expanded use of probation and parole supervision. It does not prevent further crime or reduce the rate of criminal activity. It does not rehabilitate offenders and is not the single answer to the prison crowding crisis. Electronic monitoring is, however, a tool for supervising offenders within the community and must assume a place in community corrections as one of several alternatives to institutional confinement.

## **Federal Home Confinement Programs**

The Federal Bureau of Prisons (BOP) has developed and implemented an intermediate sanction program as a part of its strategy for managing offenders committed to Bureau of Prisons custody. The term "intermediate sanctions" refers to the range of punishment options that fall between traditional probation and traditional incarceration. The Bureau of Prisons is currently

involved in the operation of four types of home confinement programs that provide opportunities for the participation of BOP pre-release inmates and offenders under parole or probation supervision. The four types of home confinement programs are:

- 1) The Community Control Program;*
- 2) Home Confinement provided by the U.S. Probation System;*
- 3) Home Confinement through a Community Corrections Center;*
- 4) Home Confinement provided through Intergovernmental Agreements. This paper focuses on the Community Control Program.*

## **Program Purpose**

Home confinement programs using electronic monitoring have a broad range of goals such as incapacitation, punishment, and deterrence. The purpose of the Community Control Program is surveillance and assistance. With respect to surveillance, the program seeks to assure that each participant abides by all of the formal conditions under which release was granted. The second goal is to provide assistance to the offender in the form of correctional services. As stated in the Home Confinement Program manual (1991:2), this program provides officers with the "tools to develop and implement a supervision plan designed to minimize the risk of new criminal behavior and facilitate participation in correctional treatment programs tailored to their identified problems".

## **Program Selection Criteria**

A number of issues must be considered in determining the suitability of home confinement with electronic monitoring and the offenders for whom it may be appropriate. Background information regarding health, mental stability, substance abuse history, and prior record must be assessed. Community and familial stability are also important considerations. A residence is essential and other persons residing with the participant must be supportive and willing to make the necessary sacrifices demanded by home confinement and electronic monitoring. Inmates are eligible for this program if they meet the following criteria:

- 1) the inmate has been considered for parole by the Parole Commission and has a release date at least 60 days beyond the parole eligibility date;*
- 2) the inmate is being referred for pre-release placement in a Community Corrections Center;*  
*and*
- 3) the inmate has a release destination in the specified judicial districts or areas where the program is operating.*

## **Program Criteria Related to Legal Status**

The decision to place an offender into home confinement is generally a joint decision by several criminal justice authorities. Offenders can be referred to the Community Control Program at several distinct points in the judicial process:

- 1) judicially imposed conditions of pretrial release;*

- 2) *judicially imposed conditions of probation;*
- 3) *a sentence of confinement outside prison or halfway houses;*
- 4) *conditions of parole;*
- 5) *a method of advanced release in place of continued imprisonment or replacement in Community Correctional Centers; and*
- 6) *an option in lieu of incarceration for persons violating the rules of community supervision such as probation, parole, mandatory release or supervised release.*

In addition, the goal of home confinement can differ depending on the legal status of the participant, the intent of the placement authority, and the supervision strategies developed by the officer (Home Confinement Program Manual, 1991).

By using multiple entry points, each Federal judicial district is permitted to allocate resources for supervision at the different stages of the criminal justice process. Under the multiple entry point system, home confinement with the use of electronic monitoring can be a special condition of pretrial release instead of jail detention. The primary reasons for utilization with a pretrial population would be to decrease the need for unnecessary pretrial detention and to provide a less expensive alternative. Second, home confinement can be a condition of probation. Sentencing Commission guidelines permit home confinement as a substitute for imprisonment or community confinement. Offenders falling in the guideline ranges of 6 months or less are eligible to have home confinement substituted for imprisonment on a 1 month for 1 month basis. Offenders with minimum terms of 7 to 10 months may be given split sentences, with at least half of the term satisfied with imprisonment and half with supervised release including the condition of home confinement (Sentencing Commission Guidelines Manual 5C1.1). Third, the Bureau of Prisons reviews pre-release cases referred for Community Corrections Centers and places selected eligible individuals into the home confinement program. Fourth, the U.S. Parole Commission has the authority to impose conditions of supervision on those released in a Community Corrections Center or used as an intermediate step for those who are failing to comply with the rules of supervision.

### **Description of Program Participants**

Between October 1990 and March 1991, a total of 371 participants had entered the Community Control Project. The majority of the participants (n=209) were placed in the program as a condition of probation. The next largest group of participants was composed of parolees (n=109). A small number (n=28) of pretrial releasees were placed in the program in lieu of other forms of pretrial detention. In addition, a small group of participants with various legal statuses different from those mentioned above were referred to the Community Control Project.

Presently there are 388 inmates in Community Corrections Centers (CCC's) in areas where the Community Control Program is operating but were not referred to the community control Program. Of these 388 inmates, 118 were not referred to the Community Control Project due to insufficient time to process the case. Another 98 inmates needed CCC placement because they did not have a residence. Other offenders were judged to need transition resources provided by the CCC's and other individuals were not placed into the program for any of the following reasons: their release date was not 60 days beyond parole eligibility, they lacked employment prospects,

they had disciplinary problems or had a significant history of violence, they were category 8 drug offenders or they were denied eligible for the program by probation or parole. None of the offenders referred for placement in the Community Control Project refused to participate. Refusal, however, would also have precluded placement in a community corrections center as well.

## **Conclusion**

Previous research has shown that offenders can be placed in a home confinement program and maintain accountability. As we continue to expand the Community Control Project nationwide we will be able to address a variety of research issues. For example, we will be able to examine which group (in terms of legal status) of home confinement participants will successfully complete the program as compared to other types of referrals. This will be useful for predicting future home confinement placement and classification schemes. In addition the Community Control Program will vary across jurisdictions for a variety of reasons (i.e. administrative), because of this variation, it is necessary to evaluate personnel issues. This may include developing instruments to evaluate staff characteristics. Future research should address costs and benefits of home confinement programs, in light of the diverse participants legal characteristics. It is also necessary to evaluate long-term effects on recidivism, other measures of rehabilitation.

Electronically monitored home confinement programs seem to be the wave of the future. For these programs to be a successful alternative to institutional confinement we should recognize the need for continued program development and research.

## **References**

- Administrative Office of the U.S. Courts. Home Confinement Policies and Procedures Draft Report. Probation and Pretrial Services Division. February 20, 1991.
- United States Sentencing Commission, Guidelines Manual, 1980.