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## Work Release vs. Electronic Monitoring in Sarpy County: The History, the Application, the Effectiveness

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**Work Release vs. Electronic Monitoring in Sarpy County**

The History  
The Application  
The Effectiveness

A Thesis

Presented to the

Department of Criminal Justice

and the

Faculty of the Graduate College

University of Nebraska

In Partial Fulfillment

of the Requirements for the Degree

Master of Arts in Criminal Justice

University of Nebraska at Omaha

by

Mark K. Trapp

May, 1999

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THESIS ACCEPTANCE

THESIS TITLE

Work Release v.s. Electronic Monitoring in Sarpy County

The History  
The Application  
The Effectiveness

By

Mark Trapp

Acceptance for the faculty of the Graduate College,  
University of Nebraska, in partial fulfillment of the  
requirements for the degree of Master of Arts  
University of Nebraska at Omaha.

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# WORK RELEASE VS. ELECTRONIC MONITORING IN SARPY COUNTY: THE HISTORY, THE APPLICATION, AND THE EFFECTIVENESS

Mark Trapp, MA

University of Nebraska, 1999

Advisor: Dr. Chris E. Marshall

This study compares the effectiveness of two alternative sentences: work release and electronic monitoring/house arrest. These programs are measured with regard to three traditional goals of punishment: retribution, deterrence, and rehabilitation, and three modern goals of alternative sentences: cost reduction, reduction in overcrowding, and reduction in recidivism. The study consists of three phases; all are retrospective examinations of data collected from June 1995 to December 1997. The first phase is a cost analysis of the programs, the second phase is a retrospective statistical analysis of program failure and recidivism based on information gathered on 230 participants, and the third phase is a series of participant interviews.

Phase I of the study finds that in Sarpy County both work release and house arrest had a substantial cost savings over the study period when including the number of jail days saved. Phase II of the study concludes that neither program was more effective at reducing recidivism over the 18 month follow-up period, but participants on work release were more likely to be removed for rule violations. Whether participants were employed

was a statistically significant variable for recidivism and program failure for work release. This suggests that individuals without secure and stable employment are more likely to fail while on work release and are more likely to commit further crime. The final phase of the study shows participants found both programs punishing, but house arrest less so than work release, and both less than conventional incarceration.

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I would finally like to thank my family, and especially my wife, Renee. They all have encouraged me and helped me when I was in need. My wife never doubted for a moment that I would complete this portion of my education, and still believes that I am able to accomplish what ever task is set before me; even when I sometimes have doubts.

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## INTRODUCTION

Punishment is one of the most important and controversial duties of the government. The goal of punishment is to control the behavior of the citizens within the society. The ultimate goal of punishment is the prevention of those behaviors that impact society negatively (Bartollas and Conrad, 1992: 3-4, Siegel, 1992: 550). Punishment also defines those behaviors that are unwanted in a society. It is not enough for a society to announce or legislate actions as illegal; there must be some punishment to enforce the legislation. Punishment has taken hundreds of forms since the beginning of recorded history. Early recorded history describes the nearly exclusive use of corporal punishment (Newman, 1978: 15, Bartollas and Conrad, 1992: 37-38). Additionally, whippings, beatings, amputations, crucifixions, and beheadings were used to dissuade individuals and masses from acting in an unacceptable manner. The deterrent effectiveness of these methods remains uncertain as a result of the lack of statistical data.

Corporal punishment is still used in many countries despite the increase in technology and knowledge since the days of the torture rack. The modern Western world generally views corporal punishment as inhumane. Punishment in these countries, including America (the focus of this study), still takes many forms including: fines, supervision, requirements to attend classes and meetings, and even execution. Aside from execution, incarceration is the most severe form of punishment in America.

Incarceration is not a modern invention. Jails have existed since the Middle Ages and before. Plutarch mentioned a Barathrum, a place for detention, and Aristedes, also a place of detention, existed in ancient Greece. These places were used to hold thieves and

the condemned (Rudoff, 1975: 9). The existence of prisons and jails was also common throughout the Middle Ages, but the conditions were terribly inhumane. Some would argue that current institutions are not a significant improvement over their medieval counterparts. This may be true, but they exist as the strongest chosen form of punishment in America and “our traditional punishment of choice” (Simon and Feeley, 1995: 172). There have been attempted improvements in the forms of incarceration. Two such improvements are work release and house arrest.

This study will focus on work release and electronic monitoring/house arrest as forms of punishment. These programs are considered alternatives to standard incarceration and, as such, seek to improve over that punishment. These improvements come in the form of cost savings, reductions in overcrowding, and reductions in recidivism (Tonry, 1997: xii). The goal is to bring these improvements to a punishment while continuing to meet the classical objectives of punishment: retribution, deterrence, and rehabilitation. This study will compare how well work release and electronic monitoring/house arrest save correction costs, reduce overcrowding, and reduce recidivism. This study will also compare how well they achieve the classical objectives of punishment.

## ORGANIZING PERSPECTIVES

### CLASSICAL OBJECTIVES PUNISHMENT

Punishment has purpose. However, the purpose is usually a point of debate depending on one's view of punishment and the period of time. As the centuries have passed, the purpose of punishment and societal views of its purpose, have changed. The purposes of punishment are not independent concepts, and all can be present in a single form of punishment. It may be said that a "good" punishment encompasses all the major objectives of punishment: retribution, deterrence and rehabilitation.<sup>1</sup> Grupp terms this approach of punishment the "integrative theory of punishment" (Grupp, 1970: 63-79).

Each objective of punishment has opponents and proponents. The objectives themselves must be defined and understood when discussing specific forms of punishment. The harshness of the punishment must be justified to the public in regards to each major objective. The success of the punishment in the view of society can be correlated with its success in achieving all the major goals to ensure that the majority is satisfied. House arrest and work release programs must be scrutinized under these conditions. They must achieve the major goals as defined.

---

<sup>1</sup> Incarceration is used as punishment, and several theories surround punishment. Jerome Hall (1947: 52) stated, "What is done to the criminal is a very accurate index to the quality of any civilization." This means the American society can be described by the reasons and ways that it punishes its criminals. Three basic purposes for punishment exist: retribution, deterrence, and rehabilitation. The purpose of punishment, or the reason why punishment is inflicted, changes from society to society by geography and by time. There are many other theories of punishment including incapacitation and expiation, but the three basic objectives listed will be used to demonstrate some dominant perspectives in corrections.

## RETRIBUTION

Man “A” is struck by Man “B”. Man “B” walks away presenting no further threat to Man “A”. Man “A”, with no thought of self preservation, follows Man “B” and strikes him in the back. This scenario describes a very ancient concept of punishment. This is also referred to as *lex talionis*, an eye for an eye, a tooth for a tooth (Exodus 21). Retribution may be described using many words: recompense, vengeance, retaliation, and just desserts. Retribution was the accepted response to criminal activity throughout the Middle Ages, the Renaissance, the Reformation and into the Nineteenth Century (Bartollas and Conrad, 1992: 117). Often during these periods, punishment was brutal: floggings, hangings, torture of all types. This happened during periods of time where the state had little or no organized law enforcement. The severity of the punishment was required to maintain social control. During these times, retribution was often a moral obligation. The German philosopher Immanuel Kant described this moral obligation:

Judicial punishment can never be used merely as a means to promote some other good for the criminal himself or for civil society, but instead it must in all cases be imposed on him only on the ground that he has committed a crime; for a human being can never be manipulated merely as a means to the purposes of someone else and can never be confused with the objects of the Law of Things [i.e., good or property]. His innate personality, his right as a person, protects him against such treatment, even though he may indeed be condemned to lose his civil personality. He must first be found to be deserving of punishment before any consideration is given to the utility of this punishment for himself or his fellow citizens. The law concerning punishment is a categorical imperative, and woe to him who rummages around in the winding paths of a theory of happiness looking for some advantage to be gained by releasing the criminal from punishment or reducing the amount of it-in keeping with the Pharisaic motto: “It is better that one man should die than that the whole people should perish.” If legal

justice perishes then it is no longer worthwhile for men to remain alive on this earth. (Kant, 1797: 100)

The concept of vengeance is basic to all people, though some may argue that it has no place in a civilized society. Psychiatrist Karl Meninger suggests “punishment” without retribution:

And just so long as the spirit of vengeance has the slightest vestige of respectability, so long as it pervades the public mind and infuses its evil upon the statute books of the law, we will make no headway toward the control of crime. We cannot assess the most appropriate and effective penalties so long as we seek to inflict retaliation (1968: 218).

This truly enlightened view ignores the reality of punishment and society. People require punishment of transgressors for the sake of retribution. Morris Cohen expresses this:

An enlightened society will recognize the futility of severely punishing unavoidable retrogression in human dignity. But it is vain to preach to any society that it must suppress its feelings. In all our various social relations-- in business, in public life, in our academic institutions and even in church-- people are rewarded for being attractive and therefore penalized for not being so (1961: 60-61).

The concept of retribution must be accounted for when designing or implementing a form of punishment.

Punishment for retribution must be considered a part of a culture. Further, a punishment considered retribution in one culture may be considered cruel in another. It is commonplace for a thief in an Arab country to have a hand removed for punishment. This punishment has a clear retributive objective (though there are some strong arguments of specific deterrence), but is considered cruel and inhumane in modern America. Solitary

confinement is considered cruel and vengeful in American society today, but in 1880 it was considered rehabilitation, it allowed the criminal to make peace with God (Grupp, 1972: 70).

Society's need for retribution must be acknowledged. Joan Petersilia noted that to implement correctional programs beyond incarceration (including work release and house arrest) the public's trust must be regained that such programs can be meaningful sanctions (1995: 488). A punishment must be harsh enough for the majority of society to feel the criminal has been truly been punished. It has been the downfall of many well intentioned correctional programs to ignore the public's need and demand for retribution (Dejong and Franzen, 1993; Flanagan, 1996). Citizens view these programs as too soft on criminals and distrust them. This distrust may lead to a lack of funding and/or the eventual demise of promising programs.

## DETERRENCE

As the time passes a new objective of punishment grows in popularity. Deterrence became the overriding objective of punishment in the Seventeenth and Eighteenth Centuries, which was considered a period of enlightenment (Siegel, 1992: 552). There are three major contributors to this view of punishment, often referred to as the classical theory: Cesare Beccaria, Jeremy Bentham, and Charles de Secondat, Baron de Montesquieu. This classical view was a result of the horrors of punishment occurring before and during this time period. Deterrence seeks to address the problem of criminal



activity without the atrocities that can result in punishments based on vengeance or retribution. Baron Montesquieu describes the need for leniency:

The severity of punishments is fitter for despotic governments whose principle is terror, than for a monarchy or a republic whose strength is honor and virtue. In moderate governments the love of one's country, shame and the fear of blame, are restraining motives, capable of preventing a great multitude of crimes. Here the greatest punishment of a bad action is conviction. The civil laws have therefore a softer way of correcting, and do not require so much force and severity.

In those states a good legislator is less bent upon punishing than preventing crimes; he is more concerned to inspire good morals than to inflict punishments. . . .

What ever we observe among particular men, is equally observable in different nations. In countries inhabited by savages who lead a very hard life, and in despotic governments, where there is only one person on whom fortune has lavished her favours, while the miserable subjects lie exposed to her insults, people are equally cruel. Leniency reigns in moderate governments. (Montesquieu, 1750: 158)

An important point of this objective is the removal of vengeance as the sole purpose of punishment. A punishment needs to have more purpose than simply retribution. Deterrence is a goal for punishment that eliminates the need for excessive violence and requires only the amount of punishment necessary to prevent further crime.

Deterrence takes two forms: specific and general (Wilson and Herrnstein, 1985: 494). Specific deterrence occurs when an individual has received a punishment and then decides not to repeat his actions for fear of further punishment. General deterrence results when potential offenders make a decision not to engage in criminal activity for fear of punishment that has occurred to others. In forms of general deterrence, punishment of one serves notice to the population as a whole. Punishment in the deterrence model must

be harsh enough to deter potential criminals, no more and no less. Deterrence also requires equal treatment for equal crimes. This more enlightened approach is summarized by Cesare Beccaria in *On Crimes and Punishment*.

The aim of punishment can only be to prevent the criminal committing new crimes against his countrymen, and to keep others from doing likewise. Punishments, therefore, and the method of inflicting them, should be chosen in due proportion to the crime, so as to make the most lasting impression on the minds of men, and the least painful of impressions on the body of the criminal. . . . For a punishment to be efficacious, it is enough that the disadvantage of the punishment should exceed the advantage anticipated from the crime, in which excess should be calculated the certainty of punishment and the loss of the expected benefit. (Beccaria, 1963: Section 15)

General deterrence requires a specific sequence of events to occur. This series of events is often called “rational choice” (Siegel, 1992: 130). The potential offender must know the activity s/he is about to undertake is a crime. The potential offender must know there is a punishment for the crime. The offender must feel the punishment is personally detrimental. The offender must believe that s/he may be caught while committing the crime. Finally, the offender must make a conscious decision that the risks of apprehension and the harshness of the punishment outweigh the benefits of committing the crime. This final step is referred to by Jeremy Bentham as “hedonic calculus” (Bentham, 1969: 120).

These basic steps are truly a complex series of often unrelated events. An offender may well know that his actions are criminal, but rarely does s/he know the actual punishment that may occur. One of the most common statements made by individuals who are arrested is, “I didn’t know I would go to jail for that!”

General deterrence also depends on the celerity and certainty in the apprehension of the offender. The punishment must be severe, certain, and swift to control criminal behavior (Devine, 1982: 8-21). Both celerity and certainty can be questioned in the criminal justice system. According to the Uniform Crime Reports (1996) and the National Crime Victimization Survey (1996) approximately 21% of all reported felonies are cleared and 37% of felony crimes are reported. This means that a criminal committing a felony has approximately a 7% chance of being caught. Fortunately, the average potential offender does not have this statistic available when one makes his decision. What the potential offender does have is a sense that the police cannot possibly apprehend every criminal or even a majority. The required steps for general deterrence and the lack of celerity and certainty in apprehension cast a heavy cloud on the objective of deterrence.

However, studies have shown punishment may have a deterrent effect. Those states having a high probability of criminals being incarcerated also have lower rates of crime (Wilson, 1983: 390). Despite the numerous factors that must be accounted for when determining criminal activity... biological factors, age, opportunity, social economic factors, etc... there is compelling evidence that those communities that punish most harshly do deter some criminal activity. Specific evidence of deterrence can be shown during the Vietnam War. Draft evasion was lowest in states where the chance of being punished for the crime was the highest. This was true even after controlling for other variables including public opinion regarding the Vietnam War (Blumstein and Nagin, 1977: 241-275).

An effective punishment must have some deterrent effect. The majority of society must view the punishment for each crime as harsh enough that the benefits resulting from committing the crime do not outweigh the risk of being caught and punished. It is important when considering punishment that this balance be acknowledged. It is clear that a lack of meaningful punishment could increase the amount of crime. For example, fines and potential license suspensions prevent many people from violating speed laws. It can be successfully argued that the elimination or drastic reduction of the penalties for this crime, for instance, say a \$2 fine with no threat of license suspension would almost certainly increase the general level of speeding.

## REHABILITATION

Rehabilitation is, according to the National Academy of Sciences, “any planned intervention that reduces an offender’s further criminal activity (Sechrest, et al., 1979: 18).” By the late Nineteenth Century punishment for retribution and deterrence began to be replaced rehabilitation aimed at reforming offenders to allow them to reenter society. In 1870 a large number of prison officials gathered to sign the Declaration of Principles. This document listed 37 principles that sought to reform the prison systems within the United States. These reforms were partially aimed at making prisoners better able to return to society after serving their sentence (Bartollas and Conrad, 1992: 81-82). The objective of rehabilitation may be the noblest goal of punishment, and, sadly, the most difficult to understand and achieve. Rehabilitation remains a goal of the American criminal justice system. “We have departments of ‘corrections,’ but no departments of

‘punishment’ (Walker, 1994: 207).” What is equally important to note is the difficulty in proving the effectiveness of rehabilitation programs.

During the 1940’s and 1950’s rehabilitation became the goal of many correctional departments across the nation. The use of research from social science and the medical field led to a belief that punishment could be used as a tool, not unlike a medicine, to treat the problem of crime. This became known as the Medical Model. Correctional institutions sought ways to “cure” the criminal.

Rehabilitation must be a planned intervention. This means the punishment dealt for the crime committed must dissuade the individual from committing further crime. Measurements of success, therefore, become problematic. Did the punishment deter further crime, or did the individual simply grow out of committing crime as described by Wolfgang in his studies of career criminals (Wolfgang, et al., 1972). Wolfgang found that most criminal activity is committed by those individuals between the ages of 14 and 24 and then the activity ceases as these individuals become adults and active members in legitimate society (Wolfgang, et al., 1972). Rehabilitation must have a measurable effect on the criminal’s rate of recidivism despite any outside forces.

The most common form of rehabilitative punishment is to attempt to reintegrate the criminal into the community (Walker, 1994: 207). Both electronic monitoring/house arrest and work release, focal to the current study, exist as examples of punishment that attempt to reintegrate offenders. The offender is not completely removed from the community for fear that such removal will simply cause further criminal activity once the offender is returned to society. Removal from society is believed to cause more criminal

activity through the process of labeling or stigmatization. Labeling occurs when an individual is punished for a crime, usually by being placed with other offenders, and then believes that s/he is a criminal (Lemert, 1951). Rehabilitation seeks to avoid this labeling by allowing the offender to feel that he/she is still a part of society, but also providing supervision and direction during the period of punishment.

While rehabilitation may be a noble ideal, potential specific concern of a self-fulfilling prophecy. In short, any program that seeks to rehabilitate an offender is successful because of the effort expended not because of successful results. Many programs have no strong scientific (experimental) analysis of success or have no measures of success at all. A study conducted by Robert Matrtinson reviewing 231 correctional programs operating from 1945 through 1967 discovered, "with few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on rehabilitation (Martinson, 1974: 53). Martinson also noted that most treatments lacked scientific standards. Many programs claimed success without any proof. There are numerous "rehabilitative" programs in every federal, state, county and city correctional system, but many may be completely ineffective. These programs may continue to exist more because of the vested interest of the employees and administrators of the programs than to help offenders reform themselves.

The existence of ineffective programs is a waste of limited resources. A "good" punishment should be rehabilitative, but it is important to measure the success of the program in a scientific manner. Also, a "good" program must show a reduction in recidivism independent of any external variables.

Martinson's pronouncement mentioned above, fortunately, may have been somewhat premature. Five years after his initial study Martinson reported the following:

The conclusion I derived from *The Effectiveness of Correctional Treatment* [ECT] is supplied in ["What Works"]. However, new evidence from our current study leads me to reject my original conclusion and suggest an alternative more adequate to the facts at hand. I have hesitated up to now, but the evidence is too overwhelming to ignore. . . . In brief, ECT focused on summarizing evaluation research which purported to uncover causality. In our current study we reject this perspective as premature and focus on uncovering patterns which can be of use to policy makers in choosing among available treatment programs. These patterns are sufficiently consistent to oblige me to modify my previous conclusion. . . . No treatment program now used in criminal justice is inherently either substantially helpful or harmful. The critical fact seems to be the condition under which the program is delivered. . . . Parole supervision should be extended to those misdemeanor and felony offenders who are currently released "max-out" as part of a definite sentence, so that parole will be properly limited both in duration and function, which is to reduce crime through surveillance and quick action when danger threatens (Martinson, 1979: 243).

This retraction came too late to save the numerous programs that lost funding partly as a result of negative evaluations of rehabilitation programs. The bright side is that rehabilitation and treatment have never truly left the field of corrections (Welch, 1995: 4), and improvements have resulted in using the medical model.

Using the medical model and applying it to a correctional situation provides some valuable insight. The first concept that must be addressed for a successful rehabilitation program is staffing (Buddress, 1997: 6). A hospital is staffed by doctors and nurses that have received extensive education and training in their perspective fields. There are numerous specialists and care providers for nearly all areas and problems. In the field of correctional programs this is often not the case. Prison guards are rarely chosen for their

extensive background in psychology. Research conducted by Greenwood and Zimring has found some success in treatments run by competent staff (1985: 3-4). Lorean Buddress also identified the quality of program staff to central to the success of alternative sentencing programs (1997: 6).

The second ingredient in a successful medical treatment is a willing patient (Welch, 1996: 3). Most suffering from an ailment wish to get well. This may not be the case with offenders. They may not believe that they are suffering from a malady. They may not wish to actively participate in a planned intervention. This lack of cooperation may well lead to many failures. This concept can be summed up in a riddle: "How many therapists does it take to change a light bulb? One--but the light bulb must be willing to change" (Welch, 1996: 3) A key skill for successful intervention is the ability to identify willing participants in rehabilitation programs.

Possibly the most reasonable concepts regarding rehabilitation have been described by John Braithwaite in his book *Crime, Shame, and Reintegration*. Braithwaite explains the difficulties that a treatment program is likely to encounter when attempting to reduce recidivism among offenders. Braithwaite argues that the legal process of arrest, trial, and incarceration have less effect on rehabilitation than informal punishments, specifically shame. Braithwaite continues by identifying the important conditions for successful reduction in recidivism: a society characterized by cohesiveness, a sense of interdependency, and a strong family system (Braithwaite, 1989). These concepts must be addressed before a punishment can be considered successful at rehabilitating an offender.



## MODERN OBJECTIVES OF PUNISHMENT

The 1970's and 80's brought a resurgence of conservative political thought and rhetoric. Rehabilitation programs suffered under a barrage of "get tough" political advertising. Legislatures around the country began to pass legislation curtailing the use of the indeterminate or customized sentences (Bartollas and Conrad, 1992: 150). The indeterminate sentence is key to the medical model. The sentence must be tailored to the needs of the individual to rehabilitate the offender. Conservative politicians during these years fought for mandatory sentences to reduce the leniency perceived in rehabilitation. Liberal politicians also joined the cause, stating that indeterminate sentences could result in discrimination.

These arguments brought a return to the concepts of retribution, though the arguments avoided concepts of vengeance and retaliation; instead proponents, such as David Fogel (1975), pushed the concept of "just deserts". This model contends that people make rational choices to commit crimes and therefore deserve to be punished (Fogel, 1975). This argument was attractive to a society that had begun to feel the criminal was more important than the victim. The media began to portray the streets as war zones. Stricter sentencing seemed to be the answer. The increase in crime was real and peaked in the 1970's, but leveled off in the 1980's (Federal Bureau of Investigations, 1990: 48). The rhetoric however increased well past the increase in crime. The criminal justice system became increasingly harsh. Between the 1950's and 1960's the number of inmates incarcerated in state and federal penal institutions stayed fairly consistent at around 200,000 individuals (Flanagan and McGarrell, 1985: 531), but the 1970's saw

dramatic increases in the prison populations: 1973-204,211 prisoners, 1977-285,456 prisoners, 1980-315,974 prisoners, and 1989- over 700,000 prisoners (Gibbons, 1997: 272). This trend has continued in the 1990's as well, and not just for prisons, but for jails, probation, and parole:

Table 1. Adults on Probation, in Jail or Prison, and on Parole.

Year	Total Estimated correctional population	Probation	Jail	Prison	Parole
1990	4,348,000	2,670,234	403,019	743,382	531,407
1991	4,535,600	2,728,472	424,129	792,535	590,442
1992	4,762,600	2,811,611	441,781	850,566	658,601
1993	4,944,000	2,903,061	455,500	909,381	676,100
1994	5,141,300	2,981,022	479,800	990,147	690,371
1995	5,335,100	3,077,861	499,300	1,078,542	679,421
1996	5,475,000	3,161,030	510,400	1,127,528	676,045

Source: U.S. Department of Justice, Bureau of Justice Statistics, Correctional Populations in the United States, 1997, NCJ-160091, Table 1.1; (Washington D.C.: U.S. Department of Justice).

The result is an overflowing penal system. Conservatives, such as former Attorney General William Barr continued to request harsher punishment. In Barr's *Combating Violent Crime*, he suggested mandatory prison sentences, longer prison terms, and a reduction of parole (Department of Justice, 1992). These suggestions were often followed resulting in the massive warehousing of criminals.

Not all politicians and academics supported the notion of just desserts for all crimes or for all criminals. Many still believed in the concepts presented by Beccaria and Bentham, and in rehabilitation. Jeremy Bentham's ideas of utilitarianism, what is best for the society as a whole, can incorporate both deterrence and rehabilitation as seen in this passage:

The immediate principal end of punishment is to controul action. This action is either that of the offender, or of others: that of the offender it controuls by its influence, either on his will, in which case it is said to operate in the way of reformation; or on his physical power, in which case it is said to operate by disablement; that of others it can influence no otherwise than by its influence over their wills; in which case it is said to operate in the way of example. A kind of collateral end, which it has a natural tendency to answer, is that of affording pleasure or satisfaction to the party injured, where there is one, and, in general, to parties whose ill-will, whether on a self-regarding account, or on the account of sympathy or antipathy, has been excited by the offense. This purpose . . . is a beneficial one. But no punishment ought to be allotted merely to this purpose, because . . . no such pleasure is ever produced by punishment as can be equivalent to the pain (Bentham, 1843: 120).

Bentham indicates that the offender may reform and/or be deterred. This also requires the punishment fit the crime, but not be any harsher than necessary to control the action. Modern academics have taken this view point a step further. Ted Palmer, a strong supporter of rehabilitation, avoided the word “rehabilitation” when he sought to reopen discussion regarding correctional interventions (Palmer, 1992: 72). He suggested keeping open the ideas of rehabilitation while still keeping control over offenders. Programs suggested included home confinement, electronic monitoring, and work release. These points of view indicate a need for a punishment to achieve not just a single objective, but to fulfill a variety of goals including retribution, deterrence, and rehabilitation.

## INTEGRATIVE THEORY

All three objectives of punishment are important. It could be said that the objectives are equally important and, as much as is possible, all must be addressed in a single punishment. This concept of integrative theory of punishment was described by Stanley Grupp. To ignore a single objective is to ignore a portion of society that seeks that objective in punishment. It is also important to realize that individuals, not just groups, may desire more than one effect of punishment. Surveys indicate citizens favor rehabilitation (specifically educational programs, vocational training, and drug abuse counseling) as well as a reasonable level of deserved punishment (Cullen, Cullen and Wozniak, 1988). Work release and house arrest must achieve the objectives of retribution, deterrence, and rehabilitation in order to be considered truly successful.

Measurement in these areas can be difficult. One individual's notion of retribution may be very different from another's. How much crime does work release actually deter? Did punishing an individual with house arrest actually rehabilitate the offender or are there other variables involved? These important concepts have been addressed in many studies of house arrest and work release. The approach in this study will be to compare the two relatively similar but clearly distinct forms of punishment against one another regarding their success in achieving the aforementioned goals. It is important before comparing the punishments to understand their history and effectiveness independently. It is also important to understand the reasons behind the creation of such programs as house arrest and work release.

“We cannot respond with demagogic promises to build more prisons and put all the criminals away. ...We must use the limited resources at all levels of government to provide alternative sentences for nonviolent offenders who are coming back to the community anyway, and save the jails for the most unsalvageable thugs.”

Janet Reno  
U.S. Attorney General  
July 12, 1993

## COMMUNITY BASED CORRECTIONS:

### ALTERNATIVE SENTENCING

As noted earlier, the prison population and the corrections population has increased dramatically in the last 20 years. Overcrowding in the United States corrections system is rapidly becoming a fact of life. The number of individuals incarcerated in United States prisons has steadily increased in the last twenty years (see Attachment #1). In the federal system alone, the prison population has risen from 4,000 in 1980 to 85,000 in 1993 (U.S. Department of Justice, 1993). The growing inmate population has spurred the search for alternative sentences. These alternative sentences have the goal of reducing the prison population and reducing the cost associated with imprisonment. These concepts and the need for alternative sentences were clearly defined by the 1967 President's Commission on Law Enforcement and Administration of Justice. The Commission noted there were far too many nonviolent property offenders serving too much time in prison; these offenders could be on probation or in some other community-based program. The Commission also suggested alternatives to prison as a result of crowding and violence in the penal institutions. In 1973, the National Advisory

Commission on Criminal Justice Standards and Goals came to similar conclusions regarding the state of corrections:

Prisons tend to dehumanize people. . . . Their weaknesses are made worse and their capacity for responsibility and self-government is eroded by regimentation. Add to these facts the physical and mental conditions resulting from overcrowding and from the various ways in which institutions ignore the rights of offenders, and the riots of the present time are hardly to be wondered at. Safety for society may be achieved for a limited time if offenders are kept out of circulation, but no real public protection is provided if confinement serves mainly to prepare men for more, and more skilled, criminality (1973: 121).

One of the reasons the nation's prisons and jails have become so crowded is recidivism. U.S. Department of Justice statistics reveal that 63 percent of all prisoners released from federal prisons are arrested again within three years. Ninety four percent of all federal inmates have been convicted of at least one other crime (U.S. Department of Justice, 1993). Another study, also conducted by the Justice Department, examining 14,000 state prisoners in 45 different states found over 60% of those incarcerated at the time had at least once previously been incarcerated (Gilliard, 1993). These findings seem to indicate that incarceration in and of itself has a limited effect on recidivism. It should, therefore, be the goal of an alternative sentencing program to address this concern.

A list of benefits of alternative sentencing by Michael Tonry (1996) includes cost saving that address the financial crisis that plagues the current correctional system. Overcrowding requires new construction, and costs can be staggering. In 1993 alone, state and federal governments built 113 new prisons and renovated an additional 96 prisons. This construction resulted in an additional 120,200 beds at an average cost of

\$54,200 per bed (U.S. Bureau of Justice Statistics, 1993). Annual costs for imprisonment averaged \$25,000 per inmate (Walker, 1994: 82). The amounts for construction and operating costs for federal inmates is shown below:

Table 2. Federal Prison Construction and Operating Costs.

	Per Federal Inmate (Average)	Per 200 Federal Inmates (Average)
Prison Construction Cost	78,000	15,600,000
Annual Prison Operating Cost	20,100	4,020,000

Source: U.S. Bureau of Justice Statistics, May 1993.

Communities with limited resources must decide what social programs take priority. Should education, social services, police, fire protection, roads, or corrections be cut? Sentence alternatives seek to address these concerns by reducing costs.

Another concern regarding incarceration is its inability to provide a rehabilitative setting for low risk offenders. According to the Rand inmate study *Selective Incapacitation*, approximately 30% of those inmates surveyed would be considered low risk (Greenwood, 1982: 59). These inmates may actually be harmed by their incarceration according to labeling theory. These inmates may become unable to reintegrate with society after being incarcerated. A sentencing alternative must address this concern as well.

The final reason for adopting alternative sentences is retribution. With a limited number of sentencing options many criminals receive inappropriate punishments (too lenient or too harsh). Morris and Tonry describe this:

Effective and principled punishment of convicted criminals requires the application of a range of punishments between prison and probation. Imprisonment is now used excessively, probation even more excessively. Between the two is a spectrum of intermediate punishments that are hardly used at all (1990: 231).

The Texas Board of Pardons and Parole seeks to summarize the goals and reasons for alternative sentencing in the following manner:

Five rationales for the use of alternative sentences have been developed that provide a basis for both program design and evaluation:

1. If the offender is held accountable for his crimes in the community where they were committed, then restitution can be provided if appropriate;
2. Use of a genuine deterrent by punishing the offender in the community may be successful because more can be done with existing resources while simultaneously reducing the costs per offender;
3. Rehabilitation is more successful when the community plays a part in the outcome and the offenders' ties to family and employers remain intact;
4. Non-violent offenders can avoid the criminogenic learning and socialization/acculturation influences of the prison subculture;
5. Finally, it is not possible to bestow a prison sentence upon every offender and expect to have enough prison space. Overcrowding can and has resulted in the premature release of serious offenders so as to free space for other often less dangerous, convicts (Texas Board of Pardons and Parole Annual Statistical Report 1987).

Many other jurisdictions have identified these concerns within their correctional departments and have turned to house arrest/electronic monitoring and work release programs for answers.



## MODERN APPROACHES TO ALTERNATIVE SENTENCING

### HOUSE ARREST/ELECTRONIC MONITORING

In the field of criminal justice, new ideas and technologies are often met with unbridled enthusiasm. This enthusiasm often results in agencies initiating programs with little forethought or planning. In the area of corrections, an example of this “band wagon” effect may be found in the use of electronic monitoring. There is a need to divert nonviolent offenders away from incarceration. This diversion may be beneficial in a variety of ways, but the diversion itself must be considered. Electronic monitoring has grown in the past ten years from a technological oddity to a mainstream sentencing option in even small jurisdictions. Electronic house arrest programs are currently in use in over 1,200 jurisdictions throughout the United States (Manley, 1993). This can be compared to only ten programs identified in 1987 by the National Institute of Justice (Carmen, 1987: 11). The embrace of this alternative sentence has left a great deal of concern regarding its effectiveness in many areas.

Before examining the effectiveness of electronic monitoring as an alternative sentence, it is important to understand the history and operation of such systems. The goal of sentencing alternatives is to address the unacceptable conditions found within the current corrections systems: overcrowding, recidivism, and the expense of incarceration (Tonry, 1996: xii). Programs such as electronic monitoring face great challenges in implementation and administration. Agencies wishing to adopt such a

program would be well advised to examine existing programs and determine the best course of action before moving ahead with unbridled enthusiasm.

## THE HISTORY OF ELECTRONIC MONITORING

Electronic monitoring is definitely not a new concept; it has been used since nearly the turn of the century. In 1919, the Army Signal Corps described the ability to use available technology to track airplanes and ships using radio signals (*Literary Digest*, 1919: 37). Further developments in the field throughout the century brought miniaturization to the signaling devices and allowed a much broader range of uses. Systems were developed by biologists to allow them to track animals on the land and in the ocean. One application involved tracking animals by satellite to determine their exact location (Cohen, 1966: 12).

Between 1964 and 1970, research was being conducted in the use of portable devices to track the location of parolees, mental patients, and volunteers. These studies were conducted by Cambridge and Boston Universities in Massachusetts (Gable, 1986). The first use of electronic monitoring in the real world field of criminal justice occurred in Albuquerque, New Mexico. Judge Jack Love judged incarceration to be a disproportionate sentence for the offense committed by a 30 year old probation violator. Inspired by a "Spiderman" comic book, Judge Love experimented with the concept of enforcing house arrest by using electronic monitoring (Ball, et al., 1988: 35-36). Soon after, programs were implemented in Florida. Initial results were promising and electronic monitoring flourished throughout the country (Niederberger and Wagner, 1985). There

were only 826 offenders daily under electronic monitoring in 1986; by 1989 there were 6,490 under daily monitoring, an increase of more than 800% in three years (Renzema and Skelton, 1990: 45).

## TYPES OF SYSTEMS

Electronic monitoring systems can be divided into two general categories. The first requires a telephone to operate. The second requires no telephone to track the movements of the client. The most common systems used are of the first variety.

Systems that require a telephone can be further subdivided into “continuous signaling (Active)” systems and “programmed contact (Passive)” systems. Continuous signaling systems consist of a transmitter unit, a home monitor/receiving unit and a central computer/receiving unit. The transmitter unit is strapped to the offender’s ankle or wrist. The transmitter unit sends an encoded signal to the home monitor/receiving unit that is connected to the offender’s telephone. When the transmitter worn by the offender is within a range of approximately 150-250 feet (depending on manufacturer and conditions) of the home monitor, the system indicates the presence of the offender. When the offender goes out of range of the home monitor, it places a call to the central computer. The central computer determines whether or not the offender is scheduled to be away at this time. If the offender is not scheduled to be away at the time of the absence, then the central computer generates a violation report. Violations are handled by different agencies in different ways (to be discussed later). When the offender returns home, the home monitor again contacts the central computer (Carmen, 1987: 3-4).

The second category of monitoring systems requiring a telephone connection are programmed-contact systems. These consist of a central office computer, an encoder device, and a verifier box. The encoder device is attached to the offender in the same manner as the active system above. The central computer is programmed to call at random or at predetermined times. The offender is required to provide a voice verification and then insert the encoder device into the verifier box. More advanced systems of this variety ask the offender to say several words at random (states, for instance) and are able to verify the offender's identity using a voice imprint. This type of system generates violations when the phone is not answered, the line is busy, the offender fails to insert the encoder, or the offender's voice does not match the existing imprint (Enos, et al., 1992: 8).

Newer systems have incorporated elements of both by having transmitters and voice imprint technology. Continuous signaling systems have the advantage of monitoring an offender's location at all times. The programmed-contact system only verifies the offender's location at the time of the phone call (Enos, et al., 1992: 8).

The second major type of system does not require the use of a telephone. These systems consist of a transmitter that is once again attached to the offender and a portable receiving device. The portable receiving unit is capable of picking up the offender's transmitter within approximately one block. Random checks are made in the offender's residential area during periods when he/she is required to be home. Further checks can be made at the offender's place of employment, school, or other appointments to verify the

offender's presence (Carmen, 1987: 6). Newer systems also incorporate this ability with the telephone based systems.

The newest systems now available have incorporated a variety of improvements. Cellular phone based home monitors are available for homes without telephone access. Transmitters are now designed to be tamper resistant, and central computers create violations when transmitters are cut or slipped off the offender's leg or wrist. Further improvements include alcohol detection systems built into the home monitoring units that detect the use of alcohol by the offender. As part of participating in the program, offenders are often required to abstain from drugs and alcohol. The hand held phone receiver is attached to the home monitor and as the offender speaks into the handset to complete the voice verification requirements, alcohol detectors determine if alcohol is contained in the person's breath. Numerous manufacturers provide customized systems for almost any application.

## APPLICATIONS OF ELECTRONIC MONITORING

One advantage of creating an electronic monitoring program within a jurisdiction is the great level of adaptation it can provide. House arrest with electronic monitoring can be used for much more than a simple sentence. It can be customized for a variety of situations.

At its most basic, electronic monitoring is simply a tool to enforce home confinement. Home confinement can be separated in three levels. The first is the curfew. Curfews are the least severe form of sentence and consist of requiring the offender to stay

in his/her residence during a specified period of time, usually at night. The second level is home detention. This consists of requiring the offender to remain in his/her residence at all times, except for employment, education, medical or mental health treatment, or any other type of authorized leave. This second form of home confinement is the focus of this study. The third, most severe, level is the true house arrest. Offenders are required to remain in their residence at all times with exceptions only for religious services or medical treatment (Schmidt, 1989: 65).

Electronic monitoring can be used for pretrial diversion. In jurisdictions that have release-on-recognizance alternative, offenders who may need extra monitoring to prevent further criminal behavior could benefit from electronic monitoring. Also, indigent offenders unable to post bail may benefit from electronic monitoring to free up an overcrowded jail (Byrne and Kelly, 1989: 19).

Electronic monitoring may be used for weekend sentences. Weekend sentences combine elements of punishment and deterrence while allowing an individual remain in the community to work. Weekend sentences are quite common in many jurisdictions, but such sentences can cause overcrowding in a jail during these times. Typically, jails are busiest during the weekend, and the additional work of booking and releasing weekend inmates can cause a variety of problems. Using electronic monitoring during these times can help to alleviate some of the pressure.

Electronic monitoring can be beneficial when used in conjunction with a standard work release program. In this arrangement, offenders spend several weeks under a conventional work release program where they are allowed to go to work during the day,

but they must return to the jail or work release center at night. After an initial period on work release, those offenders who are cooperative and follow the rules are allowed to go home under electronic monitoring. This acts as a reward for the offender while allowing the offender to still function within the community (Carmen, 1987: 15).

Electronic monitoring can be used in conjunction with conventional intensive supervision programs. These programs can be either probation or parole programs where electronic monitoring is used at the beginning of the program. This initial use provides the greatest level of supervision over an offender short of incarceration. It can also free probation or parole officers from frequent physical and/or telephone contacts. The technology could also be used in lieu of incarceration for minor probation or parole violations. If an offender violates the conditions of his/her parole or probation, instead of sending that individual to jail or prison, the person could be placed on electronic monitoring (Corbett and Marx, 1992: 86).

Juveniles may also benefit from electronic monitoring. Preventing juveniles from being incarcerated may prevent labeling that leads to lengthy criminal careers. Programs are in place that provide a diversion for at risk youth including electronic monitoring. Electronic monitoring and supervision are used to guide juveniles away from increasing criminal activity.

It is important to note that the majority of electronic monitoring systems simply indicate the presence or absence of an offender in his or her residence. The systems can not report the exact whereabouts of an offender who has absconded. This is a very important consideration for those offenders who may need to be monitored to prevent

further criminal activity. There have been many cases of offenders simply removing transmitters and leaving their residences in an attempt to escape custody.

## ADMINISTRATION AND IMPLEMENTATION

What is often lacking at the onset of many criminal justice programs is a detailed analysis of the administration and implementation concerns. These concerns include legal considerations, identifying needs, identifying clients, funding, staffing, and evaluation.

It is important to examine the legal concerns endemic to electronic monitoring before implementation. Each state and the federal government has its own unique laws and regulations. Many of these laws and regulations may well affect an electronic monitoring program. The following are a few general concerns that have been addressed in many jurisdictions.

Probation and parole are considered to be privileges in most areas. Acceptance of these programs by offenders indicates a valid and knowledgeable consent and waiver of rights. Electronic monitoring does not violate the Fourth Amendment right of protection against unreasonable search and seizure. The device does not monitor private conversations, observe what the offender is actually doing in his or her home, and the offender has given consent for program staff to enter his or her home to install and maintain the equipment (Ball and Lilly, 1987).

There is also no violation of an individual's right against self-incrimination. The right against self-incrimination protects only against testimony and not against physical



evidence. The location of an individual, if used for administrative or legal proceedings, is simply physical evidence (Ball and Lilly, 1987).

Home detention is also not considered cruel or unusual punishment. The use of an ankle or wrist bracelet does not constitute any serious humiliation or degradation. When compared to incarceration, house arrest is perceived as much less restrictive and less punitive (Rackmill, 1994: 47).

A legal issue of greater concern is equal protection. Nearly every electronic monitoring program charges a fee for the program. Fees range from \$3 to \$15 a day. Indigent persons may not be accepted into certain programs due to their inability to pay. This could be considered a violation based on financial status. Many programs, including Denver, Colorado, include indigent persons and other programs use a sliding scale to determine the cost of the program based on the offender's income and number of dependents (Rackmill, 1994: 49). These steps can help to reduce or eliminate the concerns of equal protection based on income.

The electronic monitoring system is used to prevent an offender from leaving his or her residence at times when they are restricted. A legal issue that may need to be considered is the requirements to prove in court that home confinement has been violated. A court case in New York established that the computer report showing the violation along with the defendant's admission was enough to establish a violation of home confinement. This case also suggested that lacking the defendant's testimony, the computer report would need to be more "scientific and technical testimony." This may

require house arrest staff to make home visits when violations are reported electronically (Rackmill, 1994: 50). This may affect staffing and administrative concerns.

Once the legal issues have been examined, the actual program guidelines must be established. The first step is to determine the objectives of the program. If the program is to be used to alleviate institutional overcrowding, other factors should be examined first. Problems may exist in sentencing, and electronic monitoring may not be an appropriate solution. The monitoring program also requires a great deal of organization and staffing and may place even greater demands on a poorly organized correctional system (Corbett, 1989: 80).

The next step is to identify the target client population. If the target population is not likely to be incarcerated, then the monitoring program will have no effect on inmate population. It is suggested that a program begin with a very select group of nonviolent minor offenders. This will prevent major concerns at the inception of the program that could potentially be fatal to the program (American Correctional Organization, 1995). It is also important to pick offenders who have some community ties and support. The offender must have something to lose if the program is violated. It is beneficial if the program has the ability to select its participants. Problems have occurred when sentencing judges have placed offenders on programs with little or no background information. Some such offenders have not had residences or jobs, making the program nearly impossible. The following is an example of guidelines for acceptability for the house arrest program in Sarpy County, Nebraska (the focus of this study):

- A. **Applicant's Criminal History:** Acceptability of applicants will primarily be based on the individual's criminal history. A deputy may recommend denial of an application for any of the following, but not limited to:
1. Arrest or conviction for the following:
    - a. Arson
    - b. Assault
    - c. Assault on an Officer
    - d. Carrying a Concealed Weapon
    - e. Child Abuse/Neglect
    - f. Escape
    - g. Kidnapping
    - h. Motor Vehicle Homicide
    - i. Murder
    - j. Operating a Motor Vehicle to Avoid Arrest
    - k. Possession or Delivery of a Controlled Substance
    - l. Resisting Arrest
    - m. Robbery
    - n. Violation of a Protection or Restraining Order
  2. A lengthy criminal history including felony arrests or convictions.
  3. Multiple Driving Under the Influence arrests or convictions.
  4. Multiple Failures to Obey a Court Order.
  5. Violations of Probation Orders.
  6. Any arrests or convictions that would lead a reasonable person to believe that the release of such an individual would present a threat to society.
- B. **Applicants Employment:** Preference will be given to those applicants with stable employment. Employers will be contacted to verify employment.
- C. **Applicant Interviews:** Applicants with acceptable criminal histories shall be interviewed by a deputy to determine willingness to participate in the program. Applicants must have reliable transportation directly to and from employment.
- D. **Special Circumstances:** Special Circumstances to be considered in recommendation may include, but are not limited to:
1. Child Support Requirements
  2. Medical Conditions
  3. Mental Health
  4. Trustee Status
  5. Pending Charges
- E. **No applications shall be processed for individuals with Detainers for other Agencies or unposted Bonds (Sarpy County Sheriff's Office Standard Operating Procedures, 1996).**

The program is selective to ensure the success of its participants and to attempt to prevent participants from engaging in violent criminal activities. Other programs are less selective and allow electronic monitoring to be used on drug offenders and even some violent felons. This selection process is common to both electronic monitoring programs and work release programs. This accounts for a vast majority of the success that these programs appear to have. Less violent offenders with shorter criminal histories are much more likely to succeed (as defined by a lack of recidivism).

Staffing is also an important consideration. An electronic monitoring program must have an ability to respond to curfew violations. The most effective way to respond to curfew violations is to have staff physically check the offender to verify the violation. Phone contacts can be made, but they can be problematic. It can be difficult for staff to recognize the voice of offenders. Violations can be checked on the next day, but this leads to limited success in “catching” offenders in the act and may result in an inability to violate participants who do not abide by curfew restrictions.

State of the art systems still result in false violations. False violations occur when transmitters are within the range of the home monitor, but due to some problem with radio waves or locations of transmitters and receivers a violation is reported. These false violations must be verified with as much veracity as real violations. It is recommended that staffing be available 24 hours a day. The newest systems are able to page staff upon receipt of violations allowing staff to be on call. There must be enough staff to respond to all alarms. Staffing will depend on the level of violations and the number of clients expected to be on the system on any given day.

Funding is likely to be the most crucial aspect of initial planning. Federal and state grants are available for some programs especially those relating to the diversion of alcohol-related traffic offenders (Carmen, 1987: 23). Most programs generate some revenue from charging offenders a fee for the privilege of being in the program. For example, the Sarpy County Sheriff's Office in Nebraska charges clients \$9 a day for monitoring. While the fees do offset the cost of leasing the electronic monitoring equipment (\$3 a day per unit), they do not completely fund the program. Problems may occur when programs have leased or purchased too many units for the average case load. Payments are made on all units in the possession of the program, but fees are received only from clients currently using the system. In the example of Sarpy County, Nebraska, staffing is also not funded by client fees. This is not always the case, Clackamas County, Oregon, for example, reports nearly a \$2 a day profit per client including personnel to supervise the program, equipment lease, and phone line charges (Carmen, 1987: 25). The key factor appears to be the average number of clients on the system each day. A program must have a fairly consistent flow of clients to be assured of funding from client fees. If this is not the case, alternative funding must be found.

Program evaluation is the final key element in program implementation. A process for program evaluation should be ready before the program begins. As mentioned earlier, in the field of criminal justice, specifically corrections, evaluations have been quite poor. A review of all correctional programs published in English between 1945 and 1967 resulted in only 231 programs being identified as having evaluations that met rigorous scientific standards (Martinson, 1974: 35). An evaluation should be unbiased and give

clear results. The goals of the program should be determined in advance and results should be compared to the goals (Maxfield and Babbie, 1995: 302). A program that fails to achieve its goals (i.e., cost reduction, reduction in overcrowding, rehabilitation, etc.) should be modified or abandoned.

#### EVALUATION OF ELECTRONIC MONITORING PROGRAM EFFECTIVENESS

The effectiveness of any program can only be measured against the goals set for the program. If a house arrest/electronic monitoring program is to be successful, it must have benefits in the areas addressed earlier. The administrators of the program must decide in advance what goals are sought by the program. The goals may include: cost reduction, reduction of overcrowding, reduction of recidivism, reducing parole or probation violations, and/or integration or reintegration into society. A program may have one or many of these goals and only an evaluation of the program itself will determine the success of any one electronic monitoring program. However, several evaluations have been conducted on a variety of programs, and these evaluations may provide some insight regarding the possibility of achieving the common goals of alternative sentencing by using electronic monitoring.

#### EXAMPLES OF ELECTRONIC MONITORING EVALUATIONS:

##### Kenton, Kentucky

Kenton, Kentucky began its house arrest program in May of 1985 and an evaluation was conducted by Joan Petersilia (1986) to determine the costs and benefits of

the program. The goal of the program was to divert misdemeanants and minor felons from serving jail sentences. The program was also started as an experiment to determine the usefulness of electronic monitoring. Kenton is an example of a small program with a limited number of participants at any one given time.

The major finding of the evaluation done in Kenton is the cost of running the program. Kenton spent \$30,000 on the purchase of twelve electronic monitors. After six months, the program had cost the county \$10,000 to \$20,000 more than it would have to incarcerate the twenty-three persons who had been monitored on the program. Had the program utilized all twelve units for an entire year, the county would have realized a \$65,000 cost savings. The greatest problem encountered was the lack of suitable clients (Petersilia, 1986: 51). The problem of limited clients is common among many of the small programs. Cost benefits can appear at the surface, but these benefits usually require consistently full case loads.

#### Florida's "Community Control"

Florida has been a leader in the United States in the area of creating solutions for overcrowding in jails and prisons. In 1993, Florida ended many of its mandatory sentences to prevent a complete collapse of its prison systems (Petersilia, 1993: 20). Many offenders were willing to accept prison sentences knowing the system would be forced to release them well short of their scheduled release dates. Along with overhauling sentencing guidelines, Florida has been searching for ways to alleviate some of the overcrowding in the prisons and jails.

One such program designed to reduce the level of incarceration in Florida is the "Community Control" program. The program was started in 1983 to help alleviate prison crowding and was also evaluated by Joan Petersilia (1993). This program exists as the most ambitious program of its type in the country. The evaluation suggests that nearly 5,000 offenders are monitored on any day. The evaluation also states that 10,000 offenders had completed the program by 1993 (Petersilia, 1993: 20).

The program consists of house arrest for the offenders. The goal of the program is to divert incarceration bound misdemeanants and felons. Each offender is supervised by a community control officer. The community control officer's primary job is to ensure the offender is adhering to the court ordered home confinement. The more serious offenders are monitored by an electronic system. The system is passive; it randomly calls the offenders and requires them to place a wrist encoder unit into the home monitoring unit. Offenders are allowed to leave home only for employment, rehabilitation, or community service. Offenders are also required to pay a monitoring fee to offset the cost of the program.

The evaluation of the program reports a success. The report states that 70% of the 10,000 offenders who have completed the program were likely to have been sent to jail or prison. The evaluation also states that the state has noticed a real cost savings (Petersilia, 1993: 21).

There has been some concern regarding the level of crowding the program has eliminated. The program began in 1983, but the state was still required to change its sentencing system in 1993 to prevent further overcrowding. The state also has nearly



52,000 inmates in its prisons (Petersilia, 1993: 4). The program's own estimate of 5,000 clients per day seems inflated from the limited number of completed clients. If the estimate is correct, the overcrowding has been reduced by less than ten percent. Ten percent may seem a minimal achievement, but with no increase in cost, this may be a positive accomplishment.

### Illinois Department of Corrections

The Illinois Department of Corrections began using electronic monitoring in 1989 in an attempt to reduce recidivism and in turn reduce incarceration levels within the state's prisons. It was determined that the overcrowding in the system could be attributed to three major factors: an increase in both drug and violent crimes, a high recidivism rate (46% of all offenders released from prison are re-incarcerated within three years), and longer sentences (Valukas, 1993: 3).

Electronic monitoring seeks to help reintegrate inmates into the community and thereby reduce recidivism. Along with electronic monitoring to prevent unapproved absences from home, the program includes job-counseling, substance abuse treatment and testing, and personal contact with parole agents. The program also seeks to protect the public while reducing costs (Valukas, 1993: 3).

By 1993, the program had placed over 6,000 offenders on electronic monitoring for the last portion of their sentences. Only 4% were re-arrested while on the program and some positive findings were reported for those successful participants. Offenders placed on electronic monitoring had a considerably lower level of re-incarceration than

those released from other correctional programs; 16% compared with 26%. When parole violations are removed from the evaluation, those offenders placed on electronic monitoring were re-incarcerated for new offenses in 6.7% of the cases compared with 14% for other corrections programs (Valukas, 1993: 4).

These positive outcomes may need further analysis. Offenders not accepted into the program include those convicted of: first degree murder, aggravated sexual assault, bringing or possessing contraband in a penal institution, aggravated battery with a firearm, any “super-x” drug offense (sale or manufacture of cocaine, heroin, crack cocaine, etc.), or calculated criminal drug conspiracy (Valukas, 1993: 8). These restrictions may well have created a self fulfilling prophecy. By limiting admission to the program to lower risk offenders; success was more likely. The other correctional programs had more violent offenders and offenders who have shown an inability to abide by institutional restrictions. The electronic monitoring program also included a variety of rehabilitative programs that could be responsible for the positive outcomes. There was no measure of the success of electronic monitoring itself, but what is apparent is a well conceived program, including a well identified target population and additional rehabilitative options, can have success.

#### Los Angeles County

The Los Angeles evaluation consists of the comparison of post-release records for 126 drug offenders sentenced between 1990 and 1991 to electronic monitoring and 200 drug offenders sentenced to normal probation. The evaluation took place in three high-crime areas in Los Angeles. These drug offenders were required to take random

drug tests at least twice a month. The two groups were similar in makeup: 80% male, 40% white, 35% Hispanic, 25% African American, about five prior arrests, and three prior convictions (Glaser and Watts, 1992: 75).

The evaluation produced mixed results. The positive results include the following: 43% of the non-monitored had their probation revoked for rule violations compared to only 34% of the monitored, the monitored also survived more often and longer (see Attachment #2) and 45% of the monitored had no report of rule violations compared with 28% of the non-monitored. Both findings were statistically significant. Other positive findings showed monitored offenders were more likely to show up for drug tests (23% of non-monitored failed to show-up for drug tests compared to only 4% of monitored) and were more likely to pay restitution quickly (after 6 months, 25% of monitored had paid compared to only 6% of non-monitored) (Glaser and Watts, 1992: 76).

All of these results may seem somewhat trivial when compared to the major questions. Did electronic monitoring reduce criminal activity or drug use? The answer to both of these questions in this study is “no”. Monitored and non-monitored offenders had a 6% chance of being arrested for a new offense while on probation (Glaser and Watts, 1992: 76). Monitored and non-monitored offenders had about a 40% chance of having at least one positive test for drug use. Electronic monitoring alone did not appear to have an effect on recidivism or drug use in the selected population. This does reinforce the need to select appropriate participants.

Dallas, Denton, and Harris, Texas

The evaluation conducted in Texas was designed to examine the psychological effects of electronic monitoring. The evaluation consisted of four groups: monitored probationers, monitored parolees, non-monitored probationers, and non-monitored parolees. All 261 participants were volunteers. Participants were given pretest and posttests to determine the effect of electronic monitoring. The tests consisted of the Beck Depression Inventory and the Family Environment Scale. The Beck Depression Inventory is used to measure dysphoria, a symptom of depression. The Family Environment Scale is used to measure perceptions of the nuclear family. In this case, specifically, it is used to measure whether the family environments improved, worsened, or remained the same as a result of electronic monitoring (Enos, et al., 1992).

Little differences between monitored and non-monitored groups could be discovered using these instruments. The greatest differences could be found in the monitored parolee group when compared to the other groups. Monitored parolees apparently had lower levels of dysphoria and lower levels of family conflict. This can be explained by the selective nature of those parolees placed on electronic monitoring.

One of the most important findings of the evaluation is the success of participants by types of supervision.

Table 3: Distribution of Success Across Types of Supervision.

	Monitored	Non-Monitored
Unsuccessful	22	8
Percentage	23.7%	12.3%
Successful	57	57
Percentage	76.3%	87.7%

Table 3. (continued)

	Monitored	Non-Monitored
Column Total	93	65

Source: Enos, Richard, Clifford Black, James Quinn, and John Holman, *Alternative Sentencing: Electronic Monitored Correctional Supervision*. (Bristol, IN: Wyndham Hall Press, 1992)

Table 3 shows that monitored participants were more likely to be unsuccessful than non-monitored. The evaluation attributes this to monitored participants being assigned to the program due to problems in complying with the conditions of their release. The evaluation suggests that monitored individuals have more difficulty adhering to the rules of probation or parole. What is not discussed in the evaluation is the fact that electronic monitoring is more efficient at detecting certain violations (namely curfew violations). This also results in a greater level of failure for those participants who were electronically monitored.

Some concerns discussed in the evaluation include domestic violence. Electronic monitoring places an individual in his or her residence for extended periods of time. This may result in frustration that may lead to domestic violence. The electronic monitor cannot prevent such episodes and may actually increase their likelihood. The evaluation also suggests that if offenders are placed on electronic monitoring and then fail on that system, particularly with respect to technical violations, then the cost has increased when the offender must be reprocessed and incarcerated (Enos, et al., 1992). The evaluation shows that in certain situations electronic monitoring may actually result in an increase in violations and these violations would in turn result in higher costs.

## ELECTRONIC MONITORING/HOUSE ARREST: A RECAP

Electronic monitoring and house arrest are sentencing alternatives. These alternatives seek to address some of the most serious questions confronting corrections. Can one program reduce overcrowding, reduce recidivism, rehabilitate, and do this for less money? Some critics would suggest that this is not likely and the evaluations, even the most optimistic evaluations, produced by the manufacturers of the electronic monitoring equipment, lend credence to the criticism.

One possible outcome of the implementation of electronic monitoring is net widening. Stanley Cohen describes this effect:

1. There is an increase in the total number of deviants getting into the system in the first place and many of these are new deviants who would not have been processed previously (wider nets).
2. There is an increase in the overall intensity of intervention, with old and new deviants being subject to levels of intervention (including traditional institutionalization) which they might not have previously received (denser nets).
3. New agencies and services are supplementing rather than replacing the original set of control mechanisms (different nets) (Cohen, 1985: 44)

Non-violent and low-risk offenders are the most likely candidates for electronic monitoring. These individuals were unlikely to be incarcerated and by being placed on a restrictive program the net is widened. If these individuals were not likely to be incarcerated in the first place, then placing such an offender on house arrest merely increases the cost of this persons sentence and increases the number of individuals under correctional supervision. Such offenders are likely not to commit any further serious

crime regardless of intervention, and this may inflate the measured “effectiveness” of a house arrest program (Walker, 1994: 214).

The true test of effectiveness for any alternative sentencing program is its ability to dissuade criminal activity. Preventing further criminal activity results in lower crime rates, and reduced prison populations.. If offenders on electronic monitors have the same re-arrest rate as those under standard probation or parole, then the added cost of the monitoring systems would be wasteful (Corbett and Marx, 1990: 49).

Electronic monitoring may be wasteful, but more evaluations are necessary before firm conclusions may be drawn. These evaluations would need to be done in a scientific manner to ensure experimental and control groups are equal (preferably through random assignment). Such evaluations may show that electronic monitoring is no more effective than normal parole or probation or they may show electronic monitoring is a cost effective alternative.

The Huber Act dates back to 1913 when the late Senator Henry A. Huber, a Dane County (Wisconsin) attorney, grew upset over the fact that lawbreakers spent their time smoking, chewing tobacco, and playing cards while respectable citizens toiled. The law, as then enacted by the legislature provided that prisoners could be used as farm laborers for not less than ten and not more than twelve hours per day while they were serving time... (Yoder, 1956: 82).

## WORK RELEASE

Work release is referred to by many different names: work furlough, day parole, Huber law prisoner, private prerelease work, extramural private employment, day work, day light parole, free work, or intermittent jailing. The basic concept for all of these programs is the same: the inmate is allowed to work outside the jail or prison, but is required to return to the jail or prison when not working. Work release is closely related to house arrest. It is an alternative sentence that seeks to achieve the goals listed for electronic monitoring: reduction in overcrowding, reduction in recidivism and defraying the costs of incarceration, but also seeks to address more specific goals by ensuring employment: 1) ease the transition from prison to community life; 2) place offenders in jobs they can retain following release; 3) give inmates a means of financial support; 4) help them support their families; 5) enable correctional officials to determine their readiness for parole; and 6) preserve family and community ties (Frank, 1973: 233). The process by which it attempts to achieve these goals is somewhat different. As shown in the above quote, work release was started as a quest for retribution. Later, as in house arrest, work release was used as a rehabilitative measure.

Work release attempts to rehabilitate by providing job training and opportunities to offenders to prevent recidivism. These work release programs were/are thought to



prepare inmates to return to society while providing a relatively controlled environment. Work release inmates are allowed to earn a wage, reimburse the correctional system for their incarceration, learn responsibility, and acquire more positive living habits (Turner and Petersilia, 1996: 139).

As of 1996, 43 states had statutes authorizing work release (Turner and Petersilia, 1996: 139). This number was actually down from 48 states in 1972. Work release has lost some popularity, perhaps as a result of electronic monitoring programs. Still, many of these statutes authorize work release under very specific conditions. For instance, Nebraska state statute requires work release for those individuals convicted of failure to pay child support:

42-358.03. Permanent child support payments; failure to pay; work release program. Any person found guilty of contempt of court for failure to pay permanent child support payments and imprisoned therefor shall be committed to a court-supervised work release program. Ninety percent of earnings realized from such program shall be applied to payment of delinquencies in support payments minus appropriate deductions for the cost of work release (Nebraska Revised Statutes, 1975: 975)

One third of United States prisons operate a work release program, but only 3% of all inmates participate (Turner and Petersilia, 1996: 139).

Work release has existed much longer than its electronic counterpart, but the effectiveness of the program has received minimal evaluation research. As with the majority of correctional programs, the work release program has not been tested thoroughly under rigorous scientific scrutiny. Before discussing the effectiveness of a few of the programs that do exist, their history and application will be examined.

## HISTORY OF WORK RELEASE

The first recognized application of work release occurred in Wisconsin. As described in the quotation above, State Senator Henry A. Huber was sickened by the lazy, slothful nature of the inmates confined in prisons. He proposed inmates be used for labor. The law was enacted in 1913 and was used only for misdemeanor offenders. The law required the permission of the sentencing judge for the offender to participate and supervision was conducted by the county sheriff.

This law set the stage for the majority of programs to follow. The stage, however, was not filled quickly. Wisconsin was the only state where work release was used in any significant manner until the late 1950's (Rudoff, 1975: 12). Other states, including Nebraska (in 1917), did legislate for work furlough programs before 1950, but these lacked aggressive implementation.

The period between 1957 and 1967 was a period of rapid growth in the area of work release programs. The federal government and at least 27 states passed legislation containing some work release provision (Grupp, 1970: 66). This massive increase in legislation is most likely due to the increase in community based correctional programs that gained popularity during this period. It was no longer acceptable in most jurisdictions to simply warehouse offenders, but some effort was expected to rehabilitate the criminals. Work release was viewed as an important tool to reintegrate the offenders. The truth during this period is while many jurisdictions passed laws setting up work release program guidelines, many of these same jurisdictions did little to implement large scale or even moderate programs. In a survey of county sheriff's, only 47% of respondents had any

experience with work release prisoners, and only 18% had work release prisoners in their jail at the time of the survey (Rudoff, 1975: 13). This limited use is a result of several factors. The first is limiting legislation; many jurisdictions created legislation that severely limited work release. Some legislation made work release available only to those people charged with criminal non-support of dependent children. Other legislation limited the program to specific types of offenses, lengths of sentences, and personal criteria (job status, dependent children, prior criminal record, etc.). The second is a lack of resources in small jurisdictions. Work release programs require management, administration, possibly separate facilities, and financial resources. These areas must be addressed to have a successful work release program.

## APPLICATION

Work release programs and electronic monitoring programs are very similar with regards to their application and the legal issues associated with that application. Electronic monitoring programs have greater flexibility than work release programs in most jurisdictions, but work release may be used in many of the same ways.

Work release can be used for weekend sentences. This does not reduce the amount of bookings during busy weekend hours, and has been viewed by some work release administrators as a very serious burden.

As mentioned earlier, work release often works in conjunction with an electronic monitoring/house arrest program. Work release is a more restrictive punishment since the offender is required to return to a facility that most often lacks the comforts and

convenience of an individual's home. Work release usually provides more supervision than house arrest since the offender is checked in and out of the work release facility by supervisors. In addition there are no "electronic" errors associated with a work release program.

Work release is used in both prisons and jails and for offenders charged with felonies and misdemeanors. Short sentences (as short as 2 days, for instance, in Sarpy County) and very lengthy sentences (as long as 365 days in Sarpy County) have been served on work release. Work release is not used with juveniles, but can be used to allow adult offenders to attend acceptable activities including school, church, Alcoholics Anonymous meetings, and physician appointments.

#### ADMINISTRATION AND IMPLEMENTATION

As with electronic monitoring, several concerns must be addressed before a work release program may be implemented: legal considerations, jurisdictional needs, identifying clients, funding, staffing, facilities, and evaluation.

The legal considerations are much more limited for a work release program than for an electronic monitoring system. As a result of the offender being sentenced to incarceration, work release is considered less restrictive or punitive (Rackmill, 1994: 46). The offender is not required to participate and must do so willingly. An offender who refuses to "work" simply spends his sentence as a normally confined individual. The program is considered a privilege and includes a valid and knowledgeable consent and waiver of rights. This usually means the offender gives up his/her right to privacy at

his/her place of employment. This allows the supervisors of the program to make random checks on the offender to insure compliance with the programs rules.

Program rules must be clear and well defined to ensure violations can be identified and sanctions enforced. The Sarpy County Work Release Program rules (see Attachment #3) are provided to each participant and the participant must agree to abide by and sign these rules. Violations of the rules can result in verbal warnings, written warnings, temporary removal from the program, or permanent removal and possible criminal charges being filed. These violations are once again acceptable because work release is considered a privilege.

To operate a successful work release program, after creating clear rules, the client population must be identified. The guidelines for acceptability for the Sarpy County House Arrest Program listed previously are the same for the Sarpy County Work Release Program. This does increase the chances that the program will be more successful at reintegrating the participants of these programs back into society than the “average” offender. These guidelines are also important for practical and political reasons. Michael Dukakis’s 1988 presidential campaign was damaged by a Massachusetts work furlough inmate, Willie Horton, who committed violent crimes while away from prison (Turner and Petersilia, 1996: 139). It would be unacceptable to allow offenders who would likely commit crimes if released to participate in such programs. Identifying individuals who will certainly not commit crimes on work release is impossible, but limiting the risk by examining previous criminal history and even behavior within correctional facilities (if applicable) may help determine the least dangerous offenders.

It is equally important to supervise those individuals who have been deemed “worthy” to participate. Participants must be checked at work either in person or by telephone. Staff must be available to physically check and return the individual back to jail or prison, if necessary. This can be done with the assistance of local law enforcement, but may be more efficient if the staff are certified law enforcement officials. These programs are often managed by the county sheriff’s department and the supervising staff can be deputy sheriffs. The importance of direct supervision can not be overly stressed. A program can quickly fail if the participants are allowed to work under the “honor” system and begin to avoid legitimate work pursuits in favor of less legal pursuits. Participants must believe that supervision is random and consistent, meaning the staff will conduct checks randomly, but not so randomly that the participant believes they are unlikely to occur.

Funding is another important consideration for a work release program. Many programs require the participants to pay for the privilege of work release. Payment may consist of a flat rate (Sarpy County charges \$5 per day) or a percentage of the participant’s income (sometimes as high as 95% in some jurisdictions when dealing with non-support cases). This may defray the cost of the program, but what must be considered is the number of clients. A consistent large flow of clients may well pay for the staffing, facilities, and administration, but interruption in this flow would likely shut down a program that has not considered alternate forms of funding. Most programs must be funded by the governing body (federal, state, or county government). Washington state,

for instance, spent approximately \$43 million in the 1991-1993 biennium on work release programs (Turner and Petersilia, 1996: 139).

Along with funding are concerns regarding the facility where the participants will stay when not working. There are two options for housing work release participants; each has advantages and disadvantages. The first option is to house the work release participants in the correctional facility itself, that is, the jail or prison. This is usually a cost effective option since the facility already exists, as do the intake and booking procedures and staffing. Jail or prison staff can assure participants leave and return on time, reducing the staffing strain on programs by eliminating the need for separate work release facility staff to monitor these activities. There are several disadvantages to this option. The work release participants exit and return to the facility each day and can (and often do) return to the secure facility with contraband including: narcotics, tobacco, alcohol, and weapons. The facility must combat this through strip searches and attempting to prevent the work release participants from having contact with "normal" inmates. This may be impossible given a small or crowded facility. Crowded facilities are another disadvantage of this option. The work release participants must be processed the same as the other inmates, but require more daily maintenance (strip searches, releasing for work, documenting times in and out, etc.). This strains an already crowded, busy facility.

The second option is to maintain a separate facility strictly for work release participants. This option eliminates many of the aforementioned concerns especially regarding contact between those individuals who enter and exit the facility daily and those confined continuously. This prevents the other inmates from pressuring work release

participants into bringing in contraband. This option also allows for very strict control over the program. The staff has only the participants to concern themselves with and can accurately log all events, including random drug and alcohol testing that may not be available at a multi-purpose correctional facility as described in the first option. The disadvantage of this option is fiduciary. A separate facility is costly. The facility must be maintained and staffed separately from an existing correctional facility that already exists. Most small jurisdictions do not have enough work release participants to warrant a separate work release facility.

The final important element when implementing a work release program is evaluation. Work release appears to be a good idea for a specific type of offender, but the added cost must be justified by more than appearances. The program should be evaluated as scientifically as possible. This means the program should begin with randomly assigned appropriate participants (Maxfield and Babbie, 1995: 321). This is the ideal situation, and it is unlikely a jurisdiction will be able to randomly assign its participants. En lieu of this luxury, an evaluation should be conducted using the most equivalent groups possible to determine if the program is successful at reintegrating offenders back into society and eliminate alternative explanations (Maxfield and Babbie, 1995: 321). It is also important to determine if the program achieves the other goals of an alternative sentence: reducing overcrowding and defraying the costs of incarceration. If the program accomplishes none of these goals, then the program should be changed or eliminated. Unfortunately, change or elimination of such wide spread programs as work release and house arrest rarely occurs, even when overwhelming evidence indicates a lack of success.



## EVALUATION OF WORK RELEASE PROGRAM EFFECTIVENESS

Work release programs are common throughout the United States. This occurs for two reasons. The first reason is a desire by the public to see a specific program be implemented. For political reasons, administrators view programs as rehabilitative or punishing, depending on the mood of the community. Administrators attempt to appeal to the desires of the populace in which their institutions reside (Flanagan, 1996: 8). Often, these decisions are not based on the effectiveness of the program but on the appearance of addressing a certain problem. The second reason for adopting a specific program is its proven effectiveness (Rudolph, 1975: 6). Work release has benefited for both reasons. Work release has not enjoyed a great deal of evaluation, but the evaluations done have typically been positive.

### EXAMPLES OF WORK RELEASE EVALUATIONS:

#### Massachusetts Prisons

A retrospective analysis was conducted in Massachusetts by LeClaire and Ghezzi (1991). The analysis looked at the recidivism rates of adult male offenders sentenced to prison. Those offenders who participated in community prerelease programs (a work release program where the participant returns to prison when not working) were less likely to commit crime within one year of being released than those prisoners who did not participate. This study accounted for several factor including age, criminal record, and severity of charges. The study, however, was not conducted as a random experiment.

Participants were chosen, not randomly assigned, and the limited one year measurement period makes the results somewhat questionable.

#### North Carolina Prisons

A true experiment was conducted in North Carolina by Witte (1977). This experiment randomly assigned approximately 300 offenders to a work release program and 300 offenders to a control group. The members of the control group did not participate in a work release program, but were allowed to take advantage of any other programs available in the prison. Witte examined the criminal records of the 600 experimental subjects for an average of three years after their release. She discovered there was no significant difference in recidivism between the two groups. Work release participants were arrested for less serious crimes. Work release participants were also more likely to be employed and made higher wages. Witte also reported a significant savings to the state of North Carolina as a result of the work release program.

#### Washington Prisons

One of the most well-designed studies on a work release program was conducted by Turner and Petersilia (1996) on the Washington State work release program. This study consisted of two separate components. The first component was a measure of the success of work release participants at completing the program and the cost effectiveness of the program. The second component was a randomized experiment conducted in Seattle. The Washington State Department of Corrections contracts its work release

program to private firms. These private contractors provide staffing, meals, shelter, inmate sign-in and sign-out procedures, urinalysis, and job checks. The State of Washington has certain guidelines for its work release participants:

- they have a minimum security status,
- they have less than 2 years to serve on the minimum term including anticipated good-time credits,
- they were not convicted of rape in the first degree or they are beyond the first 3 years of confinement, and
- they were not convicted of murder in the first degree or they have written approval of the Secretary of Corrections.

Other criteria for participation included no assaults while confined, and no threatening contact with the victim. The participant also cannot have had failures on work release. Participants were charged \$10 per day; costs to the state were approximately \$34 per day, per contracted bed (occupied or not). The first component of the study concluded an approximately \$4,000 savings for inmates participating in the work release program. This figure did not, however, include the considerable differences in criminal backgrounds between participants and non-participants (Turner and Petersillia, 1996: 150).

The second component of the study did take into account the differences in criminal background. The randomized study began by identifying eligible participants among all offenders. The eligible were then randomly assigned to either work release or a control group. The study was unable to generate enough participants through the original design and was required to draw from a “matched comparison group.” The final study consisted of 218 offenders.

The results of the study are not encouraging for work release proponents. Work release participants were nearly twice as likely to have prison rule violations as their control counterparts (Turner and Petersillia, 1996: 157). The majority of these rule violations were a result of the more stringent rules imposed by the work release program. There was less than a 10% difference (not statistically significant) between the arrest rates of program participants and their counterparts (Turner and Petersillia, 1996: 157). Four percent of both groups were returned to prison within 1 year of their release for a new crime. Including new crimes and rule violations, 29.5% of work release participants and 5.7% of non-work release participants were returned to prison within a one-year follow-up (Turner and Petersillia, 1996: 157). The study concluded that work release participants actually spent longer under supervision. This fact resulted in no cost savings from the work release program. Though the bed space for work release participants was less expensive while on the program, so many violated and were returned for longer sentences that the cost savings was eliminated. Overall, the randomized experiment showed very little positive benefits from work release above those of standard incarceration. The authors argue that the program did prepare inmates for their return to the community and presented a very limited risk to public safety. They are so bold as to say, "One could reasonably conclude from these results that work release in Washington is a program 'that works'" (Turner and Petersillia, 1996: 161). This is an optimistic statement given the lack of reduction in recidivism, the lack of cost savings, and the fact that 5% of work release participants committed crimes while on work release.

## WORK RELEASE: A RECAP

Work release is a sentencing alternative similar to, but clearly different from electronic monitoring/house arrest. The criterion used to judge the effectiveness is reducing overcrowding, reducing recidivism, rehabilitate, and accomplish these tasks using less resources. The work release studies reviewed do not show work release accomplishing these tasks well. The studies reviewed above do not show a significant reduction in recidivism or cost.

The programs can not address such issues as family strength, employment opportunities, or job skills. These are identified as key to the reduction of recidivism (Braithwaite, 1989). Work release is merely an alternative incarceration that actually results in more potential for rule violations while increasing the danger to public safety.

The question that results from the study of electronic monitoring and work release is which alternative sentence is more effective. Which program electronic monitoring/house arrest or work release is more efficient at reducing recidivism, overcrowding, while saving the most money.

## ONE COUNTY'S EXPERIMENT IN ALTERNATIVE SENTENCING

### SARPY COUNTY, NEBRASKA

Sarpy County, Nebraska is an unusual county. It has the smallest land area (only 241 square miles), but has the largest sheriff's office in the state. The county is the fastest growing, moving from the fifty-ninth most populated county in a relatively unpopulated state to the third most populated county in less than fifty years.

A substantial number of residents migrating to Sarpy County work in Omaha and commute. The attraction of Sarpy county is a small town community with access to the metro area's resources (schools, shopping, employment opportunities, etc.). Sarpy County has a substantially lower crime rate per capita than Omaha. These reasons explain the rapid growth of the county.

Table 4. 1940-1990 Population Changes and Percent Increase for Sarpy County, NE.

1940	1950	1960	1970	1980	1990	1994
10,835	15,693	31,281	66,200	86,015	102,583	110,480
0	+44.8%	+99.3%	+111.6%	+29.9%	+19.3%	+7.7%

Source: Bureau of Census; MAPA 1900-1990 Population Change. Data Sheet.

Population in 1994 was over 110,000, and the percent of increase between 1980 and 1990 was 19.3% (U.S. Bureau of Census, 1994). As a "bedroom" community of Omaha, the population in Sarpy County has a variety of statistical differences from other counties. The most apparent difference is the percentage of the labor force that does not work within the county; more than 60% of Sarpy County's labor force commutes into the Omaha area to work (U.S. Bureau of Census, 1994). This presents a concern for the house arrest/work release staff when conducting spot checks of participants. The staff must travel a great deal to conduct the required checks each day.

A closer look into Sarpy County's important statistical information shows other trends. The median household income was \$35,575 and the per capita income is a very high \$13,284 (U.S. Bureau of Census, 1994). This confirms the hypothesis that the populace in Sarpy County is to a degree the financially secure who have moved out of the "big" city to live in the suburbs. Only 986 families in the county lived below the poverty line in 1994, this is only 3.5% of the total number of families. This is the lowest percentage in the state (U.S. Bureau of Census, 1994),

Sarpy County is a homogenous community with very few minorities. Sarpy County's population, by race, follows:

Table 5. Population, by Race, in Sarpy County, Nebraska, 1994.

Race	Total Number	% of Total
White	93,712	87.4
Black	5,336	5.1
American Indian	399	0.4
Asian or Pacific Islander	1,970	1.8
Hispanic	3,383	3.3

Source: U.S. Bureau of Census, 1994

Sarpy County's low crime rate results in the majority of criminal cases being quite minor. The low number of criminal cases and the very low number of truly "serious" offenses means that the criminal justice system can devote a substantial amount of its resources to cases that may be passed over in other more "crime ridden" counties. This is summed up by a Sarpy County deputy attorney:

We have the time to do things right here. Criminals get charged with their tenth offense shoplifting (a felony) in Omaha and they only get 5 days in jail because the system is so backlogged. They can't take the time to put together a good case and the jails are so full they can't keep them if they get conviction. We have the time to build strong cases and the room to

make the sentence appropriate. The same defendant got 4-5 years in the state pen here (Personal Interview, November 11, 1994).

The following is a break down of the arrests in Sarpy County for 1994:

Table 6. Number of Arrests Per Offense in Sarpy County, Nebraska, 1994.

OFFENSE	NUMBER OF ARRESTS	PERCENT OF TOTAL
Murder	0	0.00%
Forcible Rape	2	0.04%
Robbery	18	0.40%
Felony Assault	32	0.74%
Burglary	74	1.72%
Larceny	722	16.79%
Motor Vehicle Theft	18	0.41%
Misdemeanor Assault	426	9.91%
Arson	9	0.20%
Forgery	21	0.49%
Fraud	127	2.95%
Embezzlement	1	0.02%
Receiving Stolen Property	62	1.44%
Vandalism	192	4.47%
Weapons Violations	54	1.26%
Prostitution	0	0.00%
Sex Offenses	27	0.63%
Narcotics Possession/Sale	298	6.93%
Gambling	0	0.00%
Crimes against Family	132	3.07%
Driving While Intoxicated	735	17.10%
Liquor Laws	350	8.14%
Disturbing the Peace	198	4.61%
All Other	801	18.63%

Source: Nebraska Uniform Crime Report, 1994.

The vast majority of offenses are misdemeanors, and therefore the Sarpy County Work Release/House Arrest program is populated by mostly misdemeanants. The above list and comments also show that offenders are often sentenced to longer terms and more harsh punishments in Sarpy County than may be expected in other localities.



## SARPY COUNTY WORK RELEASE AND HOUSE ARREST PROGRAMS:

### THE HISTORY

In 1989, Sarpy County opened a new jail facility. The former facility housed only 50 inmates, but the new modern facility houses more than 150 inmates. This new facility opened many doors previously unavailable as a result of the limited bed and administration space in the previous jail. Two of the new doors were the Sarpy County Work Release Program and the Sarpy County House Arrest Program.

The programs began in 1989 with a single deputy and very few participants. These new programs had no standard operating procedures, but they clearly had potential. In the first year of operation the programs received 172 combined requests for house arrest and work release and had over a hundred combined participants. The following is a list of applications received and participants accepted into the programs:

Table 7. Fiscal Year 1989-1996, Number of Requests and Participants for work release and house arrest in Sarpy County (Fiscal years begin July 1st and end June 30th).

Fiscal Year	Number of Requests Received	Number of House Arrest Clients	Number of Work Release Clients
1989 through 1990	172	51	54
1990 through 1991	225	56	59
1991 through 1992	240	50	45
1992 through 1993	263	108	39
1993 through 1994	267	74	74
1994 through 1995	247	36	98
1995 through 1996	201	29	88
1996 through 1997	167	31	85

Table 7 shows several distinct trends.. Applications steadily increased from 1989 to 1993, but then declined to approximately the original level. Apparently, this resulted from two factors. The first factor was the lack of other house arrest and work release programs in

the general area. Sarpy County contracted with other local and federal jurisdictions to monitor house arrest and work release clients. This was very lucrative for Sarpy County since work release clients from other jurisdictions paid approximately \$70 a day in fees. In 1993 the Federal Government opened its own work release center in the area and removed a large number of clients from the potential number of applicants. During this same period many local agencies developed their own house arrest programs. These programs were created with the help and encouragement of Sarpy County. The second factor reducing the number of clients placed on the house arrest program, specifically during the study period (1995 to 1996), was a change in electronic monitoring systems. This change will be described at length below, but the change also resulted in a philosophical shift among the deputies operating the programs. The new administrators of the programs decided to limit the number of house arrest clients, viewing work release as a more effective controlling program. This view has continued for the past four years and has passed from deputy to deputy as new program administrators came and went.

The work release and house arrest programs are run from a single office, and the programs are currently run by two deputies with the assistance of a secretary. The deputies are rotated in and out of the program approximately every two years. There is a great deal of overlap between the programs. The applications to enter the programs are the same and go through the same channels. Checks are conducted in a similar manner for both programs and with equal frequency. It is common for participants to begin in the work release program and then "graduate" to house arrest. House arrest is viewed as a

reward for good behavior, since work release is more limiting, requiring a return to the jail facility.

#### WORK RELEASE: IMPLEMENTATION

The work release program is run out of the jail itself. No separate facility was available or necessary. The jail facility consists of nine separate housing modules. One module is designated exclusively for work release individuals. This module consists of seven metal bunk beds, a day room with three tables, and a bathroom facility with two showers. Mattresses can also be placed on the floor for a maximum capacity of approximately 20 individuals.

Work release participants may enter the program through two paths. The first is the direct court commitment. This occurs when a judge sentences an offender to a period of incarceration in the Sarpy county jail with work release. This court order is often part of a probationary period. This combines incarceration and with probation for a “split sentence” (Bartollas and Conrad, 1992: 233). These direct commitments to work release are usually written with a provision that the offender must be approved by the work release program also. This prevents potentially dangerous offenders from being placed in the program without sufficient review. Often county court judges do not have a presentence investigation describing the offender’s criminal history prior to passing sentence. The work release deputies review these reports before making final approval. The second path for offenders to enter the work release program is by application (see Attachment #4). An offender who is sentenced to the Sarpy County Jail for a sentence of

thirty days or more may complete an application. The work release deputies receive these applications and review the offender's criminal history, contact the offender's employer if available, review any internal jail disciplinary violations, review medical information, and interview the applicant. A written recommendation is then completed by the deputy suggesting that the application be approved or denied. A Summary Checklist (Attachment #5) and an Application Checklist (Attachment #6) are also completed. The recommendation and paper work are all placed together in a file and the file is distributed to the Court Services Supervisor (Sergeant), The Jail Administrator (Captain), the Sheriff, and the sentencing judge. The sentencing judge has ultimate authority on the approval or denial, but each subsequent reviewer makes his/her own recommendation. The judge usually follows the recommendation of the Sheriff's Office personnel. Offenders who are granted work release are removed from the general population and placed in the work release module. They are given a set of rules to read and sign and are verbally advised of specific requirements. The court order that grants work release (Attachment #7) describes work release/house arrest as a privilege. This allows deputies to exercise a great deal of authority over the participants and allows for their removal at any time.

Work release participants are allowed to enter schedules (Attachment #8) at the beginning of the week (Sunday). They are allowed to work six days a week for up to twelve hours per day. Participants are not allowed to work holidays. During certain periods (manpower shortages) participants are allowed to work only Monday through Friday. This arrangement ensures that even during periods when there is only a single deputy available for an extended period inmates may be spot checked at any time they are

away from the facility. These spot checks are very important, and exist as the backbone of both programs.

Work release inmates leave the facility at the scheduled time. They are brought down from the second floor by housing deputies and remove their orange inmate jumpsuits and dress in street clothing. The inmates return to the facility at or before the scheduled time. The inmates sign in and are then thoroughly strip searched by deputies before returning to their housing module. This guarantees that contraband is not brought into the facility by these inmates. This is a serious concern with inmates who go into the “outside” world and then return to a secure environment. The Sarpy County Jail obviously does not allow any narcotics or alcohol, but it also prohibits tobacco products. These items have been requested of work release inmates by non-work release inmates. Strip searches attempt to prevent such problems, but occasionally work release inmates do bring contraband into the facility. This behavior is strictly prohibited and always results in a violation.

Work release participants are required to agree to and abide by a list of rules and conditions (see Attachment #3). Some of the more important rules include:

1. The inmate must have reliable transportation to and from work.
2. The inmate must have prior permission from the work release office to be at any location other than work (lunch, change of job sites, etc.)
3. The inmate may not violate any laws.
4. The inmate may not consume any alcohol, use any narcotics, or be in any establishment that serves alcohol.
5. Inmates agree to pay \$5 per day while on the program and \$24 for each random urine sample taken.

6. The inmate must contact the work release office by phone anytime he/she arrives or leaves a location. This allows deputies to conduct spot checks.
7. The inmate agrees to allow deputies to conduct checks while he/she is away from the jail and to allow deputies to search the inmate and his physical surroundings.

Depending on the seriousness of the rule violation, participants may receive verbal or written warnings, they may be temporarily or permanently removed from the program, or criminal charges may be brought against them.

The most common violation is absconding. This occurs when the inmate is not in the location he/she is required to be at the proper time. Deputies conduct spot checks very frequently. Some alternative sentencing programs claim intensive check rates of ten per month (Petersilia, 1987: 32). During the period between 1995 and 1997, the duration of this study, spot checks occurred no fewer than four times per week per participant. Checks were often conducted more than once a day to prevent participants from assuming daily checks had been completed. Logs of all checks were maintained. This number of checks was possible due to the limited number of participants at any given time. The average number of participants on the program on a single day during the research period was nine. Daily counts usually ranged from 3 to 15 participants. The two deputies monitoring the program were able to vary their hours enough to ensure checks were completed on all participants, even those who worked evening and overnight hours.

Further efforts to ensure compliance with the rules include urine tests and breath tests. The urine tests are administered at the beginning of the program to achieve base levels (this is done as a result of cannabis (marijuana) staying in the system for as long as

45 days). Urine tests are then conducted at random periods, usually monthly. Breath tests for alcohol use are often conducted randomly with both a portable hand held Breathalyzer and a larger Intoxilyzer 5000 at the jail. This is often done when intake deputies are suspicious when the inmate returns to the jail. The intake deputy at the jail actually functions as a further monitor. This deputy also has contact with the participant and can determine possible alcohol or narcotic usage.

As employment is the key to a work release program, verification of employment is vital to the success of the program. The majority of work release participants have employment before entering the program. Having employment at the time of sentencing greatly increases the chances of an offender being placed on the program. Pay check stubs are returned to the work release deputies each week and employers are always contacted before participants begin the program.

## GOALS OF THE SARPY COUNTY WORK RELEASE PROGRAM

The goals of the Sarpy County Work Release Program are described in the work release policies and procedures:

- I. Protect society with a minimum of financial burden. Participants are required to pay to participate and are also responsible for all medical and dental expenses.
- II. Provide alternative sentencing to assist the judiciary in the administration of justice. Allow sentences that permit offenders to maintain ties with the community. This will improve chances of reintegration after release.
- III. To assist offenders in accepting his/her responsibilities to his/her family and the community by allowing him/her to continue employment and/or attend counseling, school, treatment, etc.

These goals are quite similar to the goals of alternative sentences listed previously without the provision of a reduction in overcrowding. Because the work release program works out of the jail facility it clearly could not reduce the jail population.

## HOUSE ARREST: HISTORY

The Sarpy County House Arrest/Electronic Surveillance Program began in Sarpy County at the same time as the Work Release Program. The program is based on the utilization of a “continuous signaling” system as described previously. The original equipment used was developed by BI Incorporated. This system actually incorporated aspects of both continuous signaling and programmed contact systems. Offenders were required to wear a transmitter on the ankle. This transmitter continuously signaled a home monitor attached to a phone line. This home monitor contacted a central computer in the house arrest office. Violations occurred when offenders were not within range of the home monitor when scheduled to be at home. The BI system also made random phone calls to the residence and required the offender to verify his/her identity by saying the names of states. This was matched to a prerecording of the offender’s voice. This prevented the offender from removing the ankle transmitter and absconding.

The BI system was one of the first electronic monitoring systems developed for broad use. The system was effective, but there are flaws common to all such systems. The first major concern was the fluctuation in vocal patterns. Participants often made initial recordings and when later recordings were matched (often made at very early hours) there was enough variation to result in a violation report. These reports were reviewed



each morning. There was no way for the deputies to verify violations. This resulted in deputies ignoring voice recognition printouts in lieu of leave violations (reports of transmitters out of range). The problem with all continuous monitoring systems is false violations often occur. Violations must be checked immediately when they happen, by phone or in person. The BI system had no means to alert deputies away from the central computer and there was not enough staff to monitor the system 24 hours a day. As a result, there were very few participants who violated as a result of the computer's reports. This system began to deteriorate after six years. Supplies became limited, repair times of home monitor units became lengthy, and home monitors often failed to work properly or at all.

In 1995 Sarpy County took bids from manufacturers to replace its electronic monitoring system. Sarpy County chose to lease the Suretrac Platinum Series system from Strategic Technologies Inc. . The Suretrac system is a continuous signaling system with tamper resistant ankle transmitters. The transmitters can not be removed without alerting the home monitor. The transmitters must also remain in contact with the offender's skin or a violation will result. The central monitoring computer has the ability to page the monitoring officer who can then verify the violation in person or by telephone. The Suretrac system is still prone to false violations, but the paging system allows deputies to verify the veracity of these violations immediately. This was an improvement over the older BI system.

Initial implementation of the Suretrac system was problematic. Computer problems, both hardware and software, limited the use of the system and generated

considerable frustration. This limited the use of the system to direct court commitments. In the past work release/house arrest applications were reviewed and the applicant was placed on one program or the other depending on the application. The new philosophy placed all acceptable applicants on work release unless directed by a court commitment. House arrest was used sparingly to reduce problems and frustrations with the new system. It took nearly a year to work out all of the problems with the system, and the result was a permanent change in the Sarpy County House Arrest Program. Work release became the primary program with house arrest used for those offenders directed to house arrest by the court or those applicants deemed to be exceptionally low risk.

An important additional note is the use of the electronic monitoring system by the CARE program. The CARE program is a youth offender program also operated by the Sarpy County Sheriff's Department. This program utilized the older BI system and then switched to the Suretrac system with the adult house arrest program. The CARE program is non-profit and exists independent of the adult arrest program, but it uses the same central monitoring computer. The CARE program actually monitors more clients with the system than the adult program by a very large margin (more than three to one). The electronic monitoring system is a key portion of a multi-step program of lowering levels of supervision for youths at risk. Sarpy County would likely have an electronic monitoring system for this program alone.

## HOUSE ARREST: IMPLEMENTATION

Offenders enter the House Arrest Program through three paths. The first two paths are the same for house arrest as for work release: direct court commitment and application. As with work release, direct court commitments to house arrest often accompany lengthy periods of probation. It is common to see first time felons (especially youthful offenders) receive 90 days in jail, 90 days on house arrest, and 3 years of probation. Applications for house arrest from incarcerated offenders are rarely approved. Instead, these applicants are often advised that the road to house arrest stops at work release first. This is the third path to house arrest. Work release participants who prove trustworthy are often given house arrest as a reward for good behavior. This is most common with lengthy sentences (90 days or more). This philosophy has been articulated by the current Sarpy County Sheriff, Pat Thomas. He prefers offenders serve a third of their sentence in jail, a third on work release, and a third on house arrest. This allows a reward system for good behavior and slowly reintegrates the offender into society. This ideal sentence rarely occurs, but exists as a positive model for further study. The current study specifically compares offenders who were assigned exclusively to house arrest or work release.

After an offender has been granted house arrest, s/he is taken to his/her residence. This is usually done by the house arrest/work release deputies, if the offender has been incarcerated in the Sarpy County Jail, or by the client's family, if the offender has been directed to house arrest from court without jail time. The client is required to pay \$25 for the initial installation of the monitoring equipment. This installation consists of the

placement of the home monitoring unit, the attachment of the ankle transmitter, and the connection of the home monitor and the central computer system.

The monitoring unit (the Platinum Receiving Unit/PRU by Strategic Technologies) is placed in the home, preferably close to the offender's bedroom. This helps prevent false violations that can occur as the client sleeps. The monitor is plugged into a standard wall outlet and a phone jack. The monitor then displays information regarding radio frequency interference. Excessive radio frequency interference can lead to false violations. If the monitor displays too much interference it must be moved to a different location. The monitor can function without power for several hours, and it can function without a phone line by storing any violations in its memory. Before the home installation is begun, the offender's information is entered into the central computer. This allows the home monitor to download information regarding curfews.

The ankle transmitter is then sized and fitted to the offender. The transmitter is reset using an electronic code key. The key is placed against the side of the transmitter, and it sends a signal to the transmitter to reset the tamper violation that has resulted from removing it when last used. The monitor is then checked to verify the signal of the transmitter. A single monitor can only recognize a single preprogrammed transmitter number. This prevents a monitor from picking up nearby or passing transmitters and creating violations.

Once the monitor receives a signal from the transmitter, without a tamper violation, it will contact the central computer using the phone line. The monitor will then display the word "successful" when contact has been established. The offender's curfew

may be changed at any time. The home monitor contacts the central computer on a random preset basis (from every hour to a few times a day). The home monitor updates any new information at each contact.

Offenders are required to read and review the house arrest rules and regulations during the installation process. The offenders sign the form agreeing to abide by these rules (see Attachment #9). The rules are similar to work release, including agreements to allow deputies to make spot checks at home and at work (or other acceptable activities), agreements to abstain from alcohol and narcotics, agreements to pay \$9 per day on the program, and agreements to contact the house arrest office when changing locations (arriving or returning from work, etc.).

Offenders are required to meet with the house arrest deputy at the Sarpy County Jail every Sunday at 12:30 p.m.. This allows offenders to enter weekly schedules (using the same forms as work release), pay for a week's fees (\$63), and take random drug tests. This also allows deputies to make adjustments on the ankle transmitters if necessary.

Visual and phone checks are conducted similar to the spot checks for the work release program. According to Sarpy County Standard Operating Procedures, unscheduled visual checks are to be conducted no fewer than three times per week. During the study period no fewer than four weekly visual checks were conducted and random phone checks were also completed. Visual checks usually occurred while participants were at work or other court ordered activities (these included: Alcoholics Anonymous meetings, religious services, counseling, college courses, medical appointments, and probation meetings). An additional function of the Suretrac monitoring

system is the field tracking unit. The field tracking unit allows the deputies to locate nearby (150-500 feet approximately, depending upon conditions) transmitter units. This allows deputies to simply drive near the location where the participant was scheduled to be and verify he or she was within a short distance. This allows deputies to conduct very quick location checks in addition to actual visual checks. In addition, daily client loads during the study period were quite low, ranging from two to eight participants. This allowed a great number of spot checks to be conducted every day. Just as with work release, all checks are documented in a log. Similar numbers of checks were conducted for both programs during the study period.

As with work release, urine and breath tests are required of house arrest participants. These tests are often conducted in the participant's home and at random intervals to insure rule compliance. Breath tests using portable Breathalyzers are also used to check for alcohol use. These checks are commonly conducted in the evening and on weekends when alcohol use is most prevalent.

## GOALS OF THE SARPY COUNTY HOUSE ARREST

The goals of the Sarpy County House Arrest Program are described in the house arrest policies and procedures:

- I. To protect society with a minimum of financial burden. House Arrest clients are required to pay for the use of the electronic surveillance equipment and are responsible for their own upkeep (medical, dental, lodging, etc.).
- II. To assist the Judiciary and Sheriff's Office in the administration of jail depopulation.

III. To assist the Judiciary with the administration of justice (providing options for the imposition of sentence).

IV. To assist the offender in accepting his/her responsibilities to his/her family and the community by allowing him/her to continue employment and/or attend counseling, school, treatment, etc.

Just as the original proponents of intermediate sanctions promised, the goals listed above include lower costs than jail or prison, reductions in jail overcrowding, and reductions in recidivism (Tonry, 1997: xii). The above goals do not specifically include reductions in recidivism, but the claims of assisting the offender in accepting his/her responsibilities can only be substantiated empirically by the acceptance of the rules set forth by society and the cessation of criminal activity.

## METHODOLOGY

This three-phase study focuses on the Sarpy County Sheriff's Department House Arrest and Work Release Programs. Each of the three phases of the study, which are described below, is a retrospective examination of data collected from June, 1995 to December, 1997.

### PHASE I: AN ANALYSIS OF COST EFFECTIVENESS

The first study is an analysis of the cost to operate the work release program and the house arrest program in Sarpy County. The programs are run by one office, but have separate costs based on housing, equipment, supervision, and administration. The study attempts to determine which program was the least expensive to administer over the study period, taking into account a variety of factors including participant fees, equipment leasing, deputy and staff salaries, and supplies.

### PHASE 2: A QUANTITATIVE RETROSPECTIVE ANALYSIS OF THE IMPACT OF HOUSE ARREST AND WORK RELEASE ON PROGRAM COMPLETION AND RECIDIVISM.

This study gathered information on the house arrest and work release participants during the study period. This information included: gender, race, age, level of education, criminal history, and charge for which the individual was sentenced. Information was gathered on 235 participants. The information was compared between the participants of the two programs using univariate frequencies to determine if the groups were equivalent. Information was then gathered regarding new arrests during the program or after being



released from the program. This information was also compared to similar studies conducted by Susan Turner and Joan Petersilia noted earlier. This information was acquired from Nebraska Criminal History Records and Sarpy County booking records, and was gathered to determine which program (if either) was more effective at reducing recidivism. This analysis was conducted using logistic regression. Recidivism was considered any arrest (misdemeanor or felony, not including minor traffic infractions) during a test period of 18 months. Further multi-variate comparisons were made to determine the effectiveness of work release and house arrest depending on specific background characteristics.

After review of similar program evaluations, it was apparent that a small difference between the groups' recidivism rates (10%-20%) would be likely, if any existed. This makes the power of the study very important. The original sample period was expanded to increase the number of participants to over 200. This larger sample increased the likelihood of detecting a small statistical difference (Lipsey, 1990).

### PHASE 3: A QUALITATIVE INTERVIEW STUDY OF FORMER PARTICIPANTS IN WORK RELEASE AND HOUSE ARREST.

This study consists of a number of interviews conducted with former participants (both successful and unsuccessful) in work release and house arrest. The goal of these interviews was to determine the psychological effects of these various forms of punishment. Was the punishment really punitive (did it fulfill the goal of retribution)? What effects did the program have on the offender's family? Did the program help the

offender to rehabilitate? The interviews also sought to answer questions regarding criminal activity and rule violations that were not detected by the supervisory staff.

## SAMPLE CHARACTERISTICS

The sample was drawn from Sarpy County Work Release and House Arrest participants from June 1995 to December 1997. Only those participants sentenced in Sarpy County were included in the sample; this eliminated approximately 100 federal, other county and pretrial participants. The fees paid by the non-Sarpy participants are included in the cost-effectiveness analysis. Information was obtained from the Sarpy county booking records and records kept by the work release/house arrest program.

Table 8 shows the characteristics of work release participants are not significantly different than the characteristics of their house arrest counterparts, except in two areas (i.e., duration on program and current charge). It is important to note that the duration of program variable loses its statistical significance when four clients with unusually long sentences are removed from the sample. This confirms the similarity between the participants in these programs and provides a stronger platform from which to make statistical analysis. This means observed differences in recidivism and program success could be attributed to the program.

Table 8. Characteristics of Work Release Versus House Arrest Participants.

Characteristics	Work Release (n=134)	House Arrest (n=96)
Average Age	30.00	29.00
Male (in percentage)	94.0	87.5
Race (in percentages)		
White	86.6	86.5
Black	11.2	7.3
Hispanic	1.5	4.2
Other	0.7	2.1
Education (in percentages)		
High School	15.7	26.0
High School Graduate	76.1	66.7
Post High School Grad.	8.2	7.3

Table 8. (Continued)

Characteristics	Work Release (n = 134)	House Arrest (n = 96)
Occupation(in percentages)		
Clerical/sales	6.7	11.5
Service	15.7	17.7
Skilled Labor	9.0	10.4
Semi Skilled	38.8	27.1
Unskilled	28.4	31.3
Student	1.5	2.1
Marital Status (in percentages)		
Single	60.4	62.5
Married	23.9	20.8
Divorced/Seperated	15.7	16.7
Employed at beginning of program (in percentages)		
Yes	82.1	72.9
No	17.9	27.1
Most Serious Current Offense (in percentages)		
Traffic Offense	64.2	49.0
Drug Possession/Sale	3.7	5.2
Property Offense/Theft	10.4	20.8
Non-support/Child	3.0	3.1
Court Offense <sup>a</sup>	4.5	4.2
Assault	8.2	12.5
Violation of Probation	6.0	5.2
# of Prior Arrests (mean)	5.0	4.0
# of Felony Arrests (mean)	1.0	1.0
# Days on Program (mean)	39.0	57.0

<sup>a</sup> Indicates offenses including Failure to Appear in Court and Failure to Obey a Court Order

The sample compares favorably in two areas. The comparison between Table 8 and Table 5 shows that the racial makeup of the sample is not significantly different from the racial makeup of the community from which it was drawn. This suggests that future participants in the program will also have a similar racial composition. Future participants

will likely have similar success and failure based on the above characteristics and the models that will be presented.

The second important comparison is with similar programs in other jurisdictions. A series of studies conducted by Turner and Petersilia and reviewed in their 1990 publication *Intensive Supervision for High-Risk Probationers* is similar in its use of electronic surveillance for some of its intensive supervision probation programs. The majority of the participants in the Sarpy county sample were on probation during the work release and house arrest programs. Table 9 shows the characteristics of participants in three California intensive supervision programs. There are no significant differences between the characteristics listed for the participants of these programs and the Sarpy county sample. This comparison suggests that other programs deal with similar types of participants in such areas as gender, age, and number of previous arrests.

Table 9: Characteristics of Participants California Offenders.

Characteristics	Contra Costa	Ventura	Los Angeles	Sarpy County
Male (percent)	81	85	87	90
Average Age	28	30	29	30
# Prior Arrests	6	7	7	5

Source: Adapted From: Petersilia, S. and S. Turner (1990) *Intensive Supervision for High-Risk Probationers*. Santa Monica, CA: The Rand Corporation: 51.

The California sample did have more high risk offenders, those charged with more serious crimes, but they also had a significantly higher levels of failures on the program. The California samples had technical violations from between 41 and 73 percent of its participants, the Sarpy sample had a technical violation rate (program failure rate) of only 20 percent for work release and 10 percent for house arrest. This can be attributed to the more high risk offenders on the California programs (more serious charges, longer

program duration, and more drug dependency). The more important question of recidivism is nearly equal at a year follow-up period for the three probation programs and the two Sarpy county programs at about one third (Petersilia and Turner, 1990: ix). The Sarpy county sample was followed for 18 months per offender and resulted in slightly higher recidivism over the longer period.

It is likely that the findings of this study will be similar to results of other programs of a similar nature; including intensive supervision programs using electronic monitoring and work release programs. It is also important that the participants of the programs being compared have similar criminal histories.

One important characteristic missing from the Sarpy sample is drug/alcohol dependency. This characteristic might surely be beneficial in predicting the success or failure of a participant, but the information was not available. All possible information regarding the participants of this study was gathered to assist in the program evaluation. The goal of gathering this information was to create a model that could be used to predict the success or failure of potential participants. "Success" is defined as completing the program without being removed for a rule violation and without recidivating. Further, this information could be used by the Sarpy County Work Release/House Arrest staff to determine if an applicant is likely to succeed and possibly which program may be better suited to the applicant.

## FINDINGS

### PHASE I: COST EFFECTIVENESS OF WORK RELEASE VERSUS HOUSE ARREST.

One of the goals of an alternative sentence is to reduce the cost of punishing criminals over conventional incarceration. Both Sarpy County programs seek to reduce the cost of punishment by requiring the participants to pay daily fees for the privilege of participating (Work Release Program participants pay \$5 per day and House Arrest Program participants pay \$9 per day). The House Arrest Program takes cost savings a step further by eliminating the cost of housing subjects. This benefit appears to be a substantial one for the house arrest program, especially given the fact that the Sarpy County Jail commonly charges outside agencies more than \$60 per day to house inmates. It is important, however, to understand that the Sarpy County Jail already has more than enough room to house the work release inmates and has never experienced overcrowding. The work release inmates also do not prevent the facility from holding contract inmates for which the county receives more than \$60 a day. The elimination of the work release inmates would have no effect on the staffing of the jail itself, and the majority of work release participants do not eat at the jail facility. For the purposes of this cost effectiveness analysis, the housing of the work release participants will not be included. A more in-depth study would be required to determine the specific amount of resources spent for lodging (food, hygiene products, etc.) and jail staff dealing exclusively with work release inmates. It would arguably be quite low.

An important consideration discussed by Michael Tonry in *Intermediate Sanctions in Sentencing Guidelines* (1997) when dealing with cost effectiveness of intermediate sanctions, such as work release and house arrest, is whether the program is a front-end or a back-end program. The front-end program is characterized by the judge determining who enters the program. This often results in the net widening previously described, since the intermediate sanctions are commonly used when incarceration would often not be considered. Evaluations of these front-end programs have often shown that they cost more than traditional confinement (Tonry, 1997: xii). The back-end program is characterized by the facility staff...prison or jail... controlling the entry into the program. The participants are already sentenced to incarceration and the program then has a chance to divert these individuals away from costly incarceration.

The Sarpy County Programs can be described as predominately back-end programs. There are instances where offenders are directly sentenced to either work release or house arrest, but the majority of these sentences are conditional on the approval of the work release/house arrest staff. The remaining participants are suggested for approval or denial by the staff as previously described. This means the applicants are already serving a sentence in the Sarpy county jail, and placing them on one or another program would not result in net widening.

Table 10 presents a program cost analysis for the study period. The salary figure is based on the average salaries of the two deputies staffing the program divided equally for work release and house arrest. While there were more work release participants, setting up and monitoring the house arrest participants was more labor intensive. This results in



the equal division of man hours. Also included is half of the salary for a secretarial position. The program secretary assists in preparing applicant recommendations and book keeping. The secretary also has billing duties separate from the program and this accounts for the halving of the salary for this position. The electronic equipment for electronic monitoring was leased at a cost of \$3 per day per unit regardless of use. The Sarpy County House Arrest Program maintained a total of ten units on hand. These lease fees were paid annually.

Table 10. Program Costs During Study Period by Fiscal Year (in Dollars).

Fiscal Year	Work Release	House Arrest
<b>June 1995 to June 1996</b>		
Lease of EM equipment	NA	(\$10,950.00)
Salary for staff	(\$42,000.00)	(\$42,000.00)
Collection of Fees	\$19,744.00	\$12,095.00
<b>Total Program Cost</b>	<b>(\$22,256.00)</b>	<b>(\$40,855.00)</b>
<b>June 1996 to June 1997</b>		
Lease of EM equipment	NA	(\$10,950.00)
Salary for staff	(\$44,000.00)	(\$44,000.00)
Collection of Fees	\$13,824.00	\$9,162.00
<b>Total Program Cost</b>	<b>(\$30,176.00)</b>	<b>(\$45,788.00)</b>
<b>June 1997 to December 1997</b>		
Lease of EM equipment	NA	(\$5,475.00)
Salary for staff	(\$22,500.00)	(\$22,500.00)
Collection of Fees	\$9,366.00	\$6,155.00
<b>Total Program Cost</b>	<b>(\$13,134.00)</b>	<b>(\$21,820.00)</b>
<b>Total Program Cost</b>	<b>(\$65,566.00)</b>	<b>(\$108,463.00)</b>

In strictly examining dollars spent and received, neither program was profitable but the house arrest program was much more costly. This is due to leasing electronic monitoring equipment and the substantially lower numbers of participants. Table 11

includes the jail days saved in dollars at \$45 per day for the House Arrest Program. To house one inmate in Sarpy County Jail costs approximately \$45 per day (Williamson, 1999). As previously discussed, the work release program also saves “standard jail days,” but likely at a lower cost savings. Table 11 includes jail days for both for comparison.

Table 11. Total Cost Savings for House Arrest and Work Release for Study Period.

	Work Release	House Arrest
Total Cost of Programs	(\$65,566.00)	(\$108,463.00)
Jail Days Saved	5,187	5,500
Cost savings <sup>1</sup>	\$233,415.00	\$247,500.00
Total Cost Savings	\$167,849.00	\$139,037.00

<sup>1</sup> Total jail days saved at \$45 per day.

Table 11 shows a substantial cost savings over the study period for house arrest. This savings could have been even more dramatic if the house arrest program had more participants over the time period. The work release savings are even greater, but the question of real jail days saved reduces the import of this finding. Given the similarity of these programs it may be possible to incorporate more participants from the work release program into the house arrest program to show even greater, verifiable cost savings. This possibility will be explored in greater detail in the conclusion.

## PHASE II: ANALYSIS OF IMPACT OF HOUSE ARREST AND WORK RELEASE ON PROGRAM COMPLETION AND RECIDIVISM.

### PRELIMINARY ANALYSIS

Mainly, Phase II of this study seeks to determine if the House Arrest Program or the Work Release Program is more effective at reducing recidivism. A secondary program evaluation question is whether house arrest or work release participants are more likely to be removed from the program for rule violations (include criminal arrest).

The simplest answer to the first question is neither program is more effective at reducing recidivism over the test period. Work release participants were slightly less likely to be arrested during the test period of 18 months following their release from the program. 38.5% of the House Arrest Program's participants were arrested during the test period and 35.1% of Work Release Program's participants were also arrested during this period. However, this difference in percentages is not statistically significant (using chi-square test). Those participants arrested during the test period were also arrested for similar crimes. 68% of those work release participants were arrested for misdemeanors, compared to 70% for house arrest participants. The majority of those arrested during the study period had only a single incident (65% for work release and 57% for house arrest). Table 12 shows the breakdown for the worst crime the participants were arrested for during the test period.

Table 12. Worst Crime Arrested for During Study Period (Frequency and Percentage).

Crime	Work Release	House Arrest
No Arrests during study period	86 64.2%	61 63.5%

Table 12. (Continued)

Crime	Work Release	House Arrest
Traffic Offense (including DWI and driving under suspension	18 13.4%	12 12.5%
Drug possession/sale	1 0.7%	3 3.1%
Property offense/theft	9 6.7%	7 7.3%
Child support violation	2 1.5%	0 0.0%
Contempt of court/failure to appear in court	7 5.2%	6 6.3%
Assault	3 2.2%	6 6.3%
Violation of Probation	6 4.5%	1 1.0%
Escape	1 0.7%	0 0.0%
Weapons offense	1 0.7%	0 0.0%

Table 12 shows that the majority of arrests were for traffic offenses. These included driving under suspension and driving under the influence of alcohol. The vast majority of offenses were not serious, also the majority of these offenses occurred after the subjects had completed the program. The fact that less than 3% of participants were arrested while on the program is very similar to the Washington work release study conducted by Turner and Petersilia (1996). This accounted for only six arrests. The most serious of these six arrests were an escape, a drug possession charge, and a domestic assault. The other three were traffic offenses.

There was a statistically significant difference between the failure rates while on the program. Twenty one percent of work release participants were removed from the program for a technical violation while only 10% of house arrest participants were

removed. This difference is a result of several factors. The first contributing factor is the process by which participants came to the House Arrest Program. As described previously, some house arrest participants had served on work release and had proven to be willing and able to comply with the rules of the program. Also work release participants had substantially more contact with program and jail staff. Several failures occurred when work release participants attempted to bring contraband into the jail and were caught by deputies. Further work release program failures occurred as a result of participants losing or being unable to find employment. House arrest participants were not required to maintain employment as long as they could continue to pay required fees. These conditions explain the statistical differences between the success and failure rates of the two programs.

Further bivariate analysis was used to determine which, if any, characteristics had significant impacts upon recidivism and program failure. Crosstabulation tables were constructed for categorical variables (Gender, Level of Education, Race, Occupation, Employment, Marital Status, and Current Charge Type) using the standard Pearson chi-square statistic to evaluate significance. The characteristic was considered to be significantly dependent at  $p < 0.05$ .<sup>2</sup>

Crosstabulation analysis revealed that three variables had a significant relationship with program failure and recidivism as shown in Table 13 and Table 14 below.

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<sup>2</sup> However, due to the exploratory nature of the investigation, characteristics having  $p < .10$  were also considered.

Table 13. Cross tabulation Analysis for Completion or Failure on Program.

		Work Release		House arrest	
		Completed	Failed	Completed	Failed
Gender	Male	100	28	75	9
		79.4%	20.6%	89.3%	10.7%
	Female	6	2	11	1
		75.0%	25.0%	91.7%	8.3%
Education	High school	16	5	21	4
		76.2%	23.8%	84.0%	16.0%
	Graduate	81	21	59	5
		79.4%	20.6%	92.2%	7.8%
	College	9	2	6	1
		81.8%	20.9%	85.7%	7.8%
Race	White	94	22	75	8
		81.0%	19.0%	90.4%	9.6%
	Black	10	5	6	1
		66.7%	33.3%	85.7%	14.3%
	Hispanic	2	0	4	0
		100.0%	0.0%	100.0%	0.0%
	Other	0	1	1	1
		0.0%	100.0%	50.0%	50.0%
Occupation	Sales	8	1	9	2
		88.9%	11.1%	81.8%	18.2%
	Service	17	4	13	4
		81.0%	19.0%	76.5%	23.5%
	Skilled	10	2	10	0
		83.3%	16.7%	100.0%	0.0%
	Semi-skilled	41	11	24	2
		78.8%	21.2%	92.3%	7.7%
	Unskilled	29	9	28	2
		76.3%	23.7%	93.3%	6.7%
	Student	1	1	2	0
		50.0%	50.0%	100.0%	0.0%
Employed	Employed	95**	15	62	8
		86.4%	13.6%	88.6%	11.4%
	Unemployed	11	13	24	2
		45.8%	54.2%	92.3%	7.7%

Table 13. Continued.

		Work Release		House arrest	
		Completed	Failed	Completed	Failed
Marital Status	Single	64	17	54	6
		79.0%	21.0%	90.0%	10.0%
	Married	24	8	18	2
		75.0%	25.0%	90.0%	10.0%
	Divorced	18	3	14	2
		85.7%	14.3%	87.5%	12.5%
Charge Type	Misdemean.	90**	19	61*	4
		82.6%	17.4%	93.8%	6.2%
	Felony	16	9	25*	6
		64.0%	36.9%	80.6%	19.4%
Current Charge	Traffic	71	15	45	2
		82.6%	17.4%	95.7%	4.3%
	Drugs	4	1	2	3
		80.0%	20.0%	40.0%	60.0%
	Theft	10	4	18	2
		71.4%	28.6%	90.0%	10.0%
	Nonsupport	1	3	3	0
		25.0%	75.0%	100.0%	0.0%
	Court Offen.	6	0	4	0
		100.0%	0.0%	100.0%	0.0%
	Assault	8	3	9	3
		72.7%	27.3%	75.5%	25.0%
	Viol. Prob.	6	2	5	0
		75.0%	25.0%	100.0%	0.0%

\* significant at 0.10 level

\*\* significant at 0.05 level

Being employed at the beginning of the program had a statistically significant relationship (at  $p < .05$ ) with failure on the work release program only. Those participants employed were less likely to fail than those without jobs (those participants without jobs failed at a rate of over 50%). Failure of those not employed at the beginning of the work release program often resulted from their inability to locate employment or secure steady employment, the key element of the work release program. The current charge type

(misdemeanor or felony) for which the participant was sentenced also showed a statistically significant relationship (at  $p < .05$ ) with program failure for work release and for house arrest (at  $p < .1$ ). The more serious the crime the more likely failure would occur; an outcome that is consistent with the California studies discussed earlier (Turner and Petersilia, 1990).

Table 14. Crosstabulation Analysis for Recidivism.

		Work Release		House arrest	
		No	Yes	No	Yes
Gender	Male	82 65.1%	44 34.9%	50 59.5%	34 40.5%
	Female	5 62.5%	3 37.5%	9 75.0%	3 25.0%
Education	High school	17 81.0%	4 19.0%	15 60.0%	10 40.0%
	Graduate	63 61.8%	39 38.2%	38 59.4%	26 40.6%
	College	7 63.6%	4 36.4%	6 85.7%	1 14.3%
Race	White	75 64.7%	41 35.3%	51 61.4%	32 38.6%
	Black	9 60.0%	6 40.0%	5 71.4%	2 28.6%
	Hispanic	2 100.0%	0 0.0%	2 50.0%	2 50.0%
	Other	1 100.0%	0 0.0%	1 50.0%	1 50.0%
Occupation	Sales	8 88.9%	1 11.1%	5 45.5%	6 54.5%
	Service	13 61.9%	8 38.1%	9 52.9%	8 47.1%
	Skilled	9 75.0%	3 25.0%	8 80.0%	2 20.0%
	Semi-skilled	34 65.4%	18 34.6%	17 65.4%	9 34.6%
	Unskilled	23 60.5%	15 39.5%	19 63.3%	11 36.7%
	Student	0 0.0%	2 100.0%	1 50.0%	1 50.0%



Table 14. Continued.

		Work Release		House arrest	
		No	Yes	No	Yes
Employed	Employed	75*	35	44	26
		68.2%	31.8%	62.9%	37.1%
	Unemployed	12	12	15	11
		50.0%	50.0%	57.7%	42.3%
Marital Status	Single	50	31	35	25
		61.7%	38.3%	58.3%	41.7%
	Married	26	6	13	7
		81.3%	18.8%	65.0%	35.0%
	Divorced	11	10	11	5
		52.4%	47.6%	68.8%	31.3%
Charge Type	Misdemean.	74	35	42	23
		67.9%	32.1%	64.6%	35.4%
	Felony	13	12	17	14
		52.0%	48.0%	54.8%	45.2%
Current Charge	Traffic	59	27	33	14
		68.6%	31.4%	70.3%	29.8%
	Drugs	4	1	2	3
		80.0%	20.0%	40.0%	60.0%
	Theft	9	5	9	11
		64.3%	35.7%	45.0%	55.0%
	Nonsupport	1	3	2	1
		25.0%	75.0%	66.7%	33.3%
	Court Offen.	4	2	4	0
		66.7%	33.3%	100.0%	0.0%
	Assault	7	4	5	7
		63.6%	36.4%	41.7%	58.3%
	Viol. Prob.	3	5	4	1
		37.5%	62.5%	80.0%	20.0%

\* significant at 0.10 level

\*\* significant at 0.05 level

As shown in Table 14, all the significantly dependent relationships with recidivism were found for the work release program only. Gender was significantly related (at  $p < .05$ ) to recidivism with women being more likely to recidivate, but with the very small sample of women this would require further study. Employment at the beginning of the program was also related (at  $p < .1$ ) to recidivism for the Work Release Program. This

relationship also bears further investigation at this level, and may be the most significant finding. It is possible that individuals who started the Work Release Program without employment did not find lasting employment that drew them away from criminal activity. It would be important to determine whether participants maintained their jobs after completion of the program.

Pearson correlation analysis was conducted on metric variables with program failure and recidivation. Table 15 shows the results of the correlation for program failure.

Table 15. Pearson Correlations for Work Release and House Arrest for Program Failure.

	Work Release	House Arrest
Age of Participants	0.00	0.19
Number of Prior Arrests	0.07	-0.14
Number of Prior Felony Arrests	0.23**	0.08
Duration of Program	0.23**	0.13

\*\* Correlation is significant at the 0.01 level (2-tailed)

The correlations demonstrate that the number of prior felony arrests and the duration on the program were significantly dependent to the variable of program failure only for work release. The number of prior felony arrest's relationship with program failure is again explained by Turner and Petersilia's findings. Many of the prior felony arrests were also for drug possession charges, and many of the program failures were a result of failed drug and alcohol testing, testing that was more common for work release participants. A drug/alcohol dependency variable may have been more effective in explaining in this area. Program duration is clearly a significant variable. The more contact participants had with jail deputies and program staff, the more likely they were to

be caught violating rules. This was not the case for house arrest participants who did not have the added daily contact with jail staff.

Included in the bivariate analysis of recidivism was the variable program failure.

The correlations appear in table 16.

Table 16. Pearson Correlations for Work Release and House Arrest for Recidivation.

	Work Release	House Arrest
Age of Participant	-0.12	-0.15
Number of Prior Arrests	0.30**	0.36**
Number of Prior Felony Arrests	0.26**	0.30**
Duration on Program	0.52	-0.06
Program Failure	0.20*	0.08

\* Correlation is significant at the .05 level (2-tailed)

\*\* Correlation is significant at the 0.01 level (2-tailed)

Number of prior arrests and number of prior felony arrests were significantly related to recidivation for both work release and house arrest. This comes as no surprise as prior criminal record is the one of the strongest single predictors of future criminal behavior (Gough, Wenk, and Rozyngo, 1965). The more interesting finding is the significant relationship between program failure and recidivism. It seems to suggest that individuals unable to function on the strict rules of work release are also more likely to commit crime.

All of this information is gathered together to create a policy evaluation that can assist the administrators of the program. A model must be generated to aid administrators and the judiciary in making sentencing and placement decisions.

## MULTIVARIATE ANALYSIS

Logistic regression is used to predict whether an event will occur or not (Norusis, 1990: 45). Logistic regression was used on the work release and house arrest sample using all available variables to determine which variables significantly effected program failure and recidivism. Table 17 shows the results of the logistic regression for program failure and the predictions made using the models created.

Table 17. Logistic Regression for Program Failure

Initial Log Likelihood Function:	-2 Log Likelihood	206.181
Log Likelihood after regression:	-2 Log Likelihood	175.723
	Goodness of Fit	237.030

Model	Chi-Square	df	Significance
	30.459	13	.0040

Observed	Predicted		Percent Correct
	No	Yes	
No	187	5	97.40%
Yes	31	7	18.42%
Overall			84.35%

### Variables in the Equation

Variable	B	S.E.
Gender	0.2467	0.7489
Age	0.0518	0.0267
Race	0.3367	0.3294
Marital Status	-0.1642	0.3131
Education	-0.3059	0.3859
Occupation	-0.0547	0.1465
Employed*	1.3642	0.4463
Number of Prior Arrests	0.0259	0.07
Prior Felony Arrests	0.2014	0.2056
Current Charge Type	0.6054	0.5814
Current Charge	0.0671	0.1026

Table 17 (Continued)

	B	S.E.
Duration on Program	0.0054	0.0044
Program*	-1.3711	0.4624
Constant	-4.3657	2.0349

\* indicates statistical significance at the 0.05 level

The above model indicates an ability to predict whether or not an individual will succeed or fail with a 84.35% accuracy. A small -2 Log Likelihood statistic indicates a model that fits the data well (Norusis, 1990: 52). The -2 Log Likelihood statistics shown above suggests that the model does not contain all the necessary variables.

Table 17 also shows that for program success, the program variable (Work Release or House Arrest) is a statistically significant variable. Participants of the Work Release Program are more likely to fail, as discussed previously. Whether the participant was employed at the beginning of the program again proves to be a statistically significant variable.

Table 18. Logistic Regression for Recidivism

Initial Log Likelihood Function:	-2 Log Likelihood	301.926
Log Likelihood after regression:	-2 Log Likelihood	259.053
	Goodness of Fit	231.396

	Chi-Square	df	Significance
Model	42.873	13	.0000

Observed	Predicted		Percent Correct
	No	Yes	
No	131	15	89.73%
Yes	47	37	44.05%
	Overall		73.04%

## Variables in the Equation

Variable	B	S.E.
Gender	0.1891	0.5681
Age	-0.0223	0.0238
Race	0.0074	0.2916
Marital Status	0.0466	0.2346
Education	0.2072	0.3172
Occupation	0.0233	0.1151
Employed*	0.7817	0.3761
Number of Prior Arrests*	0.2235	0.0579
Number of Prior Felonies**	0.4234	0.2231
Current Charge Type	0.0061	0.5167
Current Charge	0.0254	0.0804
Program	0.0681	0.3223
Duration	-0.0036	0.0041
Constant	-2.8771	1.5408

\* indicates statistical significance at the 0.05 level

\*\* indicates statistical significance at the 0.10 level

The above model indicates an ability to predict whether or not an individual will recidivate within 18 months after being placed on the house arrest program with a 73.04% accuracy. It is likely that the inclusion of the drug dependency variable would increase this accuracy. Again the large -2 Log Likelihood indicates a statistically significant model that is lacking all the necessary variables for a good model.

The logistic regression for recidivism shows both the number of prior arrests and number of prior felony arrests to be statistically significant variables. The more important finding is the increased significance of the employed variable. This is an important finding and suggests that those persons who entered these programs employed were more likely to be successful at not only completing the program but avoiding future criminal activity. It is very common for a sentencing judge to place an offender on the Work Release or House Arrest Program to avoid losing his/her job. This may indicate that such offenders

who are able to maintain stable employment are less likely to recidivate. To further investigate this finding, post program interviews would need to be conducted to determine whether or not participants continued in the same occupation. The logistic regression analysis shows that the particular program to which the offender was assigned was not statistically significant in predicting future recidivism.

### PHASE III: INTERVIEW STUDY OF FORMER PARTICIPANTS

Personal interviews were conducted with several former participants of the Work Release and House Arrest Programs. Participants were selected at random, and only a small number were actually located. Phone interviews were conducted with ten successful (no failure on the program and no arrests during the 18 month study period) work release and six successful house arrest participants. Face-to-face interviews were conducted with six unsuccessful work release and three unsuccessful house arrest participants. These interviews were conducted at the Sarpy County Jail.

The interviews attempted to shed light on a difficult portion of the punishment equation: Was the punishment harsh? Did it accomplish the goal of retribution? Did the punishment fit the crime? The majority of the interviews were brief and somewhat informal.

Nearly all of those participants interviewed stated that being on work release and/or house arrest was difficult. It was also clear that work release was the more difficult program. For example, one participant who had been on work release before house arrest made the statement, "Finally getting house arrest was like Christmas. Having to come

back to the jail every night was really hard, I thought about just going home several times.” Another important discovery was work release and house arrest were not considered as harsh as a standard jail sentence. “Getting work release was a Godsend, I don’t know if I could have handled being in D2 (a dormitory tank) any longer,” stated one participant.

Some participants of work release did go home while on the program. This is a rule violation, but several individuals interviewed indicated that they had “snuck” home to see wives or girlfriends. Other undetected rule violations included drinking alcohol, visiting friends, and the most common was being away from work without notifying the staff of their whereabouts. It was not unexpected that none of the interviewees indicated committing any crimes while participating on the program, even though some rule violations would also have been probation violations.

Interviewees indicated that being checked on by uniform deputies at their place of work was also a very difficult aspect of both programs. This forced participants to explain to employers and coworkers why law enforcement officers were making daily visits. This shaming may be a very effective tool at reducing further criminal activity (Braithwaite, 1989), and even a more substantial punishment than a brief period of incarceration that can be hidden from friends and family. This concept was described by one participant, “I had to serve 5 weekends before I got work release. Nobody even knew I had been arrested, but when you guys came to work everyday, I had to tell everybody what happened.”



Work release and house arrest were considered harsh punishments. With a few exceptions, most participants believed their sentences were too harsh. The most commonly heard comment during all interviews was, "I thought I was just going to get a fine or probation; I didn't think I would have to go to jail." It was more common for successful participants to say they had been fortunate not to be sentenced more harshly. Another common sentiment among those successful participants was an acceptance of responsibility for the crimes they had committed. Unsuccessful participants were often quick to blame friends or family for further criminal activities and/or rule violations.

The interviews made work release appear to be the retributive punishment, though both have aspects of discomfort and shaming. Having to return to the jail each night, strip naked in front of deputies, and sleep on a metal bed is clearly more punishing than the alternative of having to return to one's home.

## CONCLUSIONS

### HOW WELL DID THE PROGRAMS DO?

The goal of this study was to determine whether work release and/or house arrest are successful punishments, and if house arrest and work release are effective alternative sentences. The first question contains three parts. Did the punishment accomplish retribution? Did the punishment deter? Did the punishment rehabilitate? These three aspects are needed to create an effect punishment.

Both house arrest and work release do seem to accomplish the objective of just desserts. Those individuals interviewed did perceive the programs as being punishing. Work release was perceived as being more punishing and maybe more appropriate for more serious crimes. Work release and house arrest allow judges to punish individuals more harshly than standard probation and fines could allow, while avoiding the more harsh punishment of imprisonment. This allows punishments to more closely fit the crime.

House arrest and work release may or may not deter crime. Deterrence is a very difficult concept to define let alone measure (Gibbs, 1975). It is true that very few crimes were committed by participants while on the program, so they were likely incapacitated and, therefore, deterred to some degree. The punishments can be more appropriate to the crimes an essential characteristic of deterrence proponents such as Bentham.

Rehabilitation is another matter. Work release does not appear to be any more or less effective at reducing recidivism than house arrest, but rehabilitation has other components as well. One component of rehabilitation accomplished by work release and house arrest is preparing inmates for final release and return to the community. Turner

and Petersilia suggest that expectations of reductions in recidivism may be unrealistic (1996: 161). Work release and house arrest did appear to convey concepts of responsibility and allowed participants to maintain ties to the community. These important rehabilitative concepts were achieved.

Are work release and house arrest effective alternative sentences? This question also has three parts. Did the program reduce overcrowding? Did the program reduce correctional costs. Did the program reduce recidivism? These are the generally accepted goals of intermediate sanctions/alternative sentences (Tonry, 1997: xii).

At least in Sarpy County, issues of overcrowding are not immediately pressing. The Sarpy County Jail has never experienced prolonged overcrowding as a result of sentencing. The House Arrest Program did reduce jail days by 5500 over the course of the program study. This should be considered a success, though a larger number of participants could actually make the jail day savings more substantial.

The reduction of correctional costs is open to interpretation. In absolute dollars expended, neither work release nor house arrest in Sarpy County saved money, but including calculations of jail days saved, house arrest and possibly work release did accomplish a substantial cost savings. This area should be considered successful.

The final question of reduction in recidivism has already been discussed. Work release and house arrest have not been shown to be substantially more effective than other punishments at reducing recidivism. Between the two programs, the focus of this study, neither program was more effective in this area than the other.

Overall, work release and house arrest in Sarpy County appear to be approximately equal in regards to their success at accomplishing the goals of a punishment and an alternative sentence. The success at accomplishing the goals by these programs is not complete, but it has been suggested that more measurable and achievable goals should be implemented (Logan, 1993). Charles Logan suggests that keeping prisoners safe, in line (not committing crimes), healthy, and busy may be more realistic goals. Both work release and house arrest accomplish these goals well.

For Sarpy County the findings of this study do present some suggestions. For work release and house arrest to be more cost effective they need to maintain higher levels of daily participants. More participants will defray the costs of staffing and equipment leasing costs, and more participants will increase the number of jail days saved. Sarpy County may need to be more selective with regards to applicants with numerous previous arrests. The fewer previous arrests the more likely the person will complete the program and avoid future arrests. This study also demonstrates the similarities between the two programs. It has been suggested that one or the other program be eliminated. This study confirms that the incorporation of participants into one program would likely result in similar cost savings and recidivism rates. House arrest is more effective at reducing jail days and may be the more attractive alternative, despite technical problems. Work release may also be attractive as it eliminates the equipment leasing fees and provides a more “harsh” punishment. Work release also provides more control over the participants.

Counties similar to Sarpy could expect similar results. The implementation of a work release or house arrest program with a sufficiently appropriate client base should

show a cost savings for the county with minimal risk to the public. With only 6 crimes committed by participants in more than 10,000 monitored days, the risk to the community is virtually zero. Expectations of dramatic crime rate reductions would be unfounded as these programs have limited effects on recidivism, this is likely due to the limited nature of these programs (without directed rehabilitation efforts such as counseling, drug abuse treatment, job training, etc.).

## LIMITATIONS

This was not a randomized study with a control group. This was a retrospective comparison of two apparently similar programs that concluded with the programs proving themselves to be quite similar. This study had a limited number of variables, missing such important variables as drug/alcohol dependency, juvenile records, prior convictions, prior time served, and employment history (stability). Outcome measures such as continued employment after program, convictions after program, and length of probation after program were unavailable.

This study was unable to determine with a great deal of accuracy the cost of housing work release participants in a jail facility. The study was also unable to contact a majority of participants after the program period. This contact could have resulted in more significant interview measures regarding employment after the program, criminal activity, and views of the punishment.

## NEXT STEPS FOR ALTERNATIVE SENTENCES

Work release and house arrest accomplish a majority of goals required of them. They are punitive, they are cost effective, and they can reduce prison/jail populations. They do not pose a significant risk to society when the participants are chosen carefully. These alternative sentences should be more widely used and in a more comprehensive manner. Added to these programs could be drug treatment, job training, counseling, and other proven rehabilitative programs. Well trained, professional staff is key for successful alternative sentencing. Programs similar to the Sarpy County Work Release and House arrest Programs could become components in comprehensive alternative sentences that include punishment, deterrence, and assistance to make a successful return to society. These programs could reduce correction costs, reduce overcrowding and reduce recidivism.

## NEXT STEPS FOR EVALUATING ALTERNATIVE SENTENCING PROGRAMS

Alternative sentence programs are conducive to randomized evaluations. Programs can be set up similar to Sarpy County where appropriate candidates are assigned randomly to one program or another. This eliminates concerns of a control group being more harshly punished for similar crimes. Programs could contain added elements discussed earlier (job training, drug treatment, etc.) and the control groups could simply receive house arrest or work release. These randomized evaluations should provide clear results regarding the goals of alternative sentences. Evaluated programs can be modified

and evaluated again. Some success should be applauded, but further effort can lead to improvements in all areas.

To accomplish these proposed evaluations, administrators and judges need to work together. They must be led to realize that prediction of future behavior is very difficult and simply placing people on programs by “gut feelings” does not allow for an evaluation of program effectiveness. Administrators and judges need to understand the benefit of models similar to those shown above that can help identify those individuals who may benefit from an alternative sentence. This not only saves resources, but it ultimately reduces crime and keeps society safer.

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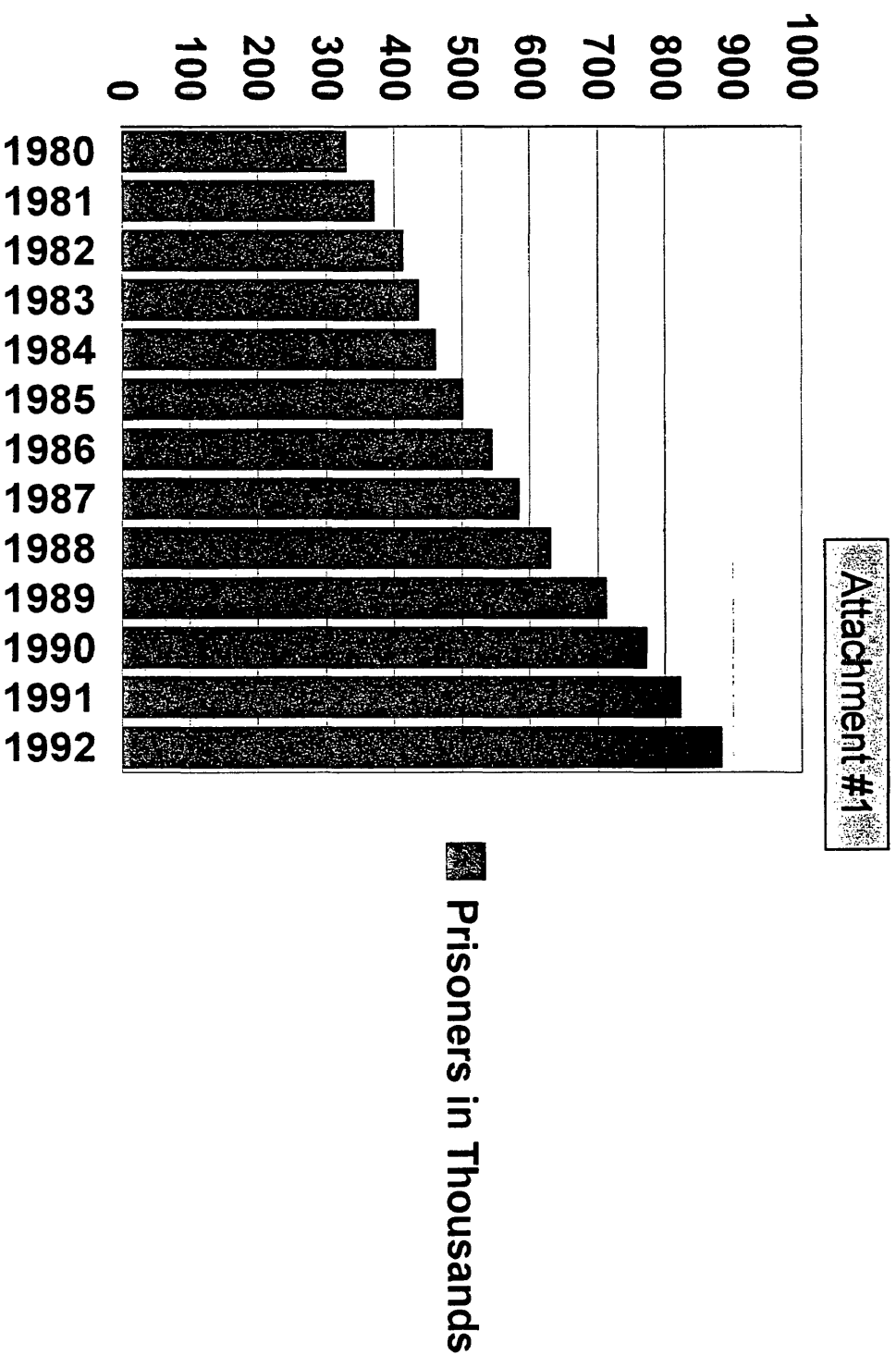
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## U.S. Prison Population 1980-1992 (in thousands)

Source: "Prisoners in 1992" Bureau of Justice Statistics (1993)

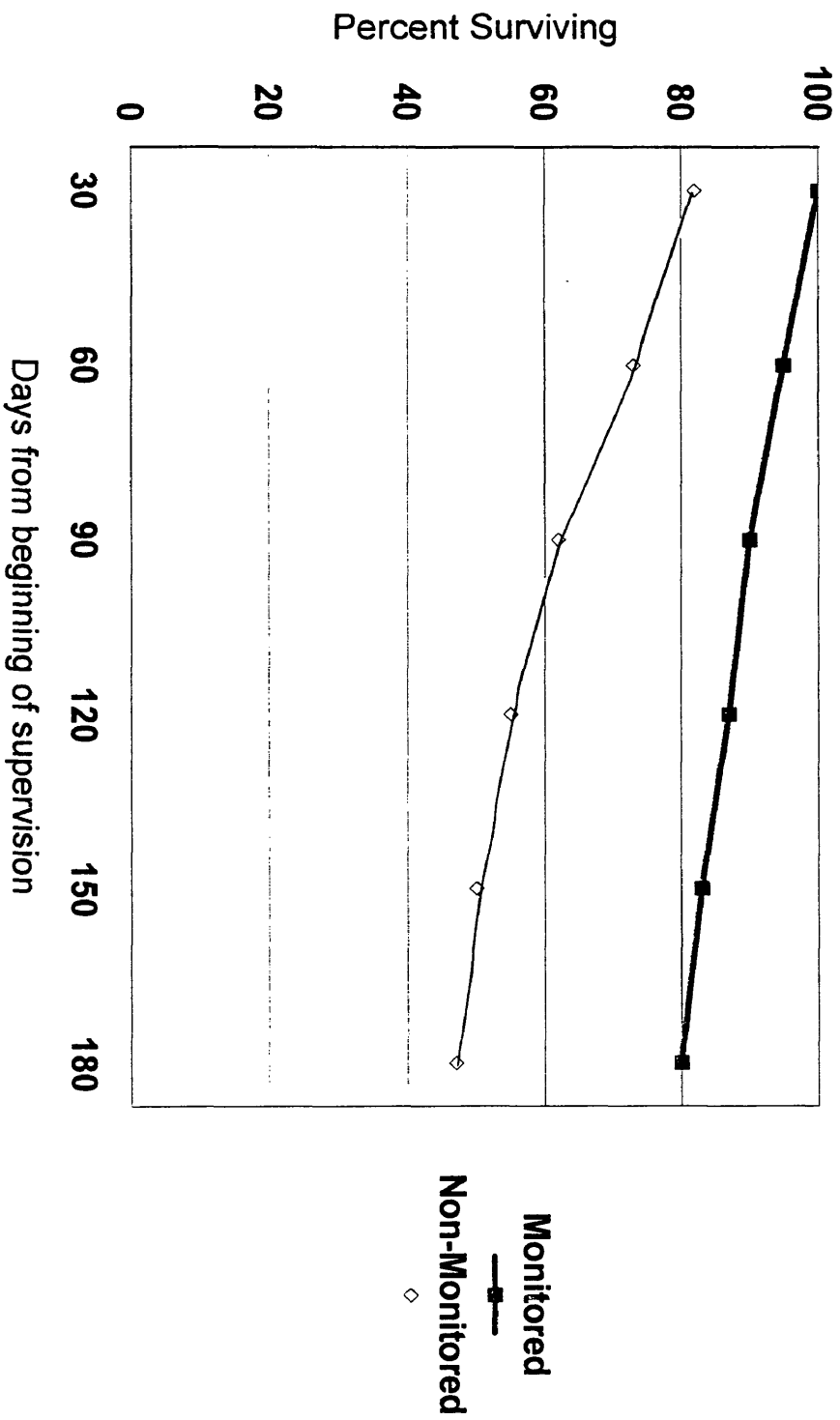


## Survival to First Major Violation

(Arrest for new offense, warrant for arrest, or incarceration for rule violation)

Source: Glaser, Daniel and Ronald Watts, "Electronic Monitoring of drug offenders on probation. Judicature, 76 (1992)

(Attachment #2)



**SARPY COUNTY WORK RELEASE RULES AND CONDITIONS**

- \_\_\_\_\_ 1. I agree to have reliable transportation directly to and from the jail and my place of employment. I will not drive or ride in any vehicle without prior permission from the work release office.
- \_\_\_\_\_ 2. I agree to furnish proof of insurance, registration, and a valid drivers license if I will be driving.
- \_\_\_\_\_ 3. I will have prior permission from the work release office to be anywhere except for at my place of employment.
- \_\_\_\_\_ 4. I agree to comply with all local, state, and federal laws.
- \_\_\_\_\_ 5. I agree not to visit or allow anyone to visit me during my release unless necessary for purposes of employment.
- \_\_\_\_\_ 6. I agree not to make any phone calls or any other forms of communication that is not connected with my employment while away from the jail facility.
- \_\_\_\_\_ 7. I agree not to consume any alcoholic beverages, narcotics, marijuana, or any other drugs other than those prescribed by a physician. I will not be in a location where alcohol is served.
- \_\_\_\_\_ 8. I understand that the Work Release Office or other Sheriff's Office employees will conduct spot checks on me during my release.
- \_\_\_\_\_ 9. I agree to a search of my person or physical surroundings under my control at any time while on the work release program by the Sheriff's Office or by any Law Enforcement Officer.
- \_\_\_\_\_ 10. I understand I will provide a schedule of my work hours each week as prescribed by the Work Release Office. Any change of my hours during the week must be approved 24 hours in advance by the Work Release Office or said changes will not take place.
- \_\_\_\_\_ 11. I understand my employer may be contacted at anytime to verify employment and hours.
- \_\_\_\_\_ 12. I understand I will be responsible for all medical and dental expenses as long as I have funds to do so.
- \_\_\_\_\_ 13. I understand I will not work on any Sarpy County recognized holiday.
- \_\_\_\_\_ 14. I understand I will not work more than 6 days a week or be gone from the jail any longer than 12 hours in one given day(to include scheduled work hours & drive time).
- \_\_\_\_\_ 15. I understand the Work Release Office needs to account for my whereabouts at all times while away from the jail facility.

Attachment 3.1

- \_\_\_\_\_ 16. I will contact the Work Release Office at 331-2459 anytime I arrive at or depart a location (This includes arrival and departure from work, change of jobsites and meals). Exact Addresses and locations will be given.
- \_\_\_\_\_ 17. I agree to return directly to the Sarpy County Jail by the time specified on the posted weekly schedule or as soon as I am released from work. I understand that if I do not return to the jail by that time I will be charged with ESCAPE.
- \_\_\_\_\_ 18. I understand that I will be searched by jail personnel each and every time when entering the jail. This will include a complete strip search of my person. I am subject at any time to a possible breath, blood, or urine test to determine alcohol or drug intake.
- \_\_\_\_\_ 19. I understand random drug testing will be conducted and that the testing fee is \$24.00 for each sample taken.
- \_\_\_\_\_ 20. I understand I will not bring any tobacco products of any kind(including lighters) into the jail facility. I will not bring any work tools, knives, or any potential weapon into the jail facility. These items will be stored at work or in my vehicle.
- \_\_\_\_\_ 21. I understand all wages paid to me must be in the form of a check from my employer and include deductions, number of hours worked, and pay per hour. I will submit a copy of my paystub to the Work Release Office each pay period along with a photocopy of my timecard.
- \_\_\_\_\_ 22. I understand I will pay Work Release fees of \$5.00 a day for 7 days a week regardless if I am working every day or not. I will place, or will have placed, \$35 on my books by 10:00 P.M. each Saturday for each week's fees.
- \_\_\_\_\_ 23. I understand I may be temporarily removed from Work Release at any time upon any violation pending review by the Work Release Office.
- \_\_\_\_\_ 24. I understand that it is my sole responsibility to strictly adhere to all of the above Work Release rules and regulations and will take necessary steps to prevent any violations. If I violate any part of this agreement I will be removed from the Work Release Program. I understand I may also be subject to disciplinary action, loss of goodtime, and criminal charges if applicable.
- \_\_\_\_\_ 25. Other conditions: \_\_\_\_\_  
\_\_\_\_\_

I certify that I have read or have had read to me these rules and regulations and fully understand them.

Dated: \_\_\_\_\_

Inmate (Print): \_\_\_\_\_

Inmate Signature: \_\_\_\_\_

Witness: \_\_\_\_\_



## **SARPY COUNTY HOUSE ARREST/WORK RELEASE QUALIFICATIONS & APPLICATION**

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**\*\*\*\*\*PLEASE READ BELOW TO SEE IF YOU QUALIFY FOR H/A OR W/R\*\*\*\*\***  
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The Sarpy County Law Enforcement Center will afford qualified individuals the opportunity to continue with outside employment. In most cases an applicant must be approved for work release and serve part of their sentence on work release before applying for House Arrest.

**To be eligible for work release or house arrest you must meet the following minimum requirements:**

- You must be a sentenced Sarpy County inmate.
- You must already have employment.
- You must not have any outstanding warrants or charges pending.
- You must be sentenced for a minimum of 30 days.
- You must have reliable transportation directly to and from your work.

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After filling out the necessary paperwork it will take up to two weeks to process the application. The Judge who handled your case will make the final decision to grant or deny your application for work release or house arrest.

-If your application for H/A or W/R is approved there are a few facts you will want to know. House Arrest has weekly fees of \$63 and Work Release has weekly fees of \$35. Both H/A and W/R inmates are also subject to random monthly drug tests at \$24 for each urine sample taken.

-If your application is denied you will receive documentation stating so. A second application may be submitted 30 days from the date of denial. No more than two applications can be submitted.

-----  
**PLEASE TEAR THIS FRONT PAGE OFF OF THE APPLICATION AND KEEP  
FOR YOURSELF FOR FUTURE REFERENCE. YOU MAY TURN THIS  
APPLICATION IN TO ANY DEPUTY FOR RETURN TO THE H/A OFFICE.**

## SARPY COUNTY HOUSE ARREST AND WORK RELEASE APPLICATION

**Failure to complete this form in its entirety or providing false information will result in denial.**

**Date:** \_\_\_\_\_ **House Arrest:** \_\_\_\_\_ **Work Release:** \_\_\_\_\_

Name: \_\_\_\_\_

LAST FIRST MIDDLE

**Other names you have used:** \_\_\_\_\_

Address: \_\_\_\_\_

CITY                      STATE                      ZIP

Home Phone: ( ) \_\_\_\_\_ Cell Phone: ( ) \_\_\_\_\_

**Social Security Number:** \_\_\_\_\_ **Date of Birth:** \_\_\_\_\_

**Race**\_\_\_\_\_ **Sex**\_\_\_\_\_ **Height**\_\_\_\_\_ **Weight**\_\_\_\_\_ **Hair**\_\_\_\_\_ **Eye**\_\_\_\_\_

**Scars, Marks, Tattoos:** \_\_\_\_\_

**Marital Status (circle one):** Single      Married      Separated      Divorced

**Your significant other's name:** \_\_\_\_\_

**Your significant other's Date of Birth:**\_\_\_\_\_ **Number of children:**\_\_\_\_\_

**List all persons living at your above listed address:**

Name	Relation to You	Age
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My drivers license is:(circle one)      Valid      Suspended/Revoked      I don't have one

If you have a valid drivers license:

What is the name of your insurance company?: \_\_\_\_\_

Is your car registered?(circle one)      Yes      No

What kind of car do you have?:

Make: (ie. Ford) \_\_\_\_\_ Model:(ie.Escort) \_\_\_\_\_

Year: (ie. 1995) \_\_\_\_\_ Color: \_\_\_\_\_

License plate number:(if you know it) \_\_\_\_\_

If your license is suspended OR you will be getting a ride to work:

Name      Relation to You

Who is providing your transportation? \_\_\_\_\_

Do they have a valid driver's license?:      Yes      No

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**EMPLOYMENT INFORMATION:**

Employer: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_ City      State      Zip

Your position or job duties: \_\_\_\_\_

Your supervisors name and phone number: \_\_\_\_\_

Rate of pay: \$ \_\_\_\_\_. \_\_\_\_/Per hour

How long have you been employed there?:      \_\_\_\_ Years      \_\_\_\_ Months

What is your schedule of days and hours:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From	_____	_____	_____	_____	_____	_____	_____
To	_____	_____	_____	_____	_____	_____	_____

**Past Employment:**

Company

Dates:from-to

Reason for Leaving

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**CHARGE INFORMATION:**

What is your current charge?:(ie. DUI 2nd Offense)\_\_\_\_\_

Length of current sentence:(ie. 60 days)\_\_\_\_\_

Date you were sentenced on:\_\_\_\_\_ Your out date:\_\_\_\_\_

What are the circumstances surrounding your current charge?:  
(ie. I was drinking at the bar and then.....)

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Are you now or have you ever been on probation?:      Yes      No

If so, who is or was your Probation Officer? \_\_\_\_\_

Have you ever been terminated from Probation?:      Yes      No

**DRUG INFORMATION:**

Prescription(ie. Percodan, Sudafed) or Non-Prescription drugs(ie. Tylenol, Aspirin) or medication I am currently taking: \_\_\_\_\_

What illegal drugs have you ever taken and when did you last take them?

Drug	Last Date Taken	Drug	Last Date Taken
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

How often and how much do you drink alcohol?(circle one)

12+ a day    11-6 a day    5-1 a day    only on special occasions    never

Have you ever been treated for drug or alcohol abuse? Yes    No

Where were you treated and when? \_\_\_\_\_

Why do you want to be on the Work Release/House Arrest Program?:

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Applicants Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SARPY COUNTY HOUSE ARREST/WORK RELEASE  
SUMMARY CHECKLIST**

*Complete the following information to be composed into the client's summary:*

NAME: \_\_\_\_\_

1. Age \_\_\_\_\_, Race \_\_\_\_\_, Sex \_\_\_\_\_

2. Employer \_\_\_\_\_ Years Worked \_\_\_\_\_

3. Employment Verification \_\_\_\_\_

4. Transportation to and from Work \_\_\_\_\_

5. Sentencing Judge \_\_\_\_\_ Date of Sentence \_\_\_\_\_

6. Length of Sentence (Number of Days/Months) \_\_\_\_\_

7. Projected Out Date \_\_\_\_\_ Number of Days Served \_\_\_\_\_

8. Married \_\_\_\_\_, Single \_\_\_\_\_, Number of Children \_\_\_\_\_

9. Address \_\_\_\_\_

Persons living at Address(name/relation):

\_\_\_\_\_  
\_\_\_\_\_

10. Driver's License:            Valid \_\_\_\_\_            Not Valid \_\_\_\_\_

11. Trustee:            Yes \_\_\_\_\_            No \_\_\_\_\_

12. House Arrest \_\_\_\_\_ Work Release \_\_\_\_\_ Approve \_\_\_\_\_ Denied \_\_\_\_\_

**SARPY COUNTY HOUSE ARREST/WORK RELEASE  
APPLICATION CHECKLIST**

NAME: \_\_\_\_\_

The following should be completed before an application is taken to the Sheriff or Sentencing Judge for approval on the House Arrest/Electronic Surveillance Program:

1. Application filled out by inmate \_\_\_\_\_
2. Copy of all contents of Jail folder \_\_\_\_\_
3. Pre-Sentence Investigation (PSI) reviewed by a staff member and copy of arrest history from the Probation Office \_\_\_\_\_
4. Employment information verified by staff member \_\_\_\_\_
5. Interview with Staff Member \_\_\_\_\_
6. Candidate summary written \_\_\_\_\_
7. Nurse is notified of possible approval \_\_\_\_\_

Recommended \_\_\_\_\_

Not Recommended \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_  
House Arrest/Electronic Surveillance Deputy

Recommended \_\_\_\_\_

Not Recommended \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_  
House Arrest Supervisor

Recommended \_\_\_\_\_

Not Recommended \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_  
Jail Captain/Facility Administrator

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY NEBRASKA

THE STATE OF NEBRASKA  
Plaintiff

DOC. \_\_\_\_\_ PAGE \_\_\_\_\_ NO. \_\_\_\_\_

-vs-

ORDER FOR PERMISSION TO LEAVE JAIL

\_\_\_\_\_  
Defendant

\_\_\_ WORK RELEASE \_\_\_ HOUSE ARREST \_\_\_ WORK RELEASE/HOUSE ARREST

This matter comes on for hearing on the petition of the defendant for the privilege of leaving the \_\_\_\_\_ County Jail under Sec. 47-401(1), R.R.S. The court, after conferring with the County Sheriff, finds and grants such privilege during the period of defendant's sentence on the following terms and conditions:

- (1) Defendant to participate in the House Arrest/Electronic Surveillance Program and/or Work Release Program Operated by the Sarpy County Sheriff's Office.
- (2) Defendant to pay an initial installation fee of \$25.00 for Electronic Surveillance Program.
- (3) Defendant to pay daily fee of \_\_\_\_\_.
- (4) Defendant to agree and abide by all other terms and conditions established for the House Arrest/Electronic Surveillance Program and/or Work Release Program; and
- (5) This privilege and permission may be withdrawn at any time by written order, with or without notice to the defendant.

SO ORDERED

Signed and entered this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

BY THE COURT:

\_\_\_\_\_  
Judge



### Sarpy County House Arrest/Work Release Schedule Worksheet

Name: \_\_\_\_\_ Month: \_\_\_\_\_ Year: \_\_\_\_\_  
 Employer: \_\_\_\_\_ Address: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_ Work Phone Number: \_\_\_\_\_

Monday \_\_\_\_\_ Work Site (If Applicable) Work Hours: From \_\_\_\_\_ To \_\_\_\_\_  
 1. \_\_\_\_\_ Travel Time: To \_\_\_\_\_ From \_\_\_\_\_  
 2. \_\_\_\_\_ Total Time: \_\_\_\_\_  
 3. \_\_\_\_\_ Leaving Jail Returning

Tuesday \_\_\_\_\_ Work Site (If Applicable) Work Hours: From \_\_\_\_\_ To \_\_\_\_\_  
 1. \_\_\_\_\_ Travel Time: To \_\_\_\_\_ From \_\_\_\_\_  
 2. \_\_\_\_\_ Total Time: \_\_\_\_\_  
 3. \_\_\_\_\_ Leaving Jail Returning

Wednesday \_\_\_\_\_ Work Site (If Applicable) Work Hours: From \_\_\_\_\_ To \_\_\_\_\_  
 1. \_\_\_\_\_ Travel Time: To \_\_\_\_\_ From \_\_\_\_\_  
 2. \_\_\_\_\_ Total Time: \_\_\_\_\_  
 3. \_\_\_\_\_ Leaving Jail Returning

Thursday \_\_\_\_\_ Work Site (If Applicable) Work Hours: From \_\_\_\_\_ To \_\_\_\_\_  
 1. \_\_\_\_\_ Travel Time: To \_\_\_\_\_ From \_\_\_\_\_  
 2. \_\_\_\_\_ Total Time: \_\_\_\_\_  
 3. \_\_\_\_\_ Leaving Jail Returning

Friday \_\_\_\_\_ Work Site (If Applicable) Work Hours: From \_\_\_\_\_ To \_\_\_\_\_  
 1. \_\_\_\_\_ Travel Time: To \_\_\_\_\_ From \_\_\_\_\_  
 2. \_\_\_\_\_ Total Time: \_\_\_\_\_  
 3. \_\_\_\_\_ Leaving Jail Returning

Saturday \_\_\_\_\_ Work Site (If Applicable) Work Hours: From \_\_\_\_\_ To \_\_\_\_\_  
 1. \_\_\_\_\_ Travel Time: To \_\_\_\_\_ From \_\_\_\_\_  
 2. \_\_\_\_\_ Total Time: \_\_\_\_\_  
 3. \_\_\_\_\_ Leaving Jail Returning

Sunday \_\_\_\_\_ Work Site (If Applicable) Work Hours: From \_\_\_\_\_ To \_\_\_\_\_  
 1. \_\_\_\_\_ Travel Time: To \_\_\_\_\_ From \_\_\_\_\_  
 2. \_\_\_\_\_ Total Time: \_\_\_\_\_  
 3. \_\_\_\_\_ Leaving Jail Returning

**\*TO BE COMPLETED AND RETURNED TO BOOKING OFFICE BY 8 A.M. SATURDAY\***

I agree to return directly to the Sarpy County Jail by the time specified on the posted weekly schedule or as soon as I am released from work. I understand that if I do not return to the jail by that time I will be charged with ESCAPE. The HA/WR Office may deny any of the above listed hours. Approved hours will be posted on the Work Release Time Schedule on Saturday evenings. Any schedule changes must be made 24 hours in advance and approved by the House Arrest Office. No one may be scheduled for more than 12 hours a day or more than 6 days a week.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

SARPY COUNTY HOUSE ARREST RULES

Note: Any reference to "I" or "my" within these rules will refer to the inmate.

- \_\_\_\_\_ 1. I agree to allow Deputies to install the necessary House Arrest equipment in my residence and attach a transmitter to my ankle in order to monitor my location.
- \_\_\_\_\_ 2. I agree not to move, disconnect, or tamper with any of the House Arrest equipment installed in my residence or on my person. I understand that I must wear the ankle transmitter 24 hours a day for the entire period I am on House Arrest. Should the ankle band break or tear I will contact the House Arrest office immediately.
- \_\_\_\_\_ 3. In the event that the House Arrest equipment assigned to me, the inmate, is damaged in any way whatsoever, I will contact the House Arrest office and inform them of all such damages. I also understand that I will reimburse Sarpy County for all such damages. Intentional damage or loss will result in removal from the program and filing of criminal charges.
- \_\_\_\_\_ 4. I understand that the expense of phone services and calls incurred to monitor the House Arrest equipment will be at my expense.
- \_\_\_\_\_ 5. I will have a private residential telephone. Additional services such as call forwarding, call identifiers and answering machines or services are not allowed for the duration of the House Arrest program.
- \_\_\_\_\_ 6. I will contact the House Arrest office at this phone number: 331-2459, anytime I change locations including but not limited to: arrival and departure from work, change of job sites, and meals.
- \_\_\_\_\_ 7. I understand that the House Arrest Deputies or Sheriff's Office Staff will conduct spot checks on me randomly throughout the day at any site where I may be. I am subject to a search of my person, vehicle, and residence, and the physical surroundings under my control at anytime while on House Arrest by the Sheriff's Office Employees or any Law Enforcement Officer.
- \_\_\_\_\_ 8. Each week I will submit a work and appointment schedule for the next week. All events on this schedule must be approved prior to attending those functions. Attending any event without prior approval will constitute a violation of House Arrest rules, cause for removal from the program, and filing of escape charges.
- \_\_\_\_\_ 9. I understand that I must return home by the time specified by the House Arrest Deputy, as soon as I am released from work, or as soon as my appointment is finished. I also understand that I will be inside the building that is considered my residence at all times when I am not approved to be else where.
- \_\_\_\_\_ 10. In the event of an emergency I will contact the House Arrest Office immediately if possible. I will take action to resolve the emergency and contact the House Arrest Office everytime I change locations if possible. This emergency must be verifiable to the satisfaction of the House Arrest Office.
- \_\_\_\_\_ 11. My employer will be contacted to verify my hours, location, and future schedule. My employer may also be contacted at anytime while I am on the House Arrest Program.
- \_\_\_\_\_ 12. I agree to submit to drug testing at the request of the House Arrest Office. This drug testing will be at my expense and tests are taken randomly while I am on the system. The testing fee is \$24.00 for each U/A sample taken and \$50.00 for each intoxilizer breath sample taken at the Jail.

Page 2/House Arrest Rules

- \_\_\_\_\_ 13. I will pay a user fee of \$9.00 per day for each day I am on the House Arrest Program.
- \_\_\_\_\_ 14. I will pay a \$25.00 initial hook-up fee.
- \_\_\_\_\_ 15. I will pay the first weeks user fees (\$63.00), the initial hook-up fee (\$25.00), and a drug testing fee (\$24.00) for a total of \$112.00 for my first weeks fees.
- \_\_\_\_\_ 16. I will report to the Jail booking sally port on the day set by the House Arrest Officer conducting collections each week to pay the past weeks fees (generally \$63.00 user fee and \$24.00 drug fee if applicable).
- \_\_\_\_\_ 17. I will not consume or possess any alcoholic beverages, narcotics, and illegal or non-prescribed drugs or paraphernalia. I understand no alcohol or spirits are allowed in my residence, nor will I take lunch or be in a location where alcohol is served.
- \_\_\_\_\_ 18. I agree not to have any firearms in my house while on the House Arrest Program. If I do not have anywhere to store my firearms while on House Arrest, I will turn them over to the Sarpy County Sheriff's Department for safe keeping until I am released from Sarpy County Jail custody.
- \_\_\_\_\_ 19. I will be responsible for my own maintenance, medical care, and bills while on the House Arrest Program.
- \_\_\_\_\_ 20. I will not have contact or associate with persons engaged in criminal activity. This is to include other participants in the program and persons with criminal histories. I agree to immediately contact the House Arrest Office of any criminal activity.
- \_\_\_\_\_ 21. I may be removed from the House Arrest program at any time either by the Courts or by the Sarpy County Sheriff's Department with or without prior notice.
- \_\_\_\_\_ 22. I will abide with all local, state, and federal laws.
- \_\_\_\_\_ 23. Any violation of these above listed rules, conditions, and laws will result in removal from the House Arrest Program and placement in Jail population, possible revocation of Probation, and Criminal charges being filed.
- \_\_\_\_\_ 24. Other Conditions: \_\_\_\_\_
- \_\_\_\_\_

I, \_\_\_\_\_, as a participant in the House Arrest Program, understand and agree to follow all conditions of the above agreement and rules that pertain to the House Arrest/Electronic Surveillance Program.

DATE: \_\_\_\_\_

Participant's Name (Print): \_\_\_\_\_

Participant's Signature: \_\_\_\_\_

Witnesses Signature: \_\_\_\_\_