



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Department of Corrections
County Detention Center
5310 Douglass Street
Upper Marlboro, Maryland 20772

July 8, 1986

Mr. William W. Wilkins, Jr.
Chairman
U.S. Sentencing Commission
1331 Pennsylvania Avenue, NW
Washington, D.C. 20004

Dear Mr. Wilkins:

Enclosed is a copy of the policy statement of the Prince George's County Department of Corrections. My testimony will be in accordance with this policy statement.

In addition, I will speak on our specific implementation and provide a demonstration of the equipment used by our organization.

Sincerely,

A handwritten signature in black ink, appearing to read "S.F. Saxton".

Samuel F. Saxton
Director

SFS/jh
enclosure

PRINCE GEORGE'S COUNTY
DEPARTMENT OF CORRECTIONS
HOME DETENTION PROGRAM

I. INTRODUCTION

Within the past several years, overcrowding in jails and prisons has become a nationwide problem. Many jurisdictions, including our own have been or are under court order or consent decree to reduce their inmate population. To alleviate the problem of overcrowding and to promote public safety, many jurisdictions have implemented a Home Detention Program for adult offenders.

Home Detention is a program which allows the offender to remain at home at prescribed times under close supervision. Offenders may hold a regular job but must be at home during their leisure hours unless excused by responsible authority for good cause.

The original idea of Home Detention was first used by the military several years ago. They used the concept, known as House Arrest, as a form of punishment following an infraction of regulations. The idea later evolved into Home Detention and was initially used by several judges sitting in juvenile court to restrict the freedom of youthful offenders.

If we examine the four basic goals of corrections, (a) incarceration/incapacitation,, (b) rehabilitation, (c) deterrence and (d) punishment/retribution, we see that they can easily be applied to the Home Detention Program. For example, our Home

Detention Program will place strict controls on the individual's freedom. Having come to take our freedom of movement for granted, this alone constitutes a major form of punishment.

As a participant in Home Detention, the offender will be required to be at his home at all times unless granted permission to leave. These approved absences have been closely scrutinized and are usually limited to going to and from work, seeking medical treatment or attending religious programs.

In addition to the above described restrictions, there are others which involve a loss of freedom in one's own home. The offender, for example, is prohibited from using alcohol or drugs. Also, visitors are not allowed to come to the home unless permission has been granted. The individual must also agree to the use of electronic monitoring devices which are used as both a positive form of identification and to ensure that the offender remains at home during prescribed hours. Such controls over a person's liberty and freedom of movement alone represents a significant form of punishment.

Incapacitation of the offender, perhaps the major goal of corrections is a key component of the Home Detention concept. In complying with the requirements of the Home Detention Program, the individuals are accountable for their time both inside and outside of the home. They also know that if they violate the rules that they will be returned to jail immediately.

By allowing participants to remain employed, the Home Detention Program fulfills the need to punish while recognizing the importance of allowing the offender to maintain family ties. Also

by limiting the participant's movement, it makes it more difficult to maintain contacts with significant others who may have exercised a negative influence on them.

A long held belief by law enforcement experts is that the most effective long range deterrent to crime is sure, swift, decisive action on the part of the Criminal Justice System. In that regard, the Home Detention Program accomplishes that end in two ways: (a) it is a swift, meaningful form of punishment; and (b) a violation of the rules of the program will result in immediate incarceration. Home Detention has been utilized as an effective population management tool in several states, such as California, New York, Florida, Utah and Washington State. Although the programs in these jurisdictions may vary in methodology and program criteria, all have experienced the same positive outcome. The available information indicates that over 85% of those placed on Home Detention Programs have not re-entered the prison system. Of course, we must realize that this concept is new and that many other variables come into play. However, it is extremely unlikely that the 75-85% recidivist rates attributable to most prison or jail systems will ever be reached.

The Home Detention concept gives individuals desiring a new lifestyle an opportunity to change. As in any new program, there will be those who volunteer to participate in hopes of gaining an early release. However effective screening by trained investigators coupled with the expeditious handling by the courts of those who fail to conform to the rules will reinforce the message

that only those truly committed to the Home Detention concept need apply.

II. BENEFITS OF PROGRAM

The public must be aware that most persons who enter a jail or prison will someday leave the facility to re-enter society. All of the information available shows that those who leave prison will return to prison in 75-85% of the cases. If the offender leaves the confinement setting without a positive behavioral change having taken place, it is very likely that the individual will again come in contact with the law. On the other hand, Home Detention allows the individual to re-enter society in an atmosphere where family unity and positive support systems have not been interrupted.

Currently, the cost of maintaining a person in the County Detention Center is \$44.00 per day. Under a closely monitored home detention program, the total cost of maintaining an individual could be reduced to as low as \$10 to \$15 per day. This cost could be reduced even more if we began a process of levying a fee on each individual to cover the cost of supervision. This fee could be based on the offender's ability to pay and made a part of the program agreement. The alternative would be the construction of additional beds and hiring of a greater complement of personnel.

In addition to the deferral of supervisory costs, the Home Detention Program provides the following ancillary benefits:

1. The individual can maintain employment and continue to provide support for his family. This is obviously more desirable

than having to place the family on public assistance.

2. The family unit remains together.

3. The Program is designed to assist the unemployed offender obtain employment.

4. The number of inmates sent to State Penal Institutions is reduced.

5. The negative impact of confinement is reduced because the offender is not subjected to the negative peer group pressures present in penal institutions. The individual has voluntarily chosen the Home Detention Program and should therefore be motivated to succeed. They are well aware of the consequences of failure.

6. The individual is free to focus on home and family matters, since he is confined to that location.

7. The offender can be held accountable for making restitution to their victims.

8. The burden on the Public Defender's Office could be lessened. That individual is responsible for obtaining their own attorney.

Eligibility

It is the expressed opinion of those who have experimented with the Home Detention Program that the prognosis for persons with alcohol or drug dependencies is not favorable. The overwhelming evidence seems to support the premise that these individuals lack the restraint needed to succeed in such a controlled environment. Mandatory screening for drugs and/or alcohol will be a program requirement. Additionally, another group which

should be excluded at least from initial participation are those who have committed violent crimes against persons. They may, following careful evaluation and intensive supervision, be proper candidates for early release into the program. Exposure to the program at this time would place the individual in an atmosphere where his personal and family support systems could be re-established as the offender is slowly accomplishing community reintegration.

The first-time sentenced offender would be an excellent candidate for the program. He could be sentenced to the Department of Corrections for an initial period of time, then with Judicial approval be removed from the facility and placed in Home Detention until expiration of his sentence. For example, certain Ohio jurisdictions have used a system of "shock incarceration" followed by removal and probation. The individual is sentenced to one (1) year, brought into jail staying 5-30 days and is brought back to Court and placed on probation. This type individual would be an excellent candidate for Home Detention because he will have "tasted the medicine," but not yet built an immunity to it. In other words, the first offender was not incarcerated long enough to be negatively affected by his experience and if returned to a supportive, caring atmosphere, the prognosis for rehabilitation remained good.

For the Pre-Trial status individual, the Home Detention Program has its greatest potential for providing an alternative to incarceration while at the same time providing for the safety and security of the public. The offender in Pre-Trial status presents

a different situation from the sentenced individual. That individual, though not yet convicted of crime would be a part of the program which would affect certain freedoms which we all take for granted. For example, the Judge could release him with the condition that he not leave his home during certain hours. In order to avoid a possible legal issue concerning punishment prior to conviction, the Program should be made available to those on Pre-Trial status on a voluntarily basis only. A person who volunteers for such a program will be made fully aware that a violation will return him to the institution. Therefore, through informed consent, the individual will be aware that an immediate loss of freedom will occur if he violated his release conditions. This differs significantly from the individual who takes a chance on committing a crime in the following ways: (a) before a offender can be sent to jail the crime must be reported, some are not; (b) they must have probable cause to believe that the offender committed the crime; (c) the offender must be brought to Court, stand trial, and be found guilty. Even if he is found guilty, he could get probation or some diversion program. It is easy to see why some offenders play the probability game when they contemplate committing a crime. On the other hand, in a Pre-Trial situation the individual is made to understand that if he violates a condition of release, immediate incarceration occurs until at least the time of trial. The Home Detention Program because of the voluntary nature of the program offers a great deal more flexibility than the unstructured bond release featuring no follow up supervision.

In some cases, the Judge may consider Pre-Trial compliance of an individual as evidence that the Home Detention would be a viable alternative to incarceration in conjunction with a suspended jail sentence.

From a legal and Corrections viewpoint, an individual should not be placed on Home Detention unless the normal disposition would be incarceration. For example, if a person would have been sentenced to probation under previous standards, the same should hold true. If, on the other hand, the sentence would have been jail, Home Detention may be an appropriate sentence. It should be recalled that this is a very severe form of punishment. Home Detention involves both the loss of personal freedom and the need on the part of the offender to avoid temptations not associated with jail. A person in jail, for example, does not have the opportunity to choose between walking off or having a drink of alcohol. The individual in Home Detention faces those choices every day.

We realize that Home Detention is not a panacea which will work for everyone or solve all of our problems. It can, however, be an effective tool which gives the motivated individual an opportunity to modify his behavior. If properly used, Home Detention can be an effective, viable tool of significant value in population management efforts. Furthermore, offender rehabilitation as well as reimbursement to the victim of property crimes are also possibly by-products of this Program.

Supervision

There are several Home Detention Programs throughout the

country. The type of controls and equipment are varied, however, for a program to be effective both in the rehabilitation aspect and cost effectiveness, graduated levels of supervision must be built in.

The Department of Corrections currently has an effective program for persons awaiting trial in the District Court. This program, which represents the first level of supervision, involves an initial interview, extensive criminal background checks and verification of community ties. For example, if a candidate has community ties and is likely to appear in Court, the Department's Pre-Trial Release Unit supervises the individual to ensure that Court imposed special conditions are being honored. As part of the community supervision efforts, the Department maintains continuous communication with the individual reminding the client of upcoming court dates and reinforcing the consequence of failing to appear.

The second level would include closer supervision of the individual. On this level, the individual would be required per the Court to stay at home during specified hours of the day or night. The Court Liaison Division of the Department would then, in addition to interviewing and verifying information about the individual, fit him with a specially designed wristlet. The wristlet along with the accompanying verifier box is utilized in the following manner: When an individual is fitted with the wristlet, his telephone number and hours of Home Detention are programmed into a computer terminal. A member of the Court Liaison Division will transport the individual and the verifier

box to the subject's home. Division personnel will attach the verifier to the subject's telephone and test the equipment by notifying the Division's computer. Once the equipment is properly installed and tested, the computer randomly calls the individual's home to verify his presence at the prescribed times. The individual's voice is placed on tape while the wristlet, which must be put into the verifier, completes the verification/identification process. The information in reference to the call is recorded in the memory of the computer and printed for review by staff personnel. The hardcopy print-out will chronologically list all client information. The hardcopy immediately documents for immediate staff follow up if: (a) the individual does not answer, (b) the line is busy, (c) the subject does not put the wristlet in the verifier or (d) the telephone is malfunctioning.

The third level of supervision will require random visits by specially trained staff investigators to the person's home or to any permitted outside activity. These visits will be made without notice. The visits to places other than home will be conducted when the Court imposed restrictions only allow for home absences to attend certain activities. For example, if a person was supposed to be at home unless he was working, he could verify that he was at work.

The fourth level of supervision involves more sophisticated electronic equipment. For example, the person would be fitted with an ankle or bracelet transmitter. A receiver would be attached to his home telephone. Next, a distance from the tele-

phone would be programmed into the receiver, usually 50-200 feet. The office computer would be programmed to call the receiver and obtain information from it. The receiver in this system would call the office computer if the individual tampered with, unplugged or left at an unscheduled time. If a violation occurs, a special investigator could immediately be dispatched to the scene to investigate. Random personal home and excused absence visits could also be made on this level.

These four levels of supervision will give judges a viable tool to utilize in both Pre-Trial and convicted status cases. For the convicted offender, it would be used as a punishment for those requiring punishment but who do not fit the criteria for probation or a lengthy imprisonment.

In summary, these levels provide a means of punishing those who commit crime by restricting their movement while at the same time relieving the public of the cost of incarceration and in many cases public assistance for the offender's family. Finally, the closer the scrutiny of the offender's movement within the community the less likely they will commit other offenses.