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# Convicted Drunk Drivers in Electronic Monitoring Home Detention and Day Reporting Centers: An Exploratory Study

**References** 

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**IN THE UNITED STATES**, the use of varied intermediate sanctions has been spurred by a fiscal need for supervision and treatment of offenders that are less expensive than long-term imprisonment, and a judicial need to find constitutional alternatives to traditional imprisonments to restrain jail/prison overcrowding. Typically, intermediate sanctions are conceptualized as punishments located on a continuum between prison and traditional probation (Tonry, 1997). These sanctions are intended to permit rational allocation of correctional and sanctioning resources to safely supervise minor offenders in community-based correctional programs while confining serious offenders behind bars (Parent, Dunworth, McDonald, and Rhodes, 1997). Two intermediate sanctions that are increasingly being implemented across the United States since the 1980s are electronic monitoring home detention (EMHD) programs and day reporting centers (DRCs).

The first EMHD program for adult offenders was established in Palm Beach County, Florida in 1984 by the Palm Beach County Sheriff's Department in-house arrest work release program (Brown and Roy, 1995). In 1986, the Crime and Justice Foundation in Boston worked with Hampden County Sheriff's Department in Springfield, Massachusetts, to start the first DRC in the United States (Curtin, 1996). Both these programs are utilized by our criminal justice system at pre-trial stage as well as post-trial stage, and both these programs are non-residential; hence, the common factor is that the participants in both programs are allowed to remain at home and continue their employment and/or education (Lurigio, Olson, and Sifferd, 1999).

In the U.S., empirical studies on the EMHD programs have been reported since the late 1980s, while such studies focusing on DRCs have been available since 1990. Both these programs across our country include varied types of offenders as participants, e.g., offenders charged with and also convicted for drunk driving, property offenses, and personal offenses (Martin, Lurigio, and Olson, 2003; Finn and Muirhead-Steves, 2002).

However, previous researchers have paid scant attention to convicted drunk drivers sentenced to these two programs. Even when they focused specifically on convicted drunk drivers, they

examined them in only one of the two programs. In other words, previous researchers did not conduct a comparative study on convicted drunk drivers when they were sentenced to EMHD as well as DRC programs. This study focused on those convicted drunk drivers who were sentenced to these two programs and also completed their sentences in a southwestern Indiana county from January 2002 through December 2003. In this Indiana county, convicted drunk drivers are sentenced to EMHD and DRC programs. Specifically, the objective of this exploratory study was to compare the two groups [EMHD and DRC] of similar offenders in terms of their "exit status."

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#### **Previous Research**

As specified in the previous section, the focus here is on convicted drunk drivers sentenced to EMHD and DRC programs in an Indiana county during the study period. Hence, discussion on previous research findings on these two community-based programs is presented in two subsections.

#### EMHD

According to Finn and Muirhead-Steves (2002), EMHD is being utilized as a) pretrial supervision of criminal defendants, b) an alternative to revocation of individuals supervised on probation and parole, and c) an additional component of probation and parole supervision. The eligibility/selection criteria for placement of offenders in EMHD vary across the nation. A review of previous research points out that the majority of these programs involve non-violent offenders and those with non-violent offense histories (Roy, 1999, 1997; Zhang, Polakow, and Nidorf, 1995; Brown and Roy, 1995; Baumer, Maxfield, and Mendelsohn, 1993; Cooprider, 1992; Lilly, Ball, Curry, and Smith, 1992; Vaughn, 1991, 1987; Clarkson and Weakland, 1991; Kuplinski, 1990; Charles, 1989; Ball, Huff, and Lilly, 1988; Bloomberg, Waldo, and Burcroff, 1987; Lilly, Ball, and Wright, 1987). Also, some programs supervise only those offenders who are sentenced to jail for a given number of days (Roy, 1999; Lilly, Ball, and Wright, 1987). In contrast, some programs exclude offenders who have pending charges or have a history of absconding (Kuplinski, 1990). Finally, some programs exclude offenders who have multiple felony convictions, require in-patient drug/alcohol treatment, or are serving intermittent sentences (Brown and Roy, 1995).

Overall, previous researchers have focused on various aspects of these programs, such as the monitoring devices, cost analysis, percentages of offenders successfully exiting these programs, factors predictive of successful exit, and also post-program recidivism. Despite the differences in selection criteria, previous research reports reveal that 57 percent to 97 percent of offenders had successfully exited their programs (Roy, 1999). As for "exit status," several previous researches had focused on this issue. For instance, results from the national survey conducted by Renzema and Skelton (1990) reveal that an offender's age and sentence length were predictive of "exit status." Older offenders (over 35 years of age) had more likelihood to successfully exit their programs; that is, age and successful exit were inversely related. Regarding sentence length, Renzema and Skelton (1990) reported that as the sentence length exceeded 180 days, the likelihood of successful exit increased. The finding on an offender's age has been supported by other previous research findings (Roy, 1999, 1997; Brown and Roy, 1995; Roy, 1994; Lilly, Ball, Curry, and McMullen, 1993). However, the finding on an offender's sentence length from the national survey has not been supported by other research reports (Roy, 1999, 1997; Brown and Roy, 1995).

Previous researchers have also found several other factors to be significantly related to "exit status": charge reduction (offenders whose original charges were reduced were more likely to fail, compared to those whose charges were not reduced), employment status (unemployed offenders were more likely to fail than employed offenders), gender (male offenders were more likely to fail than female offenders), previous convictions (offenders with previous convictions were more likely to fail compared to their cohorts with no prior) (Roy, 1999; Lilly, Ball, Curry, and McMullen, 1993), income (offenders with \$10,000 or less annual income were more likely

to fail compared to those with more than \$10,000 annual income) (Lilly, Ball, Curry, and McMullen, 1993), number of prior offenses (offenders with more than three prior offenses were more likely to fail than those with fewer than three priors), substance abuse history (offenders with substance abuse history were more likely to fail compared to offenders with no such history), and prior institutional detention (offenders who had history of prior institutional detention were more likely to fail than their cohorts with no such history) (Brown and Roy, 1995; Roy, 1994).

A review of previous research reports indicates that various types of convicted offenders (such as drunk drivers, property offenders, and those convicted for personal offenses) are sentenced to EMHD programs across the U.S. To date, only a handful of researchers have focused exclusively on convicted drunk drivers. The most recent one conducted by Courtright, Berg, and Mutchink (2000) examined the factors statistically significantly related to successful exit from the EMHD program administered in Western County, Pennsylvania. Although the authors did not clearly indicate the percentage of offenders who successfully exited the program during their one-year study period, they reported that employment, marital status, and prior offenses were significantly related to successful exit. Courtright, Berg, and Mutchnick (2000) had conducted an earlier study on the same type of offenders sentenced to the same program in 1997; however, this earlier study focused on cost analysis only. Lilly, Ball, Curry, and McMullen (1993) conducted a seven-year study on convicted drunk drivers sentenced to EMHD program administered by the Pride Incorporated in Palm Beach County, Florida. The authors reported that 97 percent of the participants successfully completed their sentences during the study period. They also reported that gender (male offenders had higher percentage of failure than female offenders), age (offenders who were over 40 years of age had higher percentage of successful completion than younger offenders), employment (unemployed offenders had higher percentage of failure than employed offenders), and income (offenders who had over \$10,000 annual income were more successful than those with less than \$10,000 annual income at completing their sentences successfully) were statistically significantly related to the offenders' successful exit from the program. In another study, Tuthill (1986) examined post-program recidivism among sixty convicted drunk drivers who successfully exited the EMHD program in Lynn County, Oregon, during a one-year study period in 1985; only three participants recidivated. No other analysis was conducted by the author.

# DRC

In general, DRCs vary from one jurisdiction to another in terms of program emphasis. On the one hand, several programs accent the availability of treatment services for offenders who would otherwise not have those services available to them (Lurigio, Olson, and Sifferd, 1999; McBride and VanderWaal, 1997; Lucas and Bogle, 1997a, 1997b; Parent, Byrne, Tsarfaty, Valade, and Esselman, 1995; Diggs and Piper, 1994). On the other hand, many programs emphasize other issues. Programs such as the southeastern North Carolina DRC emphasize surveillance, not treatment (Marciniak, 1999). However, one common goal of all DRCs in the U.S. is cost savings. For instance, the DRCs in Hampden County, Massachusetts, Harris County, Texas, Maricopa County, Arizona, and Orange County, Florida, identify cost savings as their primary goal (Parent et al., 1995; Diggs and Piper, 1994). In addition, restraining or reducing jail/prison overcrowding is a mandate of the Massachusetts, Texas, and Arizona DRCs just mentioned (Parent et al., 1995). Furthermore, some programs, such as the Cook County, Illinois DRC, emphasize improving the percentage of court appearances among pre-trial offenders (Lurigio et al., 1999).

DRCs in the U.S. also vary widely in their target populations. The majority of DRC participants are substance abusers or have a history of substance abuse (Parent et al., 1995). Also, some DRCs target probation violators, both felons and misdemeanants (Marciniak, 1999). In addition, some DRCs in Virginia accept referrals from judges and parole boards as well as probation and parole officers (Lucas and Bogle, 1997a, 1997b). While some DRCs target non-violent offenders, graduates of various residential programs, and pre-trial defendants (Roy and Grimes, 2002; Lurigio et al., 1999; Parent et al., 1995), other DRCs like the Salt Lake City, Utah DRC target only probationers and parolees (Bureau of Justice Assistance, 2000).

According to previous research findings, the percentages of successful exit from DRCs by adult offenders ranged from 13.5 percent to 84 percent. The lowest percentage (13.5 percent) of successful completion has been reported by Marciniak (1999) in a southeastern North Carolina DRC; the highest percentage (84 percent) was reported by Diggs and Piper (1994) in Orange County, Florida. So far, only a few researchers have focused on the factors related to failure or unsuccessful exit of offenders from DRCs, Humphrey (1992) reported five factors—continued drug use, absconding, non-compliance with program rules, and loss of job as well as loss of residence. Among all the published reports available to date, only Marciniak (1999) used statistical analysis to ascertain the factors statistically significantly related to offenders' "exit status;" they were: employment, education, and living situation.

As for post-program recidivism among offenders who successfully exited DRCs, few previous researchers have concentrated on this issue. To date, only six published reports have done so. In all six, the authors measured recidivism in terms of rearrests on new charges. Clear information about the percentages of post-program recidivism is available from the following four studies: 1) 44 percent in the Salt Lake City, Utah DRC (Bureau of Justice Assistance, 2000); 2) 22 percent in the Fairfax County, Virginia DRC (Orchowsky, Lucas, and Bogle, 1997); 3) 20 percent in the Metropolitan DRC, Boston (McDevitt, Domino, and Baum, 1997); and 4) 14.9 percent in the Maricopa County, Arizona DRC (Jones and Lacey, 1999).

However, regarding convicted drunk drivers sentenced to DRCs, only one published study has been available to date. Jones and Lacey (1999) investigated convicted drunk drivers sentenced to the Maricopa County, Arizona DRC. More specifically, the authors focused on repeat drunk drivers. They reported that almost 15 percent of those who successfully exited the DRC had recidivated during their study period. No further analysis was conducted by the researchers. However, one significant fact was that all the offenders in this DRC were released from jail early to be placed in that program. The length of time they spent in that DRC was equal to their remaining jail time.

In sum, this review of previous research findings on EMHD and DRC programs makes clear that so far very few researchers have focused exclusively on convicted drunk drivers sentenced to these community-based programs. As mentioned earlier, in this southwestern Indiana county, convicted drunk drivers are sentenced to EMHD and DRC programs. Previous researchers have investigated convicted drunk drivers sentenced to either EMHD or DRC programs in other jurisdictions across the U.S. They have not conducted any comparative study on convicted drivers when these offenders are placed on EMHD and DRC programs in the same jurisdiction. As the same type of offenders are sentenced to these two programs administered by the same community corrections office in the Indiana county, it is worth conducting an exploratory study comparing the two groups of offenders. In this study, the subjects included those convicted drunk drivers who were sentenced by the County Superior Court to these two programs and also completed their sentences from the beginning of January, 2002 through the end of December, 2003. The EMHD group was compared with the DRC group in terms of their "exit status."

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# Method

#### Data Sources and Subjects

The data were coded from individual offender case files maintained by the County Community Corrections Office. Initially, all the convicted drunk drivers who were sentenced to EMHD (130 individuals) and DRC (67 individuals) programs and exited the programs (during the two-year study period) were included in this study. However, due to inconsistencies in the available information, 12 subjects from EMHD and 16 subjects from DRC were dropped. Hence, this study included 118 subjects in EMHD and 51 subjects in DRC. Detailed information regarding each subject's prior offense history, prior sanctions, and post-program recidivism was collected from the Criminal History Information System maintained by the County Superior Court.

The following independent variables have been used in this study: age, race, sex, marital status, offense (drunk driving) class, charge reduction, sentence type, sentence length (i.e., the number of days spent by each subject in each program), prior OWI offense, prior jail commitment, prior drug/alcohol counseling. The mean age of subjects was 38.6 years in DRC (range 19 to 64 years), and 35.1 years in EMHD (range 27 to 65 years). About 90 percent of the subjects in both groups were "whites" (coded 1) and the remaining 10 percent (approximately) were "non-whites" (coded 0). Also, the majority of the subjects were "male" (male coded 1, and female coded 0) (80.4 percent in DRC and 87.3 percent in EMHD). The majority of the subjects were "not married" (married coded 1, and not married coded 0) (66.7 percent in DRC and 78 percent in EMHD). As for offense class, 76.5 percent of the subjects in DRC and almost 56 percent in EMHD were "misdemeanants" (coded 0); the remaining subjects were "felons" (coded 1). The original charges were reduced (charge reduced coded 1, and not reduced coded 0) by the Court for two subjects (4 percent) in DRC and thirtyfive subjects (29 percent) in EMHD.

In the southwestern Indiana county, these convicted drunk drivers were placed in EMHD in three ways: as an additional condition of their probation sentence (coded 1), as direct commitment (in lieu of jail sentence; coded 2), and as sentence modification (jail sentence modified after spending specific amount of time in jail; coded 3); in DRC, they were placed as a condition of probation sentence and as sentence modification. In both programs, the majority of the subjects were placed as a condition of probation (98 percent in DRC, and 78.8 percent in EMHD). Twenty-four subjects were sentenced in EMHD as direct commitment. Also, each group included one individual placed as sentence modification. As for sentence length, the range in DRC was 14 to 475 days, while in EMHD the range was 40 to 365 days. Regarding prior OWI offense, the two groups of subjects varied. Seventy eight percent of the subjects in EMHD had such history compared to thirty-nine percent of their cohorts in DRC. The majority of the subjects had no prior jail commitment coded 0; 94.1 percent in DRC and 85.6 percent in EMHD) as well as no prior imprisonment (coded 1; 88.2 percent in DRC and 98.3 percent in EMHD). However, about 53 percent of the subjects in DRC group and almost 80 percent of their cohorts in EMHD group had history of prior community corrections placement (coded 1, and no such history coded 0). As for prior drug/alcohol offenses (coded 1, and no prior drug/alcohol offenses coded 0), about 98 percent of DRC subjects and about 85 percent of EMHD subjects had such records. Also, about 41 percent of DRC subjects and almost 79 percent of EMHD subjects had documentations of prior drug/alcohol counseling (coded 1, and no prior drug/alcohol counseling coded 0).

The outcome measure of this study was "exit status." This variable was dichotomized as "successful" (coded 1) and "failure" (coded 0).

# Recoding of Independent Variables

The independent variables included two continuous variables—age and sentence length. Each of these two variables was recoded to be categorized into two groups for data analysis. Age was categorized into "group I" (up to 35 years) and "group II" (more than 35 years). Likewise, sentence length was categorized into "group I" (up to 180 days) and "group II" (more than 180 days).

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#### Results

As the previous literature has suggested, DRC and EMHD programs differ in their overall purposes. For example, typically DRC programs are utilized as a mechanism for reducing jail and prison overcrowding as well as the overall costs of correctional systems (Barton and Roy, 2005). Likewise, EMHD programs have consistently been used for both pretrial supervision, and an added component to probation and parole (Finn and Muirhead-Steves, 2002). That being said, any program may negatively impact the ultimate cost savings should an offender be unsuccessfully released from the program and in some instances diverted back to incarceration. Therefore, this exploratory study seeks to examine whether any relationship exists between the

following characteristics of drunk drivers placed in DRC and EMHD and their exit status: age group; offense class; sentence length; prior community corrections placement; prior alcohol or drug counseling; and prior jail detention.

Overall, the present study indicates that the majority of both DRC and EMHD participants did successfully exit the program (DRC=51 percent; EMHD=76 percent). However, this leaves unclear what characteristics of offenders increased their propensity for success or failure. Therefore, a separate chi-square analysis examining the relationship between the observed and expected frequencies for drunk driving offenders sentenced to both Day Reporting Center and Electronic Monitoring/Home Detention participants was conducted. This analysis will guide the researchers for future studies to further explore the depth of the relationships. Results of the analysis are presented below.

#### Age Group and Exit Status

Traditionally when examining the age of offenders sentenced to both DRC and EMHD programs, the research suggests that EMHD programs are prone to include older offenders (those above 35). DRC programs appear to vary in the age of participants. As previously mentioned, the average age for program participants in this study is 38.6 years in DRC (range 19 to 64 years), and 35.1 years in EMHD (range 27 to 65 years). Upon first review, the results reveal that the majority of DRC participants are over the age of 35 (63 percent) while the majority of EMHD offenders are under the age of the 35 (58 percent). This is significant since recent life course theories suggest that as an individual ages, he or she is less likely to participate in criminal behavior (Sampson & Laub, 1993). From this proposition we would expect that older participants would be more likely to succeed than younger participants. A cursory review of the data indicates this proposition is true. Table 1 presents the results from a chi-square analysis testing the significance of the relationship for each of the groups. Findings suggest that significant differences exist between age groups and exit status for EMHD participants only (p<.02; Cramer's V =.207). Therefore, this finding warrants further exploration.

# Offense Class and Exit Status

Previous research assessing the relationship between offense class and exit status indicates that a significant number of programs exclude felony offenders from entering their program at all. Although it does appear that Day Reporting Centers are more inclined to accept felony offenders than are Electronic Monitoring/Home Detention programs, research assessing the differences in the two groups, particularly for drunk driving offenders, is non-existent. In the current study, both misdemeanant and felony drunk driving offenders were included in the program. Therefore, it is important to ascertain whether any relationship exists between offense class and outcome.

<u>Table 2</u> reports the results assessing the relationship between offense class and exit status. Approximately three-fourths of the offenders for both programs are misdemeanants (DRC=39, 76 percent; EMHD=90, 76 percent). Cross-tabulations were run using chi-square test for significance comparing the success rates for both groups. Overall, the results indicate that the majority of offenders participating in either program were successfully released (DRC=51 percent; EMHD=76 percent). These results indicate there is no significant relationship for DRC participants. However, a significant relationship does exist between offense class and EMHD program participants (Cramer's V = .347 and p<.0001). Of particular interest is the difference in outcome for felony offenders. Although the majority of felony offenders did successfully complete the program (60 percent), a significant number did fail (40 percent). Therefore, this relationship is worth further inquiry.

# Sentence Length and Exit Status

When examining exit status, it is important to consider the overall amount of time an offender spends in a program. To date, no studies have examined the length of stay in Day Reporting Center programs and exit status. However, for electronic monitoring program participants, Renzema and Skelton (1990) found that sentence lengths exceeding 180 days increased the

likelihood of a successful exit from the program.

Table 3 presents the results examining the relationship between both Day Reporting Centers and Electronic Monitoring and exit status. Overall, the majority of both DRC and EMHD participants (94.1 percent and 85.6 percent respectively) participated fewer than 180 days in either program. Using a chi-square analysis test of significance, we find no differences in the groups. One probable explanation for this finding is that so few offenders participated more than 180 days that the cell sizes were sufficiently small enough to not allow for any variation, therefore, resulting in no significant differences. In spite of these findings, there were a couple of noteworthy results. DRC participants sentenced to less than 180 days were almost evenly split between successful completions (52 percent) and failures (48 percent). Conversely, the majority of EMHD participants sentenced to less than 180 days successfully completed the program (85 percent). Because there were only three offenders in the DRC program sentenced to more than 180 days, their results are by chance alone. However, 17 EMHD offenders were sentenced to more than 180 days. Of these offenders, the majority (77 percent) failed the program. Even though these findings were not significant, they do warrant further exploration.

# Prior Community Corrections Placement and Exit Status

Previous research assessing the effectiveness of Day Reporting Centers and Electronic Monitoring/Home Detention programs has focused on the type of program participants (pre-trial, probation, community based, etc.), level of participation (i.e., number of days in program), program and post-program recidivism, and comparisons between offenders in community-based alternatives and those with prior prison placements (Parent & Skelton, 1995). However, research to date has not focused on the relationship between prior placement in community corrections programs and exit status. The present study includes a nominal level measurement indicating whether the offenders have any form of prior community corrections placement. Results from this analysis are presented in Table 4. Overall, data reveal that 54.9 percent of DRC participants and 79.6 percent of EMHD participants did have some sort of prior community corrections placement. Using the chi-square test of association, the results indicate there are no significant differences between the expected and observed frequencies. Although they were not significant, there were a few noteworthy findings. Of those DRC participants who were placed in some form of community corrections, approximately 54 percent did successfully complete the DRC program, while 49 percent who did not have any prior placement also successfully completed the program.

The chi-square analysis revealed that there were significant differences between the observed and expected frequencies for the EMHD program (p<.05), unlike the DRC program. The majority of EMHD participants (76 percent) successfully exited the program. For those with prior community corrections placement, 70 percent successfully completed it, while 100 percent of those who were previously placed successfully completed. These findings suggest that it may not be prior placement that is explaining successful completion. They are, however, worthy of further more detailed exploration.

# Prior Alcohol or Drug Counseling and Exit Status

Previous literature examining the impact of community-based corrections indicates that those who participate in individual and/or group counseling, which includes AA, are significantly more likely to successfully exit the placement (English, Chadwick & Pullen, 1999). Since this study specifically examines offenders convicted of drunk driving, it is important to examine the relationship between any prior counseling and exit status. A review of data reveals approximately 43 percent of DRC and 79 percent of EMHD participants reported participating in some form of prior alcohol or drug counseling (see Table 5). Of those who participated, 55 percent of DRC and 70 percent of EMHD participants successfully exited the program. A chi-square test of association indicates that there were no significant differences between the observed and expected frequencies for either the DRC or EMHD. Although this measure was not significant, the evidence does suggest that some form of prior counseling may influence successful completion of the programs.

#### Prior Jail Detention and Exit Status

As previously mentioned, DRC and EMHD program participants become involved at various stages of the process. More specifically, research suggests that offenders who have had prior contact with the system, such as prior institutional detention (Brown and Roy, 1995; Roy, 1994), are more likely to fail. Therefore, it is important to examine the relationship between prior placement in jail or detention and exit status. A measure indicating prior jail detention was included in the study. Results from cross-tabulations located in <u>Table 6</u> reveal that only 5.8 percent of DRC and 14.4 percent of EMHD participants had experienced some prior jail detention placement. Of those that did have some form of prior placement, 67 percent of DRC and 53 percent of EMHD participants failed to successfully exit the program. The chi-square analyses further revealed no significant differences between the observed and expected frequencies. One explanation for the finding is the low number of participants in both categories who had been previously detained.

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#### Conclusion

This exploratory study expands the current literature by assessing the relationship between drunk driving offenders sentenced to either a Day Reporting Center or Electronic Monitoring/Home Detention program and exit status. Using cross-tabulations and chi-square analysis, results were presented in six different categories: age group; offense class; sentence length; prior community corrections placement; prior alcohol or drug counseling; and prior jail detention. To summarize, the results indicate that older offenders (those over 35) and those convicted of a felony were more likely to successfully complete the program than younger offenders and those convicted of a misdemeanor. These results support the previous literature, which suggests that as offenders age they are more likely to have a greater stake in conformity or more to lose by incarceration (Sampson and Laub, 1993). Therefore, we would expect this finding. Likewise, those offenders who have committed felony offenses rather than misdemeanors may fear that the outcome of failing the program is incarceration. Therefore, they may be more inclined to take advantage of the services offered in the programs and successfully meet all of the programmatic requirements.

One area of significant interest was the relationship between sentence length and successful completion of the program. Previous research has suggested that sentence lengths of more than 180 days improve the likelihood of successful completion (Renzema and Skelton, 1990). Our study did not support this contention. Although not significant, the majority of offenders (DRC=67 percent; EMHD=85 percent) sentenced to more than 180 days failed to successfully complete the program, while only 48 percent of DRC and 15 percent of EMHD offenders sentenced to fewer than 180 days failed. One explanation for the difference between our study findings and those of Renzema and Skelton (1990) is that the great majority of offenders were sentenced to fewer than 180 days; therefore, the likelihood of completion was greater. For example, only 3 DRC offenders and 17 EMHD offenders were sentenced to more than 180 days. One way to further assess the relationship between these findings is to examine the participants over a longer period of time so that more offenders with lengthier sentences are included in the study.

When assessing the relationship between prior community corrections placement, a divergent picture arose. Although neither relationship was significant, the findings did reveal that 70 percent of those EMHD offenders who had some form of prior placement and 100 percent of those who had no prior placement did successfully exit the program. DRC participants, however, were not quite as successful. Although the majority of those who had some form of prior community corrections placement did successfully exit (54 percent), those who had no prior placement did not (49 percent). One explanation for the difference could be the level of supervision the offenders in EMHD receive. In this system, sentences are given on a continuum of seriousness. EMHD is viewed as the last option in this continuum. Therefore, those offenders with prior placement may understand the significance of successful completion and thus be more likely to follow the rules and complete the program. These distinct differences, even though not

significant, are worthy of further assessment.

As mentioned, previous research indicates that individuals who participate in some form of individual or group counseling, which includes Alcoholics Anonymous, are significantly more likely to successfully exit the program (English, Chadwick, and Pullen, 1999). Our findings did not support this contention. Although the majority in both groups who had participated in some form of counseling did successfully exit (DRC=55 percent; EMHD=70 percent), the differences were not significant. One important finding was that the majority of those DRC participants who did not have any prior counseling were less likely to successfully complete the program (48 percent) than those offenders in EMHD (100 percent). These results do not provide the complete picture; therefore, these findings are worthy of further exploration.

Finally, previous literature indicates that offenders who have prior contact with the system are more likely to unsuccessfully (fail) exit the program than those who have not had prior contact (Brown and Roy, 1995; Roy, 1994). We examined this relationship for both groups of offenders. The findings from the cross-tabulations supported this proposition. The majority of offenders in both DRC and EMHD who had previous contact with the system were more likely to fail (DRC=67 percent; EMHD=53 percent) than those offenders who had no prior contact (DRC=46 percent; EMHD=19 percent). These findings suggest that more attention to offenders needs to be given earlier in the process. There is some cause for concern or alarm for the successful outcome of offenders with previous contact. This is especially disturbing when unsuccessful exit from a program may result in the incarceration of the offender. As the jail and prison populations become further overcrowded, this finding is noteworthy.

Overall, this study is exploratory in nature. It was designed to provide preliminary results and identify areas worthy of further exploration. Future research should focus on the significant differences or relationships particularly for EMHD offenders. Each of the identified categories is worthy of further exploration.

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**References** 

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Tab	le 1: Age Groups and Exit Status					
	Exit Status					
		DRC EMHD				
Age Groups	Success	Failure	Total	Success	Failure	Total
0-35	9 (47%)	10 (53%)	19 (100%)	57 (84%)	11 (16%)	68 (10%)
36+	17 (54%)	15 (46%)	32 (100%)	33 (66%)	17 (34%)	50 (100%)
Total	26 (51%)	25 (49%)	51 (100%)	90 (76%)	28 (24%)	118 (100%)

EMHD: p<.02; Cramer's V = .207

Table	e 2: Offense Class and Exit Status					
	Exit Status					
		DRC EMHD				
Offense Class	Success	Failure	Total	Success	Failure	Total
Misdemeanor	20 (51%)	19 (49%)	39 (100%)	59 (89%)	7 (11%)	66 (100%)
Felony	6 (50%)	6 (50%)	12 (100%)	31 (60%)	21 (40%)	28 (100%)
Total	26 (51%)	25 (49%)	51 (100%)	90 (76%)	28 (24%)	118 (100%)

EMHD: p<.0001; Cramer's V = .347

Table 3	: Sentence Length and Exit Status					
Exit Status						
		DRC EMHD				
Sentence Length	Success	Success Failure Total			Failure	Total
Up to 180 days	25 (52%)	23 (48%)	48 (100%)	86 (85%)	15 (15%)	101 (100%)
>180 days	1 (33%)	2 (67%)	3 (100%)	4 (23%)	13 (77%)	17 (100%)
Total	26 (51%)	25 (49%)	51 (100%)	90 (76%)	28 (24%)	118 (100%)

Table 4: Prior Co	ommuni	ty Corre	ections P	lacement	t and Ex	tit Status
		Exit	t Status			
		DRC			EMHD	
Prior C.C. Placement	Success	Failure	Total	Success	Failure	Total
Yes	15 (54%)	13 (46%)	28 (100%)	66 (70%)	28 (30%)	94 (100%)
No	11 (49%)	12 (51%)	23 (100%)	24 (100%)	0 (0%)	24 (100%)
Total	26 (51%)	25 (49%)	51 (100%)	90 (76%)	28 (24%)	118 (100%)

EMHD: p<.05

Table 5: Prior Alcor	nol or I	Drug (	Counse	ling an	d Exit	Status
		Exit Status	5			
		DRC			EMHD	
Prior Alcohol or Drug Counseling	Success	Failure	Total	Success	Failure	Total
Yes	12 (55%)	10 (45%)	22 (100%)	65 (70%)	28 (30%)	93 (100%)
No	14 (48%)	15 (52%)	29 (100%)	25 (100%)	0 (0%)	25 (100%)
Total	26 (51%)	25 (49%)	51 (100%)	90 (76%)	28 (24%)	118 (100%)

Table 6: Prior Jail Detention and Exit Status								
Exit Status								
		DRC EMHD						
Prior Jail Detention	Success	Failure	Total	Success	Failure	Total		
Yes	1 (33%)	2 (67%)	3 (100%)	8 (47%)	9 (53%)	17 (100%)		
No	26 (54%)	22 (46%)	48 (100%)	82 (81%)	19 (19%)	101 (100%)		
Total	27 (53%)	24 (47%)	51 (100%)	90 (76%)	28 (24%)	118 (100%)		

Psychology (1983): 390-395.

Walters, Scott, Clark, Michael D., Gingerich, Ray & Meltzer, Melissa. "Talking with Offenders about Change: Integrating Motivational Interviewing strategies into community corrections" Practice Monograph, National Institute of Corrections (Forthcoming).

Walters, S. T., Rotgers, F., Saunders, B., Wilkinson, C., & Towers, T., Theoretical Perspectives on Motivation and Addictive Behavior. In F. Rotgers, J. Morgenstern, & S. T. Walters (Eds.), *Treating Substance Abuse: Theory and Technique* (2nd ed., pp. 279-297). New York: Guilford Press. (2003).

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# Power and Control Tactics Employed by Prison Inmates—A Case Study

Allen, B., & Bonta, D. (1981). *Games criminals play: How you can profit by knowing them*. Sacramento , CA : Rae John.

Cornelius, G. (2001). *The art of the con: Avoiding offender manipulation*. Lanham, MD: American Correctional Association.

Elliott, B., & Verdeyen, V. (2002). *Game over! Strategies for managing inmate deception*. Lanham, MD : American Correctional Association.

Elliott, W.N. (2002). Managing offender resistance to counseling: The 3 R's. *Federal Probation*, 66, 172-178.

Elliott, W.N., & Walters, G.D. (1997). Conducting psychoeducational interventions with drug abusing offenders: The lifestyle model. *Journal of Drug Education*, 27, 307-319.

Samenow, S.E. (1984). Inside the criminal mind. New York : Crown Business.

Sharp, B. (2000). *Changing criminal thinking: A treatment program*. Lanham , MD : American Correctional Association.

Walters, G.D. (1990). *The criminal lifestyle: Patterns of serious criminal conduct*. Newbury Park, CA : Sage.

Yochelson, S., & Samenow, S.E. (1976). *The criminal personality Vol. I: A profile for change*. New York : Jason Aronson.

#### back to top

# Convicted Drunk Drivers in Electronic Monitoring Home Detention and Day Reporting Centers: An Exploratory Study

Ball, R., Huff, C, and Lilly, J. (1988) *House Arrest and Correctional Policy: Doing Time at Home*, Sage Publications, Newbury Park, CA.

Baumer, T., Maxfield, M. amd Mendelsohn, R (1993) "A Comparative Analysis of Three Electronically Monitored Home Detention Programs," *Justice Quarterly*, 10 (1), 121-142.

Bloomberg, T., Waldo, G. and Burcroff, L. (1987) "Home Confinement and Electronic Surveillance" in B.R. McCarthy (ed.) *Intermediate Punishments: Intensive Supervision, Home Confinement, and Electronic Surveillance,* Willow Tree Press, Monsey, NY.

Brown, M.P., and Roy, S. (1995) "Manual and Electronic House Arrest: An Evaluation of Factors Related to Failure" in J.O. Smykla and W.L. Selke (eds.) *Intermediate Sanctions: Sentencing in the 90s*, Anderson Publishing, Cincinnati, OH.

Bureau of Justice Assistance (2000) "The Utah Day Reporting Center: Success in Alternative Incarceration" in *Creating a New Criminal Justice System for the 21st Century: Findings and Results from State and Local Program Evaluation*, US Department of Justice, Washington, DC.

Charles, M. T. (1989) "Electronic Monitoring for Juveniles," *Journal of Crime and Justice*, 12, 147-169.

Clarkson, J. S. and Weakland, J. J. (1991) "A Transitional Aftercare Model for Juveniles: Adopting Electronic Monitoring and Home Confinement," *Journal of Offender Monitoring*, 4, 2-15.

Cooprider, K. W. (1992) "Pretrial Bond Supervision: An Empirical Analysis with Policy Implications," *Federal Probation*, September, 41-49.

Courtright, K. E., Berg, B. L., and Mutchnick, R. J. (2000) "Rehabilitation in the New Machine? Exploring Drug and Alcohol Use and Variables Related to Success Among DUI Offenders Under Electronic Monitoring—Some Preliminary Outcome Results," *International Journal of Offender Therapy and Comparative Criminology*, 44 (3), 293-311.

Curtin, E. L. (1996) "Day Reporting Centers" in James A. Gondles (ed.) *Correctional Issues: Community Corrections*, American Correctional Association, Lanham, MD.

Diggs, D. W. and Piper, S. L. (1994) "Using Day Reporting Center as an Alternative to Jail," *Federal Probation*, March, 9-12.

English, K., Chadwick, S.M., and Pullen, S. K. (1999). "Colorado's Intensive Supervision Probation Program." *Alternatives to Incarceration*, Jan/Feb, 5(1), 14-16.

Finn, M. A. and Muirhead-Steves, S. (2002) "The Effectiveness of Electronic Monitoring With Violent Male Parolees," *Justice Quarterly*, 19 (2), 293-312.

Humphrey, E. S. (1992) *Day Reporting Program Profile*, State of New York Correctional Services, Albany, NY.

Jones, R. K. and Lacey, J. H. (1999) *Evaluation of a Day Reporting Center for Repeat DWI Offenders*, Mid-America Research Institute, Winchester, MA.

Kuplinski, J. (1990) *Electronic Offender Monitoring in Virginia: Evaluation Report*, Department of Criminal Justice Services, Richmond, VA.

Lilly, J. R., Ball, R. A., Curry, G. D., and McMullen (1993) "Electronic Monitoring of the

Drunk Driver: A Seven-Year Study of the Home Confinement Alternative," *Crime and Delinquency*, 39 (4), 462-484.

Lilly, J. R., Ball, R.A., Curry, G.D., and Smith, R. (1992) "The Pride, Inc. Program: An Evaluation of Five Years of Electronic Monitoring," *Federal Probation*, December, 42-47.

Lilly, J. R., Ball, R. A., and Wright, J. (1987) "Home Incarceration With Electronic Monitoring in Kenton County, Kentucky: An Evaluation," in B. R. McCarthy (ed.) *Intermediate Punishments: Intensive Supervision, Home Confinement, and Electronic Surveillance,* Willow Tree Press, Monsey, NY.

Lucas, J. and Bogle, T. (1997a) Evaluation of the Richmond Day Reporting Center, House Document No. 60, Department of Criminal Justice Services, Richmond, VA.

Lucas, J. and Bogle, T. (1997b) *Evaluation of Norfolk Day Reporting Center*, House Document No. 61, Department of Criminal Justice Services, Richmond, VA.

Lurigio, A. J., Olson, D. B., and Sifferd, K. (1999) "A Study of the Cook County Day Reporting

Center," Journal of Offender Monitoring, Spring, 5-11.

Marciniak, L. M. (1999) "The Use of Day Reporting as an Intermediate Sanction: A Study of Offender Targeting and Program Termination," *The Prison Journal*, June, 1-14.

McBride, D. and VanderWaal, C. (1997) "Day Reporting Centers as an Alternative for Drug Using Offenders," *Journal of Drug Issues*, 27 (2), 379-397.

McDevitt, J., Domino, M., and Baum, K. (1997) *Metropolitan Day Reporting Center: An Evaluation*, The Center for Criminal Justice Policy, Northeastern University, Boston, MA.

Martin, C., Lurigio, A. J., and Olson, D. E. (2003) "An Examination of Rearrests and Reincarcerations Among Discharged Day Reporting Center Clients," *Federal Probation, J* une, 24-30.

Orchowsky, S., Lucas, J., and Bogle, T. (1997) *Final Report on Evaluation of the Fairfax County Day Reporting Center*, Department of Criminal Justice Services, Richmond, VA.

Parent, D., Dunworth, T., McDonald, D., and Rhodes, W. (1997) Key Legislative Issues in Criminal Justice: Intermediate Sanctions, National Institute of Justice, Washington, DC.

Parent, D., Byrne, J., Tsarfaty, V., Valade, L., and Esselman, K (1995) *Day Reporting Centers*, National Institute of Justice, Washington, DC.

Renzema, M. and Skelton, D. (1990) "Trends in the Use of Electronic Monitoring," *Journal of Offender Monitoring*, 3 (3), 12-19.

Roy, S. (1999) "An Analysis of the Exit Status of Adult Offenders in an Electronic Monitoring Home Detention Program in Indiana," *Journal of Offender Monitoring, Summer*, 8-13.

Roy, S. (1997) "Five Years of Electronic Monitoring of Adults and Juveniles in Lake County, Indiana: A Comparative Study on Factors Related to Failure," *Journal of Crime and Justice*, 20 (1), 141-160.

Roy, S. (1994) "Adult Offenders in an Electronic Home Detention Program: Factors Related to Failure," *Journal of Offender Monitoring*, 7 (4), 17-21.

Roy, S. and Grimes, J. N. (2002) "Adult Offenders in a Day Reporting Center: A Preliminary Study," Federal Probation, June, 44-50.

Sampson, R. and Laub, J. (1993). Crime in the Making: Pathways and Turning Points Through Life. Cambridge, MA: Harvard University Press.

Tonry, M. (1997) Intermediate Sanctions in Sentencing Guidelines, National Institute of Justice, Washington, DC.

Tuthill, J. (1986) "An Evaluation of Electronic Home Detention as a Deterrent for Offenders Convicted of Driving Under the Influence of Alcohol," *Journal of Probation and Parole*, 17, p. 11-13.

Vaughn, J. B. (1991) "Use of Electronic Monitoring with Juvenile Intensive Supervision Programs," in T. Armstrong (ed.) *Intensive Supervision with High-Risk Youths*, Willow Tree Press, Monsey, NY.

Vaughn, J. B. (1987) "Planning for Change: The Use of Electronic Monitoring as a Correctional Alternative," in B. R. McCarthy (ed.) *Intermediate Punishments: Intensive Supervision, Home Confinement, and Electronic Surveillance,* Willow Tree Press, Monsey, NY.

Zhang, S. X., Polakow, R. and Nidorf, B. J. (1995) "Varied Uses of Electronic Monitoring: The Los Angeles County Experience," in J. O. Smykla and W. L. Selke (eds.) *Intermediate* 

Sanctions: Sentencing in the 90s, Anderson Publishing, Cincinnati, OH.

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# The Effect of Gender on the Judicial Pretrial Decision of Bail Amount Set

Albonetti, C. (1989). Bail and judicial discretion in the District of Columbia. *Sociology and Social Research*, 74, 40-47.

\_\_\_\_\_. (1991). An integration of theories to explain judicial discretion. *Social Problems*, 38, 247-266.

\_\_\_\_\_. (1992). Charge reduction: An analysis of prosecutorial discretion in burglary and robbery cases. *Journal of Quantitative Criminology*, 8, 317-33.

Bynum, T.S. & Paternoster, R. (1984). Discrimination revisited: An exploration of frontstage and backstage criminal justice decision making. *Sociology and Social Research*, 69, 90-108.

Chesney-Lind, M. (1987). Female offenders: Paternalism reexamined. In L.L. Crites and W.L. Hepperle (eds.), *Women, the Court, and Equality*. (pp.135-158). Newbury Park, CA: Sage.

Crew, B. K. (1991). Sex differences in criminal sentencing: Chivalry or patriarchy? *Justice Quarterly*, 8, 59-83.

Daly, K. (1987). Structure and practice of familiar-based justice in a criminal court. *Law and Society Review*, 21, 267-290.

\_\_\_\_\_. (1989). Neither conflict nor labeling nor paternalism will suffice: Intersection of race, ethnicity, gender, and family in criminal court decisions. *Crime and Delinquency*, 35, 136-168.

\_\_\_\_\_. (1994). Gender and punishment disparity, In George S. Bridges and Martha A. Myers (eds.), *Inequality, crime and social control* (pp. 117-133). Boulder, CO: Westview Press.

Erez, E. (1992). Dangerous men, evil women: Gender and parole decision-making. *Justice Quarterly*, 9,105-126.

Farnworth, M. & Horan, P.M. (1980). Separate justice: An analysis of race differences in court processes. *Social Science Research*, 9, 381-99.

Farnworth, M., Teske, Jr., R.H.C. & Thurman, G. (1991). "Ethnic, racial and minority disparity in felony court processing.," In M.J. Lynch and E.B. Patterson (eds.), *Race and criminal justice* (pp. 123-134). New York: Harrow and Heston.

Farrington, D. P. & Morris, A.M. (1983). Sex, sentencing and reconviction. *British Journal of Criminology*, 23, 229-248.

Frazier, C. E., Bock, W., & Henretta, J. (1980). Pretrial release and bail decisions: The effects of legal community and personal variables. *Criminology*, 18, 162-181.

Ghali, M. & Chesey-Lind, M. (1986). Gender bias and the criminal justice system: An empirical investigation. *Sociology and Social Research*, 70,164-171.

Goldkamp, J.S. (1985). Danger and detention: A second generation of bail reform. *Journal of Criminal Law and Criminology*, 76, 1-74.

Goldkamp, J.S. & Gottfredson, M. (1979). Bail decision making and pretrial detention: Surfacing judicial policy. *Law and Human Behavior*, 3, 227-249.

Gruhl, J., Welch, S. & Spohn, C. (1984). Women as criminal defendants: A test for paternalism.