

Law Enforcement Response to Unconditional State Prison Release

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Abstract

This study examines local law enforcement's approach to monitoring of unconditionally released state Department of Corrections inmates. Unconditionally released inmates are identified as those that are under no form of supervision. The study attempts to establish whether municipal police departments and sheriff's offices are making efforts to monitor the released inmates. Agencies were identified by number of sworn officers, jurisdiction population and type. For those agencies that monitor, further information was gathered regarding the units with this assigned duty, what methods are employed to accomplish the task and the purpose of the monitoring. It was determined that while many departments of various sizes and jurisdictions have this type of program, a significant majority of local agencies do not monitor released inmates.

Introduction

The primary goal of a law enforcement agency is to provide for the safety and protection of the community that it serves. At a time when many law enforcement agencies across the state are facing significant budget issues, the need to find additional ways to accomplish that goal is essential. Police departments and Sheriff's offices monitoring of known offenders, specifically newly released Department of Corrections (D.O.C) inmates, could lead to an increase in public safety.

State D.O.C. inmates are released constantly into Florida's communities. Some of those releases are monitored with supervision through the probation system. Many are released unconditionally due to the completion of their sentence. Those on probation are required to have regular contact with their probation officer and satisfy a defined set of requirements; their failure to comply with the set conditions can result in return to prison to complete their original sentence. Those released upon completion of their sentence are not supervised and do not have to meet set criteria. They are turned out into society with no additional management or guidance from the system that they have been part of for years.

Most law enforcement agencies take a proactive approach to the prevention and detection of crime. Knowing that those released from prison have previously exhibited a willingness to violate the law, police and sheriff's offices should be interested in monitoring them. It is the responsibility of each agency to determine the extent to which it will attempt to track these unconditionally released felons. That is the purpose of this research.

Literature Review

The Florida Department of Corrections released 37,018 inmates between July 1, 2007 and June 30, 2008, an average of over one hundred each calendar day. Approximately 12.6 % (4,661) were released into probation or community control, and 14.6% (5,414) were released into conditional release supervision. The remaining 64.5%, or 23,888 former inmates, were released when their sentences had expired. (See chart 1).

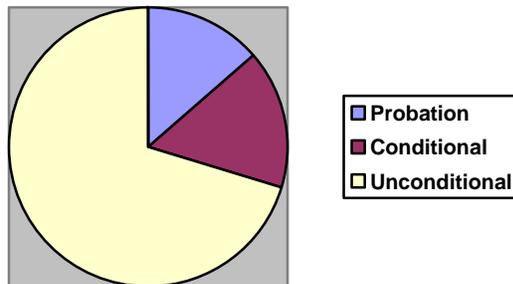


Chart 1: Prison inmate release by category

These "unconditional" releases have no terms of supervision upon release (Florida DOC, 2007). In 2002, over 600,000 prisoners were released from state or federal prisons across the country (Visher and Travis, 2003).

Former prison inmates released into probation or community control are monitored by probation officers and have a set of conditions that must be met to satisfy the terms of that probation. Failure to meet those standards can result in the return to prison to complete the rest of the original sentence. Probation can be formatted in several different ways: probation as a sentence in addition to prison time (for example, three years incarceration followed by 2 years probation), inmates released early to complete their sentence under probation supervision and probation strictly as a sentence for the crime are examples of types of probation. Florida Inmates that are released into "conditional release" status are violent offenders who have previously been incarcerated for another violent crime in a state or federal correction system.

These “conditional release” inmates must also meet a set of prescribed release conditions or are subject to incarceration for the remainder of their sentence (Florida DOC, 2007).

Inmates whose sentences have expired are released without any type of supervision, or “unconditionally”. Those released unconditionally spent approximately a year longer in prison than those released on some form of supervision (Solomon, Kachnowski, and Bhati, 2005). They are looked upon as having paid the debt imposed upon them and are members of free society. As such, they do not have the oversight of a probation officer or the risk of violating any terms of release which would lead to their return to prison.

Previous studies have identified several factors which influence a released inmate's ability to successfully re-enter society. One of those factors is categorized as post-release integration experiences: employment conditions, influence of peers, family situations, social service support as well as post release supervision (Visher and Travis, 2003). How the former inmate copes with those facets will have great influence on his re-entry. Employment opportunities are poor at best for released prisoners; many had poor employment histories prior to incarceration and now must deal with the stigma of being a convicted felon (Visher and Travis, 2003). At a time where unemployment is approximately 10% across the country and almost 12% in Florida (Umpierre 2010), the need to hire a convicted felon is not substantial. Social services such as drug abuse counseling or treatment for mental health issues may be more easily obtained when they are court-ordered. Supervised former inmates have a resource in the probation office that will possibly assist them in coordinating their re-entry: finding a job, remaining free of substance abuse, and staying away from bad influences. Unsupervised former inmates do not have that support.

Unsupervised releases are more likely to have been incarcerated for a violent offense. They have more prior arrests for violent crimes prior to their incarceration than others, and have been incarcerated 2.7 times. They generally serve longer prison terms than those that are released under supervised conditions. Approximately 60% will be rearrested within two years of release, and many of those will average 2.5 arrests in that two-year period. One out of five of those will be rearrested for committing another violent crime within two years. The first of those arrests comes usually less than 10 months after release (Solomon, Kachnowski, and Bhati, 2005). Based on these findings, the following can be reasonably predicted: of the 23,888 inmates unconditionally released by the Florida D.O.C. in 2007-2008, 14,332 will be arrested on new charges with two years; 4,777 of those will be arrested for violent crimes within two years. Of the 600,000 released nationally in 2002, 360,000 will be rearrested, will 120,000 charged with violent offenses.

The information presented in these studies is only a few examples of the problems that face law enforcement and society when dealing with the issue of unconditionally released felons. With a majority of these offenders committing new crimes within two years of their release, law enforcement can certainly benefit from monitoring these releases. The best course of action for accomplishing this, from passive intelligence gathering to aggressive proactive contacts, shall be determined by the individual agency.

Method

The purpose of this study was to determine how, or if, law enforcement agencies were monitoring the unconditionally release D.O.C. prisoners. By examining what different jurisdictions were doing, it is believed that the information collected can help other agencies determine whether their resources could be put to use in such areas.

A survey was created to establish whether agencies were monitoring released prisoners that are now residing in their jurisdiction and how they were doing it. Select municipal police departments and sheriff's offices throughout Florida were surveyed. A majority of the agencies survey had at minimum 100 sworn officers. Agencies of that size may have the resources to undertake a monitoring program that smaller agencies may not have. In addition, several agencies in southwest Florida were also surveyed. By including those agencies in the survey, the results may lead to the development of more uniform monitoring practices. This led to the inclusion of a few smaller municipal police departments in the Lee County, Charlotte County and Collier County.

The survey was intended to obtain information regarding each agency's level of contact with unsupervised prison releases. Questions were meant to establish whether an agency receives notification of a prison release, how that information is documented, and how the information is disseminated to agency personnel. Additional questions were designed to determine the types of prisoners monitored, what contact was made and if social service referrals were offered. Questions regarding the agency size and organization were also asked.

The surveys required contact information for the individual completing it in the event that clarification was needed. The survey took approximately 10 minutes to complete. A total of 31 surveys were sent out.

Results

Of the 31 surveys sent out for completion, 21 were returned, for a 67% return rate. The survey was designed in such a way that not all questions would require answers, depending on the responses to previous questions. Some questions that did require answers were not answered. The percentages documented here are rounded to the nearest whole number. A copy of the survey can be found in appendix "A".

Of the agencies that responded, 90% indicated that they received notification from the Department of Corrections when a prison inmate was released into their jurisdiction. Sixty-six percent received notifications on probationers, sex offenders and unconditionally released inmates, 29% solely on sex offenders, and 5% advised that only unconditionally released inmates were included in their notifications. (See chart 2.)

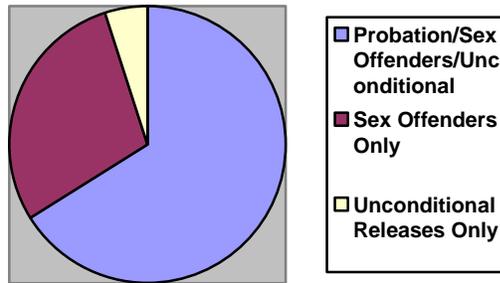


Chart 2: Notifications received by agencies by category

This information was made available to the agency's officers by 95% of the responding agencies. No attempt to verify the information received from the D.O.C. was made by 57% of the law enforcement agencies questions.

Twenty-four percent reported that they did attempt to monitor unconditionally released prison inmates. They were required to answer additional questions, thus affecting the percentages indicated for the following questions. (See chart 3)

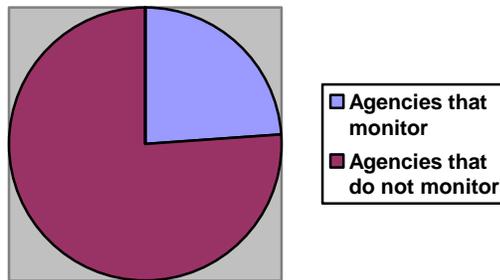


Chart 3: Agencies that monitor/do not monitor

Specific units are tasked with monitoring unconditionally released inmates as its primary responsibility at a rate of 60%. Responding agencies reported that 20% monitored released inmates for criminal intelligence only, 20% for criminal intelligence and "other", 20% for criminal intelligence and crime prevention, 20% for crime prevention, while 20% did not answer. Types of monitoring techniques employed by agencies include surveillance, contact/interview and records gathering. Twenty percent indicated that they use all techniques, 20% use surveillance and contact, 20% contact and records gathering, 20% gather records on unconditionally released inmates, and 20% did not answer. Agencies monitored violent offenders, drug offenders and property offenders 20% of the time, violent offenders 40% of the time, 20% "other", and 20% did not answer. Eighty-six percent of responding agencies reported that they monitor sex offenders in their jurisdiction, while 10% do not, with 4% not answering. Additionally, 52% work with probation offices to monitor probationers.

The type of law enforcement agency that responded was almost equal: 52% Sheriff's Offices and 48% Municipal Police Departments. Those agencies employed more than 200 sworn officers 67% of the time, 19% had between 100 and 200 officers,

and 14% less than 100 officers. The populations these agencies served were 43% more than 200,000 residents, 24% between 100,000 and 200,000, and 33% less than 100,000 residents. Finally, 76% of the agencies had a designated criminal intelligence unit, and 86% had a crime analysis unit.

Discussion

The focus of this research project was to determine what steps local law enforcement agencies are taking to monitor unconditionally released Department of Corrections inmates. As stated earlier, an unconditionally released inmate is one whose sentences have expired and have been released without any type of court-ordered supervision. These inmates were more like to have committed violent crimes and stand a good chance of being arrested for another offense within 2 years of their release. All of the responding agencies reported that they receive notification of inmate releases from the D.O.C. on at least one of the prisoner categories, which are probationers, sex offenders and/or unconditionally released inmates. Almost all of them receive information on sex offenders, which can probably be attributed to the strict registration and monitoring requirements set by state statute.

The research indicated that about one-fourth of police departments or sheriff's offices attempt to track this group of former inmate, which is a larger percentage than expected. Given current budgetary constraints, as well as the ever-present demand for cops on the street or working cases, this type of program could be eliminated from many departments despite the advantages of having it.

It appears that larger agencies of more than 200 sworn officers are more likely to commit resources to this effort. Both small (less than 100 sworn officers) and mid-size (between 100-200 sworn officers) also participate, but significantly less than the larger agencies. The larger agencies may have more officers available to staff a unit that would handle this type of assignment, while many smaller agencies do not. Many units use surveillance or contact as tactics of monitoring, which is more labor intensive and would require a great amount of manpower to accomplish.

Another possible reason is the actual number of inmates released into their jurisdictions. It can reasonably be assumed that larger cities or counties would have a greater number of this group of inmates and feel a greater need to know what they were up to. Smaller cities may not believe that they have a great need to track the few that live within their borders.

Agencies of any size would determine what the limits of their monitoring would be. They could decide to track only their violent offenders if they have a significant violent crime problem. Sex offenders require periodical registration due to statutory regulations, but additional tracking could also be desired. Some jurisdictions have ordinances that further regulate where sex offenders are allowed to live, which might open other monitoring opportunities.

All agencies that monitor unconditional releases have a designated criminal intelligence unit, regardless of the size of the agency. Most have a crime analysis unit. Both of these components should be a benefit to the tracking of offenders. All of the responding agencies reported that gathering of criminal intelligence was one of the

purposes for having a monitoring program. If the criminal intelligence unit is not the primary monitoring unit, it could be used as a support unit that assists when necessary. The guidelines for gathering criminal intelligence would enable the offender's information to be updated as needed and purged when the information is no longer necessary.

In addition to the use of surveillance to monitor the released inmates, over half of the agencies gather records on the individuals being monitored. This would be necessary to establish the specific types of crimes committed and the methods used to commit those crimes, such as robbery with a firearm or smash-and-grab commercial burglaries. The D.O.C. only provides information regarding the conviction and sentence of the inmate. Obtaining copies of booking reports or court documents would assist in determining the way they operated. A crime analysis unit could be essential in identifying current crime trends and possibly matching known offenders to current crimes.

Recommendations

Another study of should be conducted to determine whether these monitoring programs are successful. The follow-up research should include the same agencies. Again, they would be split into the two groups, those that monitor and those that do not. Those that monitor would provide information regarding the monitoring in relation to re-arrests, as well as if information gathered by monitoring was useful in clearing cases and crime prevention. Those that do not would be asked to provide information on prison releases that are arrested within the time period. Any differences could indicated whether monitoring programs are successful or whether they should continue.

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Appendix A

Cape Coral Police Department Investigative Services Bureau

Please complete the below survey. You may select all answers that apply to each question.

1. Does your agency receive notification from the Florida Department of Corrections regarding prison inmates released into your jurisdiction?

Yes No

2. What types of released prison inmates does your agency receive notifications on?

Probationers Unconditional Released Inmates (no probation/community control)
 Sex Offenders

3. Is the information regarding the release made available to your officers/deputies?

Yes No

4. Does your agency attempt to verify any information provided by the DOC release, such as the stated address upon release?
- Yes No
5. Regarding specifically the unconditionally released prison inmates (those not on probation/community control), is there any follow-up monitoring done by your agency?
- Yes No **IF NO IS ANSWERED, SKIP TO QUESTION #10**
6. Is there a specific unit within your agency whose primary responsibility is to monitor unconditionally released prisoners?
- Yes No
7. If yes, what is your agency's purpose for monitoring unconditionally released prison inmates?
- Criminal Intelligence Crime Prevention
 Social Services Referral Other _____
8. What type of monitoring techniques does your agency use?
- Surveillance Record/Information Gathering
 Contact/Interview with Inmate/Family
9. What types of unconditionally released prison inmates are monitored?
- Violent Offenders Property Offenders
 Drug Offenders Other _____
10. Does your agency monitor registered sex offenders in your jurisdiction?
- Yes No
11. Does your agency work with probation to monitor probationers in your jurisdiction?
- Yes No
12. Which describes your agency?
- Municipal Police Department County Sheriff's Office

13. How many full-time sworn law enforcement officers does your agency employ?

- Less than 100
- More than 200

Between 100-200

14. What is the population of the jurisdiction that you serve?

- Less than 100,000
- More than 200,000

Between 100,000 and 200,000

15. Does your agency have a designated criminal intelligence unit?

- Yes
- No

16. Does your agency have a crime analysis unit?

- Yes
- No

Name and Rank:
Agency:
Contact Number: