

# Alternatives to Standard Methods of Incarceration

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## *Abstract*

*The lack of adequate prison space to house criminal offenders is resulting in a failure of the system to provide appropriate punishment and/or deterrence for the criminal element in today's society. Florida's inmate population has exploded, from 20,000 in 1978 to more than 46,500 today. During fiscal year 1990-1991, the Department of Corrections admitted 37,631 new offenders. They are housed in 47 major institutions, 36 community correctional centers, 6 road prisons, and 21 work camps (Florida Sheriffs Association, 1992).*

*This situation has created a need for alternative methods of incarceration that meet the requirements for judicial sentencing of nonviolent and first-time offenders. With prisons continuing to be overcrowded, alternatives are not an option, they are a necessity. The demand for alternatives is the result of public dissatisfaction with the criminal justice system. Citizens are becoming more and more disillusioned as unmerited gain time is indiscriminately handed out to those who certainly don't deserve it. The revolving door policy for repeat offenders is ineffective as a deterrent and totally unsatisfactory to the taxpaying citizen. The questions we must answer are, what alternatives to the current system exist, and which ones are the best -- in terms of both cost and programmatic effectiveness.*

## Introduction

Florida statutes provide the authority for probation, parole, and community control supervision. Probation is a court ordered term of community supervision under specified conditions for a specific period of time that can not exceed the maximum sentence for the offense. All conditions ordered by the court must be met and, if violated, may result in revocation by the court and imposition of any sentence it might have imposed, prior to placing the offender on probation. Probation may be modified at any time by the court through a hearing, and the offender must be present or represented by counsel. Those individuals placed on probation are monitored by correctional probation officers. This is accomplished through surveillance of offenders in the community, and by enforcing the Florida statutes and special conditions of the circuit courts and Parole Commission. Security and protection are provided to the community through investigation, control, and supervision of offenders (Florida Department of Corrections, 1987).

There are several other programs in place in addition to standard probation. Under the Florida Department of Corrections' Parole and Probation Services, the Pretrial Intervention Program (PTI) diverts selected first-time offenders (third degree felons and Circuit Court misdemeanants) from further penetration into the criminal justice system. This program allows offenders to avoid the social stigma that follows a conviction, and provides them a second chance to live their lives as responsible citizens. It also provides monetary restitution for victims, as well as an opportunity for the accused to learn behavioral change through symbolic restitution or community

service, while reducing the workload in the court system. "Eligibility shall be established by each Circuit through guidelines provided by the State Attorney's office in accordance with §944.025, F.S. The guidelines shall be distributed within the Circuit and a copy sent to the Probation and Parole Services Program office" (Florida Department of Corrections, 1987).

Under the current correctional philosophy, one of the main purposes of community control is to make the offender accountable and responsible for his criminal behavior.

*Community Control is not intensive probation, but a distinctive type of program that is punishment oriented and allows offenders to serve their sentences confined to their homes under "house arrest" instead of prison. It provides a safe means of punishing criminal offenders which helps address the problem of prison overcrowding without jeopardizing the safety of the community. Community controlees are: (1) confined under "house arrest" to their residences except during regular employment, public service work, or participation in self-improvement programs approved by the community control officer; (2) required to do public service work for nonprofit and governmental agencies to make reparation to society; (3) required to pay monthly fees to the State to offset costs; (4) required to complete daily logs to account for their activities and time; (5) required to maintain employment to support themselves and their families; (6) ordered to submit to urinalysis and/or breathalyzer tests at any time; (7) must participate in self-improvement courses to improve their chances of rehabilitation. (Florida Department of Corrections, 1987)*

Intensive probation, another alternative, is comprised of constant checks, including frequent and random drug tests, of those probationers who tend to be crime-prone. The arrest rate, while in this program, has proven to be much less than under traditional probation. The costs are substantially less for intensive watch, rather than confinement, so taxpayers save (U.S. News, 1990).

Electronic monitoring is now being widely used in a number of differing methods. Essentially, it adds a high-tech surveillance component to traditional house arrest, probation or parole programs. In one type of system, the offender is fitted with a continuously signaling anklet or wristlet that broadcasts to a second unit attached to the offender's home telephone line. If the offender leaves the house and takes the transmitter out of broadcasting range, a telephone-based receiver automatically calls the program's central monitoring location. There, a computer detects if the absence is authorized according to that offender's daily schedule, or if a violation has occurred. These monitoring systems can not eavesdrop on conversations or activities, nor can they track an offender if he/she leaves home.

Electronic monitoring has grown rapidly beyond its initial stages of applied science fiction to become a well developed correctional alternative. In fact, electronic monitoring is currently in use, or has been used, at one time or another, in all 50 states. In 1990, in the U.S., perhaps 10,000-12,000 or more offenders were contained in this manner, and more than 30 states had employed such means to a limited extent. The most likely candidates for electronic monitoring continue to be short sentence, low risk offenders

(Electronic Monitoring, 1992).

Monitoring technology has begun to move beyond its primary aim of verifying the offender's presence in the home. Several units now include the capability to test an offender's blood alcohol level and relay that information by phone to the central monitoring station. Future technology is unlimited in its capabilities, and may even result in geographical locator systems, that at some point may be satellite linkable (Electronic Monitoring, 1992).

Work programs are being used effectively in some states. This has always been a popular concept with the general public, whether offenders were actually incarcerated or not. Development of innovative programs could solve several problems, and hopefully, more will be implemented in the future. Any state or county jurisdiction would be able to use these programs to their advantage. Cost of prison housing would be eliminated and public works projects that might not otherwise be completed would be undertaken without requiring public funding for labor. If properly applied, these programs can work to the advantage of everyone.

A successful program of this type has been used in Minnesota. Titled "Sentencing to Service," it is a joint program of the Minnesota Department of Corrections and Minnesota Department of Natural Resources. Only nondangerous offenders are sentenced to the project, which is overseen by employees trained in managing crews. The work projects are legitimate work not likely to be completed because of lack of funds. Tools and equipment, as well as transportation to the work site, are provided. Hours are worked in lieu of a jail sentence or fine, or used in combination with both.

This concept has caught on well in Minnesota and is having an impact on the crowded jails in that state. The labor from the program has been well received by both state and county government, as well as the public. Politically, sheriffs and county commissioners report the public is very supportive of putting offenders to work and responds very favorably to the work projects completed by offender crews (McLagan, 1992).

Separate work release facilities have also been used successfully as an alternative to standard incarceration. Allegheny County, Pennsylvania has a special program for female offenders. A special facility was built by the county to meet the specific needs of this program. It was so successful that they decided to institute a similar program for men. In this case, an old Post Office building was remodeled for the work release facility. In both instances, a variety of services, including job training and placement, are offered to offenders. The women's facility even provides childcare while the offenders are at work (Arnold, 1992).

In addition to standard probation, there is a trend toward a combination of prison time and work release/community service supervision. Termed "smart punishment", these penalties embrace a mixture of prison time and outside time under supervision (Gest, 1990). Today's mix and match sentences might include 90 days in a military style boot camp, plus other sanctions, such as restitution to victims and manual labor for community service programs. In Phoenix, judges seeking non-prison sentences can choose from 22 options. Those with the worst records are the most closely watched. The fewer infractions committed, the less supervision they receive. Any mistakes may mean a return to prison.

Unfortunately, only a small fraction of criminals receive these new forms of

punishment. Prison remains the prime destination of many offenders. According to the National Conference of State Legislatures, state spending on corrections jumped 218% over the last 25 years, far exceeding increases in every category except welfare (Gest, 1990). As costs for additional prison space continue to increase, politicians and taxpayers alike are looking for viable alternatives to alleviate the problem. Some of the programs mentioned in this research, or the ramifications thereof, may become the answer to our future needs.

Captain Jones currently serves in the Detention Division, Indian River Sheriff's Office. He has participated in various courses and seminars related to law enforcement and corrections. Calvin has functioned in a variety of positions during his career. He is married and has three children. Calvin is a graduate of the Charter Class of the Florida Criminal Justice Executive Institute's Senior Leadership Program.

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