

RESEARCH BRIEFING: STATE USE OF ELECTRONIC MONITORING

The Illinois Prisoner Review Board (PRB) asked SPAC to review a sample of orders for electronic or GPS monitoring (EM) for people leaving the Illinois Department of Corrections (IDOC) between April 1, 2018 and June 30, 2018.¹ SPAC linked the orders to IDOC records to analyze demographics and offense characteristics of these cases. Overall, SPAC reviewed and matched 2,191 unique orders, representing approximately 31% of the hearings held during that three-month span.² SPAC had no information other than the orders and administrative data. SPAC tracked the frequency with which EM was recommended by IDOC staff and imposed by PRB (with or without an IDOC recommendation) as well as the common factors associated with EM orders.

Who Imposes EM?

The PRB and IDOC are responsible for determining the conditions of mandatory supervised release (MSR), the period of community supervision after release from prison. The Electronic Monitoring and Home Detention Law, 730 ILCS 5/5-8A-1 *et seq.*, authorizes EM for people leaving prison. Some offenses statutorily require the person to be placed on EM or mandate GPS supervision. Other than the statutory mandates, neither the PRB nor IDOC have criteria or standards that govern the discretionary use of EM. Consequently, the operational practices of IDOC personnel and PRB members govern when EM is used. In this sample, 54% of EM orders originated with recommendations from IDOC staff while the remainder originated with the PRB.

The PRB holds hearings, generally conducted 90 days before release from prison, and writes the orders that list the conditions of MSR with which the supervised person must comply. The parole agent enforces the conditions and imposes sanctions for violations of MSR conditions which include returning to IDOC.

The use of EM differs significantly between facilities. For example, for exits from Shawnee Correctional Center in southern Illinois, 84% percent of the EM orders originated with the PRB. In contrast, 91% of the EM orders for those exiting Danville in east-central Illinois originated with a recommendation from IDOC staff.

EM DEFINITION:

For purposes of this brief, electronic monitoring and GPS monitoring are together called “EM” unless otherwise specified, despite many technological and practical differences. *GPS monitoring* allows the supervising agent to see where the person is at any time, whereas *EM* tracks whether the person is at a specific location at a specific time. GPS monitoring is mandated by law for people who are convicted of some sex offenses, whereas EM is not statutorily mandated.

¹ PRB staff identified and electronically shared the EM orders during the three months of study. The EM orders included in the sample corresponded to over 95% of IDOC records for EM parole intakes. A flow chart describing the sample reviewed by SPAC is on page 9.

² A small number of orders were excluded because they did not correspond with any IDOC records. Records did not match for a variety of reasons, most frequently that the order could have been for a parole revocation or a parole amendment, meaning the person would not have exited in the three-month period examined. Inconsistencies or exceptional cases may exist due to data entry error but were not expected to change the analysis.

EM Orders by Facility³

Security	Release Location	IDOC	PRB	EM Orders	Total Hearings	Average Length of EM imposed (Days)
Max	Stateville	68%	32%	320	1,295	96
	Pontiac	87%	11%	54	122	95
	Menard	49%	51%	47	218	87
Medium	Shawnee	16%	84%	160	295	94
	Pinckneyville	41%	59%	152	385	96
	Graham	60%	39%	113	248	95
	Lawrence	44%	56%	109	285	117
	Sheridan	34%	66%	94	254	84
	Dixon	68%	32%	87	233	91
	Illinois River	48%	52%	75	243	91
	Logan	28%	72%	65	381	109
	Centralia	43%	57%	56	141	86
	Big Muddy River	86%	12%	50	149	86
	Hill	39%	61%	49	146	109
	Western Illinois	40%	60%	45	180	82
	Danville	91%	9%	34	145	93
	Joliet Treatment Ctr	0%	100%	1	7	60
Minimum	Vandalia	40%	60%	110	368	114
	East Moline	79%	21%	108	213	91
	Jacksonville	71%	29%	97	214	92
	Lincoln	74%	26%	74	168	80
	Robinson	74%	27%	68	208	119
	Taylorville	91%	9%	57	143	114
	Southwestern	9%	91%	53	164	80
	Vienna	31%	70%	36	198	94
	Decatur	0%	100%	4	104	151
ATC or Multi-level	Crossroads ATC	13%	88%	8	72	53
	Lawndale ATC	0%	100%	6	25	65
	Peoria ATC	50%	50%	4	40	90
	Fox Valley ATC	33%	67%	3	36	100
	Kewanee Reentry	0%	100%	3	17	60
	Total - Average of Three Months	54%	46%	2,143⁴	6,724	92.6

* Average length does not include GPS monitoring, which can be for the duration of MSR supervision.

³ Facility is determined by using FY2018 data provided by IDOC. If the person was in prison population file then the current institution is used; if the person appears in the exit file then the release institution is used.

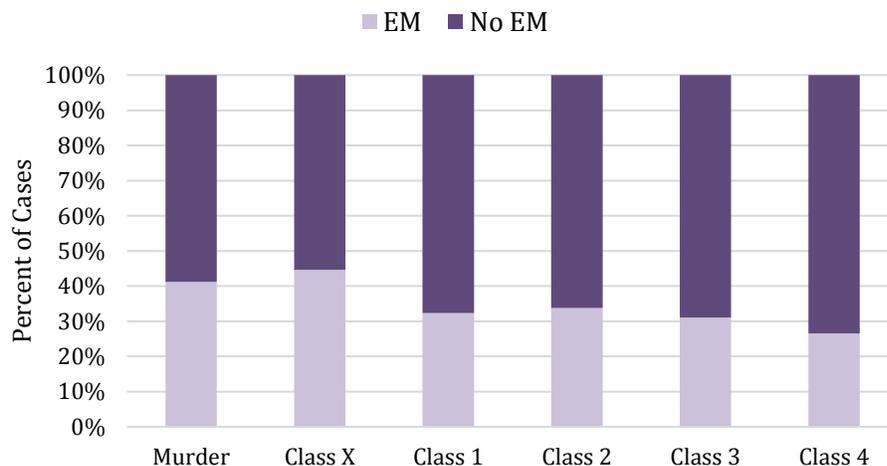
⁴ Total may not equal the total matched cases due to missing information or hearings that were initiated by the parole officer. Those cases would not be guaranteed to appear in the FY18 data.

Why Was EM Imposed?

SPAC tracked the reasons for EM identified by both IDOC staff and PRB members. Justifications were provided in 40% of the cases SPAC examined. The three most frequent justifications for IDOC or PRB to impose EM were: (A) a long criminal history, (B) either a current or previous firearm offense, or (C) a Class X felony. Both IDOC and PRB seemed to review cases for these factors and impose EM when they appear. The use of EM was not universal in these cases. EM was imposed in 45% of Class X exits and in 56% of UUW offense exits, demonstrating a substantial portion did not receive the EM condition. The information listed on the orders did not provide enough information to explain why the differences occurred.

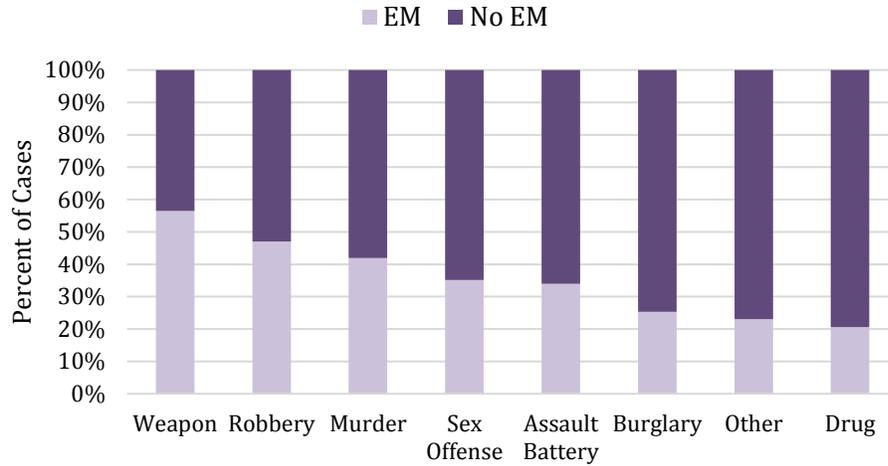
It should be noted that SPAC did not analyze non-EM orders. However, the administrative data includes many cases that appear similar to those that received EM. For example, 46% of people with weapons convictions did not receive EM, even though firearms were often a stated justification for imposing EM. The possible inconsistency suggests that firm guidelines and/or standards could be useful for evaluating whether EM is applied consistently.⁵

EM imposed, by Holding Class

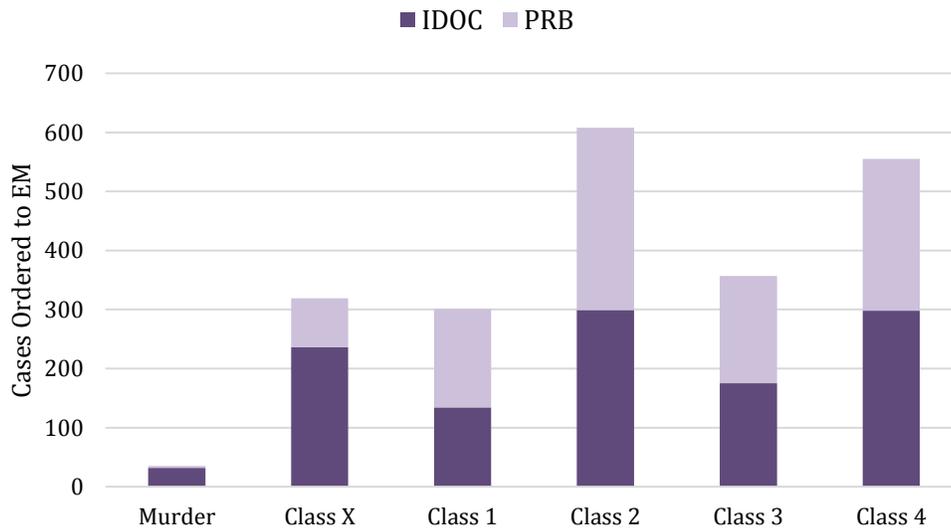


⁵ Budgeting for Results, “IDOC Electronic Monitoring Program Assessment,” n.d., https://www2.illinois.gov/sites/budget/Results%20First%20Reports/IDOC_Electronic_Monitoring_Program_Report.pdf (finding “the agency [IDOC] believes it is neither capable of nor responsible for setting annual performance targets and goals. PRB establishes goals per parolee on a case-by-case basis using a mix of statutory and professional judgment criteria. It is difficult for the reviewer to discern from the information provided by IDOC and PRB a universal set of goals for the program as a whole.”).

EM imposed by Offense Category

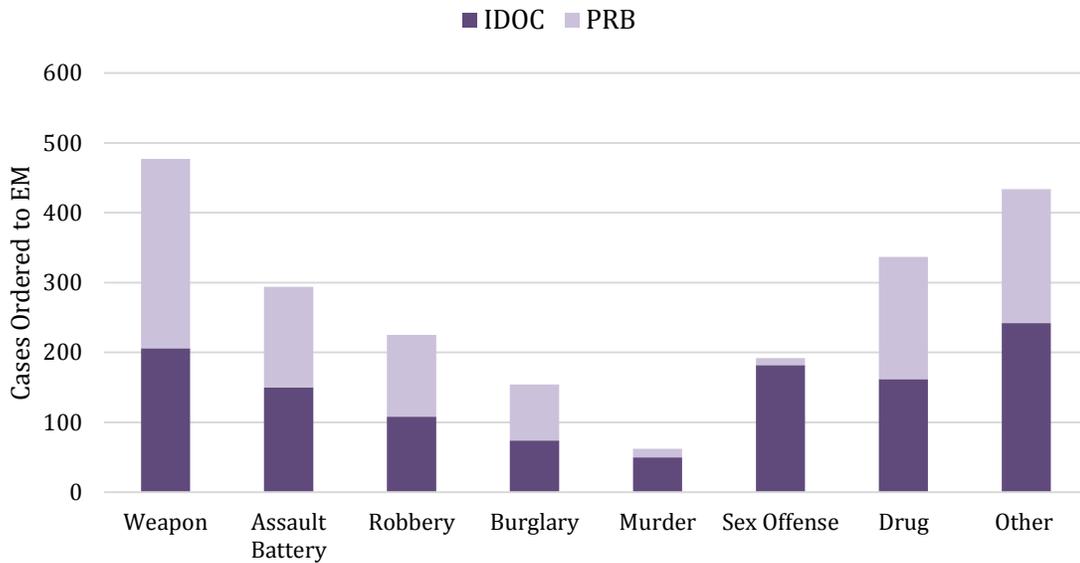


Offense Class of EM Cases

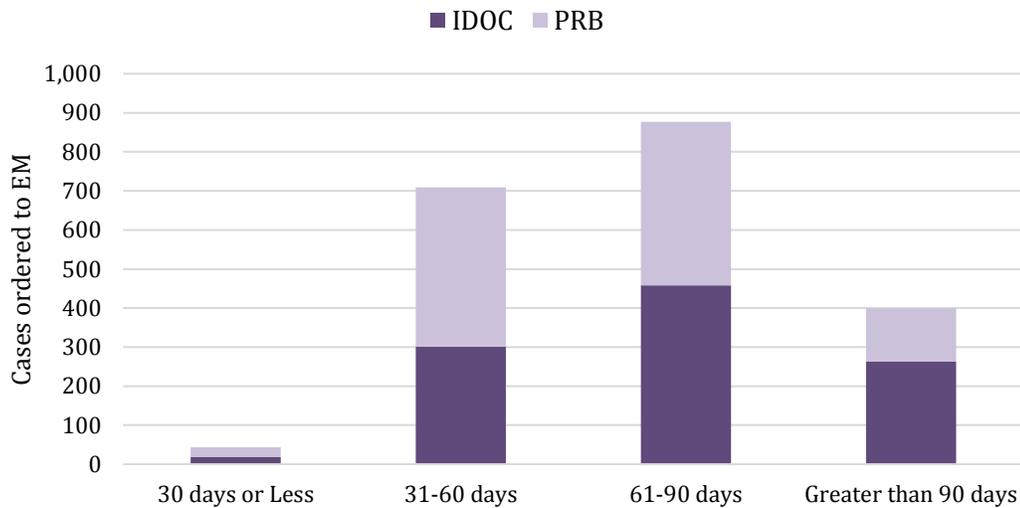


Note that the number of EM cases by felony class is primarily driven by the number of people leaving prison each year in each offense class. The “EM imposed, by Holding Class” chart on Page 3 shows that around 40% of people leaving prison on Murder and Class X offenses have EM imposed, while all other offense classes have EM imposed in about 30% of cases.

Offense Types for EM Cases



Length of EM Supervision



For most EM orders, the PRB imposed a term of either 60 or 90 days. Some of the cases reviewed had IDOC recommending a different length of EM supervision than PRB imposed, however most cases were either PRB imposing what IDOC recommended or IDOC recommendation of EM did not have a specified length.

In addition to the above charts, SPAC reviewed the additional conditions added to EM orders:

- 52% included substance abuse assessment and/or treatment.
- 41% included anger management treatment.
- 33% included mental health assessment and/or treatment.
- 30% included close supervision.

- 31% included a no-victim contact order.
- 10% included sex offender assessment and/or treatment.
- 10% included no computer access orders.

Does EM Impact Recidivism?

Electronic monitoring is a promising practice when used correctly to allow early release from prison or as a step-up sanction before returning someone to prison for violating MSR conditions.⁶ Research on its impact when used as a condition of MSR is minimal, though there is some evidence that high-risk offenders commit less crime upon release when on electronic monitoring. Those recidivism effects are not large, depend on the type of offender, and depend on the implementation of the supervision.⁷ National research shows recidivism can best be managed by matching risk and needs assessments with treatment, EM, and supervision conditions. Putting a person who is low risk of reoffending on EM could have the unintended consequence of increasing recidivism.

Pursuant to the Crime Reduction Act (730 ILCS 190/1), the PRB is required to consider risk/needs assessment scores when determining the conditions of MSR. Due to implementation challenges, IDOC has not yet been able to provide these assessments for everyone exiting prison. One in three EM requests in the sample, either upon release from prison or to sanction violations, had some risk or needs assessment information. Of the 34% that did have a score, most were educational assessments (TABE) or drug addiction (TCU) scores.

The use of EM can increase the risk of technical violations and returns to prison, especially for low- or moderate-risk offenders. In addition, IDOC currently uses EM as the last sanction before a return to prison for violating MSR. Fewer than 100 of the 2,100 orders reviewed were sanctions for people on MSR.

Is EM Cost Effective?

Over the past four years, IDOC has spent between \$2 and \$3 million annually for EM. Although SPAC did not do a fiscal impact analysis of this program, the Budgeting for Results Commission produced a benefit-cost analysis of the program in 2018 using the Illinois Results First model. The model found a \$10 optimal return on investment if EM is used instead of prison and with fidelity to the program designs that have yielded positive outcomes nationally. As utilized, EM does not meet fidelity standards. The main benefit is using electronic detention, an authorized form of custody, to avoid the cost of incarceration.⁸ In most cases reviewed, EM was an additional MSR condition but the person would have been released regardless of availability of EM.⁹ Consequently, the additional costs of the program are not offset by avoided incarceration costs so the program benefits are less than the costs.

⁶ CrimeSolutions.gov, “Program Profile: Electronic Monitoring (Florida) – Promising – One study,” Apr. 24, 2012, <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=230>.

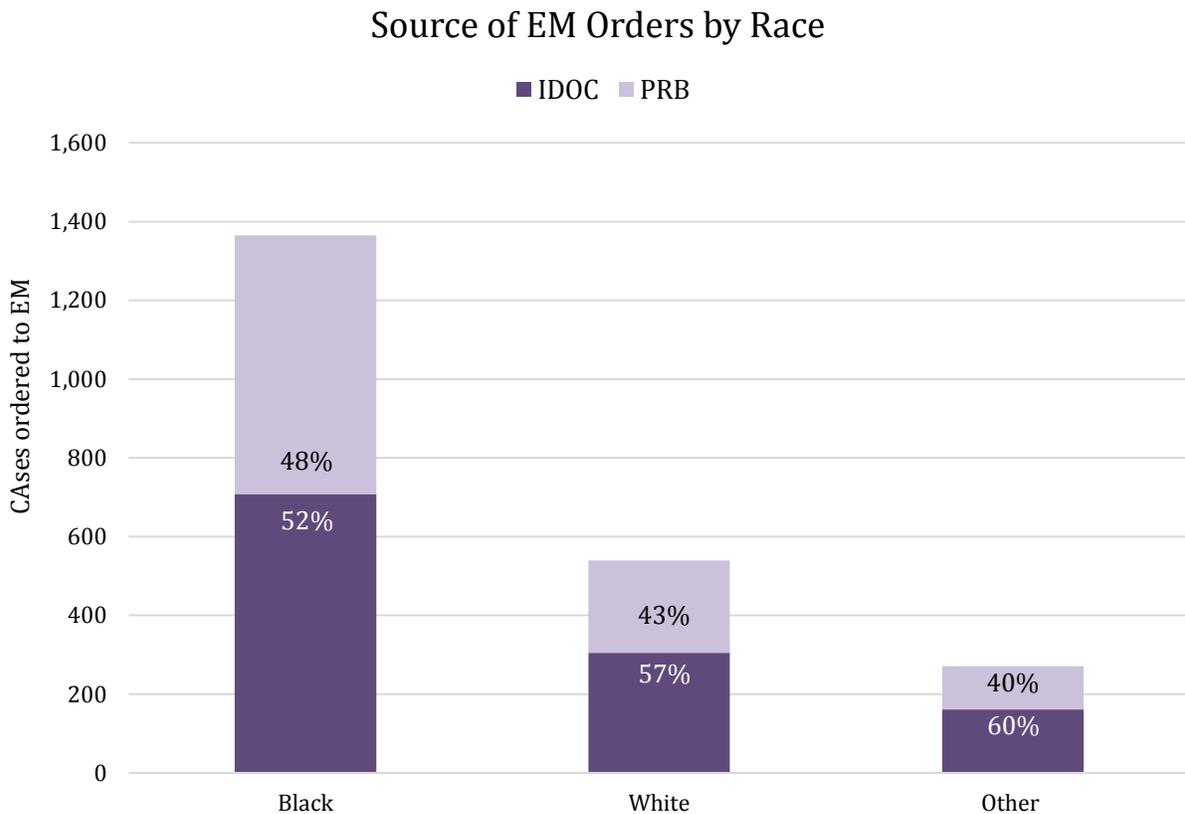
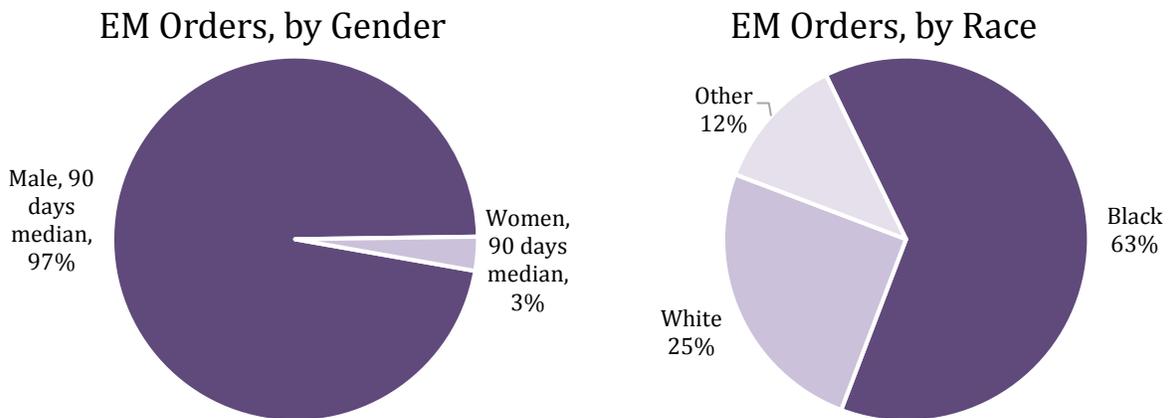
⁷ Washington State Institute for Public Policy, “Electronic Monitoring (Parole),” Dec. 2017, <http://www.wsipp.wa.gov/BenefitCost/Program/436>.

⁸ Budgeting for Results, *supra* note 5 (showing over \$10 return on investment per dollar spent if EM is used as an early release instead of prison).

⁹ The exceptional cases are people with sex offenses, who cannot be released without EM. These cases are sometimes kept within IDOC for the duration of the MSR term and then released without any EM.

To consider the cost effectiveness of EM, SPAC calculated recidivism impact EM would have to have to be cost neutral. The calculations found that the average recidivism reduction would need to be 1.6 times greater than expected in order to break even, an outcome that would be significantly more effective than expected. The Illinois Results First model predicts only a small change in recidivism when using EM, a prediction supported by national research that suggests that EM is primarily useful for curfews and location verification, not as a recidivism or crime reduction strategy.

Demographic Characteristics of Electronic Monitoring Caseload



Conclusion

As noted by the Budgeting for Results Commission, both IDOC and PRB share responsibility for administering EM but neither agency has sole authority for implementation. The available EM data show that IDOC and PRB are adding an equal number of cases to the EM caseload and that both agencies impose it for similar reasons. The PRB provides an additional check on IDOC facility related differences in recommending EM, producing some additional consistency in its use. Although the application of EM appeared to comply with Illinois' Electronic Monitoring and Home Detention Law, no clear administrative rules were available for review, so SPAC could not analyze regulatory consistency.

EM generally has a minimal effect on reducing recidivism and changing criminal behavior. The additional supervision is often effective at providing a justification for a revocation from community supervision, which can lead to higher costs for the system without corresponding recidivism-reducing benefits. The question of whether EM is effective as a condition of supervision can only be answered by evaluating the program to determine the outcomes it produces. The information gained through that process could also guide improvements for the use of EM to ensure that the benefits of the program are greater than its costs.

