Court & Community
AN INFORMATION SERIES ABOUT U.S. PROBATION & PRETRIAL SERVICES
U.S. Probation & Pretrial Services

HOME CONFINEMENT

Arrested and charged with possession of a controlled substance with intent to distribute, William, a 30-year-old man with a history of substance abuse, awaits his "day in court," which is 3 months away.

Meanwhile, William must remain at home, except for a few select activities. During the week, he leaves the house for his job as a welder at precisely 7 a.m. and returns home no later than 5 p.m. He attends the 7 p.m. meeting of Narcotics Anonymous at the local library every Thursday. He grocery shops at 2 p.m. every Saturday and goes to church–always attending the 10 a.m. service–every Sunday.

William is not just on a rigid schedule, he is under home confinement. Instead of sending him to jail, the court decided to release him to the community on the condition that he remain at home except for certain approved activities. His presence in his home and his absences from it are monitored electronically by an ankle bracelet he wears 24 hours a day.

In the federal courts, approximately 18,000 defendants and offenders under the supervision of U.S. probation and pretrial services officers were on home confinement in fiscal year 2002. Home confinement, a form of community-based corrections, is one method the courts use to restrict the freedom of defendants and offenders and protect society. In most cases, officers use electronic monitoring as a tool in supervising persons on home confinement. Home confinement is not a sentence in and of itself but may be a condition of probation, parole, or supervised release, as well as a condition of pretrial release. Courts may use it as a sanction for persons who violate the conditions of their supervision. Also, the Federal Bureau of Prisons may use it for inmates released to serve the last part of their sentence under the supervision of U.S. probation officers.

A benefit of the home confinement program is that it costs about one-fourth the cost of custody. In providing an alternative to incarceration, it allows defendants and offenders to continue to contribute to the support of their families and pay taxes. Moreover, courts may order program participants to pay all or part of electronic monitoring costs.

Home confinement's purpose depends on the phase of the criminal justice process in which it is used. In all cases, it is a means to protect the public. In pretrial cases, home confinement is an alternative to detention used to ensure that individuals appear in court. In post-sentence cases, home confinement is used as a punishment, viewed as more punitive than regular supervision but less restrictive than imprisonment. The persons under home confinement are confined to their residence, linked to an electronic monitoring system, and required to maintain a strict daily activity schedule. When they are allowed to leave home, and for what purposes, is determined case by case. These court-imposed restrictions, combined with close supervision by a probation or pretrial services officer, help deter further crime, ensure the safety of the community, and bring order to the defendant or offender's life. While electronic monitoring does not necessarily prevent a defendant or offender from committing a new crime, it does enhance officers' ability to supervise effectively.

The home confinement program in the federal courts has three components, or levels of restriction. *Curfew* requires the program participants to remain at home every day at certain times. With *home detention*, the participant remains at home at all times except for pre-approved and scheduled absences, such as for work, school, treatment, church, attorney appointments, court appearances, and other court-ordered obligations. *Home incarceration* calls for 24-hour-a-day "lock-down" at home, except for medical appointments, court appearances, and other activities that the court specifically approves.

Officers screen defendants and offenders to determine eligibility for the program. Certain categories of serious or repeat offenders are not allowed to participate. Prior criminal record, history of violence, and medical and mental health conditions and needs are factors that officers carefully consider.

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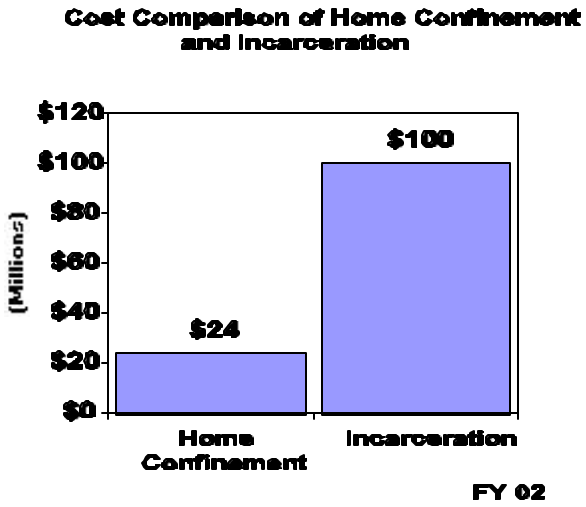
Previous failures on supervision, risk to the public that the person presents, third-party risk (such as previous incidents of domestic violence in the household), and the person's willingness to participate are considerations as well.

The residence and telephone service also influence the decision. The cooperation of all occupants of the home is essential. The person in the household who subscribes to phone service must be willing to allow the phone to be used for electronic monitoring purposes. Using the phone for electronic monitoring places restrictions on access to the phone and on special features such as call waiting.

The participant wears a tamper-resistant transmitter on the ankle or wrist 24 hours a day. The transmitter emits a radio frequency signal that is detected by a receiver/dialer unit connected to the home phone. When the transmitter comes within range of the receiver/dialer unit, that unit calls a monitoring center to indicate that the participant is in range, or at home. The person must stay within 150 feet of the receiving unit to be considered in range. The transmitter and the receiver/dialer unit work together to detect and report the times participants enter and exit their homes. They do not tell where persons have gone or how far they have traveled.

The Administrative Office of the U.S. Courts contracts with an electronic monitoring company to provide equipment and around-the-clock electronic surveillance to U.S. probation and pretrial services offices nationwide. The company's monitoring center provides daily monitoring reports that document participants' 24-hour activities. It also tracks all key events and reports them promptly to the officers who supervise persons on home confinement. Key events include unauthorized absence from home, failure to return home after an authorized absence, and leaving home early or returning home late. Key events also may be triggered by equipment malfunctions, tampering with the equipment, and loss of electrical power or phone service. Participants must notify officers immediately if they lose electrical power or phone service, if they remove the transmitter because of an emergency, or if they experience any problems with the monitoring equipment.

The home confinement program requires more than just electronic monitoring. Close supervision by officers is crucial to success. Officers monitor program participants to ensure that they are working, maintaining a stable living arrangement, and not engaging in prohibited behavior such as substance abuse. Officers also check monitoring equipment at least monthly to make sure that it is working and to look for signs of tampering.



The officer's job is demanding, time consuming, and sometimes dangerous. It requires frequent phone calls to make sure participants are adhering to their approved schedules; frequent unannounced, face-to-face visits; and 24-hour, 7-day response to alerts from the monitoring center. One very useful tool that some officers use is a hand-held monitoring unit, called a "drive-by," which can help verify participants' presence at specific locations. This device allows officers, without leaving their cars, to check whether participants are at approved locations such as work, the doctor's office, or church.

Participants who comply with program rules may be eligible to use earned leave. Earned leave is a privilege that allows participants to be away from home for a set time period for recreation. Each district sets parameters for earning and using leave and specifies approved activities to attend or participate in during leave.

Program participants who do not comply with the conditions of their supervision may face sanctions ranging from reprimand, to loss of earned leave privileges, to revocation proceedings. The most serious violations include violations for new criminal conduct, violations that compromise public safety, and absconding from supervision. Violations that concern the home confinement program in particular include not adhering to the approved leave schedule, going to an unapproved location or activity, and tampering with equipment.

Office of Probation and Pretrial Services
Administrative Office of the U.S. Courts
January 2003