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City of Las Vegas municipal court house arrest program evaluation

Karen Coyne
University of Phoenix

Michele Hornstein
University of Nevada, Las Vegas

Timothy Shattler
University of Nevada, Las Vegas

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City of Las Vegas Municipal Court
House Arrest Program Evaluation
Spring 2007



Karen Coyne
Master of Public Administration Candidate
Certificate Program, Public Administration
Bachelor of Science, Business Management
University of Phoenix
Associates of Applied Science, Criminal Justice
Community College of Southern Nevada

Michele Hornstein
Master of Public Administration Candidate
Certificate Program, Public Administration
Bachelor of Arts, Criminal Justice
University of Nevada, Las Vegas
Associate in Arts, Liberal Arts and Sciences
State University of New York at Morrisville

Timothy Shattler
Master of Public Administration Candidate
Certificate Program, Public Administration
Bachelor of Science, Business Administration
University of Nevada, Las Vegas

University of Nevada, Las Vegas
PUA 791
Dr. Christopher Stream
May 11, 2007

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Executive Summary

The City of Las Vegas operates a municipal detention facility, primarily housing offenders who have committed misdemeanor crimes within the 130 square miles of the Las Vegas City limits. Similar to many jurisdictions, within the State of Nevada, but also across the Country, the offender population is on the rise. The City's inmate population has grown steadily at a rate of 10%, annually, for five years. This trend, when calculated as a future projection, suggests the City must be prepared for the misdemeanant population to swell from its current daily average of 1144 to more than 3000 inmates by the year 2020. With the facility already near capacity, the expenditure of significant capital funds is inevitable, as the organization prepares for this anticipated growth and strives to ensure the conditions of confinement remain legally acceptable.

The City's Department of Detention and Enforcement administers municipal jail operations. Staff conducted a recidivism study which revealed 44% of the 34,000 inmates booked into custody in 2006 were repeat offenders within one year of their original visit. Some 1782 people were incarcerated more than 3 times in one year. The average length of stay at the City's detention facility is approximately 12.24 days and the cost to house an inmate is \$100.00 per day.

The analysis revealed recidivism costs the Las Vegas community roughly \$16.9 million, annually for municipal detention operations, alone. The calculations do not include the fiscal impact to the Municipal Court, the costs associated with patrol officer interaction, nor do they include the expenses associated with social service intervention. Regardless, these figures represent a great opportunity to reduce jail operational costs through the use of alternatives to incarceration for non-violent offenders.

The following work will offer an overview of the City of Las Vegas House Arrest Program. The evaluation is narrowly focused on one aspect of the program. The study seeks to identify the participant violations of program defined parameters occurring after hours and on weekends, when local staff is not available to monitor participant activity. The assessment further seeks to identify the manner in which the violations are handled and the ultimate consequences imposed for such non-compliance.

Introduction

The United States achieved a milestone in American History in the fall of 2006 by marking the arrival of our 300 millionth resident (US Census Bureau, 2007). As the Country's population continues to grow, so has the offender population. In fact, in the past 35 years, the offender population has swelled from less than 200,000 to the more than 2.5 million who are incarcerated today (US DOJ, 2007). Jails and prisons are bursting at the seams and the short term resolutions are limited; more jail bed space is immediately necessary to relieve overcrowding and improve the overall conditions of confinement.

The municipally operated detention center in Las Vegas, Nevada, statutorily mandated to house misdemeanor offenders who have committed crimes within the city limits, has experienced a 10% increase, annually, in the inmate population over the past five years. This trend, when translated into future projections, suggests the City's inmate population will peak at 3000 inmates by the year 2020, some 2000 inmates above the present day average population.

The growth of this segment of our population, alone, is somewhat alarming, but equally if not more so is the projected capital improvement expenditures required to accommodate this growth; the estimates in the state of Nevada, alone are well into the billions.

The City's facility is one, of many within various jurisdictions throughout the state, facing similar challenges; all of which require significant capital expenditures and each of which will find it difficult to locate land as few citizens support the construction

or expansion of such facilities near their homes, schools, places of employment or near where they shop and play.

Unfortunately, the immediate and short term options are limited; additional jailed space is required to meet the needs of the existing offender population. Opportunities exist for medium and long range plans, to identify alternative methods for imposing criminal sanctions.

Alternatives to incarceration are becoming more widely available and accepted by the public. Options such as specialty courts and residential confinement afford defendants an opportunity to maintain employment, which assists with maintaining a residence and in many cases sustains the family unit, as a whole. In addition to these tangible benefits one additional, but generally unforeseen, advantage is a reduction in jail population and corresponding expenditures.

Housing an inmate at the City of Las Vegas Detention Center costs approximately \$100.00 per day and the average length of stay is 12.24 days. More than 34,000 inmates were booked into custody at the facility in 2006 for a total operating cost of \$42 million, annually. Capital expenditures will exceed the billion dollar mark, in combined jurisdictional spending throughout the state of Nevada, in the next 10 years.

In an effort to positively influence a reduction in the inmate population at existing detention facilities, specifically the detention center operated by the City of Las Vegas, Department of Detention and Enforcement, this work evaluated components of the residential confinement program supported by the City of Las Vegas and sanctioned by the Municipal Court.

This evaluation focused on program violations occurring after hours and on weekends, as staff are not deployed during those times, and further how the violations were administratively handled. Violations are defined as any non-compliance with the House Arrest Program parameters. Call results were broken out into eleven (11) categories, eight (8) of which were considered violations, three (3) of which were non-violation.

Program History

The City of Las Vegas House Arrest Program was born in 1991. This alternative sentencing program is sanctioned by the municipal court and its mission is to offer an incarceration alternative in lieu of jail. Since the program's inception, participation has steadily grown and staff have increased from (2) in 1991 to a present-day team of six (6); one (1) supervisor, three (3) House Arrest Officers, one (1) support staff, and one (1) part-time. Staff is deployed on a four (4) day per week, Monday through Thursday, ten (10) hour per day schedule, 7:00 A.M. to 5:00 P.M., which complement Municipal Court operations.

The House Arrest Program reports annual revenues of \$250,700. The approximate 600 annual participants pay \$12.00 per day which suggests the average length of residential confinement is approximately 35 days in duration.

$$[\$250,700 \text{ (revenue)} / 600 \text{ (participants)} = \$418 / \$12.00 \text{ (per day)} = 34.8 \text{ days}]$$

The program reports an annual jail savings of \$602,000, based on this analysis; however, present day jail costs are estimated at \$100.00 per day, per inmate with an average length of stay estimated at 12.24 days. This calculation reveals jail savings are slightly higher at \$734,400:

$$[600 \text{ (inmates)} * \$100.00 \text{ (cost per day)} = \$60,000 * 12.24 \text{ (average days)} = \$734,400]$$

Interestingly, the number of program participants, annually, represents approximately 1.7% of the 34,000 annual inmate incarcerations at the City of Las Vegas Detention Center and the estimated annual jail savings of \$734,400 represent roughly 1.7% of the estimated \$42 million in jail operating costs.

House Arrest Eligibility:

Perspective participants must be non-violent, specifically no prior arrests for battery domestic violence. Often participants are those who have work program failures, multiple warrants or petty crimes such as larceny or contempt of court, all of which are misdemeanor violations, the lowest existing crime category. Participants must also have residential phone service; they must be gainfully employed and willing to pay a daily program fee of \$12.00, which is credited towards any fines the participant may have been assessed through the judicial proceedings. The judges, of course, have the ultimate authority to waive any and all program fees.

Data Collection and Methodology

The evaluation team initially met with program managers to outline the scope of and gain their endorsement for conducting an evaluation of the House Arrest Program. The program managers were interested and accommodating. The original scope of the project was fairly broad and would best be categorized as a full program evaluation. Due to time and resource constraints, the extent of the evaluation was more narrowly focused, specifically on violations occurring after business hours and on weekends, which for purposes of this evaluation are described as Friday, Saturday and Sunday, and further, the manner in which those violations were administratively handled.

The team then met with and interviewed House Arrest staff, collected and reviewed program policies and procedures, collected program participant and call history information, attended a program orientation with four offenders, accompanied a House Arrest Officer at the residence of an offender to observe the installation of the telephonic breathalyzer analysis machine and signed up as a participant to test and attempt to deceive the system.

Staff Interviews:

The House Arrest staff indicated the program hosts approximately 600 participants annually. Although the electronic files supporting this number were not available, House Arrest staff was able to verify participation through actual Court Referral Records. The team determined a random sample of 100 cases would adequately demonstrate any type of variation in the violation patterns; furthermore, the sample size would be significant enough to generalize the results to the remaining participant population. Unfortunately, due to a computer glitch, only 167 cases were electronically

available. Ultimately, this team received 100 cases from 2006 and 2007, for evaluation, from which a random sample of 50 participants was drawn.

House Arrest Officers work four days per week, Monday through Thursday, 10 hours per day, 7:00 A.M. to 5:00 P.M. Their daily routine consists of reviewing case files, electronic monitoring reports, hosting orientations, updating participant data, installing monitoring equipment, testifying in court and making residential and employment visits to program participants. Each officer manages an average caseload of 17 cases per month.

The program utilizes Officer supervision and electronic monitoring to ensure participant compliance. Both telephonic and global positioning satellite systems are employed for tracking services. These systems are Voice Verification, Global Positioning Satellite (GPS), and Mitsubishi Electronic Monitoring System (MEMS). The monitoring contractor is G4S Justice Services, located in California.

Currently, the House Arrest Officers are civilian staff; however, the program managers are considering the value of requiring peace officer training and certification, due to the nature of the work the officers perform.

Field Observations:

This team attended a program orientation, acting as program participants. The session was approximately 30 minutes in duration, followed by a question and answer segment. During the process, enrollment forms were completed and program set up and daily fees were outlined. The clarified what the participants could expect in terms of calls as well as work and home visits and identified what constitutes a violation. Finally,

instruction was offered regarding the timelines and process by which telephonic enrollment was to be accomplished.

The evaluation team also accompanied a House Arrest Officer to the home of a defendant to observe the installation of a telephonic breathalyzer machine. The Officer connects the device, offers instructions for enrollment and reiterates program parameters. The Officers operates independently in this capacity and without weapons of any kind at his or her disposal. The environment exposes the officers to unpredictable risk.

Finally, one team member enrolled as a program participant, utilizing the telephonic monitoring system. The duration of the experiment was three days. During that time, our team member enrolled, participated and attempted to challenge the system by forwarding calls from his residential telephone to a cellular telephone. The transfer was successful. While the monitoring system logged a violation due to unclear speech on behalf of the participant, the system did not readily identify the call transfer, suggesting the possibility of undetected call forwarding exists. This is a significant program flaw.

Program Participant and Call History Information:

Call history information, for each of the 50 participants was entered into a Microsoft Access Database. Once the data entry was complete, a variety of data queries were possible. More than 250,000 entries were made, which resulted in identifying 9020 total calls during the evaluation period; 5,652 of which met the program definition of a violation, compared to 3,368 non-violations. Eleven (11) call results were possible; eight (8) of which fit the program definition of a violation and three (3) of which are considered non-violations:

VIOLATIONS

Print report
 Bad or No
 Phone busy
 No response
 Super
 Verified false
 Hang up
 No answer

NON-VIOLATIONS

Enroll OK
 Call deleted
 Verified OK

The team also employed the use of Microsoft Excel and created multi-dimensional queries through the use of pivot tables. The results of the queries were charted (see appendices I - VIII) and focused on the following:

<ul style="list-style-type: none"> • Summary of all enrollee calls • Call comparison • Supervisor notified • Total call volume by weekday • Violations resulting in affidavit 	<ul style="list-style-type: none"> • Violations by weekday • Call comparison by the hour • Rate of after hours calls considered in violation
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Results and Interpretation

While the City's Municipal Court boasts a steady annual program participation rate of approximately 600, a computer glitch narrowed the available sample of program participants to 167 electronic records. A sample of 50 participants was randomly selected from the available program data during 2006 and 2007. Results of the study revealed that violations occurred 67% of the time compared to 43% which were deemed to be in compliance. No pattern was evident on any given day of the week; however, the violations did increase mid-day and on into the afternoon peaking after normal business hours, specifically between 9:00 P.M. and 2:00 A.M.

The program definition of a violation is non-compliance with any aspect of the program. The House Arrest staff, however, focuses on patterns of violations. An unwritten standard deems only those violations which rise to the level of a supervisory notification are considered legitimate violations. Supervisory notifications are configured within the tracking system. Two consecutive and immediate defined call result violations result in a supervisory notification. Such patterns of violations were identified in 19% of the total calls.

A concern comparable to that of the violation rate is the manner in which violators are handled. This study revealed five (5) of the fifty (50) participants were referred back to the court via written affidavit recommending the individuals be remanded into the custody of the appropriate detention facility, however, 25 of the remaining 45 participants had rates of violation exceeding non-violations, yet no documentation was available to detail the consequences for these specific cases of non-compliance; the remaining 45 were deemed to have successfully completed the program.

House Arrest Officers are empowered to employ discretion in the performance of their duties. Violations occur for many explainable reasons and therefore officers study patterns of violations and to that end consider events resulting in a supervisory notification, which constitutes two immediately consecutive violations, prior to a supervisory alert, are true violations. Taking this explanation into consideration, violations occurred 16% of the time, compared to 67%, as defined by the program definition. Unfortunately, the consequences, again, are no different. No definitive actions taken by the officers or the court are documented when non-compliance issues occur.

This evaluation was narrowly focused on program violations occurring after business hours and on weekends, during which time House Arrest staff are not actively monitoring the computerized tracking systems. The California based contractor responsible for monitoring the system 24 hours reports violations accordingly, however, absent staff availability in the local office, violations are frequently undetected for hours and in some cases for days. The program concept is solid, but these results raise concerns with the credibility of the program implementation. This evaluation makes various recommendations included in the section to follow.

Recommendations

This assessment coupled with the results analysis draws conclusions which offer opportunities to improve the performance and credibility of this program. The evaluation team offers the following recommendations for the consideration of program administrators, to assist with enhancing their program:

Policy and Procedure Enhancement

Policy and procedure must be updated. These guidelines should contain clear language regarding what, specifically, constitutes a violation. Additionally, staff should create a system for documenting, resolving and tracking violations to ensure those which violate the integrity of the program are addressed in a timely, efficient and judicious manner.

Staff may consider developing a violation matrix, offering the House Arrest Officers guidance as to how many violations, of a particular nature or those which identify some type of violation patten, would rise to the level of court intervention, versus a home or work visit. Furthermore staff should define strategies to employ in the event program participant cannot be located. To effectively implement such a protocol may require staff to gather benchmark data to ensure appropriate consequences are defined.

Define Authority

The House Arrest Officers have been given the responsibility and authority to supervise program participants. This duty in and of itself is an immense responsibility. Presently, prior to taking any consequential action against program participants, the Officers must first document their observations, concerns, and the participant history in the form of a written affidavit, submitting the same to the Court for review and

consideration. Often times, the catalyst for the affidavit, non-compliance with program parameters, continues absent any consequences for the violator. The perceived lack of accountability, on behalf of the program participant, challenges the integrity and credibility of the House Arrest Program.

The House Arrest Program is a City sponsored, Court sanctioned program. Prior to participation, the Court must review the participant's criminal history and approve this alternative to incarceration. Given the Court's initial approval, violations of the established program parameters demonstrate probable cause for the House Arrest Officers, empowered by the Court, who must have the vested authority in the State of Nevada, to immediately apprehend the violator and take the individual before a magistrate. The violator, at the Court's discretion, would potentially complete the remainder of the original sentence imposed, behind bars.

Establish Non-Compliance Parameters

It is important to establish program parameters for non-compliance to ensure equitable and consistent enforcement of participant violations. The evaluation team employed the program definition of violation, which was defined as *any non-compliance with program parameters*, in drawing conclusions from data.

Program managers disputed the findings associated with the ratio of violations to non-violations as compared with overall calls. The program managers argued the staff is expected to identify patterns of violations and therefore, only those violations which rise to the level of a supervisor notification are recognized violations. If, in fact, this is the standard, the program definitions must be more clearly defined.

Institute Uniform Reporting Requirements

Strong consideration must be given to establishing uniform reporting requirements. This includes data entry, case file documentation and overall management. Presently, no consistency exists in the case files with respect to documented program participant activity, including the number or pattern of violations and the consequences imposed. This, potentially, creates vulnerability for the program itself, but may also result in future liability for the Court and the City as an organization.

The Municipal Court has already recognized this deficiency and will be implementing a technological advancement with Court Management System Program (CMS), currently under configuration, scheduled for implementation later this year (2007).

Transition to Global Positioning Satellite

The Global Positioning System (GPS) is an electronic monitoring device that is attached to the offender's ankle and requires the participant to carry a pager device at all times. The GPS tracking system utilizes inclusion (allowable) or exclusion (restricted) zones to monitor participant movement. The system also possesses the ability to identify the exact location of the program participant at any time.

This sophisticated system, although a somewhat more costly monitoring alternative (estimated at \$2000.00 per unit), is far more effective than the traditional telephonic monitoring system, which is estimated to cost approximately \$12.00 per day. The increased cost is significantly less than the roughly \$100.00 per day required to incarcerate an offender and the ability to effectively monitor offender movement is exponentially improved when compared to the telephonic system. The projected

outcome of transitioning to the GPS device is improved program compliance coupled with jail savings.

Liaison with Local Law Enforcement

The key component to ensuring the House Arrest Program is successful is developing severe consequences for program violators. Currently, program participants experience few, if any sanctions for non-compliance activities. This evaluation team strongly suggests the Court partner with the primary law enforcement agency within their jurisdiction to apprehend program violators.

A strike team would be notified by the local monitoring agency when violations occur and the participating agencies would immediately identify the violator's location through the GPS device and would deploy the appropriate resources and tactics to immediately apprehend the suspect, remanding the individual into custody until such time the violator could be seen by a magistrate.

This program component will improve compliance, reduce the number of violations, increase the overall program integrity, improve public safety and it will ultimately reduce liability to the Court and the City. As it is now, the offender may violate during after hours and weekends, and they are not dealt with.

Peace Officer Certification

Presently, the House Arrest Officer's do not possess Nevada State Peace Officer status as defined through the Peace Officer Standards of Training Commission (POST). Program administrators must give this serious consideration.

The officers are responsible for entering the homes of offenders to install electronic monitoring devices, they are required to conduct residential and employment visits and therefore they must be trained in areas of legal issues, defensive tactics, arrest procedures, report writing, courtroom demeanor and testimony, among many other critical issues.

While classifying the House Arrest staff as peace officers will have a financial impact on the City, the consequences of failing to train the officers appropriately and ensuring they have the legal authority to perform their duties could potentially be far more costly in the event of a civil rights violation, a use of force incident or in the event of serious injury or death of the officer.

Stagger Current Staff

Staff is presently deployed on the same weekly and hourly schedule. This team recommends program administrators consider the positive impact of staggering shifts to improve monitoring coverage. Program participants are informed, during the orientation, that staff is neither available after 5:00 P.M., nor on Friday, Saturday and Sunday. Such information may illicit non-compliant behavior; in fact, the results indicate violations peak during the identified after hour segments. Again, this adjustment is projected to improve program performance by reducing after hours violations.

After Hours/On-Call Monitoring & 24-Hour Coverage

By establishing an after hours/on-call monitoring system and developing an on-call policy, this will can result in greater coverage, reducing the violations and temptation to violate. If participants know someone is on-call and responsive, they are undoubtedly less likely to violate. The House Arrest Program use to have staff on weekends and

during an interview with staff, there was disclosure that this had an impact on reduction of violations. Additionally, the results of our evolutions clearly show an increase in violations during a nine hour period when officers are not on duty.

Conclusion

With jail and prison populations bursting at the seams, alternatives to incarceration must be a priority consideration for local and state leaders. Offender growth nationwide is steady at approximately 6% (US DOJ, 2007), annually, but locally, the City of Las Vegas has identified a five (5) year offender growth trend of 10%, annually. This trend translated into future projections suggests the City's misdemeanor offender population will reach 3000 by the year 2020; roughly 2000 more inmates above the present daily average of 1144.

Local and state leaders must explore long term alternatives, as the tax payer supported funding sources for such projects cannot, effectively or will not sustain this level of projected growth. As an alternative, Legislators are re-evaluating existing and newly introduced criminal statutes, with a potentially softer approach on crime in mind. Such an approach would be a complete disservice to the citizens of the communities our law enforcement officers serve. While altering standards may offer a reprieve in the offender population growth, it spells disaster for the many victims yet to come who may experience only injustice from our criminal justice system.

Alternatives to incarceration are more widely accepted by the public than ever before. The City of Las Vegas hosts a variety of specialty courts and supports a system of residential confinement for non-violent offenders. Over the past five (5) years, specialty courts have evolved, creating an innovative method of case management through the court system. Such programs deal exclusively with specific violators; for example, domestic violence court, DUI (driving under the influence) court, mental health court...etc. Residential confinement is another court sanctioned program gaining

popularity for all community stakeholders. This program is geared towards the non-violent misdemeanor offender, often those with outstanding warrants of arrest or minor non-violent criminal backgrounds.

Both of these programs have demonstrated success. The House Arrest Program, in particular, has successfully existed for over 15 years, boasting an annual participation rate of 600 offenders. This work evaluated selected aspects of the House Arrest Program, focused on the telephonic monitoring aspect, specifically the number of number of reported violations, patterns of violations and the distribution or frequency of those violations after normal business hours and on the weekends, when the system is not monitored by House Arrest Staff.

The program concept is solid; it generates revenue, reduces jail costs and increases the available jail bed space. Close scrutiny of the program parameters has identified key areas in which recommended enhancements, to the existing program, will ensure the program's integrity, credibility and sustainability.

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