

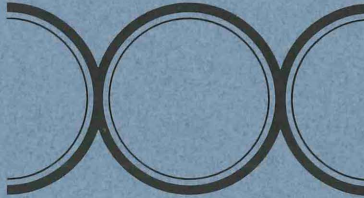
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Minnesota Department of Corrections



**Remote Electronic Alcohol Monitoring
of DWI and Domestic Abuse Offenders**

**Minnesota Department of Corrections
1998 Report to the Legislature**

HV
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1995 Minn. Laws Chap. 226 Art.
2 Sec. 37

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of DWI and Domestic Abuse Offenders**

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1998 Report to the Legislature**

The total cost of salaries, printing, and supplies incurred in development and preparation of this report was \$22,500 (reported as required by M.S. 3.197).

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EXECUTIVE SUMMARY

Minnesota Laws 1995, Chapter 226, as amended by Minnesota Laws 1997, Chapter 239, required an evaluation of remote electronic alcohol monitoring (REAM) programs. This is an executive summary of the evaluation report.

The Minnesota Legislature set aside \$250,000, in 1995 for grants to be awarded to state Judicial Districts that were interested in establishing REAM programs.

The REAM system pairs electronic monitoring equipment with a breath analyzer unit to monitor compliance with court order to abstain from alcohol use among driving while intoxicated (DWI) offenders. The REAM system of detecting even low alcohol concentration levels is thought to deter offenders from alcohol use as well as promote certainty and celerity of sanction violations.

The findings that follow examine the effectiveness of these pilot projects as well as fulfill the requirement by the legislation grant award:

- At the end of fiscal year 1998, the Minnesota Department of Corrections had received all three data collection forms for 945 offenders admitted to one of the four REAM programs.
- Of the 945 offenders in the sample, 726 were sentenced to one of the four post-trial REAM programs and 219 were placed on one of the three pre-trial programs.
- Only 23 of the 945 offenders in the sample were convicted of domestic abuse.
- Approximately 84% of the 945 offenders included in the sample are males. The mean age at admission was 35.2 years.
- Persons of color accounted for only 8% of the sample. American Indians comprised a slightly greater proportion of the non-white population than African American, Hispanic, or Asian American offenders.
- Sixty-seven percent of the offenders in the sample had been referred to chemical dependency treatment, either outpatient or inpatient, at some time prior to admission to a REAM program.
- The offenders in the sample served an average of 40.5 days on REAM. The offenders in the sample who participated in the pre-trial REAM programs served an average of 20 days more on REAM than those on post-trial REAM (55.9 days versus 36.0 days).
- The success rate of offenders on pre-trial REAM was lower than those on post-trial REAM: Approximately 85% of the offenders on pre-trial REAM successfully

completed the program, while 95% of those on post-trial REAM successfully completed the program.

- Identical proportions of the sample (73%) were employed when first placed on REAM as when removed from the program, suggesting that offenders maintained employment while on REAM.
- Only nine offenders (or one percent of the 887 offenders for whom driving records were obtained) were arrested for any driving-related incident while on REAM. Notably, eight of these nine offenders were arrested for driving-related offenses that did not involve alcohol: driving after license withdrawal and driving after ininical cancellation.
- A total of 37 offenders were known to have committed some type of illegal act while on REAM. These 37 offenders represent only 4% of the 945 offenders in the sample.
- Violation data reported by program staff suggest that, when imposed, sanctions were imposed swiftly. The certainty of a sanction occurring following a violation also was high.
- A total of 55 offenders (or 7.1% of the offenders who successfully completed a term of REAM) were rearrested for an offense that suggests the offender engaged in drinking-driving behavior.
- The availability of grant funds most likely increased the use of REAM technology among indigent persons; however, the most dramatic increase in the use of REAM is likely to occur in the next two years.
- Many of the program and vendor staff interviewed felt that the REAM grant provided a much-needed alternative to jailing indigent offenders unable to post bail or pay the REAM per diem.
- Several of the staff interviewed felt that REAM technology still is not used as often as it could be. Some felt the greatest barrier preventing the widespread use of REAM is the difficulty of convincing judges to begin ordering its use. This opinion was supported by the experience with REAM in the Eighth Judicial District.
- Local control and coordination of the programs were seen as important factors contributing to the success of the REAM programs.
- Everyone interviewed mentioned the importance of cooperation and communication among criminal justice professionals as one element critical to the successful implementation of a REAM program.

INTRODUCTION

The use of REAM in Minnesota was pioneered in 1993 by Tenth Judicial District Judge James Dehn. The REAM system pairs electronic monitoring equipment with a breath analyzer unit to monitor compliance with a court order to abstain from alcohol use among driving while intoxicated (DWI) offenders. The likelihood of detecting even low alcohol concentration levels with the REAM system is thought to deter offenders from alcohol use as well as promote the certainty and celerity of sanctions if a violation is detected.

In 1995, the Minnesota Legislature set aside \$250,000 for grants to be awarded to Judicial Districts across the state interested in establishing REAM programs. Minnesota Laws 1995, Chapter 226, as amended by Minnesota Laws 1997, Chapter 239, gave the Minnesota Department of Corrections (DOC) authority to award and monitor these grants and also required that the department produce a report examining the effectiveness of these pilot programs. This report is submitted to fulfill the department's reporting requirement for the REAM pilot project.

BACKGROUND

What is REAM?

REAM couples traditional electronic monitoring equipment with a breath analyzer unit similar to those used by law enforcement personnel. The electronic monitoring equipment verifies the identity and location of the offender and, if the offender is placed on REAM in lieu of jail, restricts his or her freedom. The breath analyzer unit measures the offender's alcohol concentration level, ensuring the offender is in compliance with a court order to abstain from alcohol use.

REAM utilizes one of three electronic monitoring systems: programmed contact, continuous signaling, or a system combining the two, which often is referred to as a hybrid system. The programmed contact system places calls to an offender's home at random intervals during times the offender is required to be at home, and the offender responds to the call using in-home equipment to verify his or her identity. With a continuous signaling system, a bracelet fastened around the offender's ankle sends a continuous signal to a monitoring unit attached to the offender's telephone. The monitoring unit telephones a central computer at pre-determined intervals and reports that the offender is at home. If the offender leaves the home, the signal stops and the monitor telephones the central computer to determine whether an absence from the home has been approved. The hybrid system utilizes a continuous system transmitter to constantly monitor the offender's presence in the home while the programmed contact technology periodically contacts the individual to confirm it.

Once the offender's identity and presence in the home are established, the offender performs a breath test using the breath analyzer equipment. Some systems transmit a digitized image of the breathalyzer results to the electronic monitoring company; other systems transmit only the results of the breath test to the central computer. A second test often is completed a few minutes later if the results of the first suggest the offender's alcohol concentration level is .03 or higher. Once a violation is confirmed, staff of the

electronic monitoring company report the violation to the probation officer or a designated field surveillance officer for follow-up.

Legislative History

The 1995 Minnesota Legislature required the DOC to establish a three-year pilot program to evaluate the effectiveness of using REAM to monitor DWI offenders ordered to abstain from alcohol use as a condition of pretrial release, supervised release, or probation. The legislation directed the DOC to select at least two judicial districts to participate in the REAM pilot program. Each pilot program was required to include procedures ensuring that program participants receive swift consequences for violating the requisite court order to abstain from alcohol use, and program participants were to pay the per diem cost of the monitoring equipment unless he or she was indigent. In the case of indigent offenders, the DOC was required to reimburse the district for monitoring costs incurred. The total amount appropriated for the pilot project was \$235,000 to be used in state fiscal years 1996, 1997, and 1998.

Through a competitive process, grants were awarded by the DOC to four judicial districts throughout the state: the First, Sixth, Eighth, and Tenth judicial districts (Appendix A). The first column of Table 1 below shows the grant amount awarded to each district. Awards were made in October 1995, and the programs began accepting offenders between November 1995 and March 1996. In accordance with the original legislation, funding for the REAM pilot project was to end on June 30, 1998. However, two subsequent legislative actions extended the granting period and appropriated additional funds. Legislation passed in 1997 made domestic abuse offenders eligible for the existing REAM programs and also appropriated an additional \$120,000 to be used in state fiscal years 1998 and 1999. The third column in Table 1 reflects the additional amount awarded to each district.

Table 1: Grant Awards by Judicial District, 1995 and 1997

| Judicial District | FY96 | FY97 | FY98 |
|-------------------|-----------|-----------|-----------|
| First | \$58,750 | \$58,750 | \$58,750 |
| Sixth | \$58,750 | \$58,750 | \$78,750 |
| Eighth | \$58,750 | \$58,750 | \$78,750 |
| Tenth | \$58,750 | \$58,750 | \$78,750 |
| Total | \$235,000 | \$235,000 | \$295,000 |

In 1998, the legislature appropriated \$765,000 in base funding for REAM. Unlike previous years, the DOC allowed counties, community corrections agencies and judicial districts to apply for grant funds. The DOC received 22 grant applications. Agencies serving the following 30 counties have received awards as of October 1, 1998: Anoka, Beltrami, Brown, Carlton, Chisago, Cook, Dakota, Dodge, Fillmore, Hennepin, Isanti, Itasca, Kanabec, Kandiyohi, Koochiching, Lake, McLeod, Mille Lacs, Nicollet, Norman, Olmsted, Pine, Polk, Ramsey, Red Lake, Rice, St. Louis, Steele, Wabasha, and Wright.

Neither of the subsequent legislative actions rescinded the department's mandate to report on the effectiveness of the REAM program as stated in the 1995 legislation. Thus, this report fulfills the report requirement. The department will complete a second report in November 2003, as required by the 1998 legislation, which will present an evaluation of the entire five years of the pilot project.

Staff of the Alternative Programs Unit of the DOC have monitored the REAM grants since 1995. Design and implementation of the program evaluation were assigned to the DOC's Information Technology Unit and reassigned to the Office of Planning and Research following the department's reorganization in 1996.

PROGRAM DESCRIPTIONS

The four REAM programs selected in 1995 for funding by the DOC differ considerably in administrative and programmatic structure. A description of each program follows:

First Judicial District

Unlike the other districts, the First Judicial District requested and received REAM funds to augment the services provided by an existing program. The six counties comprising the First Judicial District - Carver, Dakota, Goodhue, McLeod, Scott, and Sibley - used grant funds to add remote electronic alcohol monitoring to the Safe Streets First (SSF) program. The SSF program, which began in 1993 with grant funds administered by the Minnesota Department of Transportation, is a contracted service provided by the Citizens Council, Inc. for the intensive supervision of and treatment for individuals convicted of repeat alcohol-related driving offenses. SSF staff had experimented with the use of REAM technology prior to receiving REAM funds but only on a limited basis and only with program violators. Nonetheless, program staff were encouraged enough with the results that they sought funding to enable them to require all SSF program participants to complete a period of electronic monitoring with breath analysis capabilities.

Participants in SSF are ordered to the program by the court as a condition of probation following a conviction for driving while drinking. Only individuals with three or more alcohol-related driving offenses are eligible for this sentencing alternative. Offenders are required to participate in the program for six to twelve months, although program involvement is marked by a graduated level of intensity. Prior to beginning the program, the offender completes an orientation that includes establishment of financial arrangements and a chemical health assessment.

Before granted REAM funds, the SSF program required program participants to serve at least 30 days on electronic monitoring under house arrest. During this time, offenders were required to report to a treatment or day reporting center for breath analysis. This method of alcohol monitoring left many opportunities for the offender to drink without being detected as well as created transportation problems as many of the program participants had their driving privileges suspended.

The SSF program with REAM is divided into four phases. The first phase begins with 30 days of REAM during which the offender is called randomly and required to provide a breath analysis test. The offender also participates in appropriate chemical health treatment and submits to random urinalysis. If a breath analysis test is positive for alcohol, the offender is placed on house arrest and a field surveillance officer (FSO) hired using grant funds is dispatched immediately to the offender's house. The FSO administers a second alcohol test and if alcohol use is verified with this second test, the FSO, in conjunction with a part-time case manager, whose salary is paid in part using grant funds, and the offender's probation officer determine the appropriate sanction for the violation.

The second and third phases of the SSF program are the relapse prevention components, and the fourth and final phase is considered the maintenance phase of the program. Cognitive skills training is utilized throughout the entire SSF program as are random urinalysis and breath analysis. Day reporting centers operated by local law enforcement departments also are used as needed. REAM technology is used only during the first phase of SSF.

For the most part, SSF is a client fee-funded program. In 1995, participants were required to pay \$478 for surveillance and administrative costs and \$1,654 for treatment costs. With the addition of the REAM technology, surveillance costs initially increased to roughly \$570. Treatment costs may be covered by the offender's insurance or Consolidated Funding for some, but all surveillance costs must be paid by the offender. A percentage of the SSF fees paid is used to fund indigent participants; the remaining costs were paid by the county and reimbursed by the DOC with REAM funds.

The goals of the SSF program with REAM, according to the proposal originally submitted by the First Judicial District, are described below:

1. Enhance public protection by reducing the opportunities to drink and drive - Despite the restrictions placed on offenders by the court and SSF, an offender may continue to drive without a license. Close monitoring of alcohol use limits the offender's opportunity to drive after consuming alcohol, greatly enhancing public safety.
2. Make more effective use of treatment dollars by shortening treatment length and/or moving participants to a less intensive phase of the program at a faster rate - SSF case managers and treatment counselors have found that offenders who use alcohol while attending treatment sessions make little progress in treatment. Thus, rapid detection and elimination of alcohol use increase the likelihood that an offender will progress in treatment, potentially shortening the overall treatment length or allowing the offender to move to less intensive phases of treatment more quickly.
3. Provide greater offender accountability - With the addition of REAM technology, the SSF program is better able to provide frequent, random breath analysis and thus more likely to detect alcohol use among program participants. Providing an immediate and appropriate consequence when alcohol use is detected increases offender accountability.

4. Ensure equal treatment for all offenders - SSF staff believe that all offenders, both indigent and non-indigent, should receive the same type of monitoring and treatment opportunities. Grant funds are used to pay for all or some of the monitoring costs accrued by indigent offenders.
5. Reduce the use of day reporting centers - Before REAM was added to the SSF program, most alcohol testing for program participants was provided at no cost by local day reporting centers. These centers, which are located in and operated by local police departments, became overburdened as the number of SSF program participants increased. Some of the centers indicated that they would not be able to continue this service. REAM eliminates the use of day reporting centers in the first 30 days of the program, which should reduce substantially the use of the centers.
6. Reduce transportation needs - Transportation is an ongoing problem for many SSF participants, the majority of whom do not have a valid driver's license. Prior to the addition of REAM, SSF program participants were required to travel to the treatment center three times a week and to the day reporting center four times a week. The addition of REAM to the program reduces by more than half the number of times an offender must address the problem of transportation.

Sixth Judicial District

The program implemented in the Sixth Judicial District utilizes REAM technology in two areas where electronic monitoring previously had not been used in the district: institutional early release and pre-trial release. Prior to receiving REAM funds, few if any judges in the Sixth Judicial District had used electronic monitoring for pre-trial defendants, resulting in a disproportionate number of indigent defendants unable to post bail and subsequently detained prior to trial. In addition, many judges in the Sixth Judicial District had sought to alleviate jail overcrowding by including a term of electronic monitoring as a condition of probation when sentencing gross misdemeanor DWI offenders. However, the size of the Sixth Judicial District (which includes the primarily rural counties of Carlton, Cook, Lake, and St. Louis (rendered surveillance activities such as random breath analysis problematic.

The REAM pilot project in the Sixth Judicial District introduced the use of this technology for DWI defendants awaiting trial. As a post-trial alternative, REAM is used as an early release mechanism for DWI offenders sentenced to a jail term: REAM is offered to eligible offenders during the last 20% of his or her incarceration term.

REAM service is provided for the program through a contract with the Messabi Work Release Program. The REAM program implemented in the Sixth Judicial District also uses the services of an FSO, whose salary is paid for by the grant. Responsibilities of the FSO include client eligibility screening, rapid violation response and follow-up, equipment management, surveillance, coordination of program evaluation activities, and coordination of liaison services to the Messabi Work Release staff.

The first goal of the REAM program established in the Sixth Judicial District is to reduce the length of stay of DWI offenders confined at the Northeast Regional Corrections

Center, Messabi Work Release, Range Work Release, and the St. Louis County Jail to 80% of the current stay. The second goal of the program is to increase the number of indigent persons released pre-trial by 20%. The third goal stated in the proposal is to enhance the quality and intensity of DWI supervision with pager technology. During the proposal review process, reviewers determined that the legislation did not allow the use of grant funds to support the use of pagers, so the third and final goal was not included in the evaluation.

Eighth Judicial District

REAM technology was used in the Eighth Judicial District prior to the availability of grant funds but was limited to a few judges in a few counties. Subsequently, the majority of the grant funds in this district are expended on a coordinator whose primary responsibilities are to coordinate a district-wide program and educate and train corrections, court services, and law enforcement personnel on the use of REAM. Grant funds are administered for the district by the Kandiyohi County Community Corrections Department.

Determination of indigency for the REAM program relies on the same standard used to determine eligibility for a public defender. Notably, the cost of REAM for indigent offenders in the Eighth Judicial District was in part supported by a fund established by charging full pay REAM participants \$1.00 per day more than the actual costs.

The program goals included in the proposal submitted by the Eighth Judicial District include providing a district-wide REAM program for repeat DWI offenders; promoting a sober, crime-free lifestyle for program participants; administering sanctions appropriate to the seriousness of the violation; and promoting public safety. In addition, it was hoped that increased use of REAM would reduce first-time and gross misdemeanor DWI filings in the Eighth Judicial District by 10% and 20%, respectively.

Unfortunately, the availability of the grant funds did not seem to encourage the use of REAM in the Eighth Judicial District. The coordinator was active in the first years of the grant, training appropriate staff and trying to encourage the use of REAM among judges, but the use of REAM in this district increased little by the end of the three-year pilot program. Possible reasons for the limited success of the Eighth Judicial District's pilot project are explored later in this report.

Tenth Judicial District

As stated previously, the use of REAM in Minnesota was pioneered by Judge James Dehn in the Tenth Judicial District. Judge Dehn first used REAM as a pre-trial alternative to jail for repeat DWI offenders, although he had begun to use REAM for post-trial offenders at the time the legislation establishing the grant program was passed in 1995. Not surprisingly, the grant program proposed by this district clearly reflected Judge Dehn's early work, embracing the models he established.

Judge Dehn first used REAM technology as a pre-trial alternative to “bail or jail.” Judge Dehn sought an alternative as too often an offender who posted bail - despite remaining employed and subsequently able to support his or her family - was rearrested for another driving violation while on pre-trial release. An offender jailed prior to the resolution of the charges, however, often lost his or her job resulting in economic hardship for the offender’s family.

The pre-trial alternative Judge Dehn devised capitalizes on a Minnesota statute allowing judges to set bail for persons charged with aggravated DWI at four times the amount allowable for most gross misdemeanors. Minnesota Rules of Criminal Procedure 6.02, Subd. 1, allows a judge to find a person who has committed two or more DWI’s “inimical to public safety” and subsequently set bail for the repeat offender at \$12,000. The judge then gives the offender an alternative to “bail or jail”: abstaining from alcohol use and submitting to REAM. The primary purpose of the monitoring is to ensure the offender’s sobriety, not to detain the offender, so the offender is allowed to work or attend school during the day. The offender must be at home at three pre-arranged times each day, to have his or her alcohol concentration level measured. In addition to proscribing any alcohol use, the court order states that the offender may be arrested without a warrant if he or she fails to abide by the conditions of the court order. Offenders who refuse REAM as a condition of release could post bail, or remain incarcerated until the case is resolved.

In the post-trial situation, Judge Dehn uses REAM in addition to jail time as a means to ensuring an offender’s sobriety for the longest period of time. Similar to pre-trial REAM, post-trial REAM is not used for home detention. Judge Dehn typically sentences a repeat DWI offender to eight months of jail (five months of which are served in jail) and an additional six months of REAM. Upon release from jail, the offender serves 90 consecutive days on REAM. He or she then serves 30 consecutive days on REAM at some time during the subsequent year of probation, and an additional 30 consecutive days in the following year. It is these two, thirty-day periods of REAM that Judge Dehn uses to encourage the offender’s continued sobriety.

The proposal submitted by the Tenth Judicial District included operating costs for a satellite office of 180 Degrees, Inc. In the first year of the grant period, the operating costs of the Isanti County satellite office were to be paid for with grant funds. It was anticipated that the revenues of 180 Degrees, Inc. would increase over time as the number of offenders placed on REAM increased, thus the vendor was expected to absorb half of the operating costs in the second year of the grant. All operating costs of the Isanti County satellite office were to be absorbed by 180 Degrees, Inc. in subsequent years.

Grant funds also were used to hire one full-time staff person to hook up monitoring equipment, collect payments, and notify appropriate authorities if a violation is detected. For offenders on pre-trial REAM, violations are called in to local law enforcement and, as noted earlier, the offender is arrested. Violations among offenders on post-trial REAM are called in to the offender’s probation officer.

A two-tiered rate structure establishes a \$4.50 per diem for offenders who meet the indigent standard for appointment of a public defender and an \$8.00 per diem for all non-indigent offenders. Indigent offenders also are eligible to receive grant funds to pay or supplement the cost of the monitoring equipment. Eligibility is determined according to guidelines established by the Grant Advisory Board which consider the public defender indigent standard as well as whether the cost of the monitor would impose an unreasonable hardship on the offender's family.

REAM equipment and services continue to be provided by 180 Degrees, Inc. in the Tenth Judicial District as well as other vendors, including Linda Connelly and Associates. The proposal submitted by the Tenth Judicial District included the following seven objectives:

1. Keep more drunk drivers off the road while allowing them to maintain their jobs and be productive members of society - The grant manager provides information to the judges of the Tenth Judicial District on the use and availability of REAM, increasing judicial awareness of the program and subsequently the use of REAM. The use of the system itself to monitor the sobriety of the offenders is thought to deter drinking and driving behavior while allowing the offender to live and work in the community.
2. Increase the number of pre- and post-trial clients served by REAM - Over 400 offenders were placed on REAM in the Tenth Judicial District in the two years before the grant was awarded. An additional responsibility of the grant manager is facilitating the comparison of the number of clients served under the grant program versus the number served prior to the grant program.
3. Increase the use of REAM, pre- and post-trial, among indigent individuals found to be inimical to public safety pursuant to Minnesota Rules of Criminal Procedure, Rule 6.02, Subd. 1. - A significant problem limiting the use of REAM prior to the awarding of grant funds was the inability of indigent offenders to pay the daily cost for the use of the monitoring equipment. The two-tiered rate structure established in the Tenth Judicial District should make REAM a plausible alternative for all offenders, irrespective of income level.
4. Increase access to REAM among all offenders throughout the Tenth Judicial District - The first REAM vendor used in the Tenth Judicial District had only one office prior to the establishment of the grant program. Travel to this office, located in St. Louis Park, to obtain the monitoring equipment often was difficult for offenders as many do not have a valid driver's license following an arrest for or conviction of a DWI. Establishment and staffing of a satellite office in Cambridge, located in Isanti County, should increase REAM access among DWI offenders in the Tenth Judicial District.
5. Ensure violators of the conditions of pre- or post-trial release receive swift consequences for the violations - Judges issue initial orders for offenders placed on REAM pre-trial stating that any violation of the conditions imposed may result in the arrest of the offender without issuance of a warrant. The offender is required to sign this order prior to his or her placement on the REAM equipment. In the case of a violation, the vendor immediately contacts local law enforcement who are instructed to arrest the offender. The offender's probation officer is responsible for promptly responding to a violation committed by an offender on post-trial REAM.

6. Ensure all persons involved in the REAM program are aware of their respective roles - The Grant Advisory Board designated one person as program coordinator in each of the eight counties comprising the Tenth Judicial District. The role of the program coordinator is to communicate with the various law enforcement, court, and corrections personnel in their respective counties, ensuring each understands his or her role in the successful implementation of the REAM grant program.
7. Ensure the Isanti County satellite office of 180 Degrees, Inc. continues to operate beyond the completion of the grant period - The operating costs of the Isanti County satellite office are paid for with grant funds in the first year of the grant period. It is anticipated that the revenues of the vendor will increase over time as the number of offenders placed on REAM increases, thus the vendor is expected to absorb half of the operating costs in the second year of the grant. All operating costs of the Isanti County satellite office will be absorbed by 180 Degrees, Inc. in subsequent years.

METHODOLOGY

Evaluation Design and Research Questions

The establishment of an adequate evaluation design was impeded in numerous ways. First, the structure and goals of the four REAM programs funded in 1995 differ considerably, appropriately reflecting the varied problems and needs of the clients, courts, and corrections systems in each district. The variation in the programs, however, made the development of a single evaluation design more challenging. Second, a review of the enabling legislation provided little insight into the information the legislature sought on the REAM pilot project. The 1995 legislation simply required the DOC to evaluate the “effectiveness” of the REAM programs. Finally, the use of the preferred methodology - an experimental or quasi-experimental design - was opposed by staff of the REAM programs. Most felt it was unethical to randomly choose offenders to participate in the REAM program when some of those not chosen subsequently would serve additional days in jail. Indigent offenders not chosen for the program particularly were at risk of serving additional jail time. Some program staff also were opposed to an experimental design due to the inevitable difficulties associated with tracking a “control” group.

Subsequently, a non-experimental design was adopted and five rudimentary research questions were established. Data collection instruments were created to gather most of the quantitative data necessary to answer these questions and distributed to the four programs. A copy of the data collection instruments appears as an appendix. Financial data for each program was obtained from the Alternative Programs Unit of the DOC, and driving record data for the offenders served by the programs was obtained from the Minnesota Department of Public Safety. Complete driving records were obtained for 887 of the 945 offenders, or 93.9% of the sample.

Five research questions were posed:

1. Do persons arrested for or convicted of a DWI maintain (or obtain) gainful employment while on REAM?
2. How effective is the use of REAM in preventing driving while intoxicated and other criminal behavior while offenders are on REAM?
3. Are sanctions for REAM violations certain and imposed swiftly?
4. What percentage of the offenders who successfully complete a term of REAM are rearrested for an alcohol-related driving offense?
5. Can the availability of grant funds increase the use of REAM among indigent persons?

In addition, the evaluation sought to identify the most and least successful components of the pilot project programs as well as ways, if any, in which the pilot projects changed over the granting period. Telephone interviews with program and vendor staff as well as informal interviews with DOC staff involved in the monitoring of the pilot project grants were conducted for this purpose. The results of this section are hoped to assist the DOC in the establishment of reporting and evaluation requirements included in future requests for proposals and assist future grant recipients in designing programs.

Description of Sample

At the end of fiscal year 1998, the DOC had received all three data collection forms for 945 offenders admitted to one of the four REAM programs. All of these offenders were admitted to a program between February 1994 and May 1998. Table 2 shows that 726 of these offenders were sentenced to one of the four post-trial REAM programs and 219 were placed on one of the three pre-trial programs. Roughly three-fourths of the 945 offenders in the sample participated in the post-trial program operated in the First Judicial District or either the pre- or post-trial program operated in the Tenth Judicial District¹. Only 23 of the 945 offenders in the sample were convicted of domestic abuse.

Table 2: REAM Offenders by Program Type and Judicial District

| Judicial District | Post-Trial | | Pre-Trial | | Total | |
|-------------------|------------|---------|-----------|---------|-------|---------|
| | Count | Percent | Count | Percent | Count | Percent |
| First | 379 | 52.2% | 0 | .0% | 379 | 40.1% |
| Sixth | 186 | 25.6% | 9 | 4.1% | 195 | 20.6% |
| Eighth | 41 | 5.6% | 8 | 3.7% | 49 | 5.2% |
| Tenth | 120 | 16.5% | 202 | 92.9% | 322 | 34.1% |
| Total | 726 | 100.0% | 219 | 100.0% | 945 | 100.0% |

¹ It is likely that the number of offenders actually admitted to the Tenth Judicial District's REAM program is substantially higher than the number of offenders for whom complete data were obtained by the DOC (Table 2). The program begun in the Tenth Judicial District utilized the least amount of grant funds for administrative work among the four programs. Perhaps as a result, the Tenth Judicial District experienced difficulties in completing and submitting data collection forms.

The largest percentage of offenders in the sample (28%) resided in Dakota County at the time of program admission. An additional 18% resided in St. Louis County, and approximately 9% resided in Anoka County. Five percent of the sample lived in either Hennepin, Isanti, or Chisago counties, and four percent resided in Scott County. Three percent or less of the offenders resided in any one of the remaining Minnesota counties.

Approximately 84% of the 945 offenders included in the sample are males. The youngest offender in the sample was 16 years old at program admission, and the oldest offender was 76. The mean age at admission was 35.2 years. The mean age of female offenders did not differ significantly from that of male offenders admitted to the program.

The majority of the offenders in the sample are Caucasian. Persons of color account for only 8% of the sample. American Indians comprised a slightly greater proportion of the non-white population than African American, Hispanic, or Asian American offenders.

Nearly 75% of the offenders were single at program admission, either never married or single as a result of divorce or the death of a spouse. Only 20% of the offenders were married at the time of program admission.

Fifty three percent of the 945 offenders had graduated from high school or completed an equivalent degree, such as a GED, at the time of program admission. An additional 28% of the sample had completed some college or more. The average monthly income at admission to a REAM program was \$1,157.46. The average monthly income of the offenders on pre-trial REAM was \$72 lower than those on post-trial REAM, \$930.12 versus \$1,002.32.

Sixty-seven percent of the offenders in the sample had been referred to chemical dependency treatment, either outpatient or inpatient, at some time prior to admission to a REAM program. Twenty nine percent of the sample had been referred to treatment once before, and 34% had been referred twice or more.

The offenders in the sample served an average of 40.5 days on REAM. The offenders in the sample who participated in the pre-trial REAM programs served an average of 20 days more on REAM than those on post-trial REAM (55.9 days versus 36.0 days). The success rate of offenders on pre-trial REAM also was lower than those on post-trial REAM: Approximately 85% of the offenders on pre-trial REAM successfully completed the program, while 95% of those on post-trial REAM successfully completed the program.

FINDINGS

Do persons arrested for or convicted of a DWI maintain (or obtain) employment while on REAM?

Identical proportions of the sample were employed when first placed on REAM as when removed from the program, suggesting that offenders maintained employment while on REAM. The percentage of offenders employed at both points in time was 73%.

Additional data were collected on employment status at program admission, and these data show that 62% of the offenders were employed full-time and 11% were employed part-time. Approximately two percent of the sample were students while on REAM.

How effective is the use of REAM in preventing driving while intoxicated and other criminal behavior while offenders are on REAM?

Analysis of official arrest records and violation data obtained from program staff suggests that few offenders drove while intoxicated or committed other criminal offenses while on REAM. Only nine offenders - or one percent of the 887 offenders for whom driving records were obtained - were arrested for any driving-related incident while on REAM. Notably, eight of these nine offenders were arrested for driving-related offenses that did not involve alcohol: driving after license withdrawal and driving after ininical cancellation. Only one offender was arrested for driving while intoxicated. Violation data submitted by REAM program staff indicate that one additional offender was sanctioned for driving without a valid license; however, the violation was not recorded in the data base maintained by the Minnesota Department of Public Safety.

Only three of the 945 offenders in the sample were arrested for a non-driving offense while on REAM. One offender was arrested for a fifth degree assault and another for obstructing legal process. The third was arrested for a number of offenses - including assault, terroristic threats, possession of marijuana, and disorderly conduct - stemming from a single incident. Neither of the offenders arrested for a violent offense were participating in a REAM pilot project following an arrest for domestic violence.

A problem with relying solely on arrest as an indicator of criminal behavior is that many illegal acts are not detected by or reported to law enforcement. Program staff were diligent in reporting behavior that violated release conditions or program rules, however, and some of this information suggests the continued involvement of offenders in illegal activity. The violations most clearly suggesting involvement in illegal activity are those reported as drug-related. Of the 945 offenders in the sample, 25 committed a total of 27 drug-related violations. This suggests that just under 3% of the sample likely committed an illegal act related to drug use.

Combining the arrest and violation data reviewed above reveals that a total of 37 offenders² were known to have committed some type of illegal act while on REAM. These 37 offenders represent only 4% of the 945 offenders in the sample, suggesting few offenders engaged in any criminal behavior while on REAM.

Are sanctions for REAM program violations certain and imposed swiftly?

The third question addresses two of the three key components of traditional deterrence theory: certainty and celerity of punishment. The latter component - the speed with which sanctions are imposed for a violation - is of particular interest as the original

² One offender arrested for a driving-related offense also committed a drug-related violation; this offender is counted only once in this total.

legislation required each pilot program to include procedures ensuring violations were addressed with swift consequences. Violation data reported by program staff suggest that, when imposed, sanctions were imposed swiftly. The certainty of a sanction occurring following a violation also was high.

Program staff reported a total of 150 program violations for the 945 offenders in the sample. Sanctions were imposed and reported for 136 of these violations, or 91% of the violations recorded. Almost every sanction (96%) imposed for a violation committed by an offender on pre-trial REAM was given on the same day the violation occurred, and 80% of the sanctions imposed for post-trial REAM violations occurred on the same day. The imposition of sanctions for offenders on post-trial REAM is expected to be delayed at times due to the use of hearings and court appearances to handle program violations that also are probation violations. Overall, the mean number of days elapsed between violation and sanction was 0.9 days, or less than one day.

What percentage of the offenders who successfully complete a term of REAM are rearrested for an alcohol-related driving offense?

Of the 887 offenders for whom arrest data were obtained, 777 were known to have successfully completed a term of REAM. Approximately 14% of these 777 offenders were arrested for a driving-related violation at some time after being placed on REAM (Table 3). Thirty-three of the 777 offenders were arrested for a DWI offense, and one offender's license was revoked for refusing to submit to an alcohol concentration test in accordance with Minnesota's implied consent law (Minnesota Statute 169.123). An additional 21 offenders had their driver's license revoked as an administrative action in accordance with the implied consent law, but it is not known if these offenders also were convicted of a DWI offense. Thus, a total of 57 offenders - or 7.3% of the offenders who successfully completed a term of REAM - were arrested for an offense that suggests the offender engaged in drinking-driving behavior. Notably, nearly half of the 109 offenders were arrested for driving without a valid driver's license, a violation that does not involve alcohol.

Table 3: Offenders Rearrested following successful completion of REAM by Type of Offense

| Type of Offense | Count | Percent |
|---------------------------------------|-------|---------|
| DWI | 15 | 13.8% |
| Aggravated DWI | 16 | 14.7% |
| DWI-0.20 BAC or more | 2 | 1.8% |
| Implied Consent-Test Refusal | 1 | 0.9% |
| Implied Consent-Administrative Action | 21 | 19.3% |
| Driving after Withdrawal | 32 | 29.4% |
| Driving after Inimical Cancellation | 20 | 18.3% |
| Open Bottle | 2 | 1.8% |
| Total | 109 | 100.0% |

The mean days to rearrest were higher for those on post-trial REAM than those on pre-trial REAM: The mean days to rearrest among those on post-trial REAM were 239, and the mean days to rearrest among those on pre-trial REAM were 143.

Can the availability of grant funds increase the use of REAM among indigent persons?
The availability of grant funds most likely increased the use of REAM technology among indigent persons; however, the most dramatic increase in the use of REAM is likely to occur in the next two years. Most programs like the four REAM pilot projects require additional funds in the first few years of operation to cover one-time or short-term costs associated with the start-up of the program. Often in the first year or two of the grant, equipment must be purchased, staff hired and trained, and marketing or educational services paid for to ensure the program is accepted by the public and utilized by the criminal justice system. All of the REAM programs used at least some grant money for such costs, particularly in the first year the grant funds were available. A much greater percentage of the grant money will be used to fund indigent persons in future years.

How, if at all, did the pilot projects change over the granting period? What are the most and least successful components of the pilot project programs?

Telephone interviews with program and vendor staff as well as informal interviews with DOC staff involved in the monitoring of the pilot project grants provided insightful information that likely will prove useful to DOC staff and future grant recipients.

Many interviewed felt that the REAM grant provides a much-needed alternative to jailing indigent offenders unable to post bail or pay the REAM per diem. One person from the Tenth Judicial District anticipated that the use of this alternative will increase considerably over the next two years. Now that their program is well-established, almost all of the grant money can be used to fund indigents.

The experience with REAM in the Eighth Judicial District, supported by information obtained in other telephone interviews, suggests that REAM technology still is not used as often as it could be. Several people interviewed felt the greatest barrier preventing the widespread use of REAM is the difficulty of convincing judges to begin ordering its use. However, continued efforts to educate judges on the use of REAM proved effective in many locations, and additional judges began using REAM as a sentencing alternative.

Those interviewed mentioned several factors that seemed to contribute to the success of the REAM program in their district. Local control and coordination of the programs were seen as important factors contributing to the success of the REAM programs, and not surprisingly, most people interviewed applauded the DOC's decision to award the new grants to counties. The one program that initially did not hire a program coordinator or a field agent, the Tenth Judicial District, designated a person in each county to serve as a local coordinator when 180 Degrees, Inc. no longer was the exclusive REAM vendor. Typically, this person was an employee of either the local county court services or sheriff's department who took on the responsibility of storing and distributing the REAM equipment.

One person interviewed from the Sixth Judicial District discussed the important role the field agent hired with REAM grant funds served in that district. The field agent performed a myriad of critical functions, including serving as a liaison to local correctional facilities, providing an immediate response to program violations, and completing and submitting required data collection forms and other paperwork.

Finally, everyone interviewed mentioned the importance of communication. Each of the pilot programs was structured differently, yet each required the cooperation of and communication among a number of criminal justice professionals. Two of the people interviewed also mentioned that communication was poor at the beginning of the pilot project but increased with time due to the efforts of those involved in the pilot program.

FUTURE DIRECTION

Planning for the future of the REAM program began in the spring of 1998 in response to the appropriation of additional funds and the enhancement of laws related to DWI offenders. In consultation with the Conference of Chief Judges and the Department of Public Safety, the DOC published a competitive Request for Proposals (RFP). This process preceded the completion of this report; however, knowledge gained from the pilot project was influential in the design of the new REAM program.

The competitive RFP issued for FY 1999 allowed Judicial Districts, counties and community corrections agencies to submit proposals. Notably, no judicial districts submitted proposals. During the pilot project judicial districts in three of the four grant programs basically acted as fiscal agents for the program and community corrections staff administered the programs. In the Tenth Judicial District the district court administrator was involved in the day-to-day operation of the program. Following the end of the pilot project the district court administrator advised corrections administrators in the Tenth Judicial District that he would not be seeking future funding. The DOC received consistent feedback suggesting that a service type program such as REAM would be better administered by corrections staff. Six of eight counties in the Tenth Judicial District were awarded FY 1999 funding.

The FY 1999 REAM grant fund awards reflect the DOC's acknowledgment that jurisdictions throughout the state are challenged to meet new pre-trial and sentencing mandates. Unlike pilot program funds which were used extensively to operate programs, funds awarded for FY 1999 funds are primarily designated for monitoring fees for indigent offenders. Grant funds will pay up to 75% of indigent offenders' monitoring fees with the indigent offenders contributing the balance of the fees.

Proposals totaling \$1.3 million were received for the nine-month grant period October 1, 1998, through June 30, 1999. Indigent offenders in 30 counties will benefit by these grant funds. Additional funding will be needed to subsidize indigent fees on a statewide basis. At this time the DOC is aware of only three counties (Carver, Scott and Washington) serving indigent offenders but who did not request grant funds. While

REAM has been demonstrated as an effective deterrent to alcohol consumption and drinking/driving behavior during supervision, it is an expensive supervision enhancement. The threshold at which offenders can bear the cost of their supervision and rehabilitation may have been reached.

The legislative report due in 2003 will reflect changes precipitated by knowledge gained through the pilot project. Evaluation of offenders' long-term behavior will be possible, a larger group of offenders will be evaluated and improved data collections methods will be used. There is, however, a need for additional funding to complete a comprehensive evaluation of DWI supervision enhancements. Valuable information could be gained by a thorough evaluation of the long-term effects of REAM, intensive probation programs and extended jail terms. A comprehensive study would also make it possible to gather information from a comparison group from jurisdictions that have not widely used supervision enhancement.

Appendix

Electronic Alcohol Monitoring (EAM) Program - Sixth Judicial District
Pre-Trial Client Eligibility Form

Client Name _____ Today's Date _____

DOB _____ County of Residence _____ Arrest Date _____

Current Offense(s) _____

| | | | | | |
|--------------------|---|-------------------|------------------------------------|-----|---------------------------------|
| Race/ Ethnicity | <input type="checkbox"/> Caucasian | Marital Status | <input type="checkbox"/> single | Sex | <input type="checkbox"/> male |
| | <input type="checkbox"/> African American | | <input type="checkbox"/> married | | <input type="checkbox"/> female |
| | <input type="checkbox"/> Hispanic | | <input type="checkbox"/> divorced | | |
| | <input type="checkbox"/> American Indian | | <input type="checkbox"/> separated | | |
| | <input type="checkbox"/> Asian American | | <input type="checkbox"/> widowed | | |
| | <input type="checkbox"/> Other _____ | | | | |

| | | |
|-------------------------------|---|---|
| Highest Grade Completed | <input type="checkbox"/> 1st - 6th grade | <input type="checkbox"/> some college courses |
| | <input type="checkbox"/> 7th - 9th grade | <input type="checkbox"/> college degree (including AA/voc. cert.) |
| | <input type="checkbox"/> 10th - 11th grade | <input type="checkbox"/> some graduate courses |
| | <input type="checkbox"/> high school graduate | <input type="checkbox"/> graduate degree (MA/PhD/JD) |
| | <input type="checkbox"/> GED | |

| | | |
|----------------------|--------------------------------------|----------------------------|
| Employment Status | <input type="checkbox"/> full-time | Monthly \$ _____ Income |
| | <input type="checkbox"/> part-time | |
| | <input type="checkbox"/> unemployed | |
| | <input type="checkbox"/> retired | |
| | <input type="checkbox"/> other _____ | |

| | |
|---|--|
| # of Prior Inpatient CD Referrals _____ | # of Prior Outpatient CD Referrals _____ |
| Completions _____ | Completions _____ |

| | |
|----------|---|
| Referral | <input type="checkbox"/> Client placed on EAM |
| Outcome | <input type="checkbox"/> Client posted bail/bond (bail/bond set at \$ _____) |
| | <input type="checkbox"/> Client held in jail |

----- Released Clients Only (EAM or bail) -----

Number of Jail Days Served Prior to Release _____

Other Conditions Imposed _____

Send completed forms to Shelley Powell
MN Department of Corrections
1450 Energy Park Drive, Suite 200
St. Paul, MN 55108

**Electronic Alcohol Monitoring (EAM) Program - Sixth Judicial District
Pre-Trial Employment and Treatment Data**

Date client began EAM _____ Date client completed EAM _____

EMPLOYMENT

1. Was the client employed when he/she began EAM? yes
 no

2. While the client was in the EAM phase of the program, how many days was he/she:
 - a. employed? _____
 - b. attending school/vocational training? _____

3. Was the client employed when he/she completed EAM? yes
 no

TREATMENT

1. While the client was on EAM, how many days was he/she attending:
 - a. an outpatient CD treatment program? _____
 - b. AA or another CD support group? _____
 - c. other, specify _____

Send completed forms to Shelley Powell
MN Department of Corrections
1450 Energy Park Drive, Suite 200
St. Paul, MN 55108

**Electronic Alcohol Monitoring (EAM) Program - Sixth Judicial District
Post-Trial Employment and Treatment Data**

Date client began EAM _____ Date client completed EAM _____

EMPLOYMENT

1. Was the client employed when he/she began EAM? yes
 no

2. While the client was in the EAM phase of the program, how many days was he/she:
 - a. employed? _____
 - b. attending school/vocational training? _____

3. Was the client employed when he/she completed EAM? yes
 no

TREATMENT

1. While the client was on EAM, how many days was he/she attending:
 - a. an outpatient CD treatment program? _____
 - b. AA or another CD support group? _____
 - c. other, specify _____

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