

## **Halfway House, Home Confinement, and Supervised Release**

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July 27, 2008

*This article describes the struggles white collar offenders and other felons face following their release from prison.*

Most all of the articles that I publish on MichaelSantos.net describe strategies for advancing through the criminal justice system, with an emphasis on thriving through prison. This article differs. With this article, I describe what I have learned from interviewing prisoners who returned to confinement after an initial release.

Nobody leaves prison with expectations that they will encounter further problems upon release. As their release date approached, the men I've known expressed joy at returning to society. They looked forward to sleeping in their own bed, to showering without rubber sandals, and using their own bathroom. They looked forward to connecting with family, friends, and society. No one anticipated a return to confinement.

Statistics show that more prisoners ought to concern themselves with failure upon release. I have written frequently that the longer a person serves in prison, the more he adjusts to institutional life. While learning how to live in prison, however, people simultaneously seem to condition themselves for failure in society. With startlingly high recidivism rates, my research suggests that every prisoner should strive to learn more about what type of behavior could return a man to confinement.

Engaging in new criminal conduct is an obvious invitation to additional imprisonment. To a lesser extent, associating with people who embrace a criminal lifestyle is another danger. Millions of people return to prison, however, without having committed any new crimes. Despite living what they consider to be responsible lives, violations of release conditions lead some back into the steel grip of confinement.

At the sentencing hearing, many judges impose terms of supervised release in addition to time in confinement. The defendant first has to serve his time in prison, less any applicable good time. In most cases the prisoner releases to a halfway house during the final months of his imprisonment. From the

halfway house, he may release to a stint in home confinement. During each of those transitional releases, the individual remains beholden to the prison system and subjected to stifling rules. Once the prisoner completes that obligation, however, he begins serving his sentence of supervised release.

## **Halfway House**

The halfway house is also known as a Community Confinement Center. Through the 2007 Second Chance Act, Congress authorized administrators to allow prisoners to serve up to the final 12 months of their sentences in a halfway house. The purpose of that legislation, Congress expressly stated, was to enable prisoners to prepare for re-entry. While in the halfway house, prisoners would be allowed to find jobs and enjoy a much higher degree of freedom than was available in prison.

Each halfway house has its own rules and regulations. Those who chose to accept the privilege of halfway house must abide by the halfway house rules as well as the rules of the prison system. That means no consumption of alcoholic beverages, a willingness to submit to random searches, strict adherence to curfews and check-in procedures. Some prisoners reject the halfway house option, choosing to finish their time inside a more predictable environment.

While confined to the halfway house, residents must secure approved employment. Self-employment is not a viable option, from what I've been told. Others have reported to me that halfway house officials approved them to work for businesses that friends or family members own. Once employed, residents are required to forfeit 25 percent of their gross pay in the form of a US Postal money order to administrators of the halfway house.

Residents of the halfway house are required to notify employers that they have recently been released from prison and that they are subject to the rules of transitional housing. That means halfway house officials require authorization to visit the resident's place of employment unannounced. The resident requires specific authorization from a halfway house official any time he wants to leave his place of employment. Accountability of the resident's whereabouts is *strictly* enforced.

The men I've spoken with tell me that under certain conditions, they could drive a car while in the halfway house. Obviously, they need a valid driver's license. Besides the license, halfway house

officials require proof that the resident is fully covered by an acceptable insurance policy and a statement from the employer that driving was necessary. Also, if the employer indicates it is necessary, the resident may possess a laptop computer and a cell phone.

Individuals who choose to serve the final portion of their sentences in a halfway house could expect conditions that offered more freedom than prison, but less freedom than a normal citizen would enjoy. Residents are usually assigned to either two-man or four-man rooms with bunk beds. The facilities are usually co-ed, and they hold offenders who have been released from every security level. There are community bathrooms, and meals are prepared by a catering service. Visits are available regularly, at approved times, generally during the evenings and on weekends.

Once an individual settles into the halfway house, the resident qualifies for off-site passes. All passes, however, require a strict itinerary. A resident may be authorized a pass to exercise for an hour every day, perhaps a few extra hours on weekends to attend worship services. Passes of longer durations require regular phone calls for accountability purposes.

Upon securing employment and demonstrating a few weeks of responsible behavior, residents become eligible for home passes. If granted, the resident signs out of the halfway house at the beginning of the authorized leave time. He is required to check in with a phone call once he arrives at the approved location. Administrators prohibit residents from leaving the house for any reason that is not previously approved; administrators make random calls or visits to ensure that the resident is in strict compliance with rules for the home pass, and most people have a separate telephone line installed that is strictly for calls to and from the halfway house. If the halfway house resident on leave does not answer the phone call, he subjects himself to imprisonment.

## **Home Confinement**

During the time that I have served in various prison camps, I've met some prisoners whose judge imposed a split sentence. For example, Eric was a businessman who stood convicted of a tax offense in Michigan. His judge imposed a 10-month term in total, five months of which Eric would serve in a prison camp, and the last five months Eric would serve on home confinement.

Although I've met a few prisoners serving such split sentences, most of the prisoners I've known who went to home confinement transitioned after they served a portion of their term in a halfway house. I've never known a prisoner who was not serving a split sentence to advance directly from prison to home confinement. Generally, halfway house administrators together with probation officers authorize halfway house residents to conclude their term on home confinement. Prison officials were not involved in the matter with people who I spoke with.

According to experiences of the men who discussed home confinement with me, conditions remain tight. Those on home confinement make agreements to abide by conditions similar to those of the halfway house. That means full accountability. In some cases, the halfway house or probation department requires electronic monitoring devices. In most cases, however, those who transition from the halfway house to home confinement do not require electronic monitoring. They only need to make themselves available at all times. Further, they remain obligated to surrender 25 percent of their gross income to the halfway house administrator.

The Second Chance Act of 2007 authorizes a maximum placement of six months on home confinement. Individuals who secure employment and show a few weeks of responsible conduct in the halfway house can expect authorization for weekend passes on home confinement. After establishing a successful record in that status, administrators may authorize the full transfer from halfway house to home confinement, provided the probation officer concurs with the judgment call.

## **Supervised Release**

Once the individual concludes his term of confinement, including whatever time he may have served in the halfway house or on home confinement, the micromanagement ends. He then will have 72 hours before rules will require him to report to his probation officer. During that meeting, the term of supervised release begins, and the probation officer will impose the rules by which the individual must abide.

Offenders convicted of specific offenses may have certain restrictions placed upon them by the judge. Those convicted of drug offenses, for example, may be required to test for drugs regularly. Those convicted of Internet crimes may be prohibited from using the Internet. Those convicted of certain types

of fraud may be prohibited from engaging in careers that relate to their offense. All restrictions that the sentencing judge specifically imposed will appear on the offender's Judgment and Commitment order.

Besides the restrictions imposed by the judge, the probation officer may impose restrictions of his own. The probation officer will set a schedule for how often the individual must report, and he also will determine the manner in which the individual will report. Those with tight restrictions report to their probation officer, in person, once each week. Probation officers may require regular phone calls as well. Those whom the probation officer determines need less intense supervision may report by mail or telephone on a weekly basis.

Each person on supervised release must complete regular written reports. Those reports detail the individual's activities during the reporting period. Specifically, the individual must submit financial reports that identify all income and expenditures. Also, the individual submits a social report that outlines his activities, including specific questions on whether the individual has had any interaction with law enforcement or other felons.

## **Violations**

Following a period of time in confinement, it would seem logical that an offender would understand the behavior necessary to navigate his way through a halfway house, home confinement, and supervised release. Yet as statistics show, many people fail to successfully re-enter society. I have known many people who lost the privilege of their conditional release. The temptation of society was too strong for some. They could not resist drugs or alcohol. Some could not abide by the strict curfews of the halfway house. Others grew frustrated with what they described as pettiness of probation officers and halfway house administrators. For those who only violated halfway house rules, the worst sanction might require them to spend their last few months in confinement. Violating conditions of supervised release, on the other hand, bring far more serious sanctions.

When a probation officer decides to "violate" an individual on supervised release, it is as if a new criminal proceeding is beginning. The individual might be taken into custody. He would receive counsel, either by court appointment or he could retain an attorney. A judge would make a determination of the

appropriate sanction. If imprisonment was imposed, the individual might return to prison for a number of years. Aggravating matters is the possibility that, once the violator concludes his imprisonment for having violated his supervised release, the term of supervised release could begin from scratch.

Barry gave me a description of his experiences. We served a period of time together at Taft Camp. He was in his early 70s, but he had made such a commitment to fitness that Barry was in better shape than many men in their 40s. When we spoke, Barry told me that he was in on his second violation. He had served an initial term at Lompoc Camp for 18 months. Following his release from that term, Barry began rebuilding his life. Two years later, his probation officer violated Barry and a judge ordered him to serve six months. When Barry concluded six months in confinement, his term of supervised release began fresh. He again began building his life. Two years later, his probation officer violated Barry again. I met him when he was serving a nine-month term.

Barry had come to prison originally for charges related to mortgage fraud. While serving his 18-month sentence at Lompoc, he declined to accept the privilege of serving his final two months in a halfway house. Barry said that he did not need the frustration. He had known individuals who had returned to prison because halfway house administrators had concluded that the individual had violated some trivial rule. Also, during a pre-release class at Lompoc Camp, Barry had listened to an administrator from the halfway house describe the rules. The administrator said that if contraband was discovered in one of the halfway house rooms, everyone assigned to that room would return to prison. Barry did not want to expose himself to that kind of living and so declined the halfway house placement.

Upon the conclusion of his sentence, Barry said that he had 72 hours before he was required to report to his probation officer. Upon meeting her, Barry said that he felt very comfortable. The probation officer assured Barry that her job was to help Barry acclimate to society as a fully functioning citizen. She told him that as long as he complied with all rules, he would not have any problems in completing his three-year term of supervised release. In fact, she told him that if he met her expectations for a period of two years, the probation officer might submit Barry as a candidate for early release from supervision.

The first matter that the probation officer wanted to resolve was the issue of Barry's restitution order. As a part of his sentence, Barry stood obligated to pay more than \$1 million. Barry had been a successful *Halfway House/Home Confinement/Supv Rls-Topical Report 1.7/ updated 10/4/08*

mortgage broker for many decades, but he had lost all of his assets as a consequence of his legal troubles. While he was incarcerated, he paid into the financial responsibility program from his prison earnings, but that did not even cover the interest on his debt. Although he would likely never raise the money to pay off his obligation, Barry agreed to meet the probation officer's demand of \$400 per month in restitution payments. He promised to begin paying as soon as he found employment. The probation officer gave Barry a two-month grace period before payments would become due. She warned him, however, that his failure to make timely restitution payments could result in a violation of his supervised release.

Barry's sentencing judge had also imposed a term of 250 hours of community service as a part of his sentence. The probation officer wanted Barry to begin work toward satisfying that obligation. While incarcerated at Lompoc, Barry said, he had performed more than 500 hours of community service. He showed certificates that he had received from BOP administrators. Those certificates authenticated Barry's claims of his having worked maintaining livestock at the community dairy.

"Those prison certificates are meaningless to me," the probation officer told Barry. She said that his behavior or accomplishments in prison would not have a bearing on his supervised release. Barry would need to begin accumulating a record of service. She provided him with a list of possible centers where he could volunteer his labor. Barry agreed.

The probation officer concluded by telling Barry that he was prohibited from working in the mortgage industry. Barry objected, saying that was the only career he had practiced and the only work he could do to earn a sufficient income. The probation officer was not interested in excuses. He had been convicted of mortgage fraud and the probation officer told Barry that she did not want him working in an industry that might lure him back into criminal activity.

After a few weeks of difficulty in finding employment, Barry said that he chose to begin working on his community service obligation. He was married and able to live off of his wife's income. From his wife's earnings, Barry paid his \$400 restitution obligation. He began accumulating community service hours by volunteering at a small church in a desert community.

Barry said that over the following two years, he volunteered more than 200 hours at the church. Barry organized a soup kitchen, performed general maintenance, and landscaped the property. Each month, the

pastor signed off on the volunteer sheet that Barry submitted to his probation officer. Barry believed he was in total compliance with the terms of his supervised release.

While volunteering for the church, Barry said that he became friendly with several of the parishioners. Liking what he had done with the landscaping of the church, some of the parishioners began offering Barry work as a landscaper for their homes. One job led to another, and within a few months, Barry had full-time work in the area building decking, landscaping, and providing pool services. He declared all of his income and was becoming totally self-sufficient.

Barry told me that his probation officer did not make life easy on him. Contrary to her initial assertions about wanting to help Barry succeed, he told me that the probation officer erected obstacles for him. When Barry reported the income he was making from his landscaping services, the parole officer began calling all of Barry's clients. She identified herself as Barry's parole officer and said that she was making inquiries to learn whether Barry had been forthright about his criminal history. Those phone calls, he said, did not endear Barry to his clients.

Besides contacting his clients, Barry said that his probation officer upset him because she would demand that he come into her office for an unscheduled visit. The drive to her office took 60 minutes one way, resulting in a loss of a morning's wages. Once he arrived at the office, he said that he frequently had to sit in a waiting room for as long as an hour before she would see him. Hassles and interferences, he said, made supervised release unbearable.

Barry had begun his third and final year on supervised release when he had a disagreement with the pastor who operated the church where Barry had been volunteering. The pastor refused to sign off on Barry's record of service. Without the pastor's signature, Barry's assertions that he had completed his obligation for community service were meaningless. Barry told me that as a consequence of his not having received a signature from the pastor that verified his community service, the probation officer placed Barry in violation of the conditions for his supervised release.

As a consequence of that violation, Barry received a court date. When he appeared for court, he learned that the judge had sentenced Barry back to prison for a six month term. Further, the two-years he had successfully completed on supervised release would be voided, as would any hours he had

accumulated toward community service. Once Barry completed his six months in prison, he would begin a new three-year term of supervised release, and he would also owe 250 hours of community service.

Returning to prison totally upset the progress Barry had made since his initial release. He had been free for longer than two years and never imagined that he would see the inside of a prison again. Yet he would have to serve the six month sentence, much to his humiliation. His family was discouraged, though his wife remained supportive.

Following Barry's completion of the six month term, he returned to the supervision of the same probation officer. On his second attempt at freedom, Barry succeeded in obtaining employment as the manager of a retail establishment. In that capacity, his earnings increased to as much as \$5,000 per month. With that increase in income, the probation officer asked Barry to increase his restitution payments to \$800 per month. He explained that he had obligations, that after taxes and insurance deductions, Barry's take home pay was less than \$4,000; he could not afford an \$800 monthly restitution payment.

Barry's plea for financial leniency did not move his probation officer. She suggested that he withdraw his daughter from tennis and ballet lessons so that he could make the financial payment. Without a viable alternative, Barry agreed to make the payment.

In addition to working as the manager of a store, Barry was volunteering his time at a local Goodwill store to satisfy his 250-hour community service obligation. He felt as if the heavy demand was causing him to lose his family. Then disaster struck again. Officers from the LA County Sheriff's department arrested Barry.

The charge against Barry was that he had been in violation of the law when he was performing those landscaping services after his initial release from prison. Such services, apparently, required a contractor's license, which Barry did not have. The county began cracking down on unauthorized contractors, and as an ex-felon, Barry became a target. He languished in the LA County Jail for eight months before the county decided to drop the charges. When he was being released from the jail, however, U.S. Marshals were present to take Barry into custody. Although LA County chose not to prosecute Barry for new criminal conduct, his probation officer chose to target him with violating conditions of his supervised release.

As a consequence of that violation, the judge sentenced Barry to serve an additional nine months in prison. Fortunately for him, however, she chose to terminate his obligation for supervised release and community service. When he completed the nine months, Barry would be free except for the seven-figure restitution order that he would continue to owe.

Although Barry's initial crime netted a sentence of only 18 months, his inability to successfully complete the supervised release resulted in his remaining caught in the web of the criminal justice system for many years. As a consequence of his continuing struggles, Barry lost the support of his family. At times, he struggled with depression. He was 72 years old and being released to nothing.

## **Final Word**

My observations after interviewing hundreds of other prisoners convince me that Barry's case is not an exception. Many prisoners struggle to adapt successfully following their release from prison. They fail to complete the halfway house term, home confinement, or supervised release. I think it crucial that every prisoner make himself aware of what is to come, and condition himself to succeed. Return trips to prison, I am sure, lead to personal disaster.

My experience suggests that an individual ought to make every effort to understand fully what administrators expect of him upon release. The individual ought to include his family and support group in all of his plans, and everyone must make a full commitment to complete the term of supervised release successfully. I have discussed the complications with my wife, and after longer than 22 years in prison, we both agree that whatever conditions are imposed upon us, we will comply. That means submitting ourselves to unexpected searches of our property and vehicles, to regular interference in our lives, and perhaps to financial demands. That's okay. What we will keep in the forefront of our minds will be a picture of how much we value the time we can share together. Knowing that we do not want to lose that privilege again, we stand prepared to comply with supervised release. All prisoners should make the same commitment if they want to avoid return trips to prison.