



American Probation and Parole Association Summer 1995

PERSPECTIVES



Paroling Authorities: Working to Preserve Public Safety





Alan M. Schuman

PRESIDENT'S MESSAGE

The Vision continues to flourish and grow. In my last message, we made a conscious decision to proactively pursue, with our national and local leaders, a major redirection of the narrow "hock our future" approach to the Omnibus Crime Bill revisions proposed by the 104th Congress. I extend my thanks for the many letters and contacts you made addressing this issue. To date, this was the most comprehensive effort APPA has undertaken to influence legislation. It is the dawning of a new Vision to educate our elected officials and citizenry to the true facts about community corrections.

It is not clear whether we will be able to influence this particular bill, but we are laying the foundation for a new approach that says we will no longer sit back and let less informed leaders determine community corrections policies. It is clear that our impact on legislators will only be effective if we take the time to make personal contacts with our local, state and national legislators. The federal trend is for local jurisdictions to have more autonomy in how monies will be utilized. This means that the people you elected locally will be making decisions about how criminal justice dollars will be spent. You have the power to educate and influence these elected officials. Our strategy in the future will be to use an approach that targets both the national and local political scenes. **You can and will make a difference.**

On March 30, 1995 a press conference was held at the Hall of the States in Washington, DC to address a white paper commissioned by APPA and the Association of Paroling Authorities, International (APAI). This report was prepared by Peggy Burke, Senior Associate of the Center for Effective Public Policy, and addresses the misleading and inaccurate picture of parole that is presented to the public. The paper is entitled *Abolishing Parole: Why the Emperor Has No Clothes*, and provides a critical look at how public safety has been jeopardized in the few states that have abolished parole. I, along with Peggy Burke; Cranston Mitchell, President of APAI; Mario Paparozzi, Treasurer of APPA; and Virginia Congressman Robert C. "Bobby" Scott launched a media event to dispel erroneous information that is being presented about parole by some politicians for the purpose of political gain.

Parole is a crucial component in the community corrections system that deserves recognition as one of the most far-reaching tools that our system has to control violent criminals and ensure public safety. We must work together to maximize the positive statements and facts presented in this paper and use them as part of a process to educate our legislators and communities. We will be working on this part of our Vision at the next APPA board meeting which will be held at our national conference in Dallas at the end of August. Our strength as an association that represents community corrections is only as strong as its individual interlinking parts. If parole is under siege, we are all under siege. Parole is a critical part of our Vision. Everyone in APPA should read *Abolishing Parole: Why the Emperor Has No Clothes* and use the information to advocate for community corrections. Change and education can only take place if we are all active participants.

The quarterly magazine of the American Probation and Parole Association. Points of view or opinions expressed in this magazine are those of the authors and do not necessarily represent the official position or policies of APPA or its staff.

Board of Editors

Robert E. DeComo, Chairman
Dan Richard Beto
Arthur J. Lurigo
Faye S. Taxman

**Publication and
Advertising Coordinator**
Pat Bancroft

Typographer
Connie P. LaVake

Editorial Assistant
Margaret Haertzen

ISSN 0821-1507

Published four times yearly by APPA
through its secretariat office in
Lexington, Kentucky.

Communications should be addressed to:
Pat Bancroft
APPA Staff
c/o The Council of State Governments
3560 Iron Works Pike
P.O. Box 11910
Lexington, KY 40578-1910
(606) 244-8205

Copyright 1995



The Council
of State Governments

continued on page 5

President's Message from page 2

Early in March, the National Institute of Corrections sponsored a one-day meeting of the presidents of five professional associations that have a majority of functions relating to community corrections. In addition to APPA, the presidents in attendance represented the American Correctional Association, National Association of Probation Executives, International Association of Residential and Community Alternatives, Parole and Probation Compact Administrators Association, and the Association of Paroling Authorities, International. We discussed a myriad of issues and found that we were very consistent in our beliefs and approaches to bringing about positive change in community corrections.

A major theme throughout the meeting was the importance of having all organizations share a single, uniform mission and vision for the field of community corrections. I had the opportunity to share the APPA Vision with my colleagues. Each association made the decision that they would take our Vision back to their associations to determine if it is consistent with their organization's direction for community corrections. The predominant theme expressed in this meeting and agreed to by all is the fact that we should all capitalize on the work of the others and avoid duplication. Hopefully, the APPA Vision that represents input from more than 2,000 of our members will be adopted by all of the associations in the consortium.

We discussed the importance of the need to develop a process that would help all of us to swiftly — and as a single voice — respond to legislative bills that impact on community corrections. The Omnibus Crime Bill is a good example of our need to mobilize quickly and speak as a unified voice. The cooperation among all our associations to preserve the community corrections elements of this bill is a wonderful example

of a meaningful collaborative effort.

We all agreed that the development of a process that would allow all of us to respond immediately, and in unison, would be given high priority. I shared APPA's vision that the next bill pertaining to the juvenile/criminal justice system introduced in Congress should be the "Community Corrections Bill." This will happen if we all speak with one voice.

The need to develop uniform standards and outcome measures was unanimously supported and is seen as a high priority for our profession. APPA's grant request to the National Institute of Justice and the Bureau of Justice Assistance for second-year funding to develop outcome measures, which included a letter of support from ACA, was greatly appreciated and reflects a collaborative working relationship. The sharing of publications, joint funding ventures and public support of one another were all embraced as standard ways to work together as a consortium.

This fruitful meeting of the five association presidents resulted in the formation of a Community Corrections Consortium. We will be meeting on a quarterly basis for the next year. Our appreciation is extended to NIC, who graciously agreed to sponsor these meetings. This is yet another example of the positive role NIC has played in promoting community corrections and recognizing the importance of operating in a visionary way.

It was determined that the primary purpose of consortium meetings is to *make things happen*. Each meeting will focus on developing and taking concrete actions that will positively impact on community corrections. The Community Corrections Consortium is another example of how our Vision is becoming a reality. APPA is like a train picking up more and more speed — jump on and be part of the experience! □

Information For Perspectives Contributors

The American Probation and Parole Association's publication, *Perspectives*, disseminates information to the Association's members on relevant policy and program issues and provides updates on activities of the Association. The membership represents adult and juvenile probation, parole and community agencies throughout the United States and Canada. Articles submitted for publication are screened by an editorial committee and, on occasion, selected reviewers, to determine acceptability based on relevance to the field of criminal justice, clarity of presentation, or research methodology. *Perspectives* does not reflect unsupported personal opinions. Submissions are encouraged following these procedures:

Articles should be submitted in ASCII format on an IBM-compatible computer disk, along with five hard copies, to the chairman of the editorial committee (refer to the "Letter from the Editors" for address) in accordance with the following deadlines:

Winter 1996 Issue	September 20, 1995
Spring 1996 Issue	December 12, 1996
Summer 1996 Issue	March 20, 1996
Fall 1996 Issue	June 21, 1996

Unless previously discussed with the editors, submissions should not exceed 10 typed pages, numbered consecutively and double-spaced. All charts, graphs, tables and photographs must be of reproduction quality. Optional titles may be submitted and selected after review with the editors.

All submissions must be in English. Footnotes should be used only for clarification or substantive comments, and should appear at the end of the text. References to source documents should appear in the body of the text with the author's surname and the year of publication in parentheses, e.g., (Jackson, 1985). Multiple references to sources by the same author should be labeled alphabetically with each year, e.g., (Jackson, 1985a). If the same source is cited more than once, indicate the various pages of the source with each reference, e.g., (Jackson, 1985: 162-165). Alphabetize each reference at the end of the text using the following format:

Anderson, Paul J. "Salary Survey of Juvenile Probation Officers." *Criminal Justice Center*, University of Michigan (1982).

Jackson, D.J. "Electronic Monitoring Devices." *Probation Quarterly* (Spring, 1985): 86-101.

While the editors of *Perspectives* reserve the right to suggest modifications to any contribution, all authors will be responsible for and given credit for final versions of articles selected for publication. Submissions will not be returned to contributors.

Letter from the Editors

by Robert E. DeComo, Chairman, Editorial Committee

Welcome to the Summer issue of *Perspectives*. Since this is our last issue before the Annual Institute, we have included registration and other program information. We hope that you are already making your plans to attend and will also share this information with your colleagues. See you in Dallas!

This Summer issue also represents our first special emphasis issue of the year, and is entitled "In Defense of Parole." With the topic of abolishing parole reaching the top of the public policy agenda in many places around the country, APPA and the Association of Paroling Authorities, International have formed a joint committee to develop a strategy to counteract this trend. An important part of the strategy is the publication of editorials, articles and position papers regarding the central role that parole plays in the criminal justice system and dispelling damaging misconceptions that have circulated through legislative and other public policy arenas. Recently, APPA and APAI released an important report aimed at clarifying some important lessons that have been learned about parole abolition and some of the important and unique functions parole provides in criminal justice (*Abolishing Parole: Why the Emperor Has No Clothes*).

In addition, APPA has issued a solicitation for written submissions in defense of parole for publication in *Perspectives*. This issue contains the first such submissions. Our first submission is from Dr. Lawrence Bennett, President of the American Justice Institute in Sacramento, California. Dr. Bennett offers some observations, "In Defense of Parole—Is It Worth the Effort," regarding the positive contributions of discretionary parole decision making and post release supervision.

Our second parole piece comes from Norman Holt, Parole Administrator with the California Department of Corrections. His article illustrates with data and case examples the major shortcomings

of the elimination of discretionary parole release that occurred since a determinate sentencing scheme was adopted in California in 1977. In his view, the determinate sentencing system created a myriad of penal enhancements, shifted sentencing discretion into the political arena, and eliminates the ability to equalize justice between counties or to manage unusually heinous cases.

Our third feature comes to us from David Altschuler of Johns Hopkins University and Troy Armstrong of California State University. They have been engaged in research for OJJDP on community-based aftercare programs. Their article reports on the outcome of the project at the sites that have implemented their model and presents a structural framework for delivering aftercare.

Among our regular features, several also address parole issues. Our NIC Update reviews this federal agency's substantial and ongoing support of parole through its training, technical assistance and information center activities. This issue's FORUM also includes two editorials reprinted from the newsletter of the New York State Public Employees Federation. "Why Parole" and "Don't Even Consider Abolishing Parole" offer some cogent arguments for retaining and improving the practice of parole.

In a related article, Chris Baird, Senior Vice President of the National Council on Crime and Delinquency, critiques a series of research studies published in the last several years which purport to demonstrate the effectiveness of imprisonment as a crime control strategy. In his "The 'Prisons Pay' Studies: Research or Ideology?" he details the many flaws in these studies used to support this viewpoint. This article is particularly timely and important, given current efforts of federal, state and local policymakers to expand prison construction, promote mandatory sentencing, abolish parole and decline to adequately fund probation and other intermediate sanctions.

Completing this issue is a Guest Editorial from Mark Carey of the Dakota County (Minnesota) Community Corrections Department. His editorial entitled, "Recidivism: Let's Reduce It!," takes the position that recidivism is a central performance measure for community corrections, and that we must accept the challenge of improving our interventions to create conditions that decrease the likelihood of continued criminality among offenders under our supervision. This editorial is offered as a contrasting view to the position taken by Chief Probation Officer Barry Nidorf in his editorial, "Recidivism - Let's Get Rid of It," which appeared in the Fall issue of *Perspectives*.

In closing, we invite your comments and contributions by contacting the members of the Editorial Committee listed below.

Robert E. DeComo

NCCD
685 Market St., Suite 620
San Francisco, CA 94105
(415) 896-6223

Dan Richard Beto

Director
Correctional Management Institute of
Texas, Criminal Justice Center
Sam Houston State University
Huntsville, TX 77341-2296
(409) 295-8138

Arthur J. Lurigio

Dept. of Criminal Justice
Loyola University of Chicago
820 N. Michigan Ave.
Chicago, IL 60611
(312) 915-7564

Faye S. Taxman, Ph.D.

Faculty Research Associate
Dept. of Criminology & Criminal Justice
Room 2220, LeFrak Hall
University of Maryland
College Park, MD 20742-8235
(301) 405-4781

GUEST EDITORIAL

Recidivism—Let's Reduce It!

by Mark Carey, Dakota County Community Corrections, Minnesota

In the *Perspectives* 1995 winter issue, Barry Nidorf asserts in his article entitled "Recidivism—Let's Get Rid of It!," that recidivism should largely not be a measurement of our performance, and that its usefulness as a measurement is limited. This article takes a contrasting point of view by proposing that recidivism is not only directly related to our performance, but that it is too often minimized as "just one measurement of many" and therefore is not elevated to its proper significance. This debate about recidivism's relative importance to what we do is a healthy one, and should help us put recidivism measurement in its proper context.

Let me begin by illustrating where there is agreement between the views expressed in these two articles:

- Recidivism should not be a singular method of measuring outcome, and needs to be put in perspective along with the other objectives of the corrections system. Some of these outcomes may be restitution collected, victim restoration, meeting court conditions, cost effectiveness, etc.

- Corrections is one of a number of intervening factors which collectively influence an offender's course of action. Some of these other factors might include family dynamics, employment conditions, peer influence, community support, etc. As a result, corrections may never take sole credit or blame for recidivism rates.

- Prevention is still the most effective method of crime reduction. The earlier we can intervene in a person's life to instill pro-social values, attitudes, and thinking patterns, the more likely we can prevent future criminal activity.

Having itemized these areas of agreement, I will not dwell on these, but will concentrate on the relative importance of recidivism in what we do.

It is important to distinguish between influence and cause-and-effect. Without controlling for all the variable conditions

outside of probation's control, we cannot claim a direct casual relationship. In the same way, our education system cannot claim full responsibility for academic achievement of its students. Parental support, extra-curricular activities, nutrition, and having an inquisitive nature are a few of these non-school controlled variables. To suggest, however, that this means that schools should not be accountable for the student's learning is ludicrous. The reason, of course, is their tremendous influence. Corrections is not altogether different. We possess the capability to intervene and influence change in anti-social activities among offenders on a daily basis.

The purpose of this article is to purport that recidivism is a vitally important measurement of what we do, and the efficacy of the interventions we use is directly related to variations in our practices. Alterations, even apparently simple ones, could have a profound impact on recidivism rates. Examples of these changes might include increasing the average caseload size from 50 to 200, differences in the type of probation officer hired, use of different vendors for services, altering the training curriculum from offender profile and intervention strategies to legal liabilities and safety classes, or altering the department's mission statement. Sometimes these changes are unavoidable, and therefore expectations around recidivism must coincide with such department resources and conditions. For example, probation caseload crowding over the years has negatively impacted on our ability to drive recidivism rates down. As caseloads increase, there is less time to do proper assessment, referral, individualized case planning, timely and effective crisis management, aftercare, relationship building, and other activities which set the groundwork for a successful intervention. Therefore, a department which has an average probation officer caseload of 200, for example, cannot

expect the same recidivism results of a department with caseloads of 50. In fact, society's expectation of corrections to reduce the likelihood of re-offending serves as an albatross to those departments which do not have the capability to intervene effectively due to these unavoidable factors. For most departments, however, we have the ability to be flexible with our resources in order to maximize recidivism results.

Our ability to reduce recidivism is largely controlled by two factors: 1) the agency's culture which emphasizes such an expectation; and 2) the tools provided to accomplish the task. I will examine each briefly.

Agency culture. It has been my observation that corrections as a profession tend to repel from attempts to hold us accountable to most measurements except process ones. Process measurements are clearly within our realm of control. They include such activities as completion of pre-sentence investigations, urine screens, violation reports, use of residential placements, etc. We either did them or did not. The problem, of course, is that they measure process only. There is no indication that they are effective at an ultimate outcome. They are, however, safe and any failure to meet these expectations rarely creates a crisis of confidence.

Much of the current emphasis on process measures may have come from the disenchantment with the alleged failure of the rehabilitation ideals espoused during the Medical Model era of corrections. During this time period, there was a profound belief in our ability to change criminal behavior much like the medical profession alters potential harm caused by disease. We soon found out that certainty in rehabilitation was not realistic, and the gap between expectation and results created a sense of disenchantment. When Martinson asserted that

"Nothing Works," it was only a short span of time before rehabilitation was no longer publicly embraced as a primary objective of corrections. Nonetheless, it remains with us, both within the profession and with the general public.

Many surveys have been conducted and published which point out the community's belief that the criminal justice system should be "correcting" offending behavior so as to ultimately protect the public. The Dakota County Community Corrections Department surveyed and interviewed a number of stakeholders to find out what should be included in the department's mission. The stakeholders which included judges, prosecutors, defense attorneys, victims, offenders, and the general public, were asked to indicate whether certain objectives belonged in the correction's mission statement. The objectives included public safety, accountability, changing offender's behavior, victim services, and community involvement. Every surveyed group indicated that changing the offender's behavior belonged in the core mission. The judges identified it as their first priority.

It is within this historic and cultural environment that corrections departments must decide to what degree they will accept and address expectations that they will attempt to change offender's behavior. A great deal of variance exists. Some departments don't emphasize or expect it, and therefore don't measure it. Others do it reluctantly, only because it is widely expected. Yet others accept it as a legitimate responsibility of the department and direct their energies accordingly. It is largely a matter of choice. Do we believe that recidivism reduction is both our responsibility and can be influenced by our actions? Or, is it outside of our ability to influence and therefore needs to be eliminated as an expectation? The answer to these questions lie largely with the second controlling factor: the tools at our disposal.

The tools to accomplish the task. To expect that the probation department is to reduce recidivism but not provide the tools to do so would be irresponsible. Clearly, one of the most challenging conditions of the post-rehabilitation era in corrections is that of probation caseload crowding. Probation case man-

agement is the infrastructure by which the objectives of the criminal justice system is carried out. Negligence of this factor limits our ability to accomplish the most basic objectives, recidivism reduction most negatively affected among them. All too often, when probation officer time is constricted, only the most rudimentary functions are performed in order to keep the criminal justice system functional. Such functions might include completing court reports, ensuring court conditions are either completed or violations filed, and surveillance activities. Recidivism reduction under such conditions is extremely difficult.

Equally important is the knowledge of what works in reducing recidivism. For programs and interventions to be effective, we must know what the criminogenic factors are, and what techniques are most effective in addressing those factors. Fortunately, a great deal of research has been completed since Martinson claimed that nothing works. The meta-analysis studies (ie, Don Andrews, Mark Lipsey, Paul Gendreau) have come to the same conclusions, some of which include:

- correctional interventions can and do work. Behavioral/cognitive approaches are reducing recidivism by 15% on average. Those approaches that individualize by taking into account responsivity factors are reducing recidivism on the average of 50% and up to as much as 70%.
- surveillance and non-behavioral programs, and punishment alone, are not effective at reducing recidivism in the long term, and may in fact increase the likelihood of recidivism.
- more recent behavioral/cognitive approaches are producing better results than older interventions (implying that we are improving in our knowledge and application of what works).

I often hear the argument that we cannot cause offenders to change their behavior, it is a matter of an individual's choice, and that ultimately it is the offender's responsibility instead of ours. This is true and we must continue to remind ourselves of this. But, it does not therefore mean that we should not hold ourselves accountable to that which we have full control over. The research does not conclude that it is pure chance

whether some offenders succeed or not. Rather, corrections efficacy in reducing recidivism is closely related to the timeliness of intervention, the individualization of its application, the length of the

We possess the capability to intervene and influence change in anti-social activities among offenders on a daily basis.

program, the type of attitude brought forth by the program staff, and so forth. We have a great deal of control over all of these factors, and altering one influences the outcome. It is our own behaviors, attitudes, and priorities that ultimately make a difference over whether an offender is likely to decide to change his/her behavior, and whether he/she can succeed in making it happen over time. To suggest that our responsibility begins and ends with providing the offender with the opportunity to change minimizes our obligation to alter our interventions for better results.

Time, knowledge and resources: these tools at the very least must be available for the probation officer to accomplish the objectives of recidivism reduction. This brings us back to the agency culture. Having the tools is not enough. Agency leadership must emphasize its importance in both actions and words. The mission statement must be clear about this. Staff must be given the permission and encouragement to act on it. Administrative staff must provide the protections and support needed to cause such a culture to flourish. Left to itself, it will not grow because its too risky, and blame too readily attributed. But, put in its proper context, and given the encouragement from leadership, results will naturally emerge. Is the agency self critical? Does it examine what could have been done differently to increase the likelihood that a new offense would not have been committed, or that a program could have been made more effective? Does it review new research that highlights a promising lead in our never-ending search for more powerful intervention strategies? Do we know what the criminogenic factors are? Do we know what type of treatment setting works best

for the neurotic personality, or the conduct disorder, or the manic-depressive? Do we know what the risk levels of the offenders are, and what the effect is when we mix risk levels in our programs? Do we know whether and how to intervene in family and peer relations to make them pro-social experiences? Do we know which strategies work best for short term behavioral control versus long term? These and other questions have answers which, when carefully applied, can greatly increase the likelihood that our interventions will work for more offenders.

Dealing with limited resources.

Most probation departments dealing with crowding problems have devised responses which maximize their efficiencies without undermining public safety considerations. Unfortunately, sometimes recidivism reduction objectives are sacrificed. Risk reduction can be a viable correctional goal in light of these conditions when we are clear about what we intend to accomplish with specific target populations and to differentiate objectives for each of these populations. We can no longer afford to treat all offenders with equal or even comparable application of resources (if we ever did). We

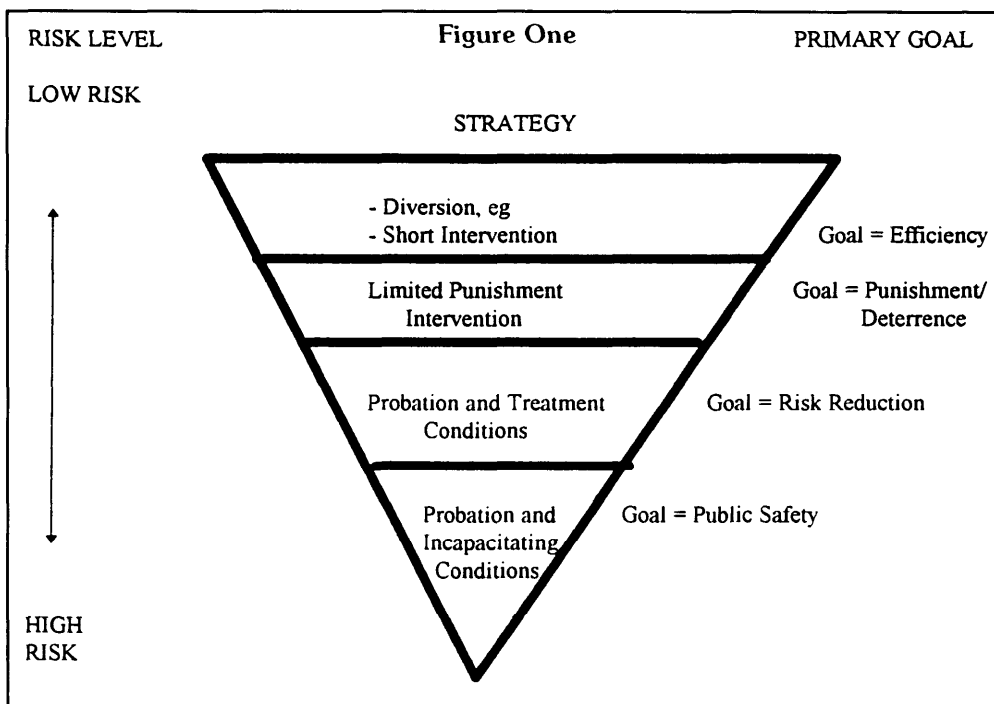
may have over-intervened in the past. Giving treatment services to the low risk population is an unnecessary use of limited programming resources. This group of offenders will not likely return to the criminal justice system no matter what we do. In fact, recent research indicates that low risk offenders face a higher likelihood of re-offending when given programming. Our objectives with this group of offenders could be different without jeopardizing public safety.

Figure One illustrates one way of targeting our limited resources. By doing so, we can appropriately identify the group of offenders most in need of assessment, treatment, surveillance, and case management activities. It also points out which offenders would be most responsive to our efforts (i.e., the moderate to high risk offenders). In this manner, we "reserve" our most limited resources to those areas where we get the most benefit. The assessment services also help us determine how to intervene within those groups targeted for services.

Applying this model is not enough. It is important to make sure others, both in and outside the criminal justice system, understand what the specific objectives are for each offender type and for each intervention strategy. Communicating this type of information helps avoid situ-

ations where misunderstandings result in dissatisfaction and criticism of interventions set forth. For example, if an electronic home monitoring program is devised as a jail alternative it will likely establish the objective of devising a more cost effective means of punishment. Assuming that no treatment intervention is included in the program, the measurement might include number of jail days saved (and its cost avoidance figure in dollars). If, however, the courts are using the program in order to reduce the risk of future illegal behavior, dissatisfaction is imminent. The courts will need to know which programs are designed for what purpose, so proper sentencing and expectations can be accomplished.

In conclusion. Probation provides a critical service to the public. It is relied upon by the criminal justice system to accomplish a number of objectives. Reducing recidivism is just one of them and needs to be considered as part of a total package. It is a vitally important objective, however, and should not be minimized because we can't ultimately control the outcome. The truth is that most corrections departments can have a significant influence over whether an offender chooses a law abiding life, and whether that offender has the tools and support to sustain that choice. Although we are not solely responsible for an individual's success or failure, we are responsible for the conditions that increase or decrease the possibility of that offender taking positive steps toward legality. For that which we have influence over, we must take responsibility and be accountable. Risk reduction is perhaps the most unique service probation offers to the criminal justice system. It separates our function from other agencies. As such, we must commit to not just accepting recidivism as an important measure of our influence, but to accept the challenge to make further improvements. Who else would stand up to statements that "nothing works?" Our energies should be focused not on getting rid of recidivism as a measurement, but on improving the interventions we provide, and in helping the public understand the context by which we perform our unique role. □



FORUM

Parole Publication on Target

Governor Parris N. Glendening has received a copy of *Abolishing Parole: Why the Emperor Has No Clothes*. I have been asked to respond on his behalf. I also received a copy of this publication and the video tape of the press conference conducted by the Association of Paroling Authorities, International and the American Probation and Parole Association in Washington, D.C.

I have reviewed most of the publication and viewed the video, along with the other members of the Maryland Parole Commission. I congratulate both organizations (APAI and APPA) on the quality of the information presented and the nature of the comments made both in the publication and by the speakers at the press conference. I anticipate using this information in the months and years ahead as we continue our quest to provide quality parole services to the citizens of Maryland.

None of us can accurately predict the future but I feel cautiously confident that Maryland will continue its rational approach to dealing with the criminal justice issues facing not only Maryland but the entire nation.

Governor Glendening advocates and we support the notion that violent offenders must be incarcerated for longer periods of time to protect the citizens from these predatory criminals. The Governor further supports the full use of alternatives to traditional incarceration when dealing with non-violent offenders. This mix of punishment and rational handling of offenders will, I believe, serve the citizens of our state well.

Paul J. Davis
Chairman
Maryland Parole Commission

Why Parole?

The attacks intensify. . . . The criminal justice system has always been a major area of concern to voters in most states. During the recent elections, parole became the focus of many negative political campaigns and was an easy target for

political candidates. Even in New York State, the issue of parole was in the media most every day. Such attacks are easy because the general public has a misconception about parole to begin with, doesn't even know the difference between parole and probation and is continually misinformed by the media. The average citizen is driven by a realistic fear of violence and crime. With that fear is the assumption that all convicted criminals are released early from prison with no rational logical release process and no field supervision. This is perpetuated by sensational headlines. We are led to believe that parolees are running rampant in the streets with no rules and no sanctions, free to commit new and more horrendous crimes. Obviously, this is not true. No one is naive enough to expect *all* convicted felons released to parole supervision to become model citizens. But, the vast majority (80-85 percent in New York State) complete their time on parole without incident. This is only accomplished by intelligent professional release decisions and strong intensive field supervision. If parolees violate, we lock them up. It's as simple as that.

Our line Parole Officers are the key to our success. Those officers assigned to the state prisons help in the release process and those officers assigned to the field, supervise. We have already made the ultimate sacrifice — two of our Parole Officers have been murdered protecting the citizens of this state. It goes without saying that some parolees will commit serious crimes while on parole but, they are the exception not the rule. Imagine what they would do if they served all their time in prison and had no field supervision as a transition buffer back into society.

Our goal should be to have the lowest recidivism rate possible. No parole system is perfect. Give us the support and means and we can make ours better. Here's the short list to improve parole in New York State: 1) eliminate "inactive supervision" [approximately 6000 parolees are "paper cases" and not actively supervised by POs]; 2) lower the intensive supervision caseload ratio of parolees to PO [currently 38-1]; 3) have *all* parolees intensively supervised at the

lower ratio [20 percent of our caseloads, considered "active" not intensive, are at a ratio of 97-1].

Yes, we can build more prisons but, that costs money — a lot of money. In this upcoming year of a 4-5 billion dollar budget gap, is that realistic? Improve and strengthen our parole system and you protect the community while being fiscally responsible

Michael Bell
Council Leader
New York State Public
Employees Federation
Parole Division 236

"Why Parole?" is reprinted from New York State Parole 236 Division Newsletter, Fall 1994.

Don't Even Consider Abolishing Parole

There is far reaching disillusionment with the ways we treat criminals in America today. Many public officials and

continued on page 12

Got An Opinion or Idea? Write to FORUM!

Beyond "Letters to the Editor," which are always welcome in *Perspectives*, APPA provides a forum for community corrections professionals to talk about what's on their minds in a substantive format. APPA welcomes your submissions and hopes you will use this opportunity to "speak out!"

Mail features to:
APPAPerspectives

Attn: FORUM
c/o The Council of State Governments
P. O. Box 11910
Lexington, KY 40578-1910

Forum

continued from page 9

the public at large are calling for tough regulations to control and prevent crime.

Some states have abolished parole, and a number have adopted strict guidelines to restrict parole authorities' discretionary release policies, while others are considering abolishment, tighter guideline or a combination of them both. Governor-elect Pataki has already indicated that he favors sentences without the possibility of parole for repeat violent felony offenders and the establishment of strict guidelines for the release of other offenders for whom parole still exits.

Parole, the discretionary release of prison inmates before the expiration of their maximum sentences, was introduced into the United States criminal justice system to counter the tendency to over institutionalize criminals. The pa-

role, under supervision of a parole officer, is bound by the rules and conditions imposed by the parole board. If these are violated, parole can be revoked and the parolee returned to prison.

In general parole has proved to be effective over the years. Though it has its history in England, Ireland and Australia, the concept of modern parole was developed in America at the Elmira, New York Reformatory in 1876. Parole has been opposed by various groups from the very beginning but, not only has it survived, it has flourished. It serves a number of valuable purposes and has been adopted in every state as well as the federal government.

Parole won out because it is cheaper than keeping inmates in prison and, in the long run, the political system responds to cost-effectiveness. Parole also won out because it helps keep our prisons under control. It offers hope of early release to long term offenders if they behave themselves.

Most importantly, parole won out because it is simply a good correctional tool. It is better to release prisoners to supervision than to allow them to serve their full sentence and return to the community without guidance or follow-up. Parole won because it works for both the criminal and for the safety of the community.

The abolition of parole is not only regressive, but it is unlikely to achieve any of the purposes that the most devout parole haters hope for. The number of individuals who spend their lives in prison is a fraction of 1 percent of those convicted of crimes and sent to prison. It is safer and more effective to release prisoners to supervision of parole officers than to allow them to return to the community upon the expiration of their sentences without restraints, without re-entry assistance, and without continued surveillance.

At a time when prisons are filled to capacity, it is very expensive to eliminate parole. Can we afford to continue to build new prisons at a per cell cost in excess of \$100,000? How many inmates should we warehouse at an annual per inmate cost exceeding \$30,000? (More than the annual cost of Harvard Medical School.) How much can we increase our prison system without run-

ning the risks of riots caused by overcrowding? Are definite sentences any less different or any more fair than indeterminate sentences and parole? Is it more equitable that all offenders who are convicted of the same crime serve precisely the same sentence? Cannot burglars, robbers and even murderers be distinguished as to both guilt and the likelihood of recidivism?

Such distinctions and decisions can and should be made by properly educated and motivated parole board members and parole officers. Parole has proved to be a sound correctional measure and should be retained and vigorously supported and reestablished where abolished. We cannot throw away parole which was so hard won and generally effective simply to satisfy the frustrations of the moment to scapegoat our deeper failure to really address the crime problem.

Gary Stern
Rochester Region Steward
Parole Division 236

"Don't Even Consider Abolishing Parole" is reprinted from New York State Parole 236 Division Newsletter, Fall 1994

Virginia Not Alone in Abolishing Parole

The criticism of parole abolition in Virginia, by APPA, has not fallen on deaf ears in Governor Allen's Administration or in the Department of Corrections. While APPA is strongly opposed to parole abolition and has prepared a major document to that effect, APPA need not continue to make Virginia the poster child of a system gone bad. There are a number of other states that have abolished parole, with serious consequences, yet the focus has been on Virginia where parole was only abolished on January 1, 1995. While this may sound like whining and complaining, it is simply a request that we concentrate on the overall picture and not one state.

Andrew Molloy, Jr.
Special Programs Manager
Virginia Department of
Corrections

APPA Charter Members Club

The American Probation and Parole Association would like to invite its charter members to participate in the APPA Charter Members Club. The APPA Charter Members Club will have its next meeting at the APPA 20th Annual Training Institute in Dallas, Texas, August 27-30, 1995.

If you are a charter member and are interested in becoming a part of the club, please contact Rudy or stop by the APPA registration desk in Dallas for more information.

Rudolph F. Szollar
P.O. Box 649
Bushkill, PA 18324
(717) 588-6887

Rudy is a charter member of APPA and a retired officer from the Union County Probation Department, Elizabeth, New Jersey.

APPA and APAI Go On the Offensive for Parole

In the late fall of 1994, the American Probation and Parole Association (APPA) and the Association of Paroling Authorities, International (APAI) formed a joint committee to counteract some of the blatant and damaging misconceptions about criminal sentencing in this country. Realizing that the topic of parole abolition was again working its way onto legislative agendas around the nation, the joint committee commissioned a paper as one way to begin to clear up these misconceptions. The paper was written by Peggy Burke of the Center for Effective Public Policy. The paper helped to clarify some of the important lessons that have been learned by states that have abolished parole, and by those states where parole has been retained or reinstated. Members of the committee who led the effort include Gail D. Hughes, APAI, California, Missouri; Michael C. Bell, Council Leader, New York State PEF/Parole Division 236; Michael Lozito, Chief Parole Officer, Texas Department of Criminal Justice; Cranston Mitchell, President, APAI, Missouri Board of Probation & Parole; Mario Paparozzi, Assistant Chief, New Jersey Bureau of Parole; and Michael Sibbett, Chairman, Utah Board of Pardons and Parole.

The document entitled *Abolishing Parole: Why the Emperor Has No Clothes* was released at a press conference in Washington, DC on March 30. The press release for the press conference is shown at right. Participating in the press conference were APAI President Cranston Mitchell; APPA President Al Schuman; Peggy Burke; Congressman Bobby Scott of Virginia's third congressional district; and Mario Paparozzi, Assistant Chief, New Jersey Bureau of Parole. □



American Probation and
Parole Association



Association of Paroling Authorities,
International

'Get Tough' Policy Risks Public Safety

Washington, D.C. — A major national report showing that states that have abolished parole are jeopardizing public safety and wasting tax dollars in an effort to "get tough" on crime will be released March 30 at 10:00 a.m. at the Hall of the States, Room 283-285, 444 N. Capitol Street, NW.

The report *Abolishing Parole: Why the Emperor has No Clothes* provides a critical look at how public safety has been jeopardized in the handful of states that have abolished parole since the 1970s. It points out that one of the most tragic, high-profile crimes of the decade — the killing of Polly Klass in Petaluma, California — took place in a state that abolished parole and replaced it with an automatic release program for dangerous offenders.

The report by the Center for Effective Public Policy follows a recent decision in Virginia to abolish parole and efforts being considered in other states (i.e., South Carolina and Wisconsin) to take similar action. The center is a nonprofit organization, with offices in Washington, D.C., and Philadelphia, that specializes in criminal justice issues.

"Getting rid of parole dismantles an accountable system of releasing prisoners back into the community and replaces it with a system that bases release decisions solely on whether a prison term has been completed," said Peggy Burke, author of the study.

The report also provides an analysis of Virginia's recent decision to abolish parole, saying the decision reached by a governor's commission was more political than logical. As the study shows, other states have gone down the path that Virginia now finds itself, but regretted it. Connecticut abolished parole in 1981, but reinstated it nine years later after prison costs shot up.

The report has been formally endorsed by the American Probation and Parole Association and the Association of Paroling Authorities, International. Saying that parole is one of the strongest, most far-reaching weapons the system has to control violent criminals, the two associations urge legislators and governors to give parole a second look.

In Defense of Parole—Is It Worth the Effort?

Some Observations

by Lawrence A. Bennett, Ph.D., Consultant in Criminal Justice, Sacramento, California

If someone started looking for scientific support for the concepts involved in parole, they would find the pickings very slim. There is little or no evidence that would stand much scrutiny that is supportive of any of the aspects of parole. However, experience and an accumulation of subsidiary kinds of evidence suggest that there is at least a possibility of considerable value hidden within the complex aspects of parole.

We must separate parole into its two major components. The sophisticated reader of this journal needs little guidance in this area, but too often the concept leads to communication difficulties because of its two quite different and distinct meanings. First, there is the concept of parole having to do with the discretionary release decision process. Quite often the whole operation of parole is condemned because of the confusion in this area — post release supervision is viewed negatively, by accident, because the person most concerned is really thinking about the release process, which is seen as undermining the concept of truth in sentencing — an individual sentenced to six years may be released to parole in three or four, thus seemingly undercutting the just desserts assigned to the individual and his crime. The second concept, of course, is the post institutional supervision of the individual to assist that person to readjust to society. Surprisingly, this aspect of the concept is seldom explicated in a manner that allows people to understand it completely. Of course, in practice, the two are very closely intertwined. Most people who are released to parole before completion of their sentence are indeed placed under supervision and, of course, subjected to certain legal restraints.

This confusion is indeed unfortunate

and often leads to serious consequences. Noting the lack of good research in the area, I am reminded of one occasion where an almost ideal research design was a distinct possibility, attempting to test the effectiveness of various levels and kinds of post institutional supervision. The design involved a random assignment to conditions ranging from summary parole at the one extreme to very intensive supervision with high levels of service at the other. Funding for the project was being provided for by the operating agency — it was only the funding for the research and evaluation component that was sought from a federal funding agency. The whole concept was rejected on the basis of the views of a high level Department of Justice official, who succinctly pointed out, “We don’t need any research on parole. Parole does not work.” It is unknown as to the basis for this view, but one could easily surmise that the major underlying factor had to do with the feeling that we were talking about the mechanism of early release from incarceration rather than post institutional supervision.

Decision to Release

The concern of parole as a process for determining an appropriate time to release an individual from the institutional setting back into the community, brings with it a wide array of problems. This kind of decision making is deeply imbedded in a rehabilitative model and is closely associated with indeterminate sentence. It must be remembered that throughout our nation, the largest number of states still maintain an indeterminate sentencing model. While some large jurisdictions have shifted over to determinate sentencing, this has not wiped out the postinstitutional supervi-

sion component.

Why have the states that have changed made the shift from indeterminate to determinate sentencing? There are a variety of reasons mentioned for moving toward a more defined approach to sentencing. One had to do with the “truth in sentencing” concern — namely that sentences imposed by the court were seldom carried out by the correctional administration and parole boards. In addition, of course, there were some marked inconsistencies as individuals and their characteristics were taken into consideration along with their crimes, rather than simply punishing crimes. An extreme example might be four individuals involved in a serious armed robbery. One individual might be the lookout and driver of the getaway car. Another might have been involved in the robbery, but was unarmed during the commission. Two others might have been armed during the commission and one pistol whipped one of the victims. Under the determinate sentence model, there would be little difference in sentencing of the four individuals, because they were all equally guilty of armed robbery. While mitigating or aggravating factors might shift things slightly, in general, sentences would be clustered. Under the indeterminate mode, however, each individual person would be assessed within the framework of the offense along with individual differences along with any gains in adjustment during the institutional stay, with the result that the amount of time spent incarcerated for the four individuals might vary widely, from a very brief stay for the lookout, to a very lengthy stay for the individual that pistol whipped the victim. Opponents of the indeterminate sentencing model were quite vehement in

seizing upon this difference as being “arbitrary and capricious.” The corrective action of bringing in determinate sentencing came about by a coalition made up of the two extremes of the political spectrum in this area — the very hard nosed conservatives and the very sensitive liberals. The liberals felt that they wanted a great deal more “fairness” in the criminal justice system and the conservatives wanted to make sure that the people stayed locked up for punishment. The result is a very complicated system having to do with specified penalties for various criminal acts. The result, however, is often ludicrous. There are numerous instances of individuals convicted of very heinous crimes who, because of the strictness of the law, must be released at a certain specified time regardless of their attitude, behavioral change, or readiness to reenter society. Often these individuals leave the institution without any indication of any remorse for their offense, and in fact, may vow to repeat the offense and sometimes thumb their nose at officials. The press then, to help stir up controversy, play up the fiery speeches of some individuals who have accused the governor or the paroling authority of “releasing these people into society when they’re not ready” when, indeed, the release might be very well contrary to views of those people, but results directly from a strict interpretation of the law.

On the other hand, the indeterminate sentencing procedure seemed to allow for considerable slippage in accountability. Indeed, the extreme cases mixed in who served rather long sentences, made it appear that people were being held for excessive periods of time. The reality is somewhat less clear — certainly in some of the cases that brought about the downfall of the indeterminate sentence, the long terms imposed were in keeping with the individual’s adjustment — one individual in particular, who had spent some 19 years incarcerated in contrast to people with similar crimes who were out in three or four years, proved, in fact, not to be suitable for release, once the court brought about his return to society — he was a convicted sex offender and within a few months after release as a result of

the court’s action he was again involved in molestations.

An attempt at a compromise plan was made in California when it seemed obvious that the indeterminate sentence approach was under justifiable attack. The Adult Authority, California’s parole board, under the leadership of Ray Procunier, decided on a set of guidelines for determining length of incarceration. They examined the median length of time served for people in various offenses and through an extensive conferencing process, decided the general bounds of the typical armed robbery, for example, or burglary. Then the middle 50% limits would be established and a variety of mitigating, extenuating circumstances would be clearly enunciated. The result was that within a few months, over 30 decision makers involved in setting release dates had brought the variance in the system down to very small limits. For many offenses the time to release was right on predetermined targets and mostly within the middle 50% limits. This procedure was not without problems — for example, for the offense of assault, considerable initial adjustment had to be made. In reviewing the length of time that people should serve for various offenses, it was felt that assault was closely akin to an intent to commit murder, and should carry a very heavy penalty. When preliminary results were fed back to the decision making body, it was noted that offenders fell in two very distinct groups. One group was, indeed, very close to the time served for manslaughter, etc., and the other group was set for various short periods of time, sometimes less than for a burglary. Further investigation revealed that “assault” has a rather broad, sweeping set of meanings. On the one hand, it is made up of individuals largely involved in barroom brawls. The difference between a sentence to prison and 90 days in the county jail then becomes a matter of accident and injury. For example, if someone is simply struck and knocked to the floor, this would probably be the 90 day sentence. If the victim’s head hit the brass foot rail, on the other hand, resulting in serious concussion, the sentence might well be to prison. Thus,

there is but a fine line between the felon sentenced to prison and a misdemeanor offender given local incarceration. However, these matters were then rediscussed, resulting in a new set of guidelines being developed, leading to a good deal of conformity in sentencing among the decision makers. A great part in achieving this conformity had to do with monthly feedback to decision makers so they knew exactly what they were doing and in what direction they were deviating. This system had a variety of distinct advantages in that defense attorneys knew the probabilities of the length of stay of an individual and could therefore be in a better position for sentence bargaining. Prosecutors were clear on how much time the individual was likely to do, given a conviction and a sentence to prison. Inmates themselves were very adept at quickly picking up and understanding the guidelines, so that they, too, knew about how long they were going to spend incarcerated. Many inmates coming before the board were asked what they thought their circumstances and offense called for, in terms of length of stay, and they would be within a month or two of what the board would have awarded in their case. The system, however, had one distinct advantage over determinate sentencing in that this was the presumed release date — for those individuals who were interested in making exemplary efforts in rehabilitating themselves, they could advance the release date. Similarly, those individuals who failed to perform adequately, either in terms of fulfilling rehabilitative objectives or maintaining conforming behavior, could have their time extended without difficulty. Further, those who seemed unable or unwilling to change their outlook in a manner suggesting the possibility of adjustment in free society, their could be retained in the institution until some change could be achieved.

Thus, it can be seen that it is possible to work out a sensible approach to determining a time for release to parole, given an indeterminate sentencing structure and a set of guidelines. However, care needs to be taken in drafting legislation supportive of this approach in that the California system was declared illegal in

as much as the basic legislation at the time stipulated that release should be based "on the nature of his rehabilitation" and yet the procedures seemed to imply that the length of stay was determined by the offense, not by anything the individual did during his prison stay.

The adoption of the determinate sentencing in California has led to great dissatisfaction with the system of punishment and the adoption of the "three strikes and your out" approach. This has been an even greater disaster than the determinate sentencing laws. Under the new system people are being sentenced to life on the basis of their "third strike" which need not be of any great seriousness — two examples come to mind — the theft of a can of Coors beer and the stealing of a slice of pizza (not even the whole pizza was under consideration) have been the occasion of imposition of the "third strike". Needless to say, if the statute remains in effect, there will be several thousand individuals spending lengthy periods of incarceration when they could have been safely placed in the community under parole supervision. In some ways the "three strikes" approach could be seen as a fraud upon society in that there is an implied promise to reduce serious criminal offending — studies to date have failed to provide conclusive findings that the severity of penalties have resulted in a reduction in offending. On the other hand, to control through excessive incarceration, while reducing crime to some extent, achieves that goal at tremendous expense, when alternate procedures could achieve the same goals at considerably less cost.

Determining Readiness for Release

One of the criticisms of the indeterminate approach to discretionary release was the difficulty in determining just when an individual had reached a point in his adjustment indicative of a readiness to adjust to society. Complicating the process was the unspoken but very real punishment aspect of the procedures — no matter how ready to adjust in the community, serious offenders were not going to be released until a fairly lengthy period of incarceration had been completed. But the punishment as-

pect aside, it was, and is, very difficult to specifically identify the most appropriate release date. However, if one were allowed to use the modified indeterminate approach as outlined above, good management procedure could be developed that might even reduce the occurrence of serious reoffending and even meet the needs of the advocates of the three strikes concept. As social scientists we are unable to predict serious (violent) behavior with a very high degree of accuracy, but we have, over the years, developed the capability to determine those most likely to succeed. Thus, if an individual has completed a period of incarceration seen as relatively suitable for the crime committed, that person could then be judged as to suitability for release — if he belonged to a group with a low probability of reoffending, or if the likelihood of reoffending fell into a relatively non-threatening category, then release could be considered, under supervision, of course. If, on the other hand, he fell into a category suggesting poor prognosis for satisfactory adjustment to free society, then his release would be based on the best judgement of the paroling authority, taking into consideration rehabilitative efforts, psychological evaluations and observations of behavior. Such individuals, needless to say, would only be released after very careful consideration and would very likely spend considerably longer periods of confinement before being again tried in society.

Post Release Supervision

Even many of the agencies that have shifted to determinate sentencing continue to maintain some sort of supervision after the prison experience. The aim here is to either rehabilitate the individual in the community in which he is going to live and/or assist him in reintegrating into society. Again, we have little or no clear cut evidence about the effectiveness of this process. One study conducted in Minnesota classified individuals very carefully, and placed them into rather light supervision, medium supervision, and in an "intense service supervision" category. They were then randomly assigned to regular or special type supervision to meet their needs. The findings

were most interesting. Those presenting a low risk and placed under lower levels of supervision seemed to get along about as well with, or without, any kind of supervision. There also were no differences at the medium level of community threat. For the higher threat cases, those receiving intensive supervision and high levels of service did much better in terms of employment, adjustment to the community, and managing their social/family life, but did not show significant differences in the return to prison rate. Closer examination of the data revealed that those at the higher levels of need for supervision did not get very different levels of supervision in practice, despite the fact of their random assignment to regular and special supervision. Closer scrutiny revealed that what happened was that on the regular side, individuals who presented unique problems to the community received very intensive supervision, even though they were in a regular case load, because that was their presenting need. Thus, problem cases within the two groups did not receive markedly different levels of supervision — the needs of the case dictated the responses of the agency.

There have been other studies suggestive of at least some controls being imposed by supervision. The intensive probation supervision in Georgia managed people who were prison bound in a manner that kept serious offenses to a reasonable minimum. While there is much discussion as to the nature of the clients in that setting being treated in this manner, there is at least a strong presumption that a great portion of them were prison bound (their background profiles were very similar to those being sent to prison), but there can be little question about the intensity of the supervision. They often had 4-5 contacts from the probation officer per week with collateral calls as well. More recently, the Rand corporation, in its study of intensive supervision, did not find the effects to be so clearly in evidence. Here the complicating factor was the lack of treatment opportunities for those involved in abuse of narcotics. Further, close examination of the data reveals that "intensive" came closer to meaning 3 or 4 con-

tacts per month rather than as outlined in the Georgia case, more nearly that many contacts per week. Thus, we see that we still lack knowledge as to how intense "intense" needs to be before parolees can be placed in that kind of categorization and have the desired effects. However, in general, we can see that this provides some advantage in assuring the public at least some sense of control for those individuals who represent a more serious threat to the community.

On a broader basis, parole has been determined to be effective in reducing recidivism. During the 50's, 60's and 70's in California, there were a number of experimental parole programs tested, many of them that involved very intense supervision of the parolees. It is interesting that one of the most effective of these was more administrative than theoretically based. This was the Work Unit experience. Here the intent was to assess the probable work load, assess the supervision needs for individuals and translate that into some type of work load measurement. Thus, a case load, rather than being based upon a head count, regardless of the needs and demands of the clientele, the case load would be made up of certain number of likely hours of supervision needed. Thus, an individual with serious social problems and a moderate threat to the community might require some three times as much effort on the part of the parole agent as some three or four other individual presenting less serious problems. Thus, case loads might range in number from 40 to 90, but in fact, represent similar amounts of work demanded from the agent supervising the caseload. On the basis of accumulated wisdom, the administration was advised that such a procedure would result in many more technical parole violators — the more individual behavior is observed, the more likely it is that minor violations will be detected. Indeed, preliminary feedback from the operation revealed just that — the return to prison rate skyrocketed, but it was mostly made up of so-called technical violations — wherein the return to prison was based upon violations of conditions of parole rather than serious criminal offenses.

The administration, wisely, decided that this effect was not the intent of the program and reworked the administrative directives associated with the effort. Thus, the policy became that a return to prison was to be used as the last resort in dealing with the individual and his/her problem. Namely, every effort should be made to develop, within the community, mechanisms for dealing with the problems presented by the parolee. Thus, if the individual found himself in court on some minor offense, the parole agent would work with the judge and the probation officer to see if some kind of meaningful program could be developed that might divert the individual from a return to prison. In addition, extensive bridges were built to a variety of social service agencies to more nearly meet the needs of individuals who were going through emotional or societal upheaval. Along with this directive came a strong sense of recognition for achievement for those offices and units that managed to keep more people in the community — the belief being that we had an ample and able police force to return people to prison for new offenses, the parole department's function was to help people to fit into society, not return them to prison. Along with this came a rapid-fire statistical reporting system that allowed each unit in the parole division to learn of its "score" within a very brief time. It soon became apparent that the word was out — many units developed a rough system for keeping their own scores, so they would know about how they were doing even before the statistics were available on an official basis. The resulting pattern was that return to prison rates (for two years after release from the institution) dropped from over 30% down to less than 24%. While this administrative corrective action was most directly effective with technical violation, the surprising finding was that returns to prison for new offenses also dropped in a corresponding manner. The earlier assumptions had always been that if those individuals involved in technical violations were not removed from society, they would eventually become involved in serious offending behavior — thus, technical violations were seen as preven-

tative for serious crime. The finding in this instance were counterintuitive — as you help people adjust into the community, the return to prison rate for new felony convictions also dropped.

In conclusion, it would appear that within this discussion we see that a great deal of merit has been found in both aspects of parole — the decision to release and the post institutional supervision.

On the side of parole as release, we see that a structure can be built into the system providing a general sense of just desserts, while operating under an indeterminate sentencing mode, allowing for exceptional individuals to be held until they seem more suitable for return to the community.

On the side of post institutional supervision, it appears that having a parole agent assisting the individual in his/her reentry into society, can achieve a variety of very positive goals. Some of these are in terms of improved employment and more satisfactory societal adjustment, and, sometimes, even a reduction in criminal behavior.

Needless to say, there is considerable need for additional research to gain further insights into how to make this whole procedure more effective, but the system, in general, appears to be healthy enough to warrant this kind of expenditure for improvement.

About the Author

Dr. Bennett began his career as a parole officer in Los Angeles with the California Department of Corrections. He subsequently worked in various institutions as a clinical psychologist, and as Departmental Supervisor of Clinical Psychology for the department. He spent some ten years as Chief of Research for that agency. Following this he was Director for the Study of Crime, Delinquency and Corrections at Southern Illinois University, leaving there for the National Institute of Justice in Washington, D.C. when for some ten years he dealt with correctional issues. He is currently the President of the American Justice Institute headquartered in Sacramento, California and is in private practice as a criminal justice consultant and clinical psychologist. □

California's Determinate Sentencing: What Went Wrong?

by Norman Holt, Parole Administrator, Parole and Community Services Division, California Department of Corrections

California was one of the first states to abolish discretionary parole release and establish fixed sentences. In the intervening years, a number of serious problems have developed which have caused authorities, including many original supporters, to question the value of determinate sentencing. This article reports on four detrimental results which have occurred since a determinate system was enacted. Determinate sentencing effectively:

- 1) shifted sentencing discretion from the statewide board to the political arena of District Attorneys' offices and legislative chambers;
- 2) provided a structure which invites excessive legislation;
- 3) eliminated the ability to equalize justice among counties; and
- 4) diminished the ability to manage unusually heinous cases.

Fixed Sentencing Was Enacted in California

Determinate sentencing was adopted in 1977. Since then all inmates, except those with life sentences, have served fixed prison terms established by the trial judge. The penal code provides a simple sentencing structure which specifies the base term of years in prison for each crime. It also provides rules governing multiple counts and any increases in time or enhancements. Judges must select the middle term, or document a reason for using the aggravated or mitigated time (for example, 2, 3 or 4 years). Use of term enhancements must also be justified according to rules provided.

The old parole board, called the Adult Authority was replaced by the Board of Prison Terms whose term-setting responsibilities are limited to parole consideration for murderers and kidnappers. Except for these "lifers," inmates are conditionally released when their prison terms expire and they are not paroled. However, inmates with fixed sentences are subject to post release supervision for

Abstract

California adopted determinate sentencing in 1977. All inmates, except those with life sentences, serve fixed prison terms established by the trial judge. This article reviews four major shortcomings of eliminating discretionary parole releases. The determinate sentencing system created a Christmas tree for penal enhancements; shifted sentencing discretion into the political arena; eliminated the ability to equalize justice between counties; and diminished the capacity to manage unusually heinous cases. These shortcomings are illustrated with data and examples.

The views expressed in this article are those of the author and do not necessarily represent the opinion of the California Department of Corrections.

up to four years. The conditions of release are administered by the Parole and Community Services Division. Those who violate conditions of release may be returned to prison for up to one year at a time.

Indeterminate Sentencing Under Attack. During the late 1970s, discretionary parole release was under scrutiny in almost every state. Rehabilitation seemed like an unattainable goal, particularly after the "Nothing Works" review of programs by Lipton, Martinson and Wilks in 1975 became widely accepted. For liberals, the problem was the unfettered discretion of parole boards. A "just desserts" approach seemed more honest and humane. For conservatives, it was the "truth in sentencing" issue. For example, the judge would sentence the defendant to a maximum term of life in prison. However, the Board set the release date at two and a half years. Conservatives, therefore, were frustrated by their inability to enact legislation that had a real impact on the length of prison terms. It seemed useless to try to pass bills enhancing penalties when the Board was a buffer zone standing in the way.

Ironically, the determinate sentence law was passed two years after the parole board established a model term setting guidelines system. The guidelines were working so well, in fact, that the new law adopted the structure in total and simply codified what was already

being done.

The liberal and conservative lawmakers had different agendas. What made this unlikely coalition possible was a gentleman's agreement that the new fixed prison sentences for each crime would be the same as was actually served. In other words, if the median time served for burglary had been three years, the middle or expected fixed term would be three years. The agreement lasted about as long as it took the Governor's signature to dry on the bill.

A Structure Was Created Which Invites Legislative Excesses

The new law was intended to solve the capriciousness of sentencing and to ensure defendants served the time intended. Most observers would agree it has done neither. Sentencing went from a "stealth" system which was well insulated from the passions of the moment and day to day politics to a very visible determinate structure, easy to change incrementally. The worst fear of some, that this structure would become a "Christmas tree" for legislators to hang their favorite crime bills on like shiny ornaments, was soon realized. The structure seems to raise in lawmakers the irresistible and endless urge to "tinker." Effective January 1979, sentences were lengthened for a wide range of offenses. In 1980, new sentencing provisions were enacted for sex crimes along with increasing penalties (again) for burglary. In

the next few years, sanctions increased for a full range of crimes from welfare fraud to controlled substances to vehicular manslaughter. Along with creating higher penalties, both the number of crimes classified as felonies and the number requiring mandatory prison terms have increased significantly.

Prison Population Quadrupled. The result of this continuous flurry of crime legislation over the years can be seen in the prison population data contained in Table 1. After the first year of fixed sentences, research conducted by Brewer, Beckett and Holt (1981) noted that it appeared that neither the time served nor the prison population would increase significantly. This conclusion was premature. The law was applied retroactively to those who had served too much time, creating an immediate drop in the number of prisoners in 1977. By 1980, however, the subsequent sentence enhancements adopted began to show their effects. By 1993, the imprisonment rate per 100,000 state population had quadrupled.

Sentence Discretion Shifted to Elected Officials

When determinate sentence was being considered, it is this author's opinion that people honestly believed sentence discretion would disappear entirely, along with the parole board. Somehow there would be a direct and stable link between the actual criminal conduct and the number of months the criminal would stay in prison. But the defendant can only go to prison for the conduct the prosecutor charges. And the link with conduct can only be stable and predict-

able if the penal code remains fixed. In the rush to remove sentencing discretion from the politics of the parole board, even more discretion was created in the legislative branch and District Attorneys' offices. Prosecutors had taken the "driver's seat." The current system would not survive unless more than half the cases were "plea bargained" to avoid trial.

Legislative Sentencing Discretion. Four years after the determinate sentence law was passed, the same legislature passed a law that almost doubled the amount of earned "good time." Then, in 1994 they passed another law to take much of the good time back. Since 1978, virtually every law in the penal code had been changed in some way. Table 2 records by year the number of bills which became law. And these are only the ones that passed. In 1994, there were reported to be a total of over 900 bills or amendments to bills introduced on crime and criminal sanctions. We may very soon have one new criminal law passed each year per legislator.

Justice Among Counties No Longer Equalized

All parole boards, either implicitly or explicitly, serve the vital function of equalizing justice between judges, courts and counties. Board members removed from the heat of trial are familiar with case practices in all jurisdictions, and are able to apply a common statewide standard of justice. Left to their own devices, the differences in judges, district attorneys, defense counsel, juries, community temperament and the sophistication of defendants produces some very

Table 2. California Laws Passed Revising Sentences or Penal Code 1987-1994

<u>Year</u>	<u>Number</u>	<u>Year</u>	<u>Number</u>
1987	104	1991	73
1988	119	1992	87
1989	77	1993	119
1990	88	1994	170

Source: Offender Information Service, Department of Corrections

strange and disparate results.

California was no exception. Under indeterminate sentencing, judges pronounced sentence for the term prescribed by law. The legal range of time under the jurisdiction of the Director of Corrections was very broad for any given offense. For example, the term for robbery was five years to life. Only one third of the minimum sentence had to be served before parole could be granted. The time served in prison set by the Board for the same offense also varied a great deal. Part of the variability in the length of incarceration, of course, was due to differences in the numbers of counts, circumstances in aggravation or mitigation, prior criminal record and the inmate's self improvement efforts. But part was also due to the Board's compensation for plea bargaining gone awry, inflated charges, overzealous prosecutors, vengeful sentences or inadequate defense counsel. In too many cases the documented criminal conduct simply did not match the offense for which the defendant was sentenced, or the conduct for which he or she was sentenced would normally have resulted in lesser local disposition. The Board routinely made corrections in both directions, and intolerable levels of sentencing disparity were thereby avoided.

Disparate Sentencing Review Procedures Fail. The critical role of the Board in equalizing justice was understood by the legislature. What remained of the Board after the law was changed was directed to review all prison sentences and return to court for resentencing those found to be "substantially different" from similar crimes under similar circumstances. (Only harsher sentences could legally be changed.) The disparate

Table 1. California Prison Population 1971 Through 1993 and Imprisonment Rate per 100,000

<u>Year</u>	<u>Inmates</u>	<u>Rate</u>	<u>Year</u>	<u>Inmates</u>	<u>Rate</u>	<u>Year</u>	<u>Inmates</u>	<u>Rate</u>
1971	20,486	107	1977	19,623	86	1983	39,373	157
1972	19,773	95	1978	21,325	92	1984	43,328	169
1973	22,486	107	1979	22,632	96	1985	50,111	187
1974	24,741	115	1980	24,569	102	1990	97,309	320
1975	20,028	92	1981	29,202	121	1991	101,808	328
1976	21,088	95	1982	34,640	140	1992	109,496	347
						1993	119,995	375

Source: California Prisoners, Department of Corrections

sentence review procedure, however, was doomed to fail and this extremely important function of equalizing justice was lost from the start of determinate sentencing. Finally in 1992, after fifteen years of failure, the legislature mercifully removed the sentence review requirement.

The law required the Board to conduct their review during the first year of the sentence beginning July 1, 1977, but there were no precedents, procedures or staff in place to conduct formal reviews. As a result the first cases were reviewed 18 months later, well after legally required, and the system was never able to catch up. The system consisted of: 1) a sophisticated statistical review which identified cases so unusual that they could only happen by chance (one time in ten using a "Z" score as the measure); 2) next, three staff together reviewed these unusual cases; and 3) finally, three Commissioners made the determination for referral from unusual cases unanimously referred by staff.

Strong Resistance from the Courts. The first group of cases reviewed were committed in 1980. Of these 10,395 cases, only 13 were found disparate and

only two of these returned to the judge were resented. The Board's caution in making referrals proved well advised. Judges whose sentencing practices were challenged were not a happy lot and proved less than cooperative. Whether the judges could be legally required to re-sentence cases was settled in the judges' favor two years later. The California Supreme Court ruled in the *People vs. Herrera* (127 Cal. App. 3d 590) that judges were only required to "seriously consider" the disparate information before deciding whether to hold a resentence hearing. Soon the annual sentencing review reports no longer mentioned the number of "substantially different" sentences discovered and referred for resentencing or for the courts' reactions. Although a few cases continued to be referred, the reports concentrate instead on the safer ground of the mechanics of how the courts were using the new sentence structure.

Wide Disparity in Sentences Between Counties. The lack of a parole board to adjust terms and the disparity in sentencing practices between counties since 1977 should be cause for great concern. Sentences have moved very close to the

point of reflecting more about the county of trial than the conduct of the defendant. This problem is clearly seen in Table 3 which tracks the processing of adult felony arrests and transactions by county for 1991.

The shaded column in Table 3 shows the rate of prison commitments compared to felony arrests. The lowest counties are Santa Cruz and Alameda (Oakland) which send about 5% of the adults arrested for felonies to prison. By contrast Kern commits 22.4% and Madera 30.3% to prison. Rates are calculated by dividing the number of arrests into the number of other transactions. For example, the number counseled and released by police was 14.3% of the number arrested in Alameda the same year.

The same disparate justice can be seen in almost every column. For example, the rate at which the arrestee will end up being processed at the Superior Court level ranges from a high of 72.9% in Madera to 24.1% in Alameda county. Nor are the differences only between large and small counties. San Bernardino and Riverside are adjacent counties and have very similar demographics yet they differ significantly in every step of

Table 3. Disposition of Felony Arrests For Selected Counties

<i>California County</i>	<i>Number Felony Arrests</i>	<i>Rate Police Released</i>	<i>Rate Denied Complaint</i>	<i>Rate Charges Dismissed</i>	<i>Rate Disposed By Superior Court</i>	<i>Rate Resulting in State Prison</i>	<i>Rate Granted Probation</i>
Alameda	21,109	14.3%	33.1%	13.3%	24.1%	5.2%	41.7%
Fresno	6,230	5.6%	12.2%	19.3%	38.5%	17.5%	46.0%
Kern	8,149	1.8%	4.0%	9.4%	41.1%	22.4%	55.9%
Los Angeles	101,254	11.0%	28.6%	7.8%	40.7%	15.6%	44.0%
Madera	720	0.1%	4.7%	8.3%	72.9%	30.3%	53.6%
Marin	1,153	0.3%	9.9%	19.3%	27.9%	8.2%	50.1%
Napa	623	0.0%	2.4%	11.6%	54.9%	19.7%	54.9%
Orange	18,884	5.1%	13.3%	9.6%	31.4%	9.1%	57.6%
Riverside	6,661	1.8%	17.5%	11.7%	41.4%	18.0%	47.1%
Sacramento	14,338	0.0%	10.6%	17.3%	40.1%	12.2%	49.1%
San Bernardino	14,179	0.6%	25.6%	10.0%	24.8%	9.8%	45.0%
San Diego	27,578	9.5%	20.3%	8.6%	41.8%	12.3%	53.7%
San Francisco	15,647	0.1%	48.4%	6.8%	25.8%	7.8%	26.9%
San Luis Obispo	1,296	0.6%	5.9%	10.6%	36.0%	7.4%	68.7%
Santa Barbara	2,276	0.0%	5.8%	9.7%	46.9%	15.9%	60.4%
Santa Clara	11,424	4.4%	12.2%	6.9%	46.9%	9.1%	58.1%
Santa Cruz	2,669	0.0%	3.7%	23.5%	29.7%	4.5%	45.5%
Yolo	1,417	0.1%	3.7%	15.9%	52.9%	14.7%	57.7%
State Average	14,200	2.6%	14.5%	12.2%	39.9%	13.5%	52.4%

Source of data: California Criminal Justice Profile 1991, California Department Of Justice

the process. A felon arrested in San Bernardino is only about half as likely to end up in Superior Court or go to prison, according to these data. The same can be said for Santa Barbara and San Luis Obispo Counties; Santa Barbara is twice as likely to use prison as a final disposition.

No Longer Able to Manage Special Cases

Also, like other parole boards, the Adult Authority was routinely expected to manage unusually serious or infamous cases. These cases typically result from some fluke in judicial proceedings where the conduct is grossly different from the conviction charge, or where the conduct is so heinous as to shock the public's conscience. Charles Manson is an example. No one has yet discovered how to draft a law which can anticipate these bizarre special circumstances. This important function was lost with the demise of parole hearings as a releasing mechanism. Several determinate sentence cases will illustrate the problem:

Dan White was a disgruntled former San Francisco County Supervisor and policeman. One day he walked into city hall and shot and killed Mayor Moscone and county supervisor Harvey Milks. White's attorney convinced the jury that his client's conduct was due, in part, to eating too many "Twinkies." Therefore, he was not completely culpable of murder. (This became widely known as the "Twinkie" defense.) White was found guilty of a lesser charge.

Lawrence Singleton was a middle aged merchant seaman. While on shore leave, he picked up a teenage hitchhiker, sexually assaulted her, chopped off both of her hands with a hatchet and left her for dead. The girl somehow managed to survive.

David Rothenberg picked up his young son for visitation from his estranged wife, rented a motel room and set the building on fire in an apparent murder/suicide attempt. Rothenberg escaped the fire unscathed but his son was almost burned alive and remains horribly scarred and disfigured for life.

Melvin Carter was convicted of multiple counts of rape, mostly of college coeds, in several jurisdictions. He admitted to over 100 rapes.

All four of these inmates were released after a few years in prison under fixed sentences. All were model prisoners and earned full good time sentence reductions.

Would Any Board Have Paroled These Four Inmates? The important point is that they were released at all. They also have in common the fact that the mere news of their pending releases created such storms of public outrage that none could be released under normal circumstances to any community in California. Carter still lives in a prison forestry camp in remote Modoc County. Singleton served his parole time in a trailer house on the grounds of San Quentin prison. Rothenberg was placed in a ghetto apartment in the Bay area under 24 hour surveillance by parole agents. Dan White went undercover to parole in Los Angeles and committed suicide soon after.

The Polly Klaas Murder. The importance of having a parole board to manage the incarceration of these special cases is best seen in one final example. Richard Allen Davis is currently being tried for the murder of Polly Klaas, a teenage girl who lived in Petaluma, California. The publicity from this murder is a major reason California voters passed a "Three Strikes" law for repeat offenders in 1994. At the time of the brutal kidnapping and strangulation murder, Davis had recently been released from prison after serving a determinate term of 10 years for kidnapping with all good time earned. The reason he served so many years for a simple kidnap was that the trial judge lengthened the sentence with almost every conceivable enhancement, and for good reason. What Davis actually committed, and what the prosecutor charged, was "kidnapping for robbery," which carries a life sentence. For some reason the Marin County jury saw fit to ignore the robbery part and returned a finding of simple kidnap.

Legislating for Special Cases Does Not Work. Several unsuccessful attempts have been made by the legislature to

plug this obvious hole in determinate sentencing. The most ambitious began as the result of an assault on the movie star Teresa Saldana, and culminated in the Mentally Disordered Offender Law. The law provides that inmates may be placed in a mental hospital at the end of their prison term if

- 1) the original crime was violent and related to a psychiatric disorder;
- 2) the inmate continues to suffer from a psychiatric condition; and
- 3) the condition is unlikely to remain in remission without psychiatric care.

The law is cumbersome to administer, the solution short lived and the Mentally Disordered Offender Law is therefore seldom used. Most of those who have committed heinous crimes, those who the public would lock up forever, are simply not psychiatric cases. They are "Bad," as they say, rather than "Mad."

Conclusion

The four consequences of determinate or fixed sentences discussed here are certainly not the only issues that could be raised. For example, the inmates' motivation and prerelease preparation suffers in major ways while some authorities have argued that California's high parole revocation rate is partly due to fixed sentences. Nor are fixed sentences the source of most criminal justice problems in California. While the fixed sentencing structure did contribute to prison growth and sentencing disparity, there are other important contributors, such as the state/county budget process, political pandering and the tribalization of social groups. But in hindsight, it appears the problems created by determinate sentencing reform may be worse than the problems it was intended to fix.

References

- Brewer, David, Gerald Beckett, and Norman Holt, "Determinate Sentence in California: The First Years Experience," *Journal of Research in Crime and Delinquency*, July, 1981, Vol. 18, No. 2.
- Lipton, Douglas, Robert Martinson, Judith Wilks, *The Effectiveness of Correctional Treatment: A Survey of Treatment Evaluation Studies*, Praeger Co., New York, 1975. □

Aftercare in the Juvenile Justice System: New Trends and Programs

by Dr. David Altschuler, Principal Research Scientist, Johns Hopkins University, Institute for Policy Studies, Maryland, and Dr. Troy Armstrong, Professor of Criminal Justice, California State University at Sacramento

The aftercare phase of youth corrections has long been regarded as one of the major weaknesses in juvenile justice. At the heart of this widely shared perception by justice professionals and the public alike is evidence readily documentable in most jurisdictions nationwide of poorly planned steps toward reintegration and tenuous linkage to and coordination with community resources and services. The nature of the problem is graphically reflected in high levels of re-offending behavior among substantial numbers of juvenile parolees who have been transitioned from correctional confinement back into the community.

From the perspective of the juvenile justice system's attempts to reintegrate into the community youth who have been confined, continuing problems following community reentry have been evident. These include: 1) poor readjustment by the parolees in their homes, schools, neighborhoods, and in the workplace; 2) a high level of recontact with the justice system; and 3) unacceptable rates of re-incarceration. It has almost become axiomatic that youth reaching the point of commitment to state correctional facilities can be expected to fail upon reentry into the community and recidivate at a rate exceeding that exhibited by delinquent youth under supervision at any other point in processing through the system.

A number of reasons have been posed in trying to explain why this degree of difficulty persists. In part, the persistent delinquency of the most recalcitrant and thoroughly criminalized segment of the nation's larger population of incarcerated youth has been cited as a major source of this difficulty. Some observers argue that there is a "treatment resistant" group of juvenile offenders who are largely doomed to failure, can be expected to graduate into the adult correctional system, and will prob-

ably experience a protracted life of crime (Agee, 1979; Coates, 1984; Gadow and McKibbin, 1984). Such chronic delinquents are seen as being so averse to rehabilitative interventions that the juvenile justice system's best planned attempts to remediate their delinquency is simply not sufficient to change deeply ingrained, negative and often destructive behavioral patterns.

Increasingly linked to this profile of a highly delinquent and treatment resistant juvenile offender at the "deep-end" of the system is the view that a "new-breed" of juvenile delinquent has emerged, one exhibiting a multitude of problems, needs, and deficits not easily responded to or managed through existing dispositions (Altschuler, 1994; Altschuler and Armstrong, 1995). The challenge of remediating delinquency by having to solve a set of complexly interrelated problems exhibited by this type of offender will most likely require the concentration of resources and use of multi-agency, collaborative approaches unlike any deployed previously on a large scale in delinquency programming.

Another aspect of the challenge centers on the idea that in large part severely delinquent youth are returning to the same highly criminogenic environments from which they came prior to confinement. Unless steps can be taken to change dramatically the quality of life, political marginality, and the deeply depressed economic infrastructure of our nation's inner cities, little hope can be held for inducing long-term, positive behavioral change among these youth. This may require the formulation of radically different strategies and the development of new kinds of partnerships between juvenile justice professionals and community organizers (Armstrong, 1994).

A considerable degree of truth and insight can be found in each of these

factors and steps must be taken to assure that promising strategies are developed to address each. Yet, for many of us within the corrections profession — administrators, practitioners, planners or researchers — there is a continuing, growing sense that the system is itself in some very significant ways responsible for this ongoing problem of ineffective aftercare. If therefore seems apparent that particular attention be directed toward designing and instituting specialized procedures and techniques to deal more effectively with a carefully defined subpopulation of confined youth who have re-offended repeatedly once back in the community. This targeted group of high-risk offenders defined both in terms of chronic delinquency and multiple problems — as cited above — would logically appear to require far more intensive and highly structured interventions.

As a reaction to the need for more specialized responses to serving the needs and managing the risks of delinquent youth at the deep-end of the system, there have been accelerated efforts to launch experimental, community-based programs under the rubric of intensive aftercare supervision. The development of a framework for intensive juvenile aftercare as a coherent programming approach can be traced to experiences during the past decade in adult intensive probation supervision and then subsequently to experiments with intensive supervision in juvenile probation (Armstrong, 1991). The recent spread of a juvenile intensive supervision movement (JIPS) has important implications for the design and operation of juvenile intensive aftercare programs (Steenson, 1986; Clear, 1991; Wiebush and Hamparian, 1991). Although grounded in some notion of enhanced surveillance and heightened social control, JIPS has assumed a number of forms, the majority of which in-

clude various combinations of intensified surveillance/monitoring and highly specialized treatment modalities along with supportive service provision. This push toward a more balanced approach has been a major step away from the initial wave (1980-1982) of these kinds of programs which placed an extremely heavy emphasis upon surveillance-centered interventions for serious juvenile offenders (Palmer, 1991).

Current insights about designing and implementing intensive aftercare has also drawn inspiration from the movement to expand and improve upon noncustodial correctional alternatives that were most prevalent during the 1960s and 1970s. Several of the procedures and techniques that proved useful in diverting offenders from secure confinement are, in fact, prime candidates for transferability to highly structured, programmatically rich aftercare settings (Altschuler and Armstrong, 1994a, 1994b; Armstrong and Altschuler, 1994). Key among such innovations were:

1. Involvement of private agencies and citizens as well as noncorrectional public agencies in the community corrections process through the use of both volunteer and paraprofessionals and through purchase of service agreements,
2. Adoption of a new stance by the community corrections agency that stresses resource brokerage and advocacy rather than direct delivery of all services to offenders, and
3. A case management approach that stresses continuity of services and ongoing communications between all involved agencies.

These prior innovations, which undergirded much of the reform in professional practice during the height of the community corrections movement, have quite recently been combined with newly formulated precepts for the supervision of high-risk delinquents. Here, along with the adoption of this set of techniques has been the recognition by program planners of the necessity to incorporate state-of-the-art ideas concerning risk and need assessment, as well as high-tech monitoring of behavior.

The OJJDP-Funded Intensive Juvenile Aftercare Programming Initiative

Within a national program development environment focusing mostly upon the serious juvenile offender and largely devoted to testing variants of intensive supervision at several key stages in processing, the Office of Juvenile Justice and Delinquency Prevention (OJJDP), U.S. Department of Justice, announced a research and development initiative, "Intensive Community-Based Aftercare Programs" in July, 1987. This project was designed to assess current knowledge and programs in this field, to develop a promising program model, to disseminate information about the proposed model, and to test this model in selected jurisdictions. The Johns Hopkins University's Institute for Policy Studies, in collaboration with California State University at Sacramento's Division of Criminal Justice, was funded in the spring of 1988 to conduct this multi-stage project. For the past seven years the co-authors of this chapter have served as Co-Principal Investigators in this project.

As originally formulated by OJJDP, this research and development project consisted of the following four stages:

1. Assessing programs currently in operation or under development and reviewing the relevant research and theoretical literature related to the implementation and operation of community-based aftercare programs for chronic juvenile offenders,
2. Developing program prototypes (models) and related policies and procedures to guide state and local juvenile correctional agencies and policy makers,
3. Transferring the prototype design(s), including the policies and procedures, into a training and technical assistance package for use in training, and
4. Implementing and testing the prototype(s) developed in Stage 2 in selected jurisdictions.

The first three stages have now been completed. The entailed activities have included: a comprehensive literature review focused on research, theory and programs; a national mail survey of ju-

venile corrections officials to identify innovative or promising programs and approaches; telephone interviews with the directors of thirty-six recommended programs; on-site factfinding at twenty-three different programs in six states, including three statewide systems (Altschuler and Armstrong, 1994c); formulation of a risk-based, theory-driven prototype to guide the planning and implementation of intensive aftercare programs (Altschuler and Armstrong, 1994a; Altschuler and Armstrong, 1991); development of an intensive aftercare program training curriculum (Altschuler and Armstrong, 1992); and selection and training of action planning teams comprised of senior-level managers from eight states competitively selected to participate in this phase. These states were: Colorado; Michigan; Nevada; New Jersey; North Carolina; Pennsylvania; Texas; and Virginia. Currently, the start-up of Stage 4 has just begun with initial implementation of demonstration programs, following the competitive award of federal funding to support the first year in a three year testing of the Intensive Juvenile Aftercare Program (IAP) model in Colorado, Nevada, New Jersey, Virginia.

Conceptually, the IAP model can be viewed as having three distinct, yet overlapping segments: 1) pre-release and preparatory planning activities during incarceration, 2) structured transitioning involving the participation of institutional and aftercare staffs both prior to and following community reentry, and 3) long-term reintegrative activities to insure adequate service delivery and the required level of social control. Figure 1 depicts these three segments.

Demonstration Sites and Testing the IAP Model

Colorado, Nevada, New Jersey, and Virginia are currently engaged in a variety of tasks involved with fine-tuning certain components and features of their demonstration programs in preparation for moving to full operational status. The major challenge faced by the four sites in these early phases of implementation is the complexity of adapting the generic model to the specific problems, needs,

and circumstances of the individual jurisdictions. The point is that these program settings are composed of a diverse set of social, economic, political, and organizational environments, often requiring considerable ingenuity in tailoring the conceptual model to the demands and constraints of specific concrete situations.

From an implementation perspective, pivotal to the development of this project has been the need for the sites to receive intensive, ongoing technical assistance to guarantee that the essential theoretical principles, program elements, and service provision dimensions of the model, as generically designed, are fully and accurately incorporated into the operational design of the demonstration programs at the four sites. Particular emphasis is being placed on seeing that the framework of overarching case management (the core of the program elements) is being applied and utilized in a way consistent with the intentions and stated requirements of the original model (see Figure 2). Overarching case management includes: 1) assessment, classification, and selection criteria; 2) individual case planning incorporating a family and community perspective; 3) mix of surveillance and programming/

service provision; 4) positive incentives and graduated consequences; and 5) service brokerage with community resources and linkage to social networks. Also involved are key features such as inter-agency collaboration, closer linkage and communication between institution and community-based aftercare, and strategies to back into the institution any involved community agencies, services, and significant others into the institution.

While it is important to give administrators, planners, and practitioners at the demonstration sites sufficient latitude to consider a range of possible options, it is crucial that the implementation meet expressed policy and procedural requirements. Such requirements are central to the proper translation of underlying theory and the conceptual framework of the generic model into actual practice.

As a strategy to help in achieving the goal of full implementation of the programs at the four sites, the decision was made to hold a series of training and technical assistance conferences during stage three of the IAP initiative. Subsumed within this activity were the following steps: 1) transferring the proposed model into a detailed training

manual; 2) assembling an action planning team from each state interested in receiving IAP training; and 3) conducting highly interactive sessions with these teams to facilitate preliminary program development activities. The teams were then charged with the task of returning to their home jurisdictions and continuing this process. This established a solid base for moving into stage four, testing the IAP model in selected jurisdictions. Below are a series of profiles that describe how the four demonstration sites have specifically configured their pilot programs to conform to the IAP model.

Colorado

The award of the IAP demonstration in Colorado was made to the Division of Youth Services, Department of Institutions. The targeted catchment area consists of the greater Denver metropolitan area and includes parts of Jefferson, Arapahoe and Denver Counties. Among the four sites, this demonstration benefits the most with respect to geographic considerations since the correctional facility from which IAP clients will be transitioned is located near the host community, being located on the outskirts of Denver (18 miles from the center of the city). This institution, Lookout Mountain Youth Services Center (LMYSC) is the secure facility handling the most severely delinquent youth in the DYS system. All youth participating in the demonstration program will be housed in one cottage at LMYSC once they have been screened on the basis of risk as appropriate. Final validation of the risk assessment instrument is currently being completed by the research office of DYS. All juvenile offenders committed to DYS will have full intake assessments completed within thirty days and the decision to refer particular youth to IAP will be made within that time frame.

One very interesting factor in adapting the model to the Colorado setting was the presence of another experimental program, the PEARL Project, which is based in LMYSC and has been designed to target incarcerated youth who are drug and alcohol dependent for enhanced and highly specialized treatment and educational services. This project

Figure 1: The Structural Configuration of Juvenile Aftercare Across the Institutional-Community Programming Continuum

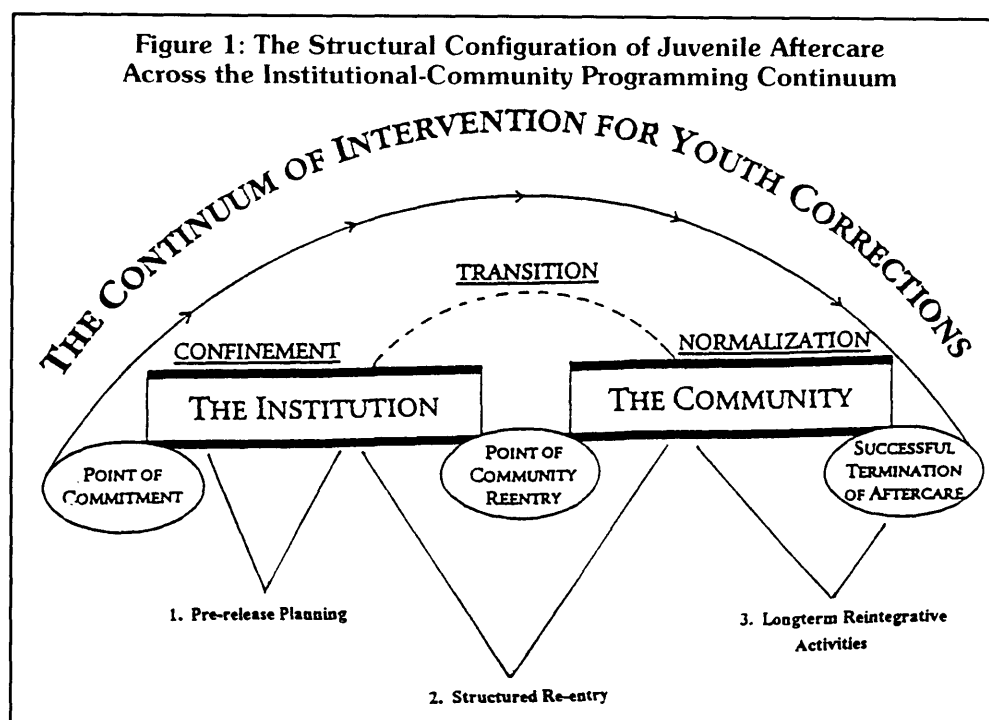
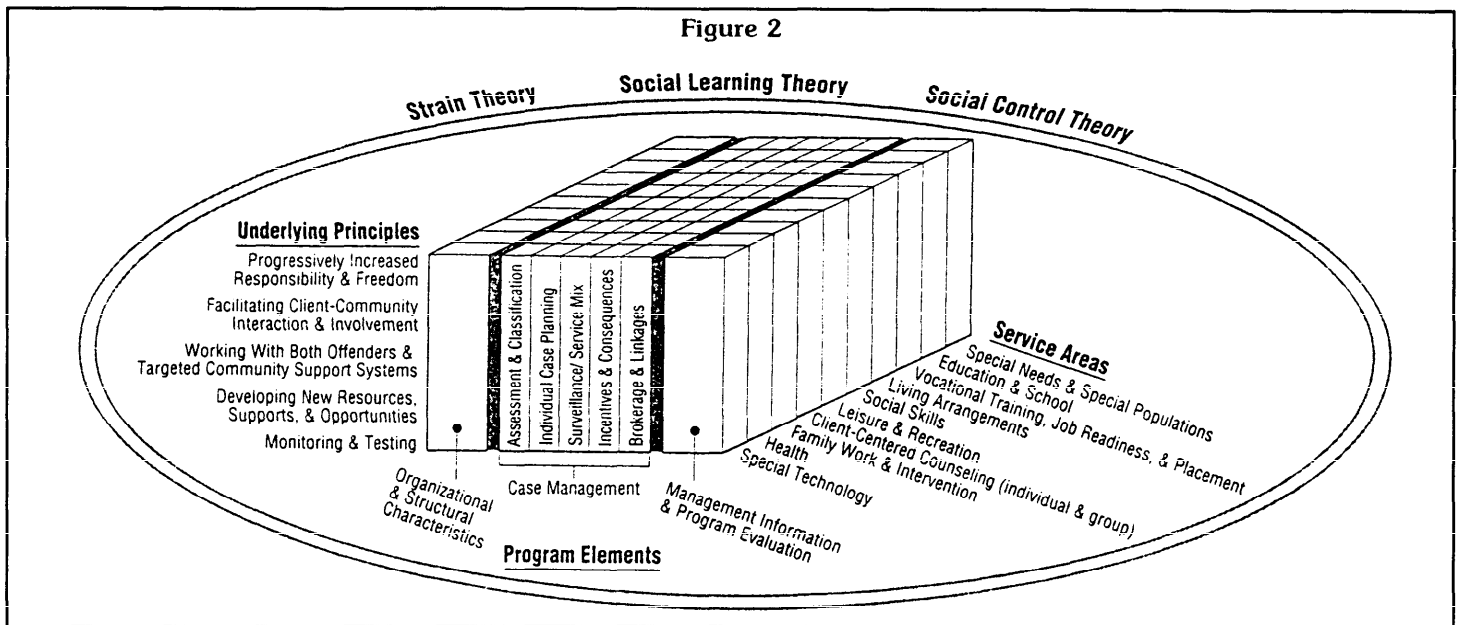


Figure 2



contains a transitional and aftercare component. It is anticipated that there will be considerable overlap between the high-risk youth in IAP and the PEARL youth who have been screened and included in that project on the basis of severe, chronic chemical abuse problems. The overall intervention strategy and configuration of enhanced services offered by the PEARL Project (e.g., family participation and responsibility, culturally responsive strategies and service providers, community partnership and collaboration) are quite consistent with the goals and objectives of the IAP model. This meshing of clientele presents a number of opportunities for increased availability of services and treatment expertise but also poses special problems for management and coordination of activities.

Considerable guidance in tailoring the generic IAP model to the particular problems, needs, and circumstances of the Denver environment has been provided by the Continuing Care Committee (represents a merging of individuals from the IAP action planning team and the PEARL Project aftercare planning team), which is comprised of 20 representatives from various local social and human service agencies that work with troubled youth. The committee developed a continuum of case protocol in-

tended to help aftercare workers in several ways: 1) determining the various kinds and levels of need of each youth and family; and 2) identifying and generally prescribing the application of incentives for youth and families, as well as guiding the use of graduated consequences with youth when appropriate. Additionally, the committee identified various training and technical assistance needs of DYS in order to be successful in efforts to overhaul aftercare services for the purposes of incorporating the IAP model. Among the areas that received attention were case management, structured family therapy, system reform, and brokerage of vocational training.

A number of assessment procedures will be utilized to aid the case planning process for IAP youth once they have been flagged through risk scaling for involvement in the program. These enhanced assessment techniques will include the Young Offender Level of Service Inventory (YO-LSI), the ALIVE-E independent living skills assessment (administered to all clients over 16 years of age), and a vocational assessment tool purchased from a private provider. These are administered in addition to the standard battery of instruments used for educational and psychological assessment, as well as data gathered for youth profiling social, legal, medical, and drug/

alcohol abuse dimensions.

A discrete case plan identifying an individualized IAP strategy will be developed within 60 days of commitment for each youth in the institution targeted to participate in the demonstration program. Information gathered in the standard and enhanced assessment processes will be used to identify the key area of effort to reduce risk, promote prosocial support systems, and provide treatment during all stages of movement through IAP. Input from families and the wider personal support system, as well as the LMYSC staff and service providers, will be applied to develop the specific tasks listed in the plan. The discrete case plan is the central case management document that establishes goals to support successful reintegration into the community.

To ensure adequate levels of both supervision and service provision throughout the duration of commitment to DYS (including both institutional and community-based phases of the program), a specialized IAP client manager will be assigned to manage each case from the point of institutional referral through community reentry, follow-up, and discharge. Precise management guidelines will be established through the use of standards for IAP case management established by the Continuing

Care Committee. Each IAP client manager will be required to input data on client contacts and other case management indicators into a PC-based information management system.

Enhanced accountability of the IAP client managers will be ensured through direct supervision by the DYS Regional Directors (those senior staff with direct responsibility over DYS activities in the greater Denver metropolitan area), who constitute the IAP Management Team. This kind of safeguard for systematically monitoring staff performance is critical since concerns for system accountability are often ignored in the rush to focus attention almost exclusively on issues of offender accountability.

The IAP in Colorado will utilize two full-time client managers who will take primary responsibility for clients as they are transitioned into the community and then supervised closely as steps to support long-term, positive adjustment are activated. The specific standards for IAP client management will include minimums of monthly face-to-face contact with the youth during institutional treatment, moving to weekly contacts beginning 60 days prior to release and continuing through community placement. Caseload size will be a maximum of 18 cases, combining institutional and community placements. The client managers will each be limited to a caseload of 12 youth on community residential status at any one time.

Client managers will have primary responsibility for family contacts. Youth who are simultaneously enrolled in the PEARL Project will have a licensed family therapist assigned to work with the family throughout the period of commitment to DYS. Non-PEARL youth participating in IAP will have access to family therapy or family preservation/reintegration services through a purchase-of-service arrangement. Additionally, supervision of IAP clients in the community will be aided by the involvement of a variety of service providers who will follow IAP case management standards for supervision and surveillance contacts as prescribed by the client manager during each phase of treatment and community transition.

DYS makes extensive use throughout its system of trackers who are employed by private providers to make daily face-to-face contacts with youth in the community. Trackers are trained to make random contacts, monitor daily schedules, and employ electronic technology as needed to keep track of the whereabouts of youth at any time. In addition to the primary surveillance role, trackers provide assistance with job seeking, support for successful attendance in daily programs, and general advocacy for their assigned clients. Trackers make the majority of their contacts outside of normal working hours. Weekends, weekend nights, and late evenings during the work week are often when contacts can be the most effective.

Other than family therapy and support, critical areas of service provision for IAP youth in the community will include education, vocational training, job placement, and substance abuse treatment. Each service provider identified as an important ingredient in the treatment mix for a specific youth will be given responsibility for developing an individual treatment plan that lists goals and time frames consistent with objectives stated in the youth's discrete case plan. This planning process will begin shortly following the initial assessment of needs at LMYSC and will continue through transition into the community where direct services will be provided. The coordination and delivery of these services will be facilitated by client managers largely through a brokerage model. During the period of service, the individual provider will give the client manager weekly progress notes, monthly summaries, and a final written report. Any major rule violation or new delinquent offense will trigger an immediate response.

A system of graduated sanctions and positive incentives has been developed by the Continuing Care Committee for the IAP Project. The case management standards include specific expectations in this area with options for specialized procedures for individual youth. A range of incentives and sanctions is available for youth on aftercare status through their participation in various privately

provided services. Community residential programs have internal incentives and consequences, and can readily access work programs, community service, "time out" in detention, short-term placement in the secure "Reflections" program, and other services as external consequences. External incentives for aftercare youth include opportunities for recognition and for an early completion of DYS commitment status. DYS, in cooperation with the Treatment Alternatives to Street Crime (TASC) Project, has developed specialized protocols for responding to positive urinalysis (UAs). This approach involves the use of "jeopardy" status, allowing the individual youth to experience a fast and firm response linked to treatment interventions. This protocol is being adopted for use in the IAP Project.

Nevada

The Nevada IAP program is operating under the auspices of the Nevada Youth Parole Bureau, an agency located in the Division of Nevada Youth Corrections Services. Selected as the demonstration site is Clark County (Las Vegas), which has the greatest concentration of serious juvenile offenders being committed to state confinement. Within the wider IAP initiative, this program is the one with the greatest distance between the home community and correctional facility. Most of the high-risk, adjudicated population processed under standard procedures for institutional stay and aftercare services are placed in the Nevada Youth Training Center, which is located in Elko approximately four hundred miles from Las Vegas. At the conclusion of confinement they are returned directly to the community.

The circumstances of such enormous distances creates substantial logistical impediments for putting into place institution-community linkage strategies that will offer smooth, well-coordinated reentry. However, the planning process for IAP in this jurisdiction has resulted in the identification of an innovative way to reduce this obstacle. A second, more conveniently located facility (150 miles from Las Vegas), Caliente Youth Center, will be used as a transitional point of

confinement in a step-down arrangement whereby all juveniles targeted for this program will spend the final thirty days of institutional stay in a special re-entry cottage. This procedure will facilitate a far higher level of contact and interaction by these juveniles and institutional staff with community agencies and services, family members, and aftercare staff. It is further hoped that steps will be taken shortly to route all IAP-targeted youth directly to the Caliente Youth Center, thereby easing problems of access and communication between institution and community immediately upon confinement.

The pre-release program will be housed in one unit, the Reentry Cottage, and will utilize the services of one specially designated staff member hired through IAP federal funding, the Senior Youth Parole Counselor. This person will spend considerable time working with IAP clients in the cottage but will also travel once a week to Las Vegas to coordinate community planning in anticipation of the release of these youth. In addition, a carefully selected curriculum focusing upon social skills training and issues in street readiness will be taught to IAP youth during the final 30 days and then reinforced in the community with additional sessions utilizing the same kinds of material.

The core of the community supervision component focuses upon a team approach involving the participation of three carefully screened juvenile parole officers. They will collectively be responsible for supervising 45 IAP parolees in the community at any time but will also be working with the staff and IAP clients in the pre-release cottage in Caliente. This staffing pattern for community-based supervision will allow coverage seven days per week, twenty-four hours per day (when required) and at the same time will assure the provision of service delivery and resource provision in a greatly intensified fashion. This more intensified approach will be made possible by the fact that each member of this team will be developing specialized service/treatment expertise in one or more areas such as substance abuse treatment, family therapy techniques, voca-

tional education and training procedures, and job development and placement. This specialization and increased professionalism will help them to share among their fellow team members specialized knowledge, experience, and community contacts in these areas of concentration. In addition, the team is devising a highly calibrated system of graduated consequences and positive incentives that can be utilized with clients at appropriate times. The sanctioning techniques will rely heavily upon community service for lesser infractions and will progress up a scale of more stringent measures, including techniques such as stringent curfew, house arrest, and brief periods of confinement.

The IAP supervision team is being augmented with additional personnel in several ways. Two community outreach/trackers are being hired to partially cover the expanded hours of supervision on weekends and evenings. This surveillance activity will be blended with direct service provision on their part, including life skills and competency training, as well as coordinating and monitoring organized leisure time pursuits. When needed, electronic monitoring equipment will be shared by probation staff in the local juvenile court to impose restrictions on the mobility of selected IAP youth. Additional coverage for weekends and evenings will come from individuals participating in the Parole Volunteers Program operated by the Nevada Youth Parole Board.

In the Nevada site, considerable attention has been directed toward increasing the range of community-based services, as well as elaborating those already in place. Historically, the set of specialized services for high-risk and multi-problem juvenile offenders was relatively small. Effort have focused on enlarging the number of group homes, developing a transitional living center geared to preparing selected older adolescents in the project for independent living, and creating greater availability of both inpatient and outpatient drug and alcohol treatment. Much of this depends upon a greatly enhanced purchase-of-service approach and will emphasize the brokerage of services to private vendors, as

opposed to direct service provision by IAP team members. In part, this shift in the nature of job responsibilities will require that staff members assume a greater role in monitoring the quality of services provided by these vendors.

In the Nevada site, considerable attention has been directed toward increasing the range of community-based services, as well as elaborating those already in place.

In addition to purchase-of-service arrangements, steps are being taken to coordinate service provision with other public sector organizations and agencies such as the public schools, mental health centers, and vocational training institutes. Considerable resistance on the part of such professional groups in the community to accept serious juvenile offenders as regular clients or consumers of services will necessitate that the IAP program staff engage in creative, ongoing advocacy for this population. Collaboration, public buy-in, and networking strategies have been essential ingredients in the Nevada IAP planning process throughout its developmental phase.

Nevada's youth corrections system does not maintain a research and planning component, which has made the development of a risk assessment instrument difficult. Consequently, the Youth Parole Board has partnered with faculty from a nearby university. Critical to the testing of the IAP model is the fundamental requirement that each site develop a validated assessment tool capable of predicting differential rates of re-offending behavior in order for a targeted subpopulation of highest risk juvenile offenders to be objectively identified.

New Jersey

New Jersey's IAP is focused on "high-risk" committed youth from Camden and Essex (Newark) Counties who are incarcerated at the New Jersey Training School for Boys (NJTSB) located in Jamesburg, New Jersey. Eligibility will be based on the results of a risk assessment

continued on page 32

from page 29

instrument developed specifically for the IAP demonstration, which is currently being validated. The instrument is an adaptation of standard risk assessment instruments that include both static (unchanging) and dynamic risk factors, as well as an override capability. The Department of Corrections (DOC) is assigning two parole officers, NJTSB is designating a cottage that will house IAP youth, the Division of Juvenile Services (DJS) of Department of Human Services is assigning two case managers, and DJS is specifying affiliated community residential centers and day programs in Camden and Essex Counties that will serve as a step-down transitional release phase.

Program development and operations planning have involved senior level staff representing virtually all agencies that are part of the juvenile justice system. DOC has authority for juvenile institutions and parole supervision, while DJS oversees and administers community-based residential and day programs as well as reception and classification for juvenile commitments. Participants in the IAP action planning team have included a wide spectrum of justice involved agencies, such as Juvenile Corrections, NJTSB, Juvenile Parole, all within DOC, and New Jersey State Parole Board, DJS, the Governor's Advisory Council on Juvenile Justice, Administrative Office of the Court, Education, Labor, Health, and local nonprofit service providers.

IAP youth will spend an average of four to six months at NJTSB prior to parole into the community release phase. IAP youth are to participate in special programming established specifically for the demonstration. The programming will occur primarily in the evenings and weekends. Commencing within the first four to six weeks of incarceration, the programming is to include special group counseling sessions with institution staff, case managers, parole officers, and residential center staff. Youth will be grouped according to how long they have been in the program. During the first two months, youth in IAP will be in an orientation group. An inter-

mediate group will consist of youth in the program three to five months, and a transition group will include youth in the program five or more months. Group discussion will center around individual attitude and behavior changes, positive and negative peer pressure, family problems, and goal setting. A form of Guided Group Interaction (GGI) is envisioned for the intermediate and transition groups. The use of GGI is intended to bridge the institutional and transitional release phase, since all DJS residential centers incorporate GGI.

Additionally, family sessions will be conducted at NJTSB by case managers and parole officers combined. Transportation will be provided to facilitate family participation. The intent is to work on issues related to family empowerment and dynamics. Staff and residents from the transitional residential centers and other community service providers will be asked to come to NJTSB to provide an orientation for IAP youth and to conduct one-to-one counseling sessions focused on transitional issues such as education, work, peer influences, conflict resolution, and substance abuse.

Some IAP youth will be matched with mentors from their home communities. Mentors will be paid stipends and both the parole officer and case manager will continuously maintain contact with the mentor in order to assure that the support for the youth is functioning as intended and that any emerging problems with community adjustment are being addressed by all parties. Several agencies in both Camden and Newark operate mentor programs and to the extent feasible, successful IAP graduates may be enlisted as paid mentors.

The New Jersey IAP demonstration design allows for a caseload of approximately 25 youth per PO with the caseload split between NJTSB and the community. The majority of the PO's time will be spent supervising youth in the community, while the DJS case manager will be responsible for handling the same caseload but much of this time will be spent working with IAP youths in NJTSB, establishing and monitoring the case plan as it relates to transition, interacting with assigned youth, and working

with potential service providers to assure timely admittance and no delays. Both the PO and the case manager will function as a team and have office space at the residential center. This is designed to facilitate access to community service providers, schools, and employers as well as to promote contact and partnership with residential center staff.

In an effort to provide a gradual release into the community, IAP youth will spend up to four months in one of the community residential centers or other day treatment programs. Structured on-site programming is to occur during the first two months. Daily group programming will include four hours of education, four hours of some form of community service, and 1.5 hours of group counseling. Family sessions, recreation activities, and other specialized treatment services that may be needed (e.g., substance abuse treatment, mental health and sex offender therapy) will also occur during evenings and weekends. During months three and four, IAP youth will be involved in their individual treatment plans, which means that some youth may be attending their former schools, alternative schools, vocational schools, etc. Other youth may be working or in some form of apprenticeship program.

Once the four month transitional release phase is completed, IAP youth will be released to their family, a guardian, or independent living. Funds have been set aside to pay an independent living rental subsidy for up to two months. Supervision during this final phase of IAP will initially be intensive with PO in-person contacts at least three times a week at varying hours. Supervision and in-person contacts will lessen as improvement dictates. A structured program of graduated sanctions as a response to program violations is under development. Typical graduated responses proportional to any detected program violations and minor offenses will range, for example, from a disciplinary counseling session to increased monitoring, enhanced drug and alcohol testing, tightened curfew and house arrest, brief return to residential placement, and as a last resort for the most serious violations, revocation. By

the same token, it is recognized that positive reinforcement and incentives must be an established and explicit part of the IAP demonstration. Accordingly, all staff involved in IAP will be provided training in the use of positive reinforcers. Components to be emphasized include the importance of verbal and non-verbal cues, identification of reinforcers that are unique to a particular offender, and programmatic responses that can be used, such as certificates of accomplishment, prizes and gift certificates, eligibility for becoming a program mentor, early discharge, etc.

Virginia

Virginia's IAP, known as the Intensive Parole Program (IPP), is designed for chronic offenders who are sixteen years of age or older and are identified as "high-risk" for re-offending through an intensive aftercare risk assessment instrument. Eligibility to the demonstration is limited to youth who are committed by the Norfolk Juvenile and Domestic Relations Court and placed at the Beaumont Juvenile Correctional Center. Beaumont is located approximately 130 miles west of Norfolk, which is about two hours in driving time. The risk assessment instrument was constructed from an analysis of available data on nearly 200 Norfolk youth who in the past had been placed at Beaumont. Six items are scored on the instrument: total number of offenses; number of times on probation; number of DYFS commitments; gang involvement; delinquent peer associations; and history of sibling(s) incarceration. Guidelines have been instituted to structure decision making concerning the use of overrides.

The Reception and Diagnostic Center (RDC) has assigned two counselors to provide assessments on all of the youth committed by the Norfolk Juvenile and Domestic Relations Court that meet the established criteria. Beaumont has hired an IPP counselor who will provide ongoing case management and counseling to committed IPP youth, even if they move through specialized treatment programs at the facility. The Norfolk Court Service Unit has designated two Senior Parole Counselors to supervise IPP youth and

coordinate family services. All of the counselors involved in IPP are being trained in a life skills curriculum that will be implemented throughout all phases of the program with participating youth and their families. In addition, one of the Norfolk Youth Network's Community Assessment Teams (CAT) will be staffing all IPP cases. CATs were originally created by the Norfolk Youth Network to work with multi-problem youth exhibiting severe emotional disturbance. The team includes representatives from the Court Service Unit, public schools, Juvenile Services Bureau (detention and group homes), Social Services, Health Department, Community Services Board (mental health and substance abuse services), and the public.

All IPP eligible youth are subject to a staffing conducted by CAT #9, which includes the committing PO, the youth, and the family. CAT #9 specifically addresses both the youth's and family's treatment and service needs that will require attention during and after incarceration. CAT #9 also determines which Norfolk agencies can potentially meet the range of youth and family needs that have been identified. A written copy of the CAT's findings is forwarded by the committing PO to the RDC, where the youth spends 3-5 weeks receiving additional assessment services prior to placement. Two RDC counselors handle all IPP eligible youth. Once at RDC, all IPP eligible youth who are Beaumont-bound are randomly assigned by central office to IPP, at which time the Court Service Unit Intensive Parole Counselor from Norfolk is assigned along with the designated Beaumont Intensive Parole Program Counselor.

While at RDC, participating IPP youth are provided with an orientation to IPP and an initial exposure to the life skills curriculum that is part of IPP during and after incarceration. At the completion of the RDC assessment, a staffing occurs that includes the Norfolk committing PO who was part of the earlier CAT staffing. Also included in the RDC staffing is the Beaumont IPP counselor, who can meet the youth and participate in goal development. In contrast to the RDC process and staffing for IPP participants, all other

youth in RDC have no CAT input, no Norfolk or Beaumont staff in attendance at the RDC staffing, and no special life skills programming provided.

The Beaumont IPP counselor serves as the case manager and is responsible for implementing the treatment plan objectives during incarceration. There is daily contact between the Beaumont IPP counselor and youth, which is a marked contrast with the routine twice-per-month contact that regular Beaumont counselors have with non-IPP youth. Non-IPP youth also receive different Beaumont counselors as they enter specialized treatment cottages or are moved from one living unit to another. The Beaumont IPP counselor provides group work to IPP youth, including the special life skills curriculum that began at RDC. He also maintains at least weekly contact (by phone) with the Norfolk IPP counselor and at least monthly (in person) contact with the family in Norfolk. While IPP youth are presently housed in four different cottages, this has presented numerous difficulties and is expected to change shortly with the assignment of all IPP youth to a single cottage.

While at Beaumont, IPP youth receive at least monthly visits from their Norfolk IPP counselor while non-IPP youth receive visits every 90 days. The two Norfolk IPP counselors (one of whom is a certified substance abuse counselor) are expected to attend treatment team meetings at Beaumont and invite family to come along, maintain weekly contact with the family as well as seeing to it that participation in a parent group is explored, and arrange for a CAT review for all IPP youth a full 60 days prior to the projected release date from Beaumont. The Norfolk CAT meets at this time to review the case, identify needs, and determine what resources will be needed to facilitate reintegration. All necessary referrals begin at this point in order to avoid waiting lists and any unnecessary delays. Since many of the major community resources in Norfolk are represented in the CAT, this staffing is regarded as a major benefit in finding needed services and accessing them expeditiously.

Upon release from Beaumont into the

community, Norfolk IPP counselors — who will be carrying a caseload of about fifteen (split between those incarcerated and in the community) — have numerous responsibilities. These include: having at least three individualized weekly contacts with youth per week; having one family meeting per week; conducting unannounced spot checks at school, home, and job; participating in a weekly group with youth centered around rein-

Although many of the initial initiatives in this arena were predominantly if not exclusively surveillance-centered, more recent experiments in both juvenile intensive aftercare and probation have become much more sensitive to the necessity to direct increased attention to the provision of services and individualized treatment.

forcing the life skills curriculum; planning and coordinating special group activities involving IAP youths and their families; making referrals for service in close conjunction with the CAT and the agencies the CAT members represent; working closely with the Norfolk School's Transition Specialist for education; adhering to the Court Service Unit's guidelines on graduated sanctions and incentives; working evenings and weekends; and engaging in 24 hour crisis interventions.

Paraprofessionals, serving as parole aides, will be assisting the POs in the community with monitoring, transportation, activities, etc. The parole phase is designed to be less restrictive and demanding as each youth demonstrates progress. A CAT review is scheduled for thirty days following a youth's release from Beaumont and as needed thereafter. Judicial reviews occur every thirty days with the youth appearing in court as the Parole Officer provides an update on his progress.

Conclusion

The history of failure in efforts by youth corrections to normalize long-

term the behavior of delinquent youth returning to their home communities from secure confinement is well known and has been extensively documented. A variety of reasons including inadequate resources and the related paucity of innovative programming initiatives in aftercare, organizational complexity of the system that hinders vital communication and collective decision making, difficulties inherent in coordinating and following up the movement of juvenile offenders across the institution/community boundary, and the resistance of highly criminalized, chronic delinquents at the system's deep-end to all intervention and stabilization strategies, have all been offered as partial explanations for lack of success. In spite of previous best efforts, there are clear and widespread indications of poor performance by these adolescents once they reenter the community, as well as a wealth of documentation in the official records of unacceptable levels of re-offending behavior and alarmingly high rates of recidivism back into the juvenile justice system.

Research has increasingly shown that this pattern of failure by juvenile parolees to adjust following release is disproportionately found among a smaller subgroup of released youth who establish a long record of misconduct that has tended to begin at an early age—and often involving quite serious, sometimes violent offenses. Not only do such “high-risk” youth exhibit a persistent pattern of juvenile system contact (e.g., arrests, adjudications, placements), but they are also plagued by a number of other needs-related risk factors frequently involving a combination of problems associated with family, negative peer influence, school difficulties, and substance abuse. This profile suggests the need for multi-modal, inter-agency collaborations to respond to the array of problems and needs being exhibited by this population.

Although many of the initial initiatives in this arena were predominantly if not exclusively surveillance-centered, more recent experiments in both juvenile intensive aftercare and probation have become much more sensitive to the necessity to direct increased attention to the

provision of services and individualized treatment. At both the levels of theory and practice, these models are driven by a public safety concern for providing highly structured and potentially quite intrusive monitoring. At the same time, they are grounded in a treatment ideology that espouses the utilization of more specialized and intensified types of service and resource provision. The IAP demonstrations are intended to test out the practicality and efficacy of just such a model in the four states.

Bibliography

- Agee, V.L. (1979). *Treatment of the Violent Incurable Adolescent*. Lexington, MA: D.C. Heath and Company.
- Altschuler, D.M. (1994). “Tough and Smart Juvenile Incarceration: Reintegrating Punishment, Deterrence and Rehabilitation.” *Saint Louis University Public Law Review*, 14(1): 217-237.
- Altschuler, D.M. and T.L. Armstrong (1995). “Managing Aftercare Services for Delinquents.” In B. Glick and A.P. Goldstein (eds.), *Managing Delinquency Programs That Work* (pp. 137-170). Laurel, MD: American Correctional Association.
- Altschuler, D.M. and T.L. Armstrong (1994a). “Intensive Aftercare for High-Risk Juveniles: A Community Care Model.” Program Summary. Washington, D.C.: Office of Juvenile and Delinquency Prevention.
- Altschuler, D.M. and T.L. Armstrong (1994b). “Intensive Aftercare for High-Risk Juveniles: Policies and Procedures.” Program Summary. Washington, D.C.: Office of Juvenile and Delinquency Prevention.
- Altschuler, D.M. and T.L. Armstrong (1994c). *Intensive Aftercare for High-Risk Juveniles: An Assessment*. Washington, D.C.: Office of Juvenile and Delinquency Prevention.
- Altschuler, D.M. and T.L. Armstrong (1992). *Intensive Community-Based Aftercare Programs: Training Manual for Action Planning Conference*. Unpublished manual, Johns Hopkins University Institute for Policy Studies, Baltimore and California State University Department of Anthropology, Sacramento.
- Altschuler, D.M. and T.L. Armstrong

(1991). "Intensive Aftercare for the High-Risk Juvenile Parolee: Issues and Approaches in Reintegration and Community Supervision." In T.L. Armstrong (ed.), *Intensive Interventions with High-Risk Youths: Promising Approaches in Juvenile Probation and Parole* (pp. 45-84). Monsey, NY: Criminal Justice Press.

Armstrong, T.L. (1994). *Prospects for Revitalizing Juvenile Justice in the 21st Century: The Role of Applied Research*. Unpublished report, 1993-94 President's Award for Research and Creative Activity, California State University, Sacramento.

Armstrong, T.L. (1991). "Introduction." In T.L. Armstrong (ed.), *Intensive Interventions with High-Risk Youths: Promising Approaches in Juvenile Probation and Parole* (pp. 1-26). Monsey, NY: Criminal Justice Press.

Armstrong, T.L. and D.M. Altschuler (1994). "Recent Developments in Programming for High-Risk Juvenile Parol-

ees: Assessment Findings and Program Prototype Development." In A.R. Roberts (ed.), *Critical Issues in Crime and Justice* (pp. 189-213). Thousand Oaks, CA: Sage Publications, Inc.

Clear, T.R. (1991). "Juvenile Intensive Probation Supervision: Theory and Rationale." In T.L. Armstrong (ed.), *Intensive Interventions with High-Risk Youths: Promising Approaches in Juvenile Probation and Parole* (pp. 29-44). Monsey, NY: Criminal Justice Press.

Coates, R.B. (1984). "Appropriate Alternatives for the Violent Juvenile Offender." In R.A. Mathias, P. DeMuro and R.S. Allinson (eds.), *Violent Juvenile Offenders: An Anthology* (pp. 181-186). San Francisco: National Council on Crime and Delinquency.

Gadow, D. and J. McKibbin (1984). "Discipline and the Institutionalized Violent Delinquent." In R.A. Mathias, P. DeMuro and R.S. Allinson (eds.), *Violent Juvenile Offenders: An Anthology* (pp.

311-325). San Francisco: National Council on Crime and Delinquency.

Palmer, T.B. (1991). "Interventions with Juvenile Offenders: Recent and Long-Term Changes." In T.L. Armstrong (ed.), *Intensive Interventions with High-Risk Youths: Promising Approaches in Juvenile Probation and Parole* (pp. 85-120). Monsey, NY: Criminal Justice Press.

Steenson, D. (ed.) (1986). *A Symposium on Juvenile Intensive Probation Supervision: The JIPS Proceedings*. Unpublished manuscript, Hennepin County (Minnesota) Bureau of Community Corrections, Juvenile Division.

Wiebush R.G. and D.M. Hamparian (1991). "Variations in 'Doing' Juvenile Intensive Supervision: Programmatic Issues in Four Ohio Jurisdictions." In T.L. Armstrong (ed.), *Intensive Interventions with High-Risk Youths: Promising Approaches in Juvenile Probation and Parole* (pp. 153-188). Monsey, NY: Criminal Justice Press. □

Call for Presenters

American Probation and Parole Association Winter Training Institute Portland, Oregon • February 4-7, 1996

The American Probation and Parole Association is pleased to issue a call for presenters for the Winter Training Institute. The Winter Institute is scheduled to be held in Portland, Oregon, February 4-7, 1996. Winter Institute participants include community supervision and corrections personnel, the judiciary, treatment providers, criminal justice researchers and others interested in the field of community justice.

Presentations may be related to the following topics:

- Community Justice Initiatives and Innovations
- Juvenile Justice
- Officer Safety
- Executive Management
- Community Supervision
- Restorative Justice
- Adult Supervision
- Victims

The suggested topics are not all-inclusive. Other topics related to the field of community supervision and corrections are acceptable.

Submission Guidelines: Persons wishing to be considered for conducting a presentation at the 1996 Portland Winter Institute should forward a one-page summary of the proposed topic. The summary should include a presentation title, along with the names, titles and complete mailing addresses of all proposed faculty.

The one-page presentation summary should be accompanied by a brief resume or vitae on each presenter. Ideally, a presentation panel should consist of two to four persons. Winter Institute program track committee members will contact the person who nominated the workshop(s) to indicate their selection for the Winter Institute. Please note that it is the policy of the APPA that, regrettably, expenses and fees associated with participation cannot be reimbursed.

Presentation summaries need to be received not later than **July 24, 1995**.

If you require additional information, or wish to mail or fax presentation summaries, please contact:

Karen L. Dunlap, Winter Institute Program Chair
Court Services, 811 Washington, Concordia, Kansas 66901
Phone: (913) 243-8170 • Fax (913) 243-8188

The 'Prisons Pay' Studies: Research or Ideology?

by Christopher Baird, Senior Vice President, National Council on Crime and Delinquency

An earlier version of this article was published as an NCCDFOCUS Report

Introduction

In recent years, a number of articles and reports have been published documenting the rise in U.S. crime rates and advocating increased use of incarceration to reverse the trend. These reports, if widely accepted by legislatures, could have a major impact on probation and parole services. In fact, data from these studies have already been used to abolish parole in at least one state, and it's clear that the battle is just beginning. Pending legislation in a number of jurisdictions calls for limiting the use of probation, parole, and intermediate sanction programs. In one midwestern state, a pending bill even *prohibits* counties from implementing intensive supervision programs for juveniles. Leading the charge is a group of economists and policy analysts who have concluded that incarceration, while costly, is less expensive than the crime it prevents. Edwin Zedlewski pioneered this movement in "*Making Confinement Decisions*" (1987). He concluded that incarceration was remarkably cost-effective because each year of prison time saved taxpayers \$430,000 in criminal justice expenditures.

When serious flaws in Zedlewski's methodology were identified (Zimring and Hawkins, 1988), John DiIulio stepped into the fray, presenting himself as the voice of reason between highly disparate points of view. DiIulio conducted a study of Wisconsin prisoners and concluded that, although Zedlewski had indeed overstated the case for incarceration, prison was, never the less, cost effective (DiIulio, 1990). Other studies followed, advancing an "economic theory of crime" (Reynolds, 1991) which in turn led to several well-placed articles challenging conventional wisdom regarding relationships between crime,

poverty, race, and incarceration (Methvin, 1992; DiIulio and Logan, 1992). According to the "economic theory of crime," crimes are committed because, after implicitly weighing the benefits and risk (cost), criminals conclude that the benefit exceeds the cost. Reynolds concludes that, at least in Texas, the cost of crime to criminals has decreased markedly in recent years. According to Reynolds, this decrease is directly responsible for the rise in Texas crime rates. Methvin extends this argument to the national level, adding Michigan and California as case examples.

Following Zedlewski's "*Making Confinement Decisions*," each new study has used findings of preceding reports, often without mentioning that the conclusions have been strongly challenged by respected research organizations as well as some of the nation's foremost corrections officials (Johnson, 1992; Riveland, 1992). As a result, the "prisons pay" position continues to be quoted in the media and forms the basis for correctional policies advocated by no less a public figure than William Barr, a former Attorney General of the United States in the Bush Administration. Indeed, both the crime bill and the contract with America put most of the burden of crime control on increased use of prisons. To be eligible for federal funds, states will have to dramatically increase the proportion of sentences that are actually served behind bars.

Although criticisms of these studies have been rather cavalierly dismissed by their authors, reviews have often been incisive. In a critique of "*Making Confinement Decisions*," Zimring and Hawkins concluded that Zedlewski's computations contained "compound catastrophic error." NCCD's review of DiIulio's work found "nonsensical com-

parisons" used to support the position that prison pays. Other reviews have been equally critical, noting that some studies use carefully selected time comparisons that support the views of the authors or rely on single factor models to explain changes in crime rates, grossly oversimplifying the complexities involved in analyzing the relationship between crime and punishment.

If it is true that these studies are fundamentally flawed, two primary questions emerge:

- How could serious researchers have made such egregious errors?
- Why have these studies continued to influence those in public policy positions?

Perhaps the answers to both questions lie more in political ideology than in research. The extent to which ideology has replaced science is critical to the American debate. Incarceration is expensive. If it is effective in protecting the public and avoiding other crime-related costs, it may well be worth the price. But if measures of effectiveness are based on data analyses shaped more by politics than scientific inquiry, the United States could continue down an expensive path that fails to improve the safety of its citizens. Such policies may represent "opportunities lost," funding an ever growing punishment industry rather than programs that could effectively reduce crime and violence in our cities.

Before addressing the issues of crime and punishment in the United States, it is necessary to provide a detailed analysis of a few of the flaws of the more recent studies. Although Zedlewski's work has been thoroughly reviewed by others, "*Making Confinement Decisions*" is the foundation of the "prison pays" movement. Therefore, the review begins with a short critique of Zedlewski's study before focusing on the work of DiIulio,

Reynolds, and Methvin, and the American Legislative Council.

Making Confinement Decisions (Zedlewski)

Following its release, Zedlewski's study was virtually bombarded with criticism from the research community. Even John DiIulio, who also has claimed that increased incarceration will reduce crime, called Zedlewski's findings "incredible" (1989). The most thorough review (Zimring and Hawkins, 1988) was harshly critical of nearly every aspect of the study. Their critique pointed out the enormity of the errors made in estimating both the number of crimes prevented by incarceration and the cost of each crime committed. Every incarceration, Zedlewski concluded, prevented 187 crimes a year and ultimately saved society \$430,000 in costs associated with these crimes.

Basing their analysis on the same figures Zedlewski used to derive the benefits of incarceration, Zimring and Hawkins demonstrated that if he was correct, the increase in the number of persons incarcerated between 1977 and 1984 alone should have totally eliminated crime in the United States. Furthermore, all this would theoretically have been accomplished for a mere six billion dollars. Obviously something was seriously amiss in Zedlewski's analysis. Despite huge increases in the incarcerated population in most states, crime rates remained high and costs rose dramatically throughout the 1980s.

The benefits of incarceration presented by Zedlewski were so extreme and errors in methodology so obvious, that Zimring and Hawkins admonished the funding body (NLJ) for releasing the study "substantially unexamined." Others, including the National Council on Crime and Delinquency, produced their own critiques of the study, reiterating the issues identified by Zimring and Hawkins. Despite the onslaught of criticism from the research community, Zedlewski's conclusions continue to surface in the political forum.

Does Prison Pay? (DiIulio)

Like the figures used in Zedlewski's

analysis, estimates of both crime and costs in DiIulio's "*Does Prison Pay?*" have been questioned. However, there is a more fundamental error that requires attention. DiIulio's crime estimates were produced through a survey of Wisconsin prison inmates — felons who had been arrested, prosecuted, convicted, and incarcerated. Then, in determining the incapacitation benefits of prison, DiIulio compares incarceration with only one alternative — "letting (criminals) freely roam the streets in search of victims." (1990, p. 53)

Quite obviously, the conclusions of any cost/benefit analysis are wholly dependent on the alternatives compared. The travel industry, for example, could easily demonstrate that air travel between New York and San Francisco is cost effective when it is compared to walking the 3,000 miles. But walking 3,000 miles is not a viable alternative to air travel and such a comparison would be viewed as preposterous.

Likewise, letting the offenders surveyed in DiIulio's study roam the streets in search of victims is not a viable alternative, certainly not one that would ever be considered by the Wisconsin legislature. A serious cost/benefit study would compare prison costs and outcomes to those of true alternatives: house arrest, electronic surveillance, intensive supervision, or even shorter periods of incarceration followed by such community-based offender control strategies. Indeed, when NCCD compared house arrest in Florida with incarceration, we found house arrest to be quite cost effective.

Although DiIulio corrected one of Zedlewski's most serious errors in calculating the cost/benefit ratio of incarceration (and used the median number of offenses reported rather than the mean), he essentially follows the Zedlewski formula comparing the cost of prison to the cost of doing nothing. In his concluding chapter, he does mention the potential cost-effectiveness of alternatives to incarceration, but makes no attempt to include them in his cost/benefit calculations.

When DiIulio's cost comparisons were dubbed nonsensical by NCCD, he complained that his results had been "caricatured" (DiIulio and Piehl, 1991). Far

from it. The approaches being compared in any cost/benefit study are of *fundamental importance*. DiIulio himself stated that his analysis "does not mean that it is more cost effective to imprison offenders than to intensively supervise these same offenders in the community" (1990; p. 55). Since no one has suggested that we let offenders roam free in search of victims, we are left to wonder what, if anything, this study does mean. It certainly does not, in any sense, mean that prison pays.

Despite huge increases in the incarcerated population in most states, crime rates remained high and costs rose dramatically throughout the 1980s.

Crime in Texas (Reynolds)

Morgan Reynolds, in a publication of the National Center for Policy Analysis, advances a very simple premise. As "expected punishment" for serious crime dropped in Texas, it *resulted* in an increase in the rate of serious crimes committed. Furthermore, using a calculation of "expected punishment" that includes the probabilities of arrest, conviction, and imprisonment, he derives alarmingly low estimates of actual prison time served per serious offense committed.

While the study can be criticized at several levels, there are two issues that are of primary importance. First, while Reynolds discusses other potential causes for increases in crime in Texas, none of these are factored into his model. With all of the social and economic change occurring in recent U.S. history, to attempt to explain crime rates with a single factor model represents a serious departure from reality. Even more importantly, a scan of Texas crime and incarceration data presented in appendices to Reynolds' report leaves one wondering how he can conclude that punishment for serious crime has declined in Texas. Prison admissions relative to crimes reported have *increased* since 1960 in every category presented except robbery and theft/larceny. Furthermore, for the most serious offenses,

murder and rape, the increases have been dramatic. For example, in 1960, Texas reported 821 murders and only 216 prison admissions for murder. By 1988, 2,022 murders were reported and 1,888 persons were imprisoned on murder charges. The prison admission/murder ratio increased from 26 per 100 murders in 1960 to 93 per 100 murders in 1988. Lagging prison admissions to allow a year for arrest and prosecution produces very similar results and limiting the analysis to the 1980s (as the National Center for Policy Analysis did in its press release) shows substantial increases in admission to crime ratios for *all* categories presented in Reynolds' report.

It appears that the probability of imprisonment for serious offenses has *increased* in Texas over the last decade, yet crime increased substantially. Rather than supporting Reynolds' crime/punishment premise, the data seem to refute it. Another factor in Reynolds' "expected punishment" calculation, the median time served may have declined for some offenses in Texas, but this is true in other states faced with federal court orders to reduce crowding, usually caused, in part, by an over-reliance on incarceration. But the certainty of punishment, if not the length of time served has in-

creased for major crimes. And indeed, there is no evidence that length of time served, is a deterrent to crime. In states where length of stay increased significantly over the last decade, crime rates have also increased as well. The bottom line is that this issue deserves a thorough analysis of all the factors involved in the complexities of crime and punishment. To recommend broad policy changes based on this "research" represents a serious disservice to the state of Texas and the nation.

Doubling the Prison Population Will Break America's Crime Wave (Methvin)

Perhaps no one has been a more vocal proponent of increasing the use of incarceration to combat crime as Eugene Methvin. Certainly, no one has been more misleading in their use of statistics. Methvin relies heavily on the work of Reynolds and others to establish his arguments, then selects specific states as case studies to support his contention that as punishment declines crime increases. What is most intriguing about Methvin's case examples is that two of the three states selected, Michigan and California, are precisely those used by researchers to demonstrate that rising rates of incarceration have not reduced crime.

Methvin's article is itself a case study in how data can be carefully manipulated to lead to the desired conclusion. Comparing Methvin's analysis to an unedited version of each states' crime and incarceration trends is illuminating. Michigan, Methvin notes, "tried it both ways" first holding prison populations relatively constant then rapidly increasing the use of imprisonment. According to Methvin, when Michigan prison populations dropped from 15,157 in 1981 to 14,604 in 1984, (a drop in the incarceration rate of one person per 100,000) violent crime soared 25%. Then from 1986 to 1991, Michigan doubled its prison population and "wonder of wonders" Michigan's crime rate dropped (1992; p. 34). Taken out of context, these data seem compelling. Now for the rest of the story . . .

• First, the crime rate in Michigan started its decline three years before the state began its dramatic increase in the

use of incarceration. From 1981 through 1984, while the state's incarceration rate remained unchanged, total crime decreased 4.4%, an average of 1.5% per year. Then, while incarceration rates rose from 161/100,000 population in 1984 to 366/100,000 in 1990, the crime rate decreased 8.6%, an average of 1.4% per year. Hence, the decline in the Michigan crime rate began well before its prison construction binge. It may well have continued without a doubling of the incarceration rate.

• Second, violent crime did increase in Michigan during the 1981-84 period, but at a slower rate than Methvin reports (18% rather than 25%). But, after more than doubling the incarceration rate, the rate of violent crime in 1990 was still 4% above the 1984 rate and 25% higher than the rate at the beginning of the decade.

To support the conclusion that increased use of imprisonment resulted in fewer crimes of violence clearly requires very selective data comparisons, and Methvin is selective, not only in his choice of years to compare, but in his choice of crimes as well. He initially claims that robbery and burglary rates are the best measures of the effectiveness of imprisonment, but quickly abandons robbery in favor of other crimes when analyzing trends in California.

In California, Methvin never precisely identifies a base year but states that in the 1990s, murder, rape, and burglary rates fell a "whopping 24 to 37% from their 1980-82 peaks." However, as Figure 1 illustrates, despite huge increases in the state's rate of incarceration, the total crime rate remained relatively stable from 1983 through 1992 while the rate of violent crime soared. Methvin is correct in noting that California did witness a substantial decrease in crime in the 1980s (13% versus a national decline of 3.5%), but virtually all of this decrease occurred by the end of 1983 when the states' incarceration rate was 150/100,000. Since that point, California has more than doubled its rate of incarceration with no corresponding decline in crime rates. In fact, the 1992 and 1983 crime rates are nearly identical while violent crime in 1992 was 45% above the 1983 rate.

Figure 1: California Crime Rates 1975-1990

<u>Year</u>	<u>Crime Rate</u>	<u>Violent Crime Rate</u>	<u>Incarceration Rate</u>
1975	7204.6	655.4	81
1976	7234.0	669.3	85
1977	7008.7	706.0	80
1978	7116.2	742.9	88
1979	7468.8	811.1	93
1980	7833.1	893.6	98
1981	7590.5	863.0	114
1982	7285.5	814.7	135
1983	6677.4	772.6	150
1984	6468.3	763.4	162
1985	6518.0	765.3	181
1986	6762.8	920.5	212
1987	6506.4	918.0	231
1988	6635.5	929.8	257
1989	6763.4	977.7	283
1990	6603.6	1045.2	311
1991	6772.6	1089.9	320
1992	6679.0	1119.7	332

Report Card on Crime and Punishment (ALEC)

In 1994, The American Legislative Exchange (ALEC) released a *Report Card on Crime and Punishment* concluding there is an "indisputable relationship between crime rates and incarceration rates" and that "Punishment is a proven deterrent of crime." The *Report Card* contains a myriad of crime statistics on all states, but presents no analysis at all to support its claims. In fact, the data presented can be used to effectively argue that there is *no* relationship between crime rates and incarceration rates. For example, South Dakota incarcerates at three times the rate of North Dakota, but still has a violent crime rate 2.5 times its neighbor. South Carolina's incarceration rate is 60% higher than North Carolina's, yet their total crime rates are nearly identical, and South Carolina has a 38% higher rate of violent crime reported. The examples go on and on. As this article illustrates, a sophisticated objective analysis of ALEC's figures would leave the organization hard pressed to defend the above statements. Like data used in the Reynolds and Methvins reports, the ALEC statistics can be used to effectively dispute all conclusions drawn.

Science or Ideology?

The problems with the above studies do not always represent variances in research methods that can be defended as honest differences in approach. Instead, these reports are based on overly simplistic analysis of complex issues, misleading comparisons of alternatives, or selective use of data to prove a point of view. As such, they are not the products of science, but of ideology. No serious study of crime would analyze its relationship to punishment without incorporating other important measures of social change. No serious study of the relative effectiveness of incarceration would fail to compare incarceration to important alternative sanctions.

Causes of Crime

Americans have become increasingly alarmed about crime, drug abuse, and violence, particularly in the inner cities.

Crime statistics certainly justify the high level of concern. The number of crimes reported to police has indeed mushroomed over the last four decades, from 1.8 million in 1950 to over 14 million in 1990. Other societal changes have been equally dramatic; the United States has undergone tremendous social and economic change since 1950. Today, our country and the lifestyles of most of its citizens bears little resemblance to the 1950 model.

The fact that overall crime rates were actually declining through much of the 1980s provided little comfort to those coping with guns in schools, drug dealers in their community, and drive-by shootings. The threat of gangs and drugs moving into the suburbs and smaller communities has kept middle America on edge as well.

Why is our society plagued by so much crime? What are its causes? Why has crime increased so markedly since World War II? The reasons for the rise in crime rates are undoubtedly as complex as the forces molding our society.

Demographers and criminologists have always linked crime to population trends, particularly to males under age 30, since this group is responsible for a disproportionate number of crimes. The downturn in crimes experienced in the 1980s, for example, was long forecast as a reflection of the aging of the post-World War II baby boomers. Population is obviously an important variable, but other factors have undoubtedly played a role as well. What follows is a summary of probable contributors:

The Increasing Urbanization of America

In 1960, about 30% of the U.S. population lived in rural settings. By 1990, the rural dwellers represented less than 25% of the total population. In total, 62 mil-

lion more Americans lived in U.S. cities in 1990 than in 1960. Historically, crime rates are much higher in urban environments, often three to four times those reported in small towns, smaller cities, and in rural areas. Hence, our movement toward an urban society could help explain the rise in U.S. crime rates.

Improvements in Crime Reporting

Criminologists recognize that a portion of the increase in crime rates does not represent changes in behavior, but changes in the technology of crime reporting. In the late 1960s and early 1970s, the Law Enforcement Assistance Administration (LEAA) funneled millions of dollars to local law enforcement agencies to upgrade crime reporting and tracking capabilities. Following this investment, the number of reported crimes did increase substantially. The question is how much of this increase was due simply to better reporting and how much was due to actual increases in offenses committed.

Other factors have also influenced crime reporting, including increased public awareness of such issues as child abuse, sexual assault, and drunk driving. Offenses committed within family units and many perpetrated against women and children were less likely to be reported in past decades. Although continued progress is needed, tolerance of destructive behavior has changed due to public education efforts and the work of special issue groups such as Mothers Against Drunk Driving (MADD). While it is difficult to gauge the extent to which these increases reflect changes in the number of crimes committed or the number of crimes reported, it seems clear that reporting has improved significantly and that these improvements explain some portion of the increase in the rate of reported crime.

Figure 2: Changes in America's Economic Classes Income and Wealth 1980-1990

<i>Economic Class</i>	<i>1980</i>	<i>1990</i>	<i>% Change</i>
Top 20 Percent	\$ 58,896	\$ 78,032	32.5%
Top 1 Percent	213,675	399,697	87.1%
Bottom 20 Percent	7,357	6,973	-5.2%

Changes in the Workplace

The economy of the United States has undergone fundamental change over the last 20 years. In 1969, 20 million people were employed in manufacturing. By 1989, the number of manufacturing employees had shrunk by 600,000, although the total U.S. population had increased from 203 million to 245 million people. As a result, employment prospects for youth without solid educational backgrounds have declined markedly. In the 1960s, high school graduates could look forward to good jobs in industry, jobs that paid well enough to sustain a reasonable standard of living. Today, a high school education is not a ticket to a decent paying job. Without additional education, many youth face a life of poverty.

Family Disruption

Much of the blame for society's ills has been placed on the demise of "family values." While the "values" issue is open to debate, it is obvious that the structure of the American family has changed significantly since the 1950s. In the last 20 years alone, the number of single parent households has increased 137% (Figure 3). Today, nearly 8 million homes have only a single caregiver present. Whether this is a cause or a symptom of society's problems may never be decided to everyone's satisfaction. Regardless of one's point of view, the absence of a caregiver adds significantly to the stress of parenting and reduces the family's ability to nurture, provide for, and supervise children. The weight of this problem has fallen principally on women, and the

economic challenges facing single women raising families is well documented. The expense of adequate child care and needed medical insurance forces many into a subsistence level existence, relying on public assistance to survive.

Putting Punishment in Context

While the above issues in no way represent an exhaustive list of possible contributors to the rise in crime in the United States, they are certainly among those factors that need to be considered in any analysis of crime rates. To focus on the relationship between crime and punishment without their consideration is inexcusable, particularly when such analyses are used to establish criminal justice policy for the nation.

The following discussion is simply an attempt to put the crime and punishment relationship into a larger context. While it is obviously not an in-depth analysis required to comprehensively examine factors that influence crime rates, it does illustrate how little impact changes in correctional policy have in controlling crime.

Two simple analyses are presented. The first enters measures of the above demographic and economic issues as well as a measure of punishment into a series of multivariate analyses to estimate the relative influence of each factor on changes in crime rates. The period 1960 through 1990 is used, representing three decades of change. Variables were entered after various lagging and smoothing techniques were used to maximize the bivariate relationship between each factor and the change in crime rates. The second analysis is simply a comparison between two states (Wisconsin and Minnesota) with similar demographic profiles and very different incarceration policies.

Relationships between demographics and economic factors and the crime rate are not easily quantified. Attempts to do so are plagued by errors in measurement, changes in data definitions over time, and simply by the complexities involved in establishing causation in social science research. On the surface, some relationships between crime and demographics seem extraordinarily

strong. The correlation for the time period 1960 through 1990 between crime rates and one population subgroup, males, age 15-29, is nearly perfect (.98). However, a significant portion of the relationship is simply serial correlation — that is, since both indices generally move in the same direction over time, the beginning and ending points of the data sets account for much of the correlation attained. When annual changes in crime rates and population estimates are compared, the correlation between the two measures declines markedly (to .44). In attempting to determine the causes of changes in crime rates, it is necessary to analyze changes in data that occur within specified time periods.¹

Generally stated, the analyses tested the following hypothesis:

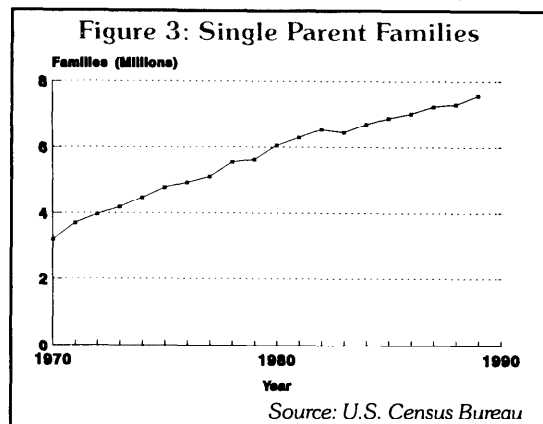
Changes in the U.S. crime rate are a function of:

- a. Annual changes in the population of males 15-29;*
- b. Annual changes in the urban population;*
- c. Annual changes in the number of single parent families;²*
- d. Annual changes in the unemployment rate; and*
- e. Annual changes in the ratio of prison admissions to the number of serious crimes committed.*

The last variable constitutes the measure of punishment used. Relating prison admissions to crime rather than population has long been advocated by "Prison Pay" proponents.

None of the statistical analyses undertaken were particularly successful in explaining changes in U.S. crime rates. Males 15-29 accounted for most of the variance explained in total crime rates, while changes in urban population was the factor that best explained the variance in violent crime followed by changes in unemployment and single parent families. In every instance, the punishment measure proved to be insignificant in explaining variances in crime.

Comparisons of crime and incarceration rates in Wisconsin and Minnesota are equally telling. The two states were chosen because of their geographic, historical, and demographic similarities, and very different punishment policies.



Minnesota introduced sentencing guidelines in 1980 with the clearly articulated goal of controlling prison growth. As a result, the state's incarceration rate has increased slowly from 51 per 100,000 in 1979 (the year before guidelines) to 84 in 1992. Remarkably, the 1992 rate in Minnesota is about one-fourth the national rate.

Wisconsin, on the other hand, while still incarcerating far below the national average, saw its rate more than double from 1979 to 1991, nearly matching the U.S. rate of growth. If the punishment/crime relationship promoted by Barr, Zedlewski, Reynolds, and others is valid, crime rates in the two states should have taken very different courses. As Figure 4 demonstrates, this is clearly not the case. In 1979, the year before the Minnesota guidelines were initiated, total crime rates in the two states were virtually identical. In the 12 years that follow, Minnesota reported significantly lower rates twice and nearly identical rates four times. In 1991, despite an incarceration rate twice that of Minnesota, Wisconsin's crime rate was only 0.7% below Minnesota's.

Minnesota has historically reported a higher rate of violence than Wisconsin, but that is misleading because it appears to be the result of differences in either police practices or crime reporting. A comparison of each state's major metropolitan areas indicates that residents of Milwaukee are more exposed to gun-related violence than citizens of Minneapolis/St. Paul. In fact, in 1991, the number of murders committed in Milwaukee was nearly double the number reported in Minneapolis/St. Paul. In total, the higher overall rate of violence in Minnesota is due largely to a huge difference in reported assaults, very likely reflecting differences in how police handle and report domestic violence, minor street altercations, and other types of assaultive behavior.

The Minnesota experience should be particularly instructive. No other state with a large metropolitan population has managed to keep prison costs so low. Yet, Minnesota's rate of crime has also remained low. The fact that neighboring states have not followed Minnesota's

**Figure 4: Wisconsin/Minnesota Comparisons
(Rates Per 100,000 Population)**

<u>Year</u>	<u>Wisconsin</u>			<u>Minnesota</u>		
	<u>Total Crime Rate</u>	<u>Violent Crime Rate</u>	<u>Incarceration Rate</u>	<u>Total Crime Rate</u>	<u>Violent Crime Rate</u>	<u>Incarceration Rate</u>
1979	4388.0	166.1	73	4392.8	221.0	51
1980	4798.6	182.6	85	4799.5	227.8	49
1981	4766.8	187.9	93	4736.7	228.5	49
1982	4439.1	190.5	96	4454.6	219.3	50
1983	4255.7	190.9	102	4034.2	190.9	52
1984	4172.3	196.5	105	3841.5	211.5	52
1985	4016.7	206.9	113	4134.2	256.4	56
1986	4096.8	257.9	119	4362.2	284.6	58
1987	4169.4	249.9	126	4615.8	285.4	60
1988	3972.0	214.4	130	4314.7	290.1	64
1989	4164.8	222.6	138	4383.2	288.3	71
1990	4395.1	264.7	149	4538.8	306.1	72
1991	4465.9	277.0	158	4496.3	316.0	78

Figure 5: Violent Crime Comparisons

	<u>Population</u>	<u>Violent Crime Rate*</u>	<u>Homicides</u>	<u>Gun- Related Robberies</u>	<u>Aggravated Assaults</u>	<u>Gun- Related Assaults</u>
Milwaukee	601,000	710	112	1,153	1,281	875
Minneapolis/ St. Paul	610,000	1,282	61	768	3,738	874

* Per 100,000 Population

example is testimony to the persuasiveness of the "get tough" rhetoric.

Conclusions

Advocates of increased incarceration have, at best, presented an incomplete picture to the American public. Their simplistic approach to complex issues and, at times, careful manipulation of data has led to a conclusion that more thorough study would not support. The huge and expensive increase in the use of imprisonment over the last decade has not led to decreases in crime. The evidence that the imprisonment binge has not produced the desired results is absolutely overwhelming. Attempts to manufacture a different scenario have been based on limited and slanted analyses.

It is time to abandon the "prisons pay" myth and move on to affordable intermediate sanctions and crime prevention

strategies that better protect the public while offering more hope for long-term reductions in crime. In a recent article on the value of prevention, William Raspberry cited poet John Malins, whose sentiments are as applicable today as when they were written:

*... Better guide well the young
than reclaim them when old,*

*For the voice of true wisdom is
calling,*

*"To rescue the fallen is good, but 'tis
best*

*To prevent other people from
falling."*

*Better close up the source of
temptation and crime*

*Than deliver from dungeon or
galley;*

*Better put a strong fence 'round the
top of the cliff*

*Than an ambulance down in the
valley.*

EndNotes

¹ Annual differences in rates may not be the best measure of change. Annual crime rates tend to go up and down, sometimes inexplicably. In-depth research would attempt to identify crime cycles, perhaps "smoothing" these fluctuations by using 24 or 36 month changes, or moving averages.

² The number of single parent families is available only since 1970.

References

American Legislative Exchange Council, "Report Card on Crime and Punishment." Washington D.C. (1994).

Bluestone, Barry and Bennett Harrison, "The Grim Truth About the Job Miracle." *New York Times* (February 1, 1987).

Branham, Lynn S., "The Use of Incarceration in the United States: A Look at the Present and the Future." American Bar Association, Criminal Justice Section (April, 1992).

Currie, Elliott, "What Kind of Future? Violence and Public Safety in the Year 2000." NCCD, San Francisco, California (1987).

DiIulio, John J. Jr., "Crime and Punishment in Wisconsin: A Survey of Prisoners." Milwaukee, Wisconsin: Wisconsin Policy Research Institute (December, 1990).

DiIulio, John J. Jr. and Charles H. Logan, "Ten Myths About Crime and Prisons." *Wisconsin Interest*, Milwaukee, Wisconsin (Winter/Spring, 1992).

DiIulio, John J. Jr. and Anne Morrison Piehl, "Does Prison Pay?." *The Brookings Review* (Fall, 1991).

Johnson, Perry M., "Methvin's Incarceration Argument Doesn't Hold Up Under Scrutiny." *Corrections Today* (April, 1992).

Kleiman, Mark et. al., "Imprisonment-to-Offense Ratios." Washington, D.C.: Bureau of Justice Statistics Report (November, 1988): p. 21; we are using his figures without adjustment for under-

reporting by the UCR, since that adjustment is only possible from 1973 on.

Methvin, Eugene H., "Doubling the Prison Population will Break America's Crime Wave." *Corrections Today* (February, 1992).

Raspberry, William, "Better a Fence at the Edge of the Cliff." *Washington Post* (September 2, 1994): p. A23.

Reynolds, Morgan, "Crime in Texas." NCPA Policy Report No. 102, Dallas: National Center for Policy Analysis (February, 1991).

Riveland, Chase, Comments published in a Seattle Times Editorial, and presented at a Washington, D.C. Press Conference.

U.S. Department of Justice, Office of Policy Development, "The Case for More Incarceration." Washington, D.C. (1992).

Zedlewski, Edwin W., "Making Confinement Decisions." Washington, D.C.: National Institute of Justice Research in Brief (1987). □

Crossing the Line in the Selective Use of Data

With their book *The Bell Curve*, authors Charles Murray and the late Richard Herrnstein touched off a virtual firestorm of controversy. According to their supporters, the book was a courageous trek into areas beyond the conventional boundaries of "political correctness." In essence, the book suggests that the plight of America's poor—which includes a disproportionate number of minorities—is due, in large part, to inferior intellectual capacity. Therefore, the book concludes, social programs designed to help the poor are unlikely to have much impact.

Murray contends that his position is based on science rather than ideology, citing statistics to support the notion that lower IQ scores among the African American population are not the consequence of economic deprivation, but really represent a lower average capacity. However, an exhaustive review of *Bell Curve* sources by Charles Lane published in the *New York Review of Books* (December, 1994) illustrates how far Murray and Herrnstein went to find data used in their book. Seventeen researchers cited in *The Bell Curve* have clearly established links to the *Mankind Quarterly*, a publication of the Institute for the Study of Man. This Institute is bankrolled by the Pioneer Fund. Both the Pioneer Fund and the *Mankind Quarterly*, Lane reports, have long associations with white supremacist positions. The founder of the Pioneer Fund, once advocated the repatriation

of African Americans. Lane states that "many of the *Bell Curve*'s most important assertions establishing causal links between IQ and social behavior and IQ and race are derived partially or totally from the Mankind Quarterly-Pioneer Fund scholarly circle." He goes on to point out just how extreme the views of these "scholars" are.

Why should Community Corrections administrators be concerned with *The Bell Curve*? Because the idea that social programs are not effective supports an agenda of increased incarceration, the abolition of parole, and the demise of prevention programs which target the root causes of crime. They should also be alarmed because the contention that race, IQ, and behavior are linked can be used to "explain" away the issue of the disproportionate representation of minorities in America's Correctional systems. Finally, *The Bell Curve* is important to this article because it expands on a strategy used in several of the articles on the relationship between crime and punishment critiqued here. In fact, in using carefully selected data to "prove" a point of view, Murray and Herrnstein simply mirror earlier efforts of Methvin, Reynolds, and the American Legislative Exchange Council. The hope here is that with *The Bell Curve*, Murray and Herrnstein crossed the line and offended so many people that other reports that deal with "less sensitive" issues will also receive the level of scrutiny they deserve. □

VISION dVENTURES

APPA Issues Committee Report

APPA's committees will be targeting their actions toward helping the Association accomplish its Vision. Many of our committees have already begun that work as evidenced by the Issues Committee's report on change. Implementing the Vision in our agencies will require considerable change. This paper describes the process that agencies will have to undertake to bring about change.

Organizational Response to Change

Change is a constant fact of life for community corrections organizations. It arises as a result of both external and internal factors. External factors include the legislature, regulatory agencies, funding sources and citizens. Internal factors include shifts in offender populations, variations in staff abilities and qualifications, the need to create different programs and a desire of organizations to "keep up with the Joneses" by implementing the most recent fads.

In recent years there has been a significant transformation in the forces demanding change in community corrections. These new forces march under the banners of reinventing, reengineering or restructuring government or the flags of total quality management. Together they represent a demand for governmental organizations that can clearly articulate their mission in life, identify the goals they intend to achieve, and define the methods required to produce effective and measurable results. Government organizations, including community corrections, can no longer lay claim to shrinking public resources by simply claiming success; they must be able to demonstrate that they add value to the commonweal in a fashion desired by its citizenry.

The problem with this new challenge for community corrections is that our organizations are neither amenable to change, nor are they structured to produce change whose outcomes can be measured and evaluated. Our response in the past to legitimate demands for

effective change have been to ignore them, construct an *ad hoc* response in the form of "new and improved" programs or assume the posture of a victim-agencies incapable of taking their own future in their own hands and constantly being pressured from the outside to do distasteful acts. These responses have created a relatively safe and comfortable environment for most professionals. It has provided us with a thousand excuses for not articulating our mission, our goals and our expectations of ourselves. More than that, it has provided a convenient alibi for our failure to demonstrate to the public that we can actually improve their real and perceived safety on the streets and in their homes.

In order to meet such challenges to our very existence and purpose, community corrections' organizations must be willing to recreate the way in which they do business. We need to consider internal changes that will be qualitative in nature, difficult to imagine, and even tougher to implement. Our reinvented organizations must abandon the old bureaucratic model which focuses on accomplishing processes and counting beans (contacts) in favor of organizations that are learning-based, outcome-drive and customer-oriented. We must become willing to define goals that make sense to the political forces which are our stakeholders and that are desired by the persons who receive or use our product and services. We must challenge ourselves as professionals to achieve at long last the prior promises about public safety which we are so prone to make.

Change is not generally welcomed by either human beings or organizations. Change on the scale being demanded in today's public arena is to many of us almost unimaginable. But, it can and must be achieved in order for the profession to cease being a victim and to become a real, respected player on the field of criminal justice. Several steps can be undertaken by community corrections

APPA's VISION
We see a fair, just and safe society where community partnerships are restoring hope by embracing a balance of prevention, intervention and advocacy.

organizations which want to master rather than be victimized by change. These steps have already been undertaken extensively in the private sector, in the face of international competition and by numerous governmental agencies and organizations, including some in community corrections, which have become weary of the same old treadmill of "smoke and mirrors" in response to the demands for change.

Community corrections organizations can best manage and direct change in today's fast-paced and demanding world by:

- **becoming mission-driven.** As the APPA Issues Committee observed in its paper on mission statements, those organizations that are most successful, indeed those organizations that survive, are ones with not only a clear statement of mission but are dedicated to preserving, protecting and improving that mission at all costs;

- **focusing on outcomes rather than processes.** The goals that we establish on the basis of our mission must relate to the outcomes that we hope to produce. Our organizational history has accustomed us to define success mostly in terms of process — simply counting the number of contacts achieved, referrals made or warrants executed. It has not imbued us with the desire to achieve measurable outcomes, to demonstrate that we are actually capable of changing offender behavior and attitudes, reducing criminogenic needs or having a positive impact on recidivism;

• **engaging customers.** For community corrections, the notion of a customer is a foreign concept. We have immersed ourselves, especially in the 1980s, in the belief that coercion and control will produce the behavioral changes in offenders that we so desperately desire. We resist the idea that, although control will always be a part of community corrections, offenders are customers of our "services" and have choices in other markets. They can buy our product — be it group interventions, individual case management, intensive supervision programs — or they can continue to buy the products offered on the streets where they live. No amount of coercion, short of institutional incapacitation, will deny those markets to offenders in the community, unless they are willing to be engaged in the "purchase" of our alternative products that address their criminogenic needs. Similarly, citizens in our communities also constitute markets for the services that we offer. Whether we speak in terms of protecting public safety or reducing recidivism, we are providing a product that can be accepted or rejected in this arena of citizen needs, real and perceived.

• **assuming a positive, dynamic and even aggressive leadership role.** Each of us in community corrections organizations must become keepers of the flame. We must be the defenders of the mission, the protectors of the goals and the preservers of organizational integrity. We must insure that the

organization clearly articulates its purpose internally and externally. We must act as role models who, by our actions and attitudes, engage others in the process of change by being tolerant of failure and enthusiastic about success. We must each walk the walk as well as talk the talk, and cannot depend on our colleagues to bear the burden for us.

• **becoming sharers of information.** Leadership cannot be exercised and qualitative change cannot be implemented with gaining the trust, cooperation and dedication of staff. The organization must open itself to the constant flow of information from whatever direction. It must be willing to allow staff to participate in, if not direct, the development of mission and goals and the new business processes required for their implementation. Respect for information and the desire to learn how to be effective cannot be achieved in a bureaucratic organization where authority and decisions simply flow from the top; and

• **by evaluating what we do.** Organizations cannot learn from and build on success unless they constantly evaluate and analyze what they do. Bureaucratic organizations assume that change is the exception and tradition is the rule, that what has always been done is inevitably the best way. From such a perspective, change is disruptive — if not catastrophic — and must be avoided or resisted at all costs. "Reinvented" organizations assume the opposite, that change is normal and welcome, not in

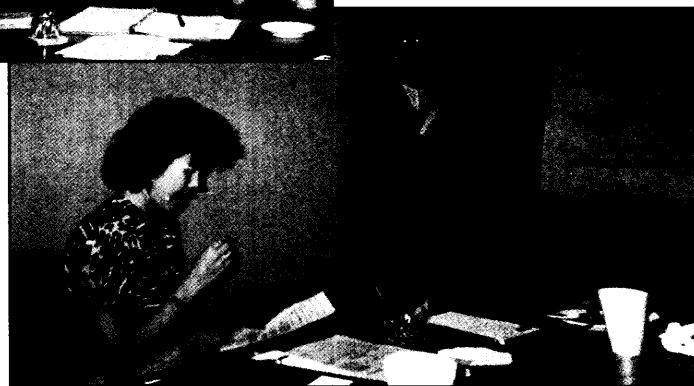
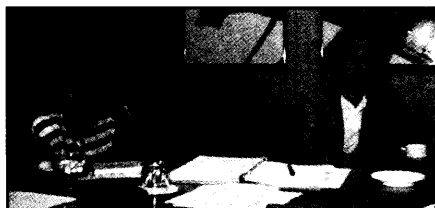
and of itself, but because it is the only way constantly to improve effectiveness. In such an environment, evaluation is an indispensable tool. It not only informs us about what we have done, but it provides an incentive for doing it better.

As part of the world of government, community corrections will never completely escape the exigencies of political necessity. It will always have to respond to pressures from the legislature and the executive for "programs of the day" and quick hits to reap short-term partisan gains. Bureaucratic organizations have transformed such contingencies into ends in themselves, establishing one process or program after another with little concern for their effectiveness or integration with the mission of the agency. Community corrections no longer needs to follow such a model for dealing with change. By turning to the principles for managing and directing change outlined above, it can establish itself as a clear-sighted, valuable player in criminal justice and demonstrate to stakeholders and customers alike that it can achieve what it promises, that it can make a difference to public safety. It can indeed fulfill a professional dream of decades and become the master of its own fate.

Frank Domurad, Deputy Commissioner for Administration and Planning, New York City Department of Probation, was the principal author of this report. Other members of APPA's Issues Committee contributed substantive comments to the report as well.



Executive Committee discusses ideas for implementing APPA's Vision. Pictured, left to right, are President-Elect Rocco Pozzi, President Al Schuman (above), At-Large Members Dimitria Pope and Harold Shalon (top, right), Vice President Annette Henderson and Secretary Diana Colloton (bottom, right).



Constituents Respond to APPA's Vision

Governor Engler Supports Community Corrections

Thank you for submitting for my review the "Vision Statement" of the American Probation and Parole Association. I found the statement and accompanying materials to be both interesting and informative. While there is no replacement for incarceration for violent and predatory criminals, I agree that we must strive for more cohesiveness in our criminal justice and corrections systems.

As you know, in 1990, I signed into law a Community Corrections Act which since has been successfully implemented. The Act has as its core a philosophy which embraces a "state and local partnership" which seeks to empower local communities through local decision making and state-provided assistance and funding for community correction plans.

Not only has Michigan witnessed a steady decrease in the number of admissions to prison, but it has also experienced a concurrent improvement in the way that local jails are being utilized. Much of this success can be attributed to comprehensive community correction initiatives. These successes, however, have not eliminated the prison crowding problem but rather have slowed its growth.

We feel that our community corrections efforts, together with boot camps and other innovative initiatives, provide a powerful tool along with our probation and parole system to make certain that local resources exist to hold offenders accountable, thereby diverting nonviolent offenders from prison. The public must be protected from the criminality of nonviolent offenders and we have found that assistance in employment, drug re-

habilitation, and meaningful punishment through community service offer avenues to meet this end.

Gov. John Engler
State of Michigan

More from Michigan— Empowerment at Local Level Key to Success

I am very impressed with the work that APPA has put into the development of your Vision Statement; there certainly is nothing to argue about in attempting to reach the goal of "... a fair, just and safe society ...".

In Michigan, we are striving toward a similar vision through a principled approach to improving criminal justice systems which is based on public safety, accountability and parsimony. Of particular interest in my office is the issue of *implementation*: how to make it happen. We often find that words like "collaboration," "empowerment" and "integration" are readily used but not readily achieved. We see in Michigan significant efforts by individual agencies to strive for excellence to achieve public safety, educate the public and provide just and humane services for the victims and perpetrators of crime, but much more can be done to strive for the type of vision that APPA would like to see.

For example, our probation/parole system has improved dramatically over the past several years with increased emphasis on policy development and an implementation strategy which is hallmarked by accountability. The State has increased the number of probation/parole staff in the field with the result of improved detection of criminal activity. This, however, has a cost as it has resulted in increased admissions to prison of probation violators, a challenge which we are facing with a wide variety of measures.

Our Community Corrections Act not only has been successful in reducing prison admissions but has garnered a significant national reputation for excellence. The implementation of the Community Corrections Act is based on a philosophy of *empowerment* through a true state/local partnership which allows

for key decision-making to take place at the local level with the state providing significant assistance and program monies to local units of government who develop comprehensive corrections plans for their local systems.

The Office of Community Corrections shares with the APPA the goal of creating a "comprehensive, coordinated and integrated criminal justice service delivery system" and while we have made tremendous headway in meeting this goal, much work remains to be done.

The policies of probation/parole and the implementation of the Community Corrections Act stress the following points:

- Matching offender's risk and needs with the appropriate level of sanction and service.

- Funding and/or managing effective community corrections services which can be evaluated for their ability to provide accountability and reduce the offender's propensity to commit crime.

Michigan has developed what has become known as a "policy-driven, data-informed, decision making process" at the local level which certainly can help with the various implementation strategies which your Vision Statement process developed.

The challenges which remain include improving collaboration within state government through the eventual development of inter-agency agreements; but first, perhaps, through the use of focus groups to clarify the specific challenges we want to overcome and the strategies needed to accomplish this. Michigan, like all states, can do more in the area of prevention. It is extremely frustrating for me to see increasing dollars poured into the "corrections" end of the system while efforts to prevent crime remain underfunded.

Dennis S. Schrantz
Executive Director
Office of Community
Corrections, Michigan

The View from Maryland

One of Governor Glendening's major goals is to have "Safe Communities." Community corrections is seen as a key partner in the accomplishment of this

As part of our ongoing efforts to promote APPA's Vision, agencies and Board members have been asked to respond to our statement. The letters printed here represent some of the responses received. We invite all of our colleagues to share what they're doing to make our Vision a reality. Send your responses to:

Vision Ventures
APPA
P.O. Box 11910
Lexington, KY 40578-1910

goal be it by incarceration of violent offenders or community supervision of those offenders who are more suited to remain in the community under probation or parole in programs which keep them at work or school, supporting their families, meeting obligations to victims, involved in treatment programs, and contributing to their communities. Governor Glendening supports a strong Criminal Justice System and believes that probation and parole is an integral partner in the system. Secretary Robinson, Department of Public Safety and Correctional Services, was instrumental in the development of our Correctional Options Program, and he continues to be a leader in the enhancement of alternative sanctions within our community supervision program.

W. Roland Knapp, Director
Maryland Division of Parole
and Probation

FEDs Pursue Excellence

I applaud the American Probation and Parole Association's efforts to develop a new vision statement. As evidenced by the similarities in their statements, the federal probation and pretrial services system and their colleagues in the APPA share the same vision and values--the pursuit of excellence in community corrections through prevention, intervention, and advocacy.

As the educational agency within the system, the Center continually promotes this vision through the new officer orientation training program, the annual chief's conference, the Center's focus on diversity awareness and training, and many of our national and local training programs. Recently, with assistance from Faye Mullaney, we have also begun helping probation and pretrial services management envision the future and the ongoing role of federal probation and pretrial services in community corrections.

It is evident by your recent efforts and ours that both organizations actively pursue excellence within the profession and advance the growth and professionalism of community corrections personnel. I feel the Federal Judicial Center and the APPA are, and will remain, partners who share this vision and promote the same core values to our constituency. I look forward to strengthening our indi-

vidual efforts through the ongoing exchange of information and ideas. If the Center or I can be of any further assistance, please contact me.

David R. Leathery
The Federal Judicial Center
Washington, D.C.

Virginia—In Sync With Range of Sanctions and Services

We have been somewhat progressive and visionary in a number of initiatives that embrace parts of APPA's Vision:

- The APPA/NASADAD training allowed us to develop strong partnerships with treatment providers in at least 3/4 of our districts (all districts have MOAs, but some are not as strong as they need to be).
- We have pursued development of a prototypical ISP for the Commonwealth, through the assistance of APPA.
- We were able to hold an APPA sponsored regional training event on Dealing With Violent Offenders.
- We are continuously looking to improve, enhance, and develop programs that provide offenders the services they require.

Additionally, we have been fortunate to receive funding for new alternative programs such as Day Reporting Centers, Diversion Centers, and Detention Centers. These new programs will allow us to effectively deliver services to offenders, while ensuring that public safety is not jeopardized.

Andrew Molloy, Jr.
Special Programs Manager
Virginia Department of
Corrections
APPA Board Member, Region 4

Arizona's Helber Demonstrates Vision in Action

I am proud of APPA's efforts during the past two years to develop a vision statement for the future.

I intend to do the following "vision specific" actions in the near future:

First, I will make a formal presentation to all of the Chief Probation Officers in Arizona concerning APPA's vision. I will ask them to have discussions concerning this vision with their own staffs, and I will ask them to consider adopting vision statements which either mirror or com-

Organizations Pledge Support for APPA's Vision

The organizations named below have pledged their support to APPA's Vision through ongoing organizational collaboration of ideas and information:

American Correctional Association

**International Society of Crime
Prevention Practitioners, Inc.**

Juvenile Justice Trainers Association

**National Association of Pretrial
Service Agencies**

**National Council on Crime and
Delinquency**

National Crime Prevention Council

**Volunteers in Prevention, Probation
and Prisons, Inc.**

Volunteers of America, Inc.

pliment APPA's vision.

Second, I will discuss APPA's vision statement and use overhead slides in my presentation with all 65 supervisors and managers within my department. This presentation will show the similarities with Maricopa County Adult Probation Department's mission and vision statements, and also discuss the differences. I will challenge all of these managers to have discussions with line staff concerning how our mission and vision statement might be changed in the year to come to more closely mirror that of APPA.

Finally, I intend to make APPA's vision statement a major topic for discussion at my annual manager's retreat which will be held sometime this summer or fall. At that time, we will be addressing possible changes in our own mission and vision statements.

Norman L. Helber
Chief Probation Officer
Maricopa County Superior
Court of Arizona
APPA Board Member, Region 14

And from Cook County, Illinois

The Cook County Adult Probation Department fully supports APPA's vision:



After participating in discussion on APPA's Vision, Nebraska chiefs say "our future's so bright we just gotta wear shades."

• In January, we began convening staff at all levels to revise our department's mission statement and develop a three-year strategic plan. As part of this project, the article entitled, "APPA's Vision: Welcome to the Land of Oz . . . Where Dreams Can Come True" was distributed to all staff. We anticipate

that our revised mission statement and new strategic plan will be consistent with APPA's vision.

• We intend to expand our number of community based probation reporting centers which have been very successful in establishing valuable partnerships with the community and local service

agencies. These sites definitely embrace "... a balance of prevention, intervention, and advocacy."

• We are increasing the number of specialized programs to better address the unique risks and problems presented by certain groups of offenders. We currently have programs for drug abusers, gang members and those who suffer from mental illness or disability, and we are initiating programs for sex offenders and perpetrators of domestic violence. These programs offer the judges more sentencing options and utilize a combination of treatment and surveillance.

• We are developing strategies to better educate the public, other criminal justice agencies and legislators about the benefits and importance of probation. Without such efforts, probation will not obtain the resources necessary to make APPA's vision a reality.

Nancy Martin
Chief Probation Officer
Circuit Court of Cook County,
Illinois
APPA Board Member, Region 9

APPA MEMBERS!

1. Reduce your U/A expenses.
2. Improve your case management.
3. Increase the deterrent.

By Using:

EPS-100 PERFORMANCE SYSTEM

Provides a practical way for determining impairment from legal or illegal drugs and alcohol by evaluating the ability of an individual's eyes to follow a moving light and react to dim and bright light stimulus.

- Cost effective
- On-Site testing
- No need for body fluids
- Takes only 90 seconds
- Immediate results
- Easily administered
- Security Software

EM/1 EYE OBSERVATION SYSTEM

- Examiner controlled
- Records the subject's name, last procedure, time and date, eye movements and responses on videotape
- Tape can be used as evidence in court
- Standardizes measurement of pupil size
- Provides material to develop training tapes
- Simple and safe

ZYCON CORPORATION (800) 972-3683

Call for Papers

If you want your research to do more than collect dust on a library shelf, you want *Spectrum: The Journal of State Government*. The editors of *Spectrum* are looking for thoughtful, provocative papers on law and justice issues, as well as the environment, state politics and elections, restructuring, state finance, health care and ethics.

Spectrum, a 68-year-old journal published by The Council of State Governments, is being done in cooperation with the State Politics and Policy section of the American Political Science Association.

Papers will be peer reviewed and should be no more than 15 pages in length, double spaced. Submit three copies of law-and- justice related manuscripts to:

Dr. Gordon Bazemore
Florida Atlantic University
University Tower, 220 S.E. 2nd Ave.
Fort Lauderdale, FL 33301

NIC UPDATE

by Kermit Humphries, Correctional Program Specialist, Community Corrections Division, National Institute of Corrections

The National Institute of Corrections (NIC), primarily through the Community Corrections Division, maintains an active interest in parole. NIC funds several parole initiatives each year, and encourages parole decisionmaking and supervision agencies to take advantage of opportunities that are open to broader corrections audiences through the Community Corrections Division, the NIC Academy and the NIC Information Center. Some of those opportunities are described below.

Orientation for Parole Board Members—For each of the past eight years NIC has conducted at least one five day seminar for parole board members appointed within one year of the training dates. This seminar is conducted at the NIC Academy in Longmont, Colorado, and is the only formal training available to new parole appointees in most states. The curricula is effective because many of the faculty members are current or former parole board members, and other consultants have extensive experience working directly with parole boards in a number of states. In several states every current parole decisionmaker completed this training when they were new to their board.

Parole Chairs Network—Each September NIC hosts a meeting of the chairs of paroling authorities from around the country. The purpose of this three-day meeting is to provide a forum for chairs to discuss issues and share information and ideas concerning parole and their unique duties. Similar to previous years, in September 1994 the meeting was attended by chairs from 27 states, the District of Columbia, the U.S. Parole Commission and the Department of the Army.

Additionally, through memorandums and other communication NIC uses this group to share significant information concerning parole. For example, at the recent Association of Paroling Authorities, International conference in Denver,

NIC hosted a one-day meeting for parole executive directors and administrators. The announcement was made through Parole Chairs Network correspondence, along with information on training and other concerns.

Survey of Paroling Authorities—In the past two years there has been a variety of media and legislative inquiries concerning the status of parole in the United States. In the vast majority of instances the requesters had little concept regarding the complexity and diversity of what we call parole, and most do not have the time or motivation to gain an accurate picture of parole before writing or testifying—sometimes with damaging consequences for the local system. In the past few years a wealth of material has been generated for use by the profession and academics, but that material is often not readily available or easily understood by the non-practitioner. Therefore, the Community Corrections Division and the Information Center are collaborating in the development of a document that will assist parole in effectively communicating the “big picture” with this audience in a simplified format. Every state is being asked to complete a survey and a final document is expected before July 1995. Among other places, the document may be accessed quickly by calling the NIC Information Center.

Short Term Technical Assistance—This direct technical assistance provides expertise to a requesting agency in the form of an experienced consultant working on-site in response to needs identified by the agency. Over the past year the Community Corrections Division received 23 requests for short term technical assistance from paroling authorities and parole supervision agencies. Examples of assistance provided include validation of existing risk assessment instruments; residential facility planning; and the development of an agency mission statement and attendant strategies. The process for requesting this

assistance is not difficult, and the primary criteria is that the assistance respond to existing operational concerns of the agency.

Special Emphasis Initiatives—The Community Corrections Division funds a number of opportunities through these vehicles. Some years there are parole-specific opportunities—like the Technical Assistance for Parole Decisionmakers projects; and the Violation and Revocation assistance that is currently under way. Additionally, parole agencies are eligible to be included in broader community corrections initiatives—like the current Community Correction Program Design project where two of the six participating agencies are from parole. Beginning in October 1995 there will be a variety of opportunities on topics ranging from responding to violations at the local level; to a systemwide approach to managing women offenders; to cognitive approaches to changing offender behavior; to leadership and management training; and so on. Agencies need to carefully review announced opportunities to see if they may benefit from what is offered, regardless of whether the word “parole” appears in the title.

Academy Training—In addition to the Orientation for New Parole Board Members training, during the current year there are at least 13 other programs (27 sessions) at the NIC Academy that are relevant to people working in parole. Additionally, available through the Academy are relevant audio-conferences, video-conferences and regional training opportunities. As with Special Emphasis Initiatives, agencies need to carefully review announced opportunities to see whether they may benefit from what is offered, even if the word “parole” does not appear in the title.

NIC Information Center—This is a valuable resource for parole because the Information Center maintains a collection of the most current and useful

materials available in corrections and related fields, and specializes in unpublished materials developed by state and local agencies. It is not uncommon for a paroling authority or supervision agency to call and ask to review mission statements from other agencies; or parole policies regarding victim involvement; or unpublished studies regarding risk assessment; and so on. Copies of relevant materials will be mailed to your agency without charge. Last year 135 out of the approximately 14,000 Information Center requests were for parole-related materials.

It is important to recognize the manner in which this material becomes available. Agencies send materials to be placed on file in the event that other parole agencies call to seek similar information. It therefore becomes an obligation to peers that non-sensitive materials

generated by an agency be sent to the Information Center in the event that other agencies find need to address a similar issue. Last year 48 parole-specific acquisitions were made, as well as 119 parole-related documents. The work one agency completes may help another agency do a better job of making decisions in addressing their own needs. Agencies are encouraged to take a look at their policies, procedures, studies and documentation that might become useful to others, and to mail the material to the Information Center.

Each August NIC publishes two key documents announcing services and programs available in the upcoming year—the NIC Program Plan and the NIC Academy Schedule. It is anticipated that this information will also become available via Internet this summer.

NIC places a high priority on responsiveness; whether that be information, funding, materials or referral to others who may be in a better position to provide the assistance requested. One thing NIC is generally not in a position to do is identify your needs and to initiate the contact. Paroling authorities and supervision agencies are encouraged to contact NIC if there is a way in which we might be of assistance. For questions relating to parole you are encouraged to contact Kermit Humphries, Correctional Program Specialist with the Community Corrections Division, at 800/995-6423, extension 136—or write to 320 First Street NW, Washington, DC 20534. To receive or contribute written information, contact David Shellner at the NIC Information Center, 1-800-877-1461 or write to 1860 Industrial Circle, Suite A, Longmont, CO 80501. □

American Probation and Parole Association Corporate Members

BI Incorporated

David Page, Vice President of Marketing
BI Incorporated
6400 Lookout Road, Suite 101
Boulder, CO 80301
(800) 241-2911
Fax (303) 530-5349

Digital Products Corporation

Richard A. Angulo, President
Digital Products Corporation
800 N.W. 33rd Street
Pompano Beach, FL 33064
(305) 783-9600
Fax (305) 783-9609

Lockheed Martin

Kevin T. Smyley, Vice President
Lockheed Martin
1200 K Street N.W., Suite 1200
Washington, DC 20005
(202) 414-3679
Fax (202) 414-3500

National Curriculum and Training Institute

Gary Bushkin, President
4949 E. Lincoln Dr., Suite D
Paradise Valley, AZ 85253
(602) 956-6601
Fax (602) 852-0300

PDLA - An EDITEK Company

Michael A. Terretti, Vice President and General Manager
PDLA — An EDITEK Company
100 Corporate Court
South Plainfield, NJ 07080
(800) 237-7352
Fax (908) 769-2444

Roche Diagnostic Systems

Robert L. Aromando, Jr., Marketing Manager
Roche Diagnostic Systems
1080 U.S. Highway 202
Branchburg, NJ 08876
(908) 253-7720
Fax (908) 253-7645

For information on Corporate Membership, please contact:

Pat Bancroft, APPA
c/o The Council of State Governments
P.O. Box 11910
Lexington, KY 40578-1910
(606) 244-8205