



American Probation and Parole Association

Winter 1996

# PERSPECTIVES

## **COMMUNITY CORRECTIONS:**

## **FUTURE CHALLENGES, STRATEGIES AND SOLUTIONS**

*See page 48 for Winter Institute details*





Rocco A. Pozzi

## PRESIDENT'S MESSAGE

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.

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Many wonderful and exciting events have taken place over the last several months. Among these was our annual Institute in Chicago. This Institute was a huge success thanks to the efforts of Cook County's Chief Probation Officer, Nancy Martin, and all of her staff who served on the host committee. Also, Linda Layton of the Georgia Department of Corrections, who was our program chair, did an outstanding job in organizing all the training workshops and plenary session. All of the program track leaders who worked with Linda deserve our deepest appreciation for their efforts. Until you have worked in either one of these capacities, you can never truly appreciate the amount of work involved in coordinating an Institute. Of course, as usual, our staff at the secretariat pulled all these activities together to make this Institute run smoothly.

One of the things which hit me in Chicago was the energy and excitement which our national meetings generate. As an APPA member who started attending these meetings 17 years ago, I have been able to witness how far this association has come. There has been a gradual evolution of the quality of these Training Institutes that has, therefore, been reflected in the number of our colleagues who attend. However, the most dramatic changes have come over the last nine years since we joined The Council of State Governments as our secretariat. Much of this has taken place under the stewardship of our association's Executive Director, Tim Matthews.

As happens in all organizations, change is inevitable, and we are currently experiencing it within our association again. On August 14, 1996, I informed the board of directors that Tim Matthew had decided to leave APPA and had tendered his resignation to me. In conversations with Tim prior to his official resignation, he had talked about some personal challenges that he wanted to pursue outside of APPA. We both agreed that nine years was a long run for any person to direct the operations of a young national association. It was with deep regret that I accepted Tim's resignation because I knew that we were losing an individual who proved to be a guiding light and a true visionary.

It is beyond the scope of this letter to list all of Tim's accomplishments while he was our executive director. Tim is a true professional in the best sense of the word. In all the years I have known Tim, as a member of the board of directors, a committee chair, and now as president, I feel strongly that Tim always tried to do what was in the best interest of this association and the membership.

Tim will be continuing his career with the National Council on Crime and Delinquency, and we wish him the best. He is a true advocate for community corrections. He has fought many battles so that we can secure our proper position within the criminal and juvenile justice systems, and I am confident that he will continue this fight because of the depth of his commitment to the "cause." Professionally, I will miss Tim's advice and good counsel, and, personally, a good friend is no longer working at the secretariat.

I hope that all of you will join me in thanking Tim for his years of service, dedication and commitment he has given to our association and our profession. His ongoing legacy to us is that he has left us in a very good place to go forward. Again, thanks Tim and good luck! □

# LETTER FROM THE EDITORS

by Robert E. DeComo, Ph.D., Chairman, Editorial Committee

Welcome to the Winter 1997 issue of *Perspectives*.

Our Guest Editorial has been contributed by Jim Sinclair. He suggests that it is time for community corrections to reexamine the constituencies it purports to have traditionally served. He argues that victims of crime should be our frame of reference and the "conscience of community corrections" in the years ahead.

The NIC Update announces the start of that agency's Community Justice Project. This multi-year project, to be conducted in Deschutes County Oregon, involves transforming the county criminal justice system based on the elements and principles of the community justice concept. NIC will disseminate the results from this demonstration site to the community corrections field.

The NIJ News has once again been thoughtfully prepared by Ed Zedlewski. He discusses his agency's efforts to evaluate the impact of recent sentencing reforms. He also speculates on the impact that the current emphasis on incarceration as a crime control strategy will have on probation and parole, both collectively and individually.

The Corporate Profile for this issue is from Norment VoiceTrack, introducing its latest advances in offender tracking technology. This issue also contains information on the call for nominations for both APPA elections and awards. Both of these processes are important to the health of our organization and should draw careful attention from our entire membership. Our regular features are concluded with an article on the benefits of APPA membership by Harry Boone, Ph.D., APPA Membership Director. We urge you to use this information to recruit new members for APPA.

Turning to our special features, our first is contributed by Don Cochran,

Massachusetts Probation Commissioner. He serves as the Chair of the Community Corrections Committee of the National Law Enforcement and Corrections Committee. In this capacity he reports to us on the plans of the National Law Enforcement and Technology Centers to find solutions to some of our field's critical problems through the development of advanced technologies.

Our second special feature is contributed by Reginald Wilkinson, Director of the Ohio Department of Rehabilitation and Correction. The Director reports on the important role that state and local partnerships are playing in Ohio in implementing a true continuum of sanctions with a strong community corrections component.

Addressing a similar theme, our third special feature is contributed by Michael Connelly, Melissa McLawhorn and Paul O'Connell of the Oklahoma Truth in Sentencing Policy Advisory Committee. Their article presents their state's legislative proposals to emphasize non-prison treatment and supervision for nonviolent offenders in conjunction with "truth in sentencing" proposals aimed at increasing incarceration sanctions for serious and violent offenders. Oklahoma's proposals will provide useful models for other jurisdictions confronting the competing needs and goals created by recent sentencing reform efforts.

Our last two special features are on the subject of drug courts, a corrections program model that will garner increasing attention with the proposed infusion of federal funds in the near future. Denis Gottfredson, Kris Coblentz and Michele A. Harmon from the Department of Criminology and Criminal Justice, University of Maryland, present the results of their evaluation of the Baltimore City Drug Treatment Court Program. Their preliminary evaluation has

shown positive results both for proper targeting and reduced recidivism.

Completing our Winter issue is a feature article by John Carver, Kathryn Boyer and Ronald Hickey from the District of Columbia Pretrial Services Agency. Their article describes efforts to support a drug court demonstration project in the District of Columbia with the development of a Drug Test Management System. They described goals, development processes and operational features of this innovative tracking system.

In closing, we encourage you to contact members of the Editorial Committee with your comments and contributions. □

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# VISION adVENTURES

## Public-Public Partnerships in Ohio Community Corrections

by Reginald A. Wilkinson, Director, Ohio Department of Rehabilitation and Corrections

*"I had always wondered how to get out of the hole I had dug myself in, and when I went through treatment . . . I received the tools to do just that. I wanted you to know that I am working a full-time job . . . and I'm happy to tell you that I got my girls back. Thank you for sending me somewhere where I could receive help. I'll always be grateful."*

It's not often that judges get letters from offenders thanking them for the sentence they imposed. The quote above is from a letter received by Summit County (Ohio) Judge Jane Bond, sent by a woman she had sentenced to the Summit County Community-Based Correctional Facility (CBCF) instead of prison.

### A Look Back

Prison crowding in the 1970's spurred the Ohio Department of Corrections and the Ohio Legislature to look for community solutions to slow the flood of offenders entering Ohio's prisons. A \$650 million prison building program began in 1982, and corrections professionals had convinced lawmakers that "building our way out of prison crowding" was not a viable option. The general assembly provided the initiative for a pilot probation program in 1977.

A range of alternative punishments was conceptualized, from probation and parole to Community-Based Correctional Facilities. In 1981 the Ohio Legislature passed a bill providing for additional CBCFs. The CBCFs were to reduce prison commitments, maximize public safety and provide treatment and a more effective method of returning offenders to the community.

The first CBCF was funded through a State Pilot Probation Subsidy. The \$310,000 subsidy funded a residential program in Dayton. That first year, 83 offenders were diverted from state prison. In 1982, the CBCF program was expanded through \$20 million in state funds. Since then, 11 additional facilities have been built and operationally funded. A total of 15 CBCFs are projected to be completed by 1998. Some CBCFs cover multiple counties. The goal is to eventually have CBCF accessibility for each of Ohio's 88 counties.

### A "Last Chance" Option

Sentencing to a CBCF is generally the last step before prison incarceration for eligible offenders. Sentencing to a CBCF also incurs less of a stigma than incarceration in a state penitentiary, allowing offenders a better chance of turning their lives around upon release.

### Strong Partnerships

Eleven CBCFs are currently operating in Ohio, with four more on the drawing board. They range in size from 42 to 200 beds. The CBCF program was developed through a strong partnership between the State of Ohio and local entities. The state provides 100% funding for CBCF construction and operation. The county provides the building site and community resources support. Ohio has allocated an annual operational budget of \$19.2 million and a construction budget of \$52.8 million to the CBCF program.

The facilities are controlled and operated by local judicial corrections boards representing common pleas

courts. This "win-win-win" situation benefits the state, the county and the offender. The state benefits through diversions from state prisons. The county benefits by having in place a productive way of punishing local offenders. The offender benefits by avoiding prison and participating in intensive treatment to combat substance abuse and other factors that lead to criminal behavior.

Other partnerships also benefit from the CBCF network:

- Local service providers are contracted to provide treatment and aftercare.
- Federal dollars are utilized to enhance adult basic and literacy education.
- The Department of Rehabilitation and Correction's (DRC) Ohio Central School System (the Ohio Bureau of Education) and the Ohio Department of Education work together to develop CBCF educational programs.

### The Programs

The Ohio CBCF program is treatment intensive, offering a highly structured residential intervention program to reduce factors that cause criminal behavior. CBCFs utilize state-of-the-art technology from drug testing to computerized literacy programs. In all programs, emphasis is on substance abuse treatment, employment, education and aftercare services in the community.

A combination of service programs along with close supervision and monitoring has a positive effect on recidivism. One of the most effective ways to reduce criminal behavior is through relapse prevention, the recognition of

behavior patterns that eventually lead to a criminal act. By monitoring behavior in a controlled setting, staff can intervene and prevent new crimes from being committed.

For instance, "John" had served his country as a Marine in Desert Storm. While driving home drunk from a "welcome home" party, John was in an accident which killed his best friend and left John paralyzed. He faced charges of aggravated vehicular homicide. Instead of sending him to prison, the judge sentenced John to a CBCF. At first, his wheelchair bound condition was unsettling to others, but John's

positive outlook soon won everyone over. John completed alcohol dependency treatment and availed himself of the computer learning lab. Self-determination also helped him abandon his wheelchair for a cane. John's determination to overcome his problems won him back his job with the military, where he is assigned to a recruitment office.

CBCF residents are required to work. Wages earned by offenders facilitate restitution to victims, court costs and the costs of incarceration. A lifetime of drug dependency and minor felonies had landed "Frank" in a CBCF. He performed 63 hours of community ser-

vice and was able to earn a GED. After three months at the center, Frank was able to get a job as a laborer and paid back his court costs. After completion of his six-month sentence, Frank's employer hired him full-time and promoted him to groundskeeper.

### Accomplishments

The Ohio CBCF program has attained several goals:

- The eleven existing CBCFs diverted 1,915 offenders from state prison in FY95, leaving more prison beds available for serious offenders.
- The cost per CBCF diversion was \$9,669 per offender, compared to a cost per prison inmate of \$15,330 in FY95.
- Seventy-one of Ohio's 88 counties utilized CBCF services in FY95.

They provide for public safety by addressing the causes of criminal behavior and they provide for productive offender reintegration into the community.

### Wide-Ranging Support

Community corrections options were developed through cooperative efforts among such entities as the DRC, local criminal justice and law enforcement agencies, the Ohio Legislature and other stakeholders. Ohio's Community-Based Correctional Facility Program is supported by both sides of the legislative aisle.

A vital key to the success of community corrections alternatives to prison is the selection of appropriate participants. They must be primarily non-violent, first time offenders who pose little risk to public safety. The public will support non-traditional punishment if they understand the punishment and the circumstances of the offense. "Alternative sentencing is perceived as giving judges more flexibility, as tougher on criminals than probation, and as providing a better chance for the rehabilitation of offenders," says Steve Farkas of the Public Agenda Foundation. "Citizens have made it clear, however, that alternatives are only appropriate for those offenders who they see as having

Table 1: CBCF Offender Profile

CBCF resident at the time of arrest:	
Average age .....	27.7 years old
Gender:	
Females .....	13.4%
Males .....	86.6%
Race:	
Caucasian .....	51.6%
African-American .....	46.6%
Hispanic .....	1.2%
Employed .....	14.4%
Education:	
Grades 0-7 .....	1.2%
Grades 8-12 .....	53.5%
H.S./GED .....	37.2%
Post grad .....	8%
Require emotional health assistance .....	30.8%
Require substance abuse treatment .....	92.9%
Mandated to work in community service .....	55.9%
Mandated to pay court costs, fines and/or restitution .....	72.9%

Table 2: CBCF Program Data (Termination) - FY95

Employment:	
Full time .....	50.3%
Part time .....	5.9%
Unemployed .....	37%
Education:	
Enrolled in ABE/GED program .....	61.9%
Completed vocational training .....	13%
Treatment:	
Community mental health .....	13.1%
Community substance abuse	
Residential .....	30.4%
Outpatient .....	31.5%
Community work service (6,960 hours) .....	55.9%
Successful program termination .....	80%
Average length of stay .....	3.9 months

little potential for committing violent crimes in the community."

A 1993 survey of citizens' attitudes, conducted by the Ohio Office of Criminal Justice Services, found that a majority of Ohioans support the use of alternatives to prison for non-violent offenders, and that creation of community treatment centers was the most popular of five options offered for handling prison crowding in Ohio. "We do very little to rehabilitate non-violent property offenders when we put them in crowded prisons," says Allen Tapley, Executive Director of the Sentencing Institute. "It is not good business practice. It is not good public policy. It doesn't make us any safer."

Community corrections in general, and CBCFs in particular, represents the choice of maintaining offenders in the local community, offering treatment and structure, and holding offenders responsible for their actions and their own rehabilitation. They also offer judges the opportunity to tailor punishment, treatment and restitution to the individual offender. "Any society that depends on only two sentencing options — confinement or nothing at all — is unsafe and unjust," says Michael Smith, President of the Vera Institute. "We need a full array of effective sentencing tools that actually suits our various sentencing purposes."

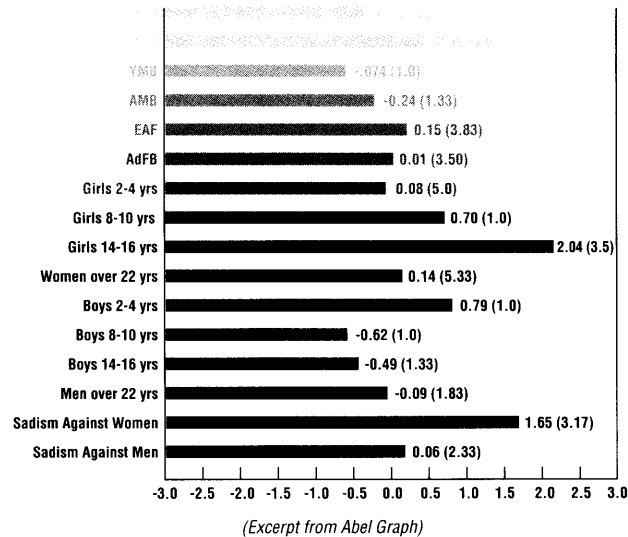
Senate Bill 2, Ohio's recently enacted "truth in sentencing" bill, has balanced the imposition of longer sentences for violent and repeat offenders, with a larger budget for community sanctions. Senate Bill 2 gives Ohio the tools to continue to enhance and expand community-based alternatives to incarceration.

In addition to the tangible benefits of Ohio's CBCF system, the partnerships that evolve between state and local governments are just as encouraging. Ohio has developed a teamwork approach to dealing with low-level felony offenders in an attempt to help them successfully reintegrate back into their respective communities. The Ohio DRC is proud to perform a leadership role with this most needed component of the criminal justice process. □

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## NIC UPDATE

### NIC Community Justice Project

by Eduardo Barajas, Jr., Correctional Program Specialist,  
Community Corrections Division of the National Institute of  
Corrections

The National Institute of Corrections (NIC) has selected Deschutes County, Oregon, as its developmental site for community justice. This is the first phase of a multi-year effort to identify elements and principles of the community justice concept and promote their successful implementation.

The goal of this project is to develop a justice system that is more beneficial to the community with work practices focused on crime prevention, promoting safety and security, and repairing the harm caused to victims and the community. The focus of the effort will be a policy formulating community justice council made up of individuals representing criminal justice components, elected or appointed government officials, and community and victims' representatives. With input from all council members, a common vision for their justice system will be developed that encompasses the following community justice principles:

- The community (including individual victims and offenders) is the ultimate customer as well as partner of the justice system.
- The justice system and citizens work together to restore victims and communities to the fullest extent possible and to solve crime-related problems.
- The justice system confronts crime by addressing social disorder,

criminal activities and behavior, and by holding offenders accountable to victims and the community.

- Justice system components collaborate in new, problem-oriented ways to do what is appropriate, just and necessary to preserve community safety and well-being.

#### Core Values

The justice system benefits the community by:

- Promoting community protection and service
- Preventing crime and its harmful effects
- Repairing the damages caused by crime to individual victims and communities
- Promoting universal justice and fairness through proactive, problem-solving work practices focused on creating and maintaining safe, secure and just communities where crime cannot flourish

These principles were developed by NIC in conjunction with an Office of Justice Programs work group on restorative/community justice. NIC will share what it learns as it facilitates the transformation of Deschutes County from a "criminal" justice system to "community" justice system. □

## GUEST EDITORIAL

# Victims of Crime: The Conscience of Community Corrections

by Jim Sinclair, Assistant Director, Tarrant County Community Supervision and Corrections Department, Texas

Perhaps like no other profession, community corrections is gifted with a rare opportunity to view a spectrum of human behavior denied to even the most ardent of researchers. Ours is a world in which collisions between what is and what ought to be occur with mind-numbing regularity. There are stark contrasts that are overwhelming as we confront heinous crime and its aftermath, only to attempt comprehension in a quest to render the offender again as a contributing member of the community. Indeed, the seemingly well-ordered legalistic milieu of the courtroom often draws us to a lull, only to be shocked upright by the circumstances of those individuals who pass through our offices and facilities daily.

It is true that corrections professionals are great storytellers; our audiences are kept in rapt attention by a devotion to detail which paints a portrait of our world of contrasts in bright relief. Our stories are paradoxical as the illustrations of justice defined and justice deployed diverge effortlessly to defy explanation. Why we as a profession feel keenly about our stories, while failing to ultimately confront the riddling clues to the meaning of our work, speaks volumes of a collective in search of a conscience.

Why would anyone suggest that a group of people, united perhaps only by employment in the same or similar jobs, be in need of a communal conscience? The negative implications of that question are that an individual's moral and ethical tools do not suffice, proving to be markedly inadequate in confrontation with the ugly scenes which play out daily in probation and parole. The fashionable cynicism so evident in our conversations with peers

might offer proof that we cannot (though we really want to) reconcile ourselves on a consistent and confident basis to the behaviors and actions we undertake on behalf of our criminal justice system. To do a little reality check of this proposition, we might ask on a regular basis, "How do our actions promote justice?" Unfortunately, it seems that whenever that question is posed, a handy retreat to legalism as a response is forthcoming.

In truth, many times we do not feel good about what we do in our jobs because we have allowed others to define our profession, dictate the rules, box us in with a myopic view of crime and punishment, and essentially assure an aura of failure by measuring us against the ignorant, one-dimensional, win-lose dichotomy of offender recidivism. How else can we explain feeling so threatened by the future that we perennially debate the very continued existence of probation and parole? This fear and trembling is in our midst despite the record numbers of Americans under the daily supervision of community corrections. We have surrendered our destiny and consigned our fate as a profession to others whom we thought would provide a measure of security; only to have this small comfort whisked away amidst politicians' cries to abolish parole, three-strike offenders, and squash the struggling programs which were born of some hope for avoiding a crime-addled future.

The notion of conscience necessarily includes a frame of reference as to the goodness of an act, omission, or thought, coupled with the feeling that one ought to do right or good. On an individual basis, the formation of a conscience is a complex melding of many

sources which results personally in that most internal of auditors. Needless to say, for community corrections as a collective, that frame of reference must indeed be the community from which we draw our legitimacy. This is in contrast to the law from which we draw our authority. So, if agreement exists on the premise that community corrections is in need of a frame of reference with which to gauge the goodness, not the legality, of its actions, then that set of parameters can only be supplied by a constituency with whose values, attitudes, and beliefs we can not only identify, but, in fact, see ourselves living daily in that portion of our lives spent apart from justice system duties.

To date, policymakers have given probation and parole essentially two constituent entities. The first, and most intimate, is that amorphous class comprised of offenders. Secondly, albeit a little trickier, we act on behalf of the legal system which created community corrections. Analogous to an elected official serving at the pleasure of the voters, the institutions of probation and parole continue through the support, narrowly defined, of the American justice system. It should be noted at this point that significant efforts are being made to align community corrections with the appropriate constituencies of community and its subset — crime victims. The restorative justice movement and organizations such as the American Probation and Parole Association embrace a view of corrections working in and through active partnerships with community stakeholders. Unfortunately, these initiatives have yet to result in appreciable overall policy shifts (at least nationally) that would allow probation and parole to engage in for-



mally assertive campaigns to solicit widespread community support.

Given our two current primary constituencies (i.e., offenders and what has evolved into today's American legal system) it is small wonder that community corrections lacks the ability to assess the integrity of its mission. It will come as no surprise to those engaged in the work of corrections that the constituency of offenders cannot align its moral compass for those actions in which we engage to control them — whether under the rubric of community protection or that of offender (re)habilitation. Though we try to keep in mind that each offender is an individual and avoid a cookie-cutter approach to supervision, it is evident that exchanges between probation and parole officers and offenders, more often than not, are one-dimensional and solely focused on the presence of outward signs of compliance with conditions of supervision.

Notwithstanding offenders' moral integrity, their value as an entity to community corrections exists primarily when defined more specifically as customers or recipients of services. They are in effect not so much concerned with the goodness of our actions, as evaluated against a more or less constant set of community norms or expectations, but rather with our ability to affect their lives through the delivery of rewards or punishments during their tenure of supervision. Unfortunately, given the offender-centric orientation of how community corrections is evaluated by policymakers (i.e. rates of recidivism), we fall all over ourselves pushing program after program upon an often resistant, if not outright unwilling group. In doing so, we unconsciously legitimize the notion of offenders as constituents. This is not to say the programs and interventions we provide are futile. However, our inability to divorce the success or failure of offenders under supervision from the self-image and sense of worth of community corrections leads us to an abject dependence upon the behavior and the ultimate fate of offenders — outcomes which ultimately we cannot determine.

The second constituency of community corrections is loosely identified as the American legal system. Components of this institution (e.g., prosecution, criminal defense, judiciary, and ultimately the executive and legislative functions of government) not only have a fundamental impact on the operations of probation and parole, but also help to define probation's and parole's existence within the criminal justice system.

Perhaps the legitimacy of the American justice system as a constituent of community corrections ought to go unchallenged. After all, our form of government presupposes the vesting of power in these entities by the people. And too, of course, the ultimate policymakers for our agencies are in place via free election by the people, albeit often fewer than 50% of eligible voters. However, to our dismay, valid and respected opinion polls bring to our attention the fact that citizens have little faith in the once-revered institutions of justice. This is despite the fact that the marking of a ballot ultimately shapes those institutions. Furthermore, community corrections wonders whether its genesis speaks more to faith in the ability of humans to change for the better (absent the consummate coercion of brick and mortar) or rather to a limited supply of prison beds. From these institutions of justice we draw our legal authority, funding, and mandates. Due to self-imposed limitations, these institutions cannot, and indeed should not, attempt to provide community corrections with their framework for moral self-evaluation.

Submitted for consideration at this time is the proposition that our local communities, as represented by victims of crime, can fulfill the role of conscience for community corrections. But before we go there, it is important to underscore (1) why as a profession we need a conscience; and (2) why we are, or should be, concerned with the goodness of our actions as measured by community standards. These notions are simple and merely reflect the word that is found in many departments' names and mission statements — justice. The literal meaning of "justice" is a state of

being in conformity with what is morally upright or good. Therefore, it stands to reason that if community corrections uses the word, its actions are bounded by definition.

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### **Restorative justice seeks to hold offenders accountable, while simultaneously repairing the damage done to specific crime victims and the community at large.**

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In the future, community corrections will come to embrace crime victims as its primary constituent group. Several factors coalesce to enable such a prediction. The first of these is the increasing political power of victims and their advocates. Throughout the United States, legislatures are enacting criminal justice legislation as a direct result of influence brought to bear by those who have been harmed by crime. Recently, at the national level, a proposed constitutional amendment on victims' rights was introduced to Congress. As of this writing, both presidential candidates have endorsed the amendment which, if passed and ratified by the states, will enhance the stature of crime victims within the justice system substantially.

As entities of the legal system, probation and parole will continue to be affected fundamentally by the increasing political momentum of the victims' movement. In response, many community corrections agencies are striving to develop, implement, and enhance services for crime victims within their departments. It makes intuitive sense that if probation and parole's responsibility for case supervision can extend over many years, so can the opportunities for probation and parole to restore victims of crime. And, victim restoration, as advanced by proponents of restorative justice, emerges as a salient component of much victim-related legislation being written and passed today.

A second factor promoting the ascendance of crime victims within community corrections is the aforementioned concept and operationalization

of restorative justice. Restorative justice seeks to hold offenders accountable, while simultaneously repairing the damage done to specific crime victims and the community at large. It does not seek so much to demand retribution as it does to make whole what crime has broken. This requires a change in perspective from an exclusionary justice system (the mechanisms of which are entrusted only to "experts") to an open process in which all key stakeholders are invited to participate. Growth in probation and parole's involvement with community service programs, victim-offender mediation, victim impact panels, restitution collection and community advocacy groups speak to the potential significance of restorative justice.

Finally, and most significantly for the future of community corrections, is the premise that victims of crime, as a collective with the support of the local community, possess that perspective which can allow us to accurately gauge the goodness of our professional actions. This is so for two reasons. The first suggests that through their involuntary experiences with criminal victimization and subsequent journeys through the legal system, crime victims are in an unique position to convey the "bads" of our system of justice. From the criminal (dare we say evil?) act to an offender's discharge from penal sanction, a crime victim is likely to encounter adversities such as: unpleasant or indifferent attitudes by justice system personnel; scant information about the progress of the case; exclusion from the

courtroom; secretive and hastily constructed plea bargains; and inadequate restitution. From these very failings of our justice system, victims can, and do, carry a message to community corrections professionals. Albeit it is a message we often do not want to hear. The message's content embodies the experiences of every day community members who often come face-to-face with ugly and unintended realities of a system that they previously may have thought they understood. As a collective representing all citizens of the community, victims tell us that our actions, or lack thereof, many times do not reflect goodness but rather the rote processing of cases which only can occur when we have not available an adequate frame of reference against which to gauge our work.

Second, it is obvious that the crime victims' movement in this country seeks to support and encourage community corrections as an institution that, at least in expressed principle, builds much of its activity around hope for a better future. Why else would probation and parole pay, at least, lip service to rehabilitative programs? Consistently, victims' groups express their desire to establish and maintain ongoing dialogues with community corrections. Once knowledgeable about the missions, activities, and constraints of probation and parole agencies, victims often help promote community corrections. Of course, as members of the community, victims rightfully expect accountability. However, having been subject to the

evils of crime they also seek to instill goodness in our justice system.

As representatives of our communities, victims of crime are in a position to become the conscience of community corrections. Many in the field, however, view victims with discomfort — for victims come not to perpetuate the status quo deemed adequate (or even appropriate) by the constituencies of offenders and the legal systems. Rather, victims come to make us rethink not only the mechanisms of justice, but to challenge us to actually do justice and to be in conformity with what is good and morally upright. It is good when an offender pays a victim back for an economic loss. It is good when an offender sincerely apologizes for visiting heartache on another. It is morally upright for community corrections to hold offenders accountable to community standards.

For far too long we in probation and parole have pitied ourselves as we have looked fruitlessly to offenders and the legal system as our primary constituencies. In so doing, we have been able to justify our existence; but absent a deliberate quest for true justice we have chosen not to flourish. Concern for goodness pales in comparison to the concern for funding. Healing the community torn by crime does not seem to make it to our priority list. Restoration of victims is somehow viewed merely as another add-on to our list of burdens. Meanwhile, our fellow citizens continue to lose faith in the justice systems we represent.

An informed conscience can set an individual on a path to goodness. By embracing victims of crime, community corrections can equip itself with a constituency that can propel it toward that elusive ideal of justice. Can probation and parole afford not to reflect the values upon which fellow citizens build their lives? Does our justice system dare to strive for a time when its actions are based on doing what is right? These may be hard questions — tough to grapple with and tougher to answer; but these ultimately for each one of us, as well as for the survival of our profession, are imperative and unavoidable. □

*On September 11, 1996, Jim Sinclair was awarded the Senator Ralph Yarborough Allied Professional Award at the Crime Victim Clearinghouse Conference in Corpus Christi, Texas. This award is given to recognize outstanding leadership by a non-victim service professional whose leadership and efforts have made a substantial contribution to victim rights and services.*

*Mr. Sinclair has been instrumentally involved in developing victim services programs at the Tarrant County Community Supervision and Corrections Department. According to Maria Ruiz at the Texas Department of Criminal Justice Crime Victim Clearinghouse, Jim Sinclair "...continues to be supportive not only during working hours, but also on his own time by involving himself with crime victim groups in the Tarrant County area."*

*Jim Sinclair is an active member of the American Probation and Parole Association. He serves as chairperson of the association's membership committee and is an active member of the victim issues committee. He also chairs the victim issues committee of the Texas Corrections Association. He has shown selfless giving and dedication to the victims of crime.*

# NIJ NEWS

## Spending and Speculations

Edwin Zedlewski, National Institute of Justice

It's been a stupendous year for corrections research. As we close out the fiscal year at NIJ, I am looking back at the biggest year for corrections research in our history, or anybody's history as far as I can tell. Thanks to the Corrections Program Office of the Office of Justice Programs, and especially to Larry Meachum, its director, NIJ was able to sponsor about \$3.5 million in corrections research under the Violent Offender Incarceration/Truth In Sentencing portion of the Crime Act. We also funded another half million dollars in research on boot camps, this time for new program models being supported with Corrections Program Office funds. We've almost funded, but postponed until the fall to allow for longer proposal response time, a million dollar array of evaluations for the Residential Substance Abuse Treatment program for state prisoners, also courtesy of the Corrections Program Office. Another NIJ partner — the Office of National Drug Control Policy — has supported our \$1.5 million demonstration/evaluation program Break The Cycle, which will provide an arrest-to-departure continuum of treatment and testing of offenders in a criminal justice system.

Consistent with Congressional intent, the majority of these research and evaluation funds are focussed on studying sentencing impacts as felt through incarceration. One large evaluation will try to assess the cumulative impacts of state reforms over the life of the Crime Act legislation. Several Violent Offender Incarceration projects will track increases in inmate populations created by state sentencing reforms, and others will examine how various reforms were implemented. Naturally, boot camp research studies boot camps, and residential substance abuse treatment evaluations will focus exclusively on

prison treatment programs.

I couldn't help speculating, however, on a variety of ways in which community corrections agencies are likely to be affected by Crime Act initiatives.

First of all, there will probably be many subtle impacts on county governments from state and national reforms. Looking at the repercussions of Three Strikes legislation in California, one sees immediately that county jails, county courts, county probation, and eventually county-based parole systems have faced significant problems as the risks of imprisonment increased and convicted offenders faced longer terms. Similar rippling effects can be generated by Violent Offender Incarceration and Truth in Sentencing efforts. Some of the studies supported by this year's Crime Act dollars will trace the consequences of these reforms for county governments and agencies.

A more specific phenomenon that probation officials should watch for is the displacement of non-violent offenders from the prison system. States that qualify for federal funds must increase the numbers of violent offenders that they incarcerate. Part of the increase will be handled through additional prison construction. It is unlikely, though, that many states will build enough cells to absorb the total impacts of increased numbers of prison admissions and also of longer terms through Truth in Sentencing. Some states, at least, will consider changes to sentencing patterns for non-violent offenders as a low-cost solution to acquiring extra confinement capacity. The result is likely to be a wider spread between expected sanctions for violent offenders and other offenders, with more violent offenders going to prison, and fewer drug and property offenders. This widening seems to be supported by public

opinions about violence and by the results of recent research on victims harmed, which suggests that the social costs inflicted by violence are orders of magnitude greater than the damages inherent in drug and property crime.

Who is likely to be displaced from the prisons? My guess would be that low level drug dealers and repeat non-violent property offenders will receive extra chances. These populations are particularly vexing to community corrections because many will take the opportunities afforded by these extra chances and be arrested again in relatively short order.

Probation managers should be thinking about new or expanded control strategies for dealing with these somewhat more risky groups over the coming years. One possibility is day reporting centers. Another is expanded use of electronic monitoring, particularly if new position-monitoring systems become available soon. A third is more proactive use of drug treatment and coerced abstinence programs. NIJ is sponsoring two research projects to evaluate intensive drug diversion programs under the Crime Act in addition to the Break The Cycle project mentioned above. Research and demonstration funds for stringent treatment and testing programs should expand in 1997, and community corrections managers ought to prepare their agencies for possible participation.

Strange as it might seem, parole managers could face even greater challenges than probation officials as a result of Crime Act incentives. The cries to abolish parole appear to have subsided in most places and eligibility requirements for federal truth in sentencing funds have been relaxed substantially. The primary impacts of the federal legislation now seem to be for longer

prison terms but not necessarily without post-release supervision. Read here: "Let's keep an eye on them when they get out."

We see intense interest in transitional programming, or aftercare, in both adult and juvenile correctional circles. Aftercare concepts received a boost from the otherwise negative findings from boot camp evaluations. Researchers discovered that boot camp graduates left institutions with very positive attitudes but that these attitudes decayed fairly rapidly when the graduates returned to their neighborhoods. Programs that provided a modicum of transitional support seemed to do a little better than

those that dropped grads cold turkey. This finding has reinforced an awareness of the power of environmental influences on post-release success. It has also intensified interest in the potential benefits of surveillance and services for an interim period after prison release.

Aftercare does not signal restoration of traditional parole practices. It challenges the parole community to develop programs consistent with the programming delivered by the institution: treatment and testing for drug-addicted inmates, appropriate job search and placement to follow vocational programs, and mental health services for

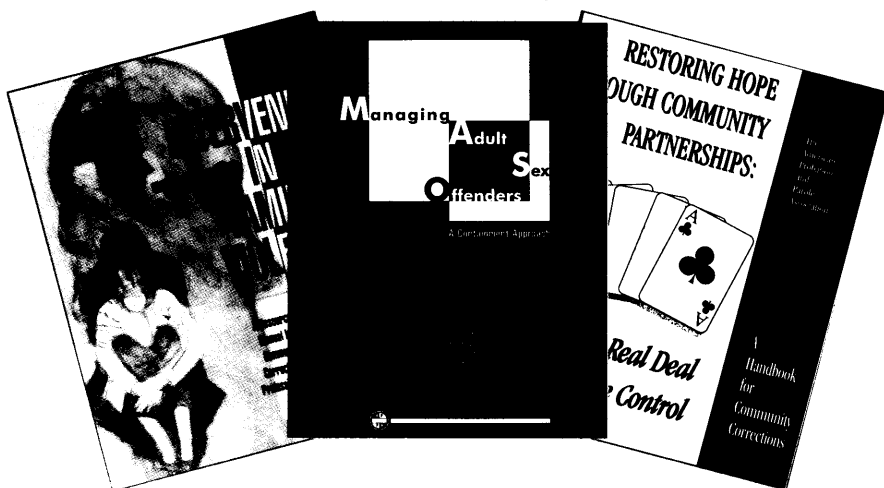
those diagnosed as mentally ill or impaired. Institutions for female offenders have been offering family-unification transition services for some time, and these efforts need to be reinforced by the parole profession.

Transitional programming actually poses two challenges. One is to develop programs that follow logically from the programs delivered by institutions. They should deliver the same message and point toward the same goals. Drug abusers who underwent substantial treatment in prison should be placed in some treatment program in the community and treatment should be reinforced by random drug testing. Medication and counseling for the mentally ill should be continued through medical and other clinical arrangements after release. The second challenge is to deliver this continuity of services across the many geographies of any state. The captivity of prisons allows institutional managers to deliver their programs daily to every targeted inmate. Once these inmates are released, they are scattered across the many counties within the state. Counties will not only differ significantly in the availability of treatment and mental health services, but also in the numbers of clients requiring services. The fewer the clients, the fewer the delivery options, and the greater the unit costs.

The combined challenges of time, place, and service availability are so formidable that many agencies won't even try to start transitional programming. There is a logical way to start, however, and it involves some simple managerial steps: more timely and more intensive coordination with the institutions. By working with institutional transition teams, parole managers can begin to identify who, where, and what to concentrate their efforts on. More than likely, many inmates will return to a few cities and these cities will have some of the necessary services. Working out the delivery of sound transition services in these few locations will hopefully suggest how to deliver some services in more remote places. ▬

## Attention APPA Members!!!!

Effective October 25, 1996, APPA members will receive a **10% discount** on the sale of all publications listed in the 1996-1997 *Publications Catalog*. To earn your **10% discount**, please include you APPA member number on the order form. Discounts cannot be credited without a valid APPA membership number.



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# CORPORATE MEMBER PROFILE

## Norment VoiceTrack

How does the detention industry solve all the problems associated with courthouse and prison overcrowding, shrinking budgets, manpower shortages and public demands for justice?

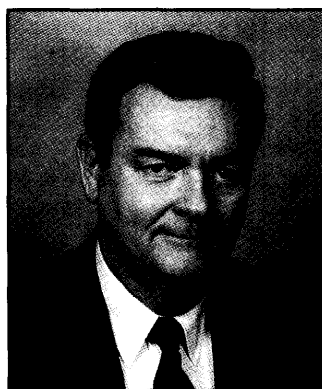
How do we decrease prison populations, ease the burdens of probation, parole and pre-trial officials and at the same time, keep the public safe from criminals? And how do we do this with less and less money?

No one has all the answers, but there is a new corrections alternative that addresses quite a few of them. It is called voice tracking.

Currently, Norment VoiceTrack (a partnership between Norment, one of the nation's largest detention systems companies, and VoiceTrack Corporation of Dallas, Texas) is supplying local, state and federal officials with extremely accurate and reliable MIS data for a fraction of the cost generally associated with gathering "Who, When and Where." It is working beautifully. The system truly brings offender supervision and management into the 21<sup>st</sup> Century.

VoiceTrack is simple for agencies. There is no offender equipment needed, and no agency equipment to buy or lease. The case officer sets the schedule, and the VoiceTrack system does the work of tracking and reporting the offender's compliance or

lack thereof. A remote terminal provides case officers with immediate access to all data files and up-to-the-minute reports on all offenders. He can set any kind of schedule for calls if necessary.



*David Bland, Ed.D., Vice President, Sales & Marketing, Norment Industries*

VoiceTrack is simple for offenders. After enrolling his voice template and other information, an offender is on the system. The VoiceTrack system knows either to randomly page him, to page him at predetermined times, or to wait to hear from him. He makes the call via an 800 number. In less than three minutes, the system can determine who he is and if he's made the call at the proper time.

If there is a problem, the case officer is notified. If the offender is in compliance, the case officer isn't bothered. It saves people's time like no monitoring system ever has.

In other words, you supply the offenders and the sanctions, the offenders supply their voice over any telephone via an 800 number. VoiceTrack keeps everyone accounted for.

It may not be the answer to every problem in the corrections industry, but it is the best thing that has happened in many years.

For complete technical information about Norment VoiceTrack, please give David Bland a call at (800) 633-1968.

## APPA Vision

**WE SEE A FAIR, JUST AND SAFE SOCIETY WHERE COMMUNITY PARTNERSHIPS ARE RESTORING HOPE BY EMBRACING A BALANCE OF PREVENTION, INTERVENTION AND ADVOCACY.**

We seek to create a system of Community Justice where:

- **A FULL RANGE OF SANCTIONS AND SERVICES** provides public safety by insuring humane, effective, and individualized sentences for offenders, and support and protection for victims;
- **PRIMARY PREVENTION INITIATIVES** are cultivated through our leadership and guidance;
- **OUR COMMUNITIES ARE EMPOWERED** to own and participate in solutions;
- **RESULTS** are measured and direct our service delivery;
- **DIGNITY AND RESPECT** describe how each person is treated;
- **STAFF ARE EMPOWERED** and supported in an environment of honesty, inclusion, and respect for differences; and
- **PARTNERSHIPS WITH STAKEHOLDERS** lead to shared ownership of our vision.

# ***The Non-Prison Side of Truth in Sentencing: Preadjudication Services and Community Corrections in Oklahoma***

by Michael Connelly, Senior Research Analyst, Melissa McLawhorn, Staff Attorney and Paul O'Connell, Executive Director, Oklahoma Truth in Sentencing Policy Advisory Commission

Much of the rhetoric and attention surrounding structured sentencing and other guidelines systems has concentrated on their impact on prisons, i.e., increased percentages of sentences to be served and the subsequent rise in prison populations (BJA, 1996). What receives less concern are the possible opportunities which these systems can bring to non-prison supervision. The current case of Oklahoma is instructive in this regard.

In response to public concern about crime, prison overcrowding, and their associated costs, in 1994 the Oklahoma legislature created the state Truth in Sentencing Policy Advisory Commission. Composed of representatives of the major constituencies in the state criminal justice system, the commission resembled similar bodies which had developed structured sentencing reform policies on the federal and state level. A guiding premise of the commission in formulating its recommendations to the legislature was that reform efforts had to address the criminal justice system in its entirety — from arrest to reintegration. Thus, unlike most reforms of this type, the commission's proposals greatly emphasized, and should be of interest to practitioners of, non-prison treatment and supervision. To that end, in spring 1996 the commission recommended three integrated pieces of legislation — the Truth in Sentencing Act, the Preadjudication Services Act, and the Community Corrections Act.

The legislation most conforming to existing practice, the Truth in Sentencing Act classified felony offenses into various schedules of offenses based

upon similar offense characteristics. This allowed easier location of criminal offenses within the statutes and similar punishment for similar offenses. The commission developed four structured sentencing matrices to provide predictability and uniformity of sentencing. It also assigned ranges of punishments to different levels within the matrices. Punishments could be increased using specific "enhancers" based on aggravating circumstances of a crime.

The commission further recommended uniform sentencing procedures and forms to provide accurate reporting of an offender's sentence and to predict more accurately future resource needs. The commission ensured "truth in sentencing" by requiring offenders to serve at least 85% of their sentences, thereby limiting the authority of the state Pardon and Parole Board and Department of Corrections' "earned credit" system to the remaining 15% of the sentence.

Clearly, the application of the 85% requirement would mean significant increases in the state prison populations. In recognition, the commission explicitly decided to focus prison resources on violent and/or habitual offenders. The question then became what to do with the non-violent first- or second-time offenders who could no longer be accommodated within prison capacity. The commission thus sought means to provide authorities the ability under the act to identify and filter these offenders into appropriate treatments and punishments outside the traditional prison process. This led to emphasis on two areas not traditionally covered thor-

oughly by these kinds of reforms, which broadened the roles and functions of non-prison programs and those who implement them. These areas were reflected in the titles of the other two pieces of proposed legislation — the Preadjudication Services Act and the Community Corrections Act.

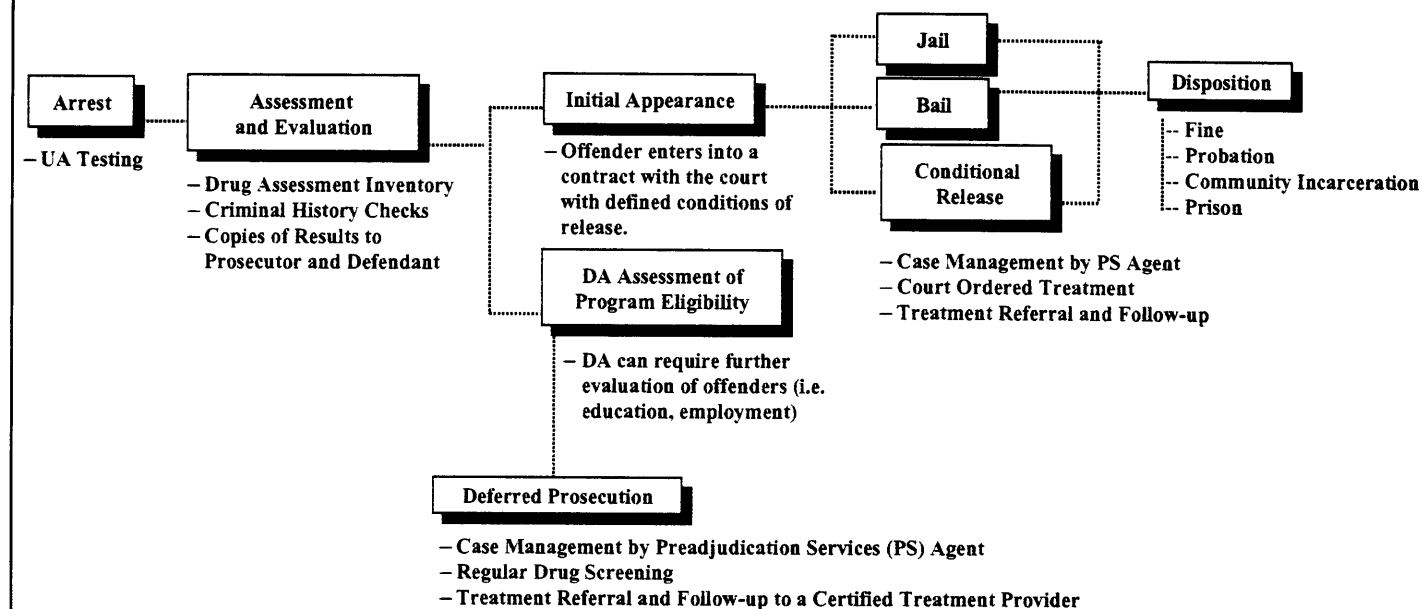
## **The Preadjudication Services Act Overview**

The Preadjudication Services Act, outlined in the schematic in Figure 1, facilitated appropriate placement of offenders in the community or in treatment-based programs on better information about treatment options and the offender's amenability to treatment. Specifically, these services (1) provided for substance abuse testing, assessment, and evaluation, (2) amended bail statutes to allow release of offenders to be conditioned on participation in treatment programs, (3) strengthened deferred prosecution procedures, (4) facilitated diversion of first and second offenders out of the system for treatment, and (5) authorized counties to create preadjudication service agencies to oversee the administration of pre-trial services.

## **The Goals of the Act**

The goals of the act were: (1) to reduce violent and property related crime by creating a statewide effort within the criminal justice system to identify and treat substance abuse addicted or abusing offenders, (2) to provide an accurate assessment and evaluation of an offender prior to adjudication to assist

Figure 1: Oklahoma Preadjudication Services Act



a court in determining an appropriate sentence for the offender, (3) to monitor released pretrial offenders to ensure compliance and conditions of release imposed by the court, (4) to secure the appearance of an offender before the court as a condition of bail, (5) to reduce the instances of pretrial recidivism and absconding, and (6) to establish immediate treatment opportunities for offenders.

#### How the Act Worked

The act provided for substance abuse testing upon arrest. The test would be administered as soon as possible after arrest or as a condition of the release of the offender from custody. If offenders refused to be tested, they had to receive a substance abuse assessment and evaluation as a condition of release. This assessment and evaluation was also mandated if an offender's criminal history indicated substance abuse. The assessment and evaluation results would include recommendations concerning the offender's need for substance abuse treatment and the courses of treatment which were necessary and available.

By the initial court appearance, a post-arrest report would be provided to

the court, the prosecutor, and the offender. This report would include a criminal history of the offender, any substance abuse test results, and a substance abuse assessment and evaluation. Thus, under the act, more information about offenders and their amenability to treatment would be available earlier in the criminal justice process. Information which was previously available at sentencing or later would be available to all parties prior to adjudication. This increased information would facilitate the diversion of appropriate offenders earlier in the process by allowing the court to better determine the conditions and placement of offenders.

The pretrial period would be available for offenders to show their amenability and willingness to rehabilitate prior to adjudication. The court would afford the offenders opportunities to seek treatment, and the offenders' agreements to participate could be used as a condition in setting bail. Pretrial conditional release would allow for proper monitoring and treatment for appropriate offenders.

If the offender agreed to enter into court-ordered treatment, participation would become a condition of the

offender's release. The offender would execute an agreement with the court, the district attorney, and the treatment program. The written agreement would include a schedule of modifications for non-compliance. This schedule would recognize that relapse is a part of the recovery process and would provide meaningful and immediate consequences for violations of treatment, short of full revocation. The offender's progress while in treatment would be monitored by preadjudication services agencies to be created by counties to ensure compliance and reports to the court of non-compliance.

#### The Community Corrections Act

##### Overview

The Community Corrections Act, outlined in the schematic in Figure 2, provided for increased community involvement in the criminal justice process by creating community action boards comprised of citizens and local criminal justice professionals. Those boards would solicit funds and other resources for local criminal justice and identify and recruit local community

involvement to sponsor and promote community sentencing options. The boards would also coordinate with a state community action council to provide independent funding decisions based on effective community corrections programs. With the two acts discussed above, this act would allow courts to condition offenders' sentences and to sanction offenders appropriately into meaningful programs.

### *The Goals of the Act*

The goals of the act were: (1) to promote accountability of offenders by requiring direct financial restitution to victims of crime and requiring community service opportunities from local governments and community agencies representing the community, (2) to protect public safety from repeat intermediate offenders receiving a community-based sentence, (3) to provide a continuum of treatment services and programs for offenders from probation through imprisonment, (4) to increase the use and availability of statutorily authorized sentencing options through encouragement of input and resources from the local community, (5) to provide opportunities to the local community to utilize the expertise of criminal justice professionals as to effective sentencing options and the means to sup-

port their availability in a county, (6) to improve public confidence in the criminal justice system by educating the public on the role of community-based sentencing options for appropriate offenders, (7) to establish a local community action administrator to serve as a liaison between system practitioners and the community, (8) to establish a single state entity composed of system practitioners to establish priorities and allocate appropriated funding, (9) to provide options to establish local community action boards to provide resources to increase the availability of statutorily authorized sentencing options and to determine the long range sentencing and treatment needs of the community, and (10) to encourage the involvement of local officials and citizens in their criminal justice system.

### *How the Act Worked*

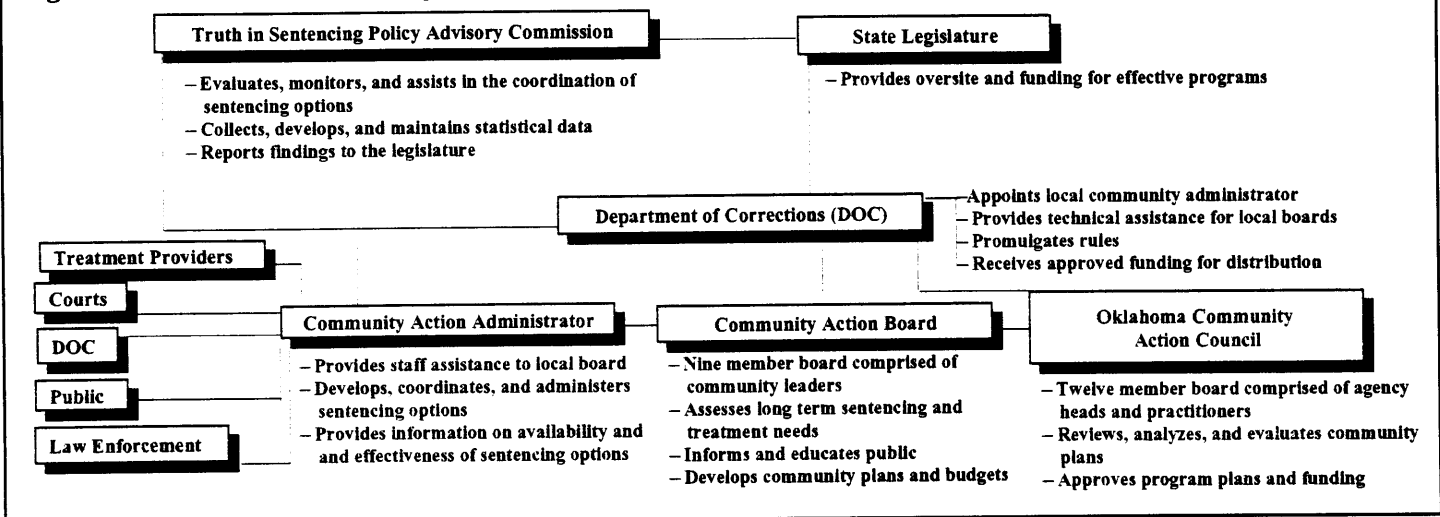
The act promoted community involvement and input into the local criminal justice system in developing community sentencing options. It also sought input from practitioners and experts at the state and local level, advancing collaboration among criminal justice professionals and community leaders. The act used and enhanced existing criminal procedures to allow criminal justice professionals to tailor

sentencing and treatment to individual offenders, rather than mandating a "one size fits all" approach. The trial judge was the primary decision maker as to placement of offenders at the community level.

The act structured local input into the criminal justice system through formation of local community action boards. These boards would be created by a county or group of counties within a jurisdiction and be composed of volunteer citizens and local criminal justice professionals able to focus on problems and solutions unique to their communities. The boards would work with elected county officials to increase their choices in making criminal justice decisions, i.e., identifying and recruiting local community sponsors to promote community sentencing options. The boards would also promote improvement in the local criminal justice system by soliciting funds and other resources on behalf of the community for proven effective programs and services which could then be used by a court as sentencing options. This could even include a preadjudication services agency, described above.

The act also structured a link between state and local criminal justice professionals and communities through community action administrators. These

**Figure 2: Oklahoma Community Corrections Act**





officials would provide staff assistance to the particular board and assist in determining long-term sentencing and treatment needs of the community. The local court would also rely on these administrators to report availability and effectiveness of various sentencing options.

The local boards' counterpart on the state level would be the Oklahoma Community Action Council, composed of treatment providers and law enforcement authorities. This council would review and analyze plans for community sentencing and treatment as submitted by the local boards. The council would provide funding based on the effectiveness of community corrections options. Assisting the council in its education and coordination functions would be the Truth in Sentencing Commission, the state Department of Corrections, and the state Department of Mental Health and Substance Abuse Services. Finally, the act would require state conferences, training programs, and continuing education on the role and effectiveness of community-based sentencing options.

## Discussion

The commission submitted the three acts described above late in the 1995-96 legislative session. Commission leadership plans further deliberation and study in the interim before the legislative session begins in 1997 and re-submittal for approval at that time. Whether or not the acts pass as detailed above, the importance of the recommendations lies in their recognition and careful deliberation of programs and options to handle the likely increase in prison population which will result from the passage of the Truth in Sentencing Act.

The Preadjudication Services Act provides a model for other states to consider to deal with accused offenders at the "front end" of the criminal justice process before prison resources are even considered. Channeling offenders amenable to treatment into effective pro-

grams as conditions of release or prior to their adjudication will serve all jurisdictions using the process in two ways. One, it will leverage offenders into less expensive and more effective treatment options than prison. Two, it will divert many of those offenders from the paths that lead to prison. Key to the success of this effort will be the quality and quantity of supervision that the offenders receive while in the treatment programs, extending and broadening the role of non-prison officials in the process.

The Community Corrections Act similarly broadens the potential roles of non-prison personnel. Not only will they likely be responsible for the supervision required in the alternative sanctions applied, they will also likely be major players in providing the assistance, expertise, and guidance necessary for the local community boards in the system. The community action administrators who will oversee the local programs will likely be non-prison officials with experience and expertise in the areas already mentioned.

The public demand for more certainty in sentencing, coupled with fear of victimization, will continue to drive policy makers to increase punishments for crimes and the actual time to be served. If current sentencing of offenders remains the same, even construction of more prisons or the leasing of bed space in private facilities will not likely provide the capacity to meet this demand. This will be especially true over the years as serious offenders do not "turn over" as they have previously. Thus, current sentencing of offenders logically cannot remain the same. As this realization takes hold, not just in Oklahoma but in all the states with structured sentencing or those considering it, demand will also grow for meaningful alternatives, not just to prison sentencing but also to the "front end" of the process. The two acts proposed herein, in conjunction with Oklahoma's structured sentencing system, will be available for all these states for use in managing the difficult but, as

shown, resolvable problems that will arise.

## Conclusion

In response to public concern and demand about crime and sentencing, the Oklahoma Truth in Sentencing Policy Advisory Commission, from 1994 to 1996, developed recommendations for three separate pieces of legislation. The Truth in Sentencing Act created a familiar system of structured and certain sentencing. Unlike proposers of most such legislation, however, the commission understood the likely increased demands on existing prison resources and expressly addressed the need for, and structure of, non-prison alternatives in conjunction with the act.

The Preadjudication Services Act provided "front end" alternatives for courts, prosecutors, and even offenders which allowed treatment and diversion from prison. The Community Corrections Act set up local alternatives derived by practitioners but resulting from deliberation with local communities which would, in turn, support and advise the officials. The effect was to create a sentencing system that spanned the entire process — from arrest to reintegration — and would allow appropriate punishments for appropriate offenders at appropriate costs. In a time of significant demand on correctional resources, this is no mean feat. However, it does project a substantially increased role and function for non-prison supervisors and personnel as the alternatives are implemented. Regardless of the eventual passage of these acts in Oklahoma, these two proposals of alternative programs and processes offer useful and useable models for other jurisdictions faced with the same needs and goals.

## References

- Bureau of Justice Statistics (1996), National Assessment of Structured Sentencing. U.S. Department of Justice, Washington, D.C. □

# The District of Columbia Approach: Management Information Systems and Drug Courts

by John A. Carver, J.D., Kathryn R. Boyer and Ronald Hickey, District of Columbia Pretrial Services Agency

## Introduction

Much is now known about the relationship between drug use and criminal behavior. We know, for example, that hard-core drug users tend to be concentrated in the criminal justice system. We know that high rates of drug use are associated with high rates of criminality. Many empirical studies have demonstrated that legal coercion or court-mandated treatment — enforced through regular urinalysis — *can* be effective in reducing drug use and increasing treatment retention rates. Furthermore, judges already have broad authority to impose and enforce conditions of pretrial release or probation. We now have available proven drug testing technologies that are increasingly cheap, reliable, and quick. This combination of practical experience, legal authority, empirical studies, and readily-available technology presents a compelling case for criminal justice intervention to break the cycle of drug use and crime. Indeed, a central element of our National Drug Control Strategy calls for treating hard-core drug users and encourages the expansion of criminal justice innovations such as drug courts.

Yet many jurisdictions are only now beginning to take advantage of this opportunity to intervene. Most jurisdictions do little systematically to identify those drug-dependent individuals flooding their courts every day. Requiring frequent urinalysis as a condition of pretrial release or probation is more the exception than the rule. Court-ordered referrals to treatment — when they occur — often are not enforced, simply because there is no reliable feed-

back mechanism to let the judge know if the defendant reported as required and is participating. Even if the individual keeps his appointments and enrolls in a program, the judge has no quick or easy way of knowing how the defendant is doing. To the extent the justice system is unable to obtain quick, accurate information on a defendant's drug use or participation in treatment, the court environment is one in which the addict can remain in denial with no immediate consequences for continued drug use. In a very real sense, the criminal justice system becomes an "enabler" for the addict. The judge is in the dark, the defendant *knows* the judge is in the dark, and the "con games" continue.

Is it any wonder, then, that the justice system is viewed as ineffective in dealing with the underlying addiction that fuels the problem? Is it surprising that there is widespread skepticism about the efficacy of treatment and rehabilitation?

In the face of these failures, forty or fifty jurisdictions have developed new approaches known as "drug courts" for dealing with the hard-core drug users so prevalent among offender populations. Although there is a great deal of local innovation and experimentation going on, several common principles seem to be emerging from these treatment-oriented drug courts. First, is the recognition that the traditional adversarial system has largely failed as a strategy for dealing with drug offenders. Unless the underlying addiction is addressed, defendants just cycle through the system over and over. Second, addiction is a chronic and relapsing condition, in need of intensive long-term supervision, treatment and aftercare.

Third, judges have an important role to play in the supervision and treatment of drug offenders. Rather than maintaining the conventional wisdom that "treatment" and "criminal justice" are separate camps with distinct goals, terminologies and approaches, many are coming to realize that the treatment and legal communities can be mutually reinforcing. Fourth, treatment interventions should occur early in the criminal process. A crisis such as arrest is an excellent opportunity for the criminal justice system to begin the long process of rehabilitation. Fifth, drug addicts are skillful at finding "holes" in supervision and exploiting those gaps. To be effective, the justice system must maintain close supervision over the defendant and create an environment that is honest, unambiguous, and responsive. This means regular urinalysis tied to a system of rewards or consequences. There is a premium on immediacy and certainty, since anything else promotes the very ambiguity, irresponsibility and denial so often associated with addiction.

Taking these concepts and goals and turning them into operational programs is a major challenge for the criminal justice system — a system not particularly known for innovation, technological leadership or efficiency. Yet drug courts are finding ways to succeed, and the best programs rely heavily on frequent drug testing and well-developed management information systems.

The following article describes the approach of one jurisdiction — the District of Columbia — to integrate all of the necessary information and put it at the fingertips of the judge. The drug court described below was established

as a demonstration project funded by the Center for Substance Abuse Treatment (CSAT) with support by the National Institute of Justice (NIJ). The five year demonstration project is designed to test the effectiveness of several treatment interventions in breaking the cycle of drugs and crime. All felony drug defendants in the District of Columbia are randomly assigned to one of three master calendars. Two calendars are devoted to different intervention strategies on a "drug court" model. One involves immediate placement into an enhanced treatment program. The other involves immediate and escalating sanctions for positive drug tests, but no special requirement to attend treatment. The third calendar serves as the "control group" for the other two interventions. A schematic diagram summarizing the program and evaluation structure is included as Table 1. The principal investigator for the evaluation is Adele Harrell, Ph.D., of the Urban Institute.

The management information system that is the subject of this article was initiated several years prior to the federal demonstration project. It was assembled on a small budget, using only agency staff and standard PC network software and hardware. The system was expanded and enhanced during the implementation period of the drug court demonstration project.

### The Drug Court in Operation

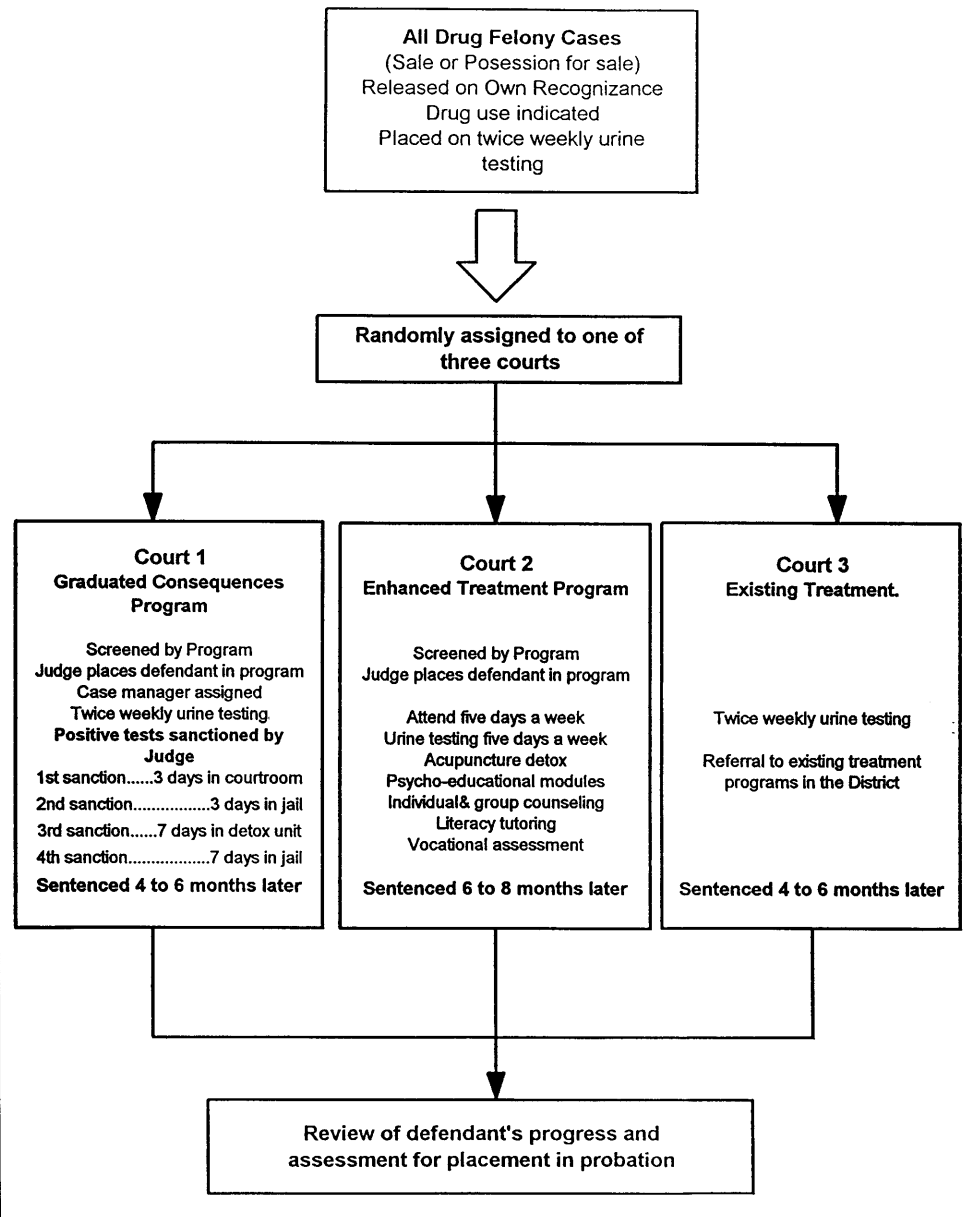
Walk in to one of the three "drug courts" in Washington, DC, and you are likely to see some fairly unconventional scenes. There may be a half dozen defendants observing the proceedings from the jury box. The judge may be having an intense and personal discussion with a defendant regarding drug use, completely ignoring the presence of the defense attorney and the prosecutor. A defendant may be "stepped back" to a holding cell or jail, without a word of protest and maybe even without an attorney present to "safeguard his rights." The judge may

be communicating with the defendant using some sort of special language or code that the defendant clearly understands, but is meaningless to the casual observer. The judge may admonish the defendant for "too much red." Or the defendant may, with a smile on his face, urge the judge to "bring up the screen" so the judge can see "all green."

In all of these scenarios, the judge

begins the discussion by turning to a computer screen, positioned on the bench but in view of all participants and spectators of the drug court. It is immediately clear that the judge relies heavily on the information displayed on the computer screen. It is the foundation of the drug court. While it contains much more than the results of frequent urine tests, it is the immediate access

**Table 1: Program and Evaluation Structure**



to test results that creates the drug court environment. This environment is one in which there are clear, unambiguous measures of progress. It is a constructive environment that does not foster dependency, but empowers addicts to take responsibility for their actions. It is an environment in which there are rewards for sobriety and consequences for drug use. Those consequences are immediate and tangible. The language of the drug court is clear, immediate and universally understood. The defendant either appeared for drug testing or did not. The result of a test was negative or positive. The rewards or the sanctions are completely predictable, and, more importantly, within the defendant's power to control.

Whatever is happening in these courtrooms could not occur without the support of the Drug Test Management System (DTMS) — a set of programs designed and built by the DC Pretrial Services Agency (PSA) and running on a PC network accessible to the judge and pretrial services staff.

The following describes the goals of the system, its operational features and its evolution. The system began as a limited undertaking designed to automate the collection and processing of urine samples in the agency's on-site drug testing laboratory. Over time, additional functions were added to assist with general case management. Finally, full drug court capabilities were established, giving judges access to not just test results, but to a chronological record describing in detail the defendant's progress in drug court.

#### **Automating the Collection, Processing, and Analysis of Urine Samples**

Since 1984 the DC Pretrial Services Agency has conducted routine drug testing of virtually all adult arrestees processed through the DC Superior Court. In 1986 juvenile drug testing was added. Soon thereafter, as the crack epidemic worsened, drug testing services expanded yet again to encompass

parents with child abuse or neglect matters before the court.

By 1990 the agency was testing upwards of 300 samples per day. For each sample, the chain-of-custody had to be documented from collection to analysis to dissemination of results. Once the urine samples were tested, results had to be manually entered into the agency's computer system. Since each of these steps were repetitive, tedious and subject to human error, time consuming systems of checks and double checks had to be built into the system. Many pages of logs, worksheets and annotated printouts were generated each day, which then had to be organized into a manual filing system. Questions about any step in the process necessitated tedious searches of several possible paper records.

While the paper-based system worked reasonably well, it became apparent that the agency could not support the increasing demands for drug testing services with such a labor-intensive process. Since the agency's high speed drug testing analyzer contained both a communications port and a built-in bar-code reader, the solution was obvious. Each step in the process would be tracked, not with manual logs and hand-written notations, but with a bar-coded control system.

The first stage in the development of the Drug Test Management System was to build a specimen processing system tied together by the agency's local area network. The system had to meet the following goals:

- Provide an efficient tool for processing defendants reporting for testing;
- Reduce the possibility of human error by minimizing the keystrokes necessary for data entry;
- Insure system integrity and quality control through a direct interface between the analyzer and the computer network, removing the necessity for any human intervention in the testing process and the recording of results; and

- Implement the system while staying within the agency's very limited budgetary and personnel constraints.

The first version of DTMS went on-line in June 1992. It automated specimen collection and chain-of-custody through use of bar-coded labels and scanners. One year later the system was expanded to include a direct interface with the laboratory analyzer and complete defendant address, case and demographic information. An automatic electronic transfer of data between DTMS and the agency's venerable mainframe system was also established. With this implementation, DTMS grew to support most of the agency's daily operations.

#### **Integrating DTMS into Drug Court Operations**

The final step in the integration of the Drug Test Management System into drug court operations occurred when personal computers were installed in the courtrooms and a gateway was established between the court's and the pretrial services agency's local area networks. For the first time, judges had instantaneous access to everything in the agency's computer files. No longer did agency staff have to deliver printed test results to the courtroom. The judge could simply direct a defendant to the drug testing facility in the courthouse and check the computer screen 20 or 30 minutes later. Moreover, instead of just receiving the most recent test result, the judge could review the entire history of tests and place the current result in the larger context. A positive cocaine test might indicate a relapse if it was preceded by three weeks of negative tests. Or it could indicate progress if previous tests showed chronic poly-drug use.

Many judges have noted that access to a defendant's test results has meant significant savings in the court's time. Without test results, judges often had to engage in frustrating and time-consuming discussions with defendants re-



garding drug use and/or progress in treatment. The judge would question the defendant, and the defendant — knowing he could fool the judge — had every reason to deny drug use and assure the judge that he was in compliance with all court orders. However, once the test results became available, the judge could cut through all of these pointless dialogues and focus immediately on the defendant's progress, relapses or missed appointments. The drug test results have become the unassailable measure of progress or lack of progress in the drug court.

The integrity of the testing process stems directly from the design of the management information system. Challenges to the chain-of-custody are nonexistent, since every step in the urine sample collection system is logged by date, time of day, and name of technician — all done with bar-codes, pre-defined events, and bar-code wands. Should a challenge arise, the computer system is able to provide a minute-by-minute accounting of each step in the collection process, complete with the identity of each employee responsible for defendant check-ins, sample collection in the restroom, transfer of the specimen to the laboratory staff, and finally to the placement of the sample on the drug testing analyzer. These records are available to prosecutors and defense attorneys alike, and as a result of these procedures, there have been no challenges regarding the handling of specimens. Considering that the lab now processes over 150,000 specimens per year, it is difficult to imagine how the integrity of the process could be maintained *without* the computerized system.

### DTMS Flow of Operations

The collection and processing of urine samples is the responsibility of the agency's Drug Testing Unit. Each day the Drug Testing Unit collects samples from three distinct groups of people: detainees in the daily lockup, defendants reporting for a regularly sched-

uled surveillance test, and defendants ordered by the court at arraignment to report for placement in the PSA testing program.

Daily processing begins early in the morning as the DTMS daily files are built. DTMS reads the Person file and creates a drug test record in the Specimen and Drug Events files for every defendant who is scheduled to test that day. Each test record is assigned a unique Specimen Number, which will be used to track the urine sample as it is processed. A Drug Status code of "Scheduled for Test" is assigned to each blank test record.

The Work file is constructed as part of the daily file building operation. It contains a record for every defendant scheduled to test that day, as well as a record for every person who appeared in the daily lockups the previous four days. The current day's lockups are automatically downloaded from the city's Criminal Justice Information System (CJIS) and added to the Work file. Nearly all people who appear for program placement were arrested recently; therefore, the Work file contains information for virtually every person who will be processed that day by the Drug Testing Unit.

The first task each morning for the members of the Drug Testing Unit is to collect a urine sample from every person in lockup. A specimen label is printed in the Drug Testing Unit for each detainee. It contains a unique specimen number in barcoded form, as well as the person's complete name, fingerprint ID number, and date of birth. The collecting employee takes these labels, empty specimen cups and a hand-held data collector unit into the cell block, where he or she observes the prisoner produce a urine specimen. The prisoner is instructed to verify his or her name on the label and then to attach it to the side of the specimen cup. The agency employee then uses a bar-code wand connected to the hand-held data collector to scan the specimen number and his or her own employee

ID (from his agency ID card) into the data collector, which date and time stamps the event. Later that afternoon, the data held by the hand-held collector will be downloaded into the DTMS Chain-of-Custody file.

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**This environment is one in which there are clear, unambiguous measures of progress. It is a constructive environment that does not foster dependency, but empowers addicts to take responsibility for their actions.**

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A defendant reporting to the Drug Testing Unit for a surveillance test or placement is checked in by an agency employee at one of three computer workstations at the front counter. (At peak periods during the day, there may be as many as twenty defendants at one time to be checked in. Multiple workstations are a necessity.) The employee retrieves the defendant's data records by ID number or name. Then he or she verifies address and court appearance with the defendant and checks for messages to be delivered. He or she may also log other pertinent information into DTMS as an accompanying remark to the test record. A specimen label and an appointment slip are printed, and DTMS automatically logs the date and time of the check-in into the Chain-Of-Custody file. DTMS also assigns a drug status code of "Reported for Test" for that specimen.

Another agency employee will then escort the defendant into the rest room to collect the urine sample. Upon exiting the bathroom, the escort stops at a convenient workstation to log the collection, using a bar-code wand to scan, in succession, the specimen number, the escort's employee ID number and the event code reflecting the results of the urine collection efforts. If the defendant was unable to void a specimen, that information is logged into the Chain-of-Custody file and the defendant

is given the opportunity to come back later that day to try again. If the escort observes some kind of irregularity — defendants have been known to tamper with or intentionally contaminate samples — he or she may reject the sample and log it accordingly.

The escort takes the sample to the laboratory, where he or she logs into the Chain-of-Custody file in a similar manner the act of "Specimen Turn-In." The lab technician on-duty logs in receipt of the specimen. The lab technician may also reject a sample if it appears abnormal; usually a temperature, specific gravity or pH check will be done to confirm suspicions. A rejection is logged into the Chain-of-Custody and the reason logged into the remarks section of the record in the Drug Events file.

The sample is now ready to be tested. The laboratory work counter where specimens are processed is equipped with a workstation with a bar-code wand and bar-code printer attached. The technician uses the wand to scan the specimen label, and DTMS accesses the specimen record and displays the defendant's name, ID and testing profile (the drugs for which the sample is to be screened). Upon visible confirmation, the technician presses a key to indicate acceptance. DTMS adds the specimen to the Loadlist file and automatically generates a small bar-coded specimen label. The technician attaches this label to a test tube and pours urine from the specimen cup into the test tube. The filled tube is then placed into one of the analyzer's carousel trays. Each tray can hold up to 60 test tubes.

The analyzer is capable of performing 600 drug screens per hour. Since most samples are screened for three or five substances, this translates into an average throughput of 150 samples an hour. The analyzer is connected to a LAN workstation via a serial interface. Once testing is initiated, the analyzer reads the bar-code on each test tube and sends a request to the computer host for the selection of drugs for

which each sample is to be screened. Results for the first sample are transmitted to the host computer approximately 10 minutes after initiation. DTMS captures this information and stores it in the Download file. Laboratory procedures require a confirming retest for any positive result, so DTMS automatically adds a retest to the Loadlist file upon receipt of a positive result.

The technician reviews the test results in the Download file, checking for errors or inconsistent values. He or she then releases the results, which are posted by DTMS to the Lab Results and Drug Events files. A record is also added automatically to the Chain-of-Custody file indicating the date and time that the sample was released. Once this is accomplished, the final results are immediately available to all users on the system. Average turnaround time from defendant check-in to release of final results is about one hour, although elapsed times of 25-30 minutes are not uncommon. All samples collected are tested the same day.

The following day the Drug Testing Unit generates a report which lists all of the previous days' computer-generated specimen numbers which do not have a final disposition. For example, those defendants who failed to show for their test have a record with a status of "Scheduled for Test." These records must be changed to "Did Not Report." Any tests still showing a status of "Reported for Test" are researched to insure that all collected samples were tested.

The result is a completely paperless system — from check-in to final results. The average check-in proceeds through an orderly sequence of screens, requiring only a single keystroke to advance to the next screen. Since demographic information is extracted in advance from other automated databases and inserted into DTMS, it is a rare occurrence when a Drug Unit employee must create a defendant's record "from scratch." Even when a remark is required,

it can usually be selected from a menu of pre-formatted statements and automatically inserted into the drug event record. This feature improves accuracy and saves a considerable amount of time — a benefit greatly appreciated by both staff and defendants.

## Conclusion

The preceding discussion has provided a general overview of the Drug Test Management System (DTMS) of the DC Pretrial Services Agency. While the functions of the software have been highlighted in the context of their use in the drug court, its use extends far beyond this area. Comprehensive, routine drug testing is the norm throughout the court system. The agency supports judges in 23 other criminal calendars in addition to the three "drug court" calendars described above. The agency also serves judges in the Family Division presiding on juvenile and neglect calendars. Recently the agency began drug testing of probationers for the Court's Social Services Division.

Drug testing must be considered a basic element of any strategy to use the court's legal pressure to enhance treatment outcomes. Drug testing is relatively cheap and increasingly reliable. The problem of substance abuse is pervasive among offender populations. Good management information systems are a must for any large jurisdiction that is serious about doing something about the problem.

The Drug Test Management System is an example of what can be done using only moderate resources, off-the-shelf-technology and lots of imagination. It was shaped by those who use it — judges, urine collection escorts, lab technicians, treatment counselors and case managers. It incorporates and makes possible a philosophy of risk management that appears very promising. Finally, with its attention to the needs of evaluators, it permits the kind of research that is rarely possible in the criminal justice and treatment arenas. □

# Technology Agenda for Community Corrections

by Donald Cochran, Ed.D., Chair-Community Corrections Committee, National Institute Of Justice, National Law Enforcement and Corrections Committee

"Our world is clearly hurtling into the next century at a rapid pace. New technologies are on the street that were unimaginable only a few years ago. Corrections and other criminal justice practitioners have to be able to tap into these advances to ensure an effective and efficient response to violent crime and to respond to an increasing offender population. Indeed, we all must become part of the technological revolution that is changing our lives, our workplaces, and our world." These remarks were delivered by United States Assistant Attorney General Laurie Robinson at the first National Institute of Justice Corrections Technology Advisory Council Meeting in June 1995.

Recognizing that the use of innovative technologies is essential to law enforcement, prisons, jails and community corrections programs the National Institute of Justice (NIJ) joined with National Institute of Corrections (NIC), the National Aeronautics and Space Administration (NASA) and the Department of Defense (DOD) to share and develop technologies that would be of value in both the justice and military arenas. Growing out of a memorandum of understanding between the various federal entities, NIJ changed the name of the National Law Enforcement Technology Centers to the National Law Enforcement and Corrections Technology Centers and tasked the newly established Centers to work closely with state and local agencies in identifying and developing law enforcement and corrections oriented technology.

The first meeting of the Corrections Technology Committee of the Law Enforcement and Corrections Technology Advisory Committee was held in

Charleston, South Carolina, in June 1995. More than 100 state, federal, and local corrections professionals (many of the attendees were APPA members) convened for three days to discuss technology needs and to develop a national agenda for corrections technology research and development.

The second meeting of the Corrections Technology Advisory Committee was held in July 1996. During this three day conference the Community Corrections Advisory Committee (CCAC) reviewed the findings and recommendations from the 1995 meeting and spent considerable time refining the 1995 recommendations and made specific recommendations regarding the technology development needs for the Community Corrections arena.

At the most recent meeting the CCAC identified the overall need of the community corrections field to develop technologies that would allow an officer to spend more time with offenders, identify methods and technologies that enhance the management of larger groups safely and successfully with less staff time, and determine the difference between high and low risk individuals and deal accordingly with these individuals.

Because of the wide diversion in structures and practice of the probation and parole systems that made up the committee, ample time was allowed to identify the universal mission critical functions that are carried out by all community correction agencies. Three mission critical functions were identified: (1) Investigations; (2) Supervision/Control of Offenders; and (3) Accurate Record Keeping. By focussing on the overall need statement and the mission critical functions, five major problem

areas for community corrections agencies were identified and specific suggestions were made regarding the development of technologies that would allow community corrections practitioners to work smarter and safer in dealing with the over three million offenders that make up the caseload of Community Corrections Agencies in the United States.

Officer safety was identified as a critical requirement. The development and refinement of the following technologies for use by community corrections agencies have been suggested to NIJ. Officer locator systems adapted for community corrections work, such as, 3-Dimensional locators for use in high rise urban buildings, distress alarm systems and vital signs monitors. Also, considerable work needs to be done to develop more effective less-than-lethal protective weapons systems.

Because law enforcement and community corrections agencies are both trying to improve safety and the overall quality of life in communities, it is important that community corrections agencies have integrated communications systems with law enforcement, as well as, access to appropriate law enforcement intelligence information.

Another area where technological improvement is needed revolves around offender information. Comprehensive interactive systems need to be developed to improve the collection and dissemination of information on offender profiles and histories. The matching of an offender profile with control strategies and the available community resources would lead to substantial improvement in agency effectiveness in the supervision of offenders. Given the increased

mobility of the present day offender, inter/intrastate information sharing has become a crucial need. The need for accurate, reliable and up to date information is important in the transfer of cases under supervision. Because of the dynamic nature of trying to control the risk of an offender in the community, there is a need to have technology that

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**The matching of an offender profile with control strategies and the available community resources would lead to substantial improvement in agency effectiveness in the supervision of offenders.**

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improves information access and reliability. In identifying offender risk it is important that we no longer be limited to the past practices of only using information that is easily available. This improvement in risk needs assessments has to be integrated into treatment histories and the evaluation of the effectiveness of past and present offender supervision strategies. Also, because the offender population is so mobile, digitalized photographs and improved offender tracking systems are desperately needed to enhance the effectiveness of community corrections agencies.

A third important area that needs technological development is in the control of offenders being supervised in the community. Improvement in the

technology of electronic monitoring is needed with multiple technologies including tethering, kiosks, and voice recognition. The development of more cost effective portable satellite tracking systems are needed by community corrections agencies. Given the pervasiveness of substance abusers under community supervision, cost effective portable drug detection and screening technology is a critical need for community corrections agencies. Given the predatory nature of sex offenders there is a need for technological tools to better monitor and control the sex offenders while in the community. Technology to improve victim protection is needed especially in sex offender, domestic violence and child abuse cases. Technology is needed that will improve our community correction agencies investigation and record keeping systems in collection of all financial orders. Automated credit reports and work histories would be two examples that would improve investigations and collection rates. There is a need to build upon adult literacy technology to develop effective life skills training programs for offenders.

A fourth technology requirement involves equipment. There is a need for testing and evaluation by NIJ Technology Centers of new equipment that may be used by community corrections agencies. This testing could lead to standards development and would resolve problems associated with the purchase of voodoo technology. Access to the evaluation, standards setting informa-

tion and vendor data could be made available on JUSNET. Priority access to appropriate DOD and other government agency excess equipment could improve community correction agencies' bottom line performance. Assistance in developing open systems, and non-proprietary software is a crucial need in community corrections. Automated systems need to be developed so that smaller agencies can benefit by resource economies through group purchasing of equipment.

The final requirement that was identified was staff development and training. Given the increased complexity and dynamic nature of the requirements for effective community corrections officers, familiarity with the new technology advances are needed in pre-service and in-service training. Distance learning with standardized terminology, teleconferencing, simulation and interactive multidimensional training technology is a more efficient way to train, assess and evaluate officers and programs.

The management and staff associated with the National Law Enforcement and Corrections Technology (NLECT) programs are committed to working with agencies and professional organizations such as APPA to develop technological solutions to the myriad problems facing present day community corrections. As we near the twenty-first century the opportunity to collaborate with NLECT is a truly exciting opportunity for all community corrections practitioners. □

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# A Short-Term Outcome Evaluation of the Baltimore City Drug Treatment Court Program

by Denise C. Gottfredson, Kris Coblentz and Michele A. Harmon, Department of Criminology and Criminal Justice, University of Maryland

Arrests for drug abuse violations in the United States steadily increased during the 1980's. Although the rates dropped slightly in the early 1990's, the rate of arrest in 1992 was still higher than in any year prior to the peak in 1989. Arrest rates for violent crimes also rose sharply during the late 80's and early 90's (Federal Bureau of Investigation, 1993). Prison populations escalated, and prison beds were occupied by drug offenders in increasing proportions.

Data from urine tests of arrestees collected through the National Institute of Justice's Drug Use Forecasting Program (National Institute of Justice, 1993) reveal high rates of drug involvement among booked arrestees in 23 sites across the nation. In the fourth quarter of 1992, for example, 64% and 79% of arrestees in Washington, DC, and Philadelphia, respectively, tested positive for at least one of ten illegal drugs.

This national pattern was replicated in Maryland. In Baltimore City, felony defendants charged solely with a controlled dangerous substance (CDS) violation at the circuit court level in 1992 made up 54% of the total charged, up from just 36% six years earlier. At the point of intake into the correctional system in Maryland, 80% of the inmate population has significant involvement with drugs (Maryland Division of Parole and Probation, undated).

Traditional methods employed by criminal justice systems for handling drug-involved offenders have proven ineffective (Falkin, Prendergast, & Anglin, 1994; Fishbein, 1991). Mandatory minimum sentencing, intensive

supervision, and court-imposed special conditions, all designed to "get tough" on crime, have met with limited success because they fail to address the underlying addiction. Drug Court Treatment Programs are intended to break the cycle of crime by treating the addiction that leads to crime.

The Baltimore Drug Court Treatment program (BDCT) began providing services to non-violent male and female offenders with drug abuse problems in March 1994. Some of these men and women are diverted from prosecution contingent upon an agreement to participate in a drug treatment program. Others who are not deemed eligible for diversion from prosecution are required to participate in a drug treatment program as a condition of parole or probation.

Relapse is anticipated in any drug treatment population. Intensive supervision and frequent drug testing are used to monitor each client. A drug court treatment program is then expected to apply graduated sanctions with non-compliant offenders in an attempt to maintain them in the community so that treatment can continue. Incarceration is imposed if an offender is judged to be a risk to public safety or if an offender fails to comply with treatment or reporting requirements. Program services may include education, job readiness and placement, housing assistance, substance abuse treatment, and life skills training. The nature and extent of sanctions and of services has not been examined in the present study, and these features of the BDCT program are beyond the scope of this report.

The BDCT is funded by Bureau of Justice Assistance grants administered through the Governor's Office of Crime Control and Prevention (formerly the Governor's Drug and Alcohol Abuse Commission) and state matching funds. In addition, a grant from the Bureau of Justice Assistance to develop a Correctional Options Program (a program of graduated intermediate sanctions) provides funds for similar treatment services and community-based supervision for parolees.

In May 1995, The Division of Parole and Probation (P&P) asked the Department of Criminology and Criminal Justice at the University of Maryland for assistance in evaluating the beginning efforts of the BDCT program. The goals of the evaluation were (a) to determine the extent to which the appropriate population was being targeted for the program, (b) to determine whether the services provided under this program were more effective than those provided under traditional parole and probation, and (c) to recommend ways to strengthen the program.

## Method

### Subjects

The study is limited to offenders who entered BDCT through parole or probation. It was not possible to identify an appropriate comparison group for the alleged offenders who were diverted from prosecution because records were not kept on diverted individuals who did not participate in BDCT.

### BDCT Treatment Group

The treatment group in this study

includes 145 offenders who were assigned to BDCT parole or probation during the program's first year of operation: 84 district court and 34 circuit court cases who were assigned to the BDCT and whose cases were opened between March 1st, 1994, and February 28th, 1995, and 27 district court violation of probation (VOP) drug court cases whose hearing dates were between November 1st, 1994, and February 28th, 1995. A few circuit court VOP cases were also assigned to BDCT during this period. They were not included in the study because their numbers were too small to permit separate analysis.

#### *Comparison Group*

To assess the effectiveness of the BDCT, it is necessary to compare the performance of BDCT participants with similar offenders who were not assigned to BDCT. A comparison group was drawn from all district and circuit court drug court participants whose cases were opened between March 1st, 1994, and February 28th, 1995, and district VOP parole and probation cases whose hearing were held between November 1st, 1994, and February 28th, 1995. From this pool were selected the approximately 5,000 cases identified as having a drug or alcohol problem at P&P intake. These became the potential comparison group members.

To the extent possible, the same screening standards used to identify BDCT participants were applied to the pool of potential comparison group participants. Subjects whose alleged instant offense involved violence were excluded.<sup>1</sup> The resulting pool of eligible comparisons group members was then classified by gender and date of the hearing which either resulted in assignment to BDCT or traditional P&P services. Because of the large number of potential comparison group members, individuals were randomly selected from these strata in order to create a comparison group whose size was propor-

tional to the BDCT population in terms of source of case (district, circuit, VOP), gender, and beginning date. Stratification by time of program entry ensured that each group had an equivalent time at risk for reoffending. This procedure resulted in a comparison group of 529 individuals: 53 VOP, 351 district, and 125 circuit court cases (see Appendix Table 1). This study compared the performance of all BDCT cases with all comparison group cases, separately by source (district, circuit, and VOP).

#### *Data Sources*

Demographic, criminal history, and recidivism information was obtained from the following sources for every study participant:

- OBSYS provided intake information, demographics, current offenses, special conditions, type of case, case status, and information on warrants, hearings, technical violations, and revocations related to the current offense.
- CJIS provided criminal history for offenses committed in Maryland, and the use of aliases.
- OBSYS & Microfiche provided information regarding periods of past supervision and their outcomes.
- DJJ ISYS system provided juvenile criminal histories for those individuals who grew up in Maryland.
- Urinalysis performed by P&P at intake for treatment group provided a measure of drug involvement. This information was unavailable for the comparison group due to a lack of a comparable intake urinalysis and equivalent instruments regarding drug use and history.

#### *Analyses*

Analyses were conducted to (a) describe the drug court clients and (b) examine the recidivism of the drug court clients compared to that which would be expected in the absence of drug court treatment. Descriptive analyses compared drug court clients to the entire comparison group, separately by

source of client (district, circuit, or VOP) and gender, on measures of demographics, prior criminal history, and characteristics of the instant offense.

Because the BDCT treatment and comparison cases were not equivalent at the time of entry in terms of their level of risk for recidivism, a series of regression analyses were conducted to statistically control for these pre-existing differences while examining the effect of the BDCT program. The following recidivism outcomes, each measured during the 180 days following intake, were regressed on a set of predictors:

- Any arrest
- Any conviction
- Number of days incarcerated as a result of a new offense
- Number of days "free in the community" (i.e., number of days from entry into the study until rearrest or revocation)

## **Results**

### *Demographics*

The typical BDCT client was a single black male in his early thirties, who completed an average of 11 years of education, was unemployed at intake, and had a drug condition. Approximately one-third of the clients also had alcohol conditions, but this varied by source of case: 15% of VOP but 50% of district cases had alcohol conditions as well as other drug conditions. The gender composition of the treatment group also varied by source of client: 48% of VOP, 61% of district, and 82% of circuit BDCT clients were male.

### *Intake Urinalysis*

Nearly half (48%) of drug court clients tested positive for cocaine at intake; 44% tested positive for opiates and 3% for marijuana. No clients tested positive for PCP.

### *Criminal History*

For most measures of criminal history, significant differences were found

by source of client. Generally, circuit court clients had more extensive criminal histories than district or VOP clients. Also, the differences between the BDCT and comparison cases generally depended upon the source of the cases, indicating that different selection criteria were used in the three sources. The summaries below are broken out by source for this reason. Unless otherwise indicated, criminal history events refer to events in the adult court.

#### District Court

- 99% of district drug court cases had at least one prior arrest, and 76% had at least one prior conviction. The average number of prior arrests and convictions was 6 and 3, respectively, and females had significantly more prior convictions than males, although the convictions were primarily for misdemeanor charges.
- Most district drug court clients had been arrested previously for property offenses (81%) and drug offenses (77%); 52% and 50%, respectively, had been convicted for these offenses. About 27% had been arrested for offenses against persons, but only 4% had been convicted previously for these offenses. A large proportion of the female clients had been arrested (39%) and convicted (33%) for sex offenses.
- The typical district drug court client had been convicted of 3 prior misdemeanor charges. Every fifth client had a prior felony conviction.
- The typical district drug court client was 26 years old at his or her first arrest, and 29 at first conviction. Juvenile records were found for 8%.
- District drug court clients typically had between one and two prior periods of supervision, but less than half of the clients (.4) had a parole revocation.
- The "instant" offenses that led to assignment to the BDCT were primarily drug-related or property crimes: 53% of district drug court cases were convicted of a charge involving drugs, and 50% for a charge involving an offense against property. No charge in-

involved offenses against persons. The instant offense was more likely to involve a misdemeanor than a felony offense.

#### Circuit Court

- 97% of circuit drug court cases had at least one prior arrest, and 88% had at least one prior conviction. The average number of prior arrests and convictions was 7 and 3.
- Most circuit drug court clients had been arrested previously for drug offenses (91%) and property offenses (68%); 74% and 47%, respectively, had been convicted for these offenses. About 47% had been arrested for offenses against persons, and 18% had previously been convicted for these offenses.
- The typical circuit drug court client had been convicted for 3 prior misdemeanor charges, but fewer than 1 (mean = .65) felony charge.
- The typical circuit drug court client was 24 years old at his or her first arrest, and 26 at first conviction. Juvenile records were found for 6%.
- Circuit drug court clients typically had slightly more than two prior periods of supervision, but less than half of the clients (.4) had a prior parole revocation.
- The convictions for the arrests that resulted in placement in the drug court for 97% of circuit drug court cases were for drug-related crimes. Other charges were rare. No instant offenses involved charges against persons. The typical instant offense involved at least one felony charge.

#### Violation of Probation (VOP)

- Prior arrest records were found for 81% of VOP drug court cases. Only 59% had at least one prior conviction. The average number of prior arrests and convictions was 4 and 2, respectively.
- Most VOP drug court clients had been arrested previously for drug offenses (78%) or property offenses (48%); 51% and 22%, respectively, had been convicted for these offenses. About 33% had been arrested for offenses against

persons, but only 4% had been previously convicted for these offenses.

- The typical VOP drug court client had been convicted for 2 prior misdemeanor charges, but no (mean = .07) felony charge.

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**A drug court treatment program is expected to apply graduated sanctions with non-compliant offenders in an attempt to maintain them in the community so that treatment can continue.**

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- The typical VOP drug court client was 25 years old at his or her first arrest, and 27 at first conviction. Juvenile records were found for 15%.
- VOP drug court clients typically had 3 (mean = 2.85) prior periods of supervision, but only one quarter of the clients had a parole revocation prior to the current one.
- For the instant offense, 78% of drug court cases were convicted of a charge involving drugs and 15% for a charge involving an offense against property. No offenses involved charges against persons. The offense typically involved a misdemeanor and not a felony charge.

#### BDCT and Comparison Clients

Recall that comparison cases were randomly selected from a large pool of probationers whose cases were heard during the same time period as the drug court participants, who were identified as having a special drug or alcohol condition, and whose current offenses did not involve a violent offense.

Despite these attempts to identify a similar group of clients, many differences were found between those clients referred to drug court and those assigned to traditional probation. This indicates that judges, prosecutors, and other parties involved in the selection of clients for the drug court are applying additional selection criteria. Given the intent of the BDCT to provide an

effective alternative to incarceration for drug offenders, one would expect to find more serious offenders among the BDCT clients (who would presumably have otherwise been imprisoned) than among the cases assigned instead to traditional probation (from which group the comparison cases were drawn).

The actual selection process appears to have differed for the three sources from which BDCT clients were drawn, so they will be summarized separately.

#### District Court

- District drug court clients were significantly more likely than comparison group clients to be male, black, older, unemployed, and to have been identified at intake as having a special drug condition.

- District drug court clients had significantly more prior arrests and convictions, and these arrest and convictions were more likely to be for drug, property, and sex (female only) offenses and less likely to be for crimes against persons.

- District drug court clients were significantly more likely than comparison group clients to have an instant offense involving property crimes and less likely to have an instant offense involving crimes against persons. The instant offense is more likely to involve felony charges for the district drug court participants.

- The length of the suspended sentence imposed by the judge for the instant offense was about twice as long for the district drug court as for the comparison cases. The meaning of this difference is ambiguous. It may indicate that judges, who would normally impose incarceration sentences for these clients, suspended the incarceration sentences for BDCT clients (consistent with the aim of the drug court). It may also mean, however, that judges would not have imposed incarceration sentences at all for these cases, but imposed long suspended sentences for the BDCT clients to provide an additional

deterrent to crime or to provide for a longer period of treatment under court supervision. This last possibility appears especially plausible. Usually, if probationers violate the conditions of probation or parole, the suspended sentence is imposed.

#### Circuit Court

- Circuit drug court clients were demographically similar to their non-circuit drug court counterparts, but they were more likely to be unemployed.

- Circuit drug court clients were similar in their criminal histories to traditional probationers, except that they were more likely to have felony drug charges in their histories.

- Circuit drug court clients were significantly more likely than comparison group clients to have an instant offense involving a serious, felony drug charge and less likely to have an instant offense involving crimes against persons or property.

- The length of the suspended sentence imposed by the judge for the current offense was longer for the circuit drug court than for the comparison cases, perhaps (as described above) indicating that the judges were using the circuit drug court as an alternative to incarceration or to provide for an extended period of enforced treatment.

#### Violation of Probation (VOP)

- VOP drug court clients were demographically similar to the comparison group clients except that females were over-represented.

- VOP drug court clients were significantly less likely than comparison group clients to have prior arrests and convictions, and less likely to have had prior convictions for crimes against property and for serious, felony crimes.

- VOP drug court clients were significantly less likely than comparison group clients to have an instant offense involving property crimes, and their instant offense was less likely to involve a felony. The number of drug charges

was, however, greater for the drug court clients.

#### Summary

The BDCT succeeded in targeting non-violent offenders with drug problems. Drug court clients were historically frequent offenders even when compared with other eligible probationers, and their offenses more often involved drug and property crimes and less often involved crimes against persons. Offenses for which they had been convicted were as serious or more serious in nature than those of the comparison group members, except for the BDCT cases contributed through the VOP track. These cases had fewer felony convictions and their current offense was of a less serious nature than VOP cases assigned to regular probation.

Large differences in the selection processes utilized in the three tracks examined here suggest that different profiles characterize the "ideal" BDCT client in the minds of different decision makers who control the flow of clients into the BDCT. Relative to the comparison groups from each track, the VOP drug court cases are less serious and the district and circuit cases are more serious. The circuit court sends almost exclusively its felony drug cases. Offenders from the other sources are more likely to be involved with a wider variety of crimes.

#### BDCT Recidivism Outcomes — BDCT Clients.

Three quarters of the BDCT clients avoided rearrest during the 180-day follow-up period.

- 23%, 26%, and 18% of the district, circuit, and VOP BDCT clients, respectively, were rearrested during the 180 days following intake to the program. The arrests were primarily for misdemeanor property and drug offenses. Only 4%, 6%, and 7%, of the rearrests from each source were for crimes against persons.

- 7%, 3%, and 0% of the district, circuit, and VOP BDCT clients, respectively, were re-convicted during the 180

days following intake to the program. These reconvictions were primarily for misdemeanor charges involving property and drug offenses. Only one BDCT client was re-convicted for a crime against person. Despite speedy trial requirements, few convictions could be expected for any offender population in a 6-month follow-up.

- Only seven BDCT cases received incarceration sentences as a result of new offenses. For these cases, most of the incarceration sentence was suspended. The average number of unsuspended days of sentence was 182 for the six district court cases receiving sentences, and 0 for the one circuit court case.

- The average number of days “free in the community” (i.e., without rearrest or revocation) was 158, 149, and 159, respectively, for the district, circuit, and VOP BDCT clients — more than 5 months out of the 6 month follow-up period.

#### *Differences Between BDCT Clients and Comparison Group*

Very few significant differences between BDCT and comparison clients were observed for recidivism outcomes. For the district court cases, no significant differences were observed. This is a positive outcome given the initial differences in the two groups which favored the comparison clients. That is, the treatment cases would have been expected to fail more frequently given their more serious prior records.

For the circuit court cases, most differences were insignificant, also a positive sign given the initial differences favoring the comparison clients. Nevertheless, among the subset of circuit court clients who were arrested, BDCT clients had significantly more total charges (1.4 more, on average) and significantly more felony charges (1 more, on average). These differences were due only to the circuit court males, and they had no implication for eventual days spent behind bars, as all of the sentences for both BDCT and comparison cases were suspended.

No significant differences were observed for VOP BDCT clients and comparison cases.

The above differences (or, more appropriately, absence of differences) are ambiguous because the BDCT and comparison cases were not equivalent to begin with. The comparison probationers were generally better recidivism risks than the BDCT clients. These differences were taken into account using regression analyses which controlled for criminal history and demographic variables and characteristics of the instant offense which differentiated the groups and were significantly related to recidivism. These analyses showed that, controlling for initial differences between the groups:

- BDCT clients from all three sources were less likely to be rearrested than comparison cases. This difference favoring BDCT clients was statistically significant over all, and was especially apparent for district court females. A difference of the magnitude observed would have arisen by chance fewer than 5 times in 100. Participation in the drug

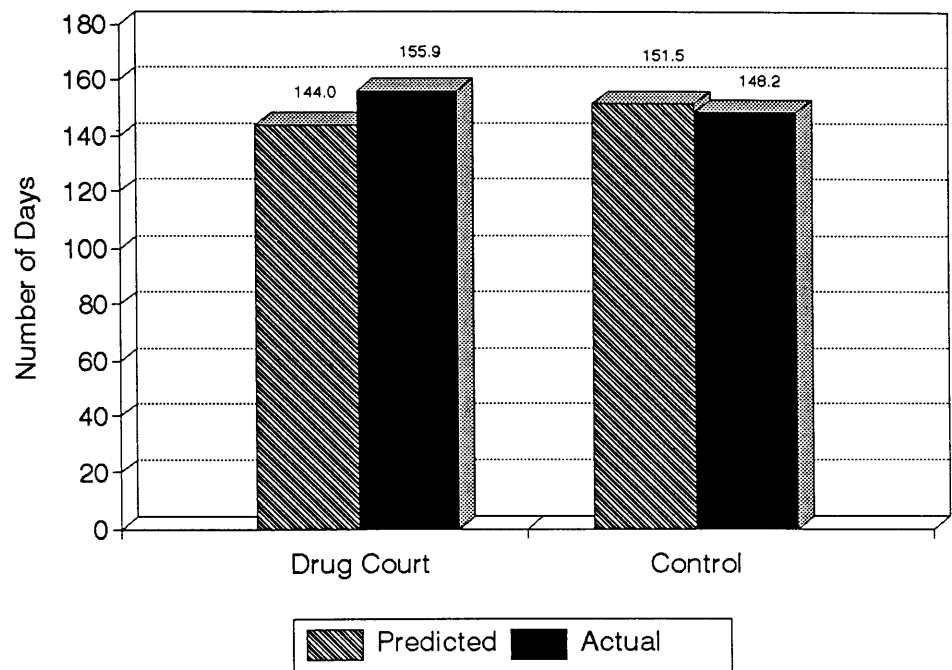
court was associated with a 50% decrease in the odds for rearrest.

- BDCT clients were less likely to be re-convicted across all three sources. This directional difference favoring BDCT clients approached significance (a difference of the magnitude observed could have arisen by chance 9 times in 100) only for cases in the VOP track. For the district and circuit tracks, the positive trend was due only to females.

- Among district court cases, the total days of incarceration served as a result of new crimes (i.e., the total days sentenced minus the days suspended) was significantly greater for BDCT clients than for comparison cases. A difference of the magnitude observed would have arisen by chance fewer than 5 times in 100. None of the comparisons of seriousness showed significantly greater seriousness for the BDCT clients.

- BDCT clients enjoyed more days free in the community across all three sources. This difference favoring BDCT clients was statistically significant over all (i.e., a difference of the magnitude

Figure 1: Number of Days Free in the Community





observed could have arisen by chance less than 1 time in 100). When the results are broken out by source of referral, the difference favoring BDCT clients approached statistical significance only for the district court cases, and was due more to females than to males in this group. Figure 1 shows that drug court clients remained free in the community for about twelve days longer

traditional probation. We have no data on the characteristics of violators of parole and probation who are incarcerated as a result of their violations, but presumably the more serious cases eligible for the BDCT are in fact being incarcerated rather than being sent to the BDCT program.

The results for recidivism outcomes are also positive. Because the follow-up time period was brief, few new crimes were convicted. But the trend in the re-arrest data suggests that participation in the BDCT program slightly increases the number of days free in the community by reducing the percentage of clients rearrested. This positive finding is most statistically dependable for female BDCT clients from the district court track.

Although few incarceration days were served as a result of new crimes which occurred during the brief follow-up period, one finding suggests that the system may be responding more harshly to BDCT re-offenders than to non-drug court re-offenders. The number of days spent behind bars as a result of new crimes was significantly greater for district court BDCT clients than for comparison cases when controlling for prior criminal history and characteristics of the instant offense. Recall that one aim of the BDCT is to decrease days spent behind bars.

The modest positive effects observed can most likely be increased by strengthening the program. This evaluation was not designed to measure the actual levels of drug treatment received by BDCT clients or the extent and effectiveness of the graduated sanctions which were to have been applied.

The program would be strengthened if the Division of Parole and Probation clarified expectations for (a) the amount and type of drug treatment services to be provided to each client and (b) the type of, and schedule for, graduated sanctions to be applied. The effectiveness of this strengthened program should be studied more rigorously than was possible in the present study. The study should be repeated using a longer follow-up period to capture more variation in the recidivism outcomes. It

should be conducted with clients who entered in later months because it is likely that the very early months of implementation of the program were atypical. The study should also be extended to BDCT participants who enter through the diversion track, as these clients may receive different treatment or they may be more or less amenable to treatment. Random assignment of eligible offenders to BDCT and control conditions would also strengthen future studies.

## References

- Falkin, G. P., Prendergast, M., & Anglin, M. D. (1994). "Drug Treatment in the Criminal Justice System." *Federal Probation*, 58,(3), 31-36.
- Federal Bureau of Investigation. (1993). "Age-Specific Arrest Rates and Race-Specific Arrest Rates for Selected Offenses 1965-1992." Washington DC: U.S. Government Printing Office.
- Fishbein, D. H. (1991). "Medicalizing the Drug War." *Behavioral Sciences and the Law*, 9, 323-344.
- Maryland Division of Parole and Probation. (undated). "Baltimore City Drug Treatment Program."
- National Institute of Justice. (1993). "National Institute of Justice, Research in Brief: Drug Use Forecasting." U.S. Government Printing Office.

## Endnotes

<sup>1</sup> Subjects were excluded from consideration if their alleged offenses included murder, assault, rape, kidnapping, domestic violence, violation of probation, offenses involving firearms, sex offenses, child abuse, robbery, felony drug offenses, and any attempts of these offenses.

<sup>2</sup> A large proportion of the female probationers who violate conditions of probation and are eligible for the BDCT are referred to the BDCT. The number of such offenders available for the comparison group was limited. Therefore, the comparison group contains a smaller proportion of women probation violators (2%) than does the treatment group (10%). ▬

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**Although few incarceration days were served as a result of new crimes which occurred during the brief follow-up period, one finding suggests that the system may be responding more harshly to Baltimore Drug Court Treatment re-offenders than to non-drug court re-offenders.**

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than predicted on the basis of their criminal history data. Control cases remained free approximately three fewer days than anticipated.

## Conclusion and Recommendations

The preliminary evaluation of the BDCT program produced positive results. All three tracks have succeeded in targeting non-violent, drug-involved offenders. The pattern of results suggests that the BDCT program for the district and circuit court clients is being used as an alternative to incarceration, as the BDCT clients have more extensive criminal histories and their instant offenses are of a more serious nature than the probationers not referred to the program. This finding is important in light of the tendency in other experimental programs to place the best recidivism risks in the program. For the VOP track, the pattern of results suggests that the program is not being used as an alternative to incarceration, as the probationers sent to BDCT have less extensive criminal histories and their current offenses are of a less serious nature than those cases continued on

# Attitudes of Coles County, Illinois, Residents Toward Probation Supervision in the Community

by William Reed Benedict, Ph.D., Eastern Illinois University and Michael Hughes, Director, Coles County Court Services, Illinois

The Bureau of Justice Statistics (1995) report that the nation's prison and jail population grew from just over one-half million in 1980, to nearly 1.4 million in 1993 — a three-fold increase. Given this, judges are relying heavily on court service and probation departments to alleviate jail and prison overcrowding (Benedict and Huff-Corzine, 1997). During 1990, 2,670,234 adults were on probation in the United States (Bureau of Justice Statistics, 1991). Specifically, Illinois' probation population in January 1990, at 93,944, was the second largest in the Midwest. Increasing 1.9 percent in less than 12 months to 95,699 in December 1990 (Bureau of Justice Statistics, 1991).

One of the most fundamental problems facing court service departments today is the public's perception of the ever-changing role of probation within the community. Moreover, the most arduous obstacle faced by Allen (et al. 1979), in conducting research was the lack of a generally acceptable definition of probation. "The word probation has been used interchangeably to mean a legal disposition, a measure of leniency, a punitive measure, an administrative process, and a treatment method, not to mention a sub-system of corrections" (Allen et al., 1979: 67). This ambiguity has been heightened by the increased use of probation sentences for felony offenders, specifically, the debate of citizens' risk of falling "prey" to this population of offenders. Some researchers argue that, among felony probationers, recidivism rates threaten public safety (e.g., Irish, 1989; Peterilia, 1985). However, most investigations (e.g., Benedict and Huff-Corzine,

1997; Clarke et al. 1988; McGaha et al. 1987; Vito, 1986; and Whitehead, 1991) conclude that felony probation is a viable alternative to incarceration. Further definitional ambiguity accompanies such terms as Intensive Probation Supervision, Electronic Monitoring and House Arrest, all utilized by many court service departments in the 1990s. Henry C. Duffie, a veteran probation officer of 17 years in Maricopa County Arizona notes that:

"The overall issue in probation — now and through my entire career — is that most people don't know what it is. It's not viewed as a punitive sanction per se; usually it's viewed as a slap on the wrist. If you tell the average citizen that you're a probation officer, he or she usually has no idea what you do. Probation is almost one of the best kept secrets around" (Corrections Today, 1987: 26).

Community support will emerge only after court-service departments conduct community awareness campaigns. According to Lurigio (1987: 23) "Educating the citizens about Intensive Probation Supervision and its operations can serve generally to enhance perceptions of department creditability and professionalism, which is critical in light of lingering negative public opinions about probation and its effectiveness." Court-Service directors should be pro-active when dealing with the media. While this effort may initially appear deleterious, it will likely result in one of the most effective measures in promoting one's department to the community. "You can enlist the media to publicize the good works of your department, helping to educate and inform the people

in your community (many of whom have little understanding of the issues, problems, 'hard-realities' and alternative solutions to community supervision)" (Brown, 1996:9). One of the misconceptions citizens have regarding probation is its lack of punitiveness. Providing citizens with accurate probation information and knowledge about current programs, such as Intensive Probation Supervision, Electronic Monitoring, House Arrest, Random Drug Testing, and Restitution Collections, will stress punishment, and illustrate the value of probation as an integral community sanction. Given factual information, citizens may discern the predicaments with which court-service departments deal. Having community support will likely strengthen a department's overall productivity.

## Setting and Methods

### Setting

Coles County, with a population of 51,644, is located in east central Illinois on Interstate Highway 57 (Census, 1990). The two largest communities in Coles County were used as the sampling frame; Charleston and Mattoon. In 1990, (Census Bureau) 20.7 percent of the population were under the age of 18, 26.0 percent were 25 to 44, and 13.7 percent were 65 years and older. The major difference between the two communities is the university (Eastern Illinois University) located in Charleston which has a student population of 10,500 and employs approximately 1800 people.

### Methods

A three percent sample was drawn

from both Charleston and Mattoon employing CD ROM software of all households represented in telephone books across the Nation (ProPhone, 1995). All businesses were excluded. Also, Eastern Illinois University students not being permanent residents were excluded from our sample. The purpose of this study was to assess probation perceptions of residents living in Coles County. A systematic sampling technique was then administered and every household was chosen for inclusion in the sample. To ensure accuracy, the software generated sample was double-checked against the 1995 Coles County telephone directory.

Initially, thirty questionnaires were sent out as a pre-test. Subsequently, all questionnaires were mailed out to residents in our sample. Postcard reminders were sent out three weeks after the original mailing. The last mailing included a revised cover letter and an additional copy of the original questionnaire. Seventy percent of the Charleston residents and sixty-six percent of the Mattoon residents (N=206) completed the questionnaire.

### Statement Of Purpose

Probation or some form of community release is the primary sentence used by all courts in the United States. Although effective in its purpose and much less expensive to taxpayers, since its inception, probation has had a negative perception by the public. Our survey was necessary to evaluate the knowledge or perception of probation on a local level to enable Court Services to focus its viability within the community. Furthermore, the objective of the survey was to develop an informative data base to address the most pertinent issues within the community. Before promoting services provided by Coles County Court Services, it was necessary to understand the cognizance and possible misconceptions held by residents of Coles County.

### Survey Results

The perception portion of the survey

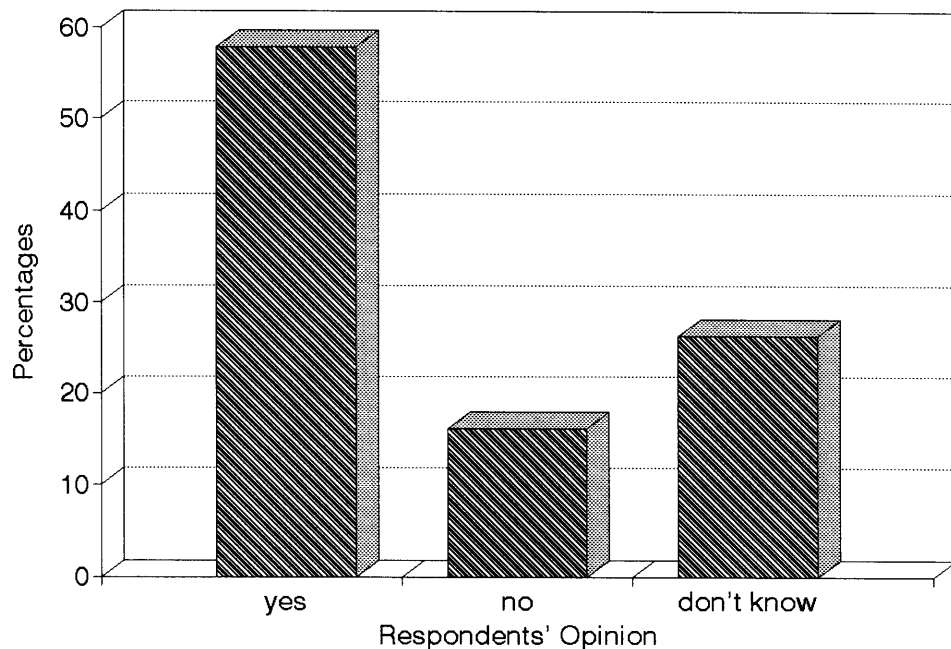
consisted of fifteen closed-ended questions measuring the public's perception of probation. The results of four of these questions will be discussed. Two of the questions ascertain the knowledge possessed by residents regarding the rate at which property and violent offenders were granted sentences of probation in Coles County. These results were congruent with the expectations of the researchers. First, residents were asked the percentage of convicted property offenders in Coles County who received sentences of probation in 1995. Twenty-three percent of the respondents believed less than 25% of all property offenders received sentences of probation upon conviction. Thirty-eight percent responded within the category of 25-49%, and thirty-nine percent indicated that more than 50% of these cases resulted in probation sentences. In 1995, Coles County had thirty-nine convictions of property offenses (included in this category were the offenses of burglary, theft, and criminal damage to property). Eighteen of the thirty-nine cases (46%) resulted in sentences of probation.

Seventy-seven percent of the respondents were of the opinion that fewer than fifty percent of violent offenders convicted in Coles County received sentences of probation. Twenty percent responded within the 50-74% category and fewer than 4% chose greater than 75%. In 1995, Coles County tried and convicted 53 offenders for violent offenses (aggravated battery, domestic battery, robbery and aggravated criminal sexual assault). Thirty-one of the total fifty-three (58.5%) cases resulted in probation sentences, with the remainder given a Department of Corrections sentence. The overwhelming majority of residents (77%) believed violent offenders do or should receive prison sentences. This perception is congruent with the general fear of crime in the United States. Generally, individuals are less fearful of being victimized by property offenders than violent offenders, and thus believe a higher percentage of violent offenders should receive sentences of incarceration.

One of the most compelling arguments supporting community sentencing as a practical alternative to incarceration is probation's cost effectiveness. The residents selected for our sample were asked to give their opinions regarding the cost effectiveness of probation, compared to prison. Clearly, more respondents believed sentences of probation to be cost effective (Figure 1). Fifty-eight percent responded within the YES category, while only 16% believed probation was not more cost effective than prison. Probation is unquestionably a cost-effective sanction for convicted criminals. The total cost for an offender being supervised in Coles County is \$572 per year. Four-hundred-and-seventy dollars of the \$572 is subsidized by the taxpayer, while \$102 is paid by the offender serving the sentence. In Illinois, however, standard probation has an annual per offender cost of approximately \$1,000. An additional \$3000 is added for offenders granted Intensive Probation Supervision. In contrast, the annual cost is approximately \$18,000 for sending a convicted offender to the Illinois Department of Corrections, with a total cost of \$750 million and an inmate population of 38,000, compared to \$150 million for an active caseload of 95,000 offenders serving probation terms (Probation and Court Services Statistical Report, 1995). The data indicate that Coles County residents understand the economic advantages of probation over prison. Moreover, the annual per offender cost in Coles County is considerably lower than the state average. This information should be used in promoting probation to the public. While most residents likely understand cost effectiveness, it is doubtful they are fully cognizant of the stark financial differences between the two forms of sanctions.

The last question evaluates the public's judgment of probation effectiveness. Seventeen percent of those returning the questionnaire believed Coles County probation was not effective, while the majority (73%) simply

Figure 1: Cost Effectiveness: Coles Co. Probation



did not know (Figure 2). Measuring the effectiveness of probation is a difficult and often controversial task. For this project, we measured success or effectiveness versus failure, based on recidivism rates. Maltz (1984) examined over 90 studies using the term "recidivism" and concluded that "the recidivism definition of choice appears to be...arrest recidivism" (1984:66). Using re-arrest as the indicator of recidivism also bypasses problems associated with prosecutorial, court and correctional data which are not as complete or reliable as arrest data supplied by law-enforcement agencies. The recidivism (re-arrest) rate in 1995 for Coles County was between 38 and 46 percent. This figure includes the following felony categories: property and violent offenses, drug violations, and sex offenses. Coles County recidivism rates are consistent with the most comprehensive probation study to date; Langan and Cuniff (Bureau of Justice, 1992) found that 43 percent of the total 79,000 probationers under study were rearrested for a felony within three years of receiving their sentence of probation. Using pa-

role recidivism data as a barometer, Coles County probation is certainly effective. A 1989 Bureau of Justice study representing approximately 109,000 prison releases discharged from prisons in 11 states, found within three years of their release, 63% of the prison releasees had been rearrested for new charges of felonies or serious misdemeanors (Greenfield, 1992). Based on re-arrest rates, then, Coles County probation is not only inordinately cost effective, but effective based on recidivism data as well. The public needs to understand that incarceration is a temporary band-aid for convicted offenders. The majority of these convicted offenders will ultimately serve a large portion of their sentences in the community. More importantly, the criminal-justice system is not using community sanctions out of choice, but necessity. If sentences of probation are inevitable, then the public should understand it is a viable alternative. Many offenders sentenced to probation are punished as well as required to give back to the community by way of service and victim compensation.

## Summary and Conclusions

The present findings illuminate the relevance of studies evaluating the public's perception of court-service departments in the United States. The apprehension of the researchers, prior to conducting this study, was twofold: First, we did not know if there would be any perception, due to the low visibility of court services, and second, we were uncertain whether we would receive an acceptable response rate. The apprehension was put to rest with valuable information which will be used to conduct a community awareness campaign, and a response rate of 68%, which reflects the vested interest Coles County residents have regarding their community.

Residents of Coles County had differing views regarding the percentage of convicted property versus violent offenders granted probation sentences. This is not surprising, given the "get tough on crime policies" implemented over the past decade. The media have further heightened the concern many citizens have regarding their safety. However, the fact remains that sanctions within the community are feasible alternatives to imprisonment.

The majority of Coles County residents understood the cost effectiveness of placing convicted offenders on probation, as opposed to sentencing them to the Department of Corrections. However, even though the majority of respondents understood the cost effectiveness, they did not discern how effective community sentences were, compared to sentences of incarceration and ultimately parole. This is pertinent information which should be used in gaining support from the community.

Sentences of probation are increasingly being used as the primary alternative to overcrowded correctional institutions. This trend is not likely to change any time soon; thus, court-service personnel need to work in unison with the communities in which they serve, not against them. Arming the citizenry with facts such as cost effec-

tiveness, re-arrest rates compared to parole statistics, and the implementation of increased punitive measures, such as Intensive Probation Supervision, electronic monitoring and house arrest will likely bolster the effectiveness and ultimately, the community support court-service departments sorely need and deserve. The implementation of community awareness campaigns, however, can only come to fruition after departments understand the dynamics of their own communities. The best way to promote one's services is to ascertain the knowledge base of one's specific community. Having this information, then, will not only facilitate, but also validate the areas of greatest concern. We need to regain the public's trust that community sentences will work. Based on the current trend, convicted offenders will continue to be placed on probation at an alarming rate. Thus, court-service departments will increasingly be faced with the dilemma of negative public perceptions.

## References

- Administrative Office of Illinois Courts. "Probation and Court Services Statistical Report." A Probation Division Publication, Springfield, IL, (1995).
- Allen, N.E., E.W., Carlson, and E.C., Parks. "Critical Issues in Adult Probation." Washington, D.C.: L.E.A.A., (1979).
- Benedict, Wm. Reed, and Lin Huff-Corzine. "Return to the Scene of the Punishment: Recidivism of Male Property Offenders on Felony Probation, 1986-1989." Accepted for publication; *Journal of Research in Crime and Delinquency*, (Spring, 1997).
- Brown, Marge. "Getting the Word Out: How to Publicize Probation's Good Works." National Association of Probation Executives: *EXECUTIVE CHANGE*, (Winter, 1995): ISSN 1075-2234.
- Bureau of Justice Statistics. "Correctional Populations in the United States." NCJ-153849. Washington, D.C., (1995).
- Bureau of Justice Statistics. "Probation and Parole, 1990." NCJ-133285. Washington, D.C., (1991).
- Census of Population. "General Population Characteristics: Illinois." U.S. Department of Commerce Economics and Statistics Administration. U.S. Government Printing Office, Washington, D.C., (1990).
- Clarke, Stevens H., W. Lin Yuan-Huei and LeAnn W. Wallace. "Probationer Recidivism in North Carolina: Measurement and Classification of Risk." UNC at Chapel Hill; Institute of Government, (1988).
- Corrections Today. "Probation — The Best Kept Secret Around: An Interview With Henry C. Duffie," (August, 1987).
- Greenfield, Lawrence A. "Prisons and Prisoners in the United States." Bureau of Justice Statistics. Washington, D.C., (1992).
- Irish, James F. "Probation and Recidivism: A Study of Probation Adjustment and Its Relationship to Post-Probation Outcome for Adult Criminal Offenders." Mineola, NY: Nassau County Probation Department, (1989).
- Langan, Patrick and Cuniff, Mark A. "Recidivism of Felons on Probation, 1986-89." Bureau of Justice Statistics. Washington, D.C., (1992).
- Lurigio, Arthur J. "The Perceptions and Attitudes of Judges and Attorneys Toward Intensive Probation Supervision." *Federal Probation* (1987): 51:16-24.
- Maltz, Michael D. *Recidivism*. Orlando Academic Press, (1984).
- McGaha, Johnny, Fichter, Michael, and Hirschburg, Peter. "Felony Probation: A Re-Examination of Public Risk." *American Journal of Criminal Justice* (1987): 11:1-9.
- Petersilia, Joan. "Probation and Felony Offenders." Washington, D.C., Department of Justice, (1985).
- ProPhone Central Selectphone Disk, "Pro CD Inc., 222 Rosewood Drive, Danvers, MA 01923-4520, (1995).
- Vito, Gennaro F. "Felony Probation and Recidivism: Replication and Response." *Federal Probation* 12:17 (1986) 25.
- Whitehead, John T. "The Effectiveness of Felony Probation: Results From an Eastern State." *Justice Quarterly*, (1991) 8:525- 43. □

Figure 2: Effectiveness of Coles Co. Probation

