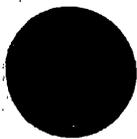


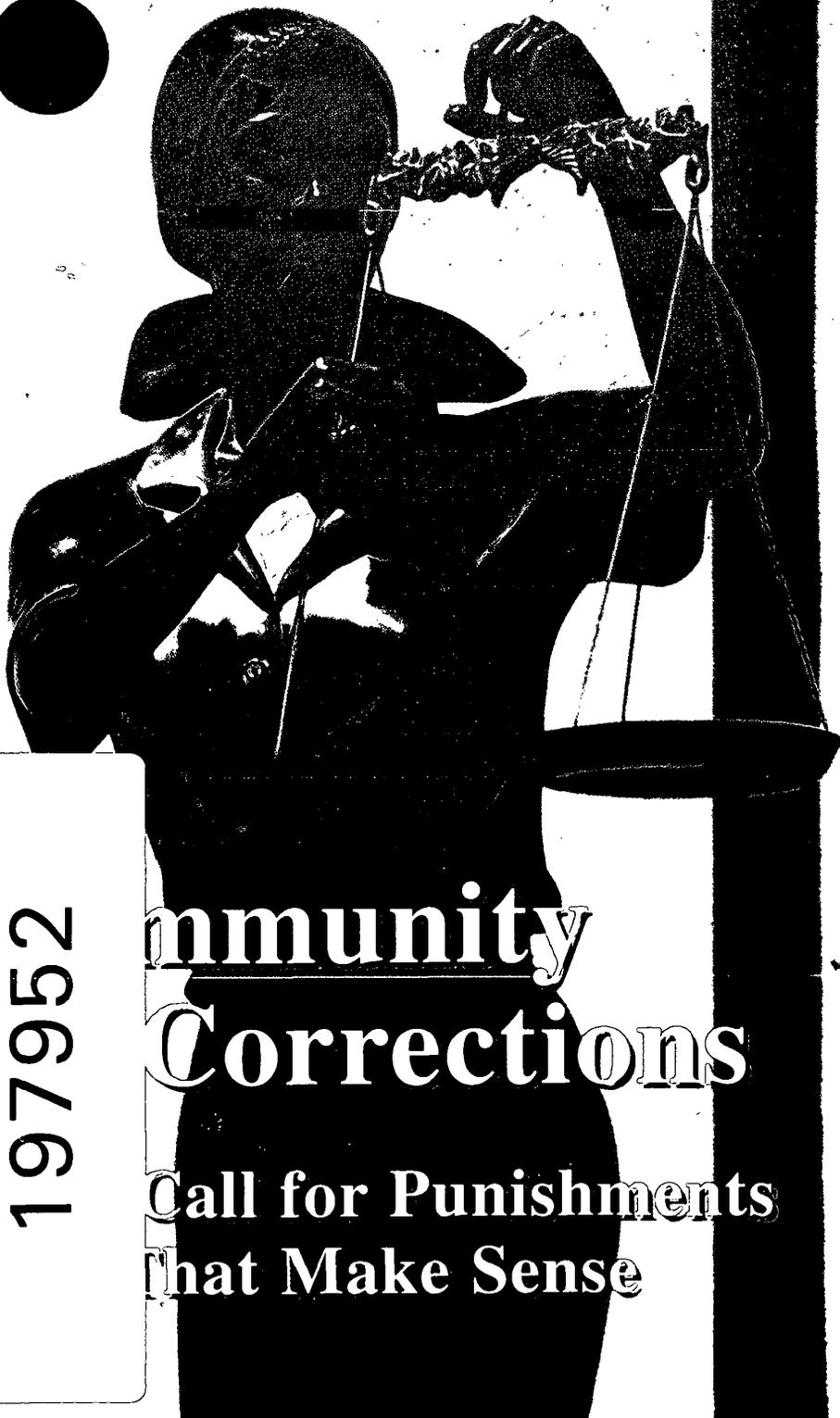
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Community Corrections

Call for Punishments
that Make Sense



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The Center for Community Corrections

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A Call For Punishments That Make Sense

October 28, 1997

CCC

A public-private partnership promoting an
effective system of community corrections

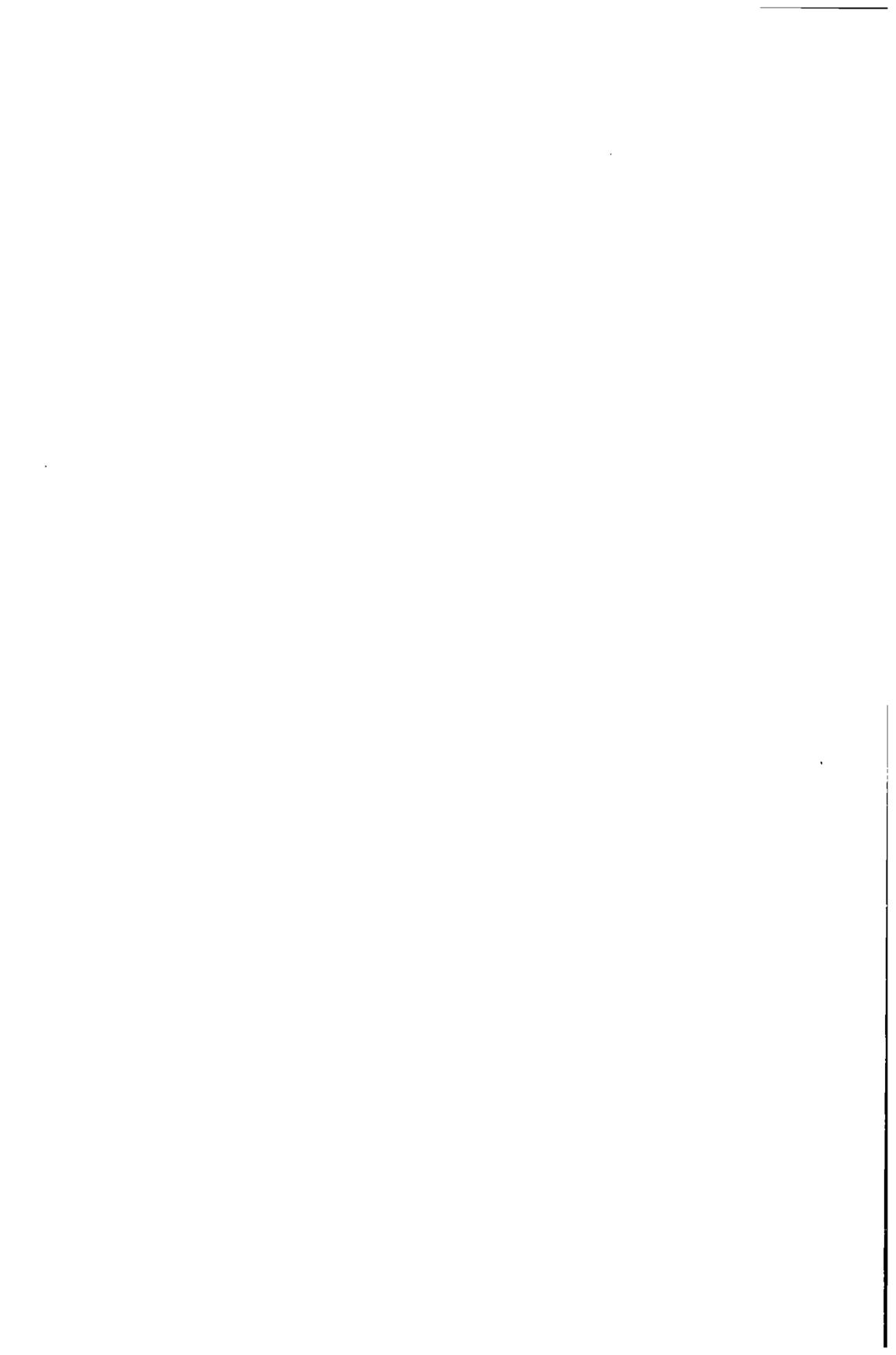
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■ ■ ■ Introduction

This publication is for policy- and decision-makers, professional and volunteer criminal justice practitioners who are interested in increasing the effectiveness of the nation's and their communities' criminal justice system.

The message is that now is the time to begin a full and appropriate utilization of community corrections sanctions in conjunction with a more considered use of prisons and jails. Such a balancing of our criminal justice sanctions will enable the United States to improve both the effectiveness and the humaneness of its criminal justice system.

This booklet focuses on community corrections sanctions, starting from a belief that further increases in the use of prisons and jails is now not only ineffective for many offenders, but also very costly. It also suggests that prisons and jails are simply inappropriate for some offenders and should be utilized only for select cases to ensure the availability of prisons and jails as sanctions for serious criminality. For the less serious offenders, the increasing use and improvement of community correctional options may be the most effective answer.

In short, the underlying theory here is that criminal justice decision-makers and the law-abiding public must come to decisions within a framework of intelligent and tolerable risk. An understanding of reasonable and tolerable risk is necessary for the public to get the best value it deserves in an increasingly expensive criminal justice system.

The booklet contains many examples of community corrections programs that achieve a full range of sentencing purposes, i.e., incapacitation, deterrence, retribution, rehabilitation, and the most recent sentencing objective, restorative or community justice. It emphasizes focussing all the community resources on preventing crime, rehabilitating the offender, and involving the community and victims in this process.

The booklet challenges the reader to consider the full range of community corrections sanctions that are sometimes quietly being developed in many communities to enrich those communities' overall responses to their criminal offenders.

The Committee would like to pay tribute to Donald E. Santarelli, President of the Center for Community Corrections for his vision and insight that led the Center to embark on this challenging task . He has been unswerving in his leadership and devotion that has enabled us to reach this point. His administrative assistant, Jill Murphy worked tirelessly with us to get this document organized and assembled. We also thank Nancy Gist, Director of the Bureau of Justice Assistance for the financial assistance and oversight that made it possible for the Center for Community Corrections to succeed on this important mission. The law firm of Bell, Boyd and Lloyd has provided the Center with a location for meetings and staff support, and the American Correctional Association and James Turpin are to be thanked for assisting in the publication of this monograph.

■ ■ ■ Contributors

The team that developed this publication includes the following:

- Warren I. Cikins, Secretary, the Center for Community Corrections, served as the team leader.
- Mary Shilton, Principal Investigator, was the primary writer and researcher.
- Tom Pospichal, as the Editor and Technical Advisor, also obtained and displayed much of the research data.

These additional individuals also provided extremely valuable advisory assistance:

- Margot Lindsay, Chairman, National Center for Citizen Participation in the Administration of Justice
- Mike Quinlan, Former Director, Federal Bureau of Prisons
- Phyllis Newton, Project Advisor
- David Dillingham, National Institute of Corrections
- James Beck, Federal Bureau of Prisons
- Lonzo Lowery, United States Probation

Additionally, many state agencies provided information describing their programs and community correctional options.

- Florida Department of Corrections
- Iowa Department of Corrections
- Minnesota Department of Corrections
- North Carolina Department of Corrections
- Ohio Department of Rehabilitation
- Oregon Department of Corrections
- Vermont Department of Corrections
- Virginia Division of Criminal Justice Services

■ ■ ■ A Call for Punishments That Make Sense

Together, the political pressures for toughness and the logic of proportionality have created the need for intermediate sanctions. Just as in the 1970s liberal and conservative points of view combined to support creation of systems of structured sentencing discretion, so in the 1990s they converge to support creation of continuums of sanctions scaled to the severity of offenses and to the public safety risks individual offenders pose. FROM MICHAEL TONRY, INTERMEDIATE SANCTIONS IN OVERCROWDED TIMES.¹

A Call to Action

This booklet is written for municipal officials and state legislators, media, criminal justice professionals, students and citizens who are interested in more effective justice programs. In many places they are the leaders who are reconstructing a fragmented and eroding criminal justice structure. They are replacing it with coordinated community correctional services, crime reduction efforts, restoration of neighborhoods and individuals. Committed leadership and focused programs are necessary to provide options for judges to exercise their discretion in placing offenders in the most appropriate correctional setting.

Community corrections are a variety of local, state or Federal government activities involving the punishment and management of adult offenders in controlled environments within the jurisdictions where they live. Community corrections activities engage communities, victims, offenders, volunteers in local efforts to prevent future crime, provide effective correctional treatment, monitor offender compliance, punish appropriately, and pay for the harm that has occurred. Community corrections relies on a wide range of economic, treatment, restorative and punishment sanctions. Community correctional partnerships separate the violent from the nonviolent and save scarce prison beds for violent offenders.

This booklet explains how the public's opinions about crime and punishment can be reconciled with research and the experience of practitioners. It suggests ways that communities can join with criminal justice professionals to manage the rapidly growing offender population while fulfilling their obligations of justice and public safety.

■ ■ ■ Why Community Corrections Is Important

Introducing Community Corrections

Community corrections is a comprehensive intergovernmental approach to managing offenders using techniques to provide judges and correctional officials with a variety of effective sentencing options. The purpose is to supervise and treat appropriate offenders in neighborhoods where they live while addressing their deficiencies associated with crime.

The implementation of professional community corrections programs is a critical component of a successful attempt to address the objectives of holding offenders accountable and reducing their propensity to commit new crimes. Community corrections programs also must be prepared to address failure when it occurs. There is always a risk that offenders will commit new offenses, but repeat offenses can be reduced significantly. When an offender becomes a risk to public safety, community corrections management systems can be applied. Offenders can be more intensively supervised or placed in confinement if necessary. This is the work of community corrections.

Community corrections is an integral part of a range of crime prevention and sanctions that:

- reserve prison space for the most serious offenders;
- operate to improve safety and quality of life within each neighborhood;
- meet each locality's needs through specially designed programs to intervene with offenders and repair harm;
- moderate anger and fear of crime with realistic expectations about what can be accomplished;
- bring a variety of public and private resources to bear on the problems of criminals and the communities where they reside;
- sanction, rehabilitate, provide education and drug treatment, reconcile, supervise and control offenders who have been sentenced to community supervision or intermittent confinement;

- apply offender management and education techniques that have been proven to reduce the likelihood of new crimes; and
- engage citizens in the management and operation of such programs.

Research demonstrates that there are very effective and promising components of community corrections programs. Other components such as restitution and accountability may not necessarily reduce crime but serve purposes important to communities. This monograph suggests steps for interested parties to take to develop strong programs that work and are responsive to community expectations.

■ ■ ■ Achievable Results

How Community Corrections Reserves Prison Space For The Most Serious Offenders: A Case In Point—

North Carolina has doubled the length of time that its violent and career offenders will spend in prison while it has developed more options in the community for the least serious offenders by being more selective about who goes to prison. *North Carolina's State-County Criminal Justice Partnership Act* and *Structured Sentencing Act* passed in 1993 implemented a new community corrections strategy involving structured sentencing reform, with truth in sentencing. Additionally, the State-County Criminal Justice Partnership Act helped develop more sentencing options for the least serious offenders. Under the sentencing reform, felons must serve 100% of their sentence. The sentencing reform increases sentences to prison for all categories of offenses but the least serious offenders and decreases the overall percent of persons who will go to prison. The least serious offenders are eligible for a range of community punishments. North Carolina provides \$12 million in grants to its counties for developing 38 day reporting centers, 14 pretrial release programs, 12 satellite substance abuse treatment programs, and 3 community work or job placement/vocational education programs. In North Carolina judges also rely on fines, victim restitution and community service work as part of a community corrections sentence.²

Places Where Community Corrections Works To Improve Public Safety And Quality Of Life: A Case In Point—

The Department of Corrections and Iowa's eight Judicial Districts work together to oversee a range of statewide community corrections programs. All Iowa programs are developing performance-based information about the impact on public safety in Iowa. Two-thirds of Iowa's community based offenders were on probation. Iowa has one of the highest percentages of sentenced offenders in community corrections programs: 80%. It tracks their recidivism rates (return to incarceration or additional community supervision

sentence after release from supervision). Revocation rates in FY 96 for probation were 15%; for parole were 16%; for intensive supervision were 20%; for operating while intoxicated program were 15%; for work release were 20%; for residential were 17%. The Treatment Alternatives to Street Crime program had a 90% success rate for those who completed the program and a 79% rate overall. Iowa has a sex offender treatment program designed to prevent repeat offenses. Of those who complete the program only 5.4% recidivate. For those who do not receive treatment or leave the program, 67% recidivate.³

***Replacing Anger and Fear with Realistic Expectations:
A Case In Point—***

Vermont's Department of Corrections has developed four basic options for sentencing: probation, supervised community sentence, pre-approved furlough, and incarceration. Probation involves no confinement, with court-imposed conditions and supervision by the Department of Corrections. Supervised community sentences are under the supervision of parole. In the pre-approved furlough status the offender is in custody of the Department of Corrections but starts on furlough status. Nonviolent misdemeanants are placed in a court and reparative service track. This focuses on repairing the harm that has been done. Offenders are brought face to face with community reparation boards. The boards monitor the offender's compliance in repairing the harm, restoring the community, impressing upon the offender the consequences of the crime, and the offender's learning ways to avoid re-offense.⁴

***Focusing Public and Private Resources on the Problems of
Criminals: A Case In Point—***

Connecticut diverts approximately 4,000 offenders from incarceration to its Office of Alternative Sanctions program. This program focuses on a wide variety of community service activities to repay the community for their crimes and to provide opportunities for offenders to develop new skills. State park maintenance, building playgrounds, helping at special events, job training, and drug treatment evaluations are part of the program. The average cost of this program is about \$5,000 per case annually. The program has been evaluated and found to be lower in rearrest than a similar group of offenders who do not participate in the program.⁵

Places Where Sanctioning and Rehabilitation Are Combined: A Case In Point—

Federal Bureau of Prisons Community Corrections Centers are operated to provide transitional assistance to persons released from prison. The Bureau contracts for more than 250 centers operated by the Salvation Army, Volunteers of America and other private agencies. The halfway houses provide education, drug treatment and job placement. These centers also can take technical violators, short-term offenders and other pretrial cases. The Bureau has also developed comprehensive sanctions centers that take higher risk offenders and provide specialized training including life skills. The rate of completion and compliance of offenders in these programs has been high.⁶

Localities Where Offender Management and Education Have Reduced Return To Crime: A Case In Point—

Drug offenders are a larger and larger part of the correctional workload but only a few jurisdictions have developed comprehensive resources to address their problems. Part of the reason for this is lack of funding for treatment. Another is the fragmented interface between criminal justice sanctions and substance abuse treatment providers.

Drug courts have proliferated since their beginning in the early 1990s. Drug courts are designed to provide drug treatment, testing, education and support for nonviolent persons in the criminal justice system. Drug courts focus all the resources of the justice and treatment system on the addicted individual. Many of the 200 drug courts are in the process of evaluating their results. They are no more expensive than many of the jail and other community corrections programs, and because offenders can work or attend school while in the program, they are able to earn money, support their families and pay fines. The General Accounting Office and other researchers have examined the data on drug court programs and found them to be promising.⁷

States and Localities Where Citizens Are Engaged In Management and Operation of Community Corrections: A Case In Point—

Oregon's community corrections act, enacted in 1977, established a method for states, counties and the private sector to bring together resources to concentrate on offenders' needs and risk reduction.

Citizens participate in decision making as members of county boards and on boards of private nonprofit service contractors. Private nonprofit organizations were encouraged to provide substance abuse services, mental health, employment, housing and family services. The state set aside a community corrections services allocation. For example, in Multnomah County, community nonprofit groups engage in shared case management meetings, training agencies, systems for contract management, and evaluation. Public and private agencies work jointly to meet the needs of clients and the justice system by adhering to court regulations, responding to court time frames and supporting mandated treatment to address deficits.⁸

■ ■ ■ What Works In Community Corrections⁹

What Types of Offenders Should Be Targeted?

Programs that target medium to high-risk offenders rather than low risk offenders show the best results. When offenders with drug problems are assigned to community corrections programs, they are placed in one of a range of treatment programs that combine correctional supervision with attention to rehabilitation. Evaluations of programs in Florida that place offenders in programs based on risk and need for substance abuse treatment show increased annual success rates because of targeting, appropriate treatment and after-care. Non-secure substance abuse treatment improved by 6% between 1995–1997; secure substance abuse doubled its success rates in that period; and probation and restitution increased by 9%.¹⁰

Who Responds Best To Community Corrections Programs?

Many offender characteristics are static and cannot be changed.

However, dynamic factors such as crime-prone friends, work habits and anti-social conduct can be modified through training and interventions.

Offenders exhibiting a range of actions that are correlated with criminal conduct respond well to such interventions.

In Ohio, private correctional programs work with the state and local corrections and probation departments to identify, screen and treat behaviors that can be changed. A number of private providers such as Oriana House, Talbert House, and Alvis House tailor offender management to changeable attitudes, habits and skills.

What Settings Are Most Effective?

Because the setting that is closest to the offender's home environment is where the problems are most likely to reoccur, this is where they need to be addressed. Community settings permit offenders to

translate new behaviors into new habits while receiving support and training through the program. In Virginia, Offender Aid and Restoration provides transitional support for those released from prisons and jails. This organization seeks out educational, job and treatment opportunities within communities where offenders reside. Housing, medical care, mental health support and compliance with court-imposed requirements are emphasized.

What Types Of Treatment Work Best?

Behavior modification, social learning or cognitive behavioral training work better than generalized psychodynamic, medical model, punishment oriented techniques.¹¹

Programs that use multiple types of interventions to change criminogenic behaviors are more effective than one approach. One example that has been used in correctional facilities such as the Shelby County jail in Memphis is Moral Reconciliation Therapy. It treats inmate rehabilitation as a problem with inadequate moral reasoning. Steps in this approach require development of honesty, reasoning and trust. Evaluation of the jail based program show that recidivism can be cut by 25%. Similar results have been achieved with a range of other programs that apply behavioral, reasoning and learning techniques.

Interventions that reward individual prosocial behavior are more effective than those that are purely punitive. The drug court program in Miami offers a number of incentives and rewards for prosocial behavior. Frequent reinforcement by the drug court judge, an opportunity to avoid a conviction for a drug offense, and upon completion assistance in securing job training or higher education at a community college.

Treatments that require over 100 hours of service over several months in duration but not more than a year are the most likely to have lasting impact. The Midtown Community Court in Manhattan has placed 62% of misdemeanants in community service. The CASES program in New York City has placed thousands of felony drug offenders in community service work. Many have led to full time jobs and development of career interests for offenders.

Programs should match key individual offender characteristics related to crime as well as learning ability. The Federal Bureau of Prisons PREP Program matches offenders' skills and educational

needs with in-prison training and community corrections placement, if necessary, upon release.

What Agency Activities Produce Best Results?

Classification, screening and placement of individual offenders in programs can be based on ability and needs. Colorado is developing a model for screening, assessing and following up results of offenders that has yielded impressive outcomes. (For more on classification see the Section entitled "Characteristics of Effective Community Corrections Programs: Risk Assessment and Classification" later in this publication.)

Program personnel should be trained and capable of delivering services in a manner consistent with principles of effective treatment. States like Virginia, Ohio and Iowa provide correctional training and technical assistance to local programs.

Program directors should be trained and involved in operations of the program. In Oregon, Ohio and North Carolina, program directors meet regularly with state agency staff to plan programs and resolve problems.

Line staff are informed and participate in decision making. Many community correctional programs such as those in Ohio and Oregon involve line staff in mission statements, new program development and peer group evaluations.

Programs can be designed to monitor changes in clients' behavior. In Payne and Logan Counties Oklahoma, The Alternative Training, Treatment, and Correction program was established to more appropriately place offenders through screening and evaluation. Three phases of programs were developed to meet offender needs. The program costs about \$15,000 less annually per offender than jail space. The program has shown a 33% to 50% reduction in recidivism.¹²

■ ■ ■ Why Elected Officials Should Be Involved

I remain convinced that crime is one of the most critical issues facing us today. However, all too often the facts are not what is most compelling but, rather the perception of crime based on high profile incidents, political campaigns and media focus. If we really want to have a long-term impact on crime, we need to invest in prevention programs and services for young people. We must also maintain a balanced corrections system in Oregon—one that provides a full spectrum of comprehensive correctional services, including prison, community corrections programs, intermediate sanctions, treatment and education programs, transition programs and community supervision. And we must continue to have adequate prison space to lockup violent offenders, those who pose the greatest risk. BARBARA ROBERTS, FORMER GOVERNOR OF OREGON.¹³

Elected officials and citizens continue to be concerned about how to respond to crime. In recent years Congress has been generous in appropriating more money for 100,000 police in communities, new prisons to be constructed and longer sentences for those who are violent or dangerous. States have increased their sentencing laws to provide for waiver of juveniles into adult court and prosecution of juveniles as adults. States have also passed three strikes laws and other mandatory sentencing enhancements for repeat offenders. Despite all this legislative activity, little has been done to focus on the majority of offenders who are non-violent.

Not only is there a growing public awareness that more can be done to prevent, detect and punish crime, criminal justice research supports similar conclusions.¹⁴ Despite mounting evidence about the cost-effectiveness of a range of community corrections options, elected officials, the media, the public and criminal justice administrators are unclear about the mission and function of community corrections. Community corrections serves not only to rehabilitate offenders to prevent future crimes, but also to ensure the accountability of offenders for their crimes.

Until recently, there has been little attention to community corrections as a part of our nation's crime control policy. In the United States, correctional programs and facilities are in crisis. Correctional programs have experienced the greatest population explosion in American history with an average annual increase of nine percent since 1990. Figure 1 depicts the rapid increase in prison and jail populations in the U.S. since 1940.¹⁵

Simultaneously, resources have been shifted to other areas. Also, in-custody treatment and education programs in prisons and jails have been reduced, and community corrections programs are struggling to survive in many places.

As a result of this growth, the demand for correctional resources, and to have more effective responses to crime, states and localities are redesigning their correctional systems and creating new state and local, public and private partnerships known as "community corrections" or "intermediate sanctions" programs.

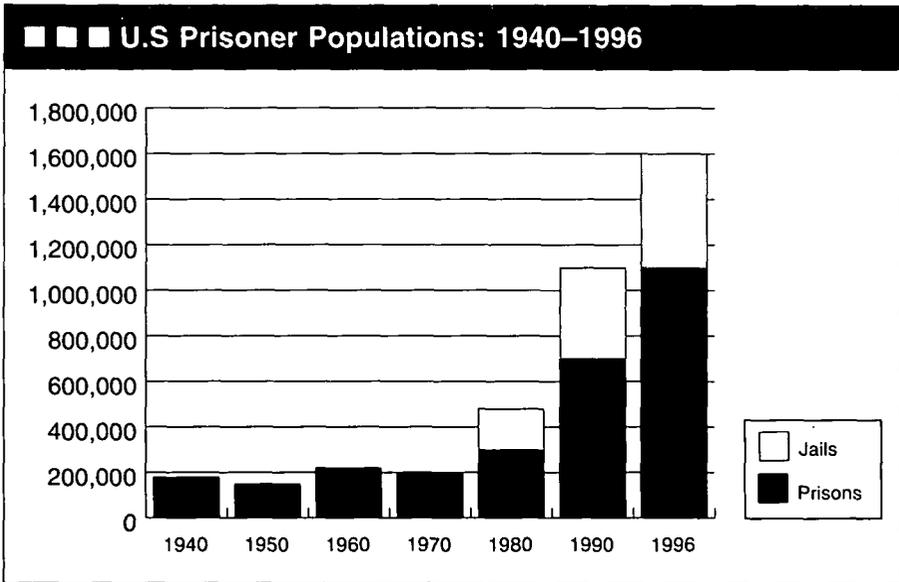
A Range of Sentencing Options

When most people consider punishing criminals, they first think of imprisonment. Incarceration is an important means to separate dangerous persons from society, and to provide punishment for wrongdoing. However, incarceration is necessary for some offenders, but not for others.

For the majority of nonviolent offenders, there are other sanctions that may be more effective and affordable. For such persons, community corrections is the best way to assure accountability, and prevent future offenses

One problem is that in many places, community corrections programs have not been fully developed as sentencing options. In such places, jail and unrestricted probation are the main choices for judges when they sentence prisoners.

In order for judges to have a range of choices for sentencing, communities, states and private agencies strive to create more effective correctional partnerships. They develop programs that meet community goals as well as programs that reduce criminal conduct. Additionally, sentencing decisions should be left to judges and not



*Figure 1. Data from Bureau of Justice Statistics.
Jail population data begins in 1980.*

determined by mandatory sentencing statutes which place discretion for sentencing in the hands of prosecutors.

The Public's Concern about Crime

Citizens want government to do more to prevent crime and punish criminals. In April 1996, crime and health followed the Federal deficit as the top two issues that Americans believed were most important for government to address.¹⁶

Americans are willing to allocate more tax dollars toward violent crime,¹⁷ although most would not support tax increases to pay for more police, prisons and judges. Just 31% of Americans would favor increasing taxes to build more prisons.¹⁸ Although Americans clearly favor strong punishment for offenders, the reluctance to spend more for prisons requires decision-makers to seek better management of existing resources and alternative punishments for nonviolent offenders.

During the past two decades, public opinion polls have consistently shown that concern about crime has remained a driving force in setting government priorities.¹⁹ Although most Americans generally

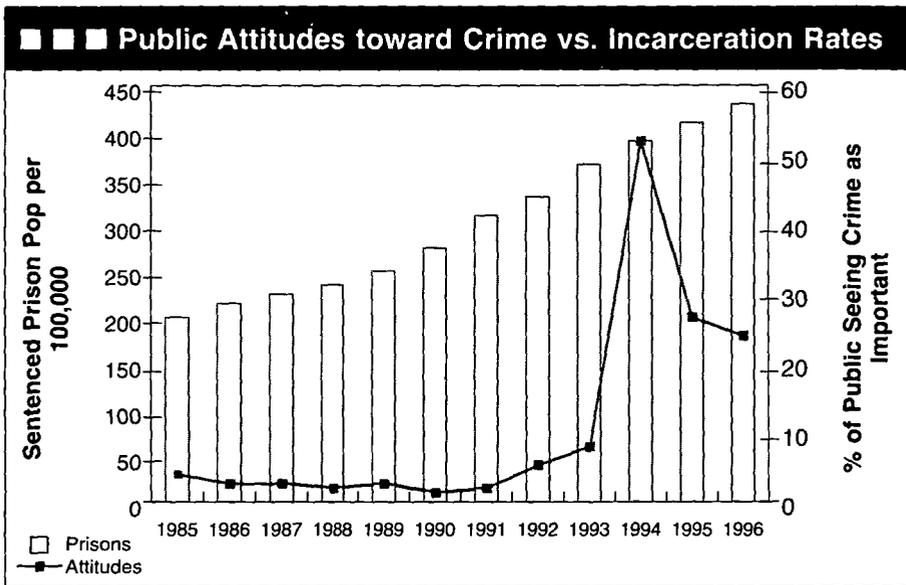


Figure 2. Incarceration Rates are Bureau of Justice Statistics data and Attitude Survey is Gallup Poll data—see endnote.²³

feel safe in their own communities and neighborhoods during the day,²⁰ many believe that they are unsafe at night or in certain locations such as schools, public transit or parks.

There is a persistent pessimism about crime that has been slow to recognize that crime has been steadily decreasing during the 1990s. Three out of four Americans (77%) believe we are losing ground in the crime area, and two out of three (66%) are concerned about growing use of illegal drugs.²¹ The steady rate at which public opinion polls list crime as a priority is attributable to the belief held by a substantial number of citizens that crime is threatening their well being.

In 1982, just 3% of those polled rated crime as the most important problem facing the country. By August 1994, public concern had become a national preoccupation with a majority of Americans (52%) responding that crime was the premier national issue.²² Most recently, that percentage is reduced by half but remains substantial at 25 percent.

It is interesting to note in Figure 2 that public concern peaked in 1994, but incarceration rates climbed steadily over the entire period.

Clearly, the continued growth in incarceration no longer reflected a similar growth in public concern about crime.

Crime Trends and Our Responses

Paradoxically, declining public confidence in the justice system comes at a time when crime rates are still high but steadily declining. The rate of known serious crimes per 100,000 inhabitants has fluctuated considerably since 1960. Between 1960 and 1980 the crime rate tripled. Although the most recent rates are more than double the 1960 rate, since 1991, the rate of serious adult crimes has fallen steadily.²⁴ Approximately 77% of those in jails are charged with nonviolent offenses; more than half of those in state prisons are nonviolent offenders and nearly nine out of ten federal prisoners are nonviolent offenders. The recent surge in prison growth due to nonviolent offenders leads us to question whether we are making reasonable decisions about intelligent management of risk.

For many decades, the United States incarcerated roughly the same percentage of persons in proportion to our country's increasing population. But recently the average incarceration rate has outpaced our population growth. Commencing in 1974, prison commitments increased 6% annually.²⁵ This has resulted in a five to ten times higher rate of incarceration than any other industrialized country.²⁶ The management of offender risk by exponential increases in incarceration is not a reasonable method of handling risk, especially when considering that many of these persons are substance abusers who need treatment for this underlying problem.

A Growing Number Of Drug Involved Offenders

Three fourths of the state and local 1.14 million persons who were arrested on drug related charges in 1994 were charged with drug possession. At least 70% of all male arrestees in urban areas test positive for drug use. Many prisoners have committed crimes while under the influence of an illegal substance and others have committed crimes to raise money to buy drugs. The number of young substance abusers has increased, as has the number of persons who are severely addicted to drugs such as cocaine.

There are now more than 1.6 million Americans in county jails, state, and Federal prisons. Many of these persons are first offenders involved in drugs or low level offenses. Nearly 59% of all Federal prisoners were convicted of a drug sentence. Federal sentences

require prison for low level drug offenses and there are mandatory life sentences for selling or conspiracy to sell drugs. At least 22% of state prisoners are convicted of a drug offense.

Many of those who are imprisoned need drug treatment, yet only a fraction of those in corrections (estimated at one in seven persons) receive the treatment they need. We recognize this is a problem of enormous proportion. The gradual buildup of drug offenders will deter any hope of long term improvements because they will demand a greater and greater share of resources. According to the Caldata study²⁷ and the 1996 National Treatment Improvement Evaluation Study²⁸ drug treatment is cost-effective and reduces subsequent criminal activity for a number of offenders.

Crowding and Forced Early Release of Prisoners

The number of incarcerated offenders continues to rise. With the passage of stricter Federal and state sentencing guidelines, the forceful pursuit of the "war on drugs," and public opinion shifting toward more punitive measures, the skyrocketing jail and prison population is expected to soar even higher over the next two decades.²⁹

Most increases in incarceration over the past two decades were not attributable solely to an expanding rate of crime. Well over half can be traced to specific actions and responses of differentiated agencies within the criminal justice system. Among them are the following changes:

- more aggressive policing and prosecutorial activities;
- changes in drug enforcement policies and laws resulting in increased arrests for drug offenses;
- changes in sentencing statutes.

Changes in prosecution and sentencing policies have required longer terms in prison or jail. An increase in use of split sentences has expanded jail and prison occupancy. Split sentences occur where part of the term is incarceration and the rest is probation. In 1991 in California, 90% of probationers served a split sentence in jail.³⁰ Increases in use of mandatory minimum or other sentencing enhancements have also lengthened many sentences and eliminated judicial discretion in referring appropriate cases to community corrections. When judges are not allowed to determine who should

receive a community corrections sentence, then the role of prosecutors becomes more influential when they make charging and plea bargain decisions. Prosecutors are often elected and influenced by political considerations. The exercise of prosecutorial discretion to prosecute cases at the highest possible charge, coupled with tougher sentencing requirements explains up to sixty percent of the increase in assignments to prison and jail.³¹ For example, the Three Times and You Are Out Statute has been estimated to have increased California's need for prison beds by 70% by the year 1999 at a cost of \$4.5 billion.

It is important to maintain a proper balance between prosecutorial discretion and judicial discretion. Recent sentencing law changes have tipped the balance toward prosecution. This balance has an impact on the perception of fairness, due process, sentencing and the type of punishment. Growing prosecutorial discretion when coupled with longer mandatory sentences and other enhancements lead to crowded prisons. Another source of increased admissions to prison is discretionary revocation of parole and probation due to drug testing. According to a study by Joan Petersilia, in California over 47% of all prison admissions by 1988 were due to violations of conditions of probation and parole release.

Most state prisons are housing more prisoners than their rated capacities. At year-end 1996, for example, the Department of Justice estimates that, overall, state institutions were operating at 116 percent of their reported capacities.³² Many states like Florida and Minnesota have experienced a shortage of prison beds. In fact, facilities in at least ten states are so full that judges have placed ceilings on the number of offenders that can be accepted. Under court orders for unsafe and inhumane facilities, states and localities have occasionally resorted to early release of violent criminals who then commit new crimes. During the mid-1980s, this practice caused an increase in unsupervised parole releases because of mandatory release requirements. Simultaneously, there was the beginning of decline in discretionary release.³³

The decline in the use of discretionary parole release has diminished the ability of parole agencies to supervise and assist offenders once they are returned to the community. This means that transitional living in a halfway house, help in finding gainful employment and other correctional services are less likely to be provided

for parolees. Parolees are more likely to be returned to communities without any means of support or monitoring. This situation creates a higher risk of recidivism.

Less Use of Probation

The same factors that caused an increase in prison and jail have also caused a decrease in use of traditional probation as a sanction. From 1985–1990, the rate of persons assigned to probation declined by half. Despite this decline, in 1994 there were an estimated 2,964,171 men and women on probation. During the 1990s, the growth rate for probationers has been about 2% annually. This is contrasted with the prisoner growth averaging 8%–9% per year.³⁴

Those who are on probation have also been subjected to more monitoring during the past ten years. There has been an increase in the use of surveillance techniques such as drug testing, electronic monitoring and intensive probation. When these programs are not accompanied by appropriate treatment and intervention strategies, they can result in higher rates of revocations and filling of prisons and jails.

Experts have pointed out that the use of new technologies without careful screening can drive up costs because more offenders are found to be in violation of technical conditions of probation and parole. Researchers believe that those in probation are found to be violators not because they actually are noncompliant at a higher rate but because surveillance, monitoring and retribution have become more intensive.³⁵ Probation and parole violations as a source of prison admissions increased fivefold between 1980 and 1995.³⁶

The Costs of Crime and Punishment

Each state has experienced a variety of problems related to such trends. For example, in Minnesota an increase in the use of incarceration resulted in a shortage of 300 prison beds in 1996. More than 156 new Federal and state facilities are to be built or planned.³⁷

According to statistics from the National Association of State Budget Officers, correctional spending has outpaced Medicaid in accelerated growth within state budgets. In most states the expansion in prison beds between 1990 and 1996 has increased correctional costs

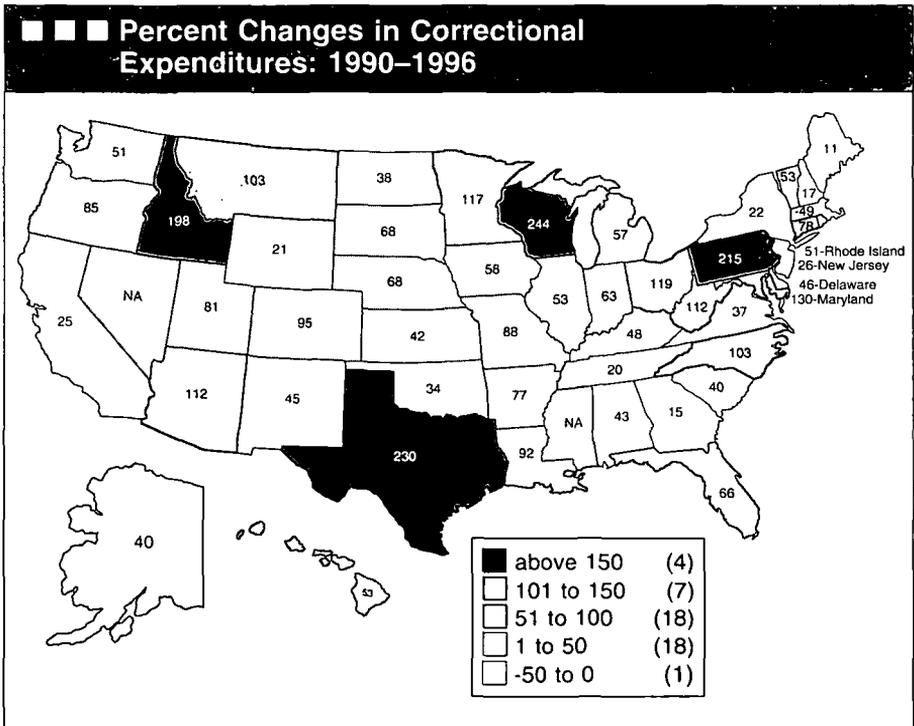


Figure 3. From the National Association of State Budget Officers *State Expenditures Reports 1990–1996*.³⁸

by one third. See Figure 3 above, which indicates that all the reporting states but one experienced an increase in correctional spending during the 1990 to 1996 period.

The most recent data available from the Department of Justice³⁹ indicates that over \$31 billion was spent for prison- or jail-related expense in the United States. The operational costs of state and Federal prisons alone were budgeted at \$24.9 billion in 1996 and an additional \$2.7 billion was budgeted that year for capital expenses.⁴⁰

Correctional spending has increased its share of the criminal justice system allocation while the proportion of law enforcement spending has declined. A simple linear trend extrapolation of the 1982 to 1992 criminal justice expenditures results in correctional spending becoming 35 percent of total criminal justice spending, i.e., \$41.9 billion of a total \$120 billion. See Figure 4.

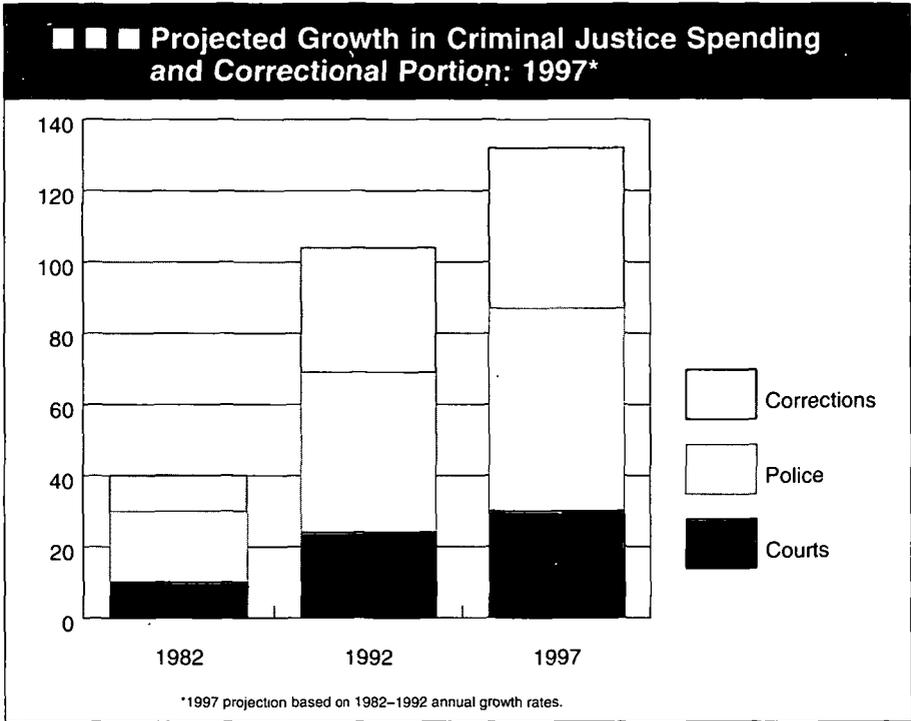


Figure 4. 1982-1992 trends projected through 1997 show Correctional spending becoming a much greater share of criminal justice spending.

The Cost of Community Corrections

Based on Justice Expenditure and Employment statistics, community corrections and other non-institutional correctional expenses have declined by about 4% since 1980 relative to other correctional expenditures. At the present time, community corrections make up no more than 15% of state government budgets although two thirds of all felons nationwide are on probation and parole. A relatively small proportion of correctional funding is spent on the majority of our offenders.

On a per case basis, community corrections options are less costly than incarceration. This is because they do not require the secure detention facilities and staffing of prison or jail and because they are often shorter in duration. An equal amount of dollars will provide for supervision of more persons in community corrections than in a jail or prison. See the following figures on daily costs per offender in the various correctional program alternatives.⁴¹

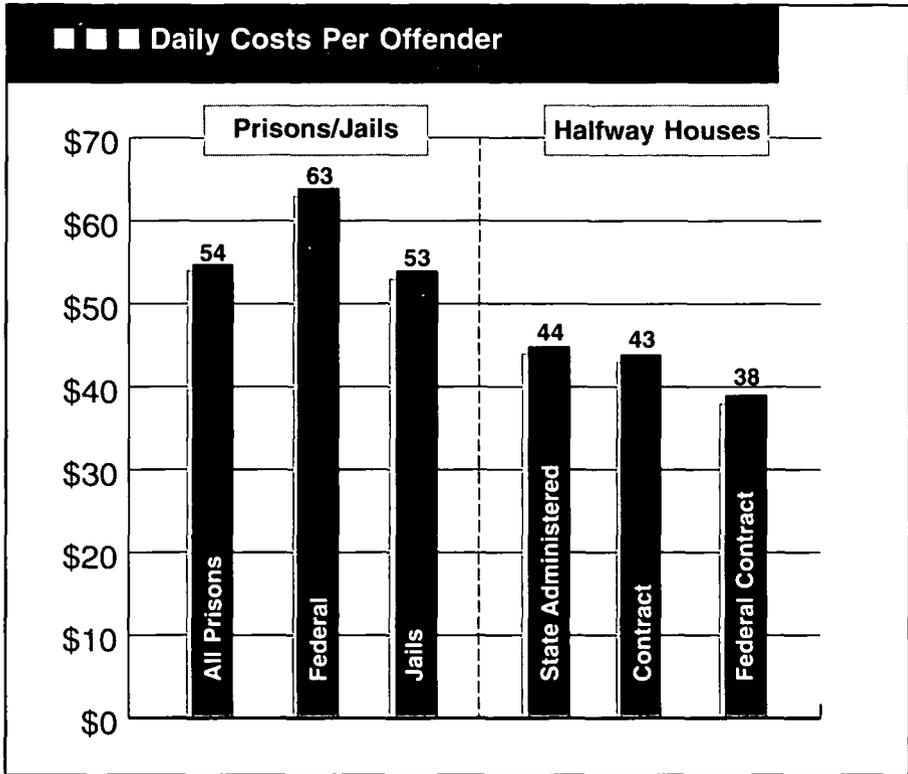
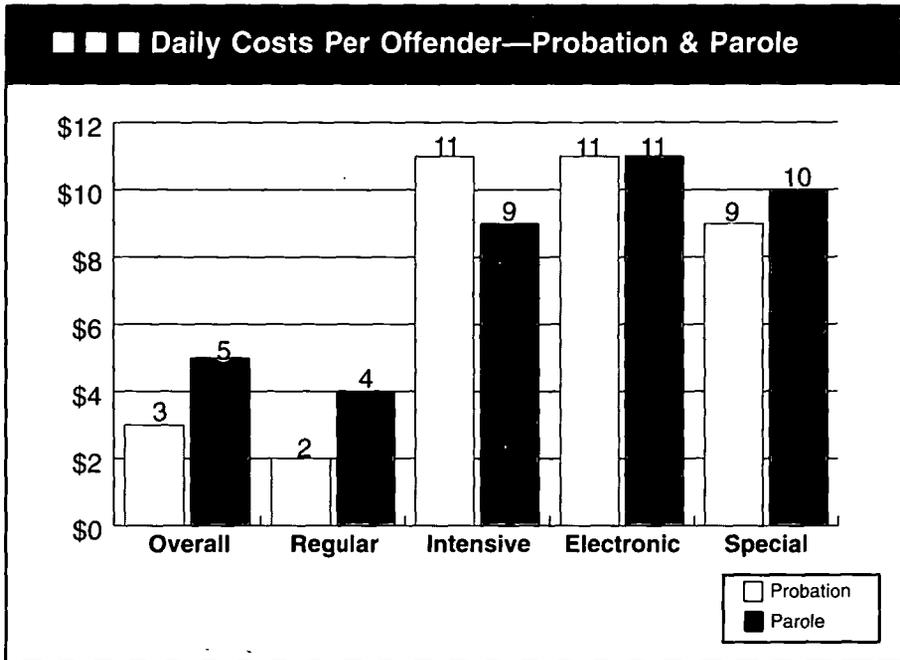


Figure 5. Data from Camille and George Camp, The Corrections Yearbook: 1996.

The traditional and non-traditional forms of probation and parole supervision are much less costly than the various incarceration options. See figure 5 above.

While most offenders under probation or parole supervision are under regular supervision, the lowest cost supervision, many are increasingly under various forms of supervision more tailored to the needs of the community and the offender. In this way, most experts agree, probation and parole supervision becomes much more effective in eliminating particular offenders' repeat criminal behaviors. Similarly, the provision of various types of supervision increases the likelihood of achieving the purposes of sentencing described in the Appendix.

Figure 6 shows the costs of the various types of probation and parole supervision.



*Figure 6. Data from Camille and George Camp,
The Corrections Yearbook: 1996*

Here are brief definitions of each type of probation and parole supervision conditions in the above chart:

- **Regular Supervision:** Regular supervision follows a schedule of a set number of visits, contacts, or reports to a probation or parole officer.
- **Intensive Supervision:** Intensive supervision includes a greater number of visits, contacts, or reports than regular supervision. (Often for offenders with a greater risk of re-offending or who otherwise would be incarcerated).
- **Electronic Supervision:** Electronic supervision includes an electronic monitoring device to assist probation/parole officers in ascertaining offenders' whereabouts.
- **Special Supervision:** Special supervision includes special programming such as boot camp, substance abuse treatment, or other programs or services.

Effective community programs, moreover, rely on halfway houses and other residential facilities that can be as costly as jail when coupled with education or treatment services. Typically, such

residential facilities are used for six months or less in a limited percentage of cases and thus can be used sparingly.

Community corrections options are less costly than incarceration because offenders work, support their families, pay board and room, fines, fees and restitution while under correctional supervision. To the extent that drug and alcohol treatment is made available to those in such programs, the benefits of the treatment exceed the costs.

Examples of costs vary widely by state, locality and type of program. Iowa's state department of corrections reported the following average daily cost per case in 1996: Intensive Supervision Probation, \$8.55; Residential Treatment, \$56.87; Probation, \$1.54; and Electronic Supervision, \$6.15.⁴²

In Oregon, in 1995 it cost the state \$50.06 per day on the average for a medium security prisoner. Persons who were on intensive supervision or probation supervision cost \$10.20 per day. Low risk offenders in probation cost \$1.94.⁴³

In Pennsylvania in 1992, the cost of the most expensive intermediate punishment was \$4,400 annually according to a study by the Pennsylvania Economy League. The incarceration cost averaged \$20,000 or more. The Economy League estimated that full implementation of community corrections in Pennsylvania could help the state avoid \$132 million in annual costs for prison expansion by the year 2000.⁴⁴

While the costs of most community corrections options are lower than incarceration, effectiveness in both assuring public safety and the best use of public resources over the long term are the more important questions.

Community Corrections Focuses Resources

While Federal, state and local governments have been spending a greater share of criminal justice budgets on policing, prosecution and detention of criminals, community corrections budgets have failed to grow at a similar rate. States and localities need to be vigilant to assure that the resources which they devote to community supervision are adequate. They must not only fund staffing, but should fund innovative new programs, interagency connectivity

and technical improvement, training for staff, program operations, and construction, renovation and capital improvements in facilities used for community corrections.

At least 27 states have passed legislation to set aside funding for state/local/private community corrections partnerships. However, many of the newer states have been slow to secure state appropriations for full funding of these statutes. In 1997, at least ten of these states indicated that their legislation was partially funded, or had not been increased to keep pace with cases. Even the more mature states like Minnesota, Ohio, Texas, and Oregon that have long been reallocating their resources for community corrections programs to make better use of taxpayers' funds have been hard pressed to expand programs. For example, a number of treatment resources are available within communities, particularly for those who are employed. However, such resources are rare for those who lose their jobs because of committing an offense. Offenders in the community must add their names to waiting lists for treatment and often little priority is given to the urgency of this situation. While they are awaiting a treatment slot, they are likely to commit repeat offenses. Many counties, cities and states have yet to focus on increasing treatment availability for the highest risk offenders.

In states like North Carolina, Oregon, Minnesota and Ohio, partnerships have formed to fund community based corrections. Legislatures in more than half the states have developed legislation to fund community corrections programs.⁴⁵ Community Corrections Acts transfer the authority for operating correctional programs from the state to local or private agencies. In turn, these community agencies are responsible for developing a range of community based correctional options.

States Provide Leadership and Resources

Community Corrections Acts have funded a wide variety of sanctioning programs in the 27 states. In addition, a number of states provide local subsidies for particular programs such as work release or intensive probation. Although the remaining 23 states do not have statewide legislation authorizing community corrections state/local partnerships, many such as South Carolina, Massachusetts and New York have long supported innovative community corrections through subsidies and contracts to private and public agencies.



Figure 7. This is an update of Figure 3 in the National Committee on Community Corrections, A Proposal for Action, 1994, p. 12.

A key issue in Massachusetts, and all states, is the continued state-wide commitment to such programs, the ability of states and localities to work together to build innovative programs and adequate funding. Community corrections programs need both local and state funding support to thrive and in most places private agency involvement strengthens innovation. Therefore leaders must maintain oversight and vigilance in order to assure that their programs are more than an augmentation of other governmental service. Local and state community corrections advisory boards are one method of ensuring continued progress and budget authority for improved programs.

Among the innovative programs are examples from the states ranging from crime prevention to victim offender reconciliation.

- North Carolina has funded programs for parents and their children that unify families and provide parenting skills.
- Oregon has funded drug treatment for participants in innovative community prosecution and drug courts.
- Ohio supports education, work and life skills programs for offenders who are under-employed or unemployed.

- Virginia has created electronic monitoring, work release and restitution programs for their offenders.
- Florida's comprehensive substance abuse program has treated 25,000 offenders at a cost of slightly more than \$1,000 per offender. 85% of those who complete the non-secure drug treatment program are not recommitted to prison.
- In Arizona, all offenders must provide restitution as part of the sentence.
- In Indiana, Iowa and many other states victim offender dialogue and reconciliation focuses on meeting the needs of victims and repairing the harm resulting from crimes.
- In Ohio and North Carolina day reporting centers provide comprehensive services in one location. In Iowa correctional training programs in prison are linked to job training and programs in the community while the offender is on community supervision.

Community Participation Channels Local Interests

Community participation involves citizens, elected officials, and victims in both individual case processing and general program development. They work to identify problems, plan solutions, participate in decision-making and oversee results. Community assets, resources, norms and needs are thus incorporated into correctional programs. In states like Oregon, Virginia and Colorado, local advisory boards have been involved in determining who will be in the community and what resources the community will provide.

In order to address the needs of such diverse populations, strong leadership develops specific strategies to reach stated goals. Leaders must be trained and knowledgeable about the management of offenders in the community. They are involved and aware of daily operation of a program and they use case management information to assess program impact on individual offenders and to improve program services. When using such techniques, leaders have been able to balance state and local community corrections resources with other competing criminal justice resource demands.

Community Corrections and Purposes of Sentencing

In jurisdictions with structured sentencing guidelines, judges sometimes lack the authority to sentence an offender to community

corrections programs. A nonviolent drug offense may require a prison sentence under the prevailing statute although a judge may find that the case could be appropriately punished with a community sentence.

Uniform sentencing laws sometimes eliminate rehabilitative potential. Federal and state legislation involving mandatory sentences, or classes of sentences in determinate sentencing grids limit judicial sentencing options. The goal of rehabilitation of the criminal is discarded in favor of the other purposes of sentencing. Typically the four purposes of sentencing are: incapacitation, deterrence, retribution and rehabilitation. Recently, a fifth purpose known as restorative or community justice has also gained attention. Please see the Appendix for more detailed definitions of the sentencing purposes that community corrections serves.

Incarceration Incapacitates, But May Predispose Offenders To Crime

Community corrections programs are designed to address common public misperceptions that sentencing to prison can and will accomplish all five sentencing purposes. Although prison will incapacitate the criminal from committing new crimes while in prison, and it is punitive, it provides few opportunities for restitution, and rehabilitation. Prisons need more rehabilitative and employment programs to prepare offenders who are released to the community. Furthermore, 95% of all prisoners will eventually be released back to the community.

Prison is important for separating violent and dangerous offenders from society. For other offenders community corrections is a way to hold offenders accountable, and pay the victim or community through restitution, and work. Prison programs such as work, education and drug treatment can be linked to a continuum of services and sanctions in the community to monitor offenders.

When prisoners are newly released, they need time to re-establish connections, look for work and find housing. Without halfway houses and other transitional programs, offenders are more likely to commit crimes soon after release. Such transitional support systems are more effective than prison in eliminating recidivism.⁴⁶

Community/Restorative Justice Programs

State legislatures recently have adopted legislation recognizing the rights of victims, expanding their role in the sentencing process such as making victim impact statements, and receiving restitution. One area that has not been fully addressed is victim participation in the correctional process. Community corrections agencies, probation and parole have recognized this need and are introducing victims' programs as part of their array of services.

Among the victims' services linked to community corrections are:

- victim compensation funds (offenders pay into a general fund dedicated to repay victims for losses);
- restitution (offenders pay victims or perform service to mitigate damage such as cleaning up graffiti);
- victim offender dialogue, mediation and reconciliation (victims and offenders consent to meeting with trained mediators to resolve differences and seek forgiveness);
- community service (offenders volunteer for community agencies and donate their services).

Restorative justice programs in a number of states like Indiana, Pennsylvania and New York facilitate victim/offender dialogue and mediation. These programs are designed to more effectively address needs of victims, communities and offenders and to repair the harm and damage resulting from crime. In Minnesota, Family Group Conferencing is used as a process that involves the community in addressing the problems of first time offenders and diverts the youthful offender to programs that repair the harm. Sentencing to Service programs in Minnesota reduce time spent in jail and increase community service and public work crews. In Vermont, the Department of Corrections can place certain offenders in public service work camps. Vermont has an array of life management programs including life skills, cognitive self-change, substance abuse treatment and support from trained volunteers.

Balancing Punishment with Prevention and Rehabilitation

Three out of four Americans prefer a balanced approach of prevention, punishment and treatment. They believe this is better to control and reduce crime than imprisonment alone.⁴⁷

Because the public prefers to spend more on crime without raising taxes, an increasing number of state and local governments are creating comprehensive state and local partnerships. The purpose of these partnerships is to provide a more effective intergovernmental approach to preventing, enforcing and punishing criminals and more moderate punishment for the nonviolent offenders in the community while saving prisons for those who are serious repeat or violent offenders. This balanced community corrections approach incorporates aspects of punishment, incapacitation and rehabilitation into sentencing of offenders.

Given a choice between spending money on social and economic problems or police, prisons, and judges, 63% of Americans favor social programs.⁴⁸ Nearly nine out of ten Americans favor developing local programs to keep more nonviolent offenders active and working in the community.⁴⁹

Crime prevention is a concept that describes activities intended to avoid the onset of criminal behavior. Crime prevention activities can be directed to those at risk of becoming perpetrators or victims. Crime prevention is composed of educational and behavior management techniques designed to change dynamic factors associated with crime.

In the context of community corrections, crime prevention activities are designed to target moderate and high-risk offenders and make services available to them that will prevent new offenses. Additionally, low risk offenders are exposed to education and other treatment that will assist them. Because multiple interventions work best in community corrections, community policing, prosecution, defense and other criminal justice components work with community groups to identify and change offender behaviors.

■ ■ ■ Characteristics of Effective Community Corrections Programs

Because crime is related to social problems, it is time for us to work harder to develop links with police, health, education, and welfare agencies. Involving the community in crime management strategies is an important task we all should be working on. FROM DONALD G. EVANS, "WORKING TOWARDS COMMUNITY JUSTICE" 1992.⁵⁰

When governments develop strategic and coordinated approaches to community corrections, they consider how cases are referred. The following chart, *How Cases are Referred to Community Corrections Options*, provides an overview of the various ways that cases are processed to community corrections options. This includes the steps in criminal case processing from arrest to parole. Coordinated systems also are organized to provide a range of choices at each phase of the justice process.

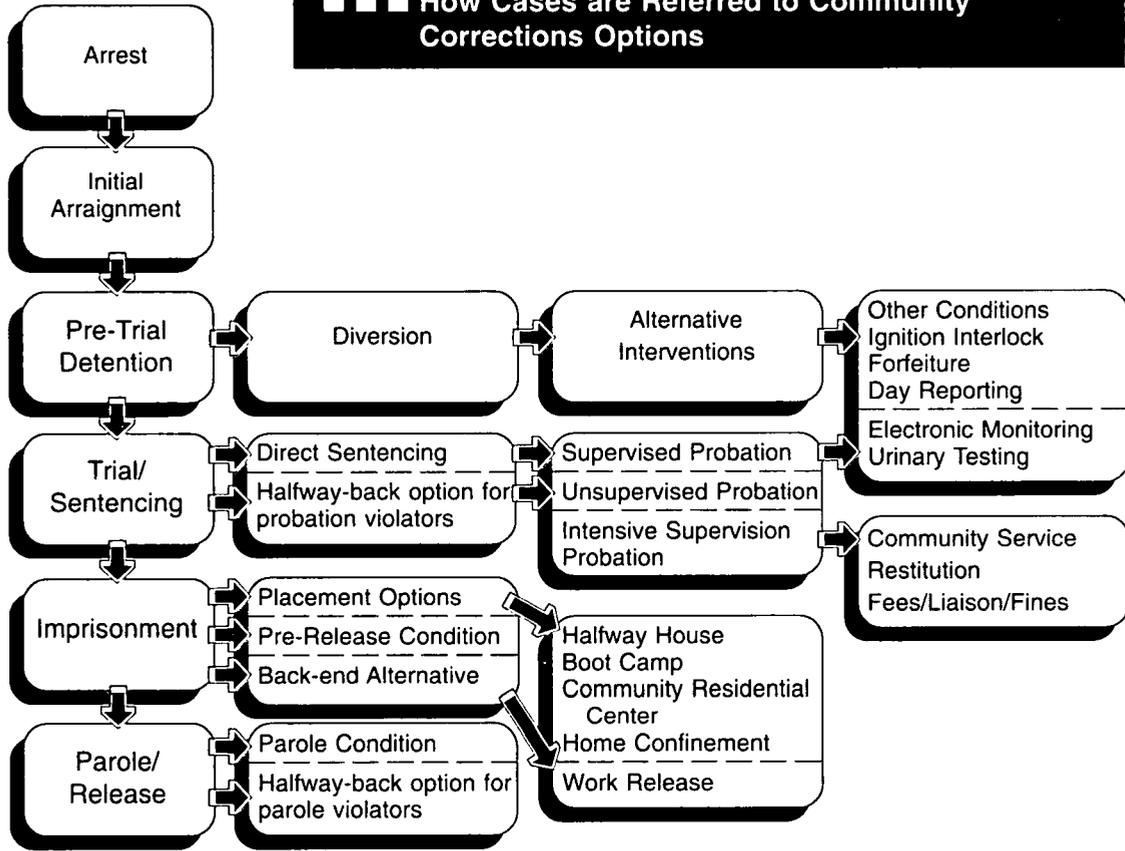
Pretrial Diversion

Community corrections can involve police departments, pretrial service agencies, magistrates and other staff who screen offenders for eligibility for diversion and alternative programs. Such programs can refer to social service agencies which then provide supervision or treatment. They may operate under the auspices of probation or another community corrections program. Most pretrial diversion programs involve voluntary participation, and sanctions or consequences such as prosecution for offenders who fail to meet conditions of release.

Trial and Sentencing Options

Community corrections options are available as part of a plea of guilt, part of a suspended sentence, or fulfillment of an imposed sentence. Judges generally have input from pretrial services, or

How Cases are Referred to Community Corrections Options



probation, defense, prosecution and victims. The programs may range from a split sentence of jail with community based options to various types of probation. Judges generally impose a combination of conditions for release and monitoring requirements as well as fines and fees.

Imprisonment

Judges may modify a sentence to include community based punishments. Additionally, in a number of jurisdictions, correctional officials have discretion to classify and place offenders in community based programs in lieu of serving time in prison and jail. Additionally, offenders who are under probation may be given increasingly more strict sanctions if they fail to make progress while on probation. This may include interim or "half-way back" incarceration.

Parole Release

Community based options are often used to supplement normal parole conditions. Additional surveillance or penalties may be imposed for those parolees who fail to meet their requirements.

Tools and Techniques of Community Corrections

Tools and techniques are any number of management, behavioral, educational, electronic or chemical monitoring programs designed to improve offender compliance and reduce the likelihood of repeat criminality. The technologies can provide reliable and verifiable data about offender habits and conduct. Patterns in behavior and trends can be traced to introduce crime prevention techniques or to reward compliance. They include urine screening for drug use, alcohol sensors, offense specific treatment, drug or alcohol treatment, employment programs, and educational techniques.

The following options are various types of intermediate sanctions listed in the following chart, *Community Corrections by Restrictiveness*. Each of the various techniques has been developed using scientific indicators, research, and technology. Together, they form an impressive arsenal of means to achieve offender accountability and rehabilitation.

level of supervision that is appropriate for the offender and consistent with public safety.

Typically, risk assessment information is collected at the time of pretrial screening, during the pretrial investigation, before sentencing, and throughout the period of correctional custody. A number of surveys, statistically validated assessment instruments, educational and skill inventories are used to measure an offender's needs, deficiencies, and skills. This information is used to assign programming, classify for residential groups, and to develop conditions of supervision when the offender is released.⁵¹

Intervention, Education and Treatment

Intervention, education and treatment are depicted in the chart, *Community Corrections by Restrictiveness*. Such interventions and treatment are activities relating to criminal conduct and needs that provide educational, medical, motivational and other assistance to prevent, control and overcome addictions, attitudes, and deficiencies that can lead to criminal behavior. A range of graduated interventions and treatment should be available at various stages of case processing from arrest to discharge. However, most jurisdictions do not have the variety of programs available and the coordination within the criminal justice system to make referrals at such stages. Therefore pretrial service programs, probation and intermediate sanctions programs are developed to make such interventions available to judges and correctional officials.

Intermediate Punishments and Community Corrections Options

Intermediate punishments and community corrections options are sanctions or sentences that are more severe than unrestricted probation and less restrictive than jail or prison. They range from fees, fines, and forfeiture to work release. Intermediate sanctions are designed to provide both positive reinforcements associated with rehabilitation of offenders to address future crime as well as punishments that are required by law or community expectations.

Restricted Movement and Residential Programs

Restricted movement and residential programs are provided by residential group or day treatment facilities. Often offenders need a

place to live with more structure during the entire day. Typically, if they are in transition from incarceration to the community, then residential programs provide an alternative to prison or jail. Included are halfway houses, work release, day reporting, home confinement, split sentencing and community based correctional facilities or sanctions centers.

■ ■ ■ Crime Prevention and Community Corrections

Elected officials, citizens and criminal justice experts agree that fighting crime requires a variety of strategies. Crime prevention in the community requires a "critical mass" of support from schools, labor, families, public places and criminal justice institutions.⁵² As Dr. Sherman in his report to Congress on the effectiveness of Federal anti-crime programs indicates: without enough help from each sector neither families nor schools, labor markets nor places, police nor prisons may succeed in preventing crime.⁵³ Prevention of crime is an important result of a variety of activities. Crime prevention is defined by what it accomplishes.⁵⁴ Crime prevention can be measured by the number of illegal events, offenders,⁵⁵ harm prevented,⁵⁶ victims,⁵⁷ characteristics associated with risk, or protective factors.⁵⁸

Community corrections brings together each of the major institutions essential for crime prevention to focus on reduction of offender risk. Developed by criminal justice professionals in partnerships with public officials and citizens, strategies include:

- prevention of crime in places and institutions;
- detection of wrongdoing;
- punishment;
- rehabilitation of offenders;
- reduction of damage.

Enforcement and Apprehension

Community policing linked to probation and private sector interventions is a powerful weapon against crime. In Boston, Massachusetts, Baltimore, Maryland, and Renton, Washington community policing has developed special coordinated programs to work with probation populations. Enforcement of curfews, and substance abuse intervention have been coordinated with law enforcement. Such coordinated programs make possible swift and certain consequences for offenders who transgress the limits.

Streamlined case management such as drug courts, community courts, community prosecution and intermediate sanctions for probation and parole violators expedite programs where administrative action and judicial action combine to produce timely responses. Recent Federal and state measures have begun to focus on what various parts of the criminal justice system can do to deter criminals. Police who engage in education and community policing programs have more opportunity to mediate disputes. The increase in Federal funding in FY 1996 and FY 1997 to assist communities in developing community oriented policing is one effort to stimulate crime prevention in the law enforcement area.

Prevention with Families

Community corrections provides linkages with offenders' families to break the cycle of delinquency. Many community corrections clients are the parents of young children. It is estimated that nearly a million children may have parents under community corrections supervision. Children of parents who have committed a crime are at least twice as likely to become delinquents.

Community corrections programs teach positive communication skills, and parenting. Additional support is given to interventions for parents and children who show signs of abuse and neglect, family violence, and mental health needs.

Violence Prevention

A number of community corrections programs target special problems such as sex offenders, domestic violence and a history of assaultive behavior. Because violence is difficult to predict, community corrections programs can be used to monitor high-risk offenders. Projects in Boston, Baltimore, New York City, Portland, Oregon and Kansas City have combined community policing and prevention techniques to effectively reduce gun-related crime. A growing number of schools and community centers incorporate violence prevention and anger management in their activities.

A number of community corrections programs are geared to prevent domestic violence. This is done through using a number of techniques such as anger management, victim empathy, victim assistance and protection, and other cognitive skills to reduce impulsive behavior associated with crime.

■ ■ ■ Community Participation

Continuity in Leadership

Community corrections stretches the limits of correctional systems to include the broader community. Such partnerships demand both continuity in leadership as well as a commitment of those who are not part of the criminal justice system. Courts, prosecutors, defense lawyers, police and probation officials are involved in development of community corrections but there must be significant contributions from housing, education, medical, business, mental health and other community groups. Community corrections employs public and private agencies, volunteers, citizens and a range of other types of professionals.

Citizen Boards

Local interest, support and involvement are a prerequisite for community corrections. This means that representatives of local governments, neighborhood organizations, and interest groups each have input into the establishment and maintenance of correctional programs in their vicinity. In Colorado, Virginia, and Ohio elected officials, citizens and criminal justice leaders serve on local advisory boards. In some states like Colorado and Virginia, citizens can decide who will be in their community corrections programs.

Linkages Between Elected Officials and Corrections

Although community corrections involves a wide range of private and public agencies, fully developed programs require the leadership of elected officials because of public safety issues that continually must be addressed. The role of elected officials varies widely throughout the nation. Statutes delegating authority to state and local agencies such as probation and parole, sheriffs' departments, courts, pretrial services, and independent community corrections agencies are determined by legislative bodies and implemented by other elected executives. County elected officials also oversee correctional programs.

Typically, state elected officials perform a variety of roles. For example, Governors oversee executive agencies such as Departments of Criminal Justice Services, Statewide Probation and Parole, and Departments of Corrections. State legislators are involved in establishing by legislation, correctional policies, sentencing and punishment laws for states. Legislators are responsible for authorization, oversight and appropriation for community corrections programs to be operated statewide. Through budget, appropriation, authorization and fiscal accountability systems, legislators can establish and assure that a wide range of community corrections options are available throughout the state. Elected state auditors, attorneys general, and court officials can also play important roles in defining the operations, purposes, administrative structure and budget for community corrections programs. A number of national organizations have expertise concerning the role of elected state and local officials (see resource list).

Local elected officials who are important to community corrections include county board members, county executives, sheriffs, prosecutors and municipal judges. In cities, mayors and city council members are also important in overseeing the development of a broad array of such programs. Elected county board members are given responsibility for oversight of a budget for community corrections in many of the Community Corrections Act states. In other states, county boards elect to devote county criminal justice program funding to support community corrections. County elected officials are important to this budgetary process and to overseeing that programs meet community expectations.

At the federal level, members of Congress serve an important role in providing legislation that strengthens the federal community correctional system. Congressional support for state community corrections efforts is also important. Congress can make available through federal grants and subsidies to the states, funding and technical assistance for improved community corrections programs.

Probation and Parole Operated Programs

Many community corrections programs are part of probation or court agencies. Citizens involved in community based programs become more knowledgeable about the needs of offender populations. They then assist in locating scarce resources through private and public sources.

In a number of states like Minnesota, community corrections programs for juveniles and domestic violence offenders have resulted in greater attention to the needs of victims. Victims receive assistance, restitution, protection, and opportunities for dialogue and information.

Community corrections programs create linkages between individual offenders and their communities. The typical nonviolent offender is young (18–24), single, under-employed, with educational deficits, social deficits and limited skills. Community corrections programs provide offenders with mentors, literacy volunteers, and other community sponsors who provide encouragement and role models. Volunteers learn about the complex nature of offenders' problems and the many obstacles they must overcome.

Private Agency Involvement

A growing number of programs are privately operated. Many are for-profit, non-profit or quasi-governmental agencies developed to meet a community's norms. Public-private partnerships have grown in community corrections jurisdictions. These include partnerships with charitable organizations such as the Salvation Army that operate programs for offenders. Colleges and Universities have become involved in offering classes, educational testing and vocational education. Faith-based organizations have developed victim mediation and mentoring programs. Social service agencies offer parenting classes and child abuse prevention. Banks and corporate sponsors help with housing development and employment programs.

A growing number of for-profit community corrections providers have developed throughout the nation. For-profit agencies operate on a corporate management model emphasizing efficiency, fiscal accountability and standards of operation that are based on a contractual relationship with a state or local government. In states like Florida and Texas a wide range of for-profit agencies operate at the state and local level. Some other states have been slower to permit such operations raising state legal and administrative issues as a barrier.

For-profit agencies appear to be a promising method for rapidly developing services. Once a statement of work has been developed,

the federal, state, or local government may contract for services without many of the lengthy regulatory processes involved in a governmental operation. The ability to acquire a site, develop it, select and train staff is costly and difficult for governments. It can also be an impediment to improved community corrections programs. The for-profit agencies who specialize in community-based corrections may be able to perform these services more quickly and economically than a governmental agency. However, some evaluations have noted that the long term impact, costs and benefits of for-profit agencies remains to be fully documented. Governments must carefully oversee the development of private community based programs and will remain responsible for requiring compliance and accountability with the highest standards.

■ ■ ■ Improved Resource Allocation Through Coordination

Elected officials are committed to improved resource allocation in corrections but they do not have an easy way to apportion resources between competing agencies, jurisdictions and programs. However, the provision of resources for community corrections can bring state and local agencies, as well as private ones to the table to cooperate in forging a more complete array of sanctions and services. The power of funding both state and local programs induces cooperation and problem solving. Legislative and executive branch agency oversight can be used to assure that standards are met and that goals are attained.

Improved resource allocation begins by noting the high cost of incarceration and how revenues spent on incarceration preclude other correctional options. State and county budget officers can work with elected officials and criminal justice administrators to depict all costs related to incarceration, provide adequate resources for incarceration programs and set aside funding for community corrections.

The next step is to examine how a set allocation can fund a range of correctional options. Once they do this, elected officials can then inventory available non-incarceration services. Through advisory groups they can identify alternatives, foregone alternatives, and future impacts.

Through community involvement, elected officials work to develop a system that recognizes the public's preferences and also will reduce crime as much as possible. Broad community support is important for developing specific programs as well as a range of long term goals.

Once community support is available, then resources are set aside to make techniques and tools available for community corrections.

Local staff will need training for proper use of new technologies. Leadership is needed to coordinate innovations into the new programs. Improved cost management techniques and program accountability will also improve resource allocations.

Review the Tools and Technologies Needed

By becoming familiar with the tools of limited risk management, elected officials and citizens are developing more confidence in the criminal justice system. They appreciate what has been accomplished, what offenders are suitable for which programs, and the challenges that must be overcome.

Typical tools of limited risk management are

- classification
- automated case management systems
- electronic surveillance
- substance abuse testing
- training
- treatment technologies.

Data from present cases and programs should be used to help develop performance measures. Performance measures are indicators of whether a program is delivering a particular service. They can be collected and used to assess program implementation success and impact. Performance measures can help in documenting results attributable to the changes. They can be used to monitor success and revise procedures.

Develop Both Long And Short Term Strategies For Change

A plan for expanding and improving correctional options starts with designating agencies to take the lead in overseeing the task. Many legislatures have designated state Departments of Corrections or Probation and Parole Agencies or have consolidated parole and probation with correctional functions. In states such as Arizona, community corrections functions have been overseen by the state court system.

A growing number of elected officials are recognizing the need for subsidies to produce change. Subsidies provide agencies with resources that would otherwise not be available. Such incentives for

interagency cooperation shift responsibility and funding from one level of government to another. In Ohio and Colorado, subsidy programs provide for performance based standards while giving operational flexibility to community-based programs.

Long term change means that principles of long term costs and benefits should be factored into community corrections management processes. Elected officials are working actively with budget officers and criminal justice professionals to get more information about program options, costs, efficiencies, and benefits. Each part of the criminal justice system is scrutinized to develop improved cost, effectiveness, and benefits analyses.

Follow Up Program Changes With Feedback and Evaluation

Elected officials are demanding correctional impact statements that provide information about how legislation has impacted corrections. Correctional impact statements, legislative audit reports, and reporting mechanisms, provide feedback for elected officials about the consequences of their legislative policies.

With the advent of automated case management systems, there is great potential to learn more about what community-based options are most effective. They can also provide information about compliance with various sanctions, participation in treatment programs and program availability. Performance indicators can then be compared to outcomes to learn more how to improve such programs.

Such data helps elected officials measure the extent that investing in community corrections helps to avert prison and jail crowding; reduces future costs due to recidivism, avoids expensive construction of more secure facilities; and more effectively channels high risk cases to existing community substance abuse and mental health resources.

■ ■ ■ Conclusion

Community corrections has matured since its inception in the early days as alternative sentences to prison to rehabilitate criminals. A growing number of states have fully developed community corrections programs premised on research, the experience of criminal justice leaders and the recognition by elected officials that such programs are cost-effective.

In order to address the needs of diverse populations in our states and localities, criminal justice agencies must have the training and staff to manage offenders in the community. When using screening, assessment, education, treatment, and other effective techniques, community corrections can deliver safe and effective services. Finally, policy makers should provide resources for research, data collection and cost measures in order to assure that community corrections programs live up to their promise.

This publication makes it evident that there are many community corrections tools available. Their appropriate use and improvement will allow the public and criminal justice decision-makers to understand better the necessity of intelligent and tolerable risk. Such a conscious movement is necessary for the public to get the best value it deserves in an increasingly expensive criminal justice system.

■ ■ ■ Resources

■ ■ ■ *Federal*

Federal Judicial Center
Federal Judicial Center
1 Columbus Circle NE 6-432
Washington, DC 20002-8003
202-273-4072

National Institute of Corrections
Community Corrections Division
320 First Street Room 200
Washington, DC 20534
202-307-3995

**National Criminal Justice
Reference Service**
301-738-8895
email look@NCJRS.aspen

National Institute on Drug Abuse
RM 9A-53, 5600 Fishers LN
Rockville, MD 20957

**Office of Justice Programs,
Bureau of Justice Assistance**
Clearinghouse
800-688-4252

OJP Corrections Program
Office of Justice Programs
810 7th Street NW
Washington, DC 22151

**Office of Justice Programs
Drug Court Program**
810 7th Street NW
Washington, DC 22151
202-616-5001

**U.S. Administrative
Office of the Court:
Federal Probation**
Division of Probation
Administrative Office of the Courts
One Columbus Circle NE
Suite 4-300
Washington, DC 20544

■ ■ ■ *National Organizations Focusing on Elected Officials or Community Corrections*

American Correctional Association
4380 Forbes Blvd.
Lanham, MD 20706
301-918-1800

American Jail Association
2053 Day Road, Suite 100
Hagerstown, MD 21740-9795
301-790-3930

American Judges Association
National Center for State Courts
300 Newport Ave., P.O. Box 8798
Williamsburg, VA 23187-8798
804-259-1841

American Probation and Parole Association

Council of State Governments
 P.O. Box 2167
 Lexington, KY 40595-2167
 606-244-8207

International Community Corrections Association

P.O. Box 1987
 LaCrosse, WI 54602
 608-785-0200

Justice Fellowship

P.O. Box 16069
 Washington, DC 20041-6069
 703-904-7312

National Association of Attorneys General

444 North Capitol Street, NW
 Suite 339
 Washington, DC 20001
 202-434-8000

National Association of Counties

440 First Street NW
 Eight Floor
 Washington, DC 20001
 202-393-6226

National Center on Institutions and Alternatives

3125 Mount Vernon Avenue
 Alexandria, VA 22314
 703-684-0373

National Center for Citizen Participation in the Administration of Justice

130 Mount Auburn Place
 Cambridge, MA 02138
 617-350-6150

National Conference of State Legislatures

444 North Capitol Street NW
 Suite 500
 Washington, DC
 202-624-5400

National Criminal Justice Association

444 North Capitol Street NW,
 Suite 608
 Washington, DC 20001

National Governors Association

444 North Capitol Street, NW,
 Suite 250
 Washington, DC 20001
 202-624-5360

National Sheriffs' Association

1450 Duke Street
 Alexandria, VA 22314
 703-836-7827

United States Conference of Mayors

1620 I Street, NW, Fourth Floor
 Washington, DC 20006
 202-293-7330



***Community Corrections
Leaders in the States***

Alabama

State of Alabama Department of
Corrections
PO Box 301501
Montgomery, AL 36130

Arizona

Adult Services Division
Administrative Office of the Courts
Arizona Supreme Court
1501 West Washington St.-suite 344
Phoenix, AZ 85007-3327

California

California Board of Corrections
600 Bercutt Drive
Sacramento, CA 95814

Colorado

Director of Community Corrections
Department of Public Safety-DCJ
700 Kipling Suite 1000
Denver, CO 80215

Florida

Community Corrections Division
Department of Corrections
2601 Blair Stone Road
Tallahassee, FL 32301

Indiana

Division of Community Services
Indiana Department of Corrections
804 State Office Building
Indianapolis, IN 46204-2278

Iowa

Division of Community
Correctional Services
Iowa Department of Corrections
513 East 12th
Des Moines, IA 50309

Kansas

Community Corrections Director
Department of Corrections
900 S.W. Jackson—Suite 400 N
Topeka, KS 66612-1284

Kentucky (1992)

Department of Corrections
State Office Building, 5th Floor
Frankfort, KY 40601

Maryland

Deputy Commissioner
Dept. of Corrections
6776 Reisterstown Road Suite 310
Baltimore, MD 21215

Michigan

Office of Community Corrections
PO Box 30003
Lansing, MI 48909

Minnesota

Community Corrections
Minnesota Department of
Corrections
1450 Energy Park Drive, Suite 200
St. Paul, MN 55108-5219

Montana

Department of Corrections
1539 11th Avenue
Helena, MT 59620

Nebraska

Nebraska Department of Corrections
 PO Box 94661
 Lincoln, NE 68509

New Mexico

Probation and Parole Division
 Post Office Box 27116
 Santa Fe, NM 87502-0116

North Carolina

Partnership Program
 Department of Corrections
 Criminal Justice Partnership
 PO Box 29540
 Raleigh, NC 37626-0540

Ohio

Community Services
 Ohio Department of Rehabilitation
 & Corrections
 1050 Freeway Drive North
 Columbus, OH 43229

Oregon

Community Corrections
 2575 Center Street NE
 Salem, OR 97310-9050

Pennsylvania

Commission on Crime and
 Delinquency
 P.O. Box 1167
 Federal Square Station
 Harrisburg, PA 17108-1167

South Dakota

Noninstitutional Programs and
 Planning
 1115 E. Dakota Avenue
 Pierre, SD 57501

Tennessee

Department of Corrections
 320 6th Ave. N.
 Nashville, TN 37243

Texas

Community Justice Assistance
 Division
 Texas Department of Criminal
 Justice
 Price Daniel Bldg. Suite 400
 209 W. 14th Street
 PO Box 13084
 Austin, TX 78711

Virginia

Department of Criminal Justice
 Services
 805 E. Broad Street
 Richmond, VA 23219

Wyoming

Department of Corrections
 Herschler Building
 Cheyenne, WY 82002

■ ■ ■ About The Center for Community Corrections

The Center for Community Corrections is a broad coalition of former public officials, researchers, and correctional professionals representing local, state, and federal interests. The Center was created in 1987 to promote the overall concept of community-based sanctions as well as specific program initiatives based on current research and actual program application. Our purpose is to help shape public policy through communication with legislative bodies, correctional officials, and the media.

The work of the Center adheres to the following tenets, which state that community corrections programs must:

- Promote offender accountability, principles of due process and fairness, and concepts of proportionality and equity in punishment.
- Specify clear objectives for public safety, punishment, victim compensation, reparations for the crime committed, and realistic treatment of the offender.
- Encompass the same discretion as other elements of the criminal justice system, administered within an explicit, publicly stated policy.
- Provide services that are open to public scrutiny, and encourage the community to participate in decisions and issues related to these services.
- Strive to achieve cost-effective services without endangering the community or jeopardizing the quality of the programs.

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■ ■ ■ CCC Membership

Benjamin F. Baer (1918-1991)

Former Chairman
U.S. Parole Commission

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The Center for Community
Corrections

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Secretary
The Center for Community
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James Gondles

Executive Director
American Correctional Association

Dr. Don M. Gottfredson

Richard J. Hughes Professor of
Criminal Justice, Emeritus
Rutgers University School of
Criminal Justice

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Executive Director
Oriana House

Margot C. Lindsay

Chairman
National Center for Citizen
Participation in the
Administration of Justice

Edwin F. Meese, III

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Heritage Foundation

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University of Chicago Law School

Donald Murray

Associate Legislative Director
National Association of Counties

J. Michael Quinlan

Former Director
Federal Bureau of Prisons

Kenneth F. Schoen

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Justice
University of Minnesota Law School

Harold M. Shalon

Board of Directors
American Probation and Parole
Association

Mary Katherine Shilton

Criminal Justice Planner

James K. Stewart

Director
Justice Systems Technology Practice
Booz-Allen & Hamilton

Anthony Trivisono

President
Capitol Corrections Group

The Sentencing Purposes Community Corrections Options Serve

Incapacitation refers to the intention of preventing a criminal from committing another offense because his freedom of movement is limited. Although community punishments do not incapacitate criminals like incarceration, many programs such as halfway houses, work release, and home confinement limit freedom of movement and monitor offender actions.

Retribution is the belief that criminals should have to pay and suffer consequences of their criminal acts. The concept of punishment is thought of as “just desserts.” Community corrections is not primarily punitive. However, because many programs are rigorous and require a great deal of effort to complete, it is viewed as such. Some offenders choose jail over community corrections because jail is less demanding. Community-based programs require offenders to work, pay fines, and do community service.

Rehabilitation focuses on changing the offender and what can be done to prevent future crimes. The major benefit of community based programs is to make the offender more law abiding, and correct deficiencies.

Deterrence is the belief that would-be criminals will not commit crimes that they know are likely to be severely punished because the risk is too great. There are two types of deterrence, general and specific. The concept of general deterrence holds that many persons do not commit crimes because they are illegal and therefore there is a crime prevention value in making certain conduct criminal. Specific deterrence refers to the consequences of committing a particular crime. It holds that if the punishment is very high, then few persons will be likely to engage in the criminal activity. For example, the United States Congress has justified having crimes

such as possession of crack cocaine receive a punishment that is one hundred times more severe than regular cocaine in the belief that this crime is more harmful to society and that a high sentence may deter some criminals.

Community corrections may have deterrence value in that offenders are less likely to commit new crimes if they know that they will have to complete a community-based sentence. However, this deterrence value has never been proven. Community corrections may prevent repeat offenses through the use of monitoring devices such as alcohol sensors or ignition interlock. Incarceration is necessary to remove the violent from society. However, with respect to nonviolent offenders, there is little evidence that imprisonment deters them from committing new crimes when released. In fact, some researchers believe that persons who are imprisoned for an offense are more likely to engage in repeat criminal offenses than similar offenders who were sent to community corrections or probation programs. In all but the most serious and violent cases, imprisonment does not match the media's and public's expectations for the justice system.

Restorative or community justice involves consideration of the offender, community, impact on victim, and acceptance of responsibility. This goal includes the victim in the justice process. It seeks repairing the damage to the community and the victim. It also encourages for offenders a role in mitigating the harm and seeking forgiveness.

Community based corrections can bring reconciliation and mitigation of harm through dialogue. Families of victims can receive payment of restitution. A greater focus on the source of recurring problems can be addressed through victim involvement in community corrections. Neighborhood crack houses can be identified and closed, community service projects can rebuild blighted areas, and confronting slum landlords can revitalize neighborhoods.

Reparation and mitigation of harm are concepts that consider the impact on the victim, and the community in sentencing the offender. It argues that one of the purposes of sentencing should be to attend to the mending of wrongs, understanding of impact on victims and seeking of forgiveness.

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