

112939
-112948

Federal Probation

- [Systems Therapy: A Multimodality for Addictions
Counseling.....112939.....John D. Whalen]
- [Assessment of Drug and Alcohol Problems: A
Probation Model.....112940.....Billy D. Haddock
Dan Richard Beto]
- [Drug Offenses and the Probation System: A 17-Year
Followup of Probationer Status.....112941.....Gordon A. Martin, Jr.
David C. Lewis, M.D.]
- [All-or-Nothing Thinking and Alcoholism: A Cognitive
Approach.....112942.....Katherine van Wormer]
- [Lower Court Treatment of Jail and Prison
Overcrowding Cases: A Second Look.....112943.....Jack E. Call]
- [Rewarding Convicted Offenders.....112944.....Hans Toch]
- [Current Perspectives on the Prisoner Self-Help
Movement.....112945.....Mark S. Hamm]
- [Consequences of the Habitual Offender Act on the
Costs of Operating Alabama's Prisons.....112946.....Robert Sigler
Concetta Culliver]
- [Evaluating Privatized Correctional Institutions:
Obstacles to Effective Assessment.....112947.....Alexis M. Durham III]
- [Negotiating Justice in the Juvenile System: A
Comparison of Adult Plea Bargaining and Juvenile
Intake.....112948.....Joyce Dougherty]

JUNE 1988

U.S. Department of Justice
National Institute of Justice

112939-
112948

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

Federal Probation

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

Federal Probation

A JOURNAL OF CORRECTIONAL PHILOSOPHY AND PRACTICE

Published by the Administrative Office of the United States Courts

VOLUME LII

JUNE 1988

NCJRS NUMBER 2

AUG 2 1988

This Issue in Brief ACQUISITIONS

Systems Therapy: A Multimodality for Addictions Counseling.—Chemical dependency is a growing problem which has increased at least tenfold over the past decade. Until recent years the phenomenon was not recognized as a disease, but rather a mental health problem, and current therapies still tend to address mental health aspects rather than the disease of chemical dependency. Alcohol, although a drug, is still considered to cause separate and distinct problems from other drugs. Author John D. Whalen maintains, however, that alcoholism and drug abuse can be treated as one common problem with a set of exhibiting symptomologies. This article describes Systems Therapy, a therapeutic approach developed by the author.

Assessment of Drug and Alcohol Problems: A Probation Model.—Authors Billy D. Haddock and Dan Richard Beto highlight the increased emphasis on assessment methods in drug and alcohol treatment programs and describe the assessment model used in a Texas probation department. Major theories of substance abuse and dependence are dis-

cussed as they relate to assessment. The objectives, components, and general functioning of the assessment model are described. A counselor/consultant is used in the assessment process to offer greater diagnostic specificity and make individualized treatment recommendations. According to the authors, the assessment process facilitates a harmonious relationship between probation officers and therapists, thus promoting continuity of care and quality services.

Drug Offenses and the Probations System: A 17-Year Followup of Probationer Status.—Authors Gordon A. Martin, Jr. and David C. Lewis provide the current status of 78 of 84 probationers previously studied in 1970. Of the original group, 14.1 percent are deceased and 18 percent have had constant problems with the law. Sixty eight percent have had varying degrees of success, with one-third essentially free of all criminal involvement. The study indicates that younger probationers who used heroin and barbiturates were the population at greatest long-term risk and merit the longest periods of probation

CONTENTS

Systems Therapy: A Multimodality for Addictions Counseling	John D. Whalen	4	Consequences of the Habitual Offender Act on the Costs of Operating Alabama's Prisons	Robert Sigler Concetta Culliver	57
Assessment of Drug and Alcohol Problems: A Probation Model	Billy D. Haddock Dan Richard Beto	10	Evaluating Privatized Correctional Institutions: Obstacles to Effective Assessment	Alexis M. Durham III	65
Drug Offenses and the Probation System: A 17-Year Followup of Probationer Status	Gordon A. Martin, Jr. David C. Lewis, M.D.	17	Negotiating Justice in the Juvenile System: A Comparison of Adult Plea Bargaining and Juvenile Intake	Joyce Dougherty	72
All-or-Nothing Thinking and Alcoholism: A Cognitive Approach	Katherine van Wormer	28	Departments		
Lower Court Treatment of Jail and Prison Overcrowding Cases: A Second Look	Jack E. Call	34	News of the Future		81
Rewarding Convicted Offenders	Hans Toch	42	Looking at the Law		86
Current Perspectives on the Prisoner Self-Help Movement	Mark S. Hamm	49	Reviews of Professional Periodicals		90
			Your Bookshelf on Review		99
			It Has Come to Our Attention		105

and most intense supervision. For them, marijuana did not serve as a "gateway" drug, though alcohol may have. The authors note that the original group of probationers was supervised by a probation officer who was a specialist in drug offenders. While his probation load was sizeable, it was manageable. For probation to fulfill its crucial mandate—the authors conclude—more resources must be made available to it, and caseloads must be manageable.

All-or-Nothing Thinking and Alcoholism: A Cognitive Approach.—Self-destructive all-or-nothing thinking is both a correlate of alcoholic drinking and a likely area for cognitive intervention. Author Katherine van Wormer contends that it is not the alcoholic's personality but the alcoholic's thinking that is the source of the drinking. Specific cognitive strategies are offered—strategies that should be effective both in recovery from alcoholism as well as in its prevention.

Lower Court Treatment of Jail and Prison Overcrowding Cases: A Second Look.—In 1979 and 1981, the United States Supreme Court issued opinions in which it ruled that double-bunking of prison and jail cells designed for single occupancy was not unconstitutional *per se*. It also indicated that lower courts should demonstrate greater restraint in "second guessing" the decisions of correctional administrators. In 1983, *Federal Probation* published an article in which author Jack E. Call concluded that many lower courts were still quite willing to find overcrowded conditions of confinement unconstitutional. In this followup article, Call finds that after 4 more years of lower court decisions in overcrowding cases, this earlier conclusion is still valid.

Rewarding Convicted Offenders.—Offenders can be rewarded by deescalating punishments in response to behavior one wishes to encourage. This practice has distinguished origins, has been subjected to a variety of criticisms, but is regaining ascendancy. In his review of the controversy, author Hans Toch suggests that defensible reward systems for offenders can be instituted and can enhance the rationality, humaneness, and effectiveness of corrections.

Current Perspectives in the Prisoner Self-Help Movement.—Prison rehabilitation programs are usually designed to correct yesterday's problems in order to build a better tomorrow for criminal offenders. Yet the struggle for personal survival in prison often diverts inmates' attention away from these "official" treatment policies and toward more informal organizations as a means of coping with the

immediate "pains of imprisonment." Prisoner self-help groups promise to bridge the gap between immediate personal survival and official mandates for correctional treatment. Drawing on historical and interview data, author Mark S. Hamm offers a typology that endeavors to explain the promise explicit in prisoner self-help organizations.

Consequences of the Habitual Offender Act on the Costs of Operating Alabama's Prisons.—Habitual offender acts have been adopted by 43 states and are under consideration in the legislatures of others. According to authors Robert Sigler and Concetta Culliver, these acts have been adopted with relatively little evaluation of the costs involved in the implementation of this legislation. The data reported here indicate that one area of costs—costs to departments of corrections—will be prohibitive. The authors suggest that the funds needed to implement the habitual offender acts could be better used to develop and test community-based programs designed to divert offenders from a life of crime.

Evaluating Privatized Correctional Institutions: Obstacles to Effective Assessment.—Institutional populations in the American correctional system have increased dramatically during the last decade. This increase has produced serious concern about both overcrowding and the economic costs of imprisonment. One proposed solution to the current dilemma involves the engagement of the private sector in the correctional process. Although it is apparent that there are a number of potential benefits to be obtained from private sector participation in the administration of punishment, a variety of potential hazards have also been identified. In this article, author Alexis M. Durham III considers some of the hazards associated with the evaluation of privately operated correctional institutions. The discussion identifies some of these potential obstacles to effective evaluation and concludes that although evaluation impediments may well be surmountable, the costs of dealing with these problems may offset the economic advantages otherwise gained from private sector involvement.

Negotiating Justice in the Juvenile System: A Comparison of Adult Plea Bargaining and Juvenile Intake.—Plea bargaining and its concomitant problems have been of little concern to those who study the juvenile justice system. We hear little or nothing of "plea bargaining" for juveniles. However, in this article, author Joyce Dougherty argues that the juvenile system itself is based on the very same system of "negotiated justice" that lies at the

heart of adult plea bargaining. By placing society's interest in "caring for its young" (translated into the doctrine of *parens patriae*) over the individual rights of juveniles, the juvenile justice system has created a situation where the determination of a child's "treatability" has become more important than the

determination of his or her guilt or innocence. The author compares adult plea bargaining and juvenile intake in an effort to illustrate how, despite all theoretically good intentions, the "justice" in the juvenile system is no better than the "negotiated justice" that is the end result of adult plea bargaining.

All the articles appearing in this magazine are regarded as appropriate expressions of ideas worthy of thought, but their publication is not to be taken as an endorsement by the editors or the Federal Probation System of the views set forth. The editors may or may not agree with the articles appearing in the magazine, but believe them in any case to be deserving of consideration.

Consequences of the Habitual Offender Act on the Costs of Operating Alabama's Prisons

BY ROBERT SIGLER AND CONCETTA CULLIVER*

Introduction

ONE OF the more recent developments in corrections, the use of life-without-parole (LWOP) sentences for habitual offenders, appears to be enjoying unusual popularity. By 1983, 43 states had adopted legislation providing for mandatory sentencing for offenders who demonstrated repeated violations of felony statutes.¹ As has been the case with many innovations in corrections, this new approach was adopted without the benefit of supporting research and with, at best, limited consideration of the potential consequences. Corrections professionals have expressed reservations and suggest that habitual offender acts may prove to be costly and ineffective. This study was designed to evaluate the first of these two assertions—that the cost of habitual offender acts to departments of corrections may prove to be excessive.

Review of Literature

There has been continuing concern with the "criminal," that is, with the individual who earns his or her livelihood by committing criminal acts. It has been asserted that as much as 80 percent² or 85 percent³ of serious crimes committed are committed by habitual offenders. The Rand Corporation concluded that habitual offenders are a serious problem in our society and reported that 49 habitual offenders claimed to have committed over 10,000 crimes over a period of 20 years; that is, each of these habitual offenders admitted committing about 11 crimes a year. These offenders are seen as committed to their criminal careers with crime as much a part of their daily activity as work is a part of the daily activity of most non-criminals.⁴ Habitual offender acts attempt to control this population by assigning longer sentences to repeat felony offenders.

Attempts to control repeat offenders are varied

and have been present since the beginning of the use of prisons. Prior criminal history is one factor which judges take into account when sentencing an offender; they use longer sentences to control habitual or career criminals. Plea bargaining, lack of information, and other factors can and do reduce the judge's freedom in assigning a sentence. The pressure for automatic sentencing has been present since as early as 1926⁵ when legislation very similar to the current legislation was introduced in the New York legislature. With the fourth felony conviction, the habitual offender received a life sentence. The contemporary proposal for selective incapacitation⁶ which is driven by both a desire to control career offenders and pressure to contain the growth of prison populations, is an updated version of an old response to an enduring problem.

Habitual offenders have been characterized as beginning their criminal careers early in life.⁷ It should be noted that most studies of habitual offenders have gathered data from incarcerated offenders. Thus, habitual offenders have been characterized as demonstrating high levels of adjustment pathology in the community,⁸ having minority status and being poor,⁹ and using drugs and alcohol.¹⁰ characteristics which are generally associated with incarcerated populations.

¹U. S. Department of Justice, *Setting Prison Terms*. Washington, DC: Bureau of Justice Statistics, 1983.

²E. Shinnar and K. Shinnar, "The Effects of the Criminal Justice System on the Control of Crime: A Qualitative Approach," *Law and Society Review*, 1975, 23 (4):547.

³M. Wolfgang, M. Figlio, and T. Sellin, *Delinquency in a Birth Cohort*. Chicago: University of Chicago Press, 1972.

⁴T. Flanagan, "Correctional Policy and the Long-term Prisoner," *Crime and Delinquency*, 1982, 28 (1):82-95.

⁵J. Inciardi, *Criminal Justice*. New York: Harcourt Brace, Jovanovich, 1986.

⁶See: J. Blackmore and J. Welsh, "Selective Incapacitation: Sentencing According to Risk," *Crime and Delinquency*, 1983, 29 (4):505-527 and M. Janus, "Selective Incapacitation: Have We Tried It? Does It Work?" *Journal of Criminal Justice*, 1985, 13:117-129.

⁷See: J. Petersilia, P. Honig, and C. Huboy, *Prison Experience of Career Criminals*. Washington, DC: U.S. Department of Justice, 1980; and M. Peterson, H. Braiker, and R. Polich, *Doing Crime*. Washington, DC: U.S. Department of Justice, National Institute of Justice, 1980.

⁸See: P. Langan and L. Greenfeld, *Career Patterns in Crime*. Washington, DC: U.S. Department of Justice, Bureau of Statistics, 1983; and D. Peck and R. Jones, "The High Cost of Alabama's Habitual Felony Offender Act: A Preliminary Assessment," *International Journal of Offender Therapy and Comparative Criminology*, 1981, 29 (3):251-264.

⁹J. Monahan, "Identifying Chronic Criminals." In D.W. Ward and K.F. Schoen (eds.), *Confinement in Maximum Custody* (NCJ- 77087). Lexington, MA: D. C. Heath and Company, 1981.

¹⁰Op. cit. Peck and Jones, 1981; Monahan, 1981; Langan and Greenfeld, 1983.

*Dr. Sigler is an associate professor in the Department of Criminal Justice at the University of Alabama. Dr. Culliver is an assistant professor in the Department of Political/Legal Studies at Murray State University. The authors wish to express their appreciation to the Alabama Department of Corrections for its assistance in this project.

There has been some confusion in the definition of the concept of habitual offender. Some scholars include in the definition an element of personal violence¹¹ which is reflected at times in the popular press. This concept is reflected in the elements of Morris¹² three-part definition which states that the habitual offender (a) has criminal qualities inherent or latent in his mental constitution; (b) has a settled practice in crime; and (c) constitutes a public danger. Definitions presently in use, however, define the habitual offender in terms of the commitment to serious criminal behaviors over a long period of time,¹³ those who choose crime as a full-time occupation,¹⁴ or in terms of a specific number of felony convictions.¹⁵ The latter, of course, is an operational definition and is the definition embodied in legislative acts.

The reduction of the concept to a specific number of felonies at the operational stage creates a condition in which the offenders captured by the statute may not be the career criminals sought. Relatively mild offenders may commit three felonies (a popular threshold for many legislatures), plead guilty to all three, and receive a harsh sentence for a fourth mild felony offense; a skilled career criminal would avoid the statute by bargaining for a plea to a reduced charge (a misdemeanor), by leaving the jurisdiction after posting bond and avoiding a conviction, or by moving from jurisdiction to jurisdiction during his or her criminal career. In this case, the inability to operationalize the theoretical definition effectively may have produced a condition which controls the wrong group of offenders.

Effectiveness of habitual offender statutes is one issue to be addressed when considering the utility of habitual offender acts. A second area of interest in assessing the impact of these acts is cost. Habitual offender acts both increase the length of sentences served by repeat offenders and mandate the use of a LWOP parole sentence for some (usually on the fourth felony conviction) who are not inherently dangerous. LWOP sentences are assigned for cause (severity of offensiveness of the act) and for control (career offenders). Statutes presently exist which permit the assignment of a LWOP sentence when an offender's behavior is so dangerous that society has an interest in incarceration for public safety and/or for punishment. With the introduction of habitual

offenders with LWOP sentences, there are two LWOP populations. One is composed of offenders who have committed extremely offensive and dangerous acts, usually involving an element of physical assault (who may not be career criminals), and a group of career criminals who frequently have no personal violence in their offense history. Habitual offenders tend to be the younger, more violent, and more assertive offenders.¹⁶ After a transitional stage during which they are very difficult to manage, LWOP habitual offenders adjust and become easier to manage;¹⁷ however, they must be maintained in secure facilities because of the no parole aspect of their sentences.

Costs to the prison system can take two forms. First, if men and women are to be incarcerated for the rest of their lives, prisons will need to be built to house them. That is, LWOP inmates become permanent residents requiring permanent facilities. Overcrowding in prisons is controlled to some extent by the release of offenders after relatively short periods of incarceration. Each LWOP inmate removes one bed from those available for use with the non-LWOP population; this bed must be replaced with new construction or with reduction in the use of incarceration with milder offenders. As most states and the Federal system appear to be increasing the use of incarceration, and in the process building new prisons,¹⁸ it is probable that the response will be new construction. As LWOP inmates are high escape risks, these new prisons will need to be secure facilities which are expensive to build, to maintain, and to staff. In 1983, the estimated construction cost of new prisons was \$50-75,000 per cell, and the maintenance cost was \$10,000 to \$15,000 per year.¹⁹ Overall system costs are offset by low-cost minimum security facilities which cannot be used to house LWOP inmates, thereby increasing the cost per inmate for the system.

In addition, it may be that LWOP habitual offenders will create management problems in the prison, increasing the cost of supervision. As the use of habitual offender statutes continues, the nature and composition of the population will change.²⁰ One technique for controlling inmates is the use of parole

¹⁶See: op. cit. Flanagan, 1981; and D. Irwin, "Sociological Studies of the Impact of Long-term Confinement." In D.A. Ward and K.F. Schoen (eds), *Confinement in Maximum Custody*. Lexington, MA: Lexington Books, 1981.

¹⁷D. MacKenzie and L. Goodstein, "Long-term Incarceration Impacts and Characteristics of Long-term Offenders," *Criminal Justice and Behavior*, 1985, 12 (4):395-412.

¹⁸D. Bender, B. Leone, and B. Szumski, *America's Prisons*, St. Paul, MN: Breenhaven Press, 1985.

¹⁹A. Blumstein and J. Kadane, "An Approach to the Allocation of Scarce Imprisonment Resources," *Crime and Delinquency*, 1983, 29 (4):546-559.

²⁰T. Flanagan, "Sentence Planning for Long-term Inmates," *Federal Probation*, 1985, 49 (3):23-28.

¹¹Op. cit. Wolfgang, Figlio, and Sellin, 1972.

¹²N. Morris, *The Habitual Criminal*. Cambridge: Harvard University Press, 1951.

¹³M. Gottfredson and T. Hirschi, "The True Value of Lambda Would Appear to be Zero: An Essay on Career Criminals, Criminal Careers, Selective Incapacitation, Cohort Studies, and Related Topics," *Criminology*, 1986, 24 (2):213-233.

¹⁴L. Carney, *Corrections: Treatment and Philosophy*. Englewood Cliffs, NJ: Prentice Hall, 1980.

¹⁵Op. cit. Peck and Jones, 1981.

eligibility as an incentive, but this incentive cannot be used with LWOP inmates who have no release date. If they increase in numbers and become a large portion of the population, the use of the parole incentive will not be an effective tool for maintaining institutional stability.

A growing prison population will increase overcrowding, and overcrowding contributes to inmate hostility, disciplinary problems, and prison riots.²¹ Overcrowding is a problem which will require additional personnel if departments of corrections are going to maintain stable institutional environments in their prisons.

Inmates with LWOP sentences may be a more difficult to manage population because of their personal characteristics. It has been suggested that correctional staff will experience greater problems with LWOP habitual offenders as their appeals for sentence reduction are denied.²² LWOP inmates have been characterized as maladjusted individuals who have low self-esteem, are insecure, and are consistently at war with themselves and with society. These offenders will do as they please and may relish flaunting authority and defying regulations in order to get recognition.²³ With "nothing to lose," habitual offenders with LWOP sentences will not be limited in their efforts to satisfy their own needs whenever possible. The potential for manipulation of other inmates through intimidation and violence would be great if even a small portion of these offenders were violent. If the habitual offenders are younger offenders with more serious criminal histories and likely to incur more serious and frequent disciplinary infractions,²⁴ then they will be difficult to manage. More secure institutions, additional staff, and more sophisticated staff training will be required to maintain institutional stability.

LWOP inmates have been shown to have higher levels of stress and depression,²⁵ to become more hostile as time passes,²⁶ and to experience more illness.²⁷ Thus, the medical and psychological services needed will be greater than those of the normal prison population.

It is possible then that the cost of maintaining the LWOP population will be greater than anticipated.

²¹ Op cit. Blumstein and Kadane, 1983.

²² Op cit. Peck and Jones, 1981.

²³ Op cit.

²⁴ Op cit. Bender, Leone, and Szumski, 1985.

²⁵ Op cit. Mackenzie and Goodstein, 1985.

²⁶ See: K. Heskin, "Psychological Correlates of Long-term Imprisonment III," *British Journal of Criminology*, 1974, 14:150-157; and D. Crawford, "The HDHQ Results in Long-term Prisoners: Relationship with Criminal and Institutional Behavior," *British Journal of Social and Clinical Psychology*, 1977, 16:391-394.

²⁷ N. Heather, "Personal Illnesses Among Lifers and the Effects of Long-term Indeterminant Sentences," *British Journal of Criminology*, 1977, 17 (4):378-386.

If the use of the statute is heavy, a department of corrections might be required to build a new prison every 2 or 3 years just to accommodate new LWOP offenders. These prisons would be expensive, secure facilities requiring more and better qualified staff. Thus, in addition to adding the cost of the staffing and maintaining new institutions to the operating budget of the department of corrections, the cost per inmate would increase as well.

It appears likely that the costs to the public simply in terms of the cost of maintaining a LWOP population would outweigh the benefits to be derived from this approach to control, even if it were effective. Much of what is believed about the costs of maintaining LWOP offenders has been drawn from a number of studies, most of which focused on long-term or violent offenders rather than on habitual offenders and which were concerned with factors other than management costs. The study reported here was designed to evaluate the costs which can be projected as result of the use of habitual offender acts which provide for life without parole for repeat offenders.

Methodology

Data were collected from inmates and employees of the Department of Corrections in the State of Alabama. In 1980, the Alabama State Legislature passed an habitual offender act. This act was similar to the acts adopted by other state legislatures. Among other things, it provided for an automatic LWOP sentence on the conviction for a class A felony following class A felony convictions on three previous occasions. The law was implemented, and by 1981 the Department of Corrections had an habitual offender population. The nature of the statute, the length of time since its passage, and the cooperation of the Department of Corrections made Alabama an excellent site for the evaluation of costs to corrections from habitual offender legislation.

Costs of program operations, particularly cost of sub-parts, is difficult to establish in firm dollar terms. The value of services needed and delivered is subject to debate and subject to change as inflation and availability changes. Rather than attempt to address the issue in dollar terms, this project assessed the extent to which assumptions regarding the increase of cost attributed to the statute are valid.

Variables

Population growth is the extent to which the LWOP population supervised by the Department of Corrections will increase. The measurement of this variable was relatively simple since the Research,

Monitoring, and Evaluation Unit of the Department of Corrections maintains projections of future inmate populations. The projections developed by the department and the data on which they were based were made readily available to the researchers.

LWOP status measured the nature of the statute under which the offender was sentenced and had three categories. LWOP for cause referred to those offenders who had been sentenced to life without parole under statutes which permitted this sentence due to the severity of the offense. LWOP-habitual offender referred to those inmates who had been sentenced to life without parole sentences under the habitual offender act. Non-LWOP referred to inmates who had been sentenced to less than life without parole terms and included those with life sentences eligible for parole but not offenders sentenced to death.

Four dimensions of the inmates' adjustment to the prison environment were measured. Behavioral intent was the extent to which the subjects stated that they would be willing to become involved in negative activities such as assault, riot planning, escape planning, and manipulating others. Perception of the prison was the extent to which the subjects perceived the sentencing process as fair both in general and, in the case of inmate subjects, in terms of their own sentences. Personal adjustment was the degree to which the subjects perceived each of the three types of offenders as having made adequate adjustments to prison life and, in the case of the inmate subjects, the degree to which they had adapted to the prison environment.

Population and Sample

The population for this study was the inmates in two Alabama correctional institutions. Almost all of the LWOP inmates committed to the Alabama Department of Corrections are housed in the West Jefferson Correctional Facility or in the Holman Correctional Facility. The Research, Monitoring, and Evaluation Unit drew a stratified random sample of 20 inmates from each classification: LWOP for cause, LWOP-habitual offender, and non-LWOP. Non-LWOP inmates were slightly over represented in the West Jefferson sample and under represented in the Holman sample. A review of the data indicated that responses from the subjects in the two institutions were similar for the three classifications of offenders. Blacks were over represented in all three groups. Blacks constitute about 60 percent of the male inmate populations and about 78 percent of the sample. No differences were noted between the response patterns of white subjects and the response patterns of black subjects.

To increase the depth of information, data were gathered from a non-random sample of correctional officers. Twenty officers who were on duty supervising LWOP inmates at the time of data collection were interviewed. Officers selected had a minimum of 2 years experience in the field of corrections.

Full informed consent procedures were followed with both officer and inmate subjects. There were seven inmate refusals, and three inmate subjects were not available due to a transfer from the institution prior to the arrival of the researchers, producing a sample of 50.

Collection of Data

The data were collected through casual conversation and semi-structured interviews designed to permit the collection of indepth data from a limited number of subjects rather than limited quantifiable data from a large group of subjects. All interviews were conducted by a black, female researcher experienced in correctional interviewing. She used a 70-item schedule for interviewing inmates and a 37-item schedule for interviewing correctional officers. The subjects were encouraged to discuss their positions fully; a new item was introduced when the conversation lagged. The interviews averaged about 2 hours each. All interviews were conducted in interview rooms in the visiting area generally reserved for attorney-client conferences.

Additional data were gathered from staff during the day. The researcher would engage subjects in casual conversation at lunch, during breaks, and while waiting for subjects. The conversation was directed to the focus of the research in a fairly direct manner.

Analysis of Data

Each night the individual interviews were reviewed and summarized; then the data from the day were summarized. At the completion of the collection of data from each site a site summary was prepared. On return to campus the summaries and the schedules were reviewed and conclusions were drawn. The summaries and individual responses were then reviewed with the conclusions as a reference to check for consistency and for the compatibility of the conclusions with the data.

Findings

The Research, Monitoring, and Evaluation Unit (1987) estimated that the Alabama Department of Corrections would need to plan for an increase of 2,000 beds to accommodate the growth in LWOP inmates. This is clearly a conservative estimate based on conservative assumptions. This projection as-

sumes a term of incarceration of 40 years, assumes no increase in the rate of sentencing, and is based on an annual growth rate near the minimum annual increase rather than the average annual increase.

The mean age of LWOP inmates at the time of commitment is 32. With a present life expectancy of 72 years for males, each offender will be incarcerated for an average of 40 years before dying. That is, statistically there will be a steady growth in the LWOP prison population until attrition begins to establish a balance between commitments and deaths about 40 years in the future. The 40-year life expectancy estimate is optimistic in that it assumes no further increase in life expectancy. In particular, this group will enjoy a balanced diet, good medical care, and limited opportunity to contract opportunistic and lifestyle diseases. It is probable that, in the absence of an increase in the level of violence inside the institution, that these men and women will live longer than the average life expectancy.

The Research, Monitoring, and Evaluation Unit bases its growth rate on the smallest annual increase (45) in the LWOP population since the advent of the habitual offender act (see table 1). The mean annual increase from 1981 to 1986 has been 61.5 with an increase of 44 for the first 6 months of 1987. If a simple straight line projection is computed using the conservative 40 year lifespan assumption, the population which must be accommodated is about 2,460.

While the focus in this study has been on the LWOP facet of the habitual offender act, other aspects of sentencing and commitment to the Department of Corrections are influenced by the habitual offender act and should be considered. First, habitual offender legislation specifies high penalties for other repeat offenders, including mild felony offenders (class B and C felonies in the Alabama code) and for third felony convictions. Thus, offenders sentenced under the Alabama Habitual Offender Act receive longer sentences. If the average increase in sentence is 2 years, then additional beds will be needed to accommodate the average annual increase in inmates sentenced under the statute for 2 years, or about 600 additional beds (see table 1). With the introduction of the habitual offender act, there has been a corresponding increase in the number of inmates sentenced to life without parole (see table 1). It is possible that the automatic LWOP sentence has made life with parole a more acceptable sentence thus one which can be used more frequently. However, even if both LWOP-habitual offender sentences and life with parole sentences are driven by the same community pressures, the impact of this growing population must be considered. If a conservative estimate of an av-

TABLE 1. ANNUAL POPULATION FOR SPECIFIC OFFENSES IN THE ALABAMA DEPARTMENT OF CORRECTIONS

Year	Habitual Offender Act	Annual Increase	Life Parole	Annual Increase	Life Without Parole	Annual Increase
1974	0	0	404	0	0	0
1975	0	0	466	62	0	0
1976	0	0	452	-14	0	0
1977	0	0	461	9	0	0
1978	0	0	498	37	6	6
1979	0	0	603	105	17	11
1980	17	17	609	6	21	4
1981	73	56	675	66	56	45
1982	226	153	859	84	132	76
1983	449	223	1031	172	202	70
1984	844	395	1178	140	247	45
1985	1521	677	1255	77	328	81
1986	1882	361	1350	95	380	52
<i>Mean</i>						
<i>Annual Increase</i>						
<i>1981-86</i>		277.5		105.6		61.5
<i>First 6 months</i>						
1987	2192	310	1429	79	424	44

erage of 10 years is served by those sentenced to life with parole, then beds must be added for 10 times the mean annual growth since 1981 of 105.6, or 1,056 beds.

In sum, the Alabama Department of Corrections will need to build and maintain a minimum of 4,116 new beds or 10 new 400-bed institutions to accommodate these new inmates in addition to added prison construction to house any natural increase in the inmate population which can be expected as the population of the state increases. Of these, over 3,200 beds or eight 400-bed institutions will need to be expensive secure facilities to house those with life sentences. It is probable that a part of the recent expansion in prison construction in Alabama is due to the impact of the habitual offender act. However, it should also be noted that Alabama jails and prisons have been severely overcrowded since the seventies and that much of the present construction was designed to relieve the pre-habitual offender act backlog of inmates in county and city jails.

LWOP-habitual offender inmates tended to have committed more offenses, are more likely to have juvenile records, and are more likely to have been in juvenile prisons than LWOP for cause inmates or non-LWOP inmates. While blacks are over represented in all categories (and in the total prison population), the difference is not as great for LWOP-habitual offender inmates (see table 2). Habitual offenders have commonly committed property offen-

ses, but armed robbery is prominent in the list of committing offenses.

TABLE 2. SELECTED DEMOGRAPHIC FACTORS BY SENTENCING STATUS

	LWOP for Cause	LWOP Habitual Offender	Non- LWOP	Total	Male Prison Population
<i>Total</i>	17	15	18	50	12,600
<i>%</i>	34	30	36	100	100
<i>Black</i>	15	11	13	39	7,000
<i>%</i>	88	73	87	78	60
<i>White</i>	2	4	5	11	4,600
<i>%</i>	12	27	13	22	40
<i>Mean Number of Offenses</i>	3.8	5.3	4.7	4.6	
<i>Juvenile Offenders</i>	8	11	10	29	
<i>%</i>	47	73	56	58	
<i>Juvenile Prison</i>	7	11	9	27	
<i>%</i>	41	73	50	54	

The data gathered from the interviews tended to support the beliefs expressed in the literature and indicated that there is considerable consensus among the actors in the correctional environment. That is, for the variables studied inmates and correctional officers perceived the nature of the correctional environment in much the same way.

The subjects generally believed that almost all of the inmates adjusted well to the prison environment regardless of their sentencing status. Those who were unable to adjust successfully were found in all three groups. All inmates are opposed to the correctional system, the correctional officers, and to the correctional officers' attempts to control them. Although they adjust to the prison environment, non-LWOP inmates tend to be more energetic in their resistance to the system. They are more likely to fight, make trouble, and receive disciplinary reports. They are seen by the subjects as younger, more energetic, less mature, and more apt to challenge the authority of the correctional officers.

The LWOP inmates tend to form friendships and alliances among themselves regardless of statute status even though the LWOP-habitual offenders tend to be similar to the non-LWOP inmates in background and offense behavior. According to the correctional officers, the non-habitual offender LWOP inmates tend to be quieter in their adjustment. They have accepted their status and, according to the correctional officers, want to avoid punitive segrega-

tion. The officers note that as the population of offenders who do not anticipate release grows larger, this will become a less effective sanction since the number of punitive segregation units is relatively small. These inmates have usually committed violent acts to earn their sentences, but frequently have a more positive orientation toward traditional middle class values. As such, they are frequently less difficult to manage than the inmates who have a positive orientation toward criminal lifestyles.

The non-LWOP inmates and the LWOP-habitual offender inmates tend to share common backgrounds and criminal careers. They tend to be poor and demonstrate a number of social pathologies such as little education, no vocational skills, disturbed families, and excessive drug and alcohol use. Their criminal careers generally were begun while they were still children, and they usually have experienced juvenile court and juvenile prison (see table 2). They are property offenders with little evidence of violence in their lifestyle and generally no evidence of violence in their criminal behavior. Thus, the LWOP-habitual offender is similar to the ordinary inmate but tends to identify with the LWOP offenders who have received their sentences because of the extreme nature of their offense behavior.

Even though they are more manipulative and hostile than other inmates, the LWOP-habitual offender inmates were identified by all subjects as maintaining a low profile and quiet adjustment in hope of qualifying for parole when the habitual offender act is overturned (all subjects indicated confidence that the act would be overturned and predicted serious consequences if it is not). These offenders do exert a negative influence in the correctional environment. They are perceived to have a great deal of influence with the non-LWOP inmates and use this influence to encourage them to commit negative acts and to act as agents for the LWOP-habitual offender inmates in activities which violate institutional rules. The habitual offenders with LWOP sentences are seen by all of the subjects as having the most negative attitudes and hostility toward the system, and, unlike the other inmates, they tend to blame their victims for their condition. That is, they feel that they have received an unfair sentence because their victims have conspired with judges and prosecutors to apply the habitual offender act (which is supposed to be automatic) to them. This hostility appears to be diffuse for LWOP non-habitual offender inmates and is, to some extent, self-directed with the sentence seen as a consequence of the seriousness of their offense. Thus, the LWOP-habitual offender is more hostile, more rebellious, and more manipulative than

other offenders but maintains his behavior in the hopes of earning eventual release when the habitual offender statute is changed to permit parole.

The behaviors discussed to this point can be classified as irritating behaviors which make the ability to control the inmate population difficult but which may not increase the costs of supervision greatly. However, there are two areas which directly influence cost. First, all LWOP inmates regardless of statutory status indicated that they would escape, plan escapes, and help others to escape without reservations. This supports the classification system which requires that all LWOP inmates be maintained in secure status in secure institutions. New institutions to house these offenders will need to be expensive secure facilities rather than minimum custody facilities which are less expensive to construct and to operate. As the LWOP population grows, these inmates will become a larger portion of the inmate population, driving up the average cost per inmate of the system.

The second area which reflects potential increased cost is the likelihood of riots. All inmates indicated that at the present time they would not become involved in a riot; however, the LWOP-habitual offenders indicated that they would engage in planning a riot to establish basic inmate rights or to pressure the prison administration if conditions in the prison became too unacceptable to them. At a minimum, this would indicate that an institution which houses LWOP-habitual offender inmates will need to employ a greater number of correctional officers, to maintain a higher level of internal security, and to use less assistance from inmates in institutional maintenance. The extreme form of this level of security is a lock-down institution in which the costs of operation are prohibitive. The alternative would be an unacceptably high risk of riot and the costs in both dollars and personal injury usually associated with complete loss of control of the institution. Correctional systems are not presently experiencing these costs because LWOP-habitual offender inmates are maintaining good behavior with the expectation of possible future release. If this hope fades, America's prisons may begin to experience turmoil and riot.

Discussion

The success of habitual offender statutes in controlling the population of career criminals was questioned early in this article. It was suggested that the sophisticated career criminal would avoid the consequences of the act by means of a number of strategies while unsophisticated offenders with mild pathologies would receive lengthy sentences. While

a test of this hypothesis awaits a different type of study, the data gathered here indicate that habitual offenders tend to be property offenders and that even if habitual offender acts are successful in capturing only serious career offenders, the costs of maintaining the act are unacceptably high.

First, simple construction and maintenance costs for institutions to house the growing population of inmates sentenced under the habitual offender act in Alabama will be prohibitively high. If steady growth is assumed (a conservative assumption), then over 3,200 beds or eight 400-bed secure institutions will be needed to house LWOP inmates and inmates sentenced to lesser sentences under the habitual offender act. If it is true that the presence of the habitual offender act makes life with parole a more acceptable and thus more used option, then the additional growth in this population can be attributed to the impact of the act, and two to three additional 400-bed secure institutions will be needed.

Since it is likely that LWOP inmates will be housed in all secure institutions rather than in institutions dedicated to them, the costs of operating these institutions will increase, causing the cost per inmate for all inmates in secure facilities in the system to increase. The increased likelihood of escape as well as the increased likelihood of disturbances in the institutions will require that the inmate-officer ratio be reduced and that the correctional officers receive additional training and support. Correctional institutions will become more isolated from their communities rather than more integrated, as is currently recommended by scholars and by correctional professionals, thereby reducing the potential for successful reentry of released inmates into society.

It should be noted that there does not appear to be a finite manageable number of offenders in society. At times, supporters of habitual offender legislation appear to assume that we can reduce crime greatly by incapacitating all of the repeat offenders whom we currently apprehend. Historically, this approach has never proven successful.²⁸ These data indicate that the non-habitual offender population is very similar to the habitual offender population in terms of background and patterns of criminal behavior. It is probable that these men will proceed to habitual offender status and will be replaced by offenders who presently hold juvenile status who will be replaced by a group of low income children who have not yet entered the system. Thus, the flow of habitual offenders into the system can be expected

²⁸J. Rothman and L. Siegel, *Introduction to Justice*. New York: West Publishing, 1984.

to be continuous.

The legislatures of at least 43 states appear to be willing to invest significant resources in permanent housing for what, from these data, appears to be a population of thieves, burglars, armed robbers, bad check writers, and shoplifters. It is possible that it would be less expensive to suffer the losses from these thefts than to pay for this remedy, and it would be more efficient to develop and test community-based programs which would divert these offenders from lives of crime at a relatively early stage in their careers than to pay the costs of this remedy.

REFERENCES

- Bender, D., Leone, B., and Szumski, B. *America's Prisons*, St. Paul, MN: Breenhaven Press, 1985.
- Blackmore, J. and Welsh, J. "Selective Incapacitation: Sentencing According to Risk." *Crime and Delinquency*, 1983, 29 (4):505-527.
- Blumstein, A. and Kadane, J. "An Approach to the Allocation of Scarce Imprisonment Resources." *Crime and Delinquency*, 1983, 29 (4):546-559.
- Carney, L. *Corrections: Treatment and Philosophy*. Englewood Cliffs, NJ: Prentice Hall, 1980.
- Crawford, D. "The HDHQ Results in Long-term Prisoners: Relationship with Criminal and Institutional Behavior." *British Journal of Social and Clinical Psychology*, 1977, 16:391-394.
- Flanagan, T. "Dealing with Long-term Confinement." *Criminal Justice and Behavior*, 1981, 8 (2):201-222.
- Flanagan, T. "Correctional Policy and the Long-term Prisoner." *Crime and Delinquency*, 1982, 28 (1):82-95.
- Flanagan, T. "Sentence Planning for Long-term Inmates." *Federal Probation*, 1985, 49 (3):23-28.
- Goes, G. and McGuire, W. "Prison Violence: the Contribution of Crowding Versus Other Determinants of Prison Riots." *Journal of Research in Crime and Delinquency*, 1985, 22 (1):41-65.
- Gottfredson, M. and Hirschi, T. "The True Value of Lambda Would Appear to be Zero: An Essay on Career Criminals, Criminal Careers, Selective Incapacitation, Cohort Studies, and Related Topics." *Criminology*, 1986, 24 (2):213-233.
- Greenwood, P., Chaiken, J., Petersilia, J., and Peterson, M. *The Rand Habitual Offender Project: A Summary*. Santa Monica, CA: Rand Corporation, 1978.
- Inciardi, J. *Criminal Justice*. New York: Harcourt Brace, Jovanovich, 1986.
- Irwin, D. "Sociological Studies of the Impact of Long-term Confinement." In D.A. Ward and K.F. Schoen (eds.), *Confinement in Maximum Custody*, Lexington, MA: Lexington Books, 1981.
- Janus, M. "Selective Incapacitation: Have We Tried It? Does It Work?" *Journal of Criminal Justice*, 1985, 13:117-129.
- Langan, P. and Greenfeld, L. *Career Patterns in Crime*. Washington, DC: U.S. Department of Justice, Bureau of Statistics, 1983.
- MacKenzie, D. and Goodstein, L. "Long-terms Incarceration Impacts and Characteristics of Long-term Offenders." *Criminal Justice and Behavior*, 1985, 12 (4):395-412.
- Monahan, J. "Identifying Chronic Criminals." In D. W. Ward and K. F. Schoen (eds.), *Confinement in Maximum Custody*. Lexington, MA: D. C. Heath and Company, 1981.
- Morris, N. *The Habitual Criminal*. Cambridge: Harvard University Press, 1951.
- Peck, D. and Jones, R. "The High Cost of Alabama's Habitual Felony Offender Act: A Preliminary Assessment." *International Journal of Offender Therapy and Comparative Criminology*, 1981, 29 (3):251-264.
- Petersilia, J., Honig, P., and Huboy, C. *Prison Experience of Career Criminals*. Washington, DC: U.S. Department of Justice, 1980.
- Peterson, M., Braiker, H., and Polich, R. *Doing Crime*. Washington, DC: U.S. Department of Justice, National Institute of Justice, 1980.
- Rothman, J. and Siegel, L. *Introduction to Justice*. New York: West Publishing Co., 1984.
- Radzinowicz, L. and Hood, R. "Incapacitating the Habitual Criminal: The English Experience." *Michigan Law Review*, 1980, 78 (3):1305.
- Research, Monitoring, and Evaluation, *Considerations and Consequences of the HOA, LWOP, and CIT*. Montgomery, AL: Alabama Department of Corrections, 1987.
- Shinnar, E. and Shinnar, K. "The Effects of the Criminal Justice System on the Control of Crime: A Qualitative Approach." *Law and Society Review*, 1975, 23 (4):547.
- U.S. Department of Justice, *Setting Prison Terms*. Washington, DC: Bureau of Justice Statistics, 1983.
- Wolfgang, M., Figlio, M., and Sellin, T. *Delinquency in a Birth Cohort*. Chicago: University of Chicago Press, 1972.