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Beyond Reintegration: Community Corrections in a Retributive Era

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ONLY A few decades ago community-based corrections was viewed enthusiastically as a humane, logical, and effective approach for working with and changing criminal offenders. As researchers and administrators acknowledged that institutional rehabilitation was limited in its ability to correct offenders, community-based programs, predicated on a new philosophy of reintegration, were advocated as a means to restore the offender to society. The Corrections Task Force of the President's Commission on Law Enforcement and the Administration of Justice endorsed this model and recommended it for the following reasons (1967:7):

The task of corrections, therefore, includes building or rebuilding solid ties between the offender and the community, integrating or reintegrating the offender into community life-restoring family ties, obtaining employment and education, securing in the large sense a place for the offender in the routine functioning of society. This requires not only efforts directed towards changing the individual offender, which have been almost the exclusive focus of rehabilitation, but also mobilization and change of the community and its institutions.

It is important to note that this conceptualization of community corrections required more than a change in the individual; it required a change in the community.

In O'Leary and Duffee's (1971) discussion of correctional policies, reintegration was operationalized as a policy with high concern for both the offender and the community. The authors observed that these programs were not intended to simply shift offenders from institutional-based programs to community-based ones. Other authors (e.g., Bartollas, 1985:27) have also recognized that with this correctional model, there was an explicit goal to involve the communities in the process of developing reformed and law-abiding citizens. Doeren and Hageman emphasized this when they explained the importance of "community relationships as the key set of variables in determining the degree to which a program is community-based" (1982:14). In their discussion of the concepts and components of this form of corrections, they concluded that: "clearly and unmistakably, then, the goal of community-based corrections is the successful reintegration of the offender into the community" (16).

Even though the literature suggests several social, therapeutic, philosophical, and economic advantages of community-based as compared with institutional-based corrections, Doeren and Hageman offered a cautionary observation (1982:19):

Community-based corrections is not, and should not, be viewed as a panacea for the massive problems presently being experienced by our correctional system.

In response to their observation, the purpose of this article is to review briefly some recent correctional developments in an effort to examine the status of community corrections and to evaluate the current ideological basis for the renewed interest in community programs.

Developments in Corrections

A number of issues and problems have become commonplace in corrections systems. Accordingly, several authors have delineated and discussed the problems (e.g., Gottfredson and McConville, 1987; Conrad, 1985; Roberg and Webb, 1981; Bartollas, 1985; Clear and O'Leary, 1983; Duffee, 1989; Scott and Hirschi, 1988), and some conclude that these developments are contributing to a growing sense of pessimism about corrections (Roberg and Webb, 1981). While the individual issues are important, the literature suggests that three related developments characterize the state of corrections today and reflect several dimensions of correctional problems: institutional crowding; ideological restatement; and intermediate initiatives.

Institutions

In the criminal justice system today, the word "crisis" has become synonymous with prisons. Over-populated institutions and crowded conditions characterize state and Federal prisons. As early as 1978, former director of the Federal Bureau of Prisons, Norman Carlson, identified overcrowding as the "most pressing problem" in the Federal system (Bartollas, 1981:259). More specifically, a recent Bureau of Justice Statistics report calculated a "continuing space demand of about 1,000 new prison beds every week" (BJS, 1987:56). It is no wonder that the yearly increases in incarcerated inmates explain why corrections is "one of the ten fastest growing oc-

cupations" in the United States (Landon, 1989).

The impact of overcrowded institutions on the criminal justice system was discussed in a recent report by the American Bar Association (1988). This committee report also recognized the economic and administrative consequences of court orders often resulting in "closing prisons or providing early release for convicted criminals" (ABA, 1988:5).

This state of corrections has created a demand for space which has generated a reactivity throughout corrections. In an attempt to build out of the problem, new construction has become characteristic of most state systems (Cory and Gettinger, 1984); lured by profit motivation, private entrepreneurs are eager to enter the prison business (Robbins, 1988), and community corrections, viewed as a "cost-effective" alternative to institutions, is receiving renewed public and political attention (Ball, Huff, and Lilly, 1988). These reactive efforts, however, have themselves raised financial, legal, and administrative issues which further contribute to some of the dilemmas confronting corrections.

Several factors may explain this crowding crisis but two explanations are especially relevant to this discussion. First, and somewhat obvious, the space needs are exceeding administrative efforts and the economic capacity to expand existing facilities and/or to construct new prisons. This is in part a situation created by "inadequate funding" which results in "insufficient resources." The recent ABA report addressed this issue (1988:44):

Legislatures must not only appropriate more for criminal justice but must also adopt a system-wide approach and fund all components of the criminal justice system adequately. Legislation that increases the number of crimes and length of prison sentences without also providing for additional police, prosecution, and defense services, as well as additional prison cells, *must be seen as a futile, counter-productive gesture.* (emphasis added)

While the demand for prison cells is increasing, the resources are not forthcoming, and, therefore, cost-saving alternatives are becoming more attractive if not necessary. Based on this view, various community placements as well as privatization efforts (with profit incentives) are presenting interesting public and administrative options. These responses, however, suggest economically motivated programs and policy perspectives.

Another explanation for the increasing use of prisons and the crowding problem is that a new public mood toward offenders has resulted in different policies and sentencing practices which have sent more offenders to prison for longer periods of time (Hudson, 1987). This "get tough" response suggests an ideological dimension to the

problem and another contemporary theme in corrections.

Ideology

In response to the criticisms and failures of rehabilitative philosophy and policies, both liberals and conservatives have succeeded in establishing a Justice Model era in criminal justice (Cullen and Gilbert, 1982). While the proponents of the model offer propositions for "doing justice" (von Hirsch, 1976), the prevailing ideology of incapacitation, punishment, and deterrence has resulted in get-tough sentencing practices which contribute to rising prison populations (Hudson, 1987). This shift to "just deserts" has facilitated a punitive reaction which has overshadowed and "co-opted" the ideals of the Justice Model and offered the reality of retributive incarceration (Greenberg and Humphries, 1980).

In this model, not only have the basic assumptions of crime and criminality been reformulated, but the purpose and rationale of corrections have also been reconceptualized. Bartollas (1985:74) explains that the focus on punishment has resulted in a repressive approach to corrections. Since offenders make "free-will" decisions to commit crime, they no longer deserve compassion and correction; and since treatment is ineffective and coddling, offenders need "proportionate" punishments which stress incapacitation and signal retaliation and retribution for the harm inflicted upon society.

This oversimplified description indicates that corrections and criminal justice are again characterized by a philosophy which stresses vengeful and retributive practices. In Cohen's (1985) model, the emphasis on imprisonment signals an "exclusionary" era of repressive social control which attempts to banish, expel, and stigmatize the criminal deviant. However, in spite of the predominance of these ideas and practices, it is interesting that a resurrection of community corrections efforts is under way.

Intermediate Sanctions

In the collision between the rhetoric of getting tough and the realities of prison crowding, a "new" generation of community-based corrections is emerging. This third development in corrections is a consequence of the first two: the capacity limits for incarcerative policies.

While retribution, deserts, and exclusion still reflect corrections ideology, "the search for intermediate punishments is an attempt to find mid-range solutions" which meet social and criminal justice needs for controlling and punishing of

fenders (McCarthy 1987:3). It is important to note, as does McCarthy, that the "growing interest" in these intermediate sanctions, e.g., intensive probation, house arrest, and electronic monitoring, is not *only* based on the need to develop cheaper alternatives to prisons. However, the economic realities cannot be denied (McCarthy, 1987:3):

In the 1980's, the economic advantages of community corrections have shifted from the status of an ancillary selling point to a principal rationale, prompted by an enormous institutional overcrowding problem that repeatedly forces a choice between new construction and the development and utilization of "alternatives".

This observation brings the three developments into focus and characterizes the state of corrections: In an exclusionary, punitive era, corrections is being strained because it has exceeded the capacity to implement the punishment policies. As a result, economic reality dictates that cost-effective measures must be developed, and this is motivating the development of intermediate sanctions. In order to succeed in this "rediscovery" of community corrections, however, it is necessary to promote and justify these community sanctions as alternatives which are consistent with the prevailing ideology. In other words, these sanctions cannot be viewed by the public as extensions of probation and previous community-based corrections programs because these responses are associated with the rehabilitation era and are generally perceived as failed, "non-punishment" responses (Conrad, 1984:255).

Cooptation of Community Corrections

As a result of the need to create the vision or image of punitive, get-tough sanctions, the promotion of intermediate punishments requires the get-tough rhetoric as rationale for these alternatives. Klein (1988), for example, describes probation as "intermediate punishment with punitive content" (67) and defines community service as "work which is incapacitative" (95). He discusses the role of "community control officers" (241) and explains alternative sentencing not as "alternatives to incarceration" but as "alternative forms of punishment" (95). Maher and Dufour (1987) also defend the use of community service as the best alternative to prisons since it is a cost-effective way to reduce crowding while still deterring and punishing the offender.

In her discussion of probation "reform," Petersilia explains the necessary transitions in probation rationale and concludes that a new orientation has emerged (1988:167):

The goal is not offender rehabilitation, but offender control, with public safety the central concern.

She recognizes that the "credibility" of probation is an issue which has resulted in the restructuring of probation services into "quasi-policing" roles. Wooten offers a similar perspective when he observes that (1985:7):

. . . it is time to openly admit as a profession that we have evolved into performing primarily two tasks: producing presentence investigation reports and minimally monitoring offenders on supervision to the court and parole commission.

An additional example of this punitive rhetoric is presented by Abel and Marsh who develop an extensive argument to support the use of restitution and conclude that this alternative to incarceration "is really a form of punishment" which may be the "best" type of sanction in a modern, industrialized society (Abel and Marsh, 1984:48).

In reviewing these recent trends in corrections, an article in the *Correctional Forum* reflected this need to justify alternatives to prison with tough rhetoric (Leban, 1988:6):

There is a growing interest in alternatives, if only as a means of relieving overcrowded institutions. Discussion of alternatives, however, is often phrased in terms of punitiveness, to make the idea more acceptable.

One of the consequences of these punitive community alternatives is the need for different and more efficient classification systems which provide relevant information to decision makers and control agents. This requires instruments which are consistent with the shift from rehabilitative needs to risk control needs and can be used to identify high risk offenders for maximum community control. Mackenzie, Posey, and Rapaport (1988) discuss these issues and reflect on the "new" state of corrections in which "prediction" is a salient issue in both research and supervision. Since the goals have changed from rehabilitation to retribution, deterrence, and incapacitation, new classification systems are needed as a means of successfully meeting correctional objectives.

An example of this emphasis on the assessment of risk is the recent revisions to the Pennsylvania Board of Probation and Parole's supervisory classifications (Long, 1988). The Board has adopted a system in which only "risk assessment" is determined (Long, 1988:1):

It is believed that the changes will provide a more uniform and accurate determination of the grade of supervision and will provide a better management of the clients based on risk.

In discussing these various developments, the authors recognize the changing nature of community corrections. Their observations suggest policies and perspectives in which community programs are not based on reintegrative objectives but on retributive ones. Since corrections is a

reactive system (as is criminal justice) it is not surprising that it has again responded to the social, political, and fiscal pressures of the environment (Clear and O'Leary, 1983:4). For community corrections this has created a "conceptual contradiction" in which incapacitative goals have been imposed on community-based programs. As discussed above, this has resulted in efforts to increase the severity of the non-prison penalties in order to create perceptions of punitive, deterrent, and controlling aspects of community-based corrections (Skovron, 1988:193).

These fiscally motivated efforts to make the community pay for institutional crowding are less "mystifying" than an earlier "decarceration" movement which promoted humanitarian rationale for community-based corrections (Scull, 1977). In the 1980's as in the 1960's, economic necessity made alternative social control interventions attractive. While reintegration justified the earlier policies, retribution guides the current efforts. In both movements, however, there has been an expansion of social control (Scull, 1977; Ball and Lilly, 1988).

Cohen, for example, is convinced that simultaneous policies of inclusion and exclusion (characteristic of current developments) are announcements "that the system (of social control) overall is getting larger" (1985:49). In one example of a retributive era program, electronic monitoring, Ball and Lilly conclude that "social-control entrepreneurs" are motivated by economic self-interest to promote the devices and to use the "imagery of considerable symbolic force" to spread the use of the control technology (Ball and Lilly, 1988:162).

In their discussion of these correctional developments, Shover and Einstadter observe that home incarceration has "substantially increased the control over increased numbers of the population" (1988: 205). They also recognize that this recent shift to develop community alternatives has essentially coopted the rationale and objective of community corrections (Ball and Lilly, 1988:205):

What was thought to be a strategy of reintegration has been transformed into a strategy of intrusion and control under the guise of allowing an offender the privilege of remaining in the community.

Their review of the recent community program "reforms" underscores the irony of a transformation of a "correctional strategy arising from a liberal ideology of melioration into one fitting a conservative ideology of efficiency and control" (1988:205).

Discussion

The state of corrections is not healthy: institutional and community systems are being used beyond capacity at the same time that policies of punishment and control have expanded to "startling dimensions" (Harris, 1987a:217). Contrary to political pronouncements and campaign rhetoric, America is not soft on crime. Even though new noninstitutional alternatives are being developed, the ideological underpinnings are not therapeutic and coddling, but punitive and controlling, and the motivation is not humanitarian but economic. Efforts toward correctional reform are characterized by a "popular propensity for punishment."

With this redefinition of community corrections, there is both a sense of urgency and a realization that the future of corrections and improvements in correctional services "will take place in the community" (Conrad, 1984:258). Since "the concept of prison is not open to great change," Conrad concludes that the search for solutions must involve a revised but pragmatic concept of corrections in the community (1984:258). The recent developments in sentencing and corrections indicate this shift, and the practices of electronic monitoring, house arrest, and intensive supervision reflect efforts to make renewed and expanded use of alternatives to prison.

These and other methods of control, however, may already be experiencing problems similar to those characteristic of prisons. Morris, for example, examines the "failure to make effective and intelligent use of non-incarcerative punishments" and is concerned that unless appropriate resources are committed to seriously implementing these alternatives, overuse and misuse will diminish their effectiveness (Morris, 1987:1). In the way that construction costs have frustrated incarcerated control, the failure to allocate resources for non-incarcerative control will serve to again coopt the potential of these "new" forms of corrections.

Community corrections cannot be conceptualized or developed only as a response to prison crowding and punitive motivations. Such reactive efforts will postpone but not prevent the inevitable need "to question and rethink the entire basis of the punishment system" (Harris, 1987b:35). If, as Schoen (1987) argues, money and economic interests are ultimate determinants of punishment policies, then perhaps Wilkins' recommendation for a "national punishment budget" in which punishment is quantified as a "scarce resource"

would require more accountability and justification for the use of punishment (Wilkins, 1987:81). From another perspective, Harris (1987a) suggests a sentencing policy which presumes community placement and requires that imprisonment be utilized as the alternative sentence.

These observations suggest that as community corrections re-emerges with a new ideology and mission, the prospects of success may be undermined by economic considerations and conflicting visions of the future of community alternatives. "If the willingness to cede greater and greater power to institutions of social control is a reflection of a desperate society," as Harris (1987b:33) believes it is, then community corrections will be defined by punitive and retributive needs, and offender control policies will become more pervasive as control technologies become more developed. From a crisis in prisons to a crisis in communities, corrections will again mirror self-defeating images.

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