If you have issues viewing or accessing this file contact us at NCJRS.gov.

4

9

Automatica -

ななないたい

			To Porta Litt
		······································	
	s.	•	
	anguage: British and Amer		
			Judith Rumgay
	on: An Inevitable Response	to //	-hand t <sup>ill</sup> Vachlas
Institutional Overcro			Charles Lindner
	1. 1.		
Variations in the Admir	nistration of Probation Sup	가슴 가슴 다른 것 같은 것이 많이 많은 것이 없다. 나는 것이 같이 많이	bert C. Cushman Dale K. Sechrest
	A \$	1 1 2	Dale K. Sechrest
An Evaluation of the Ka	alamazoo Probation Enhan		
	en de e	a Dar	oid J. Hartmann
Criminalizing Hate: An	Empirical Assessment	Eug	ene H. Czajkoski
Supervis	ion: An Empirical Analysis	With	
	·····	しょうきょう とうせん しょうしょうせい アレフィン あいのうせい とうてんせんめんしょう	ith W. Cooprider
	a V		
	Reduce the Likelihood of Cr ture	승규는 가장은 그는 것을 잘 들었다. 것이 물건이 있는 것이 많은 것이 하는 것이 같이 것이다.	Kevin N. Wright
			Karen E. Wright
e Bounda	ries of Mental Health Servi	ces:	
Approach I	to Inmate Mental Health .	Marg	aret M. Severson
	and Reform in Juvenile Ju	stice:	
	anced Approach"		ordon Bazemore
	ounting the Days: When Do		

## SEPTEMBER 1992

#### U.S. Department of Justice National Institute of Justice

139810-

139818

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 LVI

SEPTEMBER 1992

NUMBER 3

### This Issue in Brief

Divided by a Common Language: British and American Probation Cultures.—American and British probation officers speak the same language but—according to authors Todd R. Clear and Judith Rumgay—have very different approaches to their jobs. The authors explore the important differences between the two probation traditions and their impact on the development of probation supervision in both countries.

Alternative Incarceration: An Inevitable Response to Institutional Overcrowding.—Authors Richard J. Koehler and Charles Lindner discuss alternative incarceration programs—programs for offenders who do not require the total control of incarceration, but for whom probation is not an appropriate sentence. The authors highlight New York City's Supervised Detention Program, a program which provides an alternative to pretrial jail incarceration, as an illustration.

Variations in the Administration of Probation Supervision.—Authors Robert C. Cushman and Dale K. Sechrest explore the reasons for the great diversity in the operations of probation agencies, including differences in caseload size and services provided. They document variations in felony sentencing and use of probation for 32 urban and suburban jurisdictions using data primarily collected by the National Association of Criminal Justice Planners.

An Evaluation of the Kalamazoo Probation Enhancement Program.—Noting that few studies have evaluated halfway houses designed exclusively for probationers, authors Kevin I. Minor and David J. Hartmann report on a study of a probation halfway house known as the Kalamazoo Probation Enhancement Program (KPEP). Findings reveal that while relatively few residents received successful discharges from KPEP, those who did were less likely than those who received unsuccessful discharges to recidivate during a 1-year followup period.

Criminalizing Hate: An Empirical Assessment.—Author Eugene H. Czajkoski focuses on a fairly new phenomenon in the criminal justice taxonomy, hate crime. He discusses the recent movement to criminalize certain forms of hate and examines data officially reported by the State of Florida regarding the first full calendar year of operation of its hate crime law.

Pretrial Bond Supervision: An Empirical Analysis With Policy Implications.—Author Keith W. Cooprider discusses policy and operational implications derived from an empirical analysis of bond supervision data obtained from a county-based pretrial release program. He analyzes the use of electronic monitoring and describes patterns of success and failure on bond supervision.

#### CONTENTS

Divided by a Common Language: British	
and American Probation Cultures	
139810 Judith Rumgay	3
Alternative Incarceration: An Inevitable	
Response to Institutional	
OvercrowdingRichard J. Koehler	
139811 Charles Lindner	12
Variations in the Administration of	
Probation Supervision	
139812 Dale K. Sechrest	19
An Evaluation of the Kalamazoo Probation	
Enhancement Program	
139813 David J. Hartmann	30
Criminalizing Hate: An Empirical	
Assessment, Eugene H. Czajkoski	36
129814	
Pretrial Bond Supervision: An Empirical	
Analysis With Policy ImplicationsKeith W. Cooprider	41
13401 Samuel Badwar the	
Does Getting Married Reduce the Likelihood of Criminality? A Review of	
the Literature	
139816 Karen E. Wright	50
Redefining the Boundaries of Mental	0
Health Services: A Holistic Approach	
to Inmate Mental Health Margaret M. Severson &	57
120811	
On Mission Statements and Reform in	
Juvenile Justice: The Case of the	
"Balanced Approach"Gordon Bazemore	34
139818 Departments	
Looking at the Law	71
Reviews of Professional Periodicals	76
Your Bookshelf on Review	94

1

## 139811 Alternative Incarceration: An Inevitable Response to Institutional Overcrowding

BY RICHARD J. KOEHLER AND CHARLES LINDNER Professors, Department of Law, Police Science, and Criminal Justice, John Jay College of Criminal Justice

#### Introduction

THE CROWDING of correctional institutions is one of the criminal justice system's most serious problems. The impact of institutional crowding is not only destructive to the lives of inmates and the administration of the facilities, but may endanger public safety through the early release of potentially dangerous offenders. Equally important, the insatiable economic demands of institutional corrections, both in terms of operating costs and the construction of new cells, lessen the quality of life for all.

Probation, one of many alternative to incarceration programs, has traditionally served as an escape valve for institutional crowding. Like other alternative to incarceration programs, probation agencies are suffering the ravages of unrealistic workloads, a more difficult population, and severe fiscal restraints. As a result, many probation agencies now concentrate scarce resources on high risk cases while providing little more than paper services to probationers classified as low risk. Many other alternative to incarceration programs similarly suffer from excessive caseloads and, moreover, are often too fragmented and limited in numbers to substantially impact upon jail and prison crowding.

It is the thesis of this article that further relief from institutional crowding may be achieved through more extensive use of alternative incarceration programs. *Alternative incarceration* programs are unlike *alternative to incarceration* programs in that the legal control and supervision of the offender remains with the institutional correction authorities, although placement may be outside of the jail or prison.

This article will examine the prospects of utilizing alternative corrections programs in addition to alternative to incarceration programs as a means of reducing the overcrowding in correctional institutions. The concept of alternative corrections programs is illustrated by the Supervised Detention Program, a community-based program for detainees. For change to be more than symbolic, however, there must be a strong commitment of resources, new approaches to program development, and a degree of agency risk-taking sufficient to involve large numbers of inmates.

#### 'The Crowding of Correctional Institutions

The pervasiveness of correctional crowding in the United States is well accepted and has been exhaustively discussed. On December 31, 1990, the number of sentenced prisoners was 293 per 100,000 residents, a new record. Moreover, between 1980 and 1990 the number of sentenced inmates per 100,000 residents rose from 139 to 293, representing an 111 percent increase during this time period (Cohen, 1991, p. 1). At yearend 1990, there were 771,243 prisoners under the jurisdiction of Federal or state correctional authorities, and prisons were estimated to be operating from 18 percent to 29 percent above their capacities (Cohen, 1991, p. 6). By midyear 1990, the average daily population of this Nation's local jails amounted to 408,075, an increase of 5.5 percent over mid-1989 (U.S. Department of Justice, 1992). The numbers continue to grow, and the system has been characterized as "out of control" (Blumstein, 1988).

The rapidly increasing incarceration rates recently experienced in many jurisdictions would seem to indicate that the problem is long-term. In New York City, for example, average daily jail population jumped from 8,541 in fiscal year 1981 to nearly 19,000 by 1989. (Mayor's Management Reports, 1982, p. 17; 1991, p. 31). In New Jersey the prison population has grown from 5,886 adults in 1980 to more than 20,000 in April 1991. In that state, voters approved six bond issues in less than 10 years and tripled the number of state prisons only to find themselves with a prison population which is at 140 percent of capacity (Jaffe, 1991, p. 25). The problems that flow from institutional crowding have been well identified. They include a diminution of living conditions, increased deaths and suicides, and greater numbers of inmate infractions (Cox et al., 1984, p. 39). Overcrowding tends to intensify an individual's typical negative reaction (Freedman, 1975, p. 90) to his or her environment, so there is increased stress on the correctional staff and a heightened potential for violence, riots, and escapes.

The problems caused by overcrowding have led the Federal courts to place caps on institutional populations, grant yearly releases to inmates, revise prison and jail standards, and monitor the administration of correctional facilities. As of October 1987, 45 states, the District of Columbia, and Puerto Rico were under court orders to remedy conditions of confinement (Mc-Donald, 1989, p. 2). In addition, a number of states have enacted Emergency Powers Acts to reduce prison populations when certain critical levels of crowding are reached. As the correctional population grows, the economic burden becomes increasingly onerous. The costs of operating institutions are also magnified by prison and jail populations with older inmates (Dugger, 1988, p. 26) and a rapidly increasing percentage of females (DeCostanzo & Scholas, 1988, p. 104). By way of illustration, the annual cost of maintaining a single inmate in a New York City jail in 1981 was \$18,671. By 1990 the cost had reached \$38,697 a year in direct operating expenses. (Mayor's Management Reports, 1982, p. 28; 1991, p. 31). To this figure must be added approximately \$10,000 for fringe benefits for each full-time staff member and, in addition, any debt service for capital construction. The net result is a conservative cost of close to \$140 per day, or over \$50,000 a year per inmate.

Table 1 presents personnel assignments for the New York City Department of Correction. The table shows the fiscal and programmatic problems arising from a chronically soaring jail population.

#### TABLE 1. PERSONNEL ASSIGNMENTS FOR NEW YORK CITY DEPARTMENT OF CORRECTIONS (In thousands of dollars.)

	Fiscal Year 1981	Fiscal Year 1990
Total Personnel	5,318	12,987
Security	4,205	10,631
Administration (Payroll, Personnel, etc.)	252	1,082
Support (Transportation, Food Service, etc.)	519	1,009
Programs (Recreation, Education, Drug Treatment, etc.)	342	265

#### Source: Mayor's Management Plan, 1982 & 1991

Further analysis of the New York City correction budget is indicative of several characteristics of contemporary institutional costs. Firstly, the explosive cost increases over a period of only 9 years reflect not only the seriousness of the crisis facing corrections, but the concern that rising corrections costs will take away from funds available for needed services elsewhere in society. Secondly, we note that only a small proportion of the cost of institutional corrections is dedicated to programs or rehabilitative services. In comparing program service allocations between 1981 and 1990, we find that during this period of incredible growth, the number of personnel assigned to programs was actually reduced. If it is true that an agency's real goals, in contrast to stated goals, are best reflected by budgetary allocations, perhaps rehabilitation is of a low priority. In any event, in the absence of the creation of alternative programs to replace those decreased by fiscal cutbacks, such as increased and enhanced volunteer services, rehabilitative services will be further diminished. Finally, our budget analysis does not bode well for future rehabilitative programming. Because personnel services account for well over 90 percent of the total operating budget, correction administrators, in the absence of an unlikely fiscal windfall, do not have great flexibility in budgetary considerations. Unfortunately, the New York City experience is not atypical, and governments are spending more money than ever to simply warehouse inmates. Ironically, the crisis in institutional corrections, primarily driven by explosive increases in the inmate population, is reflected in the experience of alternative to incarceration programs.

Capital construction costs also show corrections' potential for impoverishing government. The New York City Correction Department has authorization to spend almost \$700 million on capital projects between fiscal 1990 and fiscal 1992. Despite this, the department's administrators project that they will be at 102 percent capacity in fiscal 1992 (Mayor's Management Report, 1991, p. 28). Many believe that it is impossible to "build out" of the crisis, but that it is possible to "manage and control our prison growth, and maintain the integrity of the criminal justice system" (Castle, 1991, p. 5).

#### The Crowding of Probation

Although the crowding of correctional institutions is well known to the public, few are fully aware of a similar phenomenon occurring in probation agencies nationwide. This is understandable, for the impact of institutional crowding is far more concrete and dramatic. In addition to the ever-present threat of violence, riots, hostage-taking, and inmate escapes, the more tangible consequences of spatial limitations are easily understood. By contrast, the results of probation crowding, including "watered-down" surveillance and decreased services and treatment, are less immediate and more difficult to conceptualize.

It is well accepted, however, that prison crowding has resulted in unprecedented increases in the probation population across the Nation (Petersilia, 1985, pp. 1-2; Byrne, 1988, p. 1). In fact, prison crowding has had a "hydraulic effect" on probation. When pressure is alleviated in one point of the correctional system, it is increased at another (Champion, 1991, p. 197). During 1990 the number of adults on probation or on parole increased by 5.9 percent over the previous year and reached record levels; five states report that their probation populations increased by more than 16 percent (Jankowski, 1991, p. 1). By 1990 there were 2,670,234 adult offenders on probation and 531,407 on parole (Jankowski, 1991. p. 1). Moreover, although many continue to view correctional institutions as the primary societal response to criminal offenders, "in 1990, among the estimated 4.3 million adults being incarcerated or supervised by correctional agencies, three-quarters were living in the community" (Jankowski, 1991, p. 1). While the explosive growth of probation is both dramatic and significant, other equally challenging changes in probation agencies are similarly occurring.

#### Changes in the Probationer Population

Probation was first conceived of, and continues in the public perception, as a service for nonviolent, minor, first-time offenders (President's Commission on Law Enforcement, 1967, p. 30). During the first half century of the probation experience the probation population basically consisted of misdemeanants. In New York State, for example, the felony population was typically less than 10 percent (N.Y.S. Probation Commission, 1922, pp. 11-12; N.Y.S. Probation Commission, 1930, p. 49). Over the last two decades, however, we have witnessed a dramatic increase in the numbers of felons placed under supervision. As early as 1985, it was reported that "over one-third of the Nation's adult probation population consists of persons convicted in superior courts of felonies (as opposed to misdemeanors)," resulting in the emergence of a new term in "criminal justice circles: felony probation" (Petersilia, 1985, p. 2).

The increased numbers of felons sentenced to probation are representative of a nationwide trend. In 1986, state courts nationwide sentenced to probation an estimated 306,000 convicted felons, representing 53 percent of all persons convicted of felony offenses (Dawson, 1990, p. 1). In large cities, this *felonization* of the probationer population was especially dramatic. In New York City, at the end of the first quarter of 1989, felons comprised 70 percent of the total number of probationers (Seymour et al., 1989, p. 2). While 30 percent of those on probation were sentenced for misdemeanors, many of these had been arrested for felonies and pled guilty to misdemeanors as part of a plea bargain.

Although it is usually true that felons guilty of nonviolent crimes are more likely to be sentenced to probation than are those who committed violent acts, significantly large numbers of felons responsible for violent crimes are placed on probation. Thirty-two percent of those convicted of violent felonies (murder or nonnegligent manslaughter, rape, robbery, or aggravated assault), in the United States during 1986 were placed on probation, compared to 57 percent of nonviolent felons (Dawson, 1990. p. 6). As a result of the new probationer population, there is concern as to whether public safety may be unacceptably threatened (Stewart, 1986).

#### **Modifications in Probation Practices**

Traditionally, probation agencies perform two sometimes conflicting functions. They must protect the public from further probationer criminality at the same time that they provide the probationer with counseling and social services. In recent years, the balance has shifted in many agencies towards a more control-oriented, law enforcement style of supervision (Moran & Lindner, 1985). A recent study suggests that officer attitudes are changing in the same direction as well (Harris et al., 1989). This dramatic reshaping of probation may be at least partially attributable to continually increasing workloads and a more problematic population. The changes may further reflect such influences as a pronounced public demand for increased offender sanctions (Champion, 1988, p. 12), the acceptance by the probation community of controloriented theoretical models (Champion, 1988, p. 12), and a technological growth which fosters the surveillance component of probation supervision (Moran & Lindner, 1985). Moreover, current probation sentences sometimes reflect an increased use of "mixed" sentences in which "punishment and community protection now take precedence over rehabilitation as a purpose of sentencing" (Byrne, 1988, p. 1). "Mixed" probation sentences include split sentencing, restitution, intermittent incarceration, fines, and community service sentences.

Unfortunately, many of the current changes in probation practice serve to further diminish the quality of supervision of the low-risk probationer population. For many agencies, the scarcity of resources has created a service delivery system akin to triage, with the lion's share of resources reserved for cases classified as high-risk. Although probation was originally conceived as exclusively a service for low-risk offenders, these offenders ironically now appear to be the population for whom there is no longer adequate time or resources.

Practices in the New York City Department of Probation, one of the largest agencies in the Nation, are illustrative. To meet the strains of a "higher risk" probationer population, this agency has developed a number of control-oriented programs, characterized by smaller caseloads and labor-intensive field activities. These include intensive probation supervision units, specialized drug abuse caseloads with lower than normal officer to probationer ratios, field service

units which execute probation warrants, and community contact units which augment field services in more dangerous situations (N.Y.C. Department of Probation, 1988). To provide the increased resources for these labor-intensive programs, however, the agency has been forced to reduce the intensity of supervision of "low-risk" cases, including substantial reductions in the number of contacts with low-risk probationers (N.Y.C. Department of Probation, 1988, pp. 4.3-4.6). As noted by Morris and Tonry (1990, p. 8), close supervision and helping services are too often the exception, not the rule. Not only may public safety be jeopardized by reduced levels of supervision, but it is not uncommon for the "low-risk" probationer to receive neither the supervision the public expects nor the treatment services the offender deserves. Byrne stated that "although prison overcrowding draws both national attention and increased resources, probation crowding poses an immediate threat to the criminal justice process and to community protection" (1988, p. 1).

#### Neither Prison nor Probation

Alternative to incarceration programs, including probation services, remain a popular strategy for the control of the rapid growth of the correctional population (Petersilia, 1987). Unfortunately, given everincreasing police arrest activity and apparently increasing punitiveness, alternative to incarceration programs cannot stabilize inmate growth. In addition, alternative to incarceration programs often are smallscale, fragmented, of short duration, and applied to offenders who otherwise would not be jailed or imprisoned (Morris and Tonry, 1990, p. 8). Conversely, inmates who should be placed in community-based programs often are denied admission because of negative public attitudes. These limits make it evident that new options beyond traditional alternative to incarceration programs must be developed. We would suggest that one of these options would require institutional corrections to expand the traditional concept of institutionalization to include communitybased incarceration. This would include a number of alternative incarceration programs which would essentially differ from alternative to incarceration programs in that the programs would remain under the control of the correction authorities, while the participants would continue their legal status as inmates. Today's criminal justice crisis requires not only an increased amount of alternative to incarceration programs, but simultaneously, the development of a network of alternative incarceration programs. The Supervised Detention Program (SDP) is illustrative of an alternative incarceration program (Jacobs, Sommers, & Meierfeld, 1989). Although this program was exclusively designed for the jail detainee population,

similar programs could serve sentenced inmates.

#### Illustrative Models for Alternative Incarceration Programs

Alternative incarceration programs generally fall into two programmatic models: residential treatment centers and day reporting center programs.

Residential treatment centers are important to the concept of alternative forms of incarceration for they offer an option of enhanced supervision. Enhanced supervision is necessary for many of the repeat offenders who will be included in such a program. This may be achieved by limiting, or completely excluding, contact with the free community as a means of increasing the degree of supervision. Corrections officials would be able to decide whether the total residential population, or only higher risk offenders, should be restricted to the residence on a 24-hour basis. Obviously, residential programs offer a higher degree of control than when the participant resides at home.

Day reporting centers, a nonresidential correctional program model which "first emerged in Great Britain in the early 1970s," is becoming increasingly popular as a new intermediate sanction (Parent, 1990, p. 1). They serve to lessen the institutional population in that the offender resides in the community, but there continues to be a high degree of control through daily reporting, intensive surveillance, and strict enforcement of program conditions. Day reporting centers are operated by institutional correction agencies as an alternative form of incarceration and by communitybased correction organizations as an alternative to incarceration.

In many ways, these centers repackage elements of other, more familiar correctional programs. Some provide a treatment regimen comparable to a halfway house, but without a residential facility 's siting problems. Some provide contact levels equal to or greater than probation intensive supervision programs, in effect creating a community equivalent of confinement. Some use community storefront locations to make correctional and social services more accessible to the population being served, much like the concept of neighborhood probation (Parent, 1990, p. 1). Day reporting center programs serving as alternative forms of incarceration have been identified as serving such disparate groups as pretrial detainees, sentenced offenders, persons whose probation or parole was revoked, and preparole releasees (Parent, 1990, p. 5). Although the level of supervision obviously does not equal that of incarceration, day reporting centers have the flexibility of enhancing controls to accommodate higher risk offenders. This can be achieved through control strategies including electronic monitoring, computerized telephone checks, frequent home and

collateral visits, and field substance abuse testing.

Most day reporting centers include treatment as a fundamental program concept. While the objective of treatment is to modify negative behavior and lessen the threat of recidivism, it also serves to keep the participants active and out of trouble. Treatment programs may be physically located at the center, or available within the community, and include the mobilization of community resources and services (Parent, 1990).

The advantages of day reporting centers include reduced correctional costs, enhanced treatment modalities, and the amelioration of siting problems so frequently found in residential programs. In addition, family and community ties are more likely to be preserved, while the physical abuse and dehumanization so common to institutionalization are lessened.

The Supervised Detention Program in which participants lived in their own homes is illustrative of an alternative incarceration program which used the residential treatment model. Unlike alternative to incarceration programs, however, participants remained under the supervision and legal control of a corrections agency. Although physically removed from the jail/prison, their inmate status continues, and in effect they are in a jail without walls.

#### The Supervised Detention Program

The Supervised Detention Program promised a number of benefits. Since the detainees were housed in the community, the program served to lessen the demand on institutional space. In addition, institutional correction administrators had the flexibility of increasing or decreasing the assignment of inmates to the program based on judgments relating to public safety, fiscal realities, space availability, and other considerations. During times of fiscal constraints, professional correction administrators can gradually and routinely reduce the pressure of overcrowding. This avoids the chaos of a court-ordered release. Finally, there was virtually no chance of "broadening the net" to include those who might not have been incarcerated in the first place, as the local correction agency selects participants from among existing inmates.

The Supervised Detention Program was employed by the New York City Department of Correction between September 1988 and September 1989. This pilot program was terminated primarily because the detainee population, kept low by an especially restrictive set of eligibility requirements, did not justify a continuation of the program (Jacobs, Sommers, & Meierfeld, 1989, pp. 42-43). New York City is currently contemplating a renewal of the program with relaxed eligibility requirements and the implementation of electronic surveillance (Raab, 1991, p. B1).

Ironically, the Supervised Detention Program was originally conceived of as principally a residential treatment program in which detainees who were unable to post bail would be removed from the jail setting and transferred to supervision in preexisting community-based drug treatment centers. While awaiting court action, the detainees would participate in educational, vocational, and treatment programs together with other nonincarcerated residents. Advantages of a residential program were seen as including an emphasis on rehabilitation. lowered security costs, and reduced institutional crowding. The residential aspect of the originally conceived program was dropped, however, because it would have taken away from already scarce bed space in community drug treatment programs. The creation of alternative residential facilities within the community was blocked by both fiscal constraints and neighborhood opposition to residential housing for a detainee population. As a result, the original concept of a Supervised Detention Program was modified before implementation, with inmates released to their own homes, under the supervision of approved sponsors, rather than to a community-based facility. In structuring the program, priority was given to public safety concerns. The program policy statement specifically indicated that admission to the program was a privilege and not a right. Inmate selection, within legislative guidelines, was solely at the discretion of the department. Detainees were deemed eligible for the program only after an intensive screening process. This included a review of the records of all potential program participants, followup of materials requiring clarification, and a personal interview to determine motivation and suitability for the program. In addition, a field visit was made to the proposed residence of the detainee and included a personal contact with the inmate's sponsor. Subsequent checks included approval by a Detainee Program Review Committee, which consisted of top-level departmental administrators, and, finally, the personal approval of the Commissioner. The later safeguard was added by the state legislature during the review process. Although the selection process allowed for input by the prosecutor and the committing judge, the final decision remained that of the Commissioner of Correction.

Despite the efforts of the Department of Correction, the legislatively established eligibility requirements for the program were especially demanding, probably reflecting fear of negative public reaction in the event that a program participant committed a serious crime. Detainees with prior felony convictions, or for escape absconscion, or who were currently charged with serious crimes were excluded from the program. These guidelines severely limited the number of detainees eligible for participation in the program. Intensive supervision of the released detainees was provided by correction officers who had received special training for their new roles, including instruction in field supervision skills. Detainees reported daily to a local jail where they received individualized treatment plans, including a detailed calendar of daily activities. Educational, work, or counseling activities predominated. The ratio of 1 correction officer to 10 detainees allowed for intensive supervision, including a high degree of personal contact. Although such an ideal staffing model would normally be cost prohibitive, it is feasible in an alternative incarceration program where costs are viewed in relation to the expense of incarceration.

Treatment was a basic component of the program; detainees were encouraged to constructively use their time. Treatment goals included providing the participants with skills, services, and increased motivation to reduce patterns of recidivism (Koehler, 1989). At the same time, daily reporting and specific activity assignments facilitated monitoring of the activities of the detainees. Although allowed to live at home, program participants remained under custodial status, and their "conditional freedom" was subject to behavioral restrictions which included the necessity to keep scheduled court appearances, participate in treatment programs, and comply with program rules. In addition, participants were subject to periodic urine tests, home visits, and curfew checks (Jacobs et al., 1989, p. 6). This degree of surveillance generally exceeds that found in most intensive probation supervision programs. Behavioral infractions could result in termination from the program with a resultant return to jail. Such actions were solely at the discretion of the Department of Correction, unencumbered by any due process mechanisms.

Because of the short life of the program and the small number of inmates served, there was minimal impact on jail crowding. Program evaluators concluded that "the limited program growth can be attributed primarily to the Program's eligibility criteria" and recommended relaxing admission criteria (Jacobs et al., 1989, pp. ii, 31-33). Some major findings of the study were that, when compared with defendants given bail and released on their own recognizance, detainees in the Program had lower "failure to appear" rates. Also, Supervised Detention Program detainees had lower arrest rates (Jacobs et al., 1989, p. ii). While these findings are of limited value because of the small sample, they do suggest that more relaxed eligibility standards would have been consistent with public safety.

#### **Policy Implications**

Our criminal justice system has long emphasized the need to develop alternative to incarceration programs to help mitigate the nationwide problem of jail and prison crowding. Less attention has been given to the development of alternative incarceration programs. As a result, valuable resources are being ignored which could contribute to the stabilization of our incarcerated populations. The Supervised Detention Program is but one illustration of an alternative incarceration program. Although designed to supervise detainees rather than sentenced inmates, and restricted to a jail rather than prison population, similar programs could be developed for sentenced inmates.

In the Supervised Detention Program, specially trained correction officers assumed nontraditional roles including community field supervision. Although the value of the program evaluation was limited by the size of the sample, it was found that the participating officers accepted the program as part of the correctional continuum: "the intensity of supervision of program participants by SDP officers has exceeded the program objectives" (Jacobs et al., 1990, p. i).

While many are not accustomed to correction officers performing field supervision functions, with specialized training it is probable that correction officers will not only adequately perform community supervision functions, but may be especially adroit at controloriented functions. Many already possess the experience of supervising the more serious offender. In addition, the paramilitary orientation characteristic of correctional organizations may be more suitable than traditional community-based correctional models for the supervision of "higher risk" offenders. Although admittedly speculative, correction officers performing community supervision functions may be perceived differently by inmates than communitybased treatment agents, many of whom have been oriented and trained as social workers.

The increased use of correction officers in alternative incarceration programs also may lessen the demands placed on probation agencies, many of which are expending scarce resources on alternative to incarceration programs. Guynes, for example, cited the many new roles and tasks demanded of probation as a serious institutional management problem, noting that these agencies "have expanded their domain from primarily presentence investigations and offender supervision to pretrial diversion, halfway houses, alleviating institutional crowding, and a host of other activities" (1988, p. 8). Inasmuch as alternative incarceration programs are under the control of corrections and are supervised by correction personnel, the demands now commonly made by alternative to incarceration programs on probation staffing, especially in relation to supervision of the "high risk" offender, would be lessened.

#### Summary

The inexorable growth in the number of offenders crowding both institutional and community-based corrections threatens to undermine our criminal justice system. Of necessity, criminal justice professionals have placed great emphasis on the development of alternative to incarceration programs as a means of controlling the crisis in institutional corrections. Unfortunately, these programs are often fragmented, short-lived, suffer the consequences of "net-widening." and involve relatively small numbers of offenders. As a result, they have contributed comparatively little to freeing up correction bed space. It is suggested that efforts be made to develop alternative forms of incarceration programs which, together with alternative to incarceration programs, might better serve to control institutional crowding. Alternative incarceration programs are designed for offenders who do not require the total controls of incarceration, but for whom probation services pose too high a risk to public safety or are not punitive enough to satisfy the nature of the crime. The Supervised Detention Program is but one of many illustrative uses of alternative incarceration programs. The creation of a network of alternative incarceration programs offers numerous advantages including freeing up institutional bed space, reducing costs, enriching treatment services, and lessening the physical and psychological consequences of incarceration. In addition, the "net-widening syndrome," frequently an unintended consequence of many alternative to incarceration programs, is avoided as the selection of participants is made from existing inmates. Moreover, inasmuch as alternative incarceration programs are controlled and supervised by correction departments, the drain on already scarce probation resources will be checked. Hopefully, this will provide for an increase in the quality of probation services provided to the too frequently ignored low-risk probationer.

The creation of alternative incarceration programs should not be viewed as an implied criticism of alternative to incarceration programs. Each has its own goals and service a distinct population. The crisis of institutional corrections mandates the development of both.

#### References

- Blumstein, A. (1988). Prison populations, a system out of control. In M. Tonry & N. Morris (Eds.), A Review of Research. Chicago: University of Chicago Press.
- Byrne, J.M. (1988). *Probation* (Crime File). Washington, DC: U.S. Department of Justice, National Institute of Justice.
- Castle, M.N. (1991, September) . Alternative sentencing: Selling it to the public (Research in Action). Washington, DC: U.S. Department of Justice, National Institute of Justice.
- Champion, D.J. (1988). Felony probation: Problems and prospects. New York: Praeger.
- Champion, D.J. (1991). Jail inmate litigation in the 1990s. In J.L. Thompson & G.L. Mays (Eds.), American jails, public policy issues. Chicago:

Nelson-Hall.

- Cohen, R.L. (1991, May). Prisoners in 1990. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- Cox, V.C., Paulus, P.B., & McCain, G. (1984). Prison crowding research. American Psychologist, 39, 1148-1160.
- Dawson, J.M. (1990, November). Felons sentenced to prisons in state courts, 1986. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- DeCostanzo, E., & Scholes, H. (1988). Women behind bars: Their numbers increase. Corrections Today, 50(3), p. 104.
- Dugger, R.L. (1988). The greying of America's prisons. Corrections Today, 50(3), 26.
- Freedman, J.L. (1975). Crowding and behavior. New York: Viking Press.
- Guynes, R. (1988, August). Difficult clients, large caseloads plague probation, parole agencies (Research in Action). Washington, DC: U.S. Department of Justice, National Institute of Justice.
- Harris, P.M., Clear, T.R., & Baird, C.S. (1989). Have community supervision officers changed their attitudes toward their work? Justice Quarterly, 6, 233-246.
- Jacobs, N.F., Sommers, I., & Meierfeld, S. (1989, June). The supervised detention program: A pilot program evaluation for the New York City Department of Correction. New York: The Criminal Justice Center, John Jay College of Criminal Justice.
- Jaffe, H. (1991, April 7). Prison alternatives advocated to check rapid rise in inmate population. *Newark Star Ledger*, p. 25.
- Jankowski, L. (1991, November). Probation and parole 1990 (Bulletin). Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- Koehler, R.J. (1989, February). Correction News, 2(2), New York City Department of Correction.
- Office of the Mayor of the City of New York. (1982, September). Mayor's management report for the City of New York.
- Office of the Mayor of the City of New York. (1991, January). Mayor's management report for the City of New York.
- McDonald, D.C. (1989, February). The cost of corrections: In search of the bottom line. *Research in Corrections*, 2, 1.
- Moran, T.K., & Lindner, C. (1985). Probation and the hi-technology revolution: Is a reconceptualization of the traditional officer role inevitable? *Criminal Justice Review*, 10(1), 25-32.
- Morris, N., & Tonry, M. (1990, January/February). Between prison and probation—Intermediate punishments in a rational sentencing system. Washington, DC: U.S. Department of Justice, National Institute of Justice.
- New York City Department of Probation. (1988, December). Adult services supervision manual and guidelines. New York: Author.
- New York State Probation Commission. (1922). Fifteenth annual report. Albany, NY: J.B. Lyon Co.
- New York State Probation Commission. (1930). Twenty-third annual report. Albany, NY: J.B. Lyon Co.
- Parent, D.G. (1990, September). Day reporting centers for criminal offenders: A descriptive analysis of existing programs (Issues and Practices). Washington, DC: Department of Justice, National Institute of Justice.
- Petersilia, J. (1985, March). Probation and felony offenders (Research in Brief). Washington, DC: Department of Justice, National Institute of Justice.
- Petersilia, J. (1987). Expanding options for criminal sentencing. Santa Monica, CA: Rand.
- President's Commission on Law Enforcement and Administration of Justice. (1967). Task force report: Corrections. Washington, DC: U.S. Government Printing Office.
- Raab, S. (1991, April 10). New York tests electronic ball and chain. New York Times, p. B1.
- Seymour, J., Lockhart, P., & Ely R. (1989, October). Felonization of probation caseload in New York State. Albany, NY: New York State Division of Probation and Correctional Alternatives.
- Stewart, J.K. (1986). Felony probation, an ever increasing risk. Corrections Today, 48(8), pp. 94-102.
- U.S. Department of Justice, Bureau of Justice Statistics. (1992, January). National update. Washington, DC: Author.