

Probation

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This Issue in Brief

What Punishes? Inmates Rank the Severity of Prison vs. Intermediate Sanctions.—Are there intermediate sanctions that equate, in terms of punitiveness, with prison? Authors Joan Petersilia and Elizabeth Piper Deschenes report on a study designed to examine how inmates in Minnesota rank the severity of various criminal sanctions and which particular sanctions they judge equivalent in punitiveness. The authors also explore how inmates rank the difficulty of commonly imposed probation conditions and which offender background characteristics are associated with perceptions of sanction severity.

Using Day Reporting Centers as an Alternative to Jail.—An intermediate sanction gaining popularity is day reporting in which offenders live at home and report to the day reporting center regularly. Authors David W. Diggs and Stephen L. Pieper provide a brief history of day reporting centers and explain how such centers operate. They describe Orange County, Florida's day reporting center, which is designed to help control jail overcrowding and provide treatment and community reintegration for inmates.

Locating Absconders: Results From a Randomized Field Experiment.—Absconders are a problem for the criminal justice system, especially for probation agencies responsible for supervising offenders in the community. Authors Faye S. Taxman and James M. Byrne discuss how the Maricopa County (Arizona) Adult Probation Department addressed the problem by developing a warrants unit devoted to locating and apprehending absconders. They present the results of a randomized field experiment designed to test the effects of two different strategies for absconder location and apprehension.

Rehabilitating Community Service: Toward Restorative Service Sanctions in a Balanced Justice System.—While community service sanctions used to be regarded as potentially rehabilitative interventions for offenders, now they are often used as a punitive "add-on" requirement or not clearly linked to sentencing objectives. Authors Gordon Bazemore and Dennis Maloney argue that community service could be revitalized by developing principles and guidelines

for quality and performance based on a clear sanctioning policy and intervention mission. They propose restorative justice as a philosophical framework for community service and present the "Balanced Ap-

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Using Day Reporting Centers as an Alternative to Jail

By DAVID W. DIGGS AND STEPHEN L. PIEPER*

GROWING PRISON populations, court-ordered capacity limits on jails and prisons, and tight government budgets have forced a return to correctional innovation and a renewed interest in community-based corrections programming (Larivee, 1990). Among the newer innovations are several intermediate sanctions which serve as steps between the security and punishment of prisons and jails and the supervision without security offered by probation and parole. Intensive supervision, house arrest, and electronic monitoring are becoming accepted alternatives to incarceration.

Another intermediate sanction gaining popularity is day reporting. Day reporting can be defined as "a highly structured non-residential program utilizing supervision, sanctions, and services coordinated from a central focus" (Curtin, 1990, p. 8). Day reporting offers the punishment of confinement combined with the rehabilitative effects of allowing the offender to continue employment and receive treatment.

Offenders committed to day reporting centers live at home and report to the center regularly, often daily. While at the center, the participant submits an itinerary that details his or her daily travels, destinations, and purposes. This schedule allows the supervision staff to monitor and control the client's behavior and is also a valuable tool for teaching responsibility to offenders. Clients are normally required to call in several times a day, and center staff also call the clients to verify their whereabouts. While at the center, the participants may be required to submit to drug testing and participate in counseling, education, and vocational placement assistance. Offenders are normally required to be employed in the community or be full-time students (Larivee, 1990).

Day reporting centers are a fairly recent innovation in community corrections programs, but like intensive supervision, house arrest, and other recent intermediate sanctions, they borrow from elements of more traditional correctional programming (Larivee, 1990). Office visits, client interaction in a group setting, drug screening and treatment, and field work are all com-

ponents of day reporting that have been used in probation and parole for years.

History of Day Reporting Centers

Day reporting centers started in Great Britain in the early 1970's as an alternative to incarceration for older petty criminals who were chronic offenders (Larivee, 1990). The British Home Office originally asked Parliament to create the first day treatment centers in 1972. At the same time, there was an independent movement by individual local probation agencies to open centers to provide group services to probationers (Parent, 1990). George Mair, the principal research officer of the Home Office Research and Planning Unit, traced the spread of day centers in England and Wales to prison overcrowding in the United Kingdom and to the interest of probation officials in supervising offenders in a group setting. Frustrated by the inability to manage effectively the behavior of probationers in a traditional setting, officers were anxious to try working with groups of offenders (Mair, 1990). The Criminal Justice Act of 1982 formalized the existence of day treatment centers, and by the mid-1980's there were more than 80 centers in England and Wales. These programs differed greatly in staffing, target populations, programs and services offered, and hours of operation (Mair, 1990).

The first day reporting center in America was opened in 1986 by the Hampden County, Massachusetts Sheriff's Department. The center was implemented as an early release program for selected county jail inmates (Curtin, 1990). This and other early day reporting centers in the United States drew upon the 10 years of experience of the British centers. Day treatment programs in use for juvenile offenders and deinstitutionalized mental patients also contributed to the accumulated knowledge about the concept. Additionally, day reporting was similar to a "living out" release option used by the Federal Bureau of Prisons that allowed inmates to spend prison time at home, after they had finished a residential phase of treatment at community correction centers (Parent, 1990).

Day Reporting Center Operation

Like their British forerunners, American day reporting centers are organized and operated in a variety of ways.

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Day reporting centers differ in the offenders targeted to participate, criteria for selecting participants, operating agencies, services offered, violation policies, and even the goals of the center (Parent, 1990).

Day reporting is a concept that is adaptable to a number of different populations. Day reporting centers are used to offer enhanced treatment and supervision to probationers or sentenced offenders not on probation, to monitor inmates released early from jail or prison, to monitor arrested persons prior to trial, as a halfway-out step for inmates who have shown progress in community corrections or work release centers, and as a halfway-in step for offenders who are in violation of probation or parole (Curtin, 1990).

Whatever the population selected, day reporting allows the treatment and supervision of arrested individuals and convicted offenders in a setting that is more secure than ordinary probation but less inhibiting and less expensive than incarceration. In performing this task, day reporting centers fulfill three separate and distinct purposes: 1) enhanced supervision and decreased liberty of offenders; 2) treatment of offenders' problems; and 3) reduced crowding of incarceratory facilities (Parent, 1990).

Corbett (1990) asserted that this multiplicity of purpose also serves to satisfy goals of various correctional philosophies. The reduction of offender mobility and liberty supports a punishment philosophy and may act as a specific deterrent to future criminal activity. These restrictions also allow for a certain amount of incapacitation and, therefore, protection of the public. The ability to offer needed treatment to offenders assists in the correction or rehabilitation of offenders. Lastly, day reporting is significantly cheaper to operate than correctional institutions, allowing for greater cost effectiveness.

Differences in eligibility criteria are attributable to a variety of factors including the following: the orientation of the agency operating the center, the available population of offenders, the support of elected officials and judges, and the political climate of the community. Some programs place limits on the offenders they will accept based on type of offense, usually rejecting violent offenders. Besides the instant offense for which the offender is responsible, other eligibility variables may include the offender's gender, legal status, treatment needs, prior record, and residential stability. Program administrators must ensure that the selected population exists in sufficient quantity to allow for program feasibility. If the desired population is too small, or unavailable for placement, the administration is faced with changing its eligibility criteria and selecting a different segment of offenders, thereby redefining the mission of the day reporting center (Parent, 1990).

In discussing the effects of differing eligibility criteria, one cannot overlook the possible deleterious and costly effects of using day reporting, or any correctional program or sanction, when a less severe and less expensive alternative would be effective. The concept of net widening in corrections is a widely recognized and well-documented phenomenon. John Larivee, executive director of the Crime and Justice Foundation which operates day reporting centers in Massachusetts, lists three reasons that can account for the net-widening effect: unclear program goals, a mistaken belief that community corrections is soft on criminals, and a lack of support from public officials (Larivee, 1990).

Judges and other involved decisionmakers must be convinced of the effectiveness of day reporting centers and be willing to support them. If this support is not present, the center can expect continuing difficulty in securing participants, which may lead to taking inappropriate offenders who are easier to enroll, rather than serving the appropriate population that was originally identified. Corbett warned against the possible misuse of day reporting centers to over-treat or widen the net and also the danger of overusing centers to maximize cost savings. This can lead to a loosening of standards and may damage programs that are required to accept clients who are dangers to the community or do not possess the motivation towards correction that is needed (Corbett, 1992).

A day reporting center's mission is often dependent on the type of agency that is offering the services. Day reporting centers are operated by a wide range of government, public, and private agencies including residential community corrections centers, work release programs, jails, and treatment programs (Parent, 1990). These agencies obviously have different missions which, in turn, translate into diverse goals.

Day reporting is frequently operated on the site of a residential corrections facility such as a halfway house or work release facility. The advantage to this arrangement is that facility staff members can use their normal down time to perform day reporting duties. This sharing of staff between programs allows for a more cost-effective use of experienced, trained personnel. Among the services commonly provided by day reporting centers are support, treatment, or referral for treatment, for offenders in such areas as substance abuse, mental health, education, vocational training, and job placement. In addition to these treatment services, most centers employ several tools of supervision to help monitor offenders' behavior. Centers commonly screen for use of intoxicants and illegal drugs and impose curfews and control over offenders' whereabouts and associates. Field work is normally less stringent and less frequent than with other interme-

diate sanctions such as house arrest but is still used along with telephone calls to monitor offenders' travel and verify employment and schooling. Additionally, centers normally enforce court-ordered fines, restitution, and family support and often assign community service (Curtin, 1990).

Besides these common supervision and treatment services, some centers offer specialized services. Day treatment centers in England frequently provide recreational and social services to their clientele, making the center not just a place of supervision but also a sort of offenders' club where clientele can join with their peers, relax, and engage in socially acceptable pastimes. It is less common for American centers to provide this type of service, but some centers do provide recreational activities on site or in the community. Emergency or transitional housing is also provided by some programs (Parent, 1990). It would seem that providing housing to center clients would violate one of the key tenets of day reporting and could serve to blur further the line separating day reporting clients from residential services clients such as work releasees. One program that serves female offenders, who may be in a day reporting center program for child abuse, provides on-site day care for its clientele (Parent, 1990).

The goals of the day reporting center and the philosophy of its parent agency will normally dictate the amount of flexibility in the center's violation policy. Centers which act as extensions of prisons or jails and espouse a philosophy of community protection will likely be less tolerant of program violations, such as using drugs or losing employment. Programs that place a priority on the rehabilitation and treatment of participants will be more likely to exercise a range of disciplines for violations of rules, rather than simply depending on incarceration of offenders. Jail and prison overcrowding may also affect violation policy, since many day reporting centers operate to relieve overcrowding. Larivee (1990) warned against falling into the "more is better trap—the more supervision, sanctions and services imposed on the offender, the better the program. This results in an expensive, rigid program that no offender can successfully complete and no agency can possibly deliver" (p. 88).

Orange County's Experience

The Orange County, Florida, metropolitan area is one of the fastest growing areas in the country. Unfortunately, this growth has also led to growth in the jail population. Orange County has implemented a number of alternatives to incarceration to help control overcrowding. The jail has had a traditional pretrial release program for a number of years which released

selected offenders prior to their court obligations and also has administered a federally mandated Population Capacity Release Program. The Community Corrections Department of the Corrections Division has operated a work release center for over 10 years. This 165-bed minimum security facility is primarily for sentenced county jail inmates but does service a small population of pretrial inmates. In 1989, the Community Corrections Department opened the Community Surveillance Unit, an electronically monitored home confinement program which currently monitors 150 pretrial and sentenced county inmates.

The latest attempt to help control overcrowding and provide treatment and community reintegration for inmates is a day reporting center for 25 offenders. The center operates out of the existing work release center and provides supervision and treatment to offenders who have been successfully complying with the work release or community surveillance programs. Participants are required to physically check in daily at the center and submit daily itineraries. Whereabouts are monitored by daily telephone calls and regular, random field checks. Clients are prohibited from using any illegal substances, and the center conducts drug and alcohol testing. All participants must be employed or be full-time students and must continue any treatment begun in work release or community surveillance. Failure to follow program conditions can cause the day reporting center client to be returned to work release, community surveillance, or jail. The day reporting center, which opened in May 1991, is staffed by a correctional surveillance officer who is assisted by work release center staff.

Although it is too soon to know the long-term effects day reporting will have on the offenders who have participated in the program, the following statistics demonstrate that the program is meeting its goal to offer cost-effective treatment and reintegration into the community for selected offenders without endangering the community.

As of January 31, 1994, 224 offenders have participated in day reporting. The program has a success rate of 84 percent, and only one client has been rearrested while in the program. The new arrest was for a non-violent misdemeanor offense. Over \$136,000 in supervision fees were collected from clients to help offset the cost of the center. A study of the clients that successfully finished the day reporting center program showed that 8 percent of them were rearrested after completing the program. The amount of time between completing the program and rearrest averaged 7.5 months, with the shortest period being 1 month and the longest, 17 months. Of the seven reoffenders, four were arrested for new misdemeanors and three were accused of committing felony offenses. None of the seven were first-time offenders when accepted to the day reporting center and they had an average 7.2 prior arrests. Six of the seven committed the same offense

for which they were in the day reporting center program. This may indicate that these individuals' criminal behavior was more deeply rooted and that the day reporting center was not able to alter their criminality significantly. Future recidivism studies performed after a longer period of time will be needed to verify these results. Preliminary indications are that Orange County's day reporting center is an effective alternative to incarceration. Day reporting has helped relieve jail overcrowding and has provided treatment and supervision of offenders and at less cost to the community.

Discussion and Recommendations

In evaluating the effectiveness of day reporting centers, it is important to consider not just program success rates but how day reporting centers compare with incarceration in accomplishing treatment goals and in cost efficiency. English centers are operating effectively and are becoming a recognized aspect of probation supervision, evidenced by the continued spread of centers there (Mair, 1990). American centers in Massachusetts are reporting successful completion rates of 66 percent to 81 percent (Curtin, 1990). These programs are also experiencing success in serving a population of prison-bound offenders and therefore saving tax dollars that would have been needed for prison beds (Larivee, 1990). An important measure of success for any correctional program is the decreased recidivism of former participants. Unfortunately, because day reporting is a relatively recent development in community corrections programming, recidivism studies have not been conducted or at least not published in the professional journals.

Until recidivism is studied more comprehensively, two measures of success can be used to analyze day reporting: cost effectiveness and protection of the community. In assessing cost effectiveness, it is critical that the cost of centers is compared to the cost of incarceration. It is, therefore, equally important that day reporting center clients be individuals that were incarceration bound. Day reporting, being an intermediate sanction that uses smaller caseloads than would be found in probation, will naturally not compare favorably to probation's costs. If offenders that would have been sentenced to probation are instead selected

to be supervised by day reporting, the end result is a costly widening of the net of social control. If however the offender was prison or jail bound, the effect is to modify the offender's behavior at less cost than is required for incarceration.

Of course, cost effectiveness is a secondary concern to the safety of the community. No program will last long, no matter the cost savings, if it seriously threatens the well-being of the citizens. Community corrections is inherently political, and its very existence is dependent on the approval, or at least the tolerance, of the community. Since community protection is of paramount importance to community corrections, a great deal of attention needs to be given to who is treated in the community. Violent offenders and criminals whose crimes were particularly notorious are a significant risk to the operation of day reporting.

If not the violent or serious offender, then which of the offenders that populate our institutions should be selected? Perhaps we should take advice from the original English centers. These first programs were operated for petty criminals who were in danger of going to prison not for the heinousness of their crimes but rather from the sheer number of nonviolent crimes that they committed. Day reporting should be reserved for the offender whose behavior has not been corrected by probation and who has evidenced a need for greater structure in his or her treatment. This is the niche that day reporting will fill in a correctional continuum that endeavors to apply the proper amount of control and treatment to ensure the correction of the individual.

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