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Federal Probation

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This Issue in Brief

Guiding Philosophies for Probation in the 21st Century.—What does the future hold in store for probation? Authors Richard D. Sluder, Allen D. Sapp, and Denny C. Langston identify and discuss philosophies and goals that will emerge to guide probation in the 21st century. They predict that offender rehabilitation will become a dominant theme in probation but that it will be tempered by concern about controlling offenders to ensure community protection.

Identifying and Supervising Offenders Affiliated With Community Threat Groups.—Gangs and community threat groups have placed a new breed of offender under the supervision of U.S. probation officers. Are the officers adequately trained in special offender risk-management techniques to provide effective supervision? Author Victor A. Casillas analyzes gang and community threat group issues from a district perspective—that of the Western District of Texas. He defines and classifies community threat groups generally, relates the history of gangs in San Antonio, and recommends organizational strategies for identifying, tracking, and supervising offenders affiliated with community threat groups.

Community Service: A Good Idea That Works.—For more than a decade the community service program initiated by the probation office in the Northern District of Georgia has brought offenders and community together, often with dramatic positive results. Author Richard J. Maher presents several of the district's "success stories" and describes how the program has built a bridge of trust between offenders and the community, has provided valuable services to the community, and has saved millions of dollars in prison costs. He also notes that the "get tough on crime" movement threatens proven and effective community service programs and decreases the probability that new programs will be encouraged or accepted.

Community-Based Drug Treatment in the Federal Bureau of Prisons.—Author Sharon D. Stewart provides a brief overview of the history of substance abuse treatment in the Federal Bureau of Prisons and discusses residential treatment programming within Bureau institutions. She describes in detail the

community-based Transitional Services Program, including the relationship between the Federal Bureau of Prisons, the United States Probation System, and community treatment providers.

The Patch: A New Alternative for Drug Testing in the Criminal Justice System.—Authors James D. Baer and Jon Booher describe a new drug testing device—a patch which collects sweat for analysis. They present the results of a product evaluation study conducted in the U.S. probation and U.S. pretrial

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Community Service: A Good Idea That Works

BY RICHARD J. MAHER

Supervising United States Probation Officer, Northern District of Georgia

THE PUBLIC is frightened and frustrated by crime that touches their lives and the lives of their loved ones. The strong images of violent crime portrayed by the media intensify the fear. Citizens are further disenchanted by the sometimes ill conceived, and often irresponsible, actions taken by politicians to address crime, especially when the agendas of these officials seem focused on getting reelected rather than on offering solutions. Certainly, the problem of crime is complex, and even criminal justice "experts" seem overwhelmed and at odds over what will work and what will not. However, responsibility for solving the crime problem and thus protecting the public is not entirely the criminal justice system's. Family dysfunction, poverty, inadequate education, and mental health issues pose challenges which must be addressed. If communities are to reverse the degenerative process, both institutions and the public must be informed and involved.

Through court-ordered work assignments, commonly referred to as community service, the Federal court in the Northern District of Georgia has demonstrated that a bridge of trust can be built between offender and community which benefits the offender, the community, and the correctional system. Though community service orders inherently include a punitive aspect, work assignments in the district generally challenge offenders and enhance their identifiable needs such as social or vocational skills. At the same time, offenders make contributions to the community which are genuinely needed and appreciated. The community service concept helps offenders by bringing them in contact with members of the community who act as role models and mentors. This is a humanizing process for the offenders—they develop self-esteem, and community members come to realize that many "criminals" are simply people who are no better or no worse than they are.

The Georgia Northern program, initiated by the district's probation office, has generated much praise from social agencies, business groups, civic associations, and even the media. It has brought the offender and the community together, provided valuable service to the community, and over the past decade has saved the taxpayer millions of dollars in prison costs. When probation officers

devise a community service order, they must consider traditional sentencing objectives, community acceptance, and offender characteristics. Perhaps nothing can better illustrate the intricacies of a successful community service order than actual accounts.

Paul described himself as someone who "had everything." At age 40 he owned an upscale French restaurant that was considered among the best. He had a family, beautiful home, luxury automobiles, and all the trappings of a successful life. Most importantly, he had "respect." Unfortunately, Paul also had a cocaine habit which resulted in his arrest and conviction for conspiracy to distribute cocaine. He was not what one would consider a major drug distributor, but he allowed his business to be a meeting place for others involved in criminal activity. His intent was to stay in contact with a source for cocaine to satisfy his own needs. One day an undercover FBI agent investigating Paul's business and associates asked Paul if he knew where he might obtain some cocaine. Eager to make a new friend, Paul asserted he did and eventually provided 2 ounces to the agent. Paul also bragged that he could get kilo quantities, if the agent so desired. Though promised, many months passed and Paul could not deliver. Finally, the officers concluded the investigation, and Paul and several of his associates were arrested. The charges against those arrested included auto theft, gambling, and drug possession. Among those arrested was a local law enforcement official and a well known broadcast personality. As a consequence, the case received more interest from the press than it might have otherwise. Following Paul's arrest, if the relentless media attention caused him loss of respect, it caused his wife and 10-year-old son undeserved humiliation.

During the presentence investigation, Paul's wife reported that Paul had been using cocaine for about 3 or 4 years. He was a binge user who would disappear to an unknown location and stay gone for several days at a time. During these episodes, his wife would manage the business and take on all the family responsibilities. She hid the problem from family, friends, and neighbors. Although distressed, she did not know where to turn for help. She was afraid Paul would one day be incarcerated or be found dead.

Most stressful for the family following Paul's arrest were the consequences suffered by his 10-year-old son. Neighbors told their children not to associate with the boy, and some of the neighborhood children were doing

more than avoiding him, they were teasing and assaulting him. One afternoon while the probation officer was interviewing Paul and his wife, their son came in the house with his shirt torn and his lip bleeding. He told his parents that neighborhood boys had taunted him and hit him with sticks on his way home from school. Because of this and other incidents, Paul and his wife sent the boy away temporarily to live with an uncle.

Before sentencing, Paul entered a 28-day residential treatment program for his drug abuse. He had the support of his wife and brother and seemed sobered by the pain he had caused his family. The probation officer discussed Paul's case with the sentencing judge. The judge determined that community service would be part of a court order but that to meet the purposes of deterrence and punishment, some punitive measures needed to be included. The court order that followed was intended to test the limits of the community service sanction, but it was careful to provide an opportunity for success. Paul was remorseful, accepting of responsibility, and had strong family support.

The probation officer made a second visit to the home and spoke with Paul and his wife. The officer told them that most likely some prison time would be included in Paul's sentence but that the court was willing to consider full-time community service for as much as 2 years in lieu of a lengthy sentence. The officer asked Paul and his wife how the family would cope if a demanding alternative such as community service were ordered. They also discussed the importance of Paul and his family working together to resolve their conflicts and strengthen the strained family relationships. Paul phoned the probation officer a few days later and put forth a plan. His business had been seized by the Government, and there was no family income. However, his wife had obtained employment. Paul offered that he could do food preparation in a friend's restaurant on evenings and weekends. Still, the two incomes would fall short of meeting family expenses. Paul explained that he did not want to lose his house. It had no equity, but keeping the home offered some semblance of stability that Paul and his wife felt was important. His brother offered to contribute \$300 a month toward support of Paul's family, thus ensuring the mortgage would be paid. Paul's treatment included family counseling, and in spite of the current crisis, his family situation was hopeful.

Anticipating the community service order, the probation officer identified several agencies that could accommodate Paul's needs and talents. Following conferences with Paul and the director of the local cerebral palsy center, the probation officer determined that Paul would work in the center's kitchen. The kitchen was understaffed and had constant problems

with equipment and with meeting cleanliness standards. When Paul was introduced to the director and the staff, it seemed Paul and the assignment were well suited.

At sentencing, the court ordered Paul to serve 90 days in a medium security prison to be followed by 6 months in a halfway house. He would begin his community service upon transfer to the halfway house and would perform 40 hours per week at the cerebral palsy center for 1 year. Paul was permitted to work part-time Monday through Saturday, but Sunday was to be a day of leisure intended to provide time for the family to be together. In addition, Paul was to continue frequent urine analysis to ensure he was drug-free. A year had passed from the time of his arrest, and Paul had completed his treatment program and had been tested for drug use as a condition of bond. There was no sign of relapse.

The year that followed Paul's release was demanding. As he said, "I lost everything, but at least I did not lose my family." He gained a true sense of self-respect by making a diligent effort, by maintaining a positive attitude, and by helping others. The kitchen was organized, it began receiving excellent evaluations from the county, and the staff was occasionally treated to a gourmet lunch prepared by Paul. One afternoon an older woman on the kitchen staff who was walking from her bus stop to the center had her purse snatched. Paul became concerned for her safety, so he began arriving early each day to meet her at the bus and escort her to the center. In the afternoon he escorted her back to the bus.

Paul's community service work began at 6:30 a.m. and he finished at 3 p.m. Then from 4 p.m. until 8 p.m. each weekday he worked cutting meat in a local restaurant. In addition, he worked several hours each Saturday at the restaurant. In conference with his probation officer on Fridays, Paul often seemed very weary. However, with the probation officer's and center staff's encouragement, Paul completed his community service successfully. Paul later volunteered to tell his story and was interviewed on television about his community service experience. He told the interviewer that he was grateful. The sentence was tough, but he felt the court had acted fairly and leniently given his offense. Paul and his family had become stronger through this ordeal, and he was proud of the relationships he developed with center staff. Paul, and all concerned, felt he served his sentence with dignity. Five years passed following his release from prison. Paul completed his community service and his probation and did an exemplary job. The cerebral palsy center director, reflecting on Paul and other community service work offenders assigned to the center, said, "I know offender community service works, because I have seen it work."

Another offender placed on community service came without the personal problems or high profile offense of Paul. The placement was a simple matter, and the offender and agency match was near perfect. Carl retired from the Navy as a chief petty officer. Upon discharge from the service, he worked with the U.S. Postal Service as a mail carrier. At some point in his career Carl determined that delivering third-class mail was a waste of his time and a nuisance to his customers. His solution was to toss such mail in the nearest dumpster once he was out of sight of the post office. Carl's crime was soon detected, and no matter how well intended his actions were, the authorities did not appreciate them. He was fired and was convicted of a misdemeanor. His punishment was to pay restitution and perform 300 hours of community service.

In Carl's case, the community service site was not determined until after he was sentenced. The presentence report indicated that Carl was only one quarter short of obtaining a bachelor's degree in mathematics. In an interview with the community service probation officer, Carl made a very positive impression. The probation officer instructed him that he would serve his community service in 7-hour increments each Tuesday at a local elementary school. Upon conference with the principal, Carl was initially assigned to handle bus, playground, and lunchroom duties. He also spent time in the third grade classroom as a teacher aide.

Carl's leadership ability and his qualities so impressed the teaching staff that soon he was assigned three of the most troublesome third grade boys for special tutoring. Each was failing math. Carl worked with the boys in a separate room for an hour each Tuesday but also began coming for an hour session another day of the week. Since part of the problem appeared to be rooted in lack of discipline, Carl joined in teacher conferences with the mothers of "his children." Within weeks all three were passing math and doing better in other subjects as well. After completing his community service work, Carl was offered employment as a teacher aide. He expressed interest but reluctantly turned the offer down. His own daughter was in college, and other considerations prevented him from sacrificing his current employment. Still, Carl expressed hope that he had touched the lives of at least a few children in a very positive way. He felt he had received much more than he had given. The school principal was sure Carl had touched the lives of both the children and her staff in a very meaningful way. Carl was the first community service worker to be trusted to work in a school in the Northern District of Georgia. Through his effort and the confidence it inspired, the court's program has expanded to four schools, and dozens of successful placements have been made.

In the summer of 1992 two brothers were released from prison to their home in the North Georgia mountains. The second part of their sentence required them to perform community service work for the U.S. Forest Service. The court ordered the brothers to help search out and destroy whiskey stills hidden in hollows of the Chattahoochee National Forest. The pieces of the broken stills were then to be carried, often uphill, to the nearest road and loaded on trucks for disposal. While the brothers were not very cooperative in locating the stills, they did a fine job—while under the eyes of forest rangers and probation officers—destroying and removing the stills. While in the process of removing a still he himself had built, one of the brothers commented, "It's like adding insult to injury. All we done is make a little liquor." The brothers expressed lack of remorse for their crime but casual acceptance of their punishment. Their attitude was typical of the community's view toward moonshining. In general the community was supportive and did not condemn the brothers for their crime. The men's mother stated, "If it wasn't for whiskey some years, we would have starved. It's the only reason they went into it, they can't find much work."

The initial partnership between U.S. probation and the U.S. Forestry Service led to an annual event which seems to be growing and stirring the imagination of Federal community service programs in other districts. In September 1992 the Northern District of Georgia and the District of South Carolina organized 40 willing community service offenders to spend a week carrying out work assignments directed by rangers and assisted by probation officers. Work was done both in Georgia's Chattahoochee National Forest and South Carolina's Sumter National Forest. Both the Georgia and South Carolina National Guard joined the partnership and supplied tents and cots. Each offender paid for his or her own meals, and the Forest Service contracted for the meals to be brought to the campsite. These and other logistics were accomplished without a problem. At the end of the week what the effort produced was well beyond expectation. Trail projects were completed, campsites were developed, a storage barn and helicopter hanger were built, and a number of fish and wildlife projects were completed. The cooperative effort was a source of pride for all. The effort was repeated in 1993 and enjoyed the participation of probation officers from several other southeastern court districts. In a letter district ranger David Jenson thanked the probation officers and the community service crew for their fine effort. He wrote, "There was a tremendous amount of work accomplished over the course of the week, and the projects that were completed will serve the District and the public for many years to come. Your work

ethic, adherence to safety practices, and professional attitude were apparent and appreciated throughout the week."

In April 1994, following the Northern District of Georgia's example, the Eastern District of Tennessee carried out a similar project. In a single week, 27 horse pads were completed, 300 feet of split-rail fence was built, a house was repaired, and numerous labor-intensive trail projects were completed. Once again, the projects proved to be a source of pride for the offenders involved and resulted in a tangible and cost-saving product for the taxpayers. The community, the offender, and the criminal justice system all benefited.

For more than a decade the community service program in the Northern District of Georgia has brought offenders and community together, often with dramatic positive results. Both the court and the offenders have received praise and special recognition for a job well done. In some years, as many as five percent of the community service offenders received permanent employment as a result of their court-ordered placement. Strong community support and involvement have contributed to the impressive success. The community has received millions of dollars in services and tangible products not otherwise affordable. The correctional system has saved millions in incarceration costs, while offenders have been given an opportunity to atone for their crimes with dignity. Fifty-four offenders tracked who performed 40 hours of commu-

nity service per week for 6 months or more completed their work programs successfully. Only one failed to complete his probation term without incident and, as a consequence, was incarcerated. Most importantly, families have been kept together, and relationships between offenders and ordinary citizens have been touched in positive and significant ways.

Even though community service seems to be working in the Northern District of Georgia and elsewhere, it is in jeopardy. Community service and other smart sentencing practices have been adversely affected by the "get tough on crime" legislation of the past decade. Federal sentencing guidelines have severely limited judges' options to impose alternative sentences. Guidelines preclude selective incarceration. Consequently, the court often is mandated to impose lengthy and arguably unnecessary prison terms which clearly are not in the interest of victim, community, or offender. While not all offenders are suited for placement in community service programs, programs based on careful screening and strict supervision practices offer a safe and cost-effective alternative to incarceration. The current atmosphere of fear and frustration threatens proven and effective programs such as the one in Northern Georgia and decreases the probability that new programs will be encouraged or accepted. However, with the need for space in the Nation's prisons continually increasing, eventually a reasoned, purposeful, and cost-effective public policy will be born.