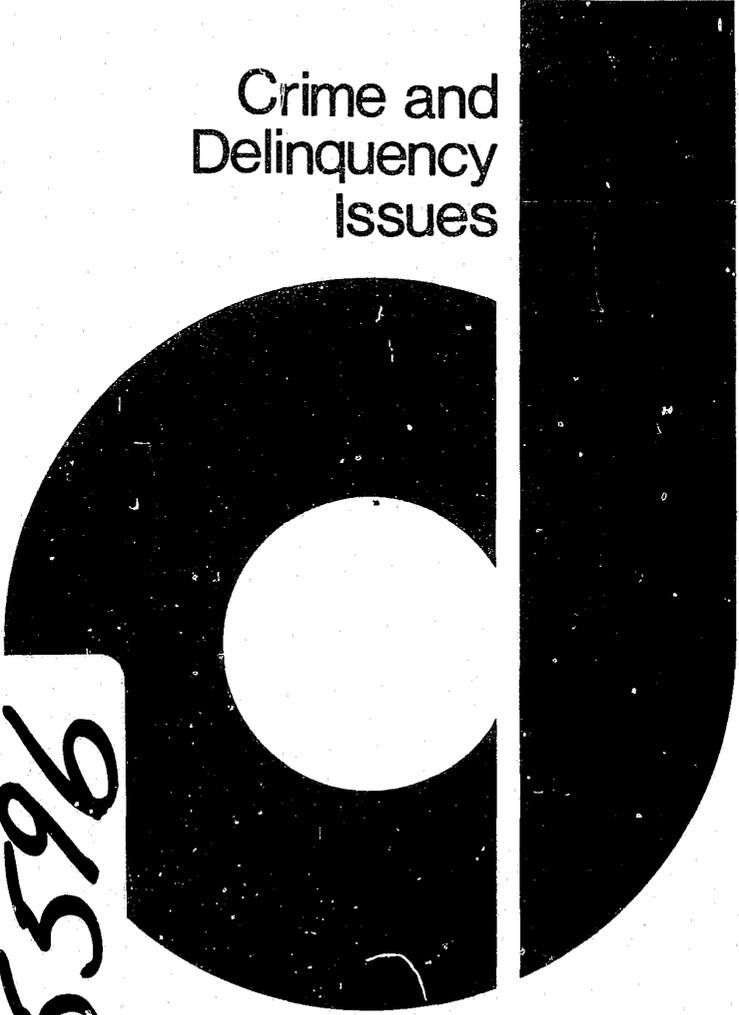


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Decision-making in the Criminal Justice System: Reviews and Essays

Crime and
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CHAPTER VI

Correctional Decision-making

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After sentencing, the next critical points of decision depend, of course, upon the outcome of the sentencing process. Typically, these will include placement decisions affecting the offender's program in jail, under probation supervision, or in prison; they may include the decision whether or not to parole, and they often include determination of the length of time to be required in custody or under supervision. In each case, the decision-makers are confronted with the usual, sometimes conflicting, demands of the criminal justice system for societal protection and rehabilitation of the offender.

Decisions on the offender's program are made by probation officers, by correctional classification officers, wardens, parole board members, parole officers, and others. Like the judge, these decision-makers typically lack the basis from painstaking recordkeeping, analysis, and feedback which is requisite to a truly informed decision process.

Little work has been done toward developing classification methods for use in jails, and little systematic study has been completed which could give probation administrators an increased confidence that their charges will be provided the kind and degree of treatment most appropriate for the individuals assigned. To the extent that each jail inmate and each probationer is unique, no amount of experience can assure such confidence; but to the extent that similar persons respond similarly to differential program placements, *that* experience could guide future decisions and thus could improve the results of jail and probation programs.

Much more research has been done with persons sentenced to prisons or to correctional facilities for youth, and much of that has relevance to classification problems in the area of jail and probation. Except in those research studies, the word, "classification," typically refers actually, in corrections, to procedures for the assignment of persons to institutions or to institutional programs. In some systems, e.g., in California, the newly arrived prisoner is observed and studied

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intensively for a period of 2 or 3 months in a specially designed reception-guidance center facility. Such study may include interviews with the inmate which, together with materials assembled from inquiries of others, provide a basis for a brief social history. Vocational counseling may be provided and recommendations made concerning offender needs for education and training. Group and sometimes individual psychological testing may be included in the assessment procedures; sometimes they include observations of behavior in housing units, recreational facilities, and counseling sessions; and (more rarely) they include psychiatric evaluations or individual psychological diagnostic study. The objectives typically are determination of the institution in which the prisoner will serve at least the first part of his term, the degree of custody (i.e., physical security and surveillance) required, and the treatment program placements judged appropriate in terms of rehabilitative aims. In correctional systems with sophisticated treatment resources, program placement alternatives may include a wide variety of programs—each with ardent advocates with respect to rehabilitative value. For example, they may include educational regimes, vocational training for numerous occupations, group and individual counseling and psychotherapy from diverse theoretical frames of reference, occupational therapy, forestry or road camp programs, and work-furlough placements. The data collected to aid in these decisions are sometimes painstakingly compiled with careful accuracy. Ordinarily, however, there is little evidence of the validity of the data in terms of any objectives of the correctional process. Hence, again, much data, little information.

There are, indeed, beliefs among correctional staff responsible for these decisions in the validity of certain kinds of data in predicting program outcomes. Such beliefs are most usefully regarded as hypotheses to be tested through followup studies. Those found valid can be retained and used in educating other decision-makers, hopefully to increase the likelihood of helpful program placements. Those not supported by the evidence can be rejected. Without such a process of systematic study and feedback to the decision-makers, improvement in the decisions cannot be expected. That which was reasonably supposed, assumed, or thought likely is apt to be taken increasingly as that which is supported by evidence—indeed, to be mistaken for fact. Presumptions concerning relations of offender data to desired outcomes may in time achieve the status of folklore. These concepts may provide a basis for implicit classification models. Thus, implicit classification methods based on tradition and folklore may become the chief tools of the correctional decision-maker.

Many useful starts toward more explicit and reliable classification methods have been made; and validation studies—with respect to a variety of correctional purposes—have begun to be reported. An excellent discussion by Warren (1971) (including many useful references on this topic) has shown there is a considerable communality among many of these classification systems.

These classification methods, from psychological, sociological, or psychiatric perspectives, are not equally valuable for all purposes. Some have more direct treatment implications than others. Some are demonstrably more reliable than others. Some are more helpful in generating testable hypotheses than others. In only a few instances has the relevance of the classification for treatment placement been clearly demonstrated. Thus, the need is great for development of theoretically sound, clinically useful, testable classification systems, with enunciation of the probable etiology; for proposed treatment or control measures; and for demonstration of the effectiveness of differential treatment placements. (Grant 1961; Warren 1971; Cormier 1959; Argyle 1961; Gough and Peterson 1952; Peterson, Quay, and Cameron 1959; Sullivan, Grant, and Grant 1956; Venezia 1968; Borjeson 1967, pp. 173-236; Sparks 1967, pp. 129-169; Wolfgang, Figlio, and Sellin 1972, pp. 218-243 and pp. 252-255; Quay 1964; Grant and Grant 1959; Warren 1969, 1972.)

The importance of person classifications at each step in the correctional continuum from conviction to discharge should be emphasized (Warren 1972). To the extent that criminal justice agencies adopt goals of modifying behavior to reduce the probability of law violations, it is important to have available at each decision point (concerning placement decisions) classification information which will indicate the setting and methods most likely to achieve those goals. In the absence of any classification system, no interactions of persons by treatments on outcome measures can be observed; and there is now considerable evidence that such interactions are critically important. Warren has provided examples of such interactions based on interpersonal maturity classifications from the California Youth Authority programs (Warren 1972a). Evidence now available from this line of investigation (diligently pursued since 1957) clearly supports the central thesis of the importance of offender classification methods in treatment evaluation research. She cited a variety of other examples. A Project Outward Bound program in Massachusetts was said to be effective with one classification of delinquents but not with another (Kelly and Baer 1971). Two studies were said to demonstrate effectiveness of individual counseling programs with cases in the middle range of difficulty but not for easier or more difficult

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cases (Berntsen and Christiansen 1965). A study of group therapy was reported to have shown a differential impact on persons in various offense categories (Clanon and Jew 1969).

Offenders are not the only proper subjects for classification efforts. Other components of intervention strategies may be classified also; as Warren suggests, these may include environmental settings, workers (treaters), and treatment methods (Warren 1972a p. 12). One may then proceed to seek to sort out the optimal "matches" for greatest effect in terms of desired outcomes. Reviewing studies of correctional treatment in community settings, Warren (1972b) cited current research reported by about 125 persons in 25 countries (including investigations in 25 of the United States). She concluded that two general movements can be observed in these studies, which involve "increasing differentiation of the 'who' and the 'what' of correctional programs." The "who" question refers to increased concern with offender characteristics and with their relation to "what will be required to get him out of the correctional system permanently." The "what" question points to increased attention to "studying various treatment elements and their contribution to outcome."

Parole is an area of corrections which provides a good basis for discussion of our presently limited knowledge of decision-making and of the contributions and limitations of classification and prediction methods.

Parole in the United States evolved from "tickets of leave" which had been used in England, along with indeterminate sentences within a fixed range, since 1853 and since 1840 in a program of transporting prisoners from England to America in accordance with English law of 1597 (Newman 1968, pp. 19-20; Rubin 1963, p. 33). At the organizational meeting of what is now the American Correctional Association, a principle involving classification was adopted, apparently having grown from a system of marks (for good conduct and achievement in education and industry) as a basis for tickets of leave with community supervision. The principle stated,

. . . The progressive classification of prisoners based on characteristics and worked on some well-adjusted mark system should be established in all prisons above the common jail (Lindsay 1925-1926).

Thus, a century ago, American correctional leaders were urging a careful, systematic classification of offenders by their characteristics and progress in correctional programs. The examples below represent but slow progress toward this objective through a long line of research efforts.

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A brief look at the history of these studies, aimed at parole prediction, shows that they began about 50 years ago (Mannheim and Wilkins 1955; Simon 1971). Warner's (1923) study of items related to parole success and failure was continued by Hart (1923) who suggested combining items into a single score, a task apparently first performed by Burgess (Burgess, Bruce, and Harno 1928).

The next three decades saw the further development of these efforts in the United States. The Gluecks published eight volumes on the topic between 1930 and 1950 (Glueck and Glueck 1930, 1934a, 1934b, 1937, 1940, 1943, 1945, 1950). Meanwhile, probationers were studied in Minnesota (Monachesi 1932), attempt was made to validate Burgess' results (Tibbits 1931), jail recidivists were studied (Argow 1935), and those from a correctional school (Fenton 1935); the use of inmate hunches regarding the parolability of their fellow prisoners was investigated (Luane 1936), further work on prediction was done (Ohlin 1951), and closely related studies were published (Caldwell 1951; Reiss 1949; Witmer and Powers 1951). Attempts were made to validate the Glueck tables with other groups—for example, with children with behavior problems.

Related research was completed meanwhile in Europe. Mannheim finished a similar study in England and a later one with Wilkins (Mannheim and Wilkins 1955).

These studies led to parole prediction efforts in California beginning in 1958 (Gottfredson 1959). The primary motivation for these attempts was not to provide assistance in individual decision-making; rather, a classification tool was sought with a potential use in studies of effectiveness of treatment and in program planning (Mannheim and Wilkins 1955; Wilkins 1961). The methods developed and tested for adult male and female prisoners and for confined youth have demonstrated validity for samples released in different years, to different geographical areas, in different seasons of the year, from different institutions, in different jurisdictions (Gottfredson and Beverly 1962; Havel and Sulka 1962; Gottfredson, Wilkins, and Hoffman 1972).

These instruments for classification of offenders according to a specific predictive purpose have been found useful for the research purpose intended (Gottfredson 1965) as well as for practical applications to program planning problems. Illustrations of the latter use show how classification study results may be incorporated into administrative decisions which in turn affect individual decisions.

One application sought to alleviate problems of prison overcrowding and increased confinement costs. The prison administration, through its research division, screened the entire confined population

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of California's prisons (more than 20,000 persons) first by base expectancy (parole prediction) scores, then by further clinical criteria. The result, with both male and female prisoners, was that some persons were referred for parole consideration at a date earlier than originally scheduled; some of these were released on parole by decision of the parole board.

In a second application, minimal supervision case loads of male and female parolees were established. Persons assigned to classifications having a high probability of successful parole completion received minimal supervision. Experience demonstrated that these cases may be given less supervision with no increase in the parole violation rate (Havel 1963). This enabled parole workers to deploy their forces from areas where help was less needed to concentrate efforts to where it might be more helpful.

Based upon a parole prediction device for female offenders, a new assignment and supervisory system was established (Betts 1961). The best risks received only minimal supervision, and parole agent time was redeployed to treatment-oriented supervision of judged amenable parolees and to surveillance of judged nonamenable cases.

In supervision of male parolees, the saved time was used for more intensive supervision of middle risk parolees. This was an application of a research result reporting no differences with reduced case loads in the case of good and poor risks but a favorable gain (i.e., fewer violations) with parolees in the middle risk group (Burdman 1963).

These efforts had resulted in substantial monetary savings by 1961 with no increase in parole violations. The female offender classification program reduced the institutional population and it was the opinion of correctional administrators that this program had accomplished the avoidance of the necessity to build a new women's prison.

In 1961, the California legislature approved a program based on a screening of inmates by base expectancy scores combined with programs for more intensive institution and parole services. The goal was reduction of institutional costs for nonviolent cases by release slightly ahead of the expected time (Burdman 1963). By 1963 the Department of Corrections reported to the legislature that this program had reduced the institution population by more than 840 men and women, that support savings were at least \$840,000 and that \$8½ million in capital outlay were deferred. These savings were attributed to the new program and to initial efforts by the paroling authorities to base decisions partly on base expectancy measures (Burdman 1963).

By 1969, the California Department of Corrections reported an assignment system for parolees with three classes of supervision. The program objectives were to increase community protection, improve

performance by parolees, and save institutional costs. The base expectancy measure provided a basis for the assignment procedures. The agency reported to the legislature that total prison returns for new crimes and violation of parole rules were reduced by 25 percent since the 1965 start of the program. They concluded (on the basis of base expectancy scores, incidentally, illustrating a research use of these measures) that 1,543 additional men had succeeded on parole who, on the basis of past experience, would have been expected to fail. The saving from keeping men in the community rather than in prison was estimated as equivalent to the cost of the entire population of an average-sized major prison. Savings in operating expenses were estimated at \$4½ million yearly and in construction savings at \$20 million (Parole and Community Services Division, California Department of Corrections 1969).

A quite different use of such prediction methods was illustrated recently by the United States Board of Parole (Hoffman 1973; Hoffman and Gottfredson 1973). This application called attention to the two general classes of decisions made about parole by paroling authorities: individual case decisions and paroling policy decisions. Although the latter may be assumed to set the framework within which the former are made, they generally are not stated explicitly.

Hoffman's study, in collaboration with members of the Youth Correction Division of the United States board, showed that the implicit policy could be made explicit through an analysis of practice. Judgments on three factors—offense severity, parole risk, and institutional performance—were found to account for most of the variance in parole decisions. Accordingly, guidelines were developed to combine these dimensions as a statement of general policy. Thus, for cases with average institutional adjustment, assignments to offense severity and parole prognosis (using a prediction device developed for the board) indicated the expected range of time to be served in prison before release. When decision outcomes fell outside the expected ranges, specific reasons were required of the decision-makers. Provision was made for periodic review and revision of the policy guides. Besides numerous other advantages which accrue from an explicit, clearly stated policy, it was believed that the guidelines permitted a structuring of discretion without removing it and a greater opportunity to exercise discretion in a fair and rational manner. Thus, it was argued, they contributed to improved justice by helping to ensure fairness or equity—by requiring similar sentences of offenders similarly classified with respect to relevant dimensions.

Applications such as these, as well as improved information for individual assignment decisions, can come about only when an adequate

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recordkeeping, analysis, and feedback system has been established. The necessary classification studies and required assessments of the relations of offender, treatment, or environmental variables to the outcomes which define criminal justice system objectives can likewise be done only with an adequate base of data on these variables. Only in such a context can data now presumed pertinent to decisions be transformed into information actually useful in efforts to make such decisions more rational. In chapter IV Professor Burnham discusses these correctional decisions and these information needs in detail.

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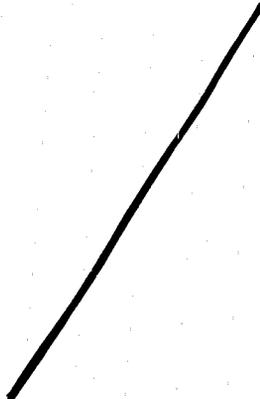
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