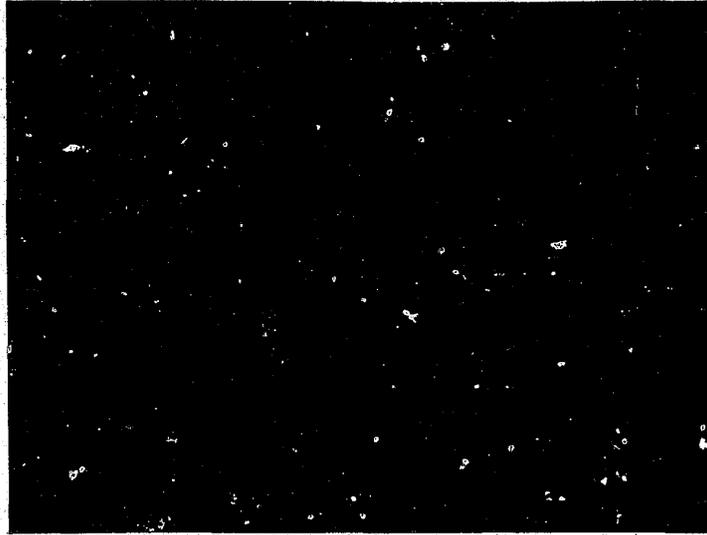


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INTO THE LITERATURE REVIEW
FOR THE
NATIONAL EVALUATION PROGRAM - PHASE I
COMPREHENSIVE EVALUATION OF INFORMATION

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II. ANNOTATED LITERATURE REVIEW

A. INTRODUCTION

This Literature Review is not intended to be all inclusive, but it is intended to be representative of recent activity in the field of innovative probation. The review is limited to articles which are directly pertinent to the Intensive Evaluation of Probation project, and is not an over all encompassing review of probation.

The majority of the articles reviewed in this document were obtained through a National Criminal Justice Reference Service computer search which used the key words and phrases "adult," "probation," "new trends in probation," and "traditional methods of probation." Where several articles dealing with the same program or study were found in the literature, only one example is included in this review.

Several articles should have been included in this review which were not available either due to the fact that they had only recently been written or were out on loan. A listing of these articles immediately follows the Literature Review. Additionally, a short list of useful reference books is provided.

This review contains 26 annotations organized in three categories:

- o Specific Innovative Approaches to Probation*
- o Evaluation and Comparison of Specific Probation Efforts*
- o General Comments on Selected Issues of Probation.*

The articles contained within the categories are organized alphabetically by the principal author's last name. Articles whose authors are unknown or are not mentioned are arranged at the back of each category in alphabetical order according to title of article.

SPECIFIC INNOVATIVE APPROACHES TO PROBATION

Beta, James, Carlson, Kenneth, Rosenblum, Robert, "Sentencing to Community Service," National Institute of Law Enforcement and Criminal Justice, Apt Associates, Inc., Contract No. J-LEAA-030-76.

Sentencing selected offenders to perform services for the community has become an increasingly popular sentencing option for judges. Premised on the notion that a fine and/or jail term is not always in the best interest of society or the offender, many courts have embraced the concept of community service in lieu of the traditional sentences, particularly in cases involving misdemeanors. In the introductory chapters, this document describes three different types of alternative community service or court referral programs.

- o Court Referral Program of Alameda County (CR). The Court Referral Program is heavily relied upon as an intermediary placement service. Over the last 3 years, about 13,000 offenders have been placed in community service through this program.

Court Referral Program Reports emphasize that the program is not part of the criminal justice system, but rather is one aspect of a community service volunteer program. For the most part CR participants are individuals convicted of traffic and parking violations, 40 percent were convicted of disorderly offenses. An increasing number of cases (22 percent) are on formal probation supervisions.

Participation in the program is voluntary. The offender is aware that community services is an alternative form of sentencing but may opt for fine and/or jail term.

- o Alternative Community Service Program (ACSP) of Multnomah County, Oregon offers the misdemeanor offender the opportunity to perform unpaid volunteer work for a nonprofit agency in addition to or in place of traditional court sentences. Unlike the Alameda County Program, ACSP is a part of the criminal justice system.

Intake referrals to Multnomah County Parole and Probation have shown a significant decrease since the inception of the ACSP. It appears that the majority of cases which do not require supervision and counseling are being diverted to the ACSP rather than being placed on probation.

- o The Community Service Order in Great Britain (CSO).

The Criminal Justice Act of 1972 introduced a number of new measures for processing offenders in the criminal courts of Great Britain. Among these was the Community Service Order (CSO) under which con-

sentencing defendants may perform unpaid work in their local community in lieu of some more traditional sentence.

Initially, a major objective of this program was to provide non-custodial alternatives for offenders who otherwise would be given short terms of imprisonment. Unpaid community service was seen as a more constructive alternative than suspended sentence or probation, for CSO's required active participation by the offender, and, in addition, deprived him or her of leisure time.

Under British law, a community service order may be entered for an offender convicted of an offense punishable by imprisonment, provided he or she is at least 17 years of age and has consented. The number of hours worked (not less than 40 nor more than 240) are specified in the court's order, and normally must be completed within one year. Community service orders are arranged in the offender's local area and an attempt is made to structure them around employment, family and religious commitments.

Chapter 3 involves the legal issues concerning sentencing to community service while the fourth and final chapter of the document is a discussion of the need and methods of monitoring and evaluating court referral programs.

Doctor, Ronald M., Polakow, Robert L. "A Behavioral Modification Program for Adult Drug Offenders," Journal of Research in Crime and Delinquency, Volume 11, No. 1:63-69, January 1974.

This study describes a behavior modification program designed specifically to deal with adult probationers. It involved a three-phase process in which successively more difficult behaviors were achieved and maintained on reinforcement while deviant and drug-related behaviors were gradually diminished through counterconditioning. Phases one and two were primarily oriented toward establishing consistency of behavior and exposing the probationer to a variety of models for growth, behavior change and problem solving. They also established the probation officer as a positive stimulus and a person to be trusted. In phase three, probation officers negotiated a written contract with the probationers. The contract detailed specific new and positive behaviors the probationer felt he could achieve (employment, nondrug activity, etc.). In return for successful performance of these behaviors, the probationer received predetermined reductions in his total probation time. (Looking for a job would be associated with a certain number of weeks off the total probation time at a later date while finding and holding a job would receive larger credits against probation time.)

The results of this program are compared with traditional probation or probation-relevant criteria such as new arrests, violations of probation, attendance and months of employment. Significant effects were achieved on all criteria over traditional probation supervision. The behavior modification approach described is offered as a viable alternative to traditional probation methods.

Friday, Paul C., Petersen, David M., "Early Release from Incarceration: Race as a Factor in the Use of Shock Probation," The Journal of Criminal Law and Criminology, Volume 66, No. 1:79-87, March 1975.

In July 1965, the Ohio General Assembly enacted a statute providing a means for the early release of incarcerated felons from a correctional institution. That statute permitted the placing of incarcerated felons on probation before they served the sentences specified for the offense. The statute makes any felon eligible for early release provided he has not committed a non-probational act in Ohio. The underlying assumption of the legislation, commonly referred to as "shock probation," is that in deterring crime, a short period of incarceration may be as effective as longer periods of incarceration. The law is intended as a treatment tool and as a compromise between the advantages of incarceration and the advantages of probation.

In this particular study by Petersen and Friday, there are a number of questions which can be raised regarding split sentences (i.e., shock probation) as an alternative form of penal treatment. First, who receives and who is refused a split sentence? Second, what are the characteristics of those offenders who receive a split sentence versus those eligible for a split sentence who receive standard incarceration? The findings of this study indicate that a number of factors (e.g., race, education, and plea) which are not recognized in the Penal Code do effect sentencing under this legislation.

Lamb, Richard, MD, Goertzel, Victor, PhD, "A Community Alternative to County Jail: The Hopes and the Realities," Federal Probation, Volume 37, No. 1: 33-39, March 1975.

The authors describe a residential community corrections program which is operated within a county probation department and serves as an alternative to county jail. Results of a controlled study during its initial 3 years show recidivism is the same as that in the control group but employment is higher. The project demonstrates that it is possible to have an unlocked rehabilitation facility in the community with an active therapeutic program for serious offenders.

In cooperation with the San Mateo County Probation Department, the authors set up Ellsworth House, a therapeutic residential facility in the community in lieu of county jail. This was not simply work release or work furlough program but a facility that was unlocked, in the midst of the community, and centered about a therapeutic program in the evenings.

The program was located within the County Probation Department for several reasons:

- o A progressive probation department can combine a rehabilitation orientation with a thorough knowledge of the criminal justice system and have already established good working relationships with the courts, district attorney, jail system and police.
- o As every metropolitan community has a probation department, there is a potential to develop programs such as this throughout the country.
- o They felt it important not to have the program run by the police department as its primary focus is law enforcement.

The directors wanted the program to serve men who had committed serious crimes and in fact 77 percent were classified as felonies while 23 percent were misdemeanors. Only those who were judged from experience to be serious escape risks were excluded from the experiment.

The program had three phases.

Upon entering Ellsworth House Phase I - 30 days - the probationer may leave the House on weekdays for school, work, etc. as each resident must participate in some constructive fulltime activity. He is restricted to the House all other times but may receive visitors. Upon entering Phase II, he is given more freedom as he can take weekend passes, etc., however, he is also responsible for taking a good look at himself and his problems and begin to take steps to resolve same. At the entry of Phase III for the duration of his probation, he is released to the community but returns to the House on a regular basis to meet with his probation officer and is expected to exert a positive influence on those currently residing at the House.

The authors express a very positive attitude toward probation and feel that in some cases it is the only answer for rehabilitation as it sets limits, provides support and maintains dignity thereby helping offenders confront their problems and find constructive means of dealing with stress.

Mahoney, J.R., "Offender Assistance Through Community Colleges" Grant for Department of Health, Education, and Welfare, 1976.

The American Association of Community and Junior College's project, Offender Assistance Through Community Colleges, was a program supported by DHEW and was completed August 1976. The program was designed to demonstrate that the community college for many reasons was uniquely suited as a resource for offenders.

Three demonstration colleges conducted pilot programs. The general goals were:

- 1) To provide educational and human service assistance to offender students.
- 2) To develop collaborative relationships among the colleges, criminal justice agencies, and community public service agencies.
- 3) To develop proper models which could be implemented at other colleges.

The target population was first-time committed felons who were on probation. Florida Junior College enrolled 187 target offenders; Central Piedmont Community College enrolled 132; and Community College of Denver enrolled 126. Nearly 70 percent of the participants were referred by probation offices.

During the intake interview, coordinators identified individual referral interests, educational and personal needs, and collected demographic data. Program goals were set at this time or at a second meeting.

The project produced resource documents. Available currently in the Community College ERIC system are a literature search for offender education programs and a directory of postsecondary offender programs.

Evaluations were made and included among the suggestions for program requirements were: the inclusion of a model student emergency loan fund, the establishment of a three month site planning period, and the development of training for site staff in data collection and other evaluation procedures.

Mandel, N. T., "Bremer House - An Analysis of Program Performance," 1975.

The Bremer House program is essentially a diversionary program offering district court judges in Ramsey County, Minnesota, a community based alternative to state institutional incarceration of young men convicted of felonies or gross misdemeanors, who are not otherwise eligible for regular probation. Those placed in Bremer House are done so as a condition of probation. Bremer House is a highly structured residential treatment program located in St. Paul, Minnesota and consists of individual counseling, family counseling, job counseling, and group therapy sessions. The specific model of group work used is "guided group interaction", a peer group involvement therapy.

There are seven basic stages in the program, and privileges and freedoms are increased at each step until successful termination from the program. Residents pay room and board while in the program. The seven basic stages are as follows:

1. Restriction to the premises.
2. Permission to leave the premises for reasons of schooling and/or employment.
3. Freedom to leave the premises on "free time" when accompanied by a senior resident.
4. Freedom to spend specified periods of free time off-grounds without supervision.
5. Privilege of being gone overnight from the house, subject to request and approval.
6. Freedom to live off-grounds, but required to return for regular group sessions and counseling.
7. Living off-grounds with no requirements for group involvement, but continuing weekly contact with project staff.

Following the satisfactory completion of Phase 7, the resident is terminated from the program by court, but continues under probation supervision. All participants in the program are held accountable for making regular weekly room and board payments.

Referrals to Bremer House are primarily made by the adult division of Ramsey Court Services, although some referrals come directly from the sentencing judge. Suitability for an acceptance into the program is a joint decision of the court, the Bremer House Staff, and the offender.

The staff consists of a project director, a treatment supervisor, two group workers, a secretary, a cook, resident counselors, student interns and volunteers from the community. In addition, senior residents or graduates from Bremer House serve in a volunteer capacity as assistants to resident counselors.

According to the author it would appear that a program such as Bremer House is an effective means of diverting some young men from entering a traditional correctional institution. Although somewhat less than half of those terminated to date were successfully discharged, the cost of treatment in Bremer House program was substantially less than it would have been had these men been incarcerated in the state prison or the state reformatory. Meanwhile, these young offenders live and work in the community, pay taxes, and maintain family ties.

The State of Minnesota, as well as Ramsey County, has endorsed community corrections as an effective means of treating offenders, and it appears that Bremer House is playing an important role in this effort.

The major objectives of Bremer House are four-fold.

1. To provide sentencing judges with an alternative to state institutional commitment for felony offenders;
2. To demonstrate that selected young (age 18-30) male felony offenders can be rehabilitated in the local community at costs equal to or comparable to incarceration at the state reformatory;
3. To demonstrate that intensive and comprehensive rehabilitative program in a community can be more effective for certain offenders than incarceration; and
4. To include trained volunteers and non-professionals to become effective participants in the residential community after they have finished the correctional program.

McNamara, Charles, "Community Resources Management Approach Reports Success with New Team Concept," American Journal of Correction, July-August 1977.

The major focus of this article is to illustrate the philosophy and development of the Community Resources Management Team (CRMT) of which there are 17 such teams operating in the West and Midwest.

With primary description devoted to the Riverside County CRMT in California, the article outlines the basic strategies and plans that eventually lead to this unique and functional team concept.

The project is sponsored by the Western Interstate Commission for Higher Education (WICHE) and is funded by the National Institute of Corrections. Frank Dell'Apa project, director of WICHE/CRMT, states that in traditional probation, when an offender is placed on probation, he is assigned to an agent or caseworker who attempts to secure needed services. Very often these needs are of an emergency nature. The work is often overwhelmed by the responsibility, and the offender feels frustrated by the inadequacy of the response. This situation is compounded by large caseloads that will increase every year.

Dell'Apa continues by explaining that there are agencies in the U.S. that are starting to stress community resource development but doing this requires a carefully thoughtout strategy that emphasizes training of the currently employed staff. Presenting these strategies would be particularly difficult in that the notion of probation officers would be acting as brokers of services is a complete reversal of traditional roles. The service agencies in the community are the clients and it is they who must be treated -- not the offender.

With this team concept in mind, the first step in CRMT training was to sensitize the teams to the experience of the real world need of the offenders -- the street experience. The trainees traveled this scene in groups of three or four. They were told to find jobs and services posing as probationers. "They didn't find much." With this experience fresh in their minds, the trainees turned to work on organizational development of the CRMT model.

Traditionally the team concept provides for little autonomy in the probation system. Probation agencies in the U.S. have a hierarchical organization which is protective of its management control. Under the CRMT model, managers who have previously given orders must now consult and workers who took orders must make decisions. To understand the CRMT model one must accept the central concept of CRMT which is that one staff member can become the liaison to an agency or set of agencies which provide common or related services. A more coherent picture of supply and demand is created and the tracking process of service delivery is more systematic.

The team as a group works hand-in-hand in a positive and cooperative manner with the community to develop services from which offenders can benefit. They become something like advisors or consultants to these service agencies.

The basic concepts in the CRMT model must include:

- o Each offender's tangible normative needs must be assessed rather than assessing psychological problems.
- o Caseloads must be pooled on the basis of tangible normative need rather than indiscriminant assignment to one agent.
- o The role of the agent must be that of broker/advocate rather than counselor/caseworker.
- o The total staff must be used as a team who offer their differential skills collectively rather than being isolated individuals operating alone.

Robinson, James; Wilkins, Leslie; Carter, Robert; Wahl, Albert; "The San Francisco Project: A Study of Federal Probation and Parole," National Institute of Mental Health, Final Report, April 1969.

The San Francisco Project was conducted by the University of California School of Criminology in collaboration with the United States Probation Office, Northern District of California. The design of the project was developed initially by Paul Tappan, Professor of Law and Criminology whose position was that greater expenditure of resources does not necessarily yield greater productivity, or that some services might be waste. Tappan urged that probation experts should determine what sorts of offenders who are committed to institutions might be dealt with safely and effectively enough in the community.

It was to such problems as these that the San Francisco Project was addressed. The four basic types of data for the project were:

- o Offender characteristics
- o Sentencing dispositions
- o Supervision levels
- o Violation rates

This information presented the opportunity to study six general types of relationships. The project was to consist of two phases. In the first phase, intake data was to be collected on all offenders referred for presentence investigation; this material could be employed to examine the relationships between I and II (type of offender and sentencing disposition). Similar data was also obtained on all cases received for parole supervision after release from federal institutions. Consequently, it would be possible to examine, for both probationers and parolees, the relationships between I and II, (type of offender or violation rate). In the first phase, four levels of supervision were established and the assignment of offenders to these levels was made on a random basis; the randomization, acting as a control or input variance, would permit straightforward assessment of the relationship between III and IV, (supervision level and violation rate). Since these conditions would assure the exposure of all types of offenders to each level of supervision, it might also be possible to discover whether each level of supervision was particularly effective with certain kinds of offenders. The findings

of the first, or random assignment phase, were employed in the design of the second, or second assignment phase, of the project. The basic principle governing assignment in the second phase would be: "The greater the likelihood of violation, as indicated from offender characteristics, the higher the level of supervision."

Wendorl, Donald J., "Family Therapy: An Innovative Approach in the Rehabilitation of Adult Probationers," Federal Probation, March 1978.

This article presents a family therapy approach to rehabilitation that has proven to be quite useful, and appears to be a particularly innovative program for adult probationers. A study of an actual therapy case was given in this article with a discussion of the theoretical foundation for techniques and use within the McLennan County Adult Probation Department in Waco, Texas.

Family and marital counseling are the main concerns of this article, however, they are not the traditional models for psychologists and probation officers. Problems are seen as being located not just within an individual, but between individuals and within their relationships. Individual probationers can be seen as operating within various "systems" of people and relationships: a marriage, a family, a network of relatives, a job group, a community, etc. Problems shown reflect disturbances in any or all levels of these systems and may only be understandable and fully testable by examining the entire situation in which the client is involved. Implicit in this viewpoint is the assumption that people are affected not only by their own past experiences and learning, but by their environment, especially by those persons to whom they are close. Thus, the probationer, alone, may not be the entire problem; his system may need rehabilitation as well.

As a means of therapy, the therapist observes his clients as they are talking with each other trying to work out their problems. He intervenes to teach skills and give "homework" assignments to help break up destructive interaction. Insight is not usually as much a goal as behavioral change. This type of treatment focuses presents real world problems. Both probation officers and clients report that it feels natural and logical to include family members and helps to develop skills for solving problems. Part of the idea behind this type of therapy is the family members' patterns of behavior mutually reinforce the support system. However, if the therapist can disrupt this pattern, the family must reorganize the system along new lines so the therapist can help each member to develop better ways to meet his needs and to solve his problems. In fact, while the system is changing, it may be more open to the therapist's interventions than would normally be true. Old ways will no longer work, so that the family needs to find new ways.

Wilson, Rob, "Probation/Parole Officers As 'Resource Brokers'," Corrections Magazine, Volume 1:48-54, June 1978.

The crux of this article is the basic pros and cons of Community Resources Management Teams (CRMT). As mentioned in the previous article by Charles McNamara, the CRMT approach emphasizes personal service by private agencies. The Probation Officer (PO) is no longer a cop or a counselor, but a "resource broker" matching clients' needs with community programs.

The article discusses the "pure" CRMT program developed by Frank Dell'Apa but puts its major focus on the Ventura County CRMT model. One of the aspects debated is the "pooling" of caseloads. Traditional PO's object to this idea because it causes them to share the probationer. Records are opened to several people who are trying to rehabilitate the probationer. This is a threat to the PO who wants to play the role of either cop or counselor. The idea that several agencies in a community are working together for the good of the probationer should be looked at as a positive team effort, but not all PO's are able to accept this concept.

Another aspect of CRMT which is discussed is that it can save money. Because the onus is on the agencies throughout the community, less staff are required to attend the caseloads. Further, the inclusion of paraprofessionals in CRMT units to handle the "paper caseload" is one way to save money; but it is also upsetting to veteran PO's, who see a trend toward downgrading the PO's job to a clerical level.

Wood, William, "Blueprint for Developing Probation Teams," Federal Probation, 15-18, June 1978.

The author who is associated with the Multnomah County Probation Service in Portland, Oregon, is a firm believer in the team approach to probation services, however, he strongly advocates that each probation agency take a long look at where it is and where it would like to go. Most specifically he suggests that probation agencies assess themselves in the following categories:

- o The client
 - length of probation
 - age range
 - referral charge
 - ethnic background
 - resident address
 - education
 - employment
 - specific problems
- o The community
 - strong/weak identity with agency
 - college/university facilities
 - housing
 - transportation system
 - community services
 - employment
- o The agency
 - how it evolved
 - facilities
 - staff
 - caseload
 - budget

In closing, Mr. Wood summarizes that the team concept may be of great benefit to a given agency, but it should not be implemented until a thorough survey of the agency, the clients and the community has been accomplished. One point he stresses is that all staff be involved in the decision process as their motivation and commitment are essential to the success of the chosen method of organization.

"Non-Institutional Treatment of Offenders in Japan," Rehabilitation Bureau Ministry of Justice, Japan 1970.

The segment of this report apropos to this study is Japan's use of The Volunteer Probation Officers. The Volunteer Probation Officer Law was enforced in 1950 and nearly 50,000 persons were nominated as VPO throughout the country. Their roles were to help offenders rehabilitate themselves in society and to influence public attitude for the promotion of crime prevention. Their actual activities include visitation to an inmate's (in the case of parolee) home to advise the family and make reports to the probation office; relocating of a probationer or a parolee who has moved in from another area and taking over the supervisory casework; preliminary investigation of the candidate for pardons and; assistance to the offender's family.

EVALUATION AND COMPARISON OF SPECIFIC PROBATION EFFORTS

Banks, J., Porter, A., Rardin, R., Siler, T.R., Unger, V., "Evaluation of Intensive Special Probation Projects," National Evaluation Program Phase I Summary Report, Law Enforcement Assistance Administration, Series A, No. 16, September 1977.

Over the past two decades a great variety of Intensive Special Probation (ISP) programs have been implemented. This particular study was conducted by the Georgia Institute of Technology between January and December 1976, as part of the National Evaluation Program of the National Institute of Law Enforcement and Criminal Justice. The study found that the literature does not provide conclusive evidence that caseload reduction results in a decrease in recidivism. In fact, many studies have shown increased recidivism which resulted from higher levels of supervision. Although projects specializing in serving in particular client groups offered evidence of successful outcomes, there was only weak evidence for success of volunteer probation projects. The study concludes that there is a serious lack of knowledge about Intensive Special Probation programs. This is likely the result of such problems as the relative infrequency of evaluations using suitable comparison and control groups, the lack of standardized measures, and the lack of real cost evaluations in ISP.

The effectiveness of three special forms of probation is discussed. They include:

- o The use of volunteers and paraprofessionals to assist regulation probation officers in case supervision.
- o The specialization of the type of treatment provided probationers, either by classifying the probationers and giving different treatment to different classes, or by selecting a special client group for project concentration.
- o The use of various programs to decentralize probation delivery by locating probation supervisors in neighborhood or regional offices.

Bergman, Gerald R., PhD, The Evaluation of an Experimental Program Designed to Reduce Recidivism Among Second Felony Criminal Offenders, Wayne State University, 1976.

Community Treatment Program (CTP) was studied by randomly assigning convicted criminal offenders into either the project experimental group or the control group (Jackson State Prison). All second felony offenders in a Michigan State Circuit Court, adjudicated from July 30, 1971 to December 31, 1972 were placed by the sentencing judge into three categories:

- o The probation pool -- second felony offenders normally receiving probation.
- o The prison pool -- second felony offenders receiving prison sentences but not threat to community.
- o The exclusionary category (not eligible for project because their release would be a threat to the community. These cases were sentenced to the Jackson State Prison).

A mix of offenders from the probation pool were randomly assigned into either the CTP or the control group, producing a probation experimental group and a probation control group. Offenders in the probation control group received only regular probation services and were not specially treated compared to other regular probationers. Offenders from the prison pool were randomly sentenced to either the CTP or Jackson State Prison. Offenders in the prison control group were also not identified to the prison staff and received only those treatment services ordinarily available to prisoners. Which experimental group project offenders belonged to was not revealed to the project staff to insure that the prison and experimental groups received similar treatment.

All project assignees received rehabilitation services which included group therapy, marriage counseling, employment counseling, educational tutoring, psychiatric help, vocational placement, extensive general counseling and other services according to perceived need.

Thorough histories were taken of each offender. A follow-up study was completed on each offender either after 18 months had elapsed since his placement in the community or his discharge, whichever came first.

The experimental and control groups included a total of 282 offenders. Only three serious new offenses were committed during the entire follow-up period for all 282 second felony offenders studied. All three of these offenders were in the control group. Of the 32 total new convictions of any type, six were in the experimental group and 26 were in the control group.

Fraiser, Robert; Friel, Charles; Weisenhorn, Donald; Cocoros, John; "Incarceration and Adult Felon Probation In Texas: A Cost Comparison," Criminal Justice Monograph, Volume IV, No. 3, 1973.

It was proposed in this study to look at the likelihood of further probation expansion based on the then present county financed system of probation. It was also proposed to not only attempt to develop more realistic cost information on probation and incarceration for the purpose of comparison, but in doing so to outline the elements on which future cost studies could be based. It was intended that the cost information developed in this study be utilized in Texas for probation planning.

It was found that the cost of incarceration in Texas is significantly higher than would be the cost of a model, county operated probation system. And, the initial impact on the State in paying 2/3 of the cost of a model system would be offset by the reduction in the cost that would have been incurred due to incarceration. Thus, the significant expansion and improvement of probation, through state subsidy, would result in little immediate increase in cost to the taxpayer and the hard cash saved the taxpayer over a 10-year period could easily exceed \$50,000,000.

Recommendations:

- o That the state subsidize 2/3 of the cost of a "model" county administered probation system for adult felons.
- o That the standards of probation in Texas be improved through establishment of a state administered training and orientation facility.
- o That a Probation Coordination Office be established at the state level to administer the subsidy program.

Golbin, James J., "A Differential Classification and Profile of Adult Probationers in Suffolk County," Probation and Parole, No. 7:24-39, Fall 1975.

Classification is a process used to determine the needs and requirements of offenders for assigning them to a program according to needs and existing resources. These systems are useful for assessing risk and for realizing the efficient management of offenders. The criteria for classification is based on four variables:

- o Current offense
- o Prior record
- o Age
- o Psychological stability

A representative sample of 720 adults receiving probation supervision in Suffolk County was selected from each caseload comprising the total population of 3,250 offenders. One of the main goals of the study was to determine the number and concentration of probationers who required Intensive Supervision (IS) as opposed to Normal Supervision (NS). Also this study focused on determining the type and intensity of primary behavior dysfunctions in order to facilitate program planning. The percentage of individuals with serious drinking problems, serious drug abuse problems, assaultative personalities, acute psychological instability and/or serious criminal behavior patterns was documented.

This study reports the results and analyzes the implications and documents the major behavioral dysfunctions of adult Probationers according to a differential treatment classification system.

The study also identifies an extremely large number of probationers in need of multiple services and intensive supervision.

Opposing views regarding the feasibility of an operational differential classification system are also presented. It is suggested that program accountability and administrative control must now be realized through qualitative measures of type, intensity and effectiveness of programs rather than by quantitative controls.

Langer, Jerry, "Second Year Evaluation Report of the Court Referral Program,"
submitted to: Alameda Regional Criminal Justice Planning Board, December
1, 1974.

The Court Referral Program provides the Alameda County courts with dispositional alternatives to incarceration and fines. Through the use of this program, judges may offer convicted misdemeanants the option of performing a stipulated number of hours of community service in lieu of paying a fine or serving jail time. The court notifies the Volunteer Bureau when such a referral is made. The individual is then interviewed at the Bureau and placed in a private or public community service agency. The program impacts directly on the criminal justice system by providing the courts with alternatives to incarceration and formal probation.

The Court Referral Program operates on the philosophical premise that it is not a part of the criminal justice system. Its working assumption is based on the belief that voluntary community service is an invaluable resource. As such, its performance should be encouraged among citizens in general. The extent to which convicted misdemeanants are required to perform community service activities merely underscore the program's belief that such activities are necessary and worthwhile, regardless of the participant's background or criminal justice involvement.

Court referral participants are for the most part individuals convicted of traffic violations, although 1/3 are convicted for penal code violations. A typical profile of a court referral participant is a white male or a black female, both under the age of 30, with limited educational background, and in a non-employed occupation status. The majority of court referral participants perform maintenance or clerical work.

"Increase Adult Probation Interim Evaluation Report," Dallas County Probation Department, January 1973 - December 1973.

The Increase Adult Probation project was implemented as an effort to alleviate the overload of probationers assigned to probation officers in Dallas County. Prior to project implementation there were 24 probation officers who were assigned an average probationer load of 290 persons. Due to this overload probation officers were oftentimes unaware of the individual problems of probationers. In recognition of this problem of ineffective supervision, Dallas County Probation Department designed and implemented the Increase Adult Probation program with program components offering the following services:

- o Employment Program: To expand opportunities for probationers.
- o Volunteer Program: To promote greater community interest in the Adult Probation Department.
- o Community Resources Program: To complement the employment program and to make the probationer aware of places of where he may go for help if he has a particular problem.
- o Psychological Testing: To provide psychological testing as an integral part of pre-trial investigation to help determine if an individual is a "good risk" for probation or if further mental or physical treatment is needed.

"Minnesota Evaluation Design of Community Based Corrections Projects," Minnesota Governor's Commission on Crime Prevention and Control, 1973.

In constructing the evaluation design, the Governor's Crime Commission's primary purpose was to construct a design which provided data to facilitate decision making at all levels -- project director, Department of Corrections, the legislature and by the Governor's Crime Commission. It was the intent of the evaluation design that uniform information be available for all community-based corrections projects to facilitate cross-project comparisons and to allow for an overall assessment of the effectiveness of these projects.

The different types of evaluations were conducted by the Project Evaluation Unit (PEU).

- o Effort -- This evaluation involved an assessment of input or energy, regardless of the outcome. This form of evaluation required only the collection and analysis of appropriate data such as the number of clients, the services rendered, and a complete description of the nature of the project. All projects were evaluated on effort.
- o Effect or Performance -- This evaluation involved an assessment of the results of effort rather than the effort itself. This is a more rigorous evaluation and required a clear statement of the project's goals and objectives as well as a more rigorous research effort. Implicit to this evaluation was the determination of (a) the project's effectiveness in fulfilling its goals; (b) the relative impact of key project variables; and (c) the project's effects in producing change as opposed to the effect of forces external to the program. This was the type of evaluation on which the Project Evaluation Unit focused most of its energies. An evaluation of this nature was completed for all projects by their third year.
- o Efficiency -- This evaluation involved an assessment of the best alternative method to accomplish the same goal. The alternative which was best was decided in terms of cost -- money, time, personnel and public confidence. For an assessment of efficiency, several projects with similar goals, but different methods, were compared. An evaluation of a project's efficiency was conducted jointly with all evaluations of effect or performance.

An elaboration on the types of questions addressed at each level of analysis follows.

Level I. Project

A. Evaluation of Each Project

1. What type of client is most likely to succeed in the project? Succeed after leaving the project?*
2. What activities of clients while in the project are related to success in the project? Success after leaving the project?
3. What treatment variables are related to success in the project? Success after leaving the project?
4. What is the relationship between successful completion of the project and success after leaving the project?
5. What is the cost per resident of the project?

B. Comparative Evaluation of All Projects within Each Project-Type

1. What differences in project characteristics exist among projects within a project-type?
2. What differences in client success rates in the project and after leaving the project exist among projects within a project-type?
3. What are the relationships between differences in project characteristics and differences in client success rates? Are certain project characteristics related to higher client success rates?
4. What is the relationship between differences in cost per resident and differences in client success rates?

Level II. Project-Type (Group Homes, P.O.R.T. Projects, and Halfway Houses)

A. Evaluation of Each Project-Type

1. What type of client is most likely to succeed in each project-type? After leaving each project-type?
2. What activities of clients while in the projects are related to success in each project-type? Success after leaving each project-type?
3. What treatment variables are related to success in the project-type? Success after leaving the project-type?

* It should be noted that for evaluation purposes the converse of the question is also relevant. That is, it is equally important to know what type of client is most likely to fail in the project.

4. What is the relationship between successful completion of residency in the project-type and success after leaving the project-type?
5. What is the relationship between project characteristics and project success rates for each project-type?
6. What is the average cost per resident of the project-type?

B. Comparative Evaluation of all Project-Types within Program Area

1. What differences exist among project-types?
2. What differences exist among client success rates for project-types?
3. What is the relationship between differences among project-types and project-type client success rates?
4. What is the relationship between differences in cost per resident and difference in client success rates between project-types?

Level III. Program Area (Residential Community-Based Corrections)

A. Evaluation of Program Area

1. What type of client is most likely to succeed in community-based corrections projects? After leaving community-based corrections projects?
2. What activities of clients while in community-based corrections projects are related to success in the projects? Success after leaving the projects?
3. What treatment variables are related to success in community-based corrections projects? After leaving the projects?
4. What is the relationship between successful completion of a community-based corrections project and success after leaving the project?
5. What is the relationship between cost per resident in the projects and client success in the projects?
6. What are the relationships between differences in project characteristics and differences in client success rates for all community-based corrections projects? Are certain types of project characteristics related to higher client success rates?

B. Comparative Evaluation of Program Area Results with Non-Program Area Result

1. How does the cost per resident in community-based corrections projects compare to the cost per resident in various state institutions? The cost per client for probation or parole services?
2. How do the recidivism rates for persons leaving community-based corrections projects compare with the recidivism rates for persons who have not been in community-based corrections projects?

"Portland House, Project Evaluation," Governor's Commission on Crime Prevention and Control, March 1974.

Portland House is a community based residential treatment program for young male adult felons and is one of several modeled after the prototype P.O.R.T. project of Rochester, Minnesota (P.O.R.T. Probationed Offenders Rehabilitation and Treatment). It is organized to serve as an alternative to incarceration for a select group of probationed offenders. Its target population is the young men whose manner and actions do not truly warrant their subjection to the stringent controls of a traditional penal facility but whom the courts would, under ordinary circumstances, consider poor risks for probation.

Lutheran Social Service of Minnesota, a voluntary social agency which provides a wide range of welfare, counseling and residential programs, is the implementing agency for Portland House.

As stated in the Portland House grant proposal, there are five formal goals of the project. They are:

- o To demonstrate that young male adult felons can be rehabilitated in a community-based residential treatment program.
- o To demonstrate that rehabilitation offered through a community-based program can be accomplished at a cost less than or comparable to incarceration.
- o To demonstrate that a community-based residential program is more effective in reducing recidivism than are programs offered through traditional imprisonment.
- o To recruit, select, and train volunteers and ex-offenders to participate in the rehabilitative program.
- o To utilize the resources of the community, including as an integral part of the rehabilitation program, public education, business and industry, criminal justice agencies, religious organizations, and others.

"Probation Utah," Utah Council on Criminal Justice, 1977.

Extensive use of institutions has been giving way to expanded use of community-based programs during the past decade. One of the earliest community-based programs was probation. It is being used more and more, and even greater use can be projected for the future. Probation can refer to a disposition, a status, a system or subsystem, or a process.

Probation as a court disposition was first used as a suspension of sentence. Currently, a shift is being made toward using probation as the sentence. Utah's laws specify probation as a possible sentence.

Probation as a status reflects the position of an offender sentenced to probation. It has implications for the client different from the status of either free citizen or confined offender.

Corrections is a subsystem of the criminal justice system, and probation is a subsystem of corrections. The standards in this pamphlet generally address the probation subsystem as the agency or organization that administers the probation process for adults.

The probation process refers to the set of functions, activities, and services that characterize the system's transactions with the courts, the offender, and the community. It includes preparation of reports for the court, supervision of probationers, and obtaining or providing services for them.

There are five standards in this pamphlet:

- o Standard 6.1, "Organization of Probation," suggests a way to provide a statewide coordinated system of probation services and eliminate splintered county and municipal probation programs. A state system should provide additional training, planning, and statistical monitoring of services.
- o Standard 6.2, "Services to Probationers," suggests that probation staff give more attention to reducing the barriers confronting probationers and providing access to established community resources (i.e., employment, training, school, health services, and other related services). Probation staff should place less emphasis on counseling and surveillance. The standard suggests specialization of probation staff, where possible, to provide services to the court and probationers with special problems.

- o The intent of Standard 6.3, "Misdemeanant Probation" is to provide misdemeanor probation services on a statewide basis to all misdemeanor offenders when the court determines that probation is appropriate.
- o Standard 6.4, "Probation Manpower" proposes the development of a manpower and training program to increase staff and training. This can be accomplished through effective job classification; recruitment; promotion of young persons, minorities and women; and employment of part-time and voluntary personnel. After recruitment staff must be given training and educational experiences with the opportunity to advance based upon acquired knowledge and skills.
- o Standard 6.5, "Probation in Release on Recognizance Program" suggests the implementation of a pre-trial investigation service for possible release of adult offenders on their own recognizance while awaiting trial. Background information including residence, employment, prior record, and family status would be made available to the court in determining who would be released under a recognizance status.

GENERAL COMMENTS ON SELECTED ISSUES OF PROBATION

Carlson, Eric W., PhD, "The State of Research in Probation," Critical Issues in Adult Probation, The Ohio State University Program for the Study of Crime and Delinquency, Report No. 1:225-254, March 1978.

This presentation offers several possible explanations for the current state of probation research and suggests strategies which might serve both to improve and encourage future research efforts.

Some of the major problems associated with probation research are:

- o Probation is primarily a local government function whose departments are small and often poorly staffed.
- o Probation personnel are not trained in basic research techniques as their orientation is toward dealing with direct services rather than encouraging research projects.
- o Probation is most often a function of the courts. The court system traditionally has not been a supporter or user of social science research.
- o Probation is not a particularly well financed correctional activity. Extra funds to the department usually go to increase in pay or to add new personnel.

The combination of poor climate and administrative indifference has severely limited the access to available sites for outside researchers. Most outside researchers choose agencies who permit access and make them feel welcome which results in research limited to the accepting agency's specific problems and concerns.

Funding structure also presents a problem for research as most probation agencies are funded at the local level and it is difficult for local personnel to convince political officials of the value of research. Most benefits of research are seen as long term and external to the local jurisdiction.

When money is available, it is frequently tied to initiation of new programs with a portion set aside for evaluation. This causes several problems:

- o The program to which the funds are linked may not represent the highest priority research area.

- o Since funds are tied to a particular program, this can place pressure on researchers to minimize negative program results.
- o The research funds seldom are adequate to permit a research design sufficiently sophisticated to actually assess the program.

Often managers of innovative and/or demonstration probation programs tend to shift the focus of the project to resolve political personnel or legal issues.

The major problem which overshadows all others is that of obtaining the necessary data to conduct research. Only now are the most rudimentary of national probation statistics beginning to appear (U.S. Department of Justice, 1978). At the local level, some agencies are beginning to develop information systems for internal use but statewide systems are still in planning stages and may only serve the purposes of the internal criminal justice system. Efficient, effective and timely research in probation will require modern automated information systems.

One action suggested to accelerate the improvement of research is a forum in which researchers, practitioners and funding agencies can come together to agree on research goals and strategies.

Aside from citing Logan's (1966) seven requirements of research which are directly applicable to probation research, the article concludes with a detailed suggestion for a research strategy for building a comprehensive body of knowledge about probation. The strategy proffered suggests the following areas:

- o Theoretical research
- o The building of information systems and data bases
- o Accumulation of policy and program level issues

Galaway, Burt, Hudson, Joe, "Restitution and Rehabilitation, Some Central Issues," Crime and Delinquency, Volume 18, No. 4:403-410, October 1972.

Restitution is defined by these authors as "payments by the offender to the victims of crime, made within the jurisdiction of the criminal justice system." This implies that the criminal justice system is able to identify and convict the offender.

There are two aspects or theories of restitution, one being full restitution where the offender must repay in full as his punishment -- the theory being it provides the offender with an opportunity to undo the wrong he has done, the more complete the restitution the more complete the sense of accomplishment. The other theory is partial or symbolic restitution where payment is less than the full amount of damages and payments are related to the ability of the offender to pay. This keeps him from having to undergo undue hardships upon his return to the community.

Irving E. Cohen in his article, "The Integration of Restitution in the Probation Services," implies that full restitution should be an essential condition of a probation plan and suggests that his approach would give a more constructive aspect to the probation process.

The authors question whether restitution would be more effective as a rehabilitative measure if it is required or made voluntary. What would be the effect of personal victim-offender interaction within a restitution scheme? And finally, should the offender be held responsible for making restitution in crimes which were clearly victim-precipitated?

In dealing with the last question, the authors take the position that people are individually responsible for their behavior and there is more than one way of responding. The person who selects criminal response is accountable for the consequences and this solution protects the essential dignity of the offender by supporting a view of him as an individual capable of making his own decisions.

Imlay, Carl H. and Reid, Elsie E., "Probation Officer, Sentencing, and the Winds of Change," Federal Probation, pages 9-17, December 1975.

The role of the probation officer and the sentencing process was never fully defined. He came on the scene to fill a recognized void in supervising a probation program and later his role was extended to include the investigatory function in the sentencing procedure. He has been caught in the eclectic debate over whether the primary goal in sentencing is rehabilitating and individualistic or exemplary and uniform. It is his function as a social scientist to promote the former even when popular passions run high toward punitive remedies. He must promote elasticity in the face of a more rigid approach to sentencing.

After citing several examples of sentencing procedures and opinions of the past, the authors continue on to discuss what we need to think of in view of the probation officer and sentencing. According to the officers we need to direct our attention to correction in the true sense of the word. To meet that objective, according to the authors, Congress must provide facilities. We need community rehabilitation centers, half-way houses, and a variety of other support systems. We need an extensive research into recidivism patterns so that we can more adequately assess probation possibilities. Today, admittedly, it seems like a dream. But most important, we must decide what our goals are in respect to sentencing. Is sentencing a problem that lies with the social scientists, as a matter of individual evaluation and prediction or is it a problem amenable to uniform application and administration? Is there an important role for the probation officer as a sentencing consultant, or will the defendant's future be wholly relegated to the legalistic decisional process? These are questions to which we must direct our attentions.

Sands, C. Eliot, "New Direction in Probation in the U.S.A.," International Journal of Offender Therapy and Comparative Criminology, Volume 20, No. 1, 1976.

The author discusses in some detail the technical "new directions" American courts of law have made effective in recent years:

- o Due Process
- o Confidentiality and Privacy
- o Pre-trial Diversion
- o Purchase of Services
- o Volunteers in Probation
- o Officer Training
- o Uniform Standards and Goals
- o Community-based Rehabilitation Programs

Due process includes among other things the rights of the defendant to be informed of the charges against him, his right to confront the accuser, to have time to prepare a defense, and to summon a witness in his behalf.

Among the problems related to confidentiality is the situation of access to files. Should they be sealed or open to public officials?

Under purchase of services instead of greatly increasing the number of employees on the government payroll, services are contracted out, thus making use of and encouraging development of highly specialized services in the private sector.

Pre-trial diversion is directed primarily towards diverting adolescent first offender misdemeanants aged 12 to 22, but the statute is sufficiently flexible to give the judge discretion to apply the procedure for the benefit of other offenders including repeaters, serious, and older defendants.

Senna, Joseph J., "Right to Counsel at Adult Probation Revocation Hearings -- A Survey and Analysis of Current Law: A Comment." Criminal Law Bulletin, Volume 10, No. 3:228-238, April 1974.

The author uses the case of *Gagnon V. Scarpelli** in which the Supreme Court dealt with the issue of counsel but with the framework of a probation revocation procedure. Specifically, the question was whether a previously sentenced probationer was entitled to a hearing when his probation was revoked, and whether he was entitled to be represented by appointed counsel at such hearing.

The author further states that any review of federal constitutional laws governing the right to counsel at probation revocation hearings must deal with the leading case of *Mempa V. Rhy* decided in 1967. In that case, the Supreme Court unanimously held that a probationer was constitutionally entitled to counsel in a revocation of probation proceeding where the imposition of sentence had been suspended.

In this comment, Professor Senna reviews the holding of key Supreme Court decisions on the subject and presents data on how many states already provide counsel at adult probation revocation proceedings.

* *Gagnon V. Scarpelli*, 411 U.S. 778, 93 S.Ct. 1756, 36 L.Ed. 1973.

B. PERTINENT ARTICLES NOT CONTAINED IN THIS LITERATURE REVIEW

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Morel, S.; Mlesse, F.; Broderick, E., "Probation and its Effect on Recidivism -- An Evaluative Research Study," 1972.

Nelson, Kim, "Promising Strategies in Probation and Parole," Law Enforcement Assistance Administration, projected publication, December 1978.

Phillips, James, "The Probation Employment and Guidance Program: An Evaluation of Impacts on Employment and Recidivism," Rochester, New York: Monroe County Department of Probation, 1974.

Thompson, Conrad, "The Specialized Misdemeanant Probation Program in Whatcom County: An Evaluation," Bellingham Washington: Whatcom County District Court, 1976.

"Pima County Special Services for Mentally Defficient Probationers," Pima County Adult Probation, 1975.

C. REFERENCE DOCUMENTS

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"FBI Uniform Crime Reports," United States Department of Justice, October 1978.

"Sourcebook of Criminal Justice Statistics -- 1977," Law Enforcement Assistance Administration, U.S. Department of Justice.

"State and Local Probation and Parole Systems," Law Enforcement Assistance Administration, U.S. Department of Justice, February 1978.

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