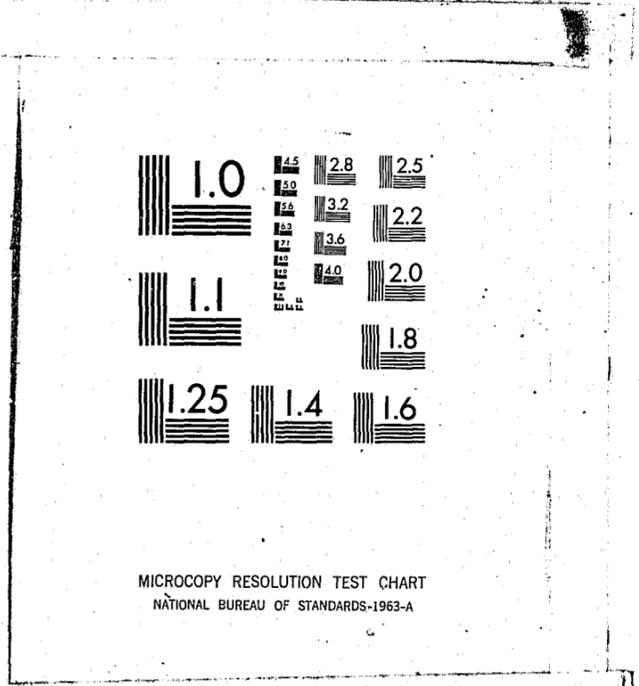


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# Federal Probation



- Prisoners' Rights Litigation: A Look at the Past Decade, and a Look at the Coming Decade . . . . . 76991 . Richard C. Singer
- Children of the Holocaust and Their Relevancy to Probation: Presentence Investigation and Case Planning . . . . . Stephen L. Wislisy
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All phases of preventive and correctional activities in delinquency and crime come within the fields of interest of FEDERAL PROBATION. The Quarterly wishes to share with its readers all constructively worthwhile points of view and welcomes the contributions of those engaged in the study of juvenile and adult offenders. Federal, state, and local organizations, institutions, and agencies—both public and private—are invited to submit any significant experience and findings related to the prevention and control of delinquency and crime.

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# Federal Probation

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VOLUME XXXXIV

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## This Issue in Brief ACQUISITIONS

**Prisoners' Rights Litigation: A Look at the Past Decade, and a Look at the Coming Decade.**--A number of startling changes have occurred in the prisons during the 1970's, according to Richard G. Singer, professor of law at Rutgers University. The question he explores in the first part of his article is whether these changes are attributable, in whole or in part, to the prisoners' rights movement, and specifically the litigation arm of that movement. In the second part he discusses the impact the recent Supreme Court case of *Bell v. Wolfish* will have on prison litigation in the future.

**Children of the Holocaust and Their Relevancy to Probation: Presentence Investigations and Case Planning.**--Federal Probation Officer Stephen L. Wishny of Los Angeles suggests that a social history of parent or parents as survivors of the Holocaust, or survivors of like social trauma, might provide an additional element in explaining defendant behavior and developing treatment plans. His article reexamines a presentence investigation in the light of recent research in the field of Holocaust survivor psychology and discusses casework planning from the same perspective.

**Managing the Interorganizational Environment in Corrections.**--In the face of declining governmental and public support for human service programs, correctional administrators will be required to do more with fewer resources, asserts Dr. Ronald I. Weiner, associate dean of The American University School of Justice. One approach for becoming more competent in the management of scarce resources is the necessity for understanding interorganizational problems in corrections and designing effective strategies to overcome them, he maintains. Management training in corrections would be wise to expand its knowledge base beyond concern for the administration of personnel and programs internal to the organization. Future training needs will require

both knowledge and strategies for more effectively negotiating favorable relationships with other organizations in the task-environment, he concludes.

**Fines as an Alternative to Incarceration: The German Experience.**--Although many issues of correctional reform have been discussed and debated in the United States during the last decade, the potential role of financial penalties (fines) is not among the issues raised. This omission, according to Professor Robert W. Gillespie of the University of Illinois, stands in sharp contrast to similar discussions and policy innovations in Europe regarding fines. The innovations in recent German penal policy and practice in the use of fines is reviewed and contrasted to the role accorded fines in selected United States courts.

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**Assessing Parole Violation Rates by Means of the Survivor Cohort Method.**--The examination of parole violation statistics will invariably show a larger number of parole violators each month during the first year or so of parole as compared to the number of violators during the latter parole periods. Two reasons could account for this. Either the probability of violation is highest during the immediate postrelease period, or the number of parolees "at risk" is greater thus providing a larger pool of possible violators. The purpose of this article by George F. Davis, supervisor of information systems for the California Youth Authority, is to present additional data relating to the issue of whether the early months on parole are the most risk-prone.

**Purchasing Services in a Community-Based Juvenile Corrections System: The Ohio Experience.**--Despite the widespread practice of state juvenile corrections agencies contracting with private agencies to provide residential and social services, there is little in the literature concerning what is needed to develop and maintain a successful purchase of service system, writes Don G. Shkolnik, community residential services administrator for the Ohio Youth Commission. A review of the strengths and weaknesses of such a system is the backdrop against which the Ohio Experience is examined.

**His Day in Court.**--Frederick Greenwald, executive director of International Probation and Parole Practice, believes that sentencing the alien offender is as vital a part of the judicial process as the sentencing of a citizen or long-time resident. It may have far-reaching effects both on the individual and the na-

tions, not to mention the families involved. He states that when economic and social costs and values are weighed, the balance favors providing equal rights to the alien offender and an equal opportunity to the court to have benefit of full and complete knowledge of the offender when considering the sentence to be imposed.

**Patterns of Probation and Parole Organization.**--Organizational relationships between programs providing services to mutual clients have a critical impact on the timeliness and quality of those services, according to authors Charles L. Johnson and Barry D. Smith. Their article discusses the impact on services of organizational relationships among probation, parole, and correctional functions. At issue is the compliance of each state with specific portions of standards recommended by the National Advisory Commission on Criminal Justice Standards and Goals.

**Understanding Alcoholism and the Alcoholic Offender.**--Alcoholism is a major national health problem in the United States. Its costs to American society in terms of mortality, economic loss, and social and emotional disturbance are escalating. Current research evidence indicates that there is a basis for optimism in treating the alcoholic when the focus of treatment is on alcoholism as a primary disease entity rather than as a symptom of an underlying emotional disturbance or inter-personal problem. This article by Professor Gloria Cunningham of Loyola University of Chicago discusses the implications of emerging knowledge about alcoholism for criminal justice practice.

All the articles appearing in this magazine are regarded as appropriate expressions of ideas worthy of thought but their publication is not to be taken as an endorsement by the editors or the federal probation office of the views set forth. The editors may or may not agree with the articles appearing in the magazine, but believe them in any case to be deserving of consideration.

## Patterns of Probation and Parole Organization

BY CHARLES L. JOHNSON, Ph.D., and BARRY D. SMITH\*

SYSTEMIC and organizational issues in criminal justice have received considerable attention over the last decade.<sup>1</sup> As a result of this attention, what has been obvious to many criminal justice practitioners is now public knowledge. That is, the criminal justice system in the United States is a complex labyrinth characterized by a wide diversity of organizational structures. Not only do the organizational structures vary between police, courts, and corrections, but also within each component as well.<sup>2</sup> This diversity has led many people to argue that criminal justice is not really a system;<sup>3</sup> however, regardless of one's viewpoint, it would be hard to argue that the interrelationships between components do not impact on services provided. Specifically, that organizational structures critically affect services.<sup>4</sup>

Our purpose is to examine the organizational structure of a subcomponent of corrections---probation/parole. The authors will delineate the plethora of existing organizational structures into a typology derived from recommendations by the 1973 National Advisory Commission on Standards and Goals (hereafter referred to as the Commission) and determine the extent of state compliance to the Commission's recommendations.

The diversity of organizational structure in probation and parole has long been recognized as contributing to the lack of coordination evident in corrections. The 1966 Manual of Correctional Standards, for example, discussed the diversity and complexity of probation/parole organizations. Some of the trends, according to the Manual, are state administered probation, parole functions moving from the judicial to executive branch, and parole boards of not less than three members, appointed by and responsible to the governor.<sup>5</sup> These trends indicate a movement towards streamlining correctional programs with the goal of providing better services through unification.

An example of such an attempt is the organization of parole supervision in such a way that intercompo-

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nent program coordination is enhanced. One argument is that parole supervision is a continuation of the rehabilitation process and that the highest degree of coordination can be achieved by placing parole supervision and the institutional program under the same administrator. On the other hand, many feel the authority that sets conditions and grants parole should have the staff to assure that conditions are met. "However this question is resolved, there is no doubt that efficiency demands the closest possible coordination between paroling authority and the department of corrections."<sup>6</sup>

Another example of an attempt at unification is in the area of parole authority. The dominant pattern is for paroling authorities to be autonomous from institutional staff; however, many states have attempted to devise organizational means for promoting closer coordination between the institutional staff and the paroling authority.<sup>7</sup>

Each of these attempts revolves around the desire to provide better services through an organizational structure which enhances coordination. This perspective is perhaps best portrayed by the following quote from the Commission:

Unification of all correctional programs will allow the coordination of essentially interdependent programs, more effective utilization of scarce human resources, and development of more effective, professionally operated programs across the spectrum of corrections.

The most recent comprehensive statement concerning organizational issues in corrections is the 1973 volume on *Corrections* by the Commission. While this volume addresses a variety of issues in corrections, the sections which have the most applicability to this study are chapter 10 (Probation), chapter 12 (Parole) and chapter 16 (The

<sup>1</sup> See, for example, Gary N. Holten and Melvin E. Jones, *The System of Criminal Justice* (Boston: Little Brown and Company, 1978) also - National Advisory Commission on Criminal Justice Standards and Goals: *Criminal Justice System* (Wash: 1973).

<sup>2</sup> National Advisory Commission on Criminal Justice Standards and Goals: *Corrections* (Wash: 1973)

<sup>3</sup> Neil C. Chamelin, Vernon Fox, and Paul Whisenard, *Introduction to Criminal Justice* (New Jersey: Prentice-Hall, Inc., 1975).

<sup>4</sup> National Advisory Commission on Criminal Justice Standards and Goals: *Corrections* (Wash: 1973)

<sup>5</sup> American Correctional Association, *Manual of Correctional Standards*, 3rd ed. (Wash: 1966)

<sup>6</sup> Garrett Heyns, "Patterns of Correction," *Crime and Delinquency*, July 1967, p. 430.

<sup>7</sup> President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: Corrections* (Wash: 1967).

Statutory Framework of Corrections). The sources for the following review were derived from specific standards outlined in each of these chapters.

### Probation

One of the central focuses of concern for this study is the organizational location of probation field services within the criminal justice system. Historically and statutorily, the granting of probation has been a function of judiciary, however, the administration of probation field services (supervision) has had, and continues to have, a variety of organizational locations. Perhaps the major issue with respect to organizational location develops when the judiciary has administrative responsibility for court and field services with the court staff having responsibility for both of these functions. The claim has been made that where this organizational structure occurs, the primary emphasis is placed more on services to the court than services to the probationer. The counter to this contention is that placement of probation field services in the judiciary provides the court with critical feedback necessary for appropriate case disposition and service provision. Those who contend such service should be located outside of the judicial function cite the lack of coordination with other human service agencies, normally located in the executive branch of state government, and the resultant duplication of services.

### Parole

Parole continues to be the most viable method of supervising offender re-entry into the community.<sup>8</sup> While there have been recent attacks on the fairness and utility of the parole function,<sup>9</sup> all 50 states continue to have active parole supervision programs. For the purpose of this study, the primary issues revolve around the organizational structure and program placement of each component of the parole function. Specifically, how are the decisions to parole and provision of field services organizationally linked to each other vis-a-vis the executive branch

<sup>8</sup> The National Manpower Survey of the Criminal Justice System (Vol. 6, Criminal Justice Manpower Planning) an LEAA funded project, projects the growth of full-time equivalent employees in probation and parole to increase by 50 percent from 1974 to 1986. While the growth rate is predicted to slow somewhat between 1980-1985, an overall increase is projected during this time period.

<sup>9</sup> See, for example, David Fogel, *We Are the Living Proof* (Cincinnati: W.H. Anderson Company, 1976), also, Leonard Arland, *Prisons: Houses of Darkness* (New York: The Free Press, 1975).

<sup>10</sup> American Correctional Association, *Directory* (ACA, 1980).

<sup>11</sup> National Advisory Commission on Criminal Justice Standards and Goals: *Corrections* (Wash: 1973).

of government, and, are these functions locally or state administered?

Traditionally, the majority of the paroling authorities are organizationally linked to the governor of a state in one of three ways. The first instance is a direct link whereby the governor appoints and is directly responsible for the parole board with no intervening state agency. In the second instance the parole board is in a financial and/or administrative sense located in an executive branch agency, such as a corrections department or a more comprehensive umbrella human agency. In this format the parole board is still programatically responsible directly to the governor of the state. In the third instance, the parole board is organizationally located and administratively responsible to either the department of corrections or a larger umbrella agency, which also has responsibility for correctional institutional services.

A second major area which will be addressed is the organizational relationship between parole field services and either the paroling authority or department of corrections. There are three basic organizational structures currently operating in American parole systems. The first places parole field services directly under the auspices of the paroling authority, the second places field services within a department of corrections, and the third, which has limited use, places field services outside of both the paroling authority and department of corrections. The latter may be found within a larger umbrella human service agency or occasionally have first level departmental status in the executive branch.<sup>10</sup> The most cogent argument cited for placing the field services function outside of the paroling authority is to insure the independence of the parole decision from such influences as staffing patterns and caseloads. On the other hand, there are those who feel that field services are an integral part of the paroling function, and for purposes of coordination should be administratively responsible to the paroling authority.<sup>11</sup>

### Investigative Procedure

The Commission has addressed each of these issues by promulgating standards which outline recommended administrative relationships. This section will transpose those standards relating specifically to the previously stated issues into the research questions to be addressed.

The following four questions reflect major recommended standards by the Commission. The portion of each standard generating the research question is also given for the purpose of clarity.

(1) *Are parole field services separate from the paroling authority?*—(Standard 16.4) "Each state should enact legislation by 1978 to unify all correctional facilities and programs. The board of parole may be administratively part of an overall statewide correctional services agency but it should be...separate from field services."

(2) *Are parole field services located in Departments or Divisions of Corrections?*—(Standard 12.5) "Each state should provide by 1978 for the consolidation of institutional and parole field services in departments or divisions of correctional services."

(3) *Are probation services organizationally located in the executive branch of state government?*—(Standard 10.1) "Each state with locally or judicially administered probation should take action...to place probation organizationally in the executive branch of state government."

(4) *Is the parole authority autonomous and independent in decisionmaking from the Department of Corrections?*—(Standard 12.1) "Each state...should by 1975 establish parole decisionmaking bodies...that are independent of correctional institutions. These boards may be administratively part of an overall statewide correctional services agency but they should be autonomous in their decisionmaking authority..."<sup>12</sup>

There are various sources of information which would allow the determination of the degree to which state probation and parole agencies meet the Commission recommendations. After reviewing the nature, comprehensiveness, and validity of available information the authors chose the 1980 American Correctional Association Directory.

The Directory, which the American Correctional Association has been publishing continuously since 1940, contains a state-by-state description of each correctional system. Information about the correctional system is further divided into sections on institutions, parole boards, parole services, and probation services. In addition, further information is provided on the organization of specific services so the reader can better understand the total organization and administrative structure of correctional services in any given state. The information provided in the Directory is comprehensive, but as is sometimes the case in any publication problems of interpretation arise.

<sup>12</sup> The Commission indicates that the organizational arrangement of placing the parole authority in a unified department of corrections but retaining independent powers is a model gaining prominence in the United States.

<sup>13</sup> The reader should be cautioned that both administrative and/or legislative changes can quickly impact organizational structures, therefore the data used in this study, both the ACA Directory and followup agency contact, reflect the organization structure only at this point in time.

When a problem developed with interpretation, the state agency in question was contacted to provide clarification. Examples of interpretation problems include areas such as how to classify the different agency names and how to operationally define autonomous and independent. It was necessary, for example, to include agencies such as Department of Mental Health, Department of Rehabilitation and Social Services, Department of Public Safety, etc., under the general rubric of "Department of Corrections" when the umbrella agency either included or encompassed correctional functions.<sup>13</sup>

Further, the American Correctional Association Directory appears to be distinguishing agencies as independent only when they are not under an umbrella agency and report directly to the governor. For our purposes, autonomous and independent will be used interchangeably to connote departments that are not impacted by other agencies in their decisionmaking even though they may administratively be within a larger department.

### Results

The following section will present the results of the analysis of data contained in the American Correctional Association Directory vis-a-vis the research questions. Each question will be presented followed by explanatory remarks for those states that have not met the Commission's standards.

Research Question 1: *Are parole field services separate from parole boards?* (Table 1)

Forty-one states meet the standard reflected by this research question. The remaining nine states fall into the following administrative structures:

ALABAMA, GEORGIA, HAWAII, NEW HAMPSHIRE, SOUTH CAROLINA, TEXAS:

The majority of states not meeting this standard fall into a structure where the parole board is appointed by and is responsible to the governor of the state. Parole field services are administered by the parole board.

MASSACHUSETTS, MISSOURI:

In these two states the parole board is located in a state human services umbrella agency. In Massachusetts the parole board, which provides field supervision, is a part of, but not responsible to the Department of Corrections. In Missouri, the parole board, which also provides field services, is on the same organizational level as the Department

TABLE 1

ARE PAROLE FIELD SERVICES SEPARATE  
FROM PAROLE BOARDS?

## RESULTS BY STATES

YES	NO	STATES	YES	NO	STATES
	X	Alabama	X		Montana
X		Alaska	X		Nebraska
X		Arizona	X		Nevada
X		Arkansas		X	New Hampshire
X		California	X		New Jersey
X		Colorado	X		New Mexico
X		Connecticut	X		New York
X		Delaware	X		North Carolina
X		Florida	X		North Dakota
	X	Georgia	X		Ohio
	X	Hawaii	X		Oklahoma
X		Idaho	X		Oregon
X		Illinois		X	Pennsylvania
X		Indiana	X		Rhode Island
X		Iowa		X	South Carolina
X		Kansas	X		South Dakota
X		Kentucky	X		Tennessee
X		Louisiana		X	Texas
X		Maine	X		Utah
X		Maryland	X		Vermont
	X	Massachusetts	X		Virginia
X		Michigan	X		Washington
X		Minnesota	X		West Virginia
X		Mississippi	X		Wisconsin
	X	Missouri	X		Wyoming

of Corrections with both agencies reporting to an umbrella agency.

## PENNSYLVANIA:

Parole field services for the State of Pennsylvania are provided by either the Board of Probation and Parole or by county probation departments dependent upon length of sentence. If the offender is sentenced to 2 years or more his supervisor is provided by the Board of Probation and Parole. If the sentence is less than 2 years, parole supervision is provided by county probation departments.

Research Question 2: *Are parole field services located in departments or divisions of corrections?* (Table 2)

Thirty-seven of the states currently meet this standard. The 13 states that do not meet the standard fall into the following five organizational structures:

ALABAMA, GEORGIA, HAWAII, NEW HAMPSHIRE, NEW YORK, SOUTH CAROLINA, TEXAS:

Each of these states has an organizational structure which places the parole field services under the direct administrative responsibility of the parole board or administrative office of the Parole Board, which in turn reports directly to the Governor.

## MASSACHUSETTS:

Massachusetts has a parole board which is an independent agency located within, but not subject to, the State Department of Corrections. The parole field services are directly administered by the parole board.

## MISSOURI:

Missouri has an organizational structure which places both the Department of Corrections and the parole board administratively under a human ser-

TABLE 2

ARE PAROLE FIELD SERVICES LOCATED IN  
DEPARTMENTS OF CORRECTIONS?

## RESULTS BY STATES

YES	NO	STATES	YES	NO	STATES
	X	Alabama	X		Montana
X		Alaska	X		Nebraska
X		Arizona		X	Nevada
X		Arkansas		X	New Hampshire
X		California	X		New Jersey
X		Colorado	X		New Mexico
X		Connecticut		X	New York
X		Delaware	X		North Carolina
X		Florida		X	North Dakota
	X	Georgia	X		Ohio
	X	Hawaii	X		Oklahoma
X		Idaho	X		Oregon
X		Illinois		X	Pennsylvania
X		Indiana	X		Rhode Island
X		Iowa		X	South Carolina
X		Kansas	X		South Dakota
X		Kentucky	X		Tennessee
X		Louisiana		X	Texas
X		Maine	X		Utah
X		Maryland	X		Vermont
	X	Massachusetts	X		Virginia
X		Michigan	X		Washington
X		Minnesota	X		West Virginia
X		Mississippi	X		Wisconsin
	X	Missouri		X	Wyoming

ices umbrella agency, which in turn reports to the governor of the state. The parole field services are administratively responsible to the board of parole.

## NEVADA, NORTH DAKOTA:

These states have Departments of Parole (or probation and parole) which are at the same organizational level as the Department of Corrections but are only administratively linked in that they both report to the executive branch of government. Each state has an independent parole board which is not administratively linked to the parole department.

## PENNSYLVANIA:

Pennsylvania is similar in organizational structure to the initial group of states discussed in that parole field services are administratively located under the parole board. The distinction, however, is

that for offenders sentenced to less than 2 years, parole field services are provided and administered at the county level.

Research Question 3: *Are probation services organizationally located in the executive branch of state government?* (Table 3)

Thirty-eight of the states currently meet this standard. The 12 remaining states fall into the following organizational structures:

ARIZONA, CALIFORNIA, ILLINOIS, MASSACHUSETTS, NEBRASKA, NEW JERSEY, TEXAS:

Each of the above states has an organizational structure which places probation services at the county level. Some are directly linked to the county or district courts and others are less directly linked, in an administrative sense, to the judicial function. In the State of New Jersey, a single probation

TABLE 3

ARE PROBATION FIELD SERVICES LOCATED IN THE EXECUTIVE BRANCH?

RESULTS BY STATES

YES	NO	STATES	YES	NO	STATES
X		Alabama	X		Montana
X		Alaska		X	Nebraska
	X	Arizona	X		Nevada
X		Arkansas	X		New Hampshire
	X	California		X	New Jersey
	X	Colorado	X		New Mexico
X		Connecticut	X		New York
X		Delaware	X		North Carolina
X		Florida	X		North Dakota
X		Georgia	X		Ohio
	X	Hawaii	X		Oklahoma
X		Idaho	X		Oregon
	X	Illinois	X		Pennsylvania
X		Indiana	X		Rhode Island
X		Iowa	X		South Carolina
X		Kansas		X	South Dakota
X		Kentucky	X		Tennessee
X		Louisiana		X	Texas
X		Maine	X		Utah
X		Maryland	X		Vermont
	X	Massachusetts	X		Virginia
X		Michigan	X		Washington
	X	Minnesota	X		West Virginia
X		Mississippi	X		Wisconsin
X		Missouri	X		Wyoming

department is located in each county and administered at the county level. There are, however, direct coordinative links to the state judiciary and in this sense could be construed to fall into the next category.

COLORADO, HAWAII, SOUTH DAKOTA:

These states operate with a statewide judicial system. Colorado has 22 district offices falling administratively under the Office of the Chief Justice of the Supreme Court. In Hawaii, five circuit courts administer probation services, which are administratively under the state judiciary department. South Dakota provides adult probation services via eight circuit courts, administratively located in the court services department in the Supreme Court.

MINNESOTA, NEW HAMPSHIRE:

The above states have a combination of executive and judicial administration of probation services. In New Hampshire, the state department of Probation provides the majority of probation services; however, probation services are also provided by some district courts. Minnesota has three different locations for probation services. In counties of less than 200,000, adult probation is administered by the Commission of Corrections and in counties of more than 200,000 by the district court. Counties participating in the Community Corrections Act provide probation services in those jurisdictions.

Research Question 4: *Is parole authority autonomous and independent in decisionmaking from the Department of Corrections?* (Table 4)

All states currently meet this standard. There are

TABLE 4

IS THE PAROLING AUTHORITY AUTONOMOUS AND INDEPENDENT IN DECISION MAKING FROM THE DEPARTMENT OF CORRECTIONS?

RESULTS BY STATES

YES	NO	STATES	YES	NO	STATES
X		Alabama	X		Montana
X		Alaska	X		Nebraska
X		Arizona	X		Nevada
X		Arkansas	X		New Hampshire
X		California	X		New Jersey
X		Colorado	X		New Mexico
X		Connecticut	X		New York
X		Delaware	X		North Carolina
X		Florida	X		North Dakota
X		Georgia	X		Ohio
X		Hawaii	X		Oklahoma
X		Idaho	X		Oregon
X		Illinois	X		Pennsylvania
X		Indiana	X		Rhode Island
X		Iowa	X		South Carolina
X		Kansas	X		South Dakota
X		Kentucky	X		Tennessee
X		Louisiana	X		Texas
X		Maine	X		Utah
X		Maryland	X		Vermont
X		Massachusetts	X		Virginia
X		Michigan	X		Washington
X		Minnesota	X		West Virginia
X		Mississippi	X		Wisconsin
X		Missouri	X		Wyoming

a variety of organizational structures, some of which are more clearly independent organizationally from the institutional corrections functions than are others. For this reason all 50 states will be presented in the following organizational typology.

ALABAMA, ALASKA, ARIZONA, ARKANSAS, COLORADO, CONNECTICUT, DELAWARE, GEORGIA, HAWAII, ILLINOIS, IOWA, KANSAS, KENTUCKY, LOUISIANA, MAINE, NEBRASKA, NEVADA, NEW HAMPSHIRE, NEW JERSEY, NEW MEXICO, NEW YORK, NORTH DAKOTA, OREGON, PENNSYLVANIA, RHODE ISLAND, SOUTH CAROLINA, TENNESSEE, TEXAS, VERMONT, VIRGINIA, WEST VIRGINIA, WASHINGTON, WYOMING:

The organizational structure of the above states is the most prevalent and clearly delineated from cor-

rections. In these states the parole function is responsible directly to the governor of the state. In most cases the governor appoints the members of the parole board and in some cases this is confirmed by the state senate. In none of these states is there any organizational relationship to institutional programming except that parole and correctional administrators are ultimately responsible to the governor of the state.

CALIFORNIA, IDAHO, INDIANA, MARYLAND, MASSACHUSETTS, MISSOURI, OHIO, UTAH, WISCONSIN:

In each of the above states, the common factor is that the parole board is responsible to or appointed by an umbrella agency which has ultimate administrative responsibility for two or more correc-

tional or other human service agencies, consequently the umbrella agency always includes the institutional correctional function and the paroling function. In the sense that both agencies report to the umbrella agency or a lower level division, they are administratively linked. In California, the governor appoints the paroling authority members but they, as well as the correctional function, are located under the administrative purview of an umbrella agency. In Massachusetts the parole board is located administratively in the Department of Corrections but is responsible to the secretary of the umbrella agency. In Idaho, Utah and Indiana, the paroling authority reports ultimately to the governor but through a corrections board which also has responsibility for institutional corrections.

#### FLORIDA, MINNESOTA, NORTH CAROLINA:

In these states, the parole board is autonomous and responsible only to the governor of the state, even though there is some administrative or organizational link to the department of Corrections. In Florida, the Secretary of the Department of Corrections serves as a voting member for policy matters only and in Minnesota the Chairman of the Parole Board is appointed by the Commissioner of Corrections. In North Carolina, the Paroling Authority is funded by the Department of Corrections but they are only responsible to the Governor.

#### MISSISSIPPI, MONTANA, SOUTH DAKOTA:

These states have an organizational structure which places the paroling function administratively in the Department of Corrections, although they are appointed by and responsible to the governor of the state.

#### OKLAHOMA:

In the State of Oklahoma, there is no administrative or organizational relationship between the paroling function and the Department of Corrections. The parole board members, of which there are five, are appointed by the Governor (3), the State Supreme Court (1) and the Court of Criminal Appeals (1).

#### MICHIGAN:

In Michigan there is a direct administrative link between the Department of Corrections and the

Parole Board; however, the Parole Board indicates that in making parole decisions it is autonomous and independent. The Parole Board members are civil servants and are responsible to the Department of Corrections.

### Discussion

#### Organizational Location of Parole Field Services

The first and second research questions address the organizational location of parole field services in relationship to the paroling authority and institutional corrections (Standards 16.4 and 12.5). Forty-one of the 50 states (82 percent) meet the Commission standard which recommends that parole field services be separate from the paroling authority. The current and most prevailing view of the parole board function is to formulate parole policy and make decisions regarding the release of offenders from institutions.<sup>14</sup> One step toward limiting the scope of parole board responsibilities is to remove from their administrative purview those staff associated with parole supervision. Not only will this free the parole board from associated administrative duties, but it will also enhance the quality of service provided by the parole supervising staff. This assertion is made based in part on movement in corrections toward the concept of offender reintegration.<sup>15</sup>

The past decade has seen the credibility of rehabilitation, in corrections generally and in the institution specifically, erode to the point that the cry was often heard, "Rehabilitation is dead."<sup>16</sup> Concurrent with, and partly as a result of this erosion, the model of reintegration was introduced. Based on the premise that psychological and attitudinal changes could not take place behind prison walls, the emphasis began to be placed on helping the offender adjust via community correctional concepts such as the halfway house, work release and, furlough programs.

Organizationally the concept of reintegration can be more readily achieved when parole field staff are administratively linked to the institutional corrections function. "The growing complexity and interdependence of correctional programs requires more than ever that parole field staff be integrated more closely with institutional staff."<sup>17</sup> This statement by the Commission implies that parole field staff should become more involved and concerned with activities that occur in the institution or prerelease center. To a large extent their efforts will need to be an uninterrupted extension of staff efforts within the institution.

<sup>14</sup> National Advisory Commission on Criminal Justice Standards and Goals: *Corrections* (Wash: 1973).

<sup>15</sup> Robert M. Carter and Leslie T. Wilkins, *Probation, Parole, and Community Corrections* (New York: John Wiley and Sons, Inc., 1976).

<sup>16</sup> Robert Martinson, "What Works?—Questions and Answers About Prison Reform," *The Public Interest*, No. 35, Spring 1974.

<sup>17</sup> National Advisory Commission on Criminal Justice Standards and Goals: *Corrections* (Wash: 1973).

The results from the second research question show strong support for the Commission's recommendation that institutional and parole field services be consolidated in departments or divisions of corrections. Thirty-seven (74 percent) of the 50 states are in compliance with the standard. Of the remaining 13 states; nine follow the pattern of placing field services under the parole board, one state provides county administered parole field services for some offenders, and the remaining three states place parole field services separate from both the department of corrections and the parole board. While the latter three states do not meet the recommended standard for placing parole field services within a department of corrections, their structure does move toward enabling closer coordination between field services and institutional corrections.

#### Organizational Location of Probation Services

Standard 10.1 (research question 3) examines whether probation is located in the executive or judicial branch of government. Thirty-eight (76 percent) of the 50 states are in compliance with Standard 10.1. Of the 12 remaining states, seven have county level probation, three have a state judicial system, and two have a combination of executive or judicial administration. The issue of executive or judicial administration has been a constant source of debate.<sup>18</sup> Those favoring placement of probation in the judicial branch argue that courts would benefit from the feedback on effectiveness of disposition, have a greater awareness of resources needed, and, that probation would be more responsive to the courts. On the other hand, those favoring placement in the executive branch argue that judges are not equipped to administer probation, services to probationers would receive lower priority than services to courts, courts are adjudicatory and not service oriented, and all other correctional subsystems are located in the executive branch.

As early as 1966 The Manual of Correctional Standards recognized a clear trend towards executive administration of probation.<sup>19</sup> The 1967 Task Force on Corrections also recommended and recognized a clear trend toward executive administration of probation.<sup>20</sup> In 1973, the Commission stressed that by placing probation in the executive branch "the potential for increased coordination in planning, bet-

ter utilization of manpower and improved services to offenders cannot be dismissed."<sup>21</sup>

#### Organizational Location of the Paroling Authority

The fourth research question (Standard 12.1) deals with the administrative linkage between the paroling authority and the department of corrections. The overriding argument for placing paroling authority in an administrative position independent of the correctional department is to insure that the decision to parole is based on both the needs of the offender and protection of society and not just the needs of the institution.<sup>22</sup> There is the other contention that the parole board should be responsible for field services in order that the overall parole effort—from the decision to parole to parole supervision—can be better coordinated, thereby improving service delivery to the offender.

There is only one state which clearly does not meet the Commission's recommendation of insuring parole decision autonomy by administratively locating this function outside the direct administrative purview of the correctional department. The majority of states have an organizational structure in which the paroling authority is directly responsible to the Governor. Several states seem to meet a compromise position where the paroling authority and department of corrections report administratively to an umbrella agency or overseeing state board. This structure would, on the surface, appear to meet the criticisms of those persons calling for closer coordination of not only the paroling authority and parole field services, but also the integration of all correctional services.

### Summary

Bringing coordination and unification to any organization characterized by a wide diversity of functions and organizational structure is obviously a difficult task. In recommending standards for probation and parole the Commission recognized this task and proposed the four standards addressed in this article. Our analysis, although not indicating total unification, does show a very positive effort at better coordination of function and organizational structures. One can hope that with additional compliance the criminal justice system will indeed approach appropriate program unification resulting in timely provision of quality services which meet the needs of the offender and the community.

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<sup>18</sup> See for example: *ACA Manual of Correctional Standards*, President's Commission, *Task Force Report: Corrections*, National Advisory Commission: *Corrections*

<sup>19</sup> American Correctional Association, *Manual of Correctional Standards*, 3rd Edition, (Wash: 1966).

<sup>20</sup> President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: Corrections* (Wash: 1967).

<sup>21</sup> National Advisory Commission on Criminal Justice Standards and Goals: *Corrections* (Wash: 1973).

<sup>22</sup> *Ibid.*