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Alabama Prison Option: Supervised Intensive Restitution Program

BY FREDDIE V. SMITH

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IT MAKES so much more sense for a convicted person to reimburse the victim and society instead of having the victim pay taxes to imprison the offender who victimized him. Tax dollars should be spent to help, as much as possible, improve the social world where we live, work, and play. Not all offenders need the expensive custodial and punitive supervision associated with a prison environment. A substantial portion of prison populations and victimized communities could significantly benefit from the optional programs that enforced restitution offers. These programs, while occurring in the community, could have necessary punitive and custodial aspects such as enforced curfews, close supervision and surveillance, required workloads, and other freedom restrictions. A well planned nonresidential restitution program would then save prisons for those hard-core, dangerous criminal types who insist on committing

serious crimes, or for those who violate the terms of the restitution program.

The Alabama Department of Corrections firmly believes that prison alternatives such as a nonresidential but intensely supervised restitution program could save the victimized taxpayers money while also reducing the State's prison population to a manageable level. Studies in current correctional literature indicate the crime rate would not increase and prison alternatives can operate without risk to public safety. However, a real possibility exists that the public at large will not accept prison alternatives until they perceive the alternatives as a punishment for the crime. Properly conceived programs will permit the public to believe in the punitive aspect as well as broadening their perceptions to the point that punishment does not have to equate to prison. Alabama has discovered, along with other states, that freedom

restrictions can be strictly imposed without continuing expensive prison incarcerations of selected non-dangerous property offenders and, at the same time, impact favorably on the behavior of the offender while elevating the humanity level of the community.

Instead of inheriting problems, upon assuming the reins as the chief correctional executive, I inherited an opportunity to assist the state in relieving its overcrowded prison population that had backed up in the local county jails and, at the same time, implement a nonresidential option to prison. Such a program could also assist in meeting the demands of special victim interest groups. And because it could empty a substantial number of prison beds for occupancy by the hard-core, dangerous offenders, the program can also have a strong appeal to the "get tough" policy adherents.

On April 1, 1983, after 11 years of operating a successful community residential-type work release program, the Supervised Intensive Restitution (SIR) program evolved into operation. Conceptually, SIR is a nonresidential treatment program that combines punitive freedom restrictions with restitutional requirements and the work ethic. Essentially, carefully screened and selected state inmates at county jails awaiting transfer to a prison, or those already located in an institution, are diverted to this program.

Development and Funding

Article 14-8-61 of the Alabama Code stipulates, "In order to provide for the individual supervision and placement of an inmate in the community where the inmate will reside after release from a state correctional institution, the board (board has since been amended to be the commissioner) is authorized to adopt rules, regulations and policies permitting the commissioner to extend the limits of confinement of an inmate where there is reasonable cause to believe the inmate will honor the trust placed in such inmate by authorizing such inmate, under prescribed conditions, to leave the confines of that place unaccompanied by custodial agents for a prescribed period of time to seek and secure employment and a place of residence in the community where the inmate will reside after the release from a state correctional institution."

Article 15-18-71 of the Alabama Code authorized the collection of court ordered restitution from persons serving sentences: "When a defendant is sentenced to a term of imprisonment, the order of restitution shall be enforceable during the period of imprisonment when the defendant has income."

With legal authority congruent with the planned implementation, a funding resource was necessary;

however, a guiding criterion and challenge was that the program could not incur any additional costs to the department's budget. Finding that three work release centers were in need of extensive and costly renovation as well as having a dismal inmate employment record due to geographical locations, the challenge was met. By closing the three residential centers and reassigning the combined 185 inmates to other centers and to SIR, \$1,312,973 was available along with experienced community correctional officers, vehicles, and other needed equipment. Specific SIR locations were designated and office space for record and clerical functions was coordinated with other work release centers and with the Alabama Board of Pardons and Paroles. A special training curriculum was formulated and administered to hand-picked SIR officers which would aid the long-lasting success of the program's operation.

Inmate Selection

The overriding criterion in developing program guidelines is an interaction of statutory conformity, program goals, anticipated public reaction, and correctional policies. To become eligible for consideration, the person must not be serving a sentence for a violently heinous and clearly objectionable type crime, or for any sexual offense, child molestation, drug sales, or major burglaries, nor be subject to any detainer or warrants. Eligible inmates surviving the screening of crime types must be in minimum or community custody with a favorable good time earning status, be within 2 years of their release date, and have a favorable disciplinary record. To insure the inmate is workable, the person must be 18 or older, be in reasonably good health and have a good work record. The inmate must voluntarily waive the department's responsibility to furnish clothing, medical and dental care. Finally, the eligible inmate must have a departmentally approved civilian sponsor, preferably an immediate family member willing to provide adequate housing. Both inmate and sponsor are required to agree that they will cooperatively work with the assigned supervision officer.

Intensive Supervision

The Alabama Department of Corrections has combined the successful intensive supervision concept with restitution which permits correctional systems to respond to public demands and to expand and improve correctional services options at the same time in a cost effective manner. SIR is uniquely the forerunner in this respect. George Beto and John Conrad, both nationally renowned prison experts, praise

SIR as being both "innovative" and "courageous." Additionally, the federally appointed group which monitors the State's prison department commended the restitution approach.

On the Supervised Intensive Restitution program, the field SIR officers orient both the selected inmate and the sponsoring family to the expected behavior required of the inmate under all the rules and regulations thereof, and what they may expect from the officers and SIR. While daily contact may occur when the officer deems this necessary, four face-to-face contacts are minimally and randomly required every week as well as two separate job visits combined with an enforced 10 o'clock nightly curfew. Officers doubling back to recheck an inmate is typical. Paying weekly supervision fees adds another enforced contact.

A full 40-hour workweek is mandatory, either on a gainfully employed status or on a voluntary community service work project, or by a combination of both. Inmates, with provision supervision and encouragement, learn it is to their immediate and long-term economic advantage to work for a salary rather than voluntarily work for no wages. Yet a pool of inmates remain from which to develop labor force for needed community work projects. Even with a nationwide unfavorably high unemployment rate, SIR inmates maintain a program employment rate of over an impressive 70 percent, yet the program provides supervised labor for some of Alabama's economically crippled cities. Gene Stewart of centrally located Sylacauga, who thinks the program is a "big help" to the city, stated: "Since we have the manpower, we're going to get the good out of it. It will be up to everybody to make it a good program."

SIR permits much-needed criminal justice agency interaction with the prison system since the SIR officers must develop and maintain liaison with local law enforcement agencies for weekly arrest data on a local and statewide basis. The officers also develop and maintain coordination with judicial activities for potential clientele that may be directly or indirectly diverted from institutional prisons. The officers also assist with crime prevention by Neighborhood Watch programs to help in supervising the inmate. Adding credibility to the program, the Alabama Sheriff's Association President and Coffee County Sheriff, Brice Paul, is an avid supporter of SIR.

Three Phases of SIR

To offer a behaviorally sound program that provides additional incentives while also maintaining supervision for the inmates, SIR has three phases, or levels, of supervision. Upon initial placement to the program

(Phase I), the inmate is intensively supervised, as previously discussed, for a minimum period of 3 months. When the inmate satisfactorily demonstrates, and meets, the need for less supervision, entry into Phase II begins.

In Phase II, two face-to-face contacts and one weekly employment verification is minimally required. The curfew is also extended 1 hour, to 11:00 p.m. All other supervisory requirements remain in effect.

Having successfully completed a minimum of 9 months of Phase II, the inmate may be rewarded with Phase III supervision. In Phase III, the job site is visited weekly, home visits and employment verification are conducted monthly, and the curfew may be relaxed completely for an exceptional inmate. However, all other supervisory requirements will remain in effect.

Typically, with the different phases of SIR, a team of two officers will supervise a caseload of 50 inmates in a given urban area. In less populated rural areas, one officer will provide the intensive supervision for a caseload of less than 25 inmates.

Recognizing the restitutional aspect, in addition to the similarities of sister state Georgia's Intensive Probation Supervision program, David Humphries of Georgia's parole department said: "Sounds better than what we have. What Alabama is talking about is ideal."

Program Success

The Supervised Intensive Restitution program is expected to cost \$1,032,908.18 for the first year, an immediate savings of \$280,028.82 over the cost of the three closed work release centers. In addition to these savings, up to 340 more inmates are being correctionally supervised, which would have cost the state anywhere from \$7,000 to \$10,500 per inmate (savings of \$2,380,000 to \$3,570,000) for total care. Instead, inmate maintenance costs will range from \$1,094 to \$1,487 per inmate annually, and when the collected supervision fees are included, an additional savings of \$371,960 to \$505,580 is expected. When the program is fully expanded to its present capacity, 29 officers can supervise 725 inmates. The annual costs should approach the range of \$650 to \$954 annually per inmate.

Cost effective to Alabama's prorated correctional budget, Criminal Justice Professor Bob Sigler, who is also a past president of the Alabama Volunteers in Corrections, observes that "it can cut the State's cost of maintaining prisoners and help convicted criminals return to normal lives."

Of the over 800 inmates assigned to SIR since its inception, 76 percent are still participating success-

fully while slightly over 5 percent have been legitimately released. Slightly less than 19 percent have been returned: 3.6 percent for rule violations; 4.5 percent for new cases which have been typically minor and nonviolent; another 4.5 percent attempted or did escape; and 6 percent for miscellaneous administrative reasons. Since most inmates that do escape are in their home environment, AWOL is more descriptive, yet the law defines this act as an escape. None of the SIR locations has reported any increases in the crime rate or risks to the communities.

Employment rates for salaried inmates range anywhere from 70 to 80 percent. Approximately 14 percent of the program participants have a court ordered restitutional requirement and have reimbursed victims in excess of \$10,000, while community services of 70,346 hours at minimum wage represents \$235,659 of restitution to the various communities.

The program also gave relief to the overcrowding of state inmates in local county jails. Coordinated with the opening of a 1,080-bed facility, a 1,500-inmate backlog was virtually eliminated for the first time since 1975. With construction continuing on two additional facilities for another 1,200 beds, it appears that Alabama may be able to forge temporarily ahead of the escalating inmate population.

Received State Commendation

A Senate Joint Resolution enacted in SJR 26 commended "... the development, by the Department of Corrections, of the Supervised Intensive Restitution (SIR) program to eliminate overcrowded conditions in county jails, reduce victim loss through restitution, and overall cost to Alabama taxpayers for maintaining inmates as well as providing volunteer community service..." Both houses concurred in commending the Department of Corrections for initiating an innovative and courageous program which is providing the means for meeting Federal mandates and moving toward removal of Federal supervision.

As George Bernard Shaw so aptly phrased, "You cannot expect to train people for freedom in conditions of confinement." When considering the fact that 95 percent of all offenders will eventually return to the community and that resocialization or reintegration cannot be done in isolation, SIR provides a choice of dealing with offenders under conditions of restricted freedom or that of prison confinement. SIR brings the realization that communities have a responsibility for dealing with problems (or opportunities when preferred) which, in the last analysis, are created in it. SIR points the way to an approaching time when society can cope with the problems which arise when people live together.

The Future Jail

A Professionally Managed Corrections Center That Controls Its Population

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THERE IS a modern way to operate city and county jails in the 1980's, and there is no more reason to cherish antiquated and outworn concepts in jail administration than to cherish poor administration in fields such as health care or police services. If I were a state legislator, a county executive, a jail administrator, or a county supervisor in a metropolitan county today, I would emphasize five elements of jail administration that should be considered crucial. These elements are:

- (1) Basic conformance to current jail facility and operations standards;
- (2) Professional staffing, starting with the jail manager;

(3) Round-the-clock screening and release alternatives;

(4) Adequate management information, including prisoner accounting;

(5) Good coordination with the courts and other criminal justice agencies, and good public relations including use of volunteers in the jail.

Basic Principles

The first principle that must be understood is that the county jail is a public institution with a finite capacity to house and care for persons being held for trial or to serve court-ordered sentences. Jail beds are

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