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COMMUNITY CORRECTIONS

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OFFICE OF CRIMINAL JUSTICE

REPORT

ON

COMMUNITY CORRECTIONS

Michigan has been struggling over the past several years to keep pace with the burgeoning prison population. Our recent prison construction constitutes the greatest capital outlay undertaking in Michigan's history -- three quarters of a billion dollars for construction of new prisons and another \$800 million to operate them. The need for new prison beds is not the only facet of Michigan's prison problems.

Between 1975 and 1985, new probationers rose from 9,435 per year to 12,522 per year and new prison inmate annual commitments from 6,218 to 7,521. Even with the increase in community programs and the emergence of new options, such as community service, restitution, and the electronic tether, our prisons and jails continue to fill. There is some evidence that the character of those sent to prison is changing: more are repeat offenders and convicted of violent offenses. While 57% of prison inmates in 1983 were convicted of violent and dangerous crimes, that figure was 65% in 1985. Average sentence length has increased from 4 years in 1982 to 4.4 years in 1985.

The pressure on state facilities has spilled over into local facilities as well and many jails are rapidly filling to capacity or are now overcrowded. This demand for facilities has heightened the search for alternative forms of sanctions.

I. EXISTING COMMUNITY ALTERNATIVES SYSTEM

Michigan currently operates one of the most extensive community corrections program of any state. During 1986-87 the Michigan Department of Corrections (DOC) will spend approximately \$63 million on community corrections. In Michigan there are now over 31,000 adult felony probationers, about 6,000 parolees, and 1,900 prisoners in community correction centers. This is in addition to 17,500 prisoners in institutions. Of over 56,400 total offenders, 38,900, or 69% are already in a community facility or program.

TABLE 1

PERSONS UNDER JURISDICTION PURSUANT TO FELONY CONVICTIONS - 56,400

| <u>PRISONS (31%)</u> | <u>COMMUNITY SUPERVISION (69%) - 38,900</u> | | |
|----------------------|---|---------------|--------------------------------------|
| | <u>PROBATION</u> | <u>PAROLE</u> | <u>COMMUNITY RESIDENTIAL CENTERS</u> |
| 17,500 | 31,000 | 6,000 | 1,900 |

The DOC Bureau of Field Services supervises probationers and parolees in the community; through its community residential placement program it provides pre-release prisoners the opportunity to adjust in a less restrictive environment before leaving DOC jurisdiction.

Since 1978, the DOC has worked with community agencies to develop local programs. During the current fiscal year the DOC Community Alternatives Programs (CAP) will spend approximately \$8.5 million. They are currently working with over 70 community-based correctional programs.

These programs go further than just sentencing alternatives. They provide programs to all types of adult felony offenders -- probationers, parolees and prisoners. They are not intended for those offenders requiring segregation from the community for public safety or as a last resort punishment.

The community alternative programs (CAP) consist of three major program areas:

1. Probation Residential Centers

There are 16 such programs with a total bed capacity of 375. Each of the probation residential centers is operated by a community-based, private, non-profit organization. Most were formed by the local circuit court, local probation staff, interested persons in the community, and the CAP office. Typically, a committee of local business leaders, community service agencies, law enforcement, corrections and other interested parties is formed to explore the feasibility of a probation residential center. That committee usually incorporates, hires a director, and locates a suitable facility. This process takes 12 to 24 months. The local board also develops program eligibility criteria based on standards acceptable to the community, formulates rules for the residents, and develops treatment programs for the center. Several other communities have expressed interest in establishing centers.

Of the 375 beds, 48 are for women. The probation residential centers are capable of providing services to about 1% of the adult felony probationers under supervision by the department. The typical offender sentenced to a center is young and has multiple felony convictions. Center programs have a modest record of success. A study of 1,663 terminations from programs from 1981 through 1984, found 576 successful terminations, of which 86% were felony-arrest-free 1 year later. Of 1,087 who were unsuccessfully terminated, 66% were felony-arrest-free 1 year later.

2. Service Provider Programs

Twelve community-based groups currently provide a wide range of services for probationers, parolees and prisoners. As with the probation residential centers, these providers are private, non-profit, and locally controlled.

The programs are generally centered around employment and employability skills. However, they may provide other services such as: emergency housing and food, counseling and substance abuse services, transportation, community service placement, community volunteers, and education programs. New programs will soon be providing training and certification in auto mechanics and auto body repair.

Such programs can provide services to about 2,500 offenders or about 6% of the 38,900 felony offenders in the community.

3. Probation Enhancement Grants

The DOC awarded 41 grants this year to community corrections advisory boards for alternative programs and enhanced local adult felony probation services. A community must first form a corrections advisory board, comprised of at least eight members, including members from law enforcement, corrections, the educational community, the religious community, social service agencies, the judiciary, advocates of alternatives to incarceration and the general public. This board must be approved by the chief circuit court judge and the chairperson of the county board of commissioners. From a study of local needs, these boards prepare proposals suited to the community for serving adult felony probationers. Typical services provided under these grants are:

community service work programs, volunteer programs, victim restitution funds, victim/offender reconciliation programs, direct client services, and mental health programs. These programs are normally on a smaller scale than those provided by the service providers.

The CAP programs were appropriated \$7,809,000 for FY 1987, along with a special item of \$788,500 for 22 positions for intensive maximum probation supervision. The executive budget for FY 1988 recommends an increase of \$3,048,700 for community corrections which would include \$809,000 for probation enhancement, \$1,617,200 for halfway house expansion and \$615,000 for service providers. These figures do not include funds appropriated for supervision of persons released on probation and parole.

TABLE II

| | <u>FY 87</u> | <u>Proposed FY 88</u> | <u>INCREASE</u> |
|--------------------------------|------------------|---------------------------|-----------------|
| Administration | \$ 264,000 | \$ 271,500 | \$ 7,500 |
| Halfway Houses | 3,012,600 | 4,629,800 | 1,617,200 |
| Probation Enhancement Grants | 734,000 | 1,543,000 | 809,000 |
| Service Provider Grants | <u>3,798,400</u> | <u>4,413,400</u> | <u>615,000</u> |
| Community Alternative Programs | 7,809,000 | 10,857,700 | 3,048,700 |
| Maximum Probation Supervision | <u>778,500</u> | <u>1,695,800</u> | <u>917,300</u> |
| COMMUNITY CORRECTIONS TOTAL | 8,587,500 | 12,553,500 | 3,966,000 |

It is clear that the existing community alternatives system in Michigan is serving a substantial majority of the convicted felons and has achieved some degree of success at a cost substantially lower than those incarcerated in the state's prison system. What is the general perception of this kind of program?

II. GENERAL RESEARCH FINDINGS

There is evidence in research that alternatives have a valid place in a comprehensive corrections policy. There have been few rigorous academic studies of corrections alternatives. Of those analyzed, most successful types of alternative programs appear to be intensive probation and in-home detention. Even these programs, however, are not without their critics.

Rand Corporation researchers had previously reported that felons placed on probation in California are a serious threat to the public and that probation is a high-risk gamble. In a succeeding study, they concluded that "public safety would clearly benefit from somehow incapacitating a large portion of felony offenders represented in this study for a longer time."

However they acknowledge the cost and difficulty of providing enough incarceration. "Intermediate sanctions, such as intensive community supervision. . .are attempts to reduce recidivism. . . . If. . . . successful in this, they could be used to incapacitate offenders for a lower cost. . . . Consideration might also be given to increasing the time spent in prison by selected prisoners."

Other concerns are philosophical. Some suggest that there is a tendency to "widen the net" by sanctioning some who would otherwise not be punished. That is, community alternatives serve to bring more people into the formal criminal justice system by providing a sanction when none would be used if incarceration were the only available punishment. Others contend that community service, work release, etc. are neither punishment nor rehabilitation, but only enforced activity. For example, they believe that persons convicted of a crime must pay a debt to society and the traditional payment of that debt has been a loss of personal freedom.

There are those who believe that persons convicted of a felony offense are a danger to the public and must be incarcerated to protect the public. Because they fear for the public safety, they believe that this consideration overrides the consideration of cost.

The general conclusion of academic research is that community alternatives are useful tools in an overall strategy of sanctions, but are clearly not panaceas for crime control, punishment, or public protection. Yet these are the very issues that public policy makers, faced with the serious problem of prison overcrowding, must address.

III. CURRENT RESEARCH IN MICHIGAN

The Department of Corrections has conducted research in two areas affecting community alternatives. The Department commissioned Michigan State University to look into several aspects of the potential for expanding the operation of CAP-style alternatives in the communities of Michigan. The Michigan State University research concluded that there might be 300 to 700 felons, depending on the criteria selected, possibly suitable for community placement rather than state prison.

The MSU study found that most community corrections programs resulted in "widening the net" and, therefore, had little impact on incarceration rates. According to this research, the most critical issue in designing an alternative program is establishing criteria that will differentiate offenders who would normally have been incarcerated from those who would have normally received probation. That is, to avoid "widening the net," alternative programs should involve only those offenders who have received a prison sentence. However, whatever structure is chosen, the MSU study strongly urges that programs be closely monitored and evaluated to determine effectiveness.

A separate study by MSU and the State Office of Management and Information Systems resulted in a formula for predicting successful probation outcome. This research developed and refined a linear additive model for predicting success of probationers. The prediction equation which evolved is based on age at first arrest, prior employment record, length of employment, total number of juvenile arrests, presence/absence of substance abuse, and outcome of prior probation. The Department of Corrections has implemented a supervision system using a classification based on this research.

Such studies should help define the populations suited to community corrections sanctions. However, they are geared to the adult felony population. Their application to the misdemeanor population, which is the bulk of the county jail sentenced clientele, might be a subject for further study.

IV. PUBLIC POLICY CONCERNS

Although research is slim and academic views vary, public officials, policy makers, and those charged with protection of the public have a different framework that guides decision-making. First and foremost they ask:

"Is the public well protected when persons otherwise slated for incarceration are diverted to community alternatives?"

The escape of a single convicted felon from a halfway house can threaten the entire community alternative program in a given area when the public is aroused out of fear for their own well being.

In addition, public officials and all of those involved in the criminal justice system must assess other aspects of community alternative programs.

1. Do they truly divert from incarceration, or do they tend to "widen the net" and supervise people who would otherwise have escaped correctional supervision?
2. Are well-staffed programs which provide good services and treatment really much less expensive than prison or jail incarceration?
3. Do reliable classification systems exist which identify the best prospects for successful community corrections placement?
4. Are community alternatives considered a legitimate sanction within the purposes of the correctional system (punishment, isolation, rehabilitation, public protection)?
5. Do they provide a true intermediate sanction not previously available?
6. Who should play what roles if community corrections options are deemed appropriate for expansion? What is the state role? What is the local role?

Michigan is already at the forefront of states in developing community corrections options. Two-thirds of our felony cases under supervision are already served in the community. The expansion of community alternatives in Michigan cannot be effectively pursued by looking for greater numbers to be added to the system. Research shows that only 300-700 (or 4%) individuals currently in prison might be suitable for diversion to the community. The options most often considered are already being tested here, including restitution, community service, work-release, intensive probation, "shock incarceration", the electronic tether, and in-home detention.

The major need is not to invent community corrections in Michigan, but to improve and expand it. Our system of post-conviction options can be strengthened. The challenge to community programs is to increase the scope of the services, their effectiveness and ultimately their success in preventing recidivism.

The greatest opportunities appear to lie in the "intermediate sanctions," those between normal probation and prison and jail incarceration. But there is a strong caveat: the options must be effective in adequately protecting the public.

We continue to need research into emerging options and rigorous evaluation of the outcomes and impacts of existing and new programs.

The keys to success and community acceptance will be evidence that the right cases are classified and assigned to community corrections, that the sanctions appear to be, and actually are, punishment, and that there be flexibility in placing the clientele. Each community placement should be regularly monitored and periodically reassessed. This demands that close attention be paid to an aspect which has not been sufficiently examined. This factor is reclassification and reassignment. State rules and local operations must include the ability to move a person from one type of placement to another, based on the person's attitudes, progress, failures, and actions. These safeguards must be built-in to catch those who prove to have been misclassified or who evidence unexpected negative behavior.

Without this flexibility, the predictable outcome would be to respond to misbehavior by instant incarceration. While incarceration remains the ultimate threat, there will be many cases who will respond to a different and more appropriate treatment regimen. In addition to being more productive, a reassignment will also preclude the expense of prison or jail as the only

alternative in light of impending failure. Just as intermediate sanctions between probation and incarceration are needed, intermediate responses to problem community placements are needed as well. Thus, even within intermediate sanctions, there is need for a gradation of supervision and restrictions which limits the automatic reflex of incarcerating those who "mess up". In this, as in all of corrections, the watchword must be appropriate responses to inappropriate behavior within the context of public safety.

Expanding these programs must be done very carefully to insure an adequate level of commitment and support. State officials know from their efforts to find additional prison sites that public support for new facilities stop at the boundaries of their neighborhoods. One option to insure the most favorable climate for community corrections programs is to develop a state/local partnership. Clearly, a community has no investment in the outcome of a program if it only takes state money.

V. STATE-LOCAL PARTNERSHIP FOR COMMUNITY CORRECTIONS

The most viable approach to improved community corrections is a strong state-local partnership. Ideally, it would feature local programs developed and endorsed by boards consisting of relevant and concerned officials, groups, and citizens. Official proposals would have to be approved by elected local officials, such as mayors, councils, and county boards of commissioners. Programs would be operated by local and private agencies. If the state is to be the major funding source, as most proponents suggest, then there must be a clear statement of state policy in legislation, program standards defined in state rules, and state agency review and approval of local grant proposals. The state would also conduct effective review and oversight of program

operations, evaluation of impact and cost-effectiveness, and provide technical assistance to communities in developing and operating programs. There should be a community corrections advisory committee in the Department composed of community corrections, criminal justice, and local government representatives as well as private citizens.

The key to success will be initiatives which are locally developed and accepted and which meet state standards for effectiveness and efficiency.

VI. FINANCING

Any proposal raises questions about costs, who will pay, who will be paid, and how. Traditionally, two funding options have been considered -- formula funding and grants funding.

Under a straight formula model, a formula is established by statute or by administrative rule. The formula could be based on factors such as population size and commitment rates. Under a straight grants model, local units of government would apply to the state for funding based on standards and criteria set by the state.

The formula option has been criticized for not allowing flexibility in the appropriation process and for making monitoring and evaluation difficult. The amount of money appropriated is determined by the formula and not by the state's priorities. Formula programs become entitlement programs that continue with a life of their own. Since a formula provides automatic funding based on the formula, program evaluation and monitoring are not built into the funding structure but must occur outside.

Under the grants model, the amount of money appropriated is not predetermined but can be adjusted to meet the state's priorities. Grants typically run for one or two year cycles. Since any reauthorization requires

a new application, monitoring and evaluation can be built into the funding structure through the application review process.

There is a third funding model which should be considered. This would combine the best features of grants and formula funding -- flexibility, built-in evaluation, monitoring and some automatic funding. Under this model, local units of governments would apply to the state for grants for specific programs. The state would award grants to those programs which meet standards and criteria set by the state. Any grant reauthorization would require a new application. Evaluation and monitoring would be part of the grant review process. As programs are established and prove successful by the evaluation process, specific program formulas can be built into the grants. For example, an employment training program which had a good evaluation after the first year of funding would reapply for a second year. Because of the program's track record, the state would pay the program provider a set fee per unit of service (\$X per offender trained) plus a flat amount for overhead.

Once a funding model is established, how much will it cost? In fiscal year 1987, the Department of Corrections was appropriated \$8.5 million for community alternatives. Based on current programs, the executive budget recommendation for fiscal year 1988 is \$12.5 million, an increase of \$4 million over fiscal year 1987.

If the state plans to expand this area further, it takes time to develop new programs. They cannot all come on line within a year. The state's budget commitment should parallel research findings and the development of proven programs. In order for this process to be effective, the state must also be willing to commit resources to increase DOC's community alternatives staff in order to meet the increased workload of evaluating and monitoring new programs.

If community corrections prove to be safe and acceptable, they may generate cost savings. Until the potential has been explored and evaluated, we do not encourage radical changes in process or funding. It must be remembered that there must be state oversight of state money and local control of local programs. As the state's principal policy makers, the Governor and the legislature must have control over the expansion or reduction of programs based on state needs and priorities. Local control of programs is essential so that programs are developed that are acceptable to the community and meet the needs of the community.

VII. SUMMARY OF RECOMMENDATIONS

1. Establish a clear statement of state policy regarding community corrections in legislation.
2. Establish a community corrections advisory committee in the Department of Corrections.
3. Enhance the present structure in the Department of Corrections to establish and encourage a range of mid-level sanctions for convicted offenders.
4. Structure programs to insure that appropriate offenders are selected to participate. These programs should not "widen the net" nor threaten public safety.
5. Structure programs that allow offenders to be moved within a range of sanctions depending on progress or failure. Incarceration should not be the only sanction for failure.
6. Retain state oversight of programs financed with state dollars. Oversight should include setting standards, monitoring, evaluation and review and approval of local grant proposals.

7. Retain local control over local programs and with technical assistance from the state, encourage the development of local programs which meet the needs of the community.
8. Require that local programs be approved by elected local officials.
9. Develop a funding model which is based on a grants application process. Build a formula into the grants process for established programs which have a successful track record.
10. Increase the state budget commitment to community corrections incrementally over a number of years. The state's commitment should parallel research findings and the development of proven programs.
11. Continue research on emerging mid-level sanctions and risk prediction models for misdemeanor population in county jails.

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