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Probation Officer Burnout: An Organizational Disease/An Organizational Cure, Part II *Paul W. Brown*

Experimenting with Community Service: A Punitive Alternative to Imprisonment *Richard J. Maher*
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ounselors and the Adult Children **JAN 7 1988** *Eric T. Assur*
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Consequences of a Felony Convict Study of State Statutes

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This Issue in Brief

In this issue, the editors are pleased to feature three articles authored by United States probation officers. In that the manuscripts were sent unsolicited, we believe that they offer good indication of issues that are of real interest and concern to persons working in the Federal Probation System. The articles, the first three presented in this issue, discuss counseling offenders, preventing job burnout, and employing community service as a sentencing alternative—information valuable not only to probation officers but to professionals in all phases of criminal justice and corrections.

Counseling in Federal Probation: The Introduction of a Flowchart into the Counseling Process.—In many probation officer-probationer/parolee relationships, the potential problems facing clients are not addressed, often because the client does not understand or consciously accept the problem or focus area. To assist Federal probation officers and other change agents in using counseling methods and problem-definition skills, author John S. Dierna introduces a systematic framework. The tool is a flowchart—which defines a variety of processes and decisions which may be pertinent in addressing issues such as, "What is the problem?" The flowchart—which the author applies to an actual probation case—offers a flexible yet structured approach to defining problem areas and defusing the resistive barriers which initially inhibit steps toward problem resolution.

Probation Officer Burnout: An Organizational Disease/An Organizational Cure, Part II.—Paul W. Brown authors his second article for *Federal Probation* on the topic of burnout. While the first article (March 1986) discussed the influence of the bureaucracy on probation officer burnout, this second part emphasizes some specific approaches that management can take to reduce organizationally induced burnout. Noting that organizational behavior can influence staff burnout, Brown points out that the role of the supervisor is vital in reducing the

stress which can lead to burnout. Much can be done to provide a work environment which is healthier for the employee and more productive for the organization.

Experimenting with Community Service: A Punitive Alternative to Imprisonment.—For the past

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Experimenting With Community Service: A Punitive Alternative to Imprisonment

BY RICHARD J. MAHER AND HENRY E. DUFOUR*

Introduction

MANY VETERANS of World War II recount the wisdom of judges who punished their youthful infractions by offering them a choice between jail or induction into the Army. Those who have had this experience often attribute their term of "community service" as a turning point, a time when they prioritized their values and began a productive life. No doubt the first court that ordered community service was inspired to do so long before World War II's manpower need.

The notion that work, community service or otherwise, is good for the spirit is well-founded in Judeo-Christian teaching. Considering society's well-established belief in the therapeutic value of hard work and the giving of self to others, it is no wonder that the concept of community service as an alternative to imprisonment has gained broad acceptance. It is routinely used throughout the United States, England, and other English-speaking countries.

For the past two decades, criminal justice professionals have experimented with community service orders. They have been used in lieu of fines or cash restitution to punish the offender by restricting his leisure, and sometimes as alternatives to imprisonment. Using community service orders as an alternative to imprisonment will be our concern.

Background

During the past quarter century, major changes have occurred in the American correctional system. In spite of the dollars that have been spent and the programs that have been conceptualized and put into place, there is still a great deal of scepticism about the system and its ability to deal with criminals. As a matter of fact, some writers claim that the system might best be described as a non-system because of the widespread feeling that nothing seems to work. Crime is a real threat to many, and they are frightened by the thefts and acts

of violence that touch their lives and those of their loved ones. Rates of recidivism appear to be as high as ever, and the public seems disenchanted, frustrated, and frightened.

These attitudes about the system are longstanding and were clearly identified and addressed in 1966 by the President's Commission on Law Enforcement and the Administration of Justice. The commission noted that "a major goal of corrections is to make the community safer by preventing the offender's return to crime upon his release."¹ There are probably very few individuals who would disagree with that statement, but the question has always been how can this aim be best accomplished?

The concept of institutional treatment was once seen as the answer to this question, but it now seems apparent that other avenues must be explored because of public and professional questions about the pragmatism of such an approach.

Some of these questions were brought into sharp focus by Robert Martinson in the spring of 1974. At that time, he published an article in *The Public Interest* titled "What Works? Questions and Answers About Prison Reform." His conclusions had a sobering impact on the advocates of treatment, for he found very few programs that were successful in the rehabilitation of offenders.

... It is just possible that some of our treatment programs are working to some extent, but that our research is so bad that it is incapable of telling. Having entered this very serious caveat, I am bound to say that these data, involving over two hundred studies and hundreds of thousands of individuals as they do, are the best available and give us little reason to hope that we have in fact found a sure way of reducing recidivism through rehabilitation.²

The general public is usually not aware of academic publications of this type so their concerns about crime and the prison system must arise from other sources such as TV, newspapers, and personal

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¹The President's Commission on Law Enforcement and the Administration of Justice, *The Challenge of Crime in a Free Society*, Washington, D.C.: United States Government Printing Office, 1967, p. 165.

²Robert Martinson, "What Works? - Questions and Answers About Prison Reform." *The Public Interest*, Spring 1974, p. 49.

experiences. It appears to these writers that these sources have disseminated sufficient information throughout our society to bring about a recognition of the failure of corrections and to produce a sense of frustration in the man in the street. Warren Young attributes this "widespread disillusion with imprisonment as a penal sanction to four main themes in penal policy: the influence of humanitarianism; scepticism about the effectiveness of imprisonment as an instrument of treatment or a means of deterrence; prison overcrowding; and economic stringencies."³

These statements represent a set of social, cultural, and economic realities of the 1980's that must be dealt with by the correctional manager. None of these themes can be dealt with by the quick-fix route, and all of them seem likely to be with us for some time. With these thoughts in mind, it seems that currently the best alternative is the strengthening of current community-based programs and the development of additional options to prison, such as community service orders.

A publication of the National Institute of Mental Health summarizes the arguments made in 1971 in favor of community-based programs.

Until alternatives to institutionalization are demonstrated to be more effective than imprisonment in preventing further crime, a major rationale for the use of community programs will be that correctional costs can be considerably reduced by handling in the community setting a large number of those offenders normally institutionalized. Experimental/demonstration projects in intensive intervention have shown that for a large number of institution candidates incarceration is clearly unnecessary. Thus, if society is still determined, in the light of this evidence, to keep those offenders in prisons and training schools, it must be willing to pay the price. The central question becomes: Are the goals of punishment and custodial control worth the high costs of constructing institutions, and maintaining the inmate in the institution, as well as the observed and the still unknown personal and social costs incurred through exposing individuals to the institutional experience?⁴

Since we cannot afford to pay the price, it seems that community service orders must be explored for a limited number of carefully selected individuals. Such a program satisfies those of a liberal political persuasion by keeping the offender out of prison and providing the best opportunity for treatment and/or positive change to take place. On the other hand, the conservative who believes in punishment should be somewhat mollified by the fact that the client must provide the required service and earn a living afterward. In some regards, this may be more demanding than the typical prison experience.

Discussion

The merits of community service as a sentencing alternative have been demonstrated throughout the United States and elsewhere. Approximately one-third of the states have passed legislation giving sanction to community service as an alternative to imprisonment. The United States Congress has been slow to sanction and define appropriate community service, but by terms of the *Comprehensive Crime Control Act and Criminal Fine Enforcement Act of 1984*, it is mandated that any convicted felon who receives a sentence (not a Class A or B felony) must be ordered to pay a fine, make restitution, and/or work in community service.⁵ Since the early 1960's, U.S. Federal Courts have often chosen to suspend sentences and impose a special condition of probation directing offenders to perform community service work for public or charitable organizations.

The British Parliament granted the first legislative authority for community service orders. Under the Criminal Act of 1972 (Sections 14-18), such orders were sanctioned as an experiment. In 1973, legislative authority was consolidated under the Powers of the Criminal Courts Act. British law defined the Community Service Order as a distinct alternative to imprisonment. However, these orders are limited in their application by virtue of the statutory guidelines imposed by Parliament. The law set a minimum of 40 and a maximum of 240 hours of work to which an offender may be sentenced. These limits are believed to be motivated by genuine social and economic concerns. With the high unemployment rate in Britain over the past years, there was a need to assure protection of free labor. With this in mind, probation departments have been selective in choosing work projects for offenders.

It is also generally recognized that there are practical parameters to what may be expected from offenders assigned to community service. The order should not be so stringent that it might be regarded as unfair or as forced servitude; however, if community service is to be accepted as a credible alternative to imprisonment in the United States, its parameters must not be set too narrowly.

Experience in the United States has clearly demonstrated the benefits of community service orders. When properly administered, community service has enhanced respect for the probation

³ Warren Young, *Community Service Orders*, London: Heinemann, 1979, p. 4.

⁴ National Institute of Mental Health, *Community Based Correctional Programs*, Washington, D.C.: United States Government Printing Office, 1971, p. 34.

⁵ Rozina Wilks, "Legal and Liability Issues in Court Ordered Community Service Programs," a paper presented to the Midwest Criminal Justice Association, October 1985.

service and the court in the community with non-offenders and offenders alike. These orders alone, or combined with other special probation conditions, offer the court a broad range of sanctions, sanctions which can be tailored to the seriousness of the offense and to the individual offender's needs.

Community service, when used as an alternative to imprisonment, is also a deterrent. It punishes, provides for reparation, and assists in resocializing the offender. United States District Judge Joseph L. Tauro expounded the benefits of such orders in 1983 when he said:

In the appropriate case, a public service order can be a progressive, productive alternative to jail. It provides the chronically wounded tax payer with a rare double barreled break. Hard earned tax dollars are not wasted on housing and feeding the offender, and the offender's public service assignment is something of a dividend to the taxpayer in terms of expanded manpower service. Moreover, a meaningful, closely supervised public service sentence can provide a daily reminder to the offender that he has in fact committed serious anti-social behavior.⁶

Community service orders should focus on the offender's need for resocialization and on the protection of the community. United States Federal Courts have recognized that conditions of probation must be reasonably related to the treatment of the offender and the protection of the public from future crime.⁷ This recognition carries with it the presumption that offenders with a history of violence or those who otherwise represent a serious risk to the community will be precluded from consideration. Determining who is an appropriate candidate is best addressed at the presentence report stage of the sentencing process.

At sentencing, an offender must be made to understand that serious antisocial behavior has resulted in his conviction and that the consequence may be imprisonment. Therefore, the community service alternative, possibly accompanied by other special conditions, may be severe. Such an order is more than a stringent form of probation. It must be harsh enough to be viewed by the public and the offender as a serious alternative, a sentence as credible as incarceration.

The probation office, offender, and recipient of community service must work together closely to attain maximum benefits. An offender's success on community service depends on the tailoring of the court order to his circumstances and on his ability to accept his obligation. He must be disciplined and punctual. In addition to his work assignment, he must abide by all other conditions of probation. It

is essential that communication be good between the probation officer, offender, and work project supervisor. Even when good communication exists, myriad problems may arise which often involve the probation officer. Unlike an offender in custody, the community service offender is not removed absolutely from family, social relationships, and other commitments. The imposition of a stringent public service order may create a set of stresses and problems which the probation officer must be sensitive to and able to assist in resolving.

If the court determines an individual is to be given a community service order, the probation department should have a suitable work program in place and a specific task tentatively arranged. The intricacies of developing programs, screening candidates, and supervising community service orders offer a challenge to probation services. To meet this challenge, probation departments should allocate adequate personnel and material resources. The Administrative Office of the United States Courts has created specialist positions for probation officers charged with developing and administering community service programs. As the use of such orders grows, the need may develop for a community service division of probation. As noted, Britain developed such a division because of the preponderance of such orders and in recognition of the unique skills required to address public service needs.

As the experiment continues, so do the experiences. In the summer of 1985, the United States Probation Office, Northern District of Georgia, was alerted that an unusually large number of nonviolent first offenders would be entering guilty pleas. Most were involved in major frauds and other serious offenses. Others were involved peripherally in cocaine sales. Many of these individuals were local residents. It was certain that some would receive community service orders. In anticipation, the Probation Department made arrangements for offenders to participate in two group work programs. These programs could offer a wide range of work experiences to suit the court's purpose and also match the abilities of various individuals who would be sentenced. But the probation staff did not anticipate that the court would order such extensive community service work in lieu of incarceration. The lengthy hours demanded, coupled with other special conditions of probation, would test the known practical limits of community service orders.

As indicated, participation in two group programs was set up by the probation staff. Each agency offered the advantage of experience working with community volunteers. The agencies were familiar with liability issues and were willing to meet their obligation as it related to the court order. One agency of-

⁶J. L. Tauro, "Sentencing: A View From the Bench," *New England Journal on Criminal and Civil Confinement*, Summer 1983, p. 323.

⁷*United States v. Atlantic Richfield*, 465 F.2d 58, 61 (7th Cir., 1972); *Porth v. Templar*, 453 F.2d 330, 331 (10th Cir., 1971).

ferred an added advantage in that it had previously engaged in a Federal public service project with the court. That experience had been very successful. Also, both agencies had extensive enough labor needs to absorb the hours demanded of the probationers.

The first program agency served was a non-profit historical association. The association was founded to raise funds and to restore the Wren's Nest, the Atlanta home of Joel Chandler Harris. Harris, a renowned southern author, is best known for the creation of the Uncle Remus tales. Since 1913, his house has been a museum. In spite of its deteriorating condition and location in a blighted neighborhood, approximately 10,000 visitors were drawn to it last year. If the Wren's Nest was accepted as a suitable site, the work provided by assigned offenders would accelerate the restoration efforts, thus bringing improvement to a depressed area. Tourist visitation is expected to increase substantially and to produce needed revenue for the community.

The Wren's Nest director learned of the offender community service program and made an inquiry to the probation office. While Wren's Nest officials entertained the idea of using community service offenders, they expressed reluctance over the employment of criminals. A meeting was scheduled at the Wren's Nest between agency staff and a probation officer to address the many points of mutual concern.

During the meeting, the probation officer found the Wren's Nest staff very professional. The agency and its work need appeared suitable for community service assignments. This meeting and subsequent ones proved to be productive, and groups of offenders were assigned. The offenders worked on Saturdays, and because of reservations on the part of the Wren's Nest staff, a probation officer came on site and worked with and supervised the crew.

After a few weeks, the supervision of the offenders was left to a Wren's Nest staff member. The probation officer came by at the end of the day to inquire about and to observe the quality of work done. The Wren's Nest staff members grew comfortable dealing with offenders and demonstrated they could meet their obligation to the court order. As an example, on one occasion an offender attempted to claim 1½ hours he did not earn. He was called to task by the agency supervisor, the probation officer was notified, and the problem was resolved.

With the weekend crew producing tangible results and the magnitude of the project's labor need becoming apparent, the probation department assigned a weekday work crew. Three offenders were selected to work 16 hours each week. These three would be

joined by a fourth on one of the weekdays. The task was physically strenuous and none of the four was accustomed to hard labor. Nonetheless, their efforts soon impressed the staff and the project architect. Accordingly, a staff member commented with pleasure that in a short time the offenders "did a mountain of work." Often the offenders rented tools at their own expense, donating the expenditures to the effort.

However, from these positive efforts and attitudes, an unanticipated problem resulted. The offenders heard the director discuss the price estimate for taking down a diseased oak tree. In spite of liability issues previously discussed and without the director's knowledge, the offenders purchased a chain saw and removed the diseased tree. Afterward, they split the wood and rented a machine to grind the stump below ground level. An excellent job was done. However, because of the liability concerns, the incident brought the staff, offenders, and the probation officer together, effecting closer communication.

This strengthened communication also sensitized the Wren's Nest staff to the offenders' circumstances. In addition to their community service, two of the offenders were under house arrest, and three were confronted with revocation of professional and business licenses. Although there was little hope of these licenses being retained, the Wren's Nest director got involved by offering to be a character witness at state hearings and by drafting a supportive letter. The offenders who previously felt some distance from the staff began to feel they were an integral part of the Wren's Nest effort. Their self-esteem was bolstered. Thus, the improved relationship enhanced the probation department's objectives.

The second group project was also a bonus to probation department efforts. This project was established at the Atlanta Cerebral Palsy Center. The center is a school and day center which primarily provides services for children but also has a number of adult clients.

The Cerebral Palsy Center is funded by United Way and relies on community volunteers to supplement the paid staff. Further, they are experienced with using well-screened offenders. A few years ago, the center employed 19 offenders on community service orders. All but one of these offenders performed extremely well, and a few stayed and continued working even after completion of their obligation.

Unlike the first group assigned to the center, this immediate group of offenders, it was decided, would be under a very restrictive order. Three of the of-

fenders were assigned 40 public service hours per week for 6 months, 12 months, and 18 months respectively. These same three were also placed in a half-way house for 6 months and received the maximum fine relative to their offense.

The court left no doubt that it viewed the offenses as serious and intended a punishment as severe as imprisonment. These orders were experimental and tested the practical limits of community service orders.

The Cerebral Palsy Center's structure and experience offered an ideal testing ground for the intense orders. The center could use assistance in a wide variety of tasks. Each offender at the center was targeted during the sentencing process, and the center was consulted on each prospective assignment prior to sentencing. Thus, the probation orders were tailored to both the center's requirements and the offender's needs and talents.

In each instance, the community service order and other special conditions took into account the individual's ability to comply with the order. The financial resources of each were carefully reviewed. Four of the five assigned offenders would continue full- or part-time paid employment.

The offender who received the most severe community service order nearly managed to maintain his personal standard of living. His wife went to work, and he took 30-hour per week employment. Through this joint effort and the sale of his business, the offender preserved his home and other assets. His child enjoyed some continued stability, and Sunday was reserved for leisure and family outings. The offender highly valued these Sundays, reporting them to be the major benefit of community service in lieu of imprisonment.

Few problems occurred at the Cerebral Palsy Center which required the probation officer's attention. As at the Wren's Nest, the Cerebral Palsy Center staff took an active interest in the offenders and the resocialization effort. One offender was offered a part-time position at the center which could be done continuous to his 8-hour public service. On another occasion, the center director approached a probation officer with a complimentary "problem." An offender was sent on an errand usually done by the paid maintenance crew, and he returned in 30 minutes with the job done. In good humor, it was pointed out that the same job had never been done in less than 1½ hours by the paid staff.

In each of the Cerebral Palsy Center placements, the work was done with enthusiasm, and the center staff members demonstrated their appreciation. The probation officers involved stayed in close com-

munication with the center staff and the offenders. All had a favorable experience.

It appears the merits of public service orders as tested proved practical. The purposes of punishment were met, and sufficient measures were taken to assure public safety. The work programs were structured and supervised, thus providing compensation to the community. The severity of the orders was a sufficient deterrent, and at the same time, provided positive experiences for the offenders.

Conclusion

The community service experiment will continue. Faced with crowded prisons and limited tax dollars, the government must find practical and cost-effective means of punishing crime. It is not necessary to imprison many nonviolent offenders. Many such offenders have traditionally been imprisoned because the courts and the public have not recognized that there are credible and effective alternatives. Motivated by apparent benefits, many jurisdictions have successfully achieved legislation giving sanction to community service orders. Needed direction and support have been gained. However, in many cases, legislation has inappropriately limited the hours which may be ordered. Such legislation has served to restrict the use of community service as a credible alternative to imprisonment.

The community service alternative is in its infancy. Programs, guidelines, and the practical limits of its use demand more experimentation and refinement. The courts and their probation departments are in a unique position to experiment with and to give direction to community service. A concerted effort is owed our society.

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