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THE EFFECTIVENESS OF THE NEW INTENSIVE SUPERVISION PROGRAMS

James M. Byrne, Ph.D., Arthur J. Lurigio, Ph.D.,
and Christopher Baird, M.A.

Page 1

THE MARRIAGE OF MISSION, MANAGEMENT, MARKETING, AND MEASUREMENT

Greg Markley

Page 49

A PRACTITIONER'S PERSPECTIVE

Donald Cochran

Page 57

EFFECTIVENESS OF THE NEW INTENSIVE SUPERVISION PROGRAMS

Gerald S. Buck

Page 64

121077

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The Cost of Corrections: In Search of the Bottom Line, by Douglas C. McDonald, Ph.D., Vol. 2, Issue 1, February 1989.

FOREWORD

The National Institute of Corrections and the Robert J. Kutak Foundation are pleased to offer the fifth monograph in the *Research in Corrections* series. The topic is one of enormous interest to corrections in the United States today—the effectiveness of the “new” intensive supervision programs.

The monograph's authors, James Byrne, Arthur Lurigio, and Christopher Baird, summarize and translate a large body of research on not only intensive supervision, but also innovations in other forms of “intensified” supervision. Three practitioners provide valuable observations on the research summary from the perspective of their years of experience in corrections operations and management. The practitioner articles are by Greg Markley, Director of Staff Development, Texas Board of Pardons and Parole; Donald Cochran, Commissioner of Probation for the Commonwealth of Massachusetts; and Gerald Buck, Chief Probation Officer, Contra Costa County, California.

In light of the high expectations for crime control and the reduction of prison crowding placed on intensive supervision by corrections policymakers, it is critical that the field promote frank discussion of the outcomes and costs of these programs. This monograph helps to sort out the diverse goals of intensive supervision in different states and localities and the varying outcomes achieved for low- and higher-risk offenders.

The series wishes to thank the National Institute of Justice, U.S. Department of Justice, for its support of evaluative research on intensive supervision in Georgia, New Jersey, and Massachusetts, and in other states. The findings of these major studies are reported here and contribute greatly to our growing understanding of the potential and pitfalls of intensive supervision.

Larry Solomon
Acting Director, National Institute of Corrections

EDITOR'S NOTE

Intensive supervision programs have proliferated in the past decade primarily because they appear to satisfy the competing demands of protecting the public and conserving correctional resources. James Byrne, Arthur Lurigio, and Christopher Baird provide a detailed review of the intensive supervision movement, tracing its history and implementation and summarizing the available evidence about program effectiveness.

I believe this monograph contains the most comprehensive statement to date on where the intensive supervision movement now stands, and it should be mandatory reading for all those involved in designing, implementing, or evaluating such programs. The authors, all of whom have written extensively in corrections, have done an admirable job of reviewing the evidence and outlining a cautious course for the future.

Greg Markley, Donald Cochran, and Gerald Buck, well-respected correctional administrators, bring a wealth of experience to their assessments of the contribution that intensive supervision programs are making to corrections' mission. They broaden the monograph's focus by discussing victims' perceptions, marketing strategies, implementation difficulties, and the likely future of the movement.

A special thanks is extended to Belinda McCarthy, Ph.D., of the University of Alabama at Birmingham, who reviewed earlier drafts of this monograph. Her comments significantly improved the final report.

The next issue of *Research in Corrections* will present "Stress Among Corrections Officers," by Edith Flynn, Ph.D., of Northwestern University.

Complimentary copies of this monograph and earlier volumes in the *Research in Corrections* series can be obtained by writing to the National Institute of Corrections' National Information Center, 1790 30th Street, Suite 130, Boulder, CO 80301.

Persons wishing further information on the series are asked to write to Joan Petersilia, The RAND Corporation, 1700 Main Street, Santa Monica, CA 90406-2138.

Joan Petersilia

THE EFFECTIVENESS OF THE NEW INTENSIVE SUPERVISION PROGRAMS

James M. Byrne, Arthur J. Lurigio, and Christopher Baird

INTENSIVE SUPERVISION, CORRECTIONAL CROWDING, AND CRIMINAL JUSTICE POLICY

This monograph examines the effectiveness of a variety of intensive supervision programs that function either as front-end intermediate sanctions or back-end early release mechanisms. Although it focuses primarily on intensive supervision, we also briefly highlight research on the effectiveness of house arrest, electronic monitoring, split sentencing, and residential community corrections programs.¹ Taken together, these programs represent the new intensive supervision movement that is currently sweeping the country (Clear, 1987a). We believe that after the initial rhetoric about the unlimited potential of intensive supervision subsides, local, county, state, and federal decisionmakers—as well as the general public—will begin to look for concrete evidence of effectiveness. Toward that end, a number of specific evaluation questions must be answered:

1. Do these programs provide true diversion from prison and/or jail, or do they simply widen the net of social control?
2. Are these programs really cost-effective, compared with traditional prison and probation strategies?
3. What impact do these programs have on overall community protection, based on the available evidence about their deterrent effects?
4. What impact do these programs have on offender rehabilitation in terms of substance abuse, employment, and individual/family problems?
5. Is there any evidence that these programs reduce recidivism independent of strategies geared toward offender rehabilitation?
6. What works with specific types of offenders (e.g., drug offenders, violent offenders, repeat offenders)?

We review the available evidence in each of these areas in this monograph. However, any discussion of the new wave of intensive supervision programs must begin with a review of the control controversy in institutional and community corrections. Current correctional crowding problems have forced decisionmakers to rethink sentencing and correctional policies, focusing not only on how and why we make confinement decisions (Zedlewski, 1987; Zimring and Hawkins, 1988), but also on the form and content of community supervision (Byrne, 1989).

By the end of 1987, more than 3.4 million adults were under some form of correctional supervision. Nearly two-thirds (64.8 percent) of these offenders were on probation, and an additional 10.5 percent were under parole supervision. Of the remaining offenders, 16.2 percent were

¹This monograph is a revised version of the discussion in James M. Byrne and Linda Kelly (1989), "Intensive Supervision and the New Intermediate Sanctions," Chapter 1 of a report submitted to the National Institute of Justice, entitled *Restructuring Probation as an Intermediate Sanction: An Evaluation of the Massachusetts Intensive Probation Supervision Program*. The research was funded by a grant from the National Institute of Justice's Correctional Research Program (85-IJ-CX-0036). The views expressed are those of the authors and not necessarily those of the NIJ.

sentenced to prison and 8.5 percent were serving jail sentences. A November 1988 Bureau of Justice Statistics (BJS) Bulletin reported that between 1983 and 1987, the overall adult correctional population increased by 39.8 percent, from 2,475,100 to 3,460,960. While prison and jail capacity has increased somewhat in response to this surge, the correctional *system* simply has not been able to respond to the demand for incapacitation without creating a serious crowding problem. The court's reaction to this problem was highlighted in a report from the National Prison Project (1988), which indicated that:

- The entire prison system was under court order (or consent decree) in 10 jurisdictions.
- At least one major institution was under court order (or consent decree) in 30 jurisdictions.
- The prison system was under court order and cited for contempt in six jurisdictions.
- Special masters, monitors, or mediators have been appointed to deal with the crowding problem in 20 jurisdictions.
- There is pending litigation in 8 jurisdictions.

For those who assume that *existing* alternatives, such as probation and parole, can handle this "overflow," we offer these sobering facts: The parole and probation populations grew even faster (by 47 and 41.6 percent, respectively) than the prison and jail population (32.6 and 32.7 percent) between 1983 and 1987, yet funding has not increased for probation and parole, creating a serious crowding problem in these agencies as well. As Jacobs (1987:2) has observed,

The overloading of probation, and the failure to increase funding in proportion to the increase in caseloads, has watered probation down so much that it is widely regarded as providing no punishment or control.

It is in this context that intensified, surveillance-oriented, community corrections programs have emerged in recent years as a response to both the *demand* for alternatives to crowded institutions and the *need* for more control over offenders who are supervised in community settings. Does this *new wave* of intensive supervision programs represent a solution to the correctional crowding problem? The answer to this question obviously depends on our understanding of the causes of that problem. Table 1 summarizes the likely causes of correctional crowding in the United States.

While the reasons for the prison crowding problem have been studied by a number of experts (e.g., Blumstein, 1983; Petersilia, 1987a; Irwin and Austin, 1987), relatively little attention has been focused on the probation crowding problem (Tonry and Will, 1988). This is somewhat surprising, since this problem poses the more *immediate* threat to the community. The offenders on probation and parole are the ones who are currently "at risk" in the community. Overburdened probation and parole departments cannot adequately supervise these offenders, who therefore experience high rearrest, reconviction, and return-to-prison rates. As shown in Table 2, between 1980 and 1984, the proportion of new prison admissions who were parole violators increased by over 30 percent (15.8 percent in 1980 vs. 21.1 percent in 1984). In addition, many of the new court commitments in each of these years were actually probation violators who were incarcerated because of either a technical violation or a new conviction offense. According to a recent BJS report, "Among admissions to prison, conditional release violators made up 5 percent in 1980, 19 percent in 1970, and 23 percent in 1984" (BJS, 1988c:105). Because of

Table 1
OVERVIEW OF THE EXTENT AND LIKELY CAUSES OF
CORRECTIONAL CROWDING PROBLEMS

Problem(s)	Primary Cause(s)
Prison Crowding	
<ul style="list-style-type: none"> • Prison population has doubled in the past decade; prison capacity has not increased at the same rate. • The rate of incarceration has doubled since 1970. • The rate of commitments per 100 serious crimes increased by 50 percent between 1980 and 1984. • The rate of commitments per 100 adult arrests for serious crimes increased by 25 percent between 1984 and 1985. • The nation's federal and state prisons are between 10 and 20 percent over capacity. • At last count, 37 states were under some type of court order related to crowding. 	<ul style="list-style-type: none"> • Changes in both sentencing statutes and sentencing practices have resulted in longer sentences for many offenders, and increased use of short-term confinement before IPS (i.e., split sentencing). • Changes in the age composition of the U.S. population affect prison populations: The number of people in the "prison-prone" mid-20s has increased steadily since 1960. • Changes in return-to-prison rates have resulted in a greater proportion of new admissions who failed under community supervision. • Interstate variations in imprisonment rates can be linked to variations in crime rates and arrest rates.
Jail Crowding	
<ul style="list-style-type: none"> • The U.S. jail population has increased dramatically over the past several years. • Increases in jail population have occurred in both the convicted and pre-trial jail population. • Many jails are overcrowded and under federal court orders limiting their capacity. 	<ul style="list-style-type: none"> • There have been changes in local sentencing policies for specific offender groups (e.g., drunk drivers, drug users, repeat minor offenders), including short jail terms and split sentences. • Pre-trial detention policies have been "toughened" to reflect public safety concerns. • Age composition shifts are related to changes in the jail population for both pre-trial detainees and sentenced offenders. • Prison crowding has resulted in jail crowding in many states due to (1) the practice of housing state inmates in local jails, (2) delays in transferring state-bound convicted offenders, and (3) the need to hold offenders in jail who would normally be returned to prison as probation or parole violators.
Probation Crowding	
<ul style="list-style-type: none"> • Almost 2/3 of all convicted adult offenders are placed on probation, yet probation receives less than 1/3 of the correctional resources. • The probation population doubled in the past decade, with no significant capacity increases. • Probation populations are increasing at a slightly higher rate than prison, jail, and parole populations: The adult imprisoned population increased by 47.7 percent between 1979 and 1984, while the adult probation population increased by 57.75 percent. • Nationwide, about 15 percent of new probationers are committed to prison within one year due to technical violations, rearrest, or reconviction. However, there is much interstate variation in the subsequent-imprisonment rate for probationers. • A subgroup of high-risk probationers can be identified who fail at very high rates (over 60 percent rearrested in the first year on probation). • The increased use of split sentencing is transforming probation into a parole agency. 	<ul style="list-style-type: none"> • Changes in sentencing statutes have directly and indirectly affected probation via (1) the increased rate of probation (i.e., net widening), (2) the use of split sentences, and (3) the need to use probation as an alternative to prison. • Changes in age composition have placed more offenders "at risk" for probation. • In general, states with higher reported crime rates and higher arrest rates also have higher rates of all forms of correctional control, including probation. • Prison crowding leads to the use of back-door early release strategies. • When these offenders fail (i.e., are reconvicted), they are placed on probation as a front-door diversionary strategy. The cycle continues unabated as prison failures become probation failures who get returned to prison.

Table 1 (continued)

Problem(s)	Primary Cause(s)
Parole Crowding	
<ul style="list-style-type: none"> • Despite changes in parole release decisionmaking (including the abolition of parole boards in eight states), the number of offenders under parole supervision has been rising steadily in recent years. • Between 1979 and 1984, the adult parole population increased by 22.7 percent. • An increasing percentage of new prison admissions are parolees who have failed while under supervision. • Almost half of all parolees can be expected to return to prison within 6 years after initial release. Approximately 60 percent will return within the first 3 years after release. • A subgroup of parolees (10 to 15 percent) can be identified with very high predicted return-to-prison rates. 	<ul style="list-style-type: none"> • Pressures to relieve prison and jail crowding have resulted in back-end early release programs which usually include parole supervision. • Higher parole "failure" rates can be linked to (1) a tougher administrative response to technical violators, and (2) a tougher sentencing policy toward repeat offenders, resulting in longer prison terms. • Age composition changes are related to increases in the prison population and, by extension, the subsequent increases in the parole population. • Since younger releasees have noticeably higher return-to-prison rates, the increase in these rates may be a function of the changing age composition of releases.

SOURCE: Byrne and Kelly (1989), based on data from Bureau of Justice Statistics, *Report to the Nation on Crime and Justice*, 2nd ed. (1988c); Petersilia (1987a,b); Blumstein et al. (1986); Sorin (1986); Austin and Tillman (1988); Tonry and Will (1988); and Shover and Einstadter (1988).

Table 2

ADMISSIONS TO STATE AND FEDERAL CORRECTIONAL INSTITUTIONS: 1980, 1982, 1983

Offenders Admitted	No. as of Dec. 31, 1979	No. as of Dec. 31, 1981	No. as of Dec. 31, 1983	Percent Change, 1979-83
Total prison population	301,470	353,673	419,346	+39.1
Total new admissions	182,617	230,834	246,260	+34.9
New court commitments	142,122	177,109	180,418	+26.9
Returned parole or other release violators	28,817	39,003	52,007	+80.5
Returned escapees or persons absent without leave	8,000	9,348	8,219	+ 2.7
Percent of new admissions returned parole violators	15.8	16.9	21.1	+33.8

SOURCE: Bureau of Justice Statistics (1988a).

interstate variations in return-to-prison rates for both probation and parole violators, our estimates of the percentage of all new admissions who *failed* in community settings vary, ranging from 30 to 50 percent. One possible explanation for the increase is the new punitiveness which (along with demographic shifts in the population) has become a primary cause of *prison* crowding. It is indeed ironic that *community supervision* is considered to be both a primary *cause* of and a primary *solution* to the prison crowding problem in this country.

Although *several* factors can be linked to increases in the overall correctional population, the one that is probably most often discussed is legislative change. Irwin and Austin (1987:8-9) provide an excellent overview of the impact of recent sentencing legislation on prison and jail crowding. After citing research that estimates a 50 percent increase in the prison and jail population over the *next* ten years, they ask (rhetorically):

What is causing these recent phenomenal increases? It is not increases in the nation's population, which has grown by about 10 percent since 1975, nor crime rates, which have been fairly constant for the last 10 years. Prison populations have more than doubled in the same period. . . . The evidence suggests that *sentencing legislation*, approved by elected officials, has resulted in courts sending a higher percentage of persons convicted of felonies to prison and for longer terms of imprisonment.

Of course, sentencing legislation also affects the *target population* for probation and parole, especially in states that rely heavily on *split sentences* for both felony and misdemeanor offenders. A recent BJS report revealed that in 1984, "nearly a third of those receiving probation sentences in Idaho, New Jersey, Tennessee, Utah, and Vermont also were sentenced to brief periods of confinement" (BJS, 1988c:96). In addition, it has been estimated that about one in every five convicted felons currently is given a *split* sentence. Does the prison or jail experience make these offenders *worse* risks (e.g., for recommitment) than would otherwise be expected? The accumulating evidence certainly points in that direction (Petersilia, Turner, and Peterson, 1986; Byrne and Kelly, 1989).

One final factor that is often cited in discussions of the prison crowding problem is the finding that offenders are simply getting worse. It could be argued that high imprisonment rates in particular, and total correctional "control" rates in general, are a natural response to increases in both serious crimes and arrests. A recent analysis of this issue by Austin and Tillman (1988) revealed a strong correlation ($R = 0.60$) between state-level crime rates and a measure of *total control* (based on the number of adults on probation, on parole, and in prison, jail, and juvenile facilities), and a moderate correlation ($R = 0.47$) between arrest rates and total control. Nonetheless, the extent of interstate variation in both the total control/crime ratio and the total control/arrest ratio suggests that this is, at best, only a partial explanation.

Offenders move with alarming regularity back and forth from community to institutional control (see Figure 1). Clearly, community supervision failures (via probation and parole) have exacerbated the prison crowding problem. Similarly, recent changes in judicial sentencing practices have resulted in offenders moving from prison to probation at a faster rate. These factors, in conjunction with demographic shifts and much higher rates of *direct* sentencing to both prison and probation, provide a good explanation for the correctional crowding problem.

THE DEVELOPMENT OF INTENSIVE SUPERVISION PROGRAMS AS FRONT-END AND BACK-END ALTERNATIVES TO INCARCERATION

There are a number of key decision points where intensive supervision programs are currently being used either as front-end, *intermediate sanctions* or as back-end, early release mechanisms. These decision points are shown in Figure 2. We next briefly discuss the role of intensive supervision as a front-end and back-end crowding-reduction strategy.

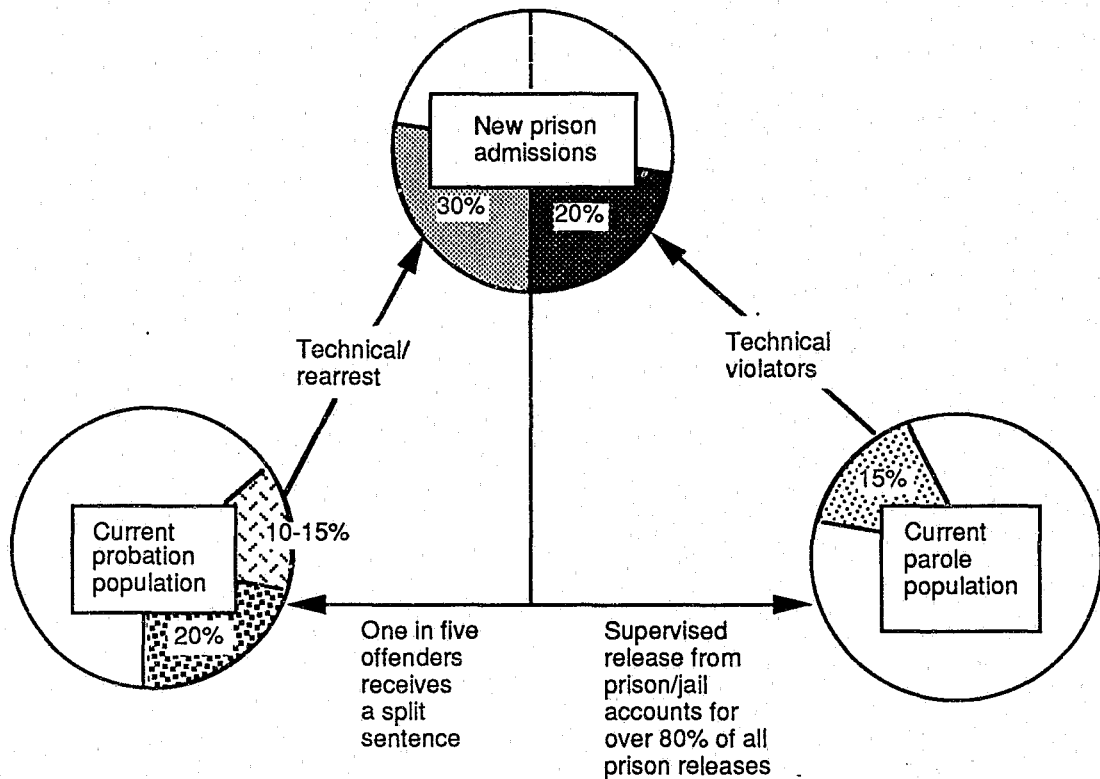


Figure 1—The interaction between community and correctional control

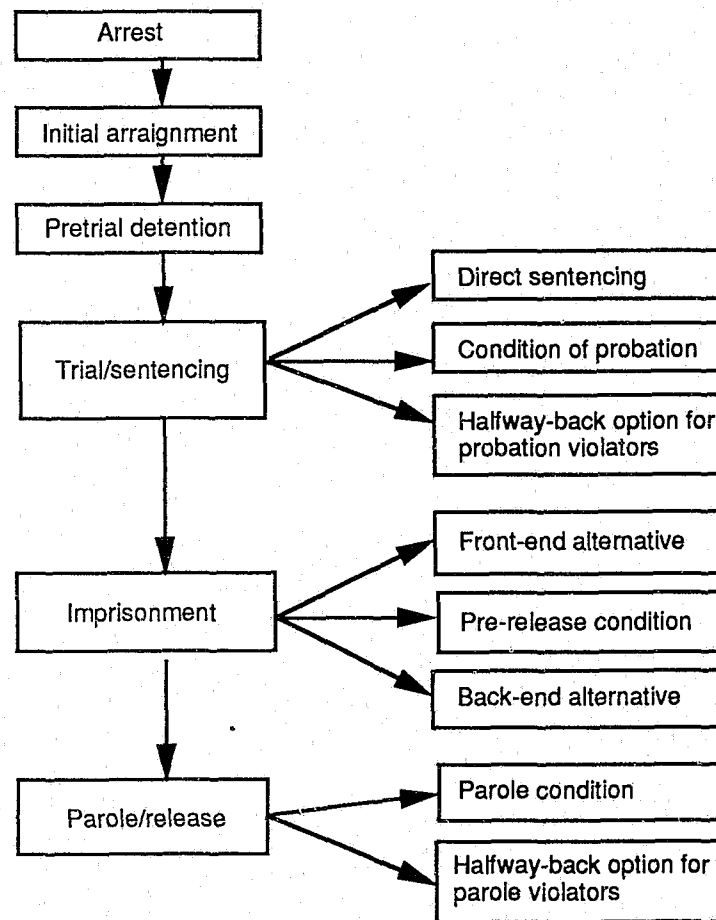
(SOURCES: Data on new prison admissions are taken from a variety of sources, particularly the 1986 *Sourcebook of Criminal Justice Statistics* (Table 6.24))

NOTES: The interaction between prison and jail populations is not depicted. However, prison crowding has a "trickle-down" effect on jail crowding (see BJS, 1988a), since state-bound offenders (as well as parole violators) are held in county/local jails when the prison population exceeds capacity.

Technical/rearrests estimated from BJS Bulletin, *Probation and Parole*, 1983, Table 6 (September 1984:4). In 1985, there were 1,870,132 adults on probation. A conservative estimate of the failure rate for these offenders is shown in the figure.

The figures for technical violators represent new supervised releases during a one-year follow-up period. See *Examining Recidivism*, BJS Special Report, February 1985, reprinted in *Report to the Nation on Crime and Justice* (1988:111). Once again, our estimates of the percentage of all parolees returned to prison in a given year (e.g., 15 percent of 277,438 offenders) are rather conservative.

Blumstein (1983) has provided perhaps the most comprehensive assessment of demographic effects on prison crowding. For a review of recent shifts in sentencing policy, see Gottfredson and Taylor (1983) and Petersilia (1987c).



NOTE: Intensified community corrections programs are also being developed as alternatives to jail for the pre-trial detainee population, but these programs should be distinguished from intermediate *sanctions* and early release mechanisms.

Figure 2—Key decision points where intensive supervision programs are being used

(SOURCE: Byrne and Kelly, 1989:20)

Front-End Alternatives: Probation as an Intermediate Sanction

Limited jail and prison resources have prompted judges to place an increasing proportion of serious offenders on traditional community supervision, which is ill-equipped to handle them. In response to this problem, it has been recommended that the spectrum of criminal sanctions be widened to accommodate intermediate sentences (Petersilia et al., 1985). These intermediate sentences are expected to provide safe and acceptable alternatives to prison, while also serving as attractive centerpieces for the new "get tough" probation image. The argument in favor of intermediate sanctions has been presented eloquently by Tonry and Will (1988, pp. 6-10). They offer five basic reasons for moving quickly in this direction:

1. The need for alternatives.
2. The need for just deserts.
3. The need for fairness and equity.
4. The need for intermediate punishments.
5. The need to distinguish general and specific sentencing aims.

Emerging conspicuously in the 1980s, intensive probation supervision (IPS) is one of several innovative intermediate sanctions that lie between prison and regular probation along the continuum of criminal penalties. Some IPS programs do in fact include a variety of control mechanisms. The Community Control Program in Florida, for example, utilizes house arrest, electronic monitoring for selected offenders, and other methods for controlling offender behavior. Offenders under IPS retain their freedom, but under conditions that are considerably more onerous and restrictive than those of regular community supervision. The offenders are subject to such requirements as curfews, drug testing, daily contacts, and mandatory community service. Intensive supervision is generally viewed as an option to relieve prison crowding, alleviate the financial burdens of incarceration, and avoid the deleterious effects of imprisonment. It is also touted as a more cost-effective, punitive, and safe alternative for high-risk probationers, and it is considered quite compatible with broad changes in correctional policies that emphasize community protection over offender rehabilitation (Clear and O'Leary, 1983; Conrad, 1986; Fogel, 1984). Because it seems to offer "something for everyone" (Petersilia, 1987c), IPS has enjoyed the enthusiastic support of criminal justice practitioners, the judiciary, public defenders, and the general public (Lurigio, 1987, 1988). According to Clear, Flynn, and Shapiro (1987):

The pressure for intensive probation is so widespread that no administrator can call his organization's panoply of probation methods complete without it. The chorus of approval for intensive probation is so strong and seemingly uniform that we are tempted to call it "the new panacea of corrections."

Baird (1984) offers four basic reasons for the widespread appeal and proliferation of intensive supervision programs. First, many judges have recognized the need for intermediate sanctions. Regular probation is commonly considered to be meaningless or ineffective (Harris, 1987). High probation caseloads and limited resources in many jurisdictions, together with the public's perception that probation is not punishment, have left judges with only one acceptable option: prison. But because of the stringent supervision requirements and punitive restrictions of intensive supervision programs, judges could place offenders on them without appearing to be "soft on crime."

Second, although IPS is more expensive than regular probation, the costs pale in comparison with those of incarceration. An IPS program that significantly alleviates prison crowding can realize substantial savings to corrections (Petersilia, Turner, and Peterson, 1986).

Third, during recent years, probation has declined both in resources and in status. To recoup its losses and to protect against further monetary reductions, probation has adopted a more proactive posture. Forward-thinking administrators are promoting probation as a legitimate sanction by focusing renewed attention on its punitive aspects and its goals. IPS is regarded as one avenue toward restoring judicial and public confidence in the capacity of probation to serve the needs of the community.

Finally, a number of evaluations, some of which we will examine below, have reported that IPS has been effective in diverting offenders from prison (e.g., Erwin, 1987). Other studies have shown that IPS projects can successfully maintain serious offenders in the community with a minimal risk of their being arrested for crimes against persons (e.g., Pearson and Bibel, 1986). We critically review these studies later in this monograph.

Back-End Alternatives: Intensive Supervision as an Early-Release Mechanism

While this monograph focuses on front-end alternatives, intensive supervision programs have also been used as a back-end early release mechanism. Prison administrators in Oklahoma, for example, currently use "house arrest" as an early release program (Austin, 1988), and many parole agencies use IPS to justify early release. County jail administrators have also developed early release programs that emphasize intensive supervision (e.g., electronic monitoring, house arrest) for short-term offenders. In addition, intensive supervision programs have been used as *halfway-back* alternatives for offenders who violate the technical conditions of probation and/or are rearraigned for minor offenses. In Texas, a program using intensive supervision has been introduced to reduce the return-to-prison rate of parole violators, who represent "about 20 to 25 percent of their prison commitments each year" (Petersilia, Turner and Duncan, 1988:3). The rationale is straightforward:

Correctional administrators in Texas decided to concentrate one of their strategies for reducing crowding on [the] revocation process, since it appears that a major portion of the present crowding crisis resides in the way parole violators are handled. And if this group could be handled in an alternative manner—outside prison—a significant reduction in prison commitments could be obtained.

Residential community corrections programs (i.e., halfway houses) are also being used as halfway-back alternatives in some jurisdictions. These programs often incorporate the basic surveillance and control techniques of intensive supervision programs.

One final back-end alternative, split sentencing, is actually controlled at the front end by judges. The BJS defines split sentencing as a "penalty that explicitly requires the convicted person to serve a brief period of confinement in a local, county, state, or federal facility" (BJS, 1988c). In many jurisdictions, this relatively short period of confinement is followed by a much longer period of intensive community supervision. In jurisdictions where the supervision of offenders is deemed the responsibility of probation, it can certainly be argued that probation is being turned into a parole agency (Byrne and Kelly, 1989). Regardless of exactly *who* supervises offenders, these back-end alternatives all share a common purpose: to reduce the length of stay of offenders sent to prison or jail by either (1) providing a mechanism for early release or (2) developing a mechanism for *delaying* return to prison.

THE GOALS OF IPS PROGRAMS

IPS programs are not entirely new to the field of community supervision. In the late 1970s, Banks et al. (1977) identified 46 operational or recently completed intensive supervision projects.

These early efforts were essentially predicated on the notion that increased contacts and smaller caseloads would lead to favorable outcomes (Baird, 1984; Harris, 1987). The principal objective of these projects was to assist probationers in overcoming problems associated with continued criminal activity (e.g., unemployment and substance abuse). Intensive supervision in the 1960s and 1970s was rarely conceptualized as an alternative to incarceration (Baird, 1984; Clear, 1987a).

The rediscovery of IPS programs in the 1980s has been heralded by two overriding and ambitious goals: First, IPS is expected to divert offenders from incarceration in order to alleviate prison overcrowding, avoid the exorbitant costs of building and sustaining prisons, and prevent the stultifying and stigmatizing effects of imprisonment. By shunting first-time or less-serious offenders away from prison, IPS may be regarded as protecting would-be inmates from potential physical and sexual abuse and from the untoward influences of sophisticated career criminals. Further, by maintaining offenders in the community, IPS will help to keep families intact, permit probationers to maintain gainful employment, and achieve a rehabilitative end by directing offenders to community-based treatment, counseling, and remedial services (Petersilia, 1987c).

The second overriding goal of IPS is to promote public safety by ensuring that risky offenders on community release will be subject to surveillance, incapacitation, and deterrent techniques that reduce the opportunities for recidivism. It is also expected that offenders will be held to a higher standard of accountability and responsibility through probation fees, restitution, and community-service activities (Baird, 1984; Petersilia, 1987c).

While the paramount objectives of IPS are not necessarily antithetical, they necessitate a precarious balancing act, especially in light of the public's general misgivings about the diversion of convicted criminals from prison and jail and the documented poor performance of probation for high-risk offenders. However, we should emphasize that public opinion about correctional alternatives is often misrepresented by advocates of particular incapacitation policies. As Flanagan and Caulfield have observed, "The mood of the public in regard to correctional reform is diverse, multidimensional and complex" (1984:41 as quoted in Cullen, Cullen, and Wozniak, 1988: 313). Regardless of whether convicted offenders are *diverted* from prison or jail or *released* back to the community after a period of incarceration, the bottom line for many community residents is public safety, not individual punishment (Byrne, 1989). Ultimately, the public will accept or reject diversionary alternatives on the basis of perceptions of community safety.

Finally, policymakers must recognize that the most effective strategies for achieving one goal (e.g., diversion) may be the least effective for achieving another, equally important, goal (e.g., community protection). Clear, Flynn, and Shapiro (1987:10-11) have pointed out that program developers often identify *multiple* goals for IPS programs, under the mistaken impression that a program can, in effect, be "all things to all people":

Advocates of IPS programs are not humble in the claims they make for these programs. Commonly, IPS is expected to reduce prison crowding, increase public protection, rehabilitate the offender, demonstrate the potential of probation, and save money. Even a skeptic is bound to be impressed. [However,] if IPS can do this, why has it been only in the 1980's that it became so popular? If IPS can achieve these goals, it must be the wonderchild of the criminal justice system.

By promising too much to too many, IPS program developers may be guaranteeing their failure in much the same way as did the proponents of the "Scared Straight" program (Finckenaue, 1982).

IPS PROGRAM OPERATIONS, COMPONENTS, AND FEATURES

According to a survey reported in *Corrections Compendium*, as of June 1, 1988, 45 states had IPS programs or were in the process of developing them (Herrick, 1988). A preponderance of operational programs (85 percent) are administered by Departments of Corrections or the Circuit Courts. Across the nation, more than 25,000 offenders—approximately 3 percent of all probationers—are participating in IPS projects.

Half of the states with programs have more than 200 offenders under intensive supervision. In the 34 states reporting caseload data, the average IPS caseload was 22, compared with the average regular probation caseload of 120. The survey revealed that IPS officers typically monitor IPS cases only. In states with programs, the proportion of probation officers assigned to the IPS program ranged from less than 1 percent to 25 percent. In 14 of the states with programs, 5 percent or less of the probation officers were IPS officers, and in only 5 states did IPS officers constitute at least 16 percent of the probation officer force. The majority of states (65 percent) had fewer than 20 officers managing IPS cases.

The element that characterizes IPS programs in general is "more than routine supervision" (Petersilia, 1987c). Generally, there are six ways in which IPS is "intensive" (Thomson, 1985):

- Supervision is *extensive*. Probation officers have multiple, weekly face-to-face contacts with offenders, as well as collateral contacts with employers and family members and frequent arrest checks.
- Supervision is *focused*. Monitoring activities concentrate on specific behavioral regulations governing curfews, drug use, travel, employment, and community service.
- Supervision is *ubiquitous*. Offenders are frequently subjected to random drug tests and unannounced curfew checks.
- Supervision is *graduated*. Offenders commonly proceed through IPS programs in a series of progressive phases—each of which represents a gradual tempering of the prescriptions and requirements of IPS—until they are committed to regular supervision as the final leg of their statutory time on probation.
- Supervision is strictly *enforced*. Penalties for new arrests and noncompliance with program conditions are generally swift and severe.
- Supervision is *coordinated*. IPS offenders are usually monitored by specially selected and trained officers who are part of a larger specialized, autonomous unit.

Although all IPS programs share the common element of increased supervision, there is substantial variation among programs with respect to target populations, intake procedures, program design, and other key features. We discuss the extent of this variation below.

Target Population

The target populations of IPS programs vary from state to state, due to such factors as sentencing philosophy, prison/jail offender characteristics, and the "stakes" involved in the decision to place a certain type of offender in the community. A variety of offender types are considered for possible placement into IPS programs (Byrne, 1986): nonviolent offenders (8 out of 10 programs), violent offenders (5 out of 10 programs), drug offenders (6 out of 10 programs), probation and parole violators (4 out of 10 programs). In addition, 3 out of 10 programs use objective risk assessment as a criterion for eligibility. These findings underscore the fact that there is no *one* answer to the question, Who should be placed on intensive supervision probation? (Byrne, McDevitt, and Pattavina, 1986:5).

Table 3 compares the types of offenders placed on intensive supervision in the three states for which comprehensive program data are available: Massachusetts, New Jersey, and Georgia. Clearly, any comparison of research findings that did not take these basic differences into account would be misleading.

Intake Decisionmaking Procedures

Intake procedures also vary, based on the goals and objectives of the programs. Programs designed to divert offenders from prison will have decidedly different selection processes than programs developed as enhancements to regular probation. In diversionary programs, care must be taken to select offenders who would otherwise be incarcerated and to avoid serving as additional controls for probation-bound cases. Offender risk is relatively unimportant, and in fact, these projects may supervise a high proportion of low-risk offenders. The fact that such programs supervise so many low-risk offenders raises two policy issues:

1. Why do so many low-risk offenders (particularly low-risk property offenders) receive prison sentences in the first place?
2. Is devoting increased resources to low-risk offenders a reasonable use of limited funding and personnel?

Table 3
**TARGET POPULATION FOR IPS PROGRAMS IN MASSACHUSETTS,
NEW JERSEY, AND GEORGIA**

Instant Offense	Percent of IPS Program Population		
	Massachusetts	New Jersey	Georgia
Crimes against persons	26.4	—	10.3
Crimes against property	40.1	47.1	43.3
Alcohol-related crimes	4.0	—	20.2
Drug-related crimes	13.7	45.7	21.0
Other	15.4	7.2	5.2
Total	100.0	100.0	100.0
Total cases	227	554	2,322

SOURCES: Massachusetts (Byrne, 1987a); New Jersey (Pearson, 1987:129); Georgia (Erwin, 1987:37).

The use of IPS to remove low-risk offenders from prison would obviously decrease the resource requirements for these cases. But while this constitutes improved allocation, it does not optimize the allocation of limited resources. Programs designed as enhancements to probation generally stress community protection rather than diversion and, as such, make greater use of risk assessment tools in the selection process. The differences in goals among programs are reflected by the risk profiles of participants of three programs shown in Table 4.

IPS programs also vary in the *control* of the intake process, i.e., whether a legislative, judicial, or administrative decisionmaking model is in place (Byrne, 1986). For example, a number of states allow *direct sentencing* to IPS (using actual or amended sentences), while others use IPS as a *post-sentencing alternative*, primarily to ensure "true" diversion from prison or jail. Still other states use IPS as a *case management tool*, after a judge makes the initial in/out decision. Finally, in one of every three states with an IPS program, there are *multiple entry points* for placement in the program.² For example, equal proportions of Georgia's IPS population are direct sentence and post-sentence (some jail time) referrals, while a small proportion are probation violators placed under intensive supervision as a halfway-back mechanism.³ One consequence of this variation is that the offenders in a program may be quite different, in terms not only of offense *type*, but also of offender *risk* and immediate *situational context* (e.g., in prison versus in the community). Once again, a comparison of the predicted risk level of offenders in the Georgia, New Jersey, and Massachusetts programs dramatically underscores this point (see Table 4).

Table 4
RISK LEVELS OF OFFENDERS IN IPS PROGRAMS IN MASSACHUSETTS,
NEW JERSEY, AND GEORGIA

Risk Level	Percent of IPS Program Population		
	Massachusetts	New Jersey ^a	Georgia ^b
Intensive ^c	100.0	20.4	19.6
Maximum	—	—	25.8
Moderate	—	29.3	22.1
Minimum	—	50.2	32.5
Total	100.0	99.9	100.0
Total cases	227	553	1,979

SOURCES: Massachusetts (Byrne, 1987a); New Jersey (Pearson, 1987:129); Georgia (Erwin, 1987:37).

^aNew Jersey's risk scale includes only three categories of risk: low, moderate, and high.

^bInformation on level of supervision was not available for 343 cases.

^cOn average, offenders in the high-risk categories in these states had base rates for recidivism (rearraignments/rearrests within one year) of over 50 percent.

²Regardless of intake procedures or who controls the decisionmaking process, the potential for net widening is an obvious concern. This issue is discussed at the end of this monograph; see also Clear (1987a) and Tonry and Will (1988).

³See Erwin (1987) for a discussion of how this decisionmaking process changed during the first few years after the program was implemented.

Obviously, any discussion of overall comparative outcomes must address the issue of *noncomparable* offenders.

The Quantity, Style, and Duration of Intensive Supervision

A fourth source of interstate variation is the *design* of the IPS program itself. This is not surprising, given the lack of consensus on target populations, decisionmaking procedures, and the appropriate model of control⁴ (e.g., a justice model, a limited-risk-control model, or a traditional treatment-oriented model). The first question people ask about an IPS program is, How intensive is it? By this they almost invariably mean contact levels. Figure 3 shows that minimum required monthly contact levels range from 2 to 32 (Byrne, 1986). Obviously, there is no agreement on how "intensive supervision" should be defined. In fact, it probably makes more sense to talk in terms of *intensified* supervision and to compare the level of contacts for IPS offenders with the corresponding levels for offenders on regular probation. For example, the Massachusetts, IPS program represents an *increase* from 2 to 10 monthly contacts for offenders classified as "high risks" to recidivate.

Other differences in the intensity of supervision include the *duration* of intensive supervision and the *type of contacts* required. Most IPS programs operate in phases with strict *initial* contact (and other) requirements, which are relaxed in subsequent phases. Since the *length* of this first phase varies greatly from program to program, two IPS programs with similar contact levels may

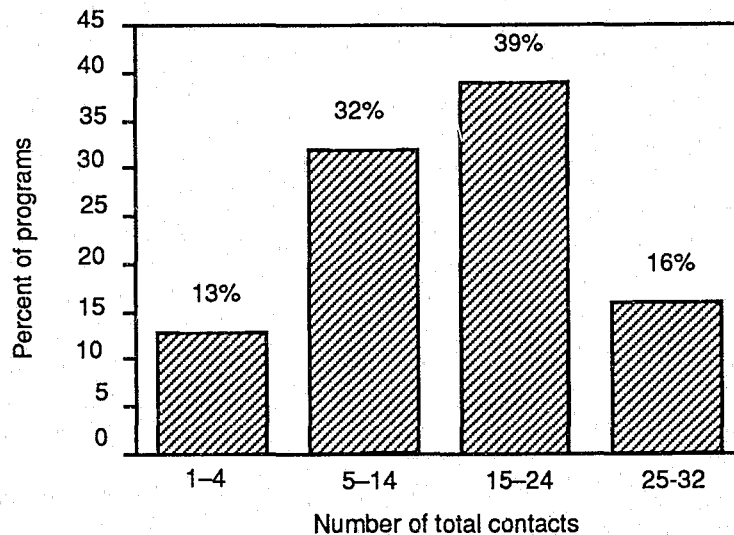


Figure 3—Number of monthly contacts for 31 states with IPS programs
(SOURCE: Byrne, 1986:12-14)

⁴These three models are described in detail in Byrne (1986).

actually offer very different types of control. For example, both the New Jersey and Georgia IPS programs have identical contact requirements during Phase One (20 per month). However, Phase One of the New Jersey program lasts approximately twice as long as Phase One of the Georgia program (180 days versus 90 days), resulting in *more* overall control in New Jersey than in Georgia. In addition, the types of contacts required vary from program to program and may include face-to-face contacts (at home, at work, at the probation officer's office), telephone contacts, curfew checks, and collateral contacts (with family, friends, employers, treatment program staff, etc.). Thus, even if two programs have the same program length and the same total monthly contact requirements, there may be differences in the *type* of contacts between probation officers and offenders. Any comparisons across IPS programs that do not control for these differences are bound to be misleading.⁵ This may explain why previous research has failed to find a consistently direct connection between quantity of supervision and reduction in recidivism.

It is also important to note that little is known regarding the efficacy of different levels of required contacts. Contact standards have, to date, been more a function of perception than of demonstrated need. If daily contacts will prompt judges to use IPS as an alternative to prison, daily contact will be required. However, there are no data available to suggest that this level of contact is more effective in controlling offender behavior than a level of, say, two contacts per week. It seems logical that corrections reaches a point of diminishing returns when both the number of sanctions and the control mechanisms employed exceed a certain level. At present, we do not know what that level is.

Other Key Features of IPS Programs

A number of other IPS program components are highlighted in Table 5. Many IPS programs include the full range of intermediate sanction options, with the exception of residential community corrections.

Table 5 also highlights the difficulty in providing a simple answer to the question, *What does intensive supervision really mean?* While the programs in many states may indeed have been *originally* modeled after those in Georgia (the most replicated model) or New Jersey (the second most popular model), the program developers have often added (or deleted) specific program features to meet their own needs.⁶ Harris has warned that "IPS programs seem to be continually adding new program features, with little concrete evidence that these new elements will increase community protection and/or result in a greater proportion of rehabilitated offenders" (as quoted by Byrne, 1986:14). She goes on to stress that "this 'garbage can' approach mentality towards

⁵This point is highlighted by examining the contact levels in the Georgia and New Jersey IPS programs. In New Jersey, the offender moves through four separate phases of decreasing control (beginner, 1-180 days; intermediate, 181-300 days; advanced, 301-420 days; and senior, 421+ days), with monthly face-to-face contacts as follows: beginner, 12; intermediate, 8; advanced, 6; and senior, 4. In Georgia, offenders move through three phases of control: Phase One (first three months), Phase Two (duration may vary from 3 to 9 months), and Phase Three (beginning as soon as six months and continuing through termination), with face-to-face contacts as follows: Phase One, 12 per month, but if "high risk," 20 per month; Phase Two, 8 per month; Phase Three, 5 per month. See Pearson (1987:100) and Erwin (1987:7) for more detail.

⁶An excellent discussion of the problems inherent in replicating the Georgia model in other jurisdictions is given by Petersilia (1987a,b).

Table 5
KEY FEATURES OF SELECTED IPS PROGRAMS IN 31 STATES

Program Feature ^a	Number	Percent
1. Curfew/house arrest	25	80.6
2. Electronic monitoring	6	19.3
3. Mandatory (high needs) referrals/special conditions	22	70.9
4. Team supervision	18	58.1
5. Drug monitoring	27	87.1
6. Alcohol monitoring	27	87.1
7. Community service	21	67.7
8. Probation fees	13	41.9
9. Split sentence/shock incarceration	22	70.9
10. Community sponsors	4	12.9
11. Restitution	21	67.7
12. Objective risk assessment	30	96.7
13. Objective needs assessment	29	93.5

SOURCE: Based on a nationwide review of IPS programs. See Byrne (1986:15).

^aBoth mandatory and optional program components are included in the totals; for a more detailed breakdown, see Byrne (1986:15).

IPS is dangerous and a potential threat to individual rights and liberty" (as summarized by Byrne, 1986:14). With Harris' concerns in mind, it seems that evaluators of IPS programs must assess not only the *overall* impact of these programs (i.e., the "treatment package"), but also the specific impact of the key elements of the programs.

OTHER INTENSIFIED COMMUNITY CORRECTIONS PROGRAMS

After reviewing the available data on intensive supervision programs, Byrne and Kelly (1989:28) observed that "this concept is actually an ubiquitous catchphrase [since] *intensive supervision* includes various (often conflicting) target populations, decisionmaking procedures, and program features." The name of the program appears to have as much to do with the local administrators' view of the "market" as anything else. For this reason, we have included an overview of four other forms of intensified community control: house arrest, electronic monitoring, split sentencing (or shock probation), and residential community corrections. Like IPS, these programs have emerged as short-term solutions to the crowding problem, emphasizing the surveillance and control of offenders in community settings.

House Arrest

House arrest programs have been established in many states, most notably Florida, Oklahoma, Oregon, Kentucky, and California. House arrest has been developed both as a separate program *and* as a feature of IPS programs. It is estimated that in 1985, about 10,000 adult offenders were placed under house arrest. Petersilia (1987a:32,33) has pointed out the following differences between (standalone) house arrest programs and the IPS programs described above:

- House arrest is nearly always designed to ease prison crowding and serve a prison-bound population.
- House arrest is usually a sentence imposed by the court; it is virtually never an administrative tool used by probation administrators to manage existing probation caseloads.
- House arrest can be an isolated sentence; it need not be part of a full-fledged program. Any judge who chooses to do so (law permitting) can impose such a sentence, with or without the consent of probation officials.
- Most house arrest programs are designed to be much more punitive than IPS programs.
- House arrest represents a greater departure than IPS from the traditional rehabilitation model of probation; it not only often fails to encourage offenders to participate in rehabilitative efforts, it may actually forbid them to do so if they are confined to 24-hour-a-day house arrest.
- House arrest is designed to be the "last chance" before imprisonment, and revocations often lead automatically to prison, whereas IPS revocations are frequently followed by the imposition of more stringent probation conditions.
- Offenders sentenced to house arrest are increasingly being monitored by active and passive electronic devices.

Ongoing evaluations of house arrest programs may answer some basic questions about the impact of these programs on the offender, his/her family, and the general community. We currently know very little about the effectiveness of house arrest, either as a separate program or as a component of IPS. One exception is the recent evaluation of the diversionary impact of the Florida Community Control Program, conducted by the National Council on Crime and Delinquency (NCCD). Focusing specifically on the front-end diversionary impact of the program, Baird (1988:29-30) concluded:

NCCD's evaluation of the diversionary impact of Florida's Community Control Program paints a "good news/bad news" picture. When compared to pre-program sentencing practices, FCCP did not reduce the proportion of offenders going to prison. In fact, in 1987 substantially higher percentages of offenders are sentenced to prison or FCCP than were sentenced to prison in 1982-83. Despite the existence of the nation's largest diversion program, prison admissions in Florida have increased dramatically over the last five years.

The reasons for increases in incarceration can be attributed to sentencing guidelines (which were implemented simultaneously with Community Control), a "hardening" of the offender population, and the tendency of judges to "override" guideline recommendations in the direction of harsher sentences more often than they imposed a lesser sentence than the guidelines indicate is appropriate. In sum, a harsher sentencing policy was implemented with the guidelines. The impact of this policy was augmented to some degree by more serious offender profiles and the judiciary's tendency to exceed guideline recommendations.

However, when viewed in the context of 1987 sentencing practices, it is clear that a high proportion of offenders placed in Community Control would go to prison if the program did not exist. Our most rigorous test of program impact indicated that over 50% of FCCP placements were diversions from prison. Given the rather grim record of alternative programs, a diversion rate that exceeds 50% constitutes an unqualified success.

It appears that while a number of prison-bound offenders were diverted, net widening was one unintended consequence of the implementation of this program. The results of the second phase of the evaluation, which focuses on the relative effectiveness of house arrest, prison, and regular probation as recidivism reduction strategies, are not yet available.

Electronic Monitoring

Electronic monitoring is a new technology for verifying offender compliance with curfew/home confinement. The basic features of electronic monitoring programs are summarized in Schmidt (1986). There are two basic types of electronic monitoring systems: active and passive. *Active systems* provide constant monitoring, through a device strapped to the offender which continuously signals a central receiver. If the offender leaves his or her home, the device records the violation; in some systems, the offender's probation officer is automatically alerted via a beeper. *Passive systems* are much less sophisticated and involve only intermittent monitoring via phone (and voice) verification: The offender must respond to a telephone call within a prescribed time period (e.g., 30 seconds), or a failure reading is recorded. The responses may take such forms as placing a wristlet into a verifier box or repeating a series of words for voice verification. *Integrated active/passive systems* are also now being marketed which will allow an agency to move offenders from higher (active) to lower (passive) levels of surveillance after they complete the initial phase of the program.

While the use of electronic monitoring programs is being considered by corrections officials across the country, only a small number of programs have been developed to date. Electronic monitoring is being used both in existing house arrest and IPS programs and as a separate program initiative. As of February 1988, only 2,300 offenders were under electronic supervision across the country (Schmidt, 1989), but the number is steadily increasing. In the past several months, electronic monitoring programs have been implemented in a number of jurisdictions across the country.

Electronic monitoring programs function as (1) an *alternative to jail* for pre-trial detainees and sentenced short-term offenders, (2) a *direct sentencing* option, (3) a *probation enhancement*, (4) a *probation revocation option*, (5) a front-end and back-end prison alternative, and (6) a parole revocation option. The key decision points at which electronic monitoring programs are being used are shown in Figure 4. Obviously, the use of electronic monitoring at the *pre-dispositional* stage suggests that the potential application of this technology is much broader than is implied in our discussion of intermediate sanctions. However, a number of issues related to the design, implementation, and impact of electronic monitoring programs need to be resolved before policymakers can accurately assess their utility.

Residential Community Corrections

A fourth type of intermediate sanction is a *residential community corrections* (RCC) program. According to the National Institute of Corrections (NIC):

A residential community corrections (RCC) program is defined as a freestanding, nonsecure building that is not a part of a prison or jail and houses pre-trial and adjudicated adults. The residents regularly depart to work, to attend school, and/or to participate in community activities and programs. (NIC, 1987:1, as quoted by Schmidt, 1988)

By defining RCC programs in this broad manner, the NIC has underscored their potential influence throughout the criminal justice process, from pre-trial release into residential programs to

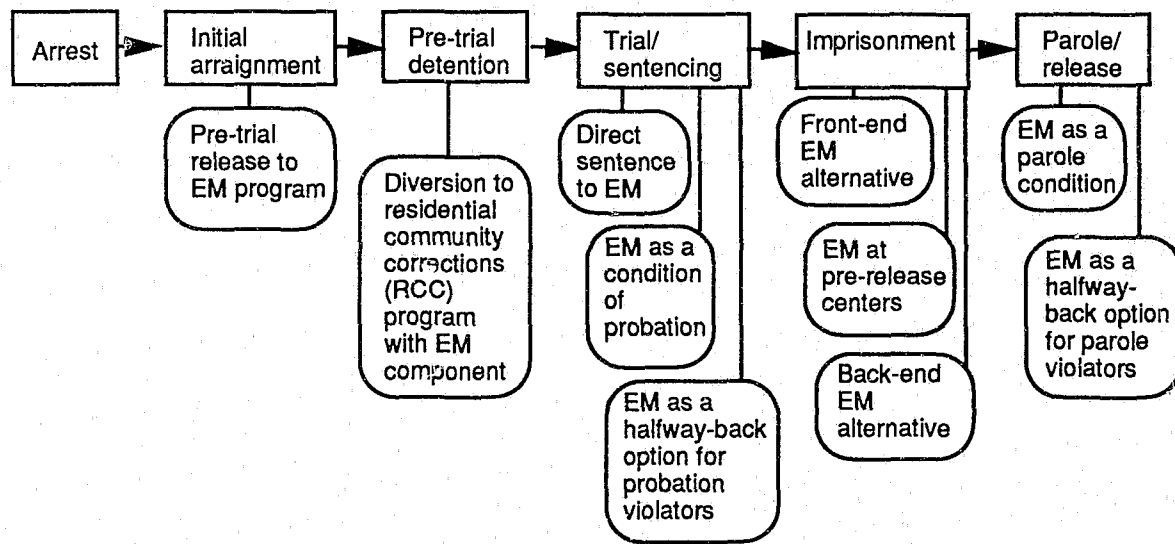


Figure 4—Key decision points where electronic monitoring (EM) programs are being used
(SOURCE: Byrne and Kelly, 1989)

halfway-back programs for parole violators. However, we are interested here in the use of RCC programs as intermediate sanctions. Schmidt (1988:18) observed that:

Residential programs today not only support the reintegration of incarcerated offenders back into the community, but serve as a vehicle to provide treatment to special populations and as a means of adding structure to other community sanctions.

There are a number of possible models for the use of RCC programs within a system of intermediate sanctions. For example, RCCs could be used as:

- A direct sentencing alternative for judges.
- A special condition of probation, perhaps in conjunction with home confinement and/or intensive supervision.
- A halfway-back alternative for probation violators who would otherwise be imprisoned.
- A front-end alternative to prison or jail for sentenced offenders committed to the Department of Corrections.
- A back-end alternative to continued imprisonment for offenders allowed to complete their sentence in the community.
- A special condition of parole and/or a voluntary option for parolees needing support during community reintegration.
- A halfway-back sentencing mechanism for parole boards to use with certain parole violators.
- An aftercare component for direct releases from prison or jail in states with parole, or a mandatory, post-release reintegration stage in states that have abolished parole (release/supervision) (Byrne and Kelly, 1989).

Given the number of RCC models and the multiple target populations of many residential programs, it is not surprising that conflict over the *primary* purpose of these programs was a problem cited by three groups involved with RCC development (RCC operators, criminal justice administrators, and state legislators) (NISA, 1987). This conflict is quite similar to the debate over the purpose of ISP programs, i.e., crime control vs. rehabilitation. While the use of the term *residential community corrections* rather than the more liberal-sounding *halfway houses* is one indicator of the marketing of these programs as intermediate sanctions, this does not imply that the purpose of the programs has fundamentally changed. Nonetheless, the crime control *potential* of RCC programs makes them an important component of a system of graduated sanctions.

What is currently known about the effectiveness of halfway houses and other residential community corrections programs? We have found no studies on the effectiveness of the *new* wave of control-oriented RCC programs. Moreover, there have been few sound evaluations of more traditional halfway houses and other RCC programs.⁷ Wilson (1985:162) commented:

There are a variety of technical reasons why it is difficult to evaluate the effectiveness of halfway house programs. These include the diversity of research design and definition of outcome, the absence of follow-up information, following an adequate comparison group, and length of follow-up period.

Despite the limitations of the evaluation literature, claims of cost-effectiveness, diversionary impact, and reduced recidivism persist.

Split-Sentencing Options

Finally, an important change is occurring in judicial sentencing practices: the use of *split sentences*. A split sentence is a "penalty that explicitly requires the convicted person to serve a brief period of confinement in a local, county, State or Federal facility" (BJS, 1988c). Split sentencing has appeared in a variety of forms in jurisdictions across the country. Petersilia (1987c:81) describes the Ohio shock probation program, as well as the "boot-camp" concept, "in which young first offenders are confined for short periods under rigid standards and strict military discipline." According to MacKenzie and Ballow (1989), eleven states now have shock incarceration programs, while such programs are in the development stage in eleven other states. In addition, approximately 20 percent of all convicted felons in 18 jurisdictions receive split sentences (including some period of confinement followed by regular probation supervision) (BJS, 1985). In several states, "nearly a third of those receiving probation sentences . . . also were sentenced to brief periods of confinement" (BJS, 1988:96).

Split sentencing is also a standard feature of many IPS programs. For example, all offenders in New Jersey's IPS program serve a minimum of 30 days of initial confinement. The intensive supervision programs in several other states, including Arizona, Connecticut, Kentucky, Louisiana, Missouri, Ohio, Oregon, and Texas, include a period of commitment. Finally, in some states, split sentencing is a typical *sentencing* practice independent of the program model. For example, even though a period of confinement was *not* a feature of the Massachusetts IPS program, over 40 percent of the offenders placed in the program received split sentences.

⁷See the reviews of the available evidence on halfway houses by Wilson (1985), Glaser (1983), and Smykla (1984). For a summary of pre-release evaluations, see Clear and Cole (1986:406-407).

The underlying assumption inherent in combining incarceration and community supervision has been succinctly stated by Petersilia (1987c:61):

The rationale for such programs is that an offender who is "shocked" by a brief prison or jail experience will be deterred from returning to crime. The period of probation or parole may be part of the original sentence or may be granted to inmates who petition the court to suspend execution of sentence. The goal of shock incarceration is *specific deterrence*.

Do we have any evidence that the use of split sentencing acts as a specific deterrent? Recent reviews of research on this issue by Gottfredson and Gottfredson (1988), Shover and Einstadter (1988), and the General Accounting Office (1988) reiterate a recurrent theme: The necessary research has not been done. The National Academy of Sciences panel reached a similar conclusion in 1975 after reviewing the available research on general deterrent and incapacitative effects.

Petersilia, Turner, and Peterson (1986:36) have clarified the deterrence issue somewhat, finding that the use of imprisonment may indeed have a short-term suppression effect that is counter-balanced by noticeably higher recidivism rates once the offenders are released from prison or jail. Specifically, "during the three-year study period, the prisoners, who served an average of 12.5 months in prison, committed an estimated 20 percent less crime than the probationers, who served an average of 3.3 months in local jails." However, Petersilia, Turner, and Peterson (1986:viii) also found the following:

The prisoners had higher recidivism rates than the probationers, both across crime types and in the aggregate. In the two-year follow-up period, 72 percent of the prisoners were rearrested, as compared with 63 percent of the probationers; 53 percent of the prisoners had new filed charges, compared with 38 percent of the probationers; and 47 percent of the prisoners were [re]incarcerated in jail or prison, compared with 31 percent of the probationers.

In other words, what is gained in the short run (i.e., less crime committed during a limited at-risk period) is lost further down the road. These findings are tentative, given research design limitations, but they have important implications for intermediate sanction policies generally and the use of split sentences in particular. However, since research findings in this area are inconsistent (Smith and Gartin, 1989), further study is certainly in order.

THE EVALUATION RESEARCH ON IPS PROGRAMS

Intensive Supervision as an Intermediate Sanction: Issues to Consider

Intensive supervision probation is easily the most publicized and evaluated of the five intermediate sanctions/early release mechanisms we have discussed. Petersilia (1987a) has noted that over 100 IPS evaluations have been conducted. By comparison, we know very little about the effectiveness of house arrest as a crime control strategy (Baird, 1988). The use of split sentencing has also not been systematically evaluated, and it is difficult to even determine whether this strategy is being used as an add-on for offenders who would have traditionally received straight probation (or some other nonincarcerative sentence) or as a technique for reducing prison crowding. Finally, the marketing of residential community corrections (a term which lacks the "rehabilitation" connotations of its pseudonym, halfway houses) is only beginning, and a good nationwide survey on the development and utilization of this strategy as an intermediate *sanction* has yet to be completed.

Advocates of intermediate sanctions—unable to point to the results of rigorous evaluations of the options they propose—must for the moment rely on evaluations of intensive supervision. Since many IPS programs include features such as house arrest, electronic monitoring, and split sentences, the situation is not hopeless. Nonetheless, Tonry and Will (1988:20–21) recently observed that:

Unfortunately, the published literature is small and is neither authoritative nor highly credible. There has as yet not emerged a rigorous scholarly tradition of research or evaluation concerning intermediate sanctions. Much of what has been published has appeared in professional journals like *Federal Probation* or in more fugitive forms as xeroxed copies of in-house evaluative reports or as papers presented at academic and professional meetings. Many reports are descriptive and uncritical and, while cautionary notes are often spelled out by researchers and evaluators, they tend to be swamped by the enthusiasms of program administrators who believe that their programs are achieving the public safety goals, cost savings, and reduced prison crowding that the programs were designed to achieve.

What we are left with are many unsubstantiated claims and few good research studies. This state of affairs applies not only to research on intensive supervision, but to all adult probation strategies. Gottfredson and Gottfredson (1988) point out that only *five* adult probation studies met the basic criteria for inclusion in Lipton, Martinson, and Wilks' (1975) classic review of 231 correctional research studies on rehabilitation. Obviously, it is difficult to conclude *anything* about the general effectiveness of probation strategies based on five research studies (only four of which used recidivism as the criterion). A more inclusive review of the adult probation research literature conducted by Gottfredson, Finckenauer, and Raul (1977) identified 130 studies of adult probation conducted since 1950. They emphasized that summarizing overall findings was difficult because of a variety of problems related to (1) inadequate research designs, (2) sloppy sampling procedures, (3) unclear operational definitions of key predictor variables, and (4) inadequate descriptions of the type of treatment applied to comparison groups.⁸ Nevertheless, Gottfredson and Gottfredson (1988:198–199) recently summarized and updated the key findings of the studies as follows:

1. The necessary research has not been done to permit a determination of whether probation is more effective than imprisonment as a rehabilitative treatment.
2. Evidence tends to support the conjecture that the personal characteristics of offenders are more important than the form of treatment in determining future recidivism.
3. From limited evidence, it appears that intensive supervision may result in more technical violations known and acted upon and also to fewer new offense convictions; thus, the size of the caseload may have some effect on recidivism.
4. There is limited evidence to indicate what forms of treatment and supervision provide more effective results when applied to probationers generally or to any particular classification of offenders, and even that evidence is mixed.

⁸It is important to keep in mind that although the authors identified 130 probation research studies, their summary of findings is based on a very small subset of these studies. The summary of findings on probation effectiveness in Gottfredson and Gottfredson (1988) is based on only *ten* research studies which met the methodological criteria established by the authors. These ten studies, highlighted in Albanese et al. (1981:Table 1, pp. 36–37), reveal significant variation in offender characteristics, criterion measures, length of follow-up period, and design type. In our view, these differences do not *allow* an overall summary of findings, and the only conclusion we can reach is that more research is necessary.

5. Finally, far too few resources have thus far been applied to provide adequate evidence on the questions raised. The inescapable conclusion is that further research is needed.

In a nationwide review of IPS programs, Banks et al. (1977:33) echoed the need not just for more, but for *better* research. After reviewing information on 46 separate programs and then conducting site visits at 20 of these programs, they concluded:

In summary, almost every element of information about IPS is knowable through direct empirical study yet almost nothing is scientifically known and little will ever be known until measurement techniques are improved.

Since 1977, new evaluations of intensive supervision have been released, but the subsequent reviewers' comments are invariably the same: Good research on the implementation and impact of intensive supervision has yet to be conducted (Latessa, 1979; Fields, 1984; Burkhart, 1986; Petersilia, 1987a). However, in 1987, the results of comprehensive evaluations of intensive probation supervision in Georgia (Erwin, 1987) and New Jersey (Pearson, 1987) were released; and this year, the results of the evaluation of the Massachusetts IPS program are available for review (Byrne and Kelly, 1989). We highlight these three studies below and assess their contribution to current knowledge about IPS theory, policy, and practice.

EVALUATIONS OF CURRENT INTENSIVE SUPERVISION PROGRAMS

The Georgia IPS Program

Description. Georgia's IPS program is certainly the most popular and widely replicated IPS model in the country (Petersilia, 1987a). The program was inaugurated in 1982, without special legislation or appropriations, as a response to the state's burgeoning prison costs. Its original intent was to demonstrate that serious offenders could be safely and effectively supervised in the community (Georgia Department of Offender Rehabilitation, 1984). A major public relations effort was undertaken to enhance the acceptance of the program among judges and other community leaders (Erwin, 1987). One year following its implementation, Gettinger (1983) dubbed Georgia's IPS project "the toughest form of probation in the United States" and maintained that it is the "most ambitious of several programs across the country that are attempting to make probation a tough sanction against crime." In commenting on solutions to prison crowding, the *New York Times* (December 18, 1985) concluded:

The state that has led the way is Georgia, and the most common new program spreading across the South and the nation is modeled on the Georgia program of intensive probation supervision.

Similarly, the *Washington Post* (August 16, 1985) called Georgia's IPS program "the future of American corrections."

The target population of Georgia's program is largely nonviolent, lower-risk, prison-bound offenders, but it also includes probation revocation cases. Candidates can enter the program as diversionary, prison-amended cases or can be sentenced directly in response to the recommendations of a presentence investigation report. Roughly equal numbers of direct and amended-sentence offenders have been accepted in the program. As of January 1, 1987, more than 4,000

criminals had participated in Georgia's IPS program. The typical IPS offender is a white male under the age of 25 who has been convicted of a property crime. A substantial percentage of project participants are also convicted of drug- or alcohol-related offenses.

Georgia's program has adopted a team approach to caseload management. A team comprising a surveillance officer and a probation officer supervises a maximum of 25 probationers. The surveillance officer is primarily responsible for monitoring, curfew enforcement, arrest checks, collateral contact, verification of employment, and documentation of community service. The probation officer is primarily responsible for case planning, counseling, and court-related activities and has legal authority over the case. Differentiations between the roles and duties of surveillance and probation officers, however, have not been observed in practice (Clear, Flynn, and Shapiro, 1987). Offenders are sentenced to the program for a 6- to 12-month period, followed by one year on regular probation. Most of the probationers progress through three graduated phases of supervision. In the first stage, offenders are seen from 3 to 5 times per week either in the office (by the probation officer) or at the offender's residence (by the surveillance officer). Successful completion of one stage is required before the probationer may progress to the next.

Program participants must perform 132 hours of community service, be employed or full-time students, or attend full-time vocational/employment training. Like other probationers in the state, Georgia's IPS offenders are ordered to pay a probation supervision fee of \$10 to \$50 per month, along with court-ordered fines and restitution payments. Other mandatory conditions of IPS involve strict curfews and random drug/alcohol testing. Most of the program's directives are maintained throughout the course of the IPS sentence, although contact, community service mandates, and curfews are relaxed in the final phases. Offenders remain in the third stage of the program until the supervising probation officer recommends a transfer to regular probation.

Evaluation. Three separate groups of offenders were tracked during an 18-month follow-up period: (1) a group who were placed on intensive supervision (N = 542); (2) a group who were placed on regular probation (N = 753); and (3) a group who were released from prison during the first year of the IPS program (N = 173). For an evaluation to be meaningful, groups must be comparable; unfortunately, these were not. Tonry and Will (1988:Chap. 2:13) highlight the extent of this problem:

Noncomparability between the prison and ISP comparison groups was stark. This is particularly regrettable because the Georgia ISP probationers are supposed primarily to have been diverted from otherwise certain prison terms. The prison group is much smaller (173 vs. 542). Prison comparison group members are twice as likely as ISP probationers to be black, three times as likely to be female, and half again as likely to have been convicted of crimes against persons or to have a "high" or "maximum" risk classification. *In other words, the ISP and prison comparison groups are not very comparable at all* (emphasis added).

The evaluation design—essentially a post-test-only, nonequivalent-control-group design—also has a number of other limitations.⁹ Erwin (1987:17) points out that, with a few exceptions, ju-

⁹Byrne and Kelly (1989) commented that while the focus of the report is a comparison among probation, intensive supervision, and prisoners, the evaluator includes pre-post comparisons of *sentencing practices* in IPS districts with sentencing practices across the entire state (see Erwin, 1987:12, for a description). However, no effort was made to match IPS courts with non-IPS courts at the pre-test stage, utilizing a criterion such as percent incarcerated by offense type.

dicial circuits were selected which had a high percentage of felons sentenced to prison during the year before the program began (1982).¹⁰ Thus, there is a real possibility of a *regression* effect (Campbell and Stanley, 1963), which would present a threat to the validity of the finding of lower incarceration rates in these jurisdictions after the implementation of the IPS program. In judicial circuits with extreme scores, lower incarceration rates would be expected over time as these "outlier" circuits *regressed to the mean*. Factors *other* than the development of IPS may also have been responsible for lower felony incarceration rates. Since the evaluator cannot rule out the effects of *history*, this limits any conclusions about diversionary impact. For example, *prison population capacity* legislation (and not simply intensive supervision) may have had a significant effect on recidivism. Or other alternative programs developed during this period (e.g., shock incarceration) may have had an independent effect on the incarceration rate. As Tonry and Will (1988:Chap. 2:16) observed:

One of the proofs offered for the claim that ISP is functioning as a diversion is that during the evaluation period the percentage of convicted felons sentenced to probation increased between 1982 and 1985 by 10 percent (Erwin and Bennett 1987). This, however, is a non-sequitur because 10 percent of convicted felons during the study period would be nearly 10,000 persons, which is many times larger than the 2,322 assigned to ISP in 1982-85. Clearly, Georgia judges were reducing their reliance on prison; whether ISP probationers would have been diverted from prison irrespective of ISP is something the data cannot tell us.

Policymakers considering the results from the Georgia evaluation must recognize that a number of program and policy initiatives were enacted during this period, and the evaluators did not attempt to distinguish the diversionary effects of intensive supervision from these other strategies.

Some observers have suggested that Georgia's intake procedures actually result not in diversion, but in *net widening*. According to Erwin (1987), an offender can be placed in Georgia's IPS program through either (1) a direct sentence (48 percent), (2) an amended sentence (47.1 percent), or (3) probation revocation (4.9 percent). Once again, it is Tonry and Will (1988:Chap. 2:16) who point out the potential net widening inherent in the use of multiple decision points:

If we assume that sentencing procedures to ISP remained the same throughout the evaluation period, then at least 50 percent of the 2,322 cases placed under intensive supervision may not have been diversions. This is consistent with the ISP probationers' lower "risk scores" than the prison comparison group's and lesser rates of involvement in offenses against persons.

This potential *net widening* effect obviously challenges the assumption of cost *savings*, since for many offenders the correct comparison was between *probation* and intensive supervision rather than between *prison* and intensive supervision. In addition, various technical problems in the calculation of the cost/benefit analysis make it difficult to assess the cost-effectiveness of the

For this reason, we are skeptical of the finding that IPS had a significant diversionary impact (see Erwin, 1987:68-71). Tonry and Will (1988) offer an excellent summary of the limitations of this part of the Georgia evaluation.

¹⁰Erwin (1987) reported that since many of the circuits with the highest incarceration rates were rural and conservative, the Atlanta circuit was included to provide an alternative sentencing option in a (liberal) *metropolitan* area with a large number (raw) of prison-bound offenders. However, 1982 baseline data were not available for Atlanta. In addition, Erwin (1987) reports that in "one or two instances, judges who were instrumental in promoting the use of probation fees statewide were given an IPS team" (17), even though these districts did not send a high percentage of convicted felons to prison.

Georgia program with the available data.¹¹ For this reason, we are particularly skeptical of the claim that the "IPS program saved the state the cost of building at least two prisons" (Erwin, 1987).

The Georgia program evaluation also reports significantly lower overall recidivism rates for IPS offenders than for the prison control groups. This finding has been cited by IPS proponents as evidence that community protection has not been compromised by the program (Tonry and Will, 1988). However, it is apparent from Table 6 that intensive supervision is actually slightly *less* effective than regular probation with high- and low-risk offenders.¹² This strongly suggests that *IPS in Georgia may be overkill* (Tonry and Will, 1988), but we stress that this is just a *possibility*. Lack of comparability between treatment and control groups precludes a more definitive conclusion.

Finally, the Georgia evaluation included initial evidence of offense-specific differences in outcomes, suggesting a possible *interaction* effect, with important policy implications. Erwin (1987:48) reports that IPS is most successful for *drug offenders* and least successful for property offenders:

Drug offenders . . . did better under IPS than they did under regular probation, suggesting that the frequent contacts during evening and weekend hours and the urinalysis monitoring may be particularly effective in supervising this type of offender.

Table 6
RECIDIVISM OF OFFENDERS IN GEORGIA'S IPS PROGRAM
VS. PRISON AND PROBATION CONTROL GROUPS,
CONTROLLING FOR RISK LEVEL

Risk Level	Percent Rearrested During 18-Month Follow-Up		
	Intensive Supervision	Regular Supervision	Incarcerated
Low risk	41.6	27.0	46.2
Medium risk	33.9	34.5	58.3
High risk	34.5	30.1	57.4
Maximum risk	43.6	44.8	64.0
Percent rearrests (overall)	37.5	35.5	57.7
Total number	(200)	(200)	(97)

SOURCE: Adapted from Erwin (1987:54).

¹¹For example, Table 14 of the Georgia evaluation report (Erwin, 1987:64) reveals that the cost comparisons between prisoners and IPS offenders did not include such items as (1) a standard time period under review, (2) the cost of subsequent reconviction, revocation, and reincarceration for offenders who "fail" on intensive supervision, and (3) an accurate estimate of the marginal cost of increasing the number of offenders sent to prison. See Tonry and Will (1988) for a detailed assessment of the cost-effectiveness claims of the Georgia IPS program.

¹²The recidivism rate (percent rearrested after 18 months) is even *higher* (46.2 percent vs. 41.6 percent) if these low-risk offenders are *incarcerated*. However, the number of cases in the low-risk category is much too small to draw any conclusions about the negative consequences of placing low-risk offenders in the program. Specifically, data are included for 12 intensive supervision probation, 11 regular probation, and 13 incarcerated offenders (Erwin, 1987:54).

However, two questions about this finding must be answered before policymakers decide to target drug offenders for intensive supervision: (1) What was the risk level of these offenders? (2) How many property offenders had *need* scores that indicated a drug problem? It is possible that drug offenders were more likely to fall into the low-risk category, so that what *looks* like a link between offense type and recidivism is actually a relation between risk level and recidivism.¹³ It is also possible that if a *need-based classification* of offenders with drug problems had been used, a different conclusion might have been reached about the effectiveness of such intensive interventions as drug monitoring and curfew checks.

In summary, the basic claims of the evaluator—cost-effectiveness, diversion, and improved public safety (in comparison with prison)—are not supported by the available research evidence. Indeed, a convincing argument can be presented that the Georgia evaluation actually demonstrates the opposite. While this study represents a significant improvement over much of the previous evaluation research on intensive supervision, it does not show the Georgia program to be a panacea, and further research is certainly needed to provide definitive answers to these important policy questions. Tonry and Will (1988, Chap. 2:22) help place the Georgia evaluation in its proper perspective:

Georgia has one of the best documented and evaluated ISP programs in the nation. It merits close scrutiny because of its much publicized success, and close inspection is made easy by the extensive reporting on its evaluation. Is the program successful? It depends. Evidence collected during the evaluation suggests that ISP probationers pose no more threat to the community than do regular probationers. If all of the ISP cases were true diversions, then this would indicate that prison-bound offenders could be effectively supervised in the community and would also produce some cost-savings to the taxpayer. However, many cases are probably not diversions, and actual savings are probably less ample than is suggested in the evaluation.

The New Jersey IPS Program

Description. New Jersey's IPS program is second only to Georgia's in terms of prominence and replications. It began in 1983, when \$1 million of state funds were allocated to alleviate prison crowding. The New Jersey project is administered under the auspices of the Administrative Office of the Courts (AOC), the state agency governing county probation operations. The program is built on the premise that certain prisoners can be supervised safely in the community if they are maintained under strictly monitored and highly controlled conditions of release. According to the AOC, the four major goals of New Jersey IPS are (1) to improve the use of scarce prison resources, (2) to prevent the criminal activity of offenders under supervision, (3) to mete out appropriate, intermediate punishment, and (4) to yield cost savings by transferring prisoners from prison to community supervision (Pearson, 1988).

The selection criteria for New Jersey's IPS program are among the most restrictive in the nation (Petersilia, 1987c). Criminals enter the program through a complicated, seven-step process

¹³Unfortunately, Erwin does not include a table with the risk levels of specific subgroups of offenders. She does report, however, that the results of discriminant analysis "identified *risk score* as the most important variable in predicting whether a probationer will succeed or fail under ISP" (1987:61). The importance of *offense-specific* findings would be increased if there was clear evidence (e.g., through criminal history analyses, offender interviews, etc.) that offenders categorized by instant offense are *specialists*. There was no evidence supporting this notion in the Georgia report, and according to a recent review by Hirschi and Gottfredson (1987), there is no sound research supporting the belief that offenders specialize in certain types of crimes.

(Pearson, 1987). Because the program was instituted primarily as a means to reduce the prison population, special procedures were developed to ensure that IPS participation is confined solely to offenders who otherwise would have been incarcerated in state prison. Only inmates who are currently serving a term in prison are eligible for admission; judges are not allowed to sentence offenders directly to IPS. However, as Clear, Flynn, and Shapiro (1987) note, "there is a growing concern that some judges are 'backdooring' cases into IPS by sentencing borderline offenders to prison while announcing they will 'welcome an application for intensive supervision.'" Individuals sentenced to prison for violent offenses (i.e., murder, robbery, or sex crimes) are not eligible. Inmates can apply for admission only after they have spent at least 30, but not more than 60 days in prison. (This requirement was included to capitalize on any specific deterrent effects imprisonment may have exerted.)

Prospective IPS candidates must prepare a personal plan that will govern their release activities. The plan must include (1) a description of goals, special needs, and provisions for meeting financial obligations and securing living arrangements, and (2) the identification of a community sponsor and network team. The community sponsor is usually a family member or friend with whom the offender resides during his or her participation in the program. The primary responsibility of the sponsor is to assist the participant to remain a law-abiding citizen and to adhere to the obligations of the personal plan. A sponsor's specific activities can vary greatly as a function of the participant's needs and life circumstances. These activities may include providing transportation to work, monitoring compliance with curfews or other restrictions, and supporting the offender through emergency situations (Petersilia, 1987c).

Community sponsors are joined by members of the network team (usually relatives, neighbors, clergypersons, or friends), who also work to help the offender satisfy the conditions of the program. As a rule, network team members assume a more limited role in the offender's supervision and can be regarded as an adjunct to the community sponsor. Team members may oversee the community service requirement, contact the participant's employer to monitor work performance, or check on the offender's curfew or home-detention status (Petersilia, 1987c).

In conjunction with the personal plan—which is signed by the offender, the community sponsor, and members of the network team—the prospective IPS candidate completes an application that contains biographical data, social and criminal history information, and names of the community sponsor and network team members. An IPS officer reviews the offender's personal plan and application and collects additional facts from court records. An IPS screening board determines the applicant's eligibility.

If the application is approved, it proceeds to a three-judge resentencing panel for the final decision. The resentencing panel also reviews the progress of cases that are admitted to the program and presides over revocation hearings. If the panel decides the applicant is an appropriate candidate, he or she is remanded to the custody of the community sponsor for two trial periods of 90-day release. Successful completion of the trial periods occasions a resentencing hearing at which the applicant is resentenced to the original term of incarceration with credit for time served. Compliance with the IPS plan results in a suspension of the prison sentence; noncompliance results in a revocation hearing and reimprisonment. IPS participants must complete a

minimum of one year in the program, after which they may graduate to regular supervision or be discharged entirely. The arduous entry process has limited program intake, especially during the early stages of the project (Petersilia, 1987c).

Offenders in the program remain on bench-warrant status, which permits expeditious arrest and return to prison for those who are found in violation of their probation. Caseload size is held to 25 offenders per officer, and the conditions of supervision include frequent contacts, strict curfews enforced through electronic monitoring and telephone robotics, drug tests, periods of home detention, participation in treatment and vocational training programs, and community service mandates, which usually involve physical labor. detention, participation in treatment and vocational training programs, and community service mandates, which usually involve physical labor.

Administrators of the program characterize it as a 7-day-a-week effort, with officers continuously on call and at work nights and weekends (Clear, Flynn, and Shapiro, 1987). IPS officers also work closely with community sponsors and network team members to guarantee full compliance with program regulations. Throughout most of its tenure, the New Jersey IPS program has received complimentary media coverage and the approbation of public officials.

Evaluation. New Jersey's evaluation underscores the impact of *key research design decisions* on the policy relevance of the study. The evaluator (Pearson, 1987) presents a fairly detailed comparative analysis of the effectiveness of IPS and prison/parole supervision, using a post-test-only, nonequivalent-control-group design.¹⁴ The only control group used was a *matched* sample of prisoners/parolees, and only 25 percent (N = 132) of these offenders were roughly comparable.¹⁵ Pearson (1987:131) observes that even the use of a *subsample* of the "ordinary-terms-of-imprisonment" (OTI) offenders "could not eradicate all the differences" between the treatment and control groups:

1. *Prior convictions:* 32.8 percent of the IPS sample had no prior convictions, compared with 22.0 percent of the close OTI subsample.
2. *Prior incarceration:* 31 percent of the IPS group had a prior incarceration, whereas 55 percent of the close OTI did.
3. *Risk score:* IPS offenders had a median risk score of 12, while their close OTI counterparts had a median score of 14; 50.3 percent of the IPS offenders fell into the low-risk category, as compared with 41.6 percent of the close OTI subgroup.

¹⁴Pearson describes the New Jersey evaluation design as "a non-equivalent control group, pretest-posttest design" (1987:25). However, we do not agree that any specific *pre-test* was included in this study, apart from data on the offender's instant offense and risk assessment. For example, unlike the Georgia evaluation, no attempt was made to examine New Jersey's sentencing practices for IPS-eligible offenders before and after the implementation of intensive supervision. In addition, no attempt was made either to (1) compare the offending rates of IPS and close ordinary-terms-of-imprisonment (OTI) offenders before and after the intervention or (2) examine the effectiveness of prison and supervision strategies with IPS-eligible offenders in the year *before* program implementation. Such pre-post comparisons are included in the Massachusetts evaluation. Lack of a pre-test reduces our confidence in the results of this evaluation for reasons summarized in Campbell and Stanley (1963).

¹⁵The evaluator had difficulty matching the prison and IPS groups partly because he initially drew a *random sample* of all IPS-eligible OTI offenders convicted of one of ten third- or fourth-degree felony crimes. However, since actual IPS offenders were disproportionately represented in only two offense categories (drug offenses and burglary), his prison control group was not comparable by *offense type* (see Pearson, 1987:Table 6.3). It appears that he should have drawn his random sample *proportionate to the relevant size* specifications in his experimental group. See Pearson (1987:119-141) for a detailed discussion of the procedures he followed to "adjust" for the noncomparability of his OTI control group.

The New Jersey program evaluation—by design—should make the IPS program look quite good, since it compares IPS cases with a group of class 3 and 4 felons who represent the poorest risks and who receive the harshest treatment by the New Jersey corrections system.¹⁶ It is one thing to find that intensive supervision works better than prison/parole; it's quite another to compare intensive supervision to either straight probation or a prison/regular probation split sentence. Policymakers developing intermediate sanctions should wonder how the IPS offenders would have done if they had been placed on regular probation at sentencing. The principal evaluator recognized this limitation, and he reports that a probation comparison group was part of the original evaluation plan. However, data limitations caused it to be dropped from the final design.¹⁷

One assumption in the evaluation was that sentencing to probation was *not* a viable alternative for the close OTI comparison group. However, given such basic IPS profile data as (1) instant offense (drug offenders and burglars), (2) prior convictions, and (3) prior periods of incarceration, it should be apparent that many *comparable* offenders find their way onto probation and/or receive split sentences. How well does traditional probation work with this group? Is the extra expense of IPS justified? How do split-sentence offenders who are then placed on probation compare with the IPS group? Unfortunately, policymakers will not find the answers to these questions in the New Jersey evaluation.

The New Jersey evaluation *does* include what Tonry and Will (1988:Chap. 2:26–27) conclude is “the most comprehensive comparative cost analysis in the intermediate sanctions literature.” Intensive supervision probation is found to be about 30 percent less expensive than OTI, saving roughly \$7,000 to \$8,000 per offender. However, these cost estimates are not *adjusted* for the basic differences between the treatment and control groups we identified earlier. Until these more detailed subgroup analyses are conducted, conclusions about the cost-effectiveness of New Jersey's IPS program will be premature and potentially misleading.

Although New Jersey's program has been described by many observers as a *true* diversion program, there is still the potential for net widening. While the judges in New Jersey could not

¹⁶Pearson (1987:Table 6.1) included the risk scale scores (minimum, moderate, maximum) for offenders in IPS and three potential comparison groups (regular probationers, split-sentence cases, and OTI offenders) and as the following table shows, ISP offenders were the lowest-risk group:

Final Risk Scale	Offender Group (percent)			
	ISP	Probation	Split Sentence	Full OTI
Low	50.3	47.6	30.1	12.5
Medium	29.3	34.5	43.0	40.4
High	20.4	17.9	26.9	47.1
Total %	100.0	100.0	100.0	100.0
Total N	554	505	411	510
Mean Score (\bar{x})	12.5	12.7	13.8	15.1

¹⁷Pearson also notes that a split-sentence comparison group was included in the original design. Both the probation and split-sentence groups were apparently dropped from the final design because criminal record data (called SAC data) were unavailable for 35.4 percent of the probation sample and 22.9 percent of the split-sentence sample. However, given (1) the *large number* of probation (326) and split-sentence (317) cases that *were* available, and (2) the *small size* of the final *close* OTI sample (122), this decision is difficult to understand. See Pearson (1987:116–118).

directly sentence offenders to the IPS program, they knew about the IPS program and could have *adjusted* their sentencing practices to place offenders in prison whom they expected to be released on IPS. This raises an important question: If IPS did not exist, would these offenders have been sent to prison? Without a comparison of the sentencing practices of judges in New Jersey for the two major offender groups ultimately placed on intensive supervision (drug offenders and burglars),¹⁸ the true diversionary impact of IPS in New Jersey cannot be known. This leaves the program open to the criticism of net widening. Clear (1987a:19), for example, comments that:

Since early in the program there were rumors that some judges were sentencing offenders to prison only to make them eligible for ISP. Even if the problem is a miniscule one, its collective magnitude can be exceptional. To illustrate, if only one-half of 1 percent of the 10,000 eligibles sentenced each year were given prison in order to make them ISP eligible and if 50 percent of these made it into the program, with average time served of the remainder of 300 days, then a total of 97,500 prison days were unnecessarily served (including the "shock" period of the ISP acceptance)—[totaling] over 200 prison cell years. This would considerably cancel out the benefits of New Jersey's ISP (which has an annual capacity of 500 offenders) as an alternative to crowding.

Policymakers must recognize that the choice of a particular decisionmaking model cannot, by itself, insure *true* diversion. The seven-step IPS eligibility review process in New Jersey can perhaps best be described as "a program to remove from prison those who should not have been there at all" (Tonry and Will, 1987). It can be argued that the New Jersey IPS evaluation presents a better case for reform of the state's *presumptive sentencing* legislation than it does for the development of intensive supervision as a diversionary mechanism.

The New Jersey evaluation also compares the recidivism rates of IPS and close OTI offenders.¹⁹ While the New Jersey program appears to do a very good job of protecting the community, the lack of comparability between IPS and close OTI offenders precludes any definitive statements about the public-safety effects of the program. Lack of comparability can affect the interpretation of the crime control impact of New Jersey's program in a number of ways. As shown in Table 7, during their first year "at risk," 10.8 percent of the New Jersey IPS offenders were rearrested, compared with 25.5 percent of the close OTI offenders. However, there were significant differences in the proportion of IPS offenders who failed at each level of risk: 4.9 percent of the low-risk, 9.1 percent of the medium-risk, and 27.2 percent of the maximum-risk offenders were rearrested within one year. Since more of the IPS offenders were low-risk, the overall differences are less interesting than direct comparisons *within* each risk level. Unfortunately, the evaluator compares the rearrest patterns of IPS only with the *full* OTI sample within risk levels. Unless it is shown that there were no differences between the full and the close OTI sample, we cannot address this issue.²⁰

Community protection from offenders under supervision can be improved by returning these offenders to prison for *technical* violations (e.g., curfews, drug test failures, etc.). Pearson

¹⁸According to the current Director of the New Jersey IPS program, this comparison is more difficult than it sounds due to changes in the New Jersey criminal code during the study period (personal communication, June 1988).

¹⁹In some instances, the evaluator presents comparisons between New Jersey IPS participants and the full OTI offender group. Since these two groups are *not* comparable by any objective measure, these comparisons are misleading.

²⁰See Pearson (1987:Table 7.6:163).

Table 7
REARREST PATTERNS OF IPS AND CLOSE OTI OFFENDERS^a

Time Until Rearrest	Percent Rearrested	
	IPS	Close OTI
Within 6 months	5.1	19.3
1 year	10.8	25.5
18 months	18.0	28.2
2 years	24.7	34.6

SOURCE: Pearson (1987:154).

^aBased on survival analysis output, returns to prison are censored observations at the date of return.

(1987:181) reports that approximately 40 percent of the IPS participants are returned to prison in their first year "at risk," compared with 32 percent of the close OTI group.²¹ Of the offenders who are returned to prison, 75 percent are technical violators, and drug-test failure is the primary reason for returning IPS offenders.²² The preliminary findings from this report suggest that increasing the level of control over offender behavior will improve community protection (e.g., there will be fewer arrests of IPS participants). However, we pay a price for control, in both prison crowding and the costs of incarceration.²³

Finally, it is important to note that the effects of imprisonment cannot be separated from the effects of parole supervision on the close OTI comparison group. No data were collected on parole supervision practices, so we do not know, for example, whether parolees who worked full-time did better than parolees who did not; or what the level of contacts or supervision was; or if drug or alcohol treatment was ordered, etc. Obviously, other states might develop the same IPS program and find very different comparative cost, recidivism, and return-to-prison rates if their parole system is different from New Jersey's system.

²¹Pearson actually has estimated return-to-prison rates for IPS offenders because not all of the 554 offenders in his study sample had completed the programs (approximately 18 months) at the time of his review (April 1987). Nonetheless, 490 offenders did complete the program and 41.3 percent of this group were returned to prison (Pearson, 1987:106). By comparison, he estimates that 32 percent of the close OTI offenders were returned to prison during the same period (Pearson, 1987:181). However, Pearson provides no further details on the specific reasons offenders in either group were returned to prison. Surprisingly, Pearson's survival tables reveal that only two close OTI offenders were treated as censored observations during their first 18 months at risk after release on parole. Does this mean that offenders on parole in New Jersey are (almost) never returned to prison for technical violations alone, or did the evaluator fail to collect these data? There is no way of telling from the results presented (see Pearson, 1987:Table 7.1b;152).

²²According to Pearson, the majority of the technical violations that resulted in IPS offenders being returned to prison were failures to stay drug-free (according to drug monitoring results) and curfew violations (see Pearson, 1987:188). However, it is impossible to establish the specific reason for an offender being returned to prison, since no data on the revocation process (e.g., number of surrenders issued, number of formal revocation hearings held, reason for and outcome of revocation hearing, etc.) are provided.

²³We should point out that if data on return to prison are incomplete for the close OTI sample, then the analysis of cost comparisons will be inaccurate. Of course, noncomparability between IPS and close OTI groups is another source of bias in the cost estimates. See Pearson (1987:184-188).

The Massachusetts IPS Program

Description. Unlike the IPS programs in Georgia and New Jersey, the Massachusetts IPS program was designed to provide better community protection over offenders typically placed on probation rather than to serve as a mechanism for reducing prison and jail crowding (Cochran, Corbett, and Byrne, 1986). The program was implemented on an experimental basis in 10 District and 3 Superior Court jurisdictions, beginning in April 1985. The basic features of the Massachusetts IPS program are summarized briefly below (Byrne and Kelly, 1989:79):

- *Intake procedures and target population.* Only high-risk probationers are placed on intensive supervision. "Risk" is determined by the offender's score on an objective risk-classification instrument. Continuation in the IPS program is reviewed at four and ten months. If an offender's risk level improves by the four-month review, he or she can progress to a lower level of supervision. This is also possible at the ten-month review.
- *Needs assessment.* Offender needs are also diagnosed in the initial assessment process. Probation officers develop specific problem-oriented intervention strategies based on this assessment.
- *Mandatory referrals.* Probation officers make mandatory referrals in "high-need" areas. (This may include the establishment of additional special conditions by the judge concerning alcohol/drug abuse, employment, and family problems.)
- *Contacts.* Ten contacts per month are required: four face-to-face and six collateral contacts. Probation officers are required to verify employment every 14 days and to conduct record checks via the state's probation central file every 30 days. (Offenders on maximum supervision are contacted a minimum of twice a month by their probation officer.)
- *Revocation.* All probation conditions are strictly monitored and enforced, using a four-step revocation process, which includes both administrative review and judicial sanctions for noncompliance.

Two other features of the Massachusetts IPS program should also be mentioned: sentence type and special conditions. Judges used split sentences for 43.6 percent of the 227 offenders included in the IPS program. In addition, over 80 percent of the offenders were given at least one *special* condition by the sentencing judge, while one-third were given two or more special conditions. Although these features were not part of the formal program model, they were studied closely by program evaluators Byrne and Kelly (1989).

Evaluation. The IPS evaluation in Massachusetts addressed three important questions about the implementation and impact of the program:

1. Was the IPS model *fully implemented* in the 13 experimental courts? Did probation practices change significantly after the program was implemented?
2. What *impact* did the experimental program have on offender rehabilitation and recidivism?
3. Which *elements* of the IPS program were most closely related to increased community protection, i.e., lower recidivism?

The Massachusetts IPS program was initiated *without* any additional resources and *within* the existing administrative structure of the state's probation system. Unlike New Jersey and Georgia, Massachusetts' line probation officers and Assistant Chief Probation Officers (ACPOs) are unionized. These basic characteristics underscored the need for evaluators to examine the possible "displacement effects" of IPS implementation on offenders supervised using traditional techniques.

The evaluators addressed these questions using a separate-sample, pre/post nonequivalent-control-group design. Since the sole criterion for placement on intensive supervision was the offender's score on the risk-classification form (10 or less was the eligibility standard), this was also the sole criterion for inclusion in the study's comparison groups. The total population of IPS offenders was identified in 10 District Courts and 3 Superior Courts in Massachusetts. A separate sample of IPS-eligible offenders who were placed on probation in these courts in the same months of the previous year was selected. In addition to these pre-post comparisons *within* experimental courts, the evaluators also identified the total population of IPS-eligible offenders in 13 control courts during the same time period. The control courts were comparable in terms of court level, location, and size. According to the evaluators, "site selection is a secondary issue in [the] discussion of research design, since *similar* high-risk offenders are compared *across* experimental and control courts" (Byrne and Kelly, 1989:108).

The basic problem with this design choice, of course, is that lack of random assignment to treatment and control groups *within each test site* may have resulted in invalid estimates of the impact of the intervention, due to selection bias. However, the evaluators point out that "the basic problem with matching is *not that evaluators try to match, but that they don't usually succeed*" (Byrne and Kelly, 1989:127). By using risk score as the sole selection criteria, the evaluators opened up the possibility of identifying a control group that was comparable on one dimension (e.g., overall risk) but not comparable on others (e.g., offense type, sentence type, personal characteristics, and *specific* risk items). A few significant differences were indeed found between the samples at each level of comparison (pre-experimental vs. pre-control; post-experimental vs. post-control; pre/post experimental; and pre/post control), and these differences were controlled for in subsequent analyses.

The final study sample for the Massachusetts IPS evaluation included both the 834 high-risk, IPS-eligible offenders described above and a random sample (~35 percent, N=2,534) of all other offenders placed on risk/need supervision during the pre/post period in the experimental and control courts. For each of these offenders, a full range of data were collected on (1) offender risk, (2) offender needs, (3) probation officer contact chronologies, and (4) criminal history information. The evaluators obtained these data from both individual offender case files and centralized criminal record information. While this data collection process was time-consuming, costly, and difficult to coordinate, it was critical to the successful completion of the study.

Evaluators of IPS programs too often rely on "black box" outcome assessments that include only a general discussion of implementation. The Massachusetts evaluation is an exception to this rule. Ironically, however, its results are not entirely positive:

The IPS model was not fully implemented as designed. Specifically, only 27.2 percent of the IPS offenders were supervised in a manner which reflected a *high* degree of compliance with the original program model. [However,] despite less than full implementation, two aspects of probation supervision—quantity and style of supervision—changed significantly during the pre-post period in experimental courts (but not in control courts) (Byrne and Kelly, 1989:208).

How does this level of implementation compare with that in Georgia and New Jersey? Evaluators in both states indicated that the program model was followed very closely during the period they examined. However, since the evaluations did not include a detailed review of control courts cases, we do not know whether supervision practices were significantly different for these offenders (e.g., parolees in New Jersey, regular probationers in Georgia).

The Massachusetts evaluators also pointed out the following:

Probation in experimental courts differed from probation in control courts in two important respects which program developers did not anticipate: (1) a larger proportion of IPS offenders received split sentences, and (2) IPS offenders were more likely to receive multiple (2+) special conditions (Byrne and Kelly, 1989:208).

This was an important finding, especially given the recent interest in developing "model" intensive supervision programs. If these differences had not been identified, the effects of judicial *sentencing* practices could well have been mistaken for the effects of the IPS *intervention*.

Byrne and Kelly (1989) examined not only the *overall* effect of the program on selected outcome measures, but also the variation in outcomes by level of program implementation. This line of inquiry should be of interest to program developers across the country who are responsible for implementing changes in probation practices *with limited resources*. While no overall differences were found in either offender *rehabilitation* or offender *recidivism*, there were significant improvements in both areas by degree of implementation. Table 8 presents the patterns of recidivism among high-risk offenders in experimental and control courts at three levels of IPS implementation (low, moderate, and high). To measure implementation level, the evaluators compared the key features of the original Massachusetts IPS model with four elements of actual probation practices in experimental and control courts: (1) supervision quantity, (2) supervision style, (3) enforcement of conditions, and (4) system response to noncompliance. The implementation measure thus represented the overall level of supervision received by each offender. Because similar data were collected for offenders in both experimental and control courts, evaluators were able to assess the direct effect of supervision practices on subsequent offender recidivism. As the overall supervision index score increased in *both* experimental and control courts, recidivism was found to decrease significantly across a range of alternative outcome measures.

But *why* was recidivism inversely related to the supervision index? The evaluators concluded that in experimental courts, the level of supervision assigned to high-risk offenders has an *indirect* effect on subsequent recidivism (i.e., felony or misdemeanor rearraignments during a one-year follow-up period) through its effect on an intervening variable, offender change. They measured offender change, using the probation officer's assessment of improvement (at first review) in the areas of substance abuse, employment, and marital/family relationships. Offenders who showed initial improvement in employment and substance abuse were much less

Table 8
 PATTERNS OF RECIDIVISM AMONG HIGH-RISK OFFENDERS IN
 EXPERIMENTAL AND CONTROL COURTS (POST-TEST),
 BY INDEX OF SUPERVISION

Criterion Measure	Experimental Courts				Control Courts ^a		
	Index of Supervision ^b				Low	Mod.	Signif. ^c
	Low	Mod.	High	Signif. ^c			
Any rearraignment ^d	65.9	61.5	42.4	(d)	71.2	50.7	(d)
Any rearraignment for a felony/msd.	59.1	53.8	40.7	NS	69.2	47.9	(d)
Any rearraignment for a felony	38.6	35.0	20.3	NS	51.9	29.6	(d)
Any reconviotions ^e	54.5	42.7	21.6	(d)	54.7	34.3	(d)
Any reconviotions for a felony	31.8	18.8	5.1	(d)	38.5	16.9	(d)
Returned/committed to prison	47.7	36.8	13.3	(d)	45.3	21.8	(d)
Returned for a tech. only	0.0	7.7	6.7		0.0	2.1	
Returned to prison for a rearrest only	9.1	8.5	3.3		9.4	4.9	
Returned to prison for a reconviotion	38.6	20.5	3.3		35.8	14.8	
Median time to first rearraignment (days) ^f	173.6	175.7	365.0+	(d)	160.5	344.0	(d)
Median time to first felony/msd. rearraignment (days)	192.6	288.6	365.0+	(d)	161.0	365.0+	(d)
Median time to first felony rearraignment (days)	365.0+	365.0+	365.0+	(d)	287.4	365.0+	(d)
Reduction in seriousness ^g	61.4	64.1	79.7	NS	50.0	64.8	NS
Average (\bar{x}) offending rate ^h (any rearraignment)	1.39	1.17	0.64	(d)	1.63	0.99	(d)
Average (\bar{x}) offending rate (any felony/msd.)	1.30	1.06	0.63	(d)	1.58	0.89	NS
Average (\bar{x}) offending rate ^h (any felony)	0.59	0.55	0.28	NS	0.77	0.48	(d)
Number of cases	(44)	(117)	(60)		(53)	(143)	

SOURCE: Byrne and Kelly (1989).

^aOnly three control court offenders had high index-of-supervision scores, so this category was excluded. Significance tests for control court offenders are based on low vs. moderate supervision comparisons only.

^bIndex of supervision was the overall measure of implementation used. Four subscales were created: (1) quantity of supervision, (2) style of supervision, (3) enforcement of conditions, and (4) system response to noncompliance. Offenders with high supervision scores were supervised in a manner consistent with the original program model in the four areas (> 80 percent compliance with standards). Moderate index scores represented a lower level of compliance (50 to 80 percent), while low index scores represented a general lack of compliance (< 50 percent).

^cSignificance tests based on χ^2 , except for time-to-failure (Lee-Desu Comparison statistic used) and offending-rates (analysis of variance) comparisons. NS = not significant. The Lee-Desu statistic is not a simple comparison of medians, but a comparison of the survival curve itself (i.e., the timing of failure).

^dFigures are unadjusted for differences between experimental and control courts. The adjusted figures (which are almost identical) are found in Table 6b of Byrne and Kelly (1989). A one-year follow-up period was used.

^eIncludes any offenders rearraigned during the one-year follow-up period who were subsequently reconvioted. Thus, an offender who was reconvioted after the one-year follow-up period would still be included if he or she were rearraigned during this period.

^fAny rearraignment during time at risk. Survival analysis of median time to failure during the one-year follow-up period. Offenders who "survive" to the end of the survival period are censored at this point; 365+ indicates that the majority of offenders in this group survived.

^gIncludes those offenders who did not get rearraigned or who were rearraigned for an offense that was less serious than their instant offense. Seriousness scale is depicted in Table 6c of Byrne and Kelly (1989).

^hRates of offending were not adjusted for "time free" during the post-test period. They represent the average numbers of incidents in the one-year follow-up period.

likely to recidivate than those whose status did not change or who got worse. For example, 60 percent of the IPS offenders who improved their *employment* status successfully completed the one-year follow-up period, as compared with a 32 percent success rate for those who showed no change or whose employment status worsened. Similarly, 58 percent of the offenders who demonstrated improvement in the area of substance abuse successfully completed the one-year "at risk," as compared with only 38 percent of those who did not improve. Byrne and Kelly (1989) conclude that these findings offer strong support for *crime control through treatment* (Clear and O'Leary, 1983; Palmer, 1984), using the basic features of the Massachusetts IPS model (increased contacts, brokerage supervision style, stricter enforcement of conditions, and a tougher judicial response to offender noncompliance).

In view of the current emphasis on offender surveillance and apprehension in many IPS programs, the results of the Massachusetts evaluation have some obvious implications for future resource allocation decisions. If lower recidivism rates are the primary goal, funding should be provided for employment/education and substance-abuse treatment, rather than new surveillance equipment (e.g., electronic monitors). Intensive supervision may be *marketed* to the public (and local decisionmakers) by emphasizing specific deterrent effects, when in fact the rehabilitative effects are what should be mentioned.

Of course, the Massachusetts model may combine deterrence (general) and rehabilitation in that (1) offenders who are supervised more closely get (and stay in) treatment, and (2) offenders who get treatment commit less crime. Byrne and Kelly (1989) have pointed out that the results of multivariate analyses revealed that *quantity* of supervision is the best predictor of individual offender improvement in the areas of employment, family, and substance abuse. However, while supervision quantity is *positively* correlated with offender change in experimental courts, it is *negatively* correlated with offender change in control courts. This suggests that probation supervision is *proactive* and problem-oriented in experimental courts, but *reactive* and incident-oriented in control courts. Byrne and Kelly conclude that "it is not only the volume of contacts but also the *timing* of contacts that is related to offenders' improvement" (1989:273).

As we mentioned earlier, a substantial proportion of IPS and IPS-eligible offenders received split sentences in Massachusetts. High-risk offenders who received a period of incarceration (usually between 3 and 6 months) and were then placed on regular probation (risk/need) supervision failed at much higher rates than their counterparts in experimental courts. At the very least, this points to the need to *combine* split sentencing with intensive supervision, because *traditional* supervision strategies do not appear to address the needs of these offenders. Other analyses of the recent criminal careers of these offenders reveal that offenders who have been incarcerated within one year of the start of their current probation period fail at a significantly higher rate than high-risk offenders who have not been incarcerated. This indicates that incarceration has an adverse effect on public safety. While *general* deterrent gains are certainly still a possibility, incapacitation does not appear to have a *specific* deterrent effect on subsequent offender behavior. In fact, the opposite appears to be true.

Finally, implementation of the IPS program did result in larger increases in recidivism rates (i.e., any felony/misdemeanor rearraignment) in experimental courts than in control courts for both

maximum and minimum risk/need supervision cases. Byrne and Kelly (1988) point to the obvious conclusion that it is not possible to draw resources away from traditional probation supervision without having some adverse effect on public safety and control. They argue that alternatives to both prison/jail and traditional probation supervision must be developed, e.g., day fines and community service.

IPS PRACTICE ISSUES: ROLES, RESPONSIBILITIES, AND RESISTANCE TO CHANGE

The results of the Georgia, New Jersey, and Massachusetts evaluations suggest a number of changes that should be made in current IPS practice. First, the central role of treatment in recidivism reduction was highlighted in the Massachusetts evaluation. This challenges the current emphasis on the surveillance and control of offenders supervised in the community. Byrne (1989:2) commented as follows on this new wave of community corrections programs:

Ironically, it appears that as *police* administrators move to embrace a *problem-oriented* style of interaction with offenders and communities, community corrections administrators are introducing traditional (offender-based) policing concepts—utilizing surveillance, control, and incident-based apprehension strategies—which deemphasize the need to examine (and change) the underlying community context of offender behavior.

While a number of corrections researchers and practitioners have suggested that "surveillance-oriented community corrections is here to stay" (Petersilia, 1989:4), it is certainly possible to envision a movement away from this strategy if it is found to exacerbate rather than alleviate the crowding problem. As Petersilia has correctly observed, "the entire movement towards ISP is economically driven" (1989:11). Research findings on the cost-effectiveness and diversionary impact of current intermediate sanctions are generally negative, although these programs look very good in terms of public safety. As we noted earlier, however, when *policing* strategies are used to achieve community protection, the "cost" of a low rearrest/rearraignment rate is a high return-to-prison rate (Byrne, 1989:17).

It appears that the critical issue is one of primary role *definition* rather than any inherent *conflict* in balancing treatment and surveillance functions (Erwin and Clear, 1985). The Georgia evaluation clearly demonstrated that probation-officer teams with separate treatment and surveillance officer roles were unnecessary (and probably impossible to implement). Community corrections administrators must consider whether "solving" the prison crowding problem is their first priority. If it is, they are likely to attempt to restructure either (1) the surveillance role of line staff or (2) the sanctions employed when technical violations are discovered.

Intensive supervision program administrators will also be reassessing the responsibilities of line staff as intermediate sanctions and early release programs continue to expand. In departments with electronic monitoring units, for example, probation and parole officers may be expected to be on call both at night and on weekends (Schmidt, 1989). As these *monitoring* responsibilities expand, probation officers will surely be disinclined to act as diagnosticians and service brokers, linking offenders with problems to the needed services. They may also become less knowledgeable about treatment resources in the area. Such "deskilling" could have serious long-term consequences for community corrections (Corbett, Cochran, and Byrne, 1987). Indeed, it has

been suggested that "the supervision function should be taken away from probation/parole, and given to the police, who already have a law enforcement orientation" (Petersilia, 1989:4).

A final issue related to IPS practice is the inevitable *resistance to change* by line staff, mid-level managers, chiefs, judges, and elected officials. True diversion and cost-effectiveness are difficult to achieve, even when programs are implemented as designed (Baird, 1988). Moreover, a number of factors (e.g., cost, community climate, politics) can lead to only partial program implementation. Policymakers and administrators must recognize that IPS programs are difficult to get started and they demand ongoing, systemwide cooperation. Petersilia (1989:8) has identified nine conditions for implementing successful IPS programs:

1. The project must address a pressing local problem.
2. The project must have clearly articulated goals that reflect the needs and desires of the community.
3. The project must have a receptive environment in both the "parent" organization and the larger system.
4. The organization must have a leader who is vitally committed to the objectives, values, and implications of the project and who can devise practical strategies to motivate and effect change.
5. The project must have a director who shares the leader's ideas and values and uses them to guide the implementation process and operation of the project.
6. Practitioners must make the project their own, rather than being coerced into it—they must participate in its development and have incentives to maintain its integrity during the change process.
7. The project must have clear lines of authority and no ambiguity about "who is in charge."
8. The change and its implementation must not be complex or sweeping.
9. The organization must have secure administrators, low staff turnover, and plentiful resources.

Program developers must recognize the difficulties inherent in this change process and act accordingly.

CONCLUDING COMMENTS

Our review of evaluations of IPS programs revealed what policymakers in Georgia, New Jersey, and Massachusetts probably already knew: Current IPS research results do not provide adequate answers to the three most important policy dilemmas now facing legislators and correctional administrators:

1. How do we develop decisionmaking mechanisms that will result in true diversion rather than net widening?
2. How do we provide the kind of community control that has both a short-term and a long-term impact on offenders' behavior?

3. How do we develop cost-effective intermediate sanctions without jeopardizing public safety?

Lack of information has certainly not slowed the development of IPS and other intermediate sanctions. Tonry and Will (1988:Chap. 2:33) comment that "at this point in the development of IPS, demonstrated success is less ample than its widespread adaption might lead one to predict." Nevertheless, if research is to provide the kinds of information that decisionmakers can use to shape a rational correctional policy, then, at the very least, further analyses of the Georgia and New Jersey programs are needed. In addition, IPS programs in other jurisdictions must be evaluated as well, utilizing more sophisticated research designs than have been used to date.²⁴

In general, future evaluations of IPS should consider the following (Lurigio, 1988):

1. Probation practitioners are often overly ambitious in articulating the goals of IPS, which may be at cross-purposes within a single program. When choosing outcomes for evaluation, investigators should focus on objectives that are realistically achievable and explicitly linked to program components and interventions.
2. Evaluations of IPS must move beyond outcome variables. More information is needed on the actual implementation of programs that captures and reflects the theoretical assumptions and policies underlying the programs. It is important to identify the impediments that compromise the integrity of program operations.
3. If possible, evaluations should be comparative. Relatively little is known about the relative effectiveness of IPS, other intermediate sanctions, and prison.
4. Comparisons among different IPS programs must account for fundamental differences in goals, caseload composition, selection procedures, and strategies for supervision, reintegration, and treatment. The "intensive" in IPS can have different meanings across programs.
5. It is essential to test for the interactive effects of offender characteristics and program components on specific outcome variables.
6. We must be willing to incorporate more sophisticated designs in our evaluations of IPS, such as randomized experiments. Most IPS studies have used single-group post-test-only designs or post-test-only, nonequivalent-control-group designs, which suffer from a variety of limitations.
7. Researchers must develop more meaningful operationalizations and measures of program success. Aggregate recidivism or revocation rates are, by themselves, not very informative. These types of statistics should be coupled with other indices of change that reflect psychological and social development.
8. The follow-up intervals of prior evaluations have generally been too short or restricted to the period of IPS supervision. It is important to examine the long-term impact of intensive supervision by tracing IPS offenders who have graduated to regular probation and those who have successfully completed their regular probation sentences. It would be interesting to explore whether IPS offenders fare better on regular super-

²⁴Tonry and Will (1988) reach a similar conclusion. The forthcoming (multisite) intensive supervision program evaluations by The RAND Corporation will include *randomized* field experiments in a number of the evaluation sites (Petersilia, 1989).

vision and are less likely to be rearrested after release than offenders who have never been on IPS.

9. Efforts must be made to select offenders in prison and on regular supervision who provide better matches or controls for comparative evaluations. When matching procedures are difficult or problematic, statistical techniques should be employed to control for selection factors and other initial differences that confound study results.
10. Evaluators should remain cognizant of the pressures of political considerations on the collection and presentation of evaluation results. Subtle pressures may affect researchers' decisions regarding the design of studies, the measurement of variables, and the interpretation of findings.

Prison crowding has driven the vast majority of correctional program development efforts over the past decade, and this will undoubtedly be the major issue facing corrections for at least the next decade. Because of the enormous costs of corrections, decisions regarding prison construction and incarceration will impact on the quality of life in every jurisdiction in the United States. As more revenue is devoted to corrections, less will be available to educate our children, preserve our natural resources, house our poor, or combat abuse, neglect, and other social ills. We are clearly at a crossroads in the United States, a national point of reckoning. The current course toward increased use of incarceration will bankrupt programs that are needed to deal with complex social problems, and it will do little to increase public safety. Richard J. Koehler, New York City's current Corrections Commissioner, stated the problem succinctly: "People can't read, people are addicted to drugs, people don't have jobs, and we are talking about alternatives to incarceration? In a larger context, the whole discussion is absurd" (Koehler, 1989).

A more balanced approach to corrections is required, based on a clear sense of purpose. The enormous expense of incarceration has already led to the rapid expansion of IPS programs and other alternatives to prison. This trend is unlikely to abate in the foreseeable future. Our concern is that decisionmakers are proceeding without adequate knowledge.

Analysis of the current state of affairs in corrections makes two facts abundantly clear: First, increases in the rate of incarceration have not and will not solve the crime problem. Second, the expansion of intermediate sanctions will not, by itself, eliminate prison and jail crowding. While programmatic responses to prison and jail crowding are attractive (because they are tangible and promote a sense of "action"), major changes in sanctioning *policy* are the only means of controlling prison populations.

Before embarking on a program of increased use of intermediate sanctions, states need to clearly articulate policies regarding punishment, risk control, rehabilitation, and use of resources. Without such a foundation, new programs can proceed without a clear purpose, serve the wrong population, and begin with expectations that all but ensure failure. Within a well-formulated conceptual framework, properly designed and implemented intermediate sanctions can reduce the cost of corrections while actually enhancing effectiveness. The full potential of corrections will not be realized until states undertake a systematic review of purpose, goals, policies, and programs. This cannot be accomplished by corrections alone—response to crime is a societal issue embedded in the politics of fear, misinformation, distrust, and misunderstanding.

The proliferation of IPS programs has provided some valuable information regarding their potential. We know, for example, that while these programs widen the net for some offenders, they can also be effective in diverting other offenders from prison. It also appears that increased supervisory contact with high-risk offenders reduces recidivism rates, thus enhancing public safety. The effect of contacts on recidivism appears to have *more* to do with the rehabilitative aspects of supervision than with any specific deterrent effect. Conversely, there is mounting evidence that increased supervision of low-risk offenders actually increases their rate of failure. However, much remains unknown, and continued research and evaluation is imperative. Comparisons across jurisdictions could provide additional insights regarding IPS operations, but if knowledge is to increase significantly, experimental designs are needed.

The research issues are complex, but society can ill afford to let them go unanswered. States are only beginning to realize the impact of the cost of corrections on other social programs. Correctional administrators will undoubtedly face mounting pressure to control costs and increase effectiveness. Decisions must be based on the best knowledge available, and clearly our knowledge base needs to be expanded.

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THE MARRIAGE OF MISSION, MANAGEMENT, MARKETING, AND MEASUREMENT

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Growth in community corrections alternatives has given rise to increased research on and evaluations of community supervision programs. In an ideal world, a marriage of programs and research would seem inevitable. But the best we can say today is that we are dating. We are attracted to each other, but our unspoken and unrealistic expectations of one another cause us to be confused and frustrated.

The authors of this monograph examine the forces behind the widespread proliferation of the "new" intensive supervision programs and most of the other alternative programs: prison and jail crowding and the sale of *tough* community corrections. They conclude that the current literature and research, including the highlighted studies of intensive probation supervision (IPS) in Georgia, New Jersey, and Massachusetts, do not support the effectiveness claimed for these programs. The programs cost more than traditional forms of supervision, do not appear to reduce recidivism, and may in fact contribute to the prison and jail overcrowding problem from which they were born. The authors cite the lack of clear definitions of objectives for the IPS programs—objectives which may, in fact, be contradictory—and inappropriate target groups. Other sources of confusion include failed or inconsistent implementation and flawed research.

Intensive supervision programs may ultimately be more *intense* for practitioners and the profession as a whole than for the offenders for whom they were originally designed. There was intense pressure to initiate and sell the programs, followed by an intense struggle to implement and maintain them. Now there is an intense interest in measuring their effectiveness. This monograph is neither the first nor the last critical analysis of the *new alternative programs*. To the extent that we have been overly enthusiastic in selling an unproven product, we may find ourselves confronted with more dissatisfied customers.

The lack of clarity in policy development, implementation, and evaluation of IPS programs increases their cost and decreases their effectiveness. The authors conclude that before embarking on a program of increased intermediate sanctions, states need to clearly articulate policies regarding punishment, risk control, rehabilitation, and use of resources. Without this foundation, new programs often proceed without clear purpose, serve the wrong population, and begin with expectations that all but ensure failure. Within a well-conceptualized framework, intermediate sanctions, properly designed and implemented, are likely to reduce the cost of corrections while actually enhancing effectiveness. The full potential of corrections will not be realized until states undertake a systematic review of purpose, goals, policies, and programs—a tall order for a profession with unclear goals and objectives.

Corrections practitioners do little to alleviate the fundamental confusion "embedded in the politics of fear, misinformation, distrust, and misunderstanding." In our continued search for a holy grail that will demonstrate the value of our profession, we react like chameleons, hoping that a quick change of appearance will protect us from closer scrutiny. Unfortunately, the reactive approach to business decreases rather than increases our control and effectiveness in an increasingly unstable market. Our excuse in the past was that we didn't have the resources; we may now find ourselves in need of a new excuse for appearing to be unaware of what the profession is about.

MARKETING, MISSION, AND SALES

I believe that the ambiguous results of the IPS programs reflect fundamental confusion over the definition of the *business* of community corrections. Our failure to define dynamically the mission of probation and parole supervision is central to the limited, confused, and inconclusive measures of the effectiveness of the programs. It is interesting to note that the American Probation and Parole Association is attempting to develop a national community supervision mission statement that articulates the philosophy and goals of probation and parole supervision. However, very few agencies or individuals have responded to requests for input needed to develop the mission statement.

When one asks the average probation or parole practitioner to define the purpose of community supervision, the response is almost invariably "protection of the community" and something that sounds a lot like "rehabilitation" of the offender. During the past twenty years, the unrealistic expectations connected with rehabilitation gave way to the equally unrealistic fatalism associated with the "nothing-works" school, only to reemerge as risk management and diversionary alternatives to incarceration. If we fail to define what our business is about, we should not be surprised when our *products*, including IPS, reflect this confusion. As the authors note, "The question for community corrections administrators to consider is whether the prison crowding problem is their first priority."

How we define our business (or *who* defines our business for us) should be directly related to whom we define as our internal and external clients (e.g., legislators, judges, the public). Our market analysis then should point us toward the kinds of products we can provide at a reasonable or cost-effective price. In fact, one part of the marketing cycle, the sale, has been the driving force behind the spread of intensive supervision. As the authors note, probation and parole agencies have attempted to shore up their reputations by being more proactive in *selling* community corrections both as an alternative to prison overcrowding and as a tough form of community control. While no one can deny the need for proactive marketing, the current research on IPS demonstrates the danger of confusing *sales* with *marketing*. Unlike much of our daily activity, business marketing is a deliberate, ongoing process where mission, goals, and products are clearly defined.

Nonprofit agencies become interested in the concept of marketing when they can no longer guarantee that they will receive adequate resources for survival. The sale of a new product,

such as IPS, is only one small part of a proactive marketing process. The cycle should begin with a clear definition of the agency's business, identification of the internal and external customers, research and development into the needs of the customers, pricing of the product, and finally the sale; but we seem to have made a fundamental error, that of considering offenders rather than the public as our customers.

Philip Kotler makes the following points about marketing:¹

1. Marketing is defined as a managerial process, involving analysis, planning, implementation, and control.
2. Marketing takes place before any selling takes place and manifests itself in carefully formulated plans and programs.
3. Marketers seek to obtain something from another party, but not a response to be obtained by any means or at any price.
4. Marketing involves selection of target markets rather than trying to be all things to all people.
5. The purpose of marketing is to help organizations ensure survival and continued health by serving their markets more effectively; effective market planning requires that an organization be very specific about its objectives.
6. Marketing relies on designing the organization's offering in terms of the target market's needs rather than in terms of the seller's personal tastes.
7. Marketing represents a mix of tools—product design, pricing, communication, and distribution—rather than simply advertising.

In the business world, planning, research, and development are integral parts of the marketing process; but in community corrections, they are frequently left out entirely or completed too late. It doesn't do us any good to find out after the fact that our programs "failed." We need technical assistance up front, and it is at this stage that corrections researchers can really be of assistance. For example, is random assignment the optimum evaluation methodology? Even if the answer is yes, the cost in terms of time and difficulty may be too high. If so, what would be the next best alternative, and what would be lost as a tradeoff? For that matter, what are the general phases of project design and development? Which design issues (e.g., choice of target groups) are critical to the operational success of a program, and what is the relative impact of each issue? If we can begin to build some technical knowledge on the front end, then maybe we stand a chance of delivering products as advertised.

DEFINING PRODUCTS AND EFFECTIVENESS

If intensive supervision programs are sold simply on the basis of expected reductions in recidivism, then both practitioners and customers are likely to be disappointed. Again, this problem highlights the current confusion about definitions of measures of effectiveness. Partly because of increased demands for accountability, we have promised quantifiable outcome measures such as prison diversions and reduced recidivism, which are difficult to operationalize and even more

¹Philip Kotler, *Marketing for Nonprofit Organizations*, New York: Prentice-Hall, 1982.

difficult, if not impossible, to demonstrate. Exchange of information is a two-way street, and unfortunately, it is not uncommon for legislators to ask the question, What is the impact of this program on recidivism? Even if *we* are clear about such complex questions—and, as the authors demonstrate, we frequently are not—we do not take the time to educate those who ask even simple questions, because we are afraid of confusing things. In our eagerness to sell a product, we make misleading claims for success, which come back to haunt us as our customers become more articulate in their questioning.

I am not suggesting that we should discount reduced recidivism as a desirable and marketable outcome. During the past ten years, a small, but growing body of research has suggested that it is not unreasonable to expect marginal improvements in recidivism measures for certain high-risk cases. For example, the standardized assessment interview and case planning process known as Client Management Classification (CMC), which has been implemented by state and local jurisdictions throughout the country, has been associated with marginal reductions in recidivism rates. Research conducted in 1985 and replicated in 1989 indicated that the prison return rates of high-risk parolees with CMC were lower than those of comparable groups without CMC.

Although similar findings have been reported in other jurisdictions, several points are worth mentioning here. First, the reduction in recidivism was marginal, although statistically significant. Second, even marginal improvements in case outcomes—for example, even a very conservative 2.5 percent reduction in the 12,383 revocations to the Texas Department of Corrections in 1988—would represent a significant reduction in prison admissions, i.e., 310 admissions. The cost to incarcerate 310 offenders in the Texas Department of Corrections for an average length of stay of 19.7 months is \$6,870,532. Assuming that the direct and indirect costs of the required staff for the CMC process amount to \$3,000,000, the “return on investment” resulting from the cost avoidance would still be better than two for one. The point here, as the authors note, is that by expecting and promising too much, we not only set ourselves up for failure, but may actually overlook real measures of program effectiveness simply because we continue to look for “the big win.”

Third, even the most encouraging research raises questions of cause and effect. As the monograph notes, it is extremely difficult to account for the interactive effects in programs. Again, using the CMC example, and assuming that there is a 5 percent reduction in the rate of return to prison, exactly what part of the CMC process is responsible for that reduction?

PRODUCTION AND ACCOUNTABILITY

Even when you have clearly defined the goals, objectives, and components of a program, how do you know that what you planned is in fact what you produced? Two principles make it difficult to implement and maintain new programs: (1) programs are difficult to get started and demand ongoing system cooperation, and (2) resistance to change is inevitable. Moreover, dynamic change in the environment in which the programs operate continues before, during, and after implementation.

I am of the opinion that the first law of physics (i.e., for every action there is an equal and opposite reaction) and the concept of entropy (i.e., matter, energy, and systems constantly attempt to revert to an inert state) also apply to organizational behavior.

Texas' Intensive Supervision Parole is a back-end program. It is by far the largest of the 11 intensive supervision programs currently being evaluated by RAND researchers. More cases, approximately 1,000, will be included in the Texas study than in all of the other sites combined. Like many of the other IPS programs, the driving force behind the development of the Texas Board of Pardons and Paroles (TBPP) program was prison overcrowding. The Texas prison system has been under federal court order since 1978. A judicially imposed cap later established the maximum prison capacity at 95 percent, which in effect has become the corrections policy and planning barometer. One result is that more than 10,000 offenders are currently backed up in county jails across the state waiting for admission to the state prison system.

In early 1987, a federal judge threatened to cite the state of Texas for contempt of court, with the prospect of fines of up to \$800,000 per day. Once the threat of a sanction of that magnitude became imminent, many reactionary plans designed to ease the crowding problem while giving the appearance of "doing something" sprang up overnight. Agency staff were given 48 hours to develop an IPS concept paper, in addition to other proposals. On the basis of that paper, the agency received over \$700,000 in emergency appropriations to implement an IPS program in Dallas and Houston, where 41 percent of those under parole and mandatory supervision reside (the total state supervision population is currently 57,000). Project staff were given a 30-day implementation deadline.

The first task in developing the program involved definition of the program's objectives, identification of the target group, and selection of project staff. The initial objective of the program was to reduce revocations of releases by providing more effective methods of supervision. *Diversions* of any sort were impossible, since the agency had been placed in the position of serving as a back-door relief valve for the prison crowding problem. By 1987, the revoking of any release for anything less than a new felony conviction was virtually unheard of. In effect, every person who could have been diverted, and probably many who shouldn't have been diverted, was under community supervision. Prior agency research indicated that marginal, but statistically significant improvement in case outcomes for high-risk cases could be achieved with more effective supervision tools. Outcome measures included returns to prison, technical violations, and warrants issued. Sensitive to the issues of net widening and low base expectancy failure rates associated with moderate- or low-risk cases, we decided to target the highest-risk group of cases currently under supervision. With the assistance of Joan Petersilia, RAND Corporation project staff operationally defined the highest-risk IPS target population of any IPS program in the country. Like many of the other IPS programs, particularly the Massachusetts Probation program, the risk score was used as the primary identifier of those targeted for the program. To ensure that a case was indeed statistically high-risk rather than a false positive, two risk screens were used: the initial assessment completed within the first 30 days of supervision after release from prison, and a subsequent reassessment of risk. The intent was to target a group of individuals who were statistically at risk, based on their prior criminal history and current supervision history. Population projections demonstrated that there was an abundant pool of cases fitting these criteria.

As the monograph notes, definition of the target population has a lot to do with the final outcome of supervision. By definition, the observed failure rate (over 60 percent) meant that the expected failure rate of the target population would be very high even if some reductions in recidivism were ultimately possible. With a high base expectancy failure rate, any change in expected failure rates should be apparent.

From the outset, staff declared that the single goal of the program—to provide a level of supervision designed to prevent returns to prison—was inadequate. The argument was that protection of the community should be of equal value, especially since prison crowding had knocked the teeth out of the parole system. Consequently, the dual objectives of the program became (1) diversion from prison when (and *if*) possible, and (2) expeditious return to prison when necessary. The objectives of the program illustrate an important point: At some stage, officers, managers, and organizations must take a clear stand which reflects their fundamental sense of values and missions.

One of the significant changes in corrections in the past ten years is that corrections practitioners are more information-oriented. The widespread adoption of risk classification and increased computerization are examples of this. More and better-quality research is another. Most agencies lack the resources or the experience to undertake rigorous basic research. Out of necessity and the need to know, practitioners and outside researchers have begun to work much more closely. There is still a lot of room for improvement; a substantial learning curve exists for both researchers and practitioners.

During the initial design of its study, RAND agreed to conduct a two-year evaluation of the Texas IPS program, with funding from the National Institute of Justice. Administrative and line staff agreed to the random assignment methodology used for the other ten programs in RAND's evaluation. Agreement in principle, however, is not the same as agreement in practice. To a certain extent, the conditions imposed by research design and methodology impose a new set of interactive concerns for program design and implementation.

Resistance to change, as the authors note, is a very real impediment to the development of any new program. The random-assignment methodology compounded that resistance. First, regular caseload officers did not refer IPS-eligible cases, even though policy made that mandatory—at least on paper. The reason given was that those officers felt that the offenders "needing" intensive supervision were those who had already failed (e.g., those in custody or facing pending charges). It was difficult for the referring officers to see that the target cases were statistically the ones *most likely to fail in the future*. When already skeptical officers observed that only 50 percent of the cases they referred were actually accepted into the IPS program because of the random-assignment process, many simply did not bother to refer any other qualified cases. Their supervisors, in turn, were only slightly more vested in ensuring that the officers complied with the referral policy for the "new, special program." Our experience and that of the other random-assignment sites indicate that developers of future programs must be aware that the more rigorous the evaluation methodology, the more rigorous the implementation problems.

How many programs "failed" because the program was never actually put into practice at the officer level in any consistent fashion? I suspect administrators who assume that the programs they developed were implemented and maintained as planned would be surprised. It was not surprising to learn that the Massachusetts program achieved only 28 percent of its program goals. That program is exceptional in that it did in fact critically examine the degree of consistency between policy and practice. Even when adequate performance evaluation methods are tailored to programs, those methods have to be used and used correctly. For example, RAND's six-month evaluation data showed nearly identical populations in both the experimental and control groups in Dallas and Houston, but substantially different measures of performance (e.g., numbers of contacts, numbers of referrals, revocations). These findings are summarized in Figure 1.

A subsequent audit of the Dallas IPS program confirmed that there was a gap between IPS policy and officer practice, even though the same measures of staff performance were available to management in both Dallas and Houston. In fact, there were essentially two IPS programs in the same agency. In one, there was a match between policy and practice, and in the other there was not.

Programs have both quantitative and qualitative dimensions. Even if all other conditions are met, programs will not be standardized or implemented unless a meaningful system of accountability for measuring both quantity and quality is developed, used, and maintained. It is

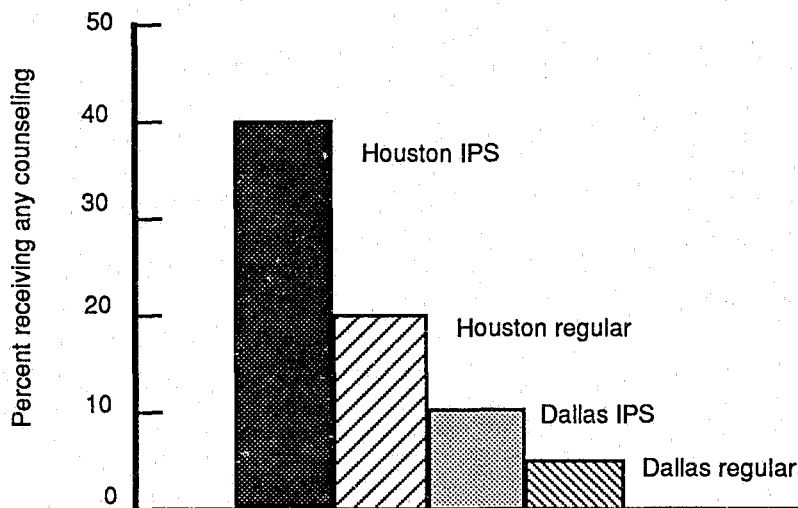


Figure 1—IPS six-month data: experimental vs. control cases

important for managers and administrators to know a great deal more about the quality of their officers' work than simple counts of contact frequency will reveal. This is particularly important, since a growing body of research appears to support a long-standing belief that the *substance*, rather than the *number*, of the contacts with certain subsets of offenders is what seems to make the difference. The study of Massachusetts' IPS program supports this contention. Administrators who are fixated on surveillance to the exclusion of case management technology should be aware that they may be forfeiting the very skills that could make a measurable impact.

Another common implementation problem may be characterized as "hit and run" programming. Here, a lot of intense planning goes into the initial development of a program. Joan Petersilia recently observed this in her work with all of the IPS sites in the RAND study; the minimum requirement for program survival is a receptive external *and* internal environment. Even when the initial implementation problems are overcome, change is constant and the entropy's corrosive effects are constant threats to the care and maintenance of programs. For example, there was a significant change in management personnel directly responsible for the Texas program within its first two years of operation. Line staff became demoralized over what they perceived as arbitrary and punitive changes on the part of management, which did not approve of their "exalted status." Management's actions were taken in spite of increases in funding, a national evaluation, and clearly articulated policies and procedures for the program. Many initially successful programs have failed because officials overlooked the fact that program maintenance is just as critical as the initial development and has a similar impact on ultimate outcomes.

I think that the new relationship between research and programs such as the "new" IPS programs is necessary and inevitable, but overdue. Practitioners have historically come from largely nontechnical backgrounds. As a result, we have not had the skills or the time to acquire those that would enable us to approach community corrections as a business. It is hard to tell whether we are embarrassed or proud of our relative ignorance, but we will continue to experience a decreasing share of the market until we begin to develop business-oriented planning, problem solving, evaluation, and marketing skills. Simply hiring technicians, whether they are computer experts or researchers, will not give us the information we need. This is one of the reasons that few agencies have useful management information systems. Technicians can only provide what they think we want, to the degree that they understand what it is that we do in the first place. If our relationship is to progress, we will have to spend more energy communicating on the front end to avoid disappointment on the back end.

A PRACTITIONER'S PERSPECTIVE

Donald Cochran

Commissioner of Probation, Commonwealth of Massachusetts

The authors of this monograph have provided an outstanding overview and precise identification of many important issues of concern to probation practitioners. Byrne, Lurigio, and Baird effectively frame the issues surrounding intensive supervision programs in a balanced, clear, thoughtful, and, most important, open-ended manner. They have moved the discussion of intensive supervision away from simplistic answers toward a more important process of raising appropriate, meaningful, and complex questions for all parties interested in the criminal justice process. From a probation practitioner's point of view, they strike a realistic balance and a sense of proportion that is missing in many recent publications dealing with the complexities of community corrections.

The richness of their work makes it impossible to respond in a few pages to all of the issues they identify. This response therefore does not discuss the specific research methodologies of the primary programs the authors describe. It focuses on the pragmatic choices faced by a probation administrator in dealing with the philosophical and practical issues raised by intensive supervision programs.

Byrne, Lurigio, and Baird clearly recognize that probation agencies are undergoing a significant process of change in the functional area of offender supervision. These authors use modern methods of information and data analysis and provide new insights into many questions concerning offender supervision. Their description of the effectiveness of intensive supervision strategies meets the needs of probation practitioners who recognize that information can contribute to creative and positive change in an organization only if the information is effectively used.

Much of the information in this monograph can be used to focus attention on improving probation agencies through programs that deal with the "right questions," as opposed to being mired in the old practice of always having the "right answers." From a practitioner's point of view, the study highlights a number of crucial issues:

1. Intensive supervision programs are a tool—in fact, a limited tool—for increasing probation's effectiveness and efficiency.
2. Intensive supervision programs must be aimed at solving the resource problems confronting already overloaded probation systems.
3. Currently overloaded probation systems create a more immediate public safety risk in most communities than do the more highly publicized overcrowded prison systems.
4. Intensive probation programs should focus on high-risk offenders. Net-widening adds to the current problem of poor resource allocation.

5. Unrealistic and simplistic expectations of intensive supervision programs put probation systems in the "Catch 22" situation of being seen simultaneously as a primary cause of and a primary solution to prison overcrowding.
6. Research approaches that fail to evaluate the effectiveness of probation programs on a range of multiple-outcome measures are too simplistic to be of any real value for today's probation agencies.
7. Probation agencies cannot rely solely on programs such as intensive supervision to rekindle society's faith in probation; they must be involved in the full spectrum of life in the communities they serve.
8. Singular national or even statewide strategies toward probation supervision will provide simplistic solutions that will ultimately be wrong.
9. Society is complex, and our organizations are complex; therefore, probation programs must be seen as part of a complex organizational development strategy if we expect them to be effective.
10. Utilization-focused evaluations of programs such as intensive supervision have gone a long way toward framing better questions for practitioners and policymakers.

POLICY AND PRACTICE ISSUES

Intensive supervision programs are being instituted in already overloaded probation systems. To develop realistic intensive supervision policies and practices, practitioners must deal with a number of issues that seriously impact the potential success of a program.

Practitioners have to be honest with the public in selling intensive supervision programs. If eligibility for an intensive program is limited to the high-risk population, as I believe it should be, the system will be dealing with a "behaviorally out-of-control" population needing a wide variety of services. Intensive supervision will be expensive. To sell the concept as the great cost saver (neglecting to address the need to expand social service resources) would be to administer an opiate to the public.

The criminal justice community, including probation, is involved in guerrilla warfare. The highest-risk probationers are out of control, and they generally reside in "out-of-control communities." To assume that any single strategy will solve all problems is unrealistic. The daily implementation of probation policy and practice is becoming increasingly complex. Many probation agencies are involved, for the first time, in social policy development. Research can go a long way toward isolating the variables probation agencies have to analyze. It is important, however, to keep in mind that a model program developed from research findings in one jurisdiction can never be fully replicated in another jurisdiction. Nevertheless, good research methodologies are an invaluable aid in probation policy and program development.

A major problem confronting probation is that of having to work with offenders in resource-poor communities. Our urban inner cities, as well as many rural communities, are resource-impooverished. Therefore, to limit the discussion of supervision strategies to surveillance is to create a cruel hoax on the probationer and, more important, on the entire community. Networking strategy and resource development are the keys to an effective intensive supervision program.

SYSTEMIC DILEMMAS

Probation agencies have to avoid narcissistic approaches to policy and program development. Those agencies function as a single entity in the plethora of administrative public agencies. In the concluding section of their monograph, Byrne, Lurigio, and Baird hint at the complexity and volatility of the social policy dilemmas facing probation.

Probation agencies often find themselves in a zero-sum game of competing for monies with programs for the homeless, education, medical care, and day care. The growing inequality in our society has serious negative consequences for the quality of life in America. Inequality victimizes the members of our poorer communities every day. The lack of prison and jail cells, combined with the easy availability of drugs, weapons, and other socially destructive tools, creates bitterness, resentment, and alienation among the law-abiding members of the community, as well as the law violators.

Unemployment and substance abuse are critical problems facing probationers. One of the major findings of the Massachusetts intensive supervision program is that recidivism rates drop substantially for individual probationers who reach an employment-ready, drug-free status. Yet, at the same time, economic forecasts show that a head of household who lacks a high school diploma has lost over 50 percent of his or her spending power in the past 10 years. Additionally, national education reports indicate that 25 percent of all youngsters starting high school do not graduate. Projections further indicate that by the year 2000, as many as 85 percent of all jobs will require post-high-school education. Job training and adult literacy programs are essential resource requirements for our probation population.

An additional systemic problem is that treatment programs for substance abuse are presently not in vogue. Probation officers under the best of circumstances are facing long waiting lists for offender referrals; under the worst of circumstances, they face a total lack of treatment programs. Meanwhile, the demand for drugs does not abate, and casualties from substance abuse continue to increase. Without treatment programs, probation agencies must confront the war on drugs lacking a major weapon.

Without adequate systemic social service resources, sanctions such as house arrest, electronic monitoring, and curfews may look cost-effective. However, when these sanctions are used in the absence of risk-reduction programs, they may further endanger the community. Even the best surveillance program can catch people only after they have committed a violation. By not dealing with the social services resource problem, the community becomes unsafe and the only reasonable alternative for dealing with probation violations is to increase commitments to already overcrowded prisons. This is especially the case in violent and drug-infested communities that lack a balanced and comprehensive approach to probation supervision strategies. Probation strategies must focus on advocating for more substance abuse, adult literacy, and employment training programs, as well as more prison cells. Programs not aimed at securing the safety of the streets of the community are doomed to failure.

American urban cities, and some rural communities, are ticking time bombs. As the primary community corrections sanction, probation must be involved in a wide spectrum of concerns. If

probation is to become a realistic social sanction, as I believe it can and will be, strategies are needed that balance risk reduction and risk control.

ADMINISTRATIVE ISSUES

The following observations represent the selective point of view of a probation administrator who has to both plan programs and establish policies and procedures.

1. Organizational memory. Without a sense of history, probation practitioners are in danger of losing the substantial benefits to be derived from the *Research in Corrections* series. Probation practitioners with any sense of organizational memory know that probation has always been seen as a strange, paradoxical subculture in the criminal justice community. Probation has consistently had to confront barriers to advancement, even survival; those barriers stem from deep social ambivalence about probation's purposes and responsibilities. It is a field that has never reached its full potential because its practitioners have not stayed fully focused. As a result, probation has been twisted and distorted to alleviate temporary crises at various moments in our nation's history. Because probation has not remained focused, interest in it has disappeared whenever the crisis that generated the interest was over.

During this century, probation has been subject to considerable change. Nevertheless, it has maintained a constant, if sometimes confused, identity. Probation has always been identified with rehabilitation. If intensive supervision programs are to be a significant probation tool, they must tackle the tough problems associated with rehabilitation and community resource development. Probation cannot opt for simple strategies. There are no perfect solutions to the problems confronting probation. The bottom line is that, not unlike other segments of society, probation departments are imperfect organizations. And most assuredly, they deal with a far from perfect and predictable offender population. Therefore, probation administrators cannot avoid the risk-taking required to make tough policy and program decisions. Administrators cannot wait for researchers to define the problems; research evaluations should be used as stepping stones on the path of policy and program development. The path is uncharted, and there is no question that the risks are high.

The public has lost confidence in criminal justice in general and probation in particular. There is a temptation at times such as these to look for a charismatic leader who can envision the future and lead us safely out of our plight. This will not happen. Neither will our problems be solved and the public's faith in probation restored if probation administrators fall prey to the belief that special laws (e.g., mandatory sentences) and special programs (e.g., electronic monitoring, intensive supervision) will provide all the answers.

The probation administrator will have to be an "architect" who can improve our present organizational structures. As administrators work to change and improve their agencies, they will have to empower all groups in the organization committed to the development of new skills and a clearer organizational vision to become active participants in the organizational change process. It is no easy task to change an organization, attain organizational excellence, and at the same time avoid the destruction of the agency's character and identity.

2. Probation process. Probation is a conditional release into the community, and as such, it is a test of the offender's willingness to function as a law-abiding citizen. For probation to be effective, it is essential to maintain the balance between changing the offender's law-violating behavior and preserving the safety of the community.

Probation policies and programs have to take into account the fact that some offenders can change through reasoned and supportive guidance, but others are contemptuous, rather than ignorant, of the law. Peace, order, and community safety require that the latter offenders be watched more closely and held accountable for their behavior. A sanction-based probation model that balances risk control and risk reduction still has the greatest potential for meeting the needs of today's probation organizations. Figure 1 summarizes the Massachusetts approach to risk control and risk reduction.

3. Judiciary/sanctions. From a policy and program development standpoint, no single aspect is more essential for a probation administrator to understand than the attitude and behavior of the

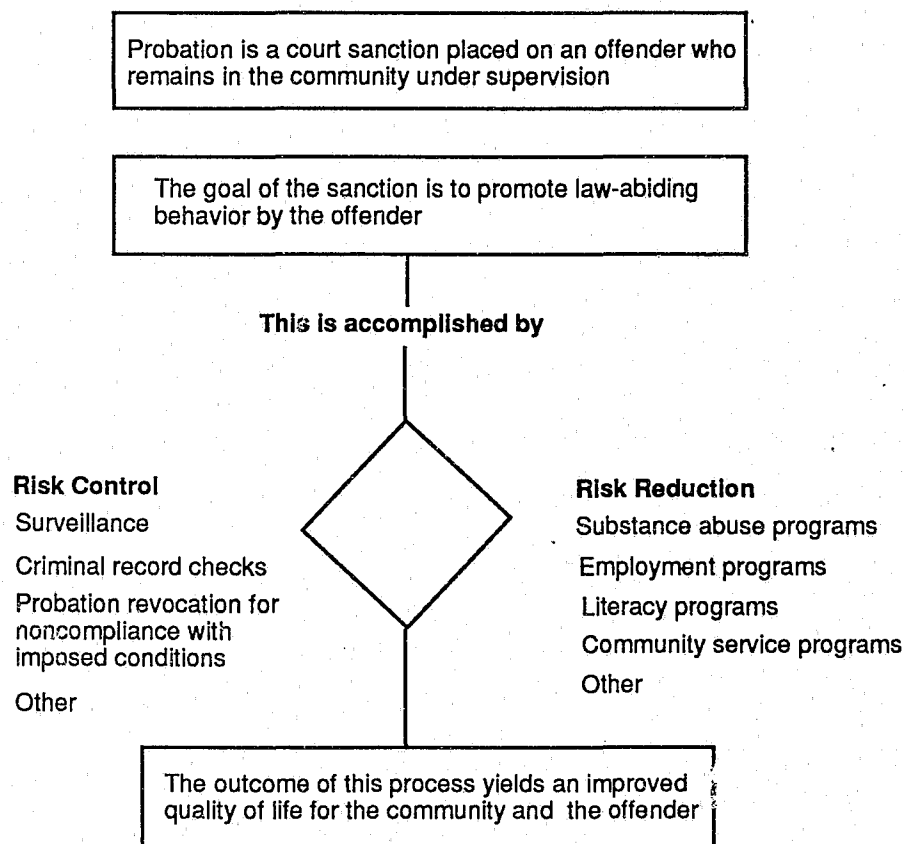


Figure 1—The probation process in Massachusetts

judiciary toward probation. The core functions in the probation process flow from the establishment of judicial sanctions. If a program such as intensive supervision is to be effective, the probation agency has to enjoy the support and confidence of the judiciary.

With all of the publicity surrounding prison overcrowding, the public's understanding and discussion of judicial practices are, at best, obscured; at worst, they are nonexistent. If the public fails to understand its local judicial attitudes, it will fail to understand probation. It is both unrealistic and inappropriate to establish policies and programs that fail to take into account the local judicial practices.

Byrne, Lurigio, and Baird quite rightly point out the consequences of overloading probation, parole, and prison systems, but it is equally important to acknowledge the overloading of court systems. Lack of judicial resources—judges, prosecutors, support staff, and computer information systems—leads to significant delays in the court process. These delays only encourage many high-risk offenders' belief that they can beat the system and treat accountability as a joke.

The local judicial culture will significantly affect any model of intensive supervision an administrator initiates. But no matter what model or combination of models is chosen, the establishment and enforcement of special conditions of probation are essential if we expect to change the high-risk offender population. The key element in an intensive supervision program is maintaining the balance between an offender's right to free choice and the community's right to expect law-abiding behavior by the people in it.

4. Risk reduction. There is no more difficult task in the probation process than reducing offender risk. As drugs and crime spread, reaching across geographical and income barriers, and as probation administrators search for the resources needed to reduce risk, probation agencies operate in a political and social environment that is at odds with their goals. The present political environment seems to be driven by a wish to have a highly punitive, risk-free, and tax-free community. A balanced approach to probation supervision is difficult to attain and maintain. Byrne, Lurigio, and Baird point out that risk-reduction resources such as substance abuse treatment, adult literacy, employment training, and school retention programs will become increasingly difficult to develop.

Probation administrators realize only too well that if an offender is to change, he must be offered realistic hope that change is possible. Offender behavior changes that lead to risk reduction are dependent on probation agencies being structured in such a way that they will be collaboratively involved with school, employment, public, and mental health agencies in developing effective supervision strategies. This is an old idea that resurfaces every time society takes probation seriously. It is a lasting idea and a good idea that has never been fully supported and implemented. Risk reduction assumes that each person has the potential to learn, to change, and to become a fully productive, law-abiding participant in the life of the community. It is important that policies and programs be developed with the emphasis on the word *potential*. In a balanced approach to probation, administrators have to deal with the unfortunate reality that some probationers will see change as a burden instead of an opportunity. Because these non-motivated offenders will have a higher probability of continuing to violate the law, more stringent procedures are required to control their behavior.

5. Risk control. Probation agencies must have an arsenal of risk control tools at their disposal if they are to be effective in today's society. These tools include urine testing, electronic monitoring, curfews, house arrest, and intensive supervision programs, to name but a few. However, the most important and effective resource is the skilled probation officer who enforces the conditions of probation and holds the offender accountable for his or her behavior. Probation agencies will enjoy increased effectiveness only when equitable proactive policies and standards are established and enforced. When an offender fails to comply with the conditions of probation, the agency must have clear and realistic policies to guide the probation officer. Sanctions can range from an administrative hearing for failure to comply with conditions of probation to a full probation revocation hearing resulting in incarceration. Probation agencies cannot be expected to be effective if the ultimate sanction of incarceration is not available.

6. Offender/community improvement. To enhance the possibility of improved behavior and improved quality of life for the offender and the community, probation agencies must participate actively in the community process. Probation agencies must welcome citizen participation, be open to change, be guided by law, and be prepared to develop and maintain equitable standards of professional practice. Further, they must maintain a commitment to knowledge and skill development for all practitioners through effective research and training programs.

7. Policy to practice. The introduction of an intensive supervision program should be seen as part of a complex process of organizational development. These programs change not only probationers, but also employees and organizations. Given the necessarily limited scope of a monograph, Byrne, Lurigio, and Baird were not able to do more than mention organizational issues in passing; but as a practitioner, I would be remiss if I did not note the difficulties encountered in moving policy to practice.

Historically, criminal justice researchers have paid much attention to the offender, but little attention to the workers in the system. Intensive supervision programs are not installed in a vacuum. They are inserted into living organizations that maintain common practices, habits, and attitudes. Newly arrived programs shake the delicate balance among the various parties in an organization. They might encourage or interfere with personal or group ambitions. Consequently, they may be fostered or opposed because of the "organizational climate," not because of their "objective" technical quality. To evaluate programs without taking into account the organizational climate in general, and employee readiness in particular, is to miss the target.

Policymakers may regard a proposed program as the ultimate solution to all problems; but the distance between proposed policy and effective practice is great. Most successful programs in our society start out simply, with a small group of people organized to test the feasibility of an idea. In criminal justice, we have a tendency to start at a grandiose level and move backward toward failure. Progress depends on new ideas generated by inquiring minds. However, not every facet of every idea is worth pursuing. Ideas must be tested and refined to establish their validity. My fear as a practitioner is that too many unrealistic and grandiose expectations are being created for intensive supervision programs.

EFFECTIVENESS OF THE NEW INTENSIVE SUPERVISION PROGRAMS

Gerald S. Buck

Chief Probation Officer, Contra Costa County, California

This response is written from the perspective of managing special supervision caseloads in both adult and juvenile probation services for 20 years in two different agencies in California. These services are compared and contrasted to the programs in Georgia, New Jersey, and Massachusetts described in the monograph.

CORRECTIONAL POPULATIONS SURPASS RESOURCES

Never before has so much been expected of the correctional system and so little been available to meet those expectations. Institutional crowding continues. In California, a new 500-bed prison would have to be opened every month just to stay even with the burgeoning number of commitments and parole violators and the increasing length of sentences. Many jails in California are under court orders to alleviate overcrowding, and this forces premature release of offenders. A 30-day sentence translates to one day in custody for many inmates. The California prison system now houses more than 90,000 inmates, and the Los Angeles County jail system has a population of over 20,000. Billions of dollars have been dedicated to building our way out of prison and jail overcrowding in California, yet little, if any, relief is in sight. At the county level, where jail operations are locally funded, scarce resources have been absorbed at an alarming rate, leaving little for other needed social programs that might ease the dilemma.

While prison and jail crowding capture public attention and headlines, the less-popular probation services, which in California are responsible for 254,000 offenders, are experiencing caseloads as high as 400 per officer in some areas. The monograph notes that nationwide the number of probationers has increased by 41.6 percent—more than the increase in the jail or prison populations.

Probation caseloads in California have increased by nearly 50 percent since 1978, but the number of probation officers has declined by 20 percent in the same period. Expenditures in the administration of justice have risen at a rate that is out of proportion to the resources allotted to probation (see Table 1).

The distribution of personnel in the justice and corrections system has changed markedly in the past ten years, as shown in Fig. 1.

Several probation departments in the state are now able to provide active supervision to less than one-third of their probationers. The majority of adult offenders granted supervised

Table 1

**CHANGE IN THE DISTRIBUTION OF CRIMINAL JUSTICE
EXPENDITURES IN CALIFORNIA: 1981-82 TO 1986-87**

Service	Percent Change
State prison, Youth Authority, and parole	+121
Jails	+101
Courts	+67
Prosecution	+59
Law enforcement	+55
Probation	+41
Total justice costs	+69

SOURCE: California State Attorney General.

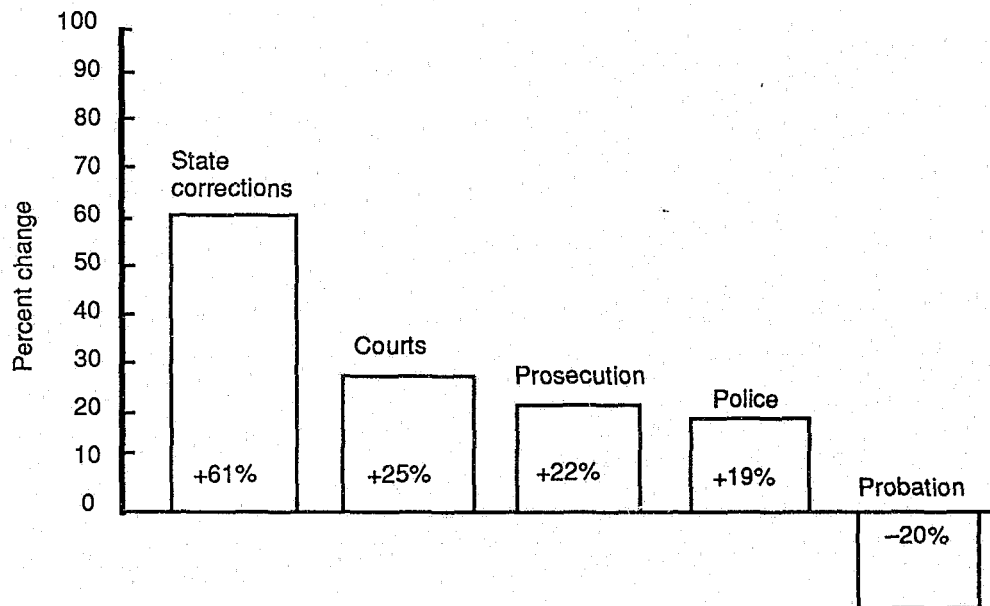


Figure 1—Change in personnel distribution in the California justice and corrections system

conditional probation might just as well have been given a suspended sentence with no supervision.

The "banked" caseload is no longer an occasional phenomenon, but has become a regular means of administering unreasonably large caseloads. In some jurisdictions, 2,000 cases are "monitored" by a single officer who is deskbound and dependent on a computer.

Probation supervision no longer exists, except in "special" supervision projects and programs where caseloads permit contact, monitoring, counseling, and resource brokerage. Intensive supervision probation (ISP) is probation practiced as it was originally intended to be. Other probation programs are a sham that ought not to be called probation supervision.

The "new" intensive supervision programs take different forms, target different offenders, and have different emphasis on control, surveillance, treatment, and resource utilization, but none of these approaches is new to the basic concept of probation supervision. Only the emphasis, specialization, and tools of modern technology are truly new.

Classification has always been necessary to direct the time and energy of the probation officer. No longer based on intuitive assessment, classification now takes forms ranging from medical-like diagnostics to the "new" risk and need scales. Caution should be exercised in describing supervision techniques, modalities, or even purpose as new, however. It would be more accurate to say that the tools and emphasis differ with changing resources, offender characteristics, public expectations, and, perhaps most important, changing political influence.

A Demand for Alternatives

The authors of the monograph have made a convincing case that in many states intermediate sanctions, including intensive supervision, house arrest, and community-based residential programs, have been adopted in response to costs, the inhumane conditions of crowding, and court orders. The subtle implication here is that incarceration was for some offenders an unnecessarily restrictive and costly error, imposed because other options were not available on the judge's menu. The authors recognize the irony of the new punitive public policy which blames prison crowding on the failure of community-based corrections (seen as coddling criminals) and at the same time looks to community corrections as the primary solution to prison crowding. Have we come full circle? Perhaps in some states, but not in California. The difference in California is the split responsibility for corrections.

California Correctional Responsibility—A Split Personality

Since the governmental jurisdiction of probation services varies among states, the nexus between probation and state-run prisons is a critical element in the development of ISP as an alternative to institutional crowding. In most states, probation is centralized and administered by the executive branch, which also has responsibility for the operation of prisons. Where this administrative structure exists, there is a greater likelihood that innovative probation programs will be seen as an alternative. States with this administrative structure are also more likely to be prepared to

provide probation resources and incentives to establish intensive supervision programs because of the cost savings that can be reaped at the state level. This has been the situation in Georgia, New Jersey, and Massachusetts.

Special and intensive supervision programs have also been stimulated in states that have provided subsidies to reduce caseloads and improve professional standards. Texas and Arizona have used this approach. California's "Probation Subsidy," a forerunner of this model, was instituted to reduce state commitments through enrichment of probation services and through disincentives tied to state subsidies to counties responsible for probation.

California's County Justice System Subvention Program (CJSSP)

In 1978, the probation subsidy was replaced by block grants to counties not restricted to ISP. The broad objectives of CJSSP encompass the development, maintenance, and expansion of a range of local justice programs for adults, juveniles, and status offenders, as well as crime and delinquency prevention programs. Participating counties are required to remain within a state commitment limit based on a historical commitment rate. The CJSSP voided probation subsidies as well as a small subsidy that had been allocated to operate juvenile camps, ranches, and schools. The CJSSP also was to provide funds for newly enacted legislation concerning status offenders and new roles for district attorneys, public defenders, and probation departments.

In the five years prior to the inception of CJSSP, first-time commitments to state prison increased 74 percent, and California Youth Authority (CYA) commitments rose 26 percent. The Legislature acknowledged overcrowding and attempted to make counties more selective in retaining offenders.

Initially, CJSSP succeeded in reducing state commitments. But in July 1978, Proposition 13 was enacted, severely limiting county revenues. The predictable impact was that CJSSP funds were used to keep programs that were already in existence. Since the CJSSP also replaced the probation subsidy, the consequence was that few new ISP programs were established.

Since 1978, the CJSSP has been ineffective in reducing state commitments, and many counties have exceeded their commitment limits. Furthermore, as CJSSP funds have remained constant, the proportion allocated to alternative sentencing programs has decreased. Probation departments receive 60 percent of CJSSP funds, which are used for ISP, juvenile camps, and prevention programs. Probation has provided services to 93 percent of those offenders who were at risk of state commitment.

Arthur D. Little, Inc., evaluated the CJSSP in 1982 and recommended earmarking subvention funds for alternative sentencing to clarify and emphasize the objective of reducing state commitments. This recommendation was never implemented.

It is important to recognize that in California, more than 90 percent of probation services are funded by county revenues. These revenues have been severely restricted by Proposition 13 and by the demands of other justice programs, such as crowded jails and courts. The state

government operates prisons and youth correctional facilities as well as parole services. Correctional costs in the state amount to billions of dollars per year, and massive facility building programs are under way. The proliferation of prisons, increased commitments, and longer terms reflect the public mood and the philosophical position of the Governor, who espouses incarceration as the only effective deterrent and community protection alternative.

The Governor, pressed by fiscal constraints, has proposed a 1989-90 cut of \$37 million in the CJSSP, retaining only funding of state mandates enacted in 1977. If this cut is implemented, California's probation departments will lose \$33 million in revenues, \$12 million of which is now used for ISP programs and \$15 million for the operation of probation juvenile camps. Probation chiefs have estimated that up to 4,500 additional state commitments per year can be expected as counties are fiscally unable to make up for lost subsidies. State correctional officials expect annual costs to increase by \$110,000,000.

The curtain may fall on California's 40-year history of providing county subvention funds for alternative sentencing options and alternatives to state commitments. It is somewhat ironic that the state that created an innovative probation subsidy program in the 1960s is likely to end that program just as other states are expanding intermediate sanctions, including ISP, as a reaction to crowded and costly institutional operations. If California had been administratively organized with probation services centrally funded and governed, this might not have been the case.

Intensive Supervision: Public Safety, Risk Management, and Recidivism

Community-based corrections is by its very nature an exercise in accepting planned levels of risk to public safety. This is true whether caseloads are large or small, whether the model is designed as a control or a surveillance system. The variable is the degree of risk that is acceptable and the predictive capability of those who make case-by-case decisions. Probation supervision was originally intended for low-risk misdemeanor offenders. Risk levels may be much higher if supervision is designed as an alternative for those who would otherwise be committed to prison.

Early ISP programs targeted offenders who were likely to progress toward behaviors necessitating incarceration. These were not alternative sentencing programs, but prevention programs. In some instances, such as California's probation subsidy and CJSSP, the ISP programs were preventive efforts driven by fiscal incentives and the underfunding of local resources.

The balance of risk versus prognostication of effectiveness in the least restrictive, least costly alternative has shifted in communities where the "new" ISP programs have been instituted. It is not surprising that these control-oriented programs are seen by some as more akin to the policing role.

Risk management is not new to probation, nor is classification of probationers. Change has occurred due to the pressures of crowding and the cost of incarceration. As greater risk-taking is demanded, it is not surprising that concern for public safety has become more acute. Similarly,

recidivism takes on a new meaning. When risk levels are high, there is a tendency to consider probation violations of any kind more seriously. More intensive monitoring and more probation conditions inevitably result in more recidivism. Some may point to higher violation rates and read failure or undue risk to public safety. Others may see ISP as not meeting its goals if higher revocation rates result in greater reincarceration. This is to be expected, in light of (1) greater risk-taking, (2) more intensive monitoring, and (3) more certain accountability. If the target population and the nature of supervision change, the traditional measures of assessing effectiveness based on recidivism must also change.

The new ISP programs must be able to enforce conditions with surety and swiftness, without reservation and without being perceived as ineffective. Evaluative research thinking must move beyond using recidivism as the only measure of performance. The new ISP that is effective will have higher violation rates, removing high-risk probationers from the community whenever indicated. A success rate far below the traditionally accepted level may be appropriate, considering the character of the probationer, the level of risk taken, and the operational goals of the program. Reincarceration resulting from discovery and arrest due to intensive supervision ought to be an indicator of positive performance.

AN EXPERIMENT IN INTENSIVE SUPERVISION: CONTRA COSTA COUNTY

Lacking county funds or sufficient state subventions because of prison overcrowding, the Contra Costa County Probation Department has sought and received grants to implement several ISP programs for the past decade. Reduced-caseload supervision has targeted alcohol-related offenders, drug offenders, serious juvenile offenders, and institutional post-release supervision.

In each of the Contra Costa programs, caseloads have been from 25 to 40 per officer, and each program has emphasized increased contacts, greater coordination efforts with justice agencies, and greater use of community-based services. While there has been little formal evaluative research, the objectives have been met in each project. Without exception, the projects have achieved higher rates of successful completion of probation.

In each project, probationers have been drawn from existing "regular" supervision caseloads; ISP has not been offered as either a sentence option or an alternative to incarceration. The Contra Costa Probation Department has sought to provide increasingly effective supervision that effectively protects the public by active enforcement of probation conditions; at the same time, it attempts to provide probationers with encouragement and opportunities for behavioral adjustment.

In 1986, the Contra Costa Probation Department received a grant from the Bureau of Justice Assistance, as one of several national models in adult intensive supervision. This project began on January 1, 1987, and was funded through February 1, 1989. A county general fund supplement was requested for continuation of the program, but funding was unavailable and the ISP was phased out in February 1989.

This program was linked to the "Clean Streets" operation, in which the District Attorney and law enforcement agencies are attempting to combat visible drug abuse and sales in the West County area.

Contra Costa's ISP identified high-risk drug-involved adult probationers and assigned them to the intensive caseload, where surveillance was conducted by both police and probation officials; random urine testing was frequent, and employment and participation in a drug rehabilitation program were mandatory.

In addition to frequent face-to-face contacts, the ISP program included a random drug-testing hotline, Saturday home visits, weekly Narcotics Anonymous meetings, special assistance from local police to expedite existing bench warrants, and liaison with the State Employment Development Department. These activities were designed to help offenders get off drugs and obtain employment; but they were also designed to expedite arrest and jail time or revocation of probation for those who violated probation.

Contra Costa's ISP was a three-phase operation. All probationers started at the maximum level of supervision (three to five contacts per week), and the intensity was gradually reduced to one contact per week. Offenders assigned to ISP placement were expected to be there for at least one year.

By contrast, offenders assigned to routine supervision are seen much less frequently, are not subject to frequent urine testing for drugs, and usually do not have mandated employment.

The use of ISP has been evaluated by The RAND Corporation, and the analysis to date indicates that ISP has proven to be effective in countering drug abuse, using non-traditional methods of surveillance, control, enforcement, and treatment.

The program officials in Contra Costa County worked closely with the courts, police, District Attorneys, and a wide range of community treatment programs. Not only was this concerted effort essential, but its exclusive focus on the drug offender has led to a clearer picture of the drug abuse problem and ways for dealing more effectively with it. For example, in the ISP program, the unique authority of the probation officer could be individually applied for purposes of both prevention and treatment. ISP was credited with starting a Narcotics Anonymous program in Richmond, which has shown dramatic growth.

Many other recorded experiences also point to the effectiveness of the ISP program in dealing with drug abusers. Not only has it deterred individuals from the use of drugs, many of those who were not deterred were rapidly placed in custody or residential treatment programs to prevent them from committing more crimes. The ISP program provided alternative sanctions and preventive measures that cannot be enforced when drug offenders are placed in large caseloads.

The experimental research design called for a matched control group of probationers assigned to regular supervision caseloads in the same community. During the course of the project, 170

probationers were randomly assigned to either the ISP or regular caseloads. In the ISP program, two deputies and an aide supervised approximately 75 cases. In regular supervision, one deputy supervised approximately 200 cases.

Implementation

Past experience in implementing ISP programs and a clearly stated philosophy and mission statement served us well in making this project effective. The project was characterized by the following:

- The target area and target population chosen involved a serious drug problem in a community already being highlighted by law enforcement, prosecution, and the courts.
- The need for ISP to accompany existing programs to combat street drug crime was clear to all, including line probation staff, probation management, and other justice agencies.
- The only selection criteria were that the probationer had to be a drug offender and had to reside in the target area. The program relied primarily on contact frequency and intensive drug testing, neither of which was a totally new strategy for the department.
- Energetic younger staff combined with more experienced supervisors and managers, allowing the project to set its own course for implementing techniques to reach its objectives. A probation aide with two experienced deputies proved to be the optimum ISP team. Unlike in the Georgia model, the aide was not simply a surveillance officer; although he did do most of the drug testing, the three members worked as a team.

Results

While all of RAND's evaluative research findings are not yet available, we have received a preliminary report of their assessment of the Contra Costa County ISP and how it compares with regular supervision.

Interviews were conducted by researchers, in private and with anonymity, with 44 probationers, half of whom were under ISP supervision and half under regular supervision. The draft report indicates that the interviews addressed a number of topics, including:

- The extent of services and surveillance ISP offenders received compared with that for offenders on routine probation.
- Whether ISP offenders believe they have a higher chance of being discovered and having their probation revoked if they violate their probation conditions.
- Whether probationers believe ISP supervision and extensive drug testing will curb their continued criminality and drug usage.

The interviews suggest that probationers judge ISP supervision to be more effective than routine probation—both in reducing criminality and drug use, and in encouraging them to engage in more socially acceptable behavior (e.g., employment).

Information from these personal interviews will now be combined with official recidivism data to help determine the relative public safety benefits of ISP and routine probation for drug offenders. Results from the outcome evaluation are expected in late 1989.

Responses from Probationers

Do ISP offenders receive more surveillance and services than offenders on routine probation? Contra Costa ISP offenders are seen an average of seven times per month, whereas those on routine probation are seen about twice a month. ISP offenders average four to five phone contacts per month, compared with two per month for routine probationers. About half of each group's contacts are initiated by the probation officer, and half by the offender. ISP offenders have described having their officers visit them at work or while they were performing community service; such visits were never mentioned by any of the offenders on routine probation. These responses indicate that the contact level in ISP is three to four times greater than that in the routine caseloads.

ISP offenders also often reported that their probation officer was responsible for getting them into a special drug treatment program, and then continued to encourage them to stick with it.

Of offenders needing employment assistance, 34 percent of those on ISP felt they were receiving it, in comparison with 25 percent of those on routine probation.

These findings show that offenders on ISP are significantly more likely to receive needed services than those on routine probation, particularly in programs related to drug use. About half of the offenders said they needed help staying off drugs; 77 percent of the ISP offenders reported receiving such help, in contrast to only 37 percent of the routine probationers. The ISP group consistently reported receiving more of the services they needed.

Do ISP participants believe they are watched more closely and would have their probation revoked more quickly than routine probationers? Nearly 90 percent of the ISP offenders said they were being monitored "somewhat strictly" or "very strictly"; less than half of those on routine probation gave similar responses. Half of those on routine probation said they were "not being monitored strictly at all," whereas 10 percent of those on ISP reported this.

The offenders were asked to comment on what they believe constituted "strict" supervision. Responses included: "They hassle you day and night," "they show up when you don't expect them to," and "they check up on the things you tell them, like whether or not you're employed." One probationer stated that he was happy to be working full time because now he did not have to report daily to the Probation Department.

Seventy-four percent of the ISP offenders who reported having a "no drug use" condition felt they had a high chance of the probation officer catching them violating that condition, as opposed to 50 percent of the routine probationers. ISP offenders also believed that their parole officers were more likely to send them to jail if they discovered a violation.

These responses indicate that ISP offenders perceive they have a higher chance of getting caught if they violate their probation conditions, particularly if the violation relates to drugs. In addition, for most types of violations, the ISP offenders believe they would be treated more harshly than would their counterparts on routine supervision.

Which surveillance and supervision activities do offenders judge most effective? ISP and regular probation programs incorporate a number of strategies to deter offenders from committing new crimes. Fifty-seven percent of the ISP offenders reported that counseling by the probation officer was very effective, while only 35 percent of the routine probationers believed that it was very effective. This could be because the ISP offenders received more hours of treatment than the routine probationers. The other area of difference between the two groups concerned the imposition of curfew: 40 percent of the ISP group believed curfews were effective, whereas only 9 percent of the routine probationers did.

Offenders stated that efforts to assist them in getting employment would be the most effective way to get them "to go straight." They strongly endorse urine testing. Some also said they were looking for some way to decrease their dependence on drugs, and that drug testing seemed to provide them with a needed incentive.

The Use and Effectiveness of Drug Testing

One of the cornerstones of Contra Costa's ISP program is extensive random urinalysis to detect drug use. The ISP offenders call in daily to find out whether or not they are to be tested.

Ninety percent of the ISP offenders indicated they had been tested for drugs during their probation, whereas this was true for only 65 percent of those on routine probation. And a significantly higher number of tests were ordered for the ISP offenders than for those on routine probation. ISP offenders were asked to take four to six urine/drug tests per month, on average, whereas the average for routine probationers was one per month.

About half of the offenders on routine probation had gotten positive results on drug tests, compared with 85 percent of the ISP offenders. Clearly, the more often someone is tested, the higher is the probability of detecting drug use. ISP officers were more tolerant of positive results—in 50 percent of the cases, the ISP offenders were simply given a warning, and in only 10 percent did the "dirty" drug test result in the offender being sentenced to jail. Offenders on routine probation were treated more harshly when their drug tests showed evidence of drug usage: Only 20 percent were given a warning. This suggests that ISP officers used drug tests as a deterrent, giving the offenders several chances to demonstrate abstinence, whereas other probation officers ordered drug tests only when they suspected drug usage, and when they found it, they used it for evidence to support formal revocation proceedings.

Do probationers judge their supervision effective? About 70 percent of the ISP probationers felt that probation was helping them. When asked for the reasons why they felt it was helpful, they generally said that it "helped to keep them out of trouble" or "helped them stay off drugs." Most of the 30 percent who judged their probation ineffective indicated that they had expected someone to solve their problems for them, and because the probation department had not provided a cure for their drug problem or had not found them a job, it was ineffective.

Do ISP offenders view probation as more punitive and less helpful? The Contra Costa County Probation Department is concerned first and foremost with providing services and opportunities for reform, but if that fails, we revoke probation and return the offenders to custody. We wanted to determine whether offenders in ISP caseloads perceived their officers more as agents of law enforcement or as purveyors of treatment and rehabilitation services.

That ISP offenders apparently see their officers as both helping and tough. Ninety percent of the ISP probationers indicated that probation officers are generally interested in helping offenders, but only 55 percent of regular probationers felt this way. There is also a large difference in the percent who say they will succeed as a result of the efforts of their probation officers—85 percent of ISP offenders, but only 35 percent of regular probationers.

Is there evidence that intensive supervision reduces drug dependency? For both groups, the patterns of drug dependency look much the same: The drugs of choice are cocaine/crack, marijuana, and methamphetamines. The overall percentage of dependency for "any drug" is higher for the ISP group: 65 percent of ISP offenders reported being dependent on some drug, while only 45 percent of the routine probationers did.

Current drug dependencies showed a large reduction for both ISP and routine probationers. The reduction for offenders under ISP was greater than that for those on routine probation.

Conclusions on Probationer Responses

Everyone agrees that the United States has a major drug abuse problem, but we cannot speak with any confidence about the nature or extent of use, or about the prevention or control of drug abuse. There is no concise definition of "the drug problem." That label itself obscures the complexity of the phenomenon to which it is applied. There are several different drug problems, and one of them includes drug abuse and related crime by felony probationers.

The probationer interviews were an attempt to learn more about such offenders and the effectiveness of intensive community supervision for countering their criminal and drug-abusing behaviors. We discovered that these offenders believe probation works—and that it works best when it is both punitive and rehabilitative, exactly the goals of ISP. The offenders indicated that they desperately want treatment, which, for whatever reason, they are not getting. They endorse the imposition of testing to get their drug use under control. Many (about 15 percent of those interviewed) admit to continuing drug use, but given that about half were "drug-dependent" prior to being placed on formal probation, this suggests that probation serves to inhibit drug usage. These offender self-reports also suggest that ISP has been more effective in curbing continued drug usage than routine probation.

These interview data will now be combined with official record information to address the critical question of the relative effects of ISP and routine probation on recidivism. If that analysis suggests that ISP is more effective than routine probation, in terms of both costs and public safety, other communities may want to replicate Contra Costa's ISP program for drug offenders.

CONCLUSIONS

The authors of the monograph conclude that given the level of crowding in institutions, construction of facilities will absorb ever-increasing fiscal resources, ultimately at the cost of other social programs, many of which endeavor to ameliorate the basic causes of crime. They hypothesize that this situation will lead to the expansion of intermediate sanctions. While this conclusion has some validity, we would argue caution in applying it universally. Variables that could prove this not to be a view of the future include (1) the distribution of correctional resources across governmental jurisdictions; (2) basic philosophical positions of key policymakers and decisionmakers; (3) the degree of risk to public safety that is tolerable; (4) the nature of the incarcerated population; and (5) reliance on a control model of supervision at the cost of abandoning behavioral change strategies and resources.

The monograph's lasting truisms, in our view, are that *incarceration will not by itself solve the crime problem*, and *expansion of intermediate sanctions will not by itself eliminate institutional crowding*.

The practitioner who stays in corrections long enough tends to observe cycles in emphasis. Programs such as ISP, house arrest, community-based residential care, split sentences, and restitution to victims are frequently described as new, whereas in fact, they are recycled concepts using modern technology and varying degrees of emphasis or targeting of offenders. In our view, this will continue to be the case. We do not intend to demean or in any way detract from the importance of variable applications of correctional principles, but it should be recognized that the mission of probation has always been and will continue to be that of providing community safety through the enforcement of court-imposed conditions and holding probationers accountable without undue risk to the community.

The menu of corrections programs, whatever the emphasis or targeted population, should have the following goals:

- To remove dangerous persons from the community.
- To deter repetitive criminal behaviors.
- To provide opportunities for probationers to become law-abiding and productive members of their community.

Perhaps as ISP programs are recognized as necessary intermediate sanctions, their effectiveness will be assessed more consistently in terms of these goals, rather than in terms of their effectiveness as an alternative to incarceration.



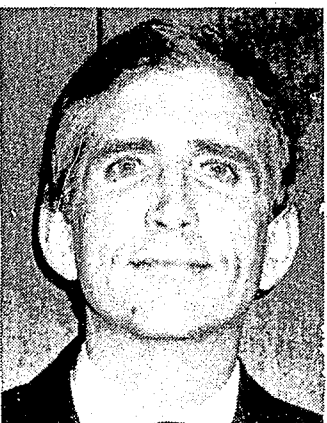
GERALD S. BUCK

Gerald Buck has been the Chief Probation Officer of Contra Costa County, California, since 1978. Prior to that, he was employed by the Orange County (California) Probation Department for 17 years. Mr. Buck is past president of the Chief Probation Officers of California and has served on that association's executive committee for the past eight years. He is secretary and membership chairman of the National Association of Probation Executives, and he sits on several local, state, and federal corrections and criminal justice executive councils. Mr. Buck received a B.A. in Criminology from the University of California, Berkeley, and an M.A. in Public Administration from the University of Southern California. He has coauthored a text on Criminal Justice Administration and has written several articles on probation services. He is currently a consultant to the National Institute of Corrections, specializing in fiscal administration and probation classification.



DONALD COCHRAN

Donald Cochran is presently the Massachusetts Commissioner of Probation. He has been a teacher, coach, probation officer, and residential drug treatment program director. He received a B.A. in History and four graduate degrees, including an Ed.D. in Administration, from the University of Massachusetts. He is currently President of the National Association of Probation Executives, a Board Member of the American Probation and Parole Association, Chairman of the Professional Affiliates Council, and a member of the Probation and Parole Council for the American Correctional Association. Dr. Cochran has published in the areas of organizational development, probation management, computer information systems, adult and juvenile case classification, and case management. He is a member of the Massachusetts Governor's Anti-Crime Council and serves on commissions dealing with automobile insurance cost containment, child support guidelines, restructuring of the Interstate Compact for Probation and Parole, criminal offender record information, alternative sentencing, court clinics, prison overcrowding, youth violence, drunk driving, and substance abuse programs.

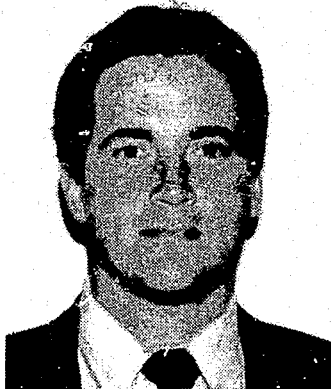


GREG MARKLEY

Greg Markley received a B.A. in Sociology from Ohio University and did graduate work at the LBJ School of Public Affairs at the University of Texas at Austin. He has over fifteen years of experience in probation and parole, including eight years as a probation and parole officer in Ohio and Texas. Mr. Markley has been the Director of Staff Development for the Texas Board of Pardons and Paroles since 1982. His responsibilities have included statewide implementation of the NIC Model System, an officer performance evaluation based on the model system, and special programs including electronic monitoring, supervision for mentally retarded offenders, and intensive supervision parole. He has also served as a consultant to the National Institute of Corrections and the National Council on Crime and Delinquency. He has published articles on community supervision and intensive supervision parole in Texas. Mr. Markley has been a member of the American Probation and Parole Association since 1985 and is currently the Chairman of the Resolutions Committee.

BIOGRAPHIES

JAMES M. BYRNE



Dr. James Byrne is an Associate Professor in the Department of Criminal Justice at the University of Lowell, where he currently serves as the Director of the Center for Criminal Justice Research and Coordinator of the Graduate Program in Criminal Justice. He received his undergraduate degree in Sociology from the University of Massachusetts at Amherst and his M.A. and Ph.D. in Criminal Justice from the School of Criminal Justice, Rutgers University. Dr. Byrne was the principal investigator for the NIJ-sponsored evaluation of the Massachusetts Intensive Probation Supervision Program highlighted in this monograph. He currently acts as a consultant to a variety of local, county, state, and federal agencies on community corrections issues. He is also the coauthor of a forthcoming textbook, *Probation and Parole*, to be published by Brooks/Cole Publishing Company in 1989.

ARTHUR J. LURIGIO



Dr. Arthur Lurigio is an Assistant Professor of Psychology and Urban Affairs at Northwestern University. He will be moving shortly to Loyola University as an Assistant Professor of Criminal Justice and will remain at Northwestern as a Research Associate at the Center for Urban Affairs and Policy Research. Dr. Lurigio is also the Director of Research and Evaluation at the Cook County Adult Probation Department in Chicago. His primary research interests and publications are in the areas of intermediate sanctions, community crime prevention, the psychological effects of criminal victimization, crime victims' services, the impact of AIDS on the probation/court system, and probation officers' judgments of risk.

CHRISTOPHER BAIRD



Christopher Baird received his M.A. in Economics from Eastern Illinois University in 1972 and is currently the Senior Vice President of the National Council on Crime and Delinquency. Prior to joining NCCD in 1985, he held corrections research and management positions in Illinois and Wisconsin and at the National Institute of Corrections in Washington, D.C. Mr. Baird has published extensively on offender classification, program evaluation, and correctional management. He is currently directing an evaluation of the Florida Community Control Program for the National Institute of Justice and a project designed to structure decisionmaking throughout the Michigan Office of Children and Youth Services. He is a senior associate in the Bureau of Justice Assistance Prison Capacity Program and a member of the American Probation and Parole Association and the Expert Network of the American Association for Protecting Children. Mr. Baird also serves as Chairman of the Classification and Treatment Committee of the American Correctional Association.

THE ROBERT J. KUTAK FOUNDATION

After the death in 1983 of Robert J. Kutak, one of the founding partners of the law firm of Kutak Rock & Campbell in Omaha, Nebraska, the partners of the firm and other friends and colleagues established the Robert J. Kutak Foundation to honor his memory and to continue support of the activities in which he had been personally and professionally involved. Among those interests was the field of criminal justice, with special emphasis on corrections. As a staff member of the U.S. Senate, Mr. Kutak helped draft the legislation that established the National Institute of Corrections and served as the first chairman of the NIC Advisory Board. He also served on the President's Task Force on Prisoner Rehabilitation and on the American Delegation to the Fourth and Fifth United Nations Congresses on the Prevention of Crime and Treatment of Offenders.

THE NATIONAL INSTITUTE OF CORRECTIONS

The National Institute of Corrections is a national center of assistance to the field of corrections. The goal of the agency is to aid in the development of a more effective, humane, constitutional, safe, and just correctional system.

The National Institute of Corrections is both a direct-service and a funding agency serving the field of corrections. Its five legislatively mandated activities are (1) training; (2) technical assistance; (3) research and evaluation; (4) policy and standards formulation and implementation; and (5) clearinghouse. The basic objective of the Institute's program is to strengthen corrections at all levels of government, but primarily at the state and local levels.

As established by the enabling legislation, the Institute's policy is determined by an active 16-member nonpartisan Advisory Board appointed by the Attorney General of the United States. The Board is composed of six federal officials serving ex-officio, five correctional practitioners, and five individuals from the private sector who have demonstrated an active interest in corrections. Through public hearings, the Advisory Board regularly solicits the opinions of correctional practitioners and others involved in the criminal justice process prior to targeting the Institute's fiscal year funds.