

INTRODUCTION

Like an enormous and foreboding iceberg, prisons are only the tip of a system whose other parts are also suffering stresses. A record 620,000 persons were in state and federal prisons as of March 1989, an increase of 88 percent since 1980. County jail admissions exceed eight million a year. [18, p. 1] But for every offender serving a sentence in a state prison or local jail, nearly three other offenders are being sanctioned in the community. While prison populations have been burgeoning, so too have probation and parole caseloads, skyrocketing to well over 200 offenders for each probation officer in some jurisdictions. [1, p. 82] There are simply too many offenders and too few resources.

With finite prison capacity anchoring one end of the continuum of sanctions and traditional probation representing the least restrictive penalty at the other end, policymakers increasingly are turning their attention to developing an array of intermediate sentencing sanctions that fall under the heading of community corrections. The challenge for policymakers is to devise sanctions that are sufficiently punitive to satisfy public expectations, just and fair in their application, effective in ensuring public safety, and innovative in changing behavior to address some of the causes of crime.

This paper on community corrections has four purposes:

- To clarify the definition of and rationale for community corrections;
- To describe current community corrections statutes in 12 states;
- To review for state legislators some of the innovative community-based programs, their costs, and results; and
- To highlight some of the key policy questions that legislators need to raise as they consider community-based sentencing options in their states.



WHY COMMUNITY CORRECTIONS?

Six undercurrents motivate state and local policymakers to examine community-based sanctions. These six forces point to the necessity of expanding beyond a corrections system based only on incarceration or traditional probation/parole.

First, the escalating numbers alone argue persuasively for seeking solutions in the community—three-fourths of all offenders already are sanctioned there and 95 percent of all prison offenders ultimately are released back into the community. States and local units of government must share the responsibilities and costs of these growing offender populations to ensure the effectiveness of community corrections programs.

Second, the prohibitive costs of constructing and operating jails and prisons make it fiscally impossible to build our way out of the current corrections crisis, even if public sentiment continues to favor a "tough on crime" posture. In 1987, construction costs averaged \$42,000 per bed and ranged as high as \$116,000 per bed; the annual incarceration expense for a single prisoner averages

\$14,000 but may range as high as \$36,500. [21, p. 2] Moreover, experience shows that new prison capacity fills up and overflows within six months to a year of bringing new beds on line.

Third, policymakers are demanding more effective transition and community supervision to deal with the growing number of offenders who are being released earlier into the community. With 37 states operating under court orders or consent decrees to limit prison crowding and with lawsuits pending in four other states, early parole and emergency release policies have been adopted to control populations in most states.

Fourth, traditional probation, originally designed as a way to supervise first-time offenders and misdemeanants, is ill-equipped to deal with many of the felony offenders who are now being placed under probation. Today about half of those sentenced to probation are convicted felons, and ample research suggests that some felons require greater control and supervision than is possible under existing probation caseloads. It is no wonder that recidi-

vism rates are high for such offenders in many jurisdictions, considering the low level of supervision. [21, p. 4]

Fifth, the goals of corrections have changed in the 1980s. Rehabilitation of offenders has been overshadowed by two other purposes: (1) public protection and crime prevention through incapacitation and increased supervision, and (2) promotion of justice through a system of fair and appropriate punishment. [16] Early evaluations suggest that public safety can be maintained and offenders effectively controlled in the community. Moreover, it seems obvious that with the growing number of offenders, the two major sentencing options—traditional probation or prison—are insufficient for judges and corrections officials to make the finer distinctions among criminal offenders to ensure equity and proportionality of punishment.

Sixth, there has been a rapid change in offender characteristics, and the corrections system must respond accordingly. A growing number of offenders have serious drug or alcohol abuse problems, and prisons are not neces-



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sarily the best environment in which to foster treatment strategies and promote individual accountability for managing substance abuse. Many more community-based drug and alcohol treatment programs will be needed to handle this segment of the offender population if current trends continue.



DEFINING COMMUNITY CORRECTIONS

Before examining innovations, it is important to understand the existing scope, organization, and financing of those correctional sanctions that make up community corrections. *Community corrections* encompasses a range of residential and nonresidential programs and services including those that are designed to:

- Divert prison-bound offenders;
- Control and supervise offenders with community sentences (i.e., probation with conditions); or
- Supervise offenders at the conclusion of prison terms.

Probation and parole with varying levels of supervision remain the mainstays of community-based corrections. *Probation*, originally used as a suspension of sentence, has evolved into a sentence under which the court imposes a variety of conditions (e.g., curfews, treatment, fines, community service, or restitution) and retains authority to resentence for violation of those conditions. *Parole* refers to postrelease supervision when an offender is released from an institution with certain conditions, subject to penalties or reincarceration for violations.

For many offenders, traditional probation monitoring is effective and sufficient. The interest in alternative forms of community supervision does not reflect a desire to abandon traditional probation, but rather to tailor different types and levels of supervision when closer monitoring is required. In recent years,

escalating probation caseloads have made close supervision extraordinarily difficult, if not impossible in many instances.

In part, the recent interest in community corrections reflects a growing recognition that a state and local partnership is needed to provide innovative program leadership and to share responsibility and costs. For too long, the system has fostered the temptation for local governments and states to shift the responsibility and costs of corrections from one to the other. Community corrections attempts to balance costs and responsibilities.

In all states, prisons and parole release (although not necessarily supervision) are the province of state government. Probation services may be administered by the state alone (26 states); by the courts or local government, usually the counties or large cities (11 states); or by a mix of state and local efforts (13 states). In 21 states, probation and parole supervision are combined, and that appears to be a national trend. In some states, misdemeanor probation cases are handled separately from those of felons, and juveniles may be dealt with separately from adults. [2]

The structure of corrections dictates the ease or difficulty with which innovations can sometimes be initiated. For example, Georgia, recognized as one of the pioneers in community corrections, has been able to move boldly and rather quickly to develop community-based alternatives in large part because probation services are centralized in a state-run bureaucracy that also includes prison and parole administration. The state provides probation services to all courts, except in Fulton County (Atlanta), and therefore, corrections resources can be redirected with relative ease, uniformity, and creativity. In other states, the intergovernmental dynamics require a different approach.

FINANCING COMMUNITY CORRECTIONS

State aid to local governments for correctional services totaled \$932.5 million in 1987, representing a fourfold increase over 1980. Among the states, there are great variations: 19 states provide no local corrections support compared with 10 other states that account for 85 percent of the total aid. [5, p. 2] Seen from another perspective, local governments pay 40 to 50 percent of the total bill for corrections in eight states, while in five states, local governments are responsible for less than 1 percent of state-local corrections spending. (See Table 1.) [5, pp. 5-6]

Where states and localities divide the burden of corrections costs, financial considerations can override dispassionate decision making about the most appropriate placement for an individual offender. In other words, states may be tempted to put offenders back into the community as a strategy for shifting costs, while local jurisdictions may see real financial advantage in exporting offenders (and the cost of their care) to the state system. For the states, effectively run community sentencing alternatives may help to manage prison populations better, postpone major capital expenditures for new prison facilities, and generally control costs. For local courts or counties, however, the development of intermediate sentencing options in the community may mean increased costs since many of the alternatives to traditional probation services cost more per capita.

A major consideration for legislators is to develop a policy that fits the intergovernmental realities of the individual state and minimizes the potential for individual commitments to be driven by cost considerations.



COMMUNITY CORRECTIONS ACTS: ONE STRATEGY

While there is no shortage of models for community-based corrections, putting those options in place and sorting out who will run and pay for them is not easy. In part, those practical difficulties stem from the fact that so many actors—state and local policymakers, judges, prosecutors, police, private agencies, probation and parole officers—have a role and a stake in corrections policy and administration.

Community corrections acts are one legislative strategy to redefine and clarify the inter-governmental relationships of community corrections. Community corrections acts (CCAs) typically offer financial incentives (and disincentives) to encourage local governments to plan, identify, and develop intermediate sentencing options at the community level. In 1966, California adopted a program to subsidize county probation innovations, the forerunner of CCAs. The first states to pass CCAs were motivated by a desire to involve communities more in the process of identifying local needs. More recently, CCAs have linked the development of intermediate sentencing options to the goal of controlling state prison populations.

Key Elements of CCAs

At least 12 states have community corrections acts. The major provisions of these statutes are summarized in Table 2. The key elements in most, although not all, of the statutes include:

- Some mechanism for local involvement in identifying and developing needed resources;
- Special state funding for community-based alternatives;
- Identified target groups of offenders for whom community-based programs are designed; and
- A chargeback mechanism to penalize local communities when the targeted offenders are committed to state institutions rather than handled in the community.

Local Participation. Most community corrections acts encourage voluntary input from

local governments or agencies. In some states, the counties are the principal administering entity with planning advice from local corrections advisory boards. Under other CCAs, the state administers the community-based alternatives through local judicial districts, through regional service areas, with local review of grant applications, or with local identification of service needs.

Funding. Formula block grant or specific state grants and contracts are the two primary funding arrangements. With block grants, the local communities use state monies to contract with programs. Virginia uses a combination of (1) block grants to local units of government to operate or purchase community-based services and (2) direct state contracts with community providers. States using formula grants often factor in criteria such as crime rates, percentage of at-risk population, local per capita income, and taxable valuation. Typically, the state department of corrections is the granting agency, although in Missouri the CCA specifies that separate appropriations must be made for each selected program or service.

Whether formula or contract funding, most CCA states prohibit the expenditure of community corrections funds for capital construction.

Target Population. CCAs usually target nonviolent felony offenders, although the statutes are silent on this matter in Connecticut, Iowa, Missouri, and Virginia. Kansas and Minnesota also extend their community corrections acts to juveniles. Several states specifically exclude sex offenders (e.g., Kansas and Tennessee) and felons convicted of offenses involving weapons or firearms (e.g., Colorado and New Mexico). The Colorado law further allows the local corrections boards to establish offender assessment procedures and to reject the placement of any offender in community corrections facilities.

Chargeback Provisions. CCAs sometimes allow states to assess a fee on a county when an offender who is in the targeted group is

TABLE 1.
STATE SPENDING ON CORRECTIONS
AS A PERCENTAGE OF TOTAL
STATE-LOCAL CORRECTIONS
EXPENDITURES
FISCAL YEAR 1987

State	State's Percentage of Total Spending
New England	
Connecticut	99.9%
Maine	75.8
Massachusetts	80.5
New Hampshire	65.1
Rhode Island	100.0
Vermont	99.8
Middle Atlantic	
Delaware	100.0
Maryland	77.8
New Jersey	65.8
New York	54.6
Pennsylvania	51.2
Great Lakes	
Illinois	75.5
Indiana	78.6
Michigan	78.8
Ohio	75.4
Wisconsin	65.8
Plains	
Iowa	76.1
Kansas	82.7
Minnesota	45.2
Missouri	72.3
Nebraska	72.8
North Dakota	71.0
South Dakota	79.2
Southeast	
Alabama	75.7
Arkansas	83.2
Florida	56.8
Georgia	74.5
Kentucky	68.5
Louisiana	78.1
Mississippi	83.4
North Carolina	89.8
South Carolina	90.7
Tennessee	73.3
Virginia	69.1
West Virginia	65.3
Southwest	
Arizona	70.8
New Mexico	74.5
Oklahoma	91.6
Texas	56.8
Rocky Mountain	
Colorado	64.8
Idaho	73.7
Montana	82.6
Utah	85.5
Wyoming	70.4
Far West	
Alaska	99.1
California	53.1
Hawaii	100.0
Nevada	47.4
Oregon	53.9
Washington	60.9
U.S. Average	64.7%

Source: Martha Fabricius and Steven Gold, *State Aid to Local Governments for Corrections Programs* (Denver: National Conference of State Legislatures, April 1989), p. 12.

committed to a state prison rather than retained in community corrections. Chargeback mechanisms are more common in states that have a block grant formula for distribution of community corrections funds than in states using specific program grants or contracts. For example, the Indiana CCA specifies by offense when counties are to be charged for prison commitments.

How Effective Have CCAs Been?

On one dimension, these statutes may have contributed to directing more money into local corrections. Eight of the states with community corrections acts rank in the top 20 states in terms of highest per capita state aid to local governments for corrections services. Two of the three states with the highest per capita aid to local government—Virginia and Tennessee—have CCAs. [5, p. 7] However, in some of the states, community corrections acts may simply represent a continuation of a long tradition of state-local funding and administration of corrections.

Minnesota and Oregon have conducted extensive evaluations of their community corrections acts that are instructive. Although the studies pointed up flaws and inadequacies, neither state abandoned the concept.

In 1981, after seven years' experience, Minnesota's community corrections act was judged to have:

- Improved local planning and administration, particularly in the areas of training and budgeting;
- Increased the range and quantity of correctional services;
- Retained modestly more offenders in the community without increased public safety risk;
- Had little or no impact on the appropriateness of sanctions accorded different offenders; and
- Increased overall corrections costs because the few prison diversions did not offset the increased expenditures of locally run programs.

Evaluators of the Minnesota experience pointed to several key findings. First, Minneso-

ta in large part already practiced community corrections. Therefore, there was less opportunity to make significant gains in the number of offenders kept in the community. [13, pp. 76-82] This may not be the case in most other states.

Second, the primary alternative developed and used under the CCA was local incarceration, a relatively expensive option. Moreover, the researchers found that local incarceration was the alternative not only to prison but also to lesser sanctions. Corrections experts term this phenomenon "net-widening," expanding rather than lessening sanctions for certain offenders who in the absence of the new community alternatives would have been punished with traditional probation or with fines. To balance that point of view, some experts argue that certain offenders need closer supervision than is possible with probation; thus, community corrections offers "net-mending." But whether widening or diversifying the methods of control, corrections costs increase and may easily offset any savings accrued from diverting prison-bound offenders to community-based options.

Third, the evaluators argued that even though community-based services may be more economical when compared on a per capita basis with prison, the Minnesota experience demonstrated that local administration of corrections services is expensive. In effect, local autonomy and overall economy may be incompatible goals.

Finally, the evaluators pointed out that the CCA by itself is relatively ineffective in altering sentencing practices as evidenced by the use of local incarceration as the primary alternative. Since the initiation of the community corrections act, Minnesota also has developed sentencing guidelines, a more effective mechanism for changing sentencing behavior than the CCA's financial incentives and disincentives. Coordination of community-based services with sentencing policy is essential.

Oregon's 11-year-old community corrections act was evaluated in 1988 as part of the review by the Governor's Task Force on Corrections

Planning of the entire corrections system. [17, pp. 59-105] The task force reaffirmed support for the community corrections concept but emphasized the need for systemwide improvements. Among other suggestions, the task force recommended:

- Developing additional intermediate sanctions as soon as possible;
- Adopting sentencing guidelines to allocate limited prison capacity and an objective risk assessment system to better assign offenders to appropriate community supervision;
- Clarifying the intent of the community corrections act and improving state administration; and
- Increasing state appropriations to community corrections.

The task force pointed out that current financial resources were inadequate. CCA appropriations to participating counties remained relatively constant over the past decade, and inflation eroded the purchasing power of CCA funds. The task force recommended abandoning the block grant system, doing away with the chargeback mechanism, and moving to a reimbursement formula based on workload and the actual cost of services provided by the county.

In effect, the Oregon task force's recommendations underscore the points that a community corrections effort requires other reinforcing policies, adequate resources, and a financing mechanism that does not "pass the buck" for offender care from state to county.



INNOVATIONS IN COMMUNITY-BASED SENTENCING

Policymakers and corrections administrators are looking at several important innovations in community corrections. This section reviews three: intensive supervision probation or parole (ISP), home confinement, and residential programs.

Intensive Supervision Probation/Parole (ISP)

Intensive supervision probation/parole, as the name suggests, involves increased surveillance, control, and penalties that an offender is subject to while supervised in the community, as compared with traditional probation. For example, in Iowa, where four judicial districts are experimenting with ISP, the supervision standards are six times more rigorous than traditional probation. [8, p. 1] When on ISP, offenders typically must meet strict and frequent reporting stipulations, hold a job, pay victim restitution, perform community service, adhere to curfews and other restrictions on personal liberty, participate in treatment or counseling programs, and submit to random drug and alcohol tests. In some jurisdictions, control is so extensive that a significant number of eligible offenders opt for a short prison term instead of ISP.

Experimentation with ISP is widespread, with at least 12 states having developed statewide ISP efforts. These include:

Statewide ISP Programs

Arizona	Georgia	North Carolina
California	Illinois	Texas
Connecticut	New Jersey	Washington
Florida	New York	Wisconsin

Other states—for example, Colorado—have legislation authorizing state corrections officials to establish or contract with local government or agencies for ISP services in specific jurisdictions. Massachusetts implemented an experimental program but has discontinued new referrals to the program pending the results of an evaluation of its effectiveness. In most states, one or more local jurisdictions is operating an ISP effort or planning to implement one. [21, p. 11]

Target Offender. ISP candidates are usually

offenders deemed too serious for routine probation but not so high a risk as to require imprisonment. Most exclude violent offenders. There are variations, however. For example, New Jersey limits its program to felons currently serving prison sentences; most are repeat offenders for burglary or small-time drug sales. [20, p. 439] Illinois targets probation violators and offenders with "a history of criminal behavior that would support prison commitment." [21, p. 23] In Georgia, most offenders on ISP were convicted of nonviolent property offenses or drug and alcohol offenses. [4, p. 2] Massachusetts' program was not designed to divert prison-bound offenders but rather to improve management of probationers who were rated as "high risk" on an objective classification scale. [21, pp. 21-22]

Program Features. Some programs use an objective classification system to assign offenders to ISP on the basis of assessed risk and needs of prospective participants. (In Massachusetts, the classification system determined if a probationer required minimum, medium, maximum, or intensive supervision.) Depending upon the state, a judge may sentence an offender directly to ISP (e.g., Iowa) or leave that decision to correctional officials (e.g., Illinois). In New Jersey, a special screening panel of judicial, correctional, or public members reviews offender applications to ISP.

Day-to-day supervision may be exercised by an individual probation officer or a team with caseloads typically limited to 15 to 25 offenders. Georgia and Illinois assign two officers, one in charge of case management, treatment, and counseling and the second responsible primarily for surveillance, curfew monitoring, drug and alcohol testing, and regular police arrest record checks. Most ISP programs follow strict revocation procedures or reimpose more rigorous supervision (e.g., house arrest or residential placement) when offenders violate the terms of their probation.

Costs. As might be expected, the per offender costs of ISP are considerably lower than incarceration but higher than routine probation. For example, Georgia estimates its ISP

per capita costs at \$1,600 per year, compared with \$300 per year for each offender on routine probation and \$9,000 per year for a prison inmate. Massachusetts implemented its ISP with no new funding, instead reallocating existing probation resources among the four different levels of supervision. [21, pp. 15, 82]

But ISP also generates off-setting economic benefits. For example, one researcher estimated the value of community service work, if compensated at minimum wage, would total \$200,000 per year in the New Jersey ISP program. [20, p. 443] Other economic benefits include payment of restitution to victims, taxes and child support paid by employed offenders, and reduced welfare expenses for families of incarcerated offenders.

Effectiveness. At a minimum, ISP programs generally can make the claim that intensive supervision offers an alternative to incarceration that does not compromise public safety. In addition, most researchers have concluded that ISP participants have lower rates of recidivism than offenders who are incarcerated. It is unclear, however, whether the lower rates of recidivism are due to the careful selection procedures for individuals in ISP or the program's regimen of supervision.

A New Jersey evaluation showed the conviction rate for new offenses to be 10 percent lower for ISP participants than for other offenders in a matched control group. [20, p. 443] In Iowa, evaluators calculated the incidence of new crimes at 20 percent less for the ISP population. [8, p. 1] Georgia's ISP offenders recidivate considerably less than offenders released from prison or under regular probation. In addition, less than 1 percent of the ISP probationers have been convicted of any subsequent violent crimes, with none resulting in serious bodily injury to a victim. [4, p. 4]

A soon-to-be-released evaluation of Massachusetts' ISP shows that job and family stability and control of drug or alcohol abuse problems are the critical factors in decreasing the risk of reoffending.

TABLE 2.
COMMUNITY CORRECTIONS ACTS: MAJOR PROVISIONS

State & Citation	Administering Agency	Local Involvement	Funding Arrangement	Target Offender	Chargeback
Colorado CRS 17-27-101 (1976)	DOC administers; DOC or local units of government contract for or run services in conjunction with judicial districts	Voluntary participation. A local corrections board may be established to run programs, to advise on standards or needs, and to screen offenders for placement	Direct DOC contracts	Any felony or misdemeanor offender except those convicted of violent crimes or acts involving deadly weapon. Includes parole/probation violators	No
Connecticut CS 18-101 et seq. (1978)	DOC administers through 5 regional service areas	Local units of government may be contracting service providers	Formula allocation to each service area; specific requests based on private sector match, client population, facility/program criteria	Not specified	No
Indiana IN Code 11-12-1-1 et seq. (1979)	DOC with county or cooperating counties	Voluntary participation. Counties must create advisory board to develop annual plan; monitor programs; evaluate and recommend contracts	Formula allocation to participating counties. Formula criteria must be approved by state budget agency	Not specified, however, 11-12-2-9 lists felonies for which chargeback is triggered	Yes
Iowa IA Code Chap. 905 (1977)	Judicial district departments of correctional services	District participation required. District boards must include county, program, court, and citizen representatives	State DOC allocates on basis of an offender/workload formula	Offenders charged or convicted of a felony, aggravated or serious misdemeanor	No
Kansas KSA 75-5290 et seq. (1978)	DOC through county or cooperating counties	Voluntary participation. Local advisory board must develop annual plan	Formula subsidy based on per capita income and valuation, crime rate, and at-risk population	Juveniles and adults convicted first or second time of nonviolent felonies. Excludes sex offenses, aggravated assault, mandatory prison commitments	Yes
Minnesota MN Statutes 401.01-401.16 (1973)	DOC through county or cooperating counties	Voluntary participation. Local advisory board must develop identified needs for DOC biennial plan	Formula subsidy based on per capita income and valuation, and at-risk population	Juveniles. Adult felons committed to community supervision under sentencing guidelines	Yes

State & Citation	Administering Agency	Local Involvement	Funding Arrangement	Target Offender	Chargeback
Missouri RSMO 217.777 (1983)	Board of Probation and Parole	Local advisory boards identify the need for special services/programs	Separate and specific appropriations for each selected program	Offenders who in the absence of community-based programs would be incarcerated	No
New Mexico NMA 33-9-1 et seq. (1978)	DOC administers; DOC, private providers, or local units of government contract for or run programs	Voluntary participation. Local officials must be included in grant application review	Direct grants to providers up to 95% of program costs	Adjudicated juvenile delinquents. Adult felons, except those convicted of offenses involving firearms. State or local panel screens offenders for appropriateness	No
Ohio ORC 5149.30-.37 (1979)	Department of Rehabilitation and Corrections through cities, counties, or cooperating counties	Voluntary participation. Local boards must develop comprehensive plan	Formula subsidy based on per capita income and valuation, population, local corrections expenditures. Special grants provided	Any adult felony or misdemeanor offender except those convicted of specified violent crimes	Yes
Oregon ORS 423.500-.560 (1979)	DOC through county	Voluntary participation. Local advisory board must develop biennial plan. Three levels of participation provided	Formula subsidy based on crime rate, at-risk and total population	Adult felons except those convicted of specified violent offenses	Yes, though repeal is recommended
Tennessee TCA 40.36-101 et seq. (1985)	DOC through county or cooperating counties	Voluntary participation. Local advisory board develops plan, monitors programs, recommends subcontracts, educates public	Direct grants up to 100% based on documented local needs	Prison-bound offenders convicted of property, drug/alcohol, or nonviolent felonies. Excludes sex offenders, prior violent offenses	No
Virginia Code of VA 53.1-180-185 (1980)	DOC administers; DOC, private providers, or local units of government contract for or run programs	Voluntary participation. Local advisory board develops plan, monitors and evaluates programs, purchases or develops services and programs, screens and places offenders	Direct state contracts with providers or grants to local units to operate or purchase services	"Nonviolent offenders who may require less than institutional custody but more than probation supervision."	No

At the same time, however, it should be noted that ISP participants often have a high "failure" rate in the program. In other words, ISP participants often have their probation revoked and are reincarcerated before completing the supervision period. The high failure rate, however, results from the higher level of scrutiny that leads to detection of violations of the conditions imposed on the offender. Therefore, the rate may be considered a measure of "success" in ensuring public safety and enforcing probation sanctions rather than an indicator of "failure."

Home Confinement With or Without Electronic Monitoring

Home confinement (also called house arrest or home detention) refers to "any judicially or administratively imposed condition requiring an offender to remain in his residence for any portion of the day. [7, p. 5] Enforcement techniques can range from random, intermittent contacts by a supervising officer to continuous electronic monitoring (EM)."

Although judges usually can order home confinement without a statutory mandate, at least seven states (Colorado, Florida, Indiana, Kentucky, Nevada, Oklahoma, and Texas) have passed specific legislation authorizing home detention. Oklahoma's legislation authorizes house arrest as an alternative for prisoners who are within six months of release from prison.

Interest in home confinement as a community-based sanction is spurred by the increasing sophistication of electronic monitoring. A 1988 National Institute of Justice survey identified 32 states where at least one jurisdiction was using house arrest with EM—a 50 percent increase in one year. In 1987, the state of Michigan embarked upon one of the nation's largest EM programs with the purchase of 1,600 active devices and a goal of reducing the state's prison population. [26, p. 5] The Florida Department of Corrections' community control program, implemented in 1983, is the largest home confinement program currently operating. It supervises approximately 4,000 offenders a year. Most other house arrest programs have been implemented at the local

level with fewer participants.

Target Offenders. A wide range of offenders is placed under house arrest although, typically, those with a history of violent behavior are excluded. For example, Oklahoma's early release/house arrest program excludes sex offenders and murderers. Michigan excludes narcotics dealers. [26, p. 4] In addition, house arrest has been used to punish probationers and parolees charged with misdemeanors or probation/parole violations (e.g., Florida). Because of its flexibility to deal with individual situations, home confinement has been applied to offenders with special needs (i.e., the elderly, terminally ill, pregnant, or mentally retarded offender). Counties in Oregon and Kentucky have used home confinement to remove those convicted of drunk driving from overcrowded local jails. A recent survey of house arrest programs using EM reported that a majority are felony offenders convicted of nonviolent or property crimes. [23, p. 3]

Program Features. Judges usually sentence offenders to home confinement on a case-by-case basis; less common is the use of house arrest by probation or parole officials for managing a certain class of offenders. Florida's community control program selects house arrest candidates by an objective assessment system.

Supervising officers usually make employment checks, administer random drug or alcohol tests, and monitor other behaviors. Home confinement may be combined with a work-release program, community service, or victim restitution. It may last only a few days or several months.

Most home confinement programs with EM require offenders to have a residence and a telephone and to pay for a portion of the increased monitoring costs. Daily-monitoring fees range from \$4 to \$15, with some programs charging a one-time installation fee of \$25 to \$50; some use a sliding scale depending on the offender's ability to pay. [3, p. 21] In addition, an offender and a monitoring officer typically meet face-to-face at least once a week so that monitoring devices can be checked.

Costs. The cost of house arrest depends upon whether electronic monitoring is used and what type of technology is employed. One researcher estimated the cost of different electronic monitoring systems to range from as little as \$2,500 per offender per year to as much as \$8,500. [21, p. 22] Simple house arrest without EM is comparable in cost to ISP and a fraction of the cost of incarceration.

Simple comparison of per capita costs, however, belies other important cost considerations. Some jurisdictions have concluded that the upfront cost of obtaining EM equipment is not justified in light of the small number of offenders who might be eligible. [26, p. 6] Even when used for relatively short periods of house confinement, EM also may produce a much higher number of technical violations of conditions of probation. How those technical violations are handled is a critical issue, since automatic revocation of probation, reprocessing of offenders, and later incarceration costs may wipe out any potential savings that EM may offer.

Effectiveness. Most experts concur that the early results on the effectiveness of home confinement with or without EM are promising but still too limited to draw definitive conclusions. In Florida's community control program, 22 percent of the offenders supervised under house arrest without EM have had their release in the community revoked (14 percent for technical violations and 8 percent for commission of new offenses). [21, p. 38] Some programs using EM report few failures while others say as many as half do not complete the program. [23, p. 5]

Researchers have argued that house arrest, particularly when combined with electronic monitoring, is best used as a short-term sanction; and indeed, only one program in five maintains offenders on electronic monitoring for 90 days or more. [3, p. 19] Lengthy home confinement sentences may guarantee failure given the impulsive nature of most offenders and the rigorous self-discipline required. [21, p. 59]

Special Considerations with EM. Two types

of electronic monitoring technology exist. The first periodically monitors an offender's presence in the home by random computer-generated telephone calls which the offender must answer and then provide verifiable identification by voice or fingerprint, video monitors (sometimes used in conjunction with breathalyzers), or electronically coded bracelets. The second type of system continuously monitors the offender's presence in the home. An offender wears a miniature transmitter that sends a signal to a receiver-dialer attached to the telephone. The receiver-dialer in turn relays a signal to a central computer when an offender exceeds the transmitter's range. Some systems trigger a computer-generated call when there is an interruption in the transmitted signal.

Important practical problems have proven some monitoring systems technologically unreliable. The National Institute of Justice found numerous potential sources of interference including weather conditions, nearby radio stations, and large appliances, with most of these problems having been remedied. In addition, most probation offices operate only during normal business hours and therefore are ill-equipped to deal with the around-the-clock supervision implicit in house arrest. [21, p. 60] To solve this problem, Florida's community control officers function more like police and work irregular hours including evenings and weekends. [19, p. 2]

Some constitutional concerns about electronic monitoring also have been raised. Most questions about electronic monitoring focus on possible infringement upon an offender's protections guaranteed under the Fourth Amendment (unreasonable searches), Fifth Amendment (self-incrimination), and Eighth Amendment (cruel and unusual punishment). None of these issues has been litigated specifically with regard to electronic monitoring.

Current case law gives some limited guidance. For example, courts have generally held that offenders have a diminished right of privacy when the potential for rehabilitation and the need for enhanced supervision to ensure public safety can be shown. Other court precedents limit to administrative proceedings

the use of evidence gained from probationers' being compelled to answer incriminating questions as a condition of probation. Similar logic might circumscribe the use of information gained through electronic monitoring. The question of whether electronic monitoring constitutes cruel and unusual punishment leads some analysts to recommend that house arrest with monitoring be offered only on a "voluntary" basis, which is the current practice in most jurisdictions. [26, pp. 7-8]

Residential Options in Community Corrections

Residential facilities represent an important and substantial part of the continuum of community-based services. Residential facilities include any program (public or private) providing supervision (from limited to intensive) and services to offenders in a group or communal living environment. Offenders may be sentenced directly to a program as an alternative to prison or in lieu of probation/parole revocation. They also may be placed there after leaving more secure correctional facilities or as a condition of pretrial release. Nationwide, approximately 1,000 to 1,200 residential programs serve corrections clients primarily or exclusively.

Residential programs have been a well-established part of the corrections continuum since the 1960s, and some recent innovations are worth noting. For example, residential facilities are being used more frequently as study and diagnostic centers for offenders prior to the court's final disposition. [9, p. 46] Residential restitution centers, which operate in nearly 30 states, exercise supervision of offenders as they work in community service projects or at regular jobs to pay victim restitution. [21, p. 70] In 1988, Oregon began developing special custodial programs (i.e., room, board, and some support) to help indigent and drug-prone parolees make the transition to community supervision. [17, p. 68]

Target Offender. The type of offender under residential supervision depends upon the program's objectives and mission, which may emphasize:

- Reintegration of furloughed inmates or parolees into the community;
- Basic support (e.g., room and board) for low-risk offenders on work release or involved in restitution and community service;
- Intensive therapeutic services for offenders with substance abuse problems or counseling needs; or
- Custody and supervision of offenders released to less secure facilities designed to ease crowding of prisons.

Program Features. Residential programs are distinguished by varying intake criteria, length of stay, staffing patterns, physical facilities, target population served, location, services offered, and degree of autonomy.

The programs may range in size from six or eight beds to more than 100 beds. About three-fourths are operated by public agencies with the balance usually operated by private, non-profit organizations. Some states—for example, Nebraska and Florida—have few if any private programs, while other states depend heavily on the private sector.

Residential programs offer or tap other community resources to provide a broad array of services including job training, daily living skills, sexuality therapy, drug testing and counseling, family therapy, general education assistance, and follow-up groups or alumni support.

To fund these diverse services, some residential programs will contract with several funding sources. It is not unusual for a single facility to have beds funded by federal, state, and local monies. Multiple funding sources make the residential programs less vulnerable to cutbacks by one funding agency but may create competing or conflicting expectations.

Because of different missions, residential programs vary in terms of day-to-day operations. For example, security for facilities housing higher risk offenders may be tightly structured with closely supervised barracks or dormitory-style living areas and mechanisms to lock or physically secure the premises. In facilities with lower risk offenders, the securi-



ty may be much more informal, with offenders expected to adhere to curfews and allowed liberal pass privileges. Needless to say, the level of security depends in large part on the mission of the program and the type of offender placed in it, the potential for absconding, and the perceived risk to the community.

Another distinguishing feature is the degree of program autonomy to decide which offenders can enter a program, who can be discharged, and how discipline is handled. For example, some residential programs may be required to follow prescribed state discipline or revocation procedures when an offender breaks the terms or conditions of commitment to the facility. Other residential programs may develop their own penalties and procedures for infractions or violations.

Costs. The cost of residential programs varies with the kind of program and services offered or location and size of facility. Generalized comparisons with prison expenses are difficult to make. It is safe to anticipate that

residential programs generally will cost more than probation, intensive supervision, or home confinement but less than incarceration in jail or prison. How much more or less will depend on the individual program. Residential centers that hold large offender populations and focus primarily on security and supervision may have relatively modest per capita costs because of limited counseling and support services. By contrast, small therapeutic programs with substantial training and counseling components will have much higher per capita costs.

Effectiveness. In part because of the variety of different kinds of residential programs, good multiprogram studies have been few in number, and most past evaluations have focused on an individual residential setting. What research has been done has suggested that halfway houses and the like are no more effective at reducing recidivism than other community supervision programs. [9, pp. 58, 59]

Using statistical methods to control for differences between offenders placed in residential

programs and those released directly into the community, one study focusing on 10 Ohio halfway houses found that their residents committed fewer and less serious offenses than did those in the comparison group. The study also showed that in terms of other behaviors the halfway houses are more effective at reintegrating ex-offenders into the community than traditional parole supervision. [9, pp. 63, 64]

Most advocates of residential programs argue that the focus on recidivism is unfair and somewhat misplaced. When an offender commits another offense, that single act denotes "success" or "failure" and overshadows any progress made in improving other behaviors. Increasingly, program operators are documenting other outcomes—days worked, skills learned, academic attainment, days free of drug and alcohol abuse, taxes or family support paid by employed offenders, comparative cost savings—as indicators of the effectiveness of residential programs. Thus, while recidivism rates may not be significantly lower, other benefits do accrue.



PRIMARY POLICY CONSIDERATIONS FOR LEGISLATORS

1. *Community-based alternatives can be undertaken without compromising public safety, but it is too early to judge other long-term effects. Adoption of an expanded community corrections strategy will require legislators to educate the public about both the risks and the benefits of community sentencing options.*

The evidence suggests that intermediate sentencing options have had some impact on reducing recidivism rates, although not dramatically. Target groups of offenders amenable to different intermediate penalties can be statistically identified as a group, but there is no way to guarantee the successful selection in

individual cases. As one researcher points out, one in four targeted offenders will fail. [21, p. 81] In other words, public safety can be maintained, but individual offenders (whether ex-prison inmates or community corrections offenders) will recidivate.

Some advocates argue that community corrections has the advantage of avoiding those aspects of the prison environment that expose less serious offenders to more hardened or sophisticated criminals. There is, however, insufficient evidence to judge these claims at this time. Nevertheless, community-based alternatives can rightfully point to important dividends: restitution paid, community service

completed, offender families kept intact and off public assistance, and training and education attained.

The public continues to favor tough sanctions for criminals. Part of the challenge for policymakers will be to reassure the public that intermediate sanctions are sufficiently stringent, appropriately punitive in terms of the offense committed, and fundamentally fair and equitable.

2. *Community corrections is less costly than prison incarceration on a per capita basis, but expectations of significant corrections savings are not warranted.*

As Table 3 illustrates, community-based sentences cost significantly less per offender than prison. But most experts warn that direct comparisons are misleading. Per offender costs are derived by dividing total program costs by number of clients served and thus may not accurately reflect the program costs under "ideal" circumstances. Overcrowded prisons or high offender-probation officer ratios may underestimate costs, while restrictive caseloads inflate the cost of some alternatives. In addition, community corrections programs would have to reduce prison populations dramatically to effect the fixed system costs (i.e., staffing, facilities.) Irrespective of the question of effectiveness, community corrections in fact may increase expenditures if in practice these alternatives widen the net of sanctions for offenders who otherwise would be sentenced to less stringent and less costly probation.

Moreover, not all the cost implications of some of the alternatives are clear. For example, reprocessing electronically monitored offenders for curfew or technical violations may increase costs. Local administration of community-based services may also drive up expenses. The reality is that new programs will require more funding; for example, South Carolina Corrections Commissioner Parker Evatt recently called for doubling the probation and parole appropriations to develop a community corrections effort sufficient to alleviate an exploding prison population.

The greatest advantage of a continuum of community-based alternatives may be to manage corrections resources better and get a handle on planning. Better management of overall resources will allow states and localities to anticipate, and potentially postpone, major capital construction costs.

3. *If the public policy goal is to alleviate overcrowded prisons, then legislators need to examine carefully their current prison population and pay close attention to procedural issues.*

Because of different traditions and penal philosophies, states may have more or less opportunity to use community corrections alter-

TABLE 3.
PER OFFENDER ANNUAL COST OF SENTENCING OPTION
(exclusive of construction costs)

Option	Annual Cost
Routine Probation	\$ 300- 2,000
Intensive Supervision	1,500- 7,000
House Arrest	
without electronics	1,350- 7,000
with passive system	2,500- 6,500
with active system	4,500- 8,500
Local Jail	8,000-12,000
Local Detention Center	5,000-15,000
State Prison	9,000-20,000

Source: Joan Petersilia, *Expanding Options for Criminal Sentencing* (Santa Monica: The Rand Corporation), p. 83.

natives to reduce prison populations. But even states with low incarceration rates—for example, Iowa—have found the particular alternatives such as ISP helpful.

At a minimum, legislators will need to determine carefully what kinds of offenders they would divert from prison to the community. Most states with community corrections acts focus on nonviolent and nonhabitual offenders. Another prime group may be individuals reincarcerated for technical violations (not new criminal acts) of parole conditions. In 1985, a 10-state study by the National Center on Institutions and Alternatives showed that 6 to 20 percent, depending upon the state, of the prison inmates were technical parole violators, who with the additional supervision of ISP might have made a successful transition into the community.

An objective risk assessment system is critical for corrections officials to identify the most effective sanction for a given offender. But the availability of alternative options by themselves does not mean that judges will sentence prison-bound offenders to community-based programs.

Ideally, intermediate sentencing options need to be integrated into a structured sentencing system. Both the National Association of Counties (NACO) and the Advisory Commission on Intergovernmental Relations (ACIR) have recommended that sentencing guidelines and community corrections go hand in hand.

4. *The organization and financing of community-based programs will depend a great deal on the current probation and corrections administration in a state. Legislators will need to work cooperatively with local governments to devise an appropriate structure and intergovernmental partnership.*

Clearly, the cooperation and involvement of local government officials are essential as any state embarks on a policy of fostering community corrections. How that intergovernmental cooperation will be achieved depends upon the existing administration and funding of corrections.

The fundamental questions are how to organize community-based alternatives given the variety of systems and how to fund them. If the state's interest is to achieve prison population control, then it must be willing to provide financial incentives (and disincentives) to local actors in the system. If the state's interest is to aid the development of a broader, more equitable range of intermediate sanctions, then it must be willing to recognize that the alternatives may drive up costs at the local level.

The notion behind most of the community corrections acts is to devise a method for state and local government to share fairly the cost of sanctioning offenders to the most appropriate community-based alternative.

NACO argues persuasively that states also should consider how community corrections can alleviate local jail overcrowding and be attentive to the needs of local jurisdictions for technical assistance in identifying, establishing, and running community-based programs. [18, p. 21]

Again, given the variety of administrative systems, integration of community-based pro-

grams with sentencing guidelines is of critical importance if some equity and fair treatment are to be achieved.

5. Although diversity is required in community corrections programming, certain factors in an offender's life should receive special attention in an effort to increase the chances of successful reintegration into society.

No magic formula exists to predict what kind of programs and community-based sanctions will work best for each offender. If there is a common theme in the community corrections experience to date, it is that different folks need different strokes.

Three factors, however, seem critical to an offender's success or failure. These are job, family stability, and control of drug or alcohol abuse. Economic security and stable, supportive personal and family relations are keys to successful reintegration, while self-control over substance abuse problems is a prerequisite to prevention of future criminal involvement. The number of drug offenders is increasing dramatically, and even if sanctioned with prison terms, these offenders will at some point reenter the community. Thus, community-based substance abuse programs will play an increasingly important role in teaching accountability for drug-related conduct.

The challenge for state and local policymakers will be to create funding mechanisms, sentencing policies, and evaluation criteria that stand the test of good public policy and yet encourage the experimentation and diversity required to make effective inroads against intractable crime problems.

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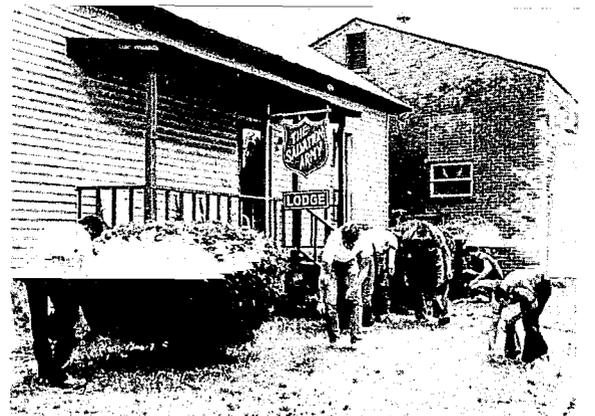
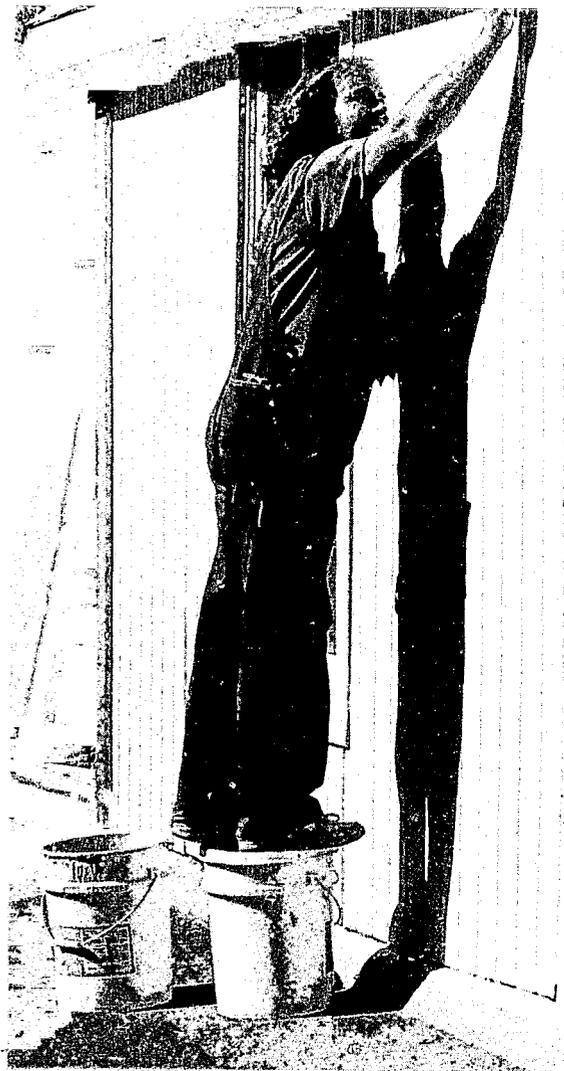
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