



Performing Pretrial Services: A Challenge in the Federal Criminal Justice System *James R. Marsh*

A Sanction Program for Noncompliant Offenders in the District of Nevada *John Allan Gonska*

Recruitment and Retention in Community Corrections: Report From a National Institute of Corrections *National Institute of Corrections*

... sion: A Solution to California's Drunk-blem *Lea L. Fields*

... m of Force in Community Supervision *Paul W. Brown*

... ial Role of the Board of Parole *Michael M. Pacheco*

... rs on Probation *Thomas Ellsworth*
Karin A. Helle

... oning Eligibles: Who Gets an ISP Sentence? *Philip L. Reichel*
Billie D. Sudbrack

... son Expansion Worth the Costs? *Thomas B. Marvell*

... -What Works With Juvenile Offenders: A 'the Literature and Experience *Peter W. Greenwood*

153611
153619

**U.S. Department of Justice
National Institute of Justice**

153611-
153619

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

Federal Probation

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

Federal Probation

A JOURNAL OF CORRECTIONAL PHILOSOPHY AND PRACTICE

Published by the Administrative Office of the United States Courts

VOLUME LVIII

DECEMBER 1994

NUMBER 4

This Issue in Brief

Performing Pretrial Services: A Challenge in the Federal Criminal Justice System.—Contending that “the Federal release and detention process is far from routine and mundane,” author James R. Marsh explains in depth the challenges Federal pretrial services officers face daily. He discusses the responsibilities inherent in pretrial services—to assess the risks defendants pose, to complete investigations and prepare reports for the court, and to supervise defendants released pending disposition of their cases—and the challenges that accompany such responsibilities.

A Sanction Program for Noncompliant Offenders in the District of Nevada.—When probationers do not comply with the terms and conditions of supervision, probation officers must report the noncompliant behavior and take steps to correct it. Author John Allan Gonska describes how the U.S. probation office in the District of Nevada addressed the issue of noncompliance by creating a sanction program. The author explains how the program was developed and how it works, giving examples of violations and appropriate sanctions for them under the program.

Recruitment and Retention in Community Corrections: Report From a National Institute of Corrections Conference.—With a changing workforce and a changing work environment, how do community corrections agencies recruit and retain qualified employees? The National Institute of Corrections sponsored a conference to explore this issue with a group of community corrections managers from around the country. This article reports on the group’s discussion—which focused on probation and parole image, the recruiting market, qualifications, training, and motivation—and offers the group’s recommendations.

Pretrial Diversion: A Solution to California’s Drunk-Driving Problem.—Author Lea L. Fields explains how California currently has an array of pretrial diversion programs to address offenses ranging from drug abuse to domestic violence to sexual molestation but has no such program for drunk driving. The author examines drunk-driving diversion programs in

Oregon and Monroe County, New York, explains the benefits of these types of programs, and tells how a diversion program for drunk drivers could be set up in California.

The Continuum of Force in Community Supervision.—In these times of increased emphasis on offender control, some community corrections agencies may be providing their officers with lethal weapons such as revolvers and less-than-lethal weapons such as stun guns and personal defense sprays with little or no guidance as to when their use is appropriate. Author Paul W. Brown stresses the importance of proper training and describes the “continuum of force,” the primary tool for providing guidance to officers in the use of force. He explains how the continuum of force works, focusing

CONTENTS

Performing Pretrial Services: A Challenge in the Federal Criminal Justice System . . . James R. Marsh	3
	153611
A Sanction Program for Noncompliant Offenders in the District of Nevada. . . . John Allan Gonska	11
	153612
Recruitment and Retention in Community Corrections: Report From a National Institute of Corrections Conference . . . National Institute of Corrections	16
153613	
Pretrial Diversion: A Solution to California’s Drunk-Driving Problem. . . . Lea L. Fields	20
153614	
The Continuum of Force in Community Supervision . . . Paul W. Brown	31
153615	
The Educational Role of the Board of Parole . . . Michael M. Pacheco	38
153616	
Older Offenders on Probation. . . Thomas Ellsworth Karin A. Helle	43
153617	
Differences Among Eligibles: Who Gets an ISP Sentence? . . . Philip L. Reichel Billie D. Sudbrack	51
153618	
Is Further Prison Expansion Worth the Costs? . . . Thomas B. Marvell	59
153619	
Departments	
Up to Speed	63
Reviews of Professional Periodicals	68
Your Bookshelf on Review	74
It Has Come to Our Attention	82
Indexes of Articles and Book Reviews	83

Is Further Prison Expansion Worth the Costs?*

BY THOMAS B. MARVELL

Director, Justec Research, Williamsburg, Virginia

IN RECENT decades a primary response to crime has been to expand prison populations, which in 1993 exceeded 4.5 times the figure 25 years ago (Bureau of Justice Statistics, 1986; Gilliard & Beck, 1994). State and Federal governments have established longer sentences and mandatory minimum sentences, assuming that such action would reduce crime by deterring and incapacitating criminals.

Perhaps the most important question in penology today is whether further prison expansion is worth the expense. Cost-benefit analysis of imprisonment has been tried in the past, but it is suspect due to the questionable assumptions used (Conrad, 1989; Greenberg, 1990; Zimring & Hawkins, 1991). Much new information is now available, however, permitting reasonably firm estimates.

This article first compares the direct and measurable costs and benefits. The latter are mainly savings to victims from crimes not committed because prison populations were expanded; these include the value of items that would have been stolen and the pain victims would have suffered from violent crime. The direct costs are the expenses of building and operating prisons. I also outline the potential costs and benefits that cannot be quantified or cannot be attributed to changes in prison populations and crime rates.

Direct Benefits

The first step in determining the direct benefits is to estimate how many crimes are avoided when prison populations expand. Lack of adequate data here has long been a major stumbling block to making cost-benefit calculations.¹ This year, however, two major research efforts independently reached nearly the same conclusions with different research procedures. Spellman (1994), using prisoners' accounts concerning the volume of crime they committed, concluded that increasing prison and jail populations by 1 percent reduces index crime by 0.12 percent to 0.20 percent, with a best estimate of 0.16 percent. Marvell and Moody (1994), conducting econometric analysis of

crime rates and prison populations, concluded that each 1 percent increase in state prison populations reduced crime by at least 0.16 percent in 1971 to 1989. The reduction reached 0.21 percent in the period after 1976. The Spellman estimates are a little lower probably because they pertain to prison plus jail inmates, whereas Marvell and Moody studied prison populations only. Spellman's estimate, in addition, is limited to the incapacitation effect, and Marvell and Moody include deterrence and other crime-reduction effects of imprisonment.

Marvell and Moody also studied the average impact per additional state prisoner, producing an estimate of nearly 21 crimes averted per year. When broken down by crime type, each additional inmate leads to, on average, 0.06 fewer rapes, 0.63 fewer robberies, 6.10 fewer burglaries, 12.65 fewer larcenies, and 1.11 fewer vehicle thefts (table 1). There is no discernable impact on homicides and assaults.

The most obvious and easily calculated benefit of crime reduction is avoiding economic loss to potential victims. The Department of Justice publishes two estimates of victims' losses, one from the National Crime Survey (NCS) and the other from the Uniform Crime Reports (UCR). The NCS includes the value of stolen property, medical expenses, and pay loss for worked missed. The NCS figures, shown in table 1, lead to an estimate of \$13,000 saved per additional prisoner in 1994 dollars.² The UCR figures produce a higher estimate, \$21,000, because citizens tend to report crime more often when the loss is greater and because the NCS excludes commercial crimes, which involve greater property loss for robbery and burglary (but not larceny). As a rough estimate, I take the average of the two measures, or \$17,000 direct costs to victims saved per additional prisoner for index crimes. In addition, I add \$2,000 for fraud and forgery,³ which are not index crimes, for a total of \$19,000.

This is probably an underestimate, although not seriously so. The UCR measure includes only costs of items stolen. The NCS excludes costs incurred after the interview date (which took place sometime between the crime and 6 months later), and many victims probably did not know the cost of medical care paid directly by their insurers. Medical costs, however, are only a small portion of total costs even for violent crime (Miller, Cohen, & Rossman, 1994). The estimates might be higher if I could include victimless

*This article was partly prepared under Grant No. 88-IJ-CX-0045 from the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the Department of Justice.

TABLE 1. ECONOMIC LOSS TO VICTIMS SAVED PER PRISONER (1994)

	Loss per Crime		Number of Crimes Avoided Per Prisoner ³	Loss Averted Per Prisoner	
	National Crime Survey ¹	Uniform Crime Reports ²		Based on NCS	Based on UCR
Rape	\$248	—	0.06	\$15	—
Robbery	\$588	\$890	0.63	\$370	\$561
Burglary	\$884	\$1,355	6.10	\$5,392	\$8,266
Theft	\$239	\$512	12.65	\$3,023	\$6,477
Auto Theft	\$4,229	\$4,996	1.11	\$4,694	\$5,546
Totals				\$13,494	\$20,850

¹From Klass (1994), adjusted for inflation; includes lost wages, medical costs, and costs of property stolen.

²From Federal Bureau of Investigation (1993), adjusted for inflation; includes only costs of property stolen.

³From Marvell and Moody (1994).

crime, such as gambling and drug offenses, but the impact of prison expansion is probably small because many other people are available to provide the illegal services, taking the place of those imprisoned (Nagin, 1978).

Also not included in table 1 are costs associated with psychological injuries, such as pain and suffering, which are difficult to measure but which are important and should be included if possible. The civil courts routinely give monetary damages for psychological injuries, and recent studies have used data for damage awards to estimate the costs of psychological injury in crimes (Miller, Cohen, & Rossman, 1994; Cohen, 1988). The results are rough averages of \$51,000 for each rape, \$17,000 for each robbery, and \$700 for each burglary.⁴ These translate into \$3,000 avoided for rape for each additional prisoner on average (0.06 times \$51,000), \$11,000 for robbery, and \$4,000 for burglary.

In all, the calculable direct benefits from crime reduction total to some \$37,000 per additional prisoner, about half for monetary loss and half for psychological injury.

Direct Costs

The best estimate of prison operating and construction costs per prisoner is \$22,920 to \$26,245 per year in 1989 dollars (Cavanagh & Kleiman, 1990). Taking the average and adjusting for inflation leads to a rounded estimate of \$30,000 in 1994 dollars. If the inmates were not imprisoned, they would most likely be on probation, so I must subtract the cost of supervising a probationer, which Cavanagh and Kleinman (1990) estimate to be \$1,000 per year (again after converting into 1994 dollars and rounding). The net costs, therefore, are \$29,000 per prisoner.

Additional Putative Benefits

There are several other possible benefits to the crime reduction impact of expanding prisons, but they are not included here because they apparently have little

or no causal connection with crime reduction or because one cannot estimate the cost savings.

An important potential gain is alleviating the financial burden of the criminal justice system. In 1990 Federal and state justice system expenses totaled \$74 billion (Lindgren, 1992), or nearly \$2,000 per index crime and \$40,000 for crimes avoided per additional prisoner.⁵ Nongovernment crime costs for insurance and private security are probably even greater. The potential indirect costs savings, therefore, approach \$100,000 a year per additional prisoner. But this cannot legitimately be considered a crime-reduction gain for the simple reason that, to the best of my knowledge, there is no reason to believe that such costs undergo a net decline because prison expansion reduces crime (for example, Langan [1991] and Marvell and Moody [1994] concluded that crime rate changes have little effect on prison populations).

Crime entails losses other than loss to victims: suffering by victims' families, increased fear of crime by acquaintances, loss to the victims' employers for sick leave,⁶ and commercial declines in high-crime neighborhoods. The latter is not truly a cost of crime because it means that other areas receive commercial gains, and the remaining potential benefits from crime reduction are too nebulous to calculate.

Other Putative Costs

More imprisonment also entails "down-stream" costs that some try to attribute to the imprisonment. A prisoner's loss of legitimate earnings, which has been estimated to average some \$10,000 a year (Cavanagh & Kleiman, 1990), is not properly a cost because the loss typically means a job opening for someone else.

Prisoners' dependents are often on welfare, which costs the government another \$10,000 or so per prisoner (Cavanagh & Kleiman, 1990). Most of this is not properly a cost of imprisonment because (a) the dependents may be on welfare even if the prisoner were

on the street, and (b) to the extent that additions to welfare result from the prisoner's loss of legitimate employment, the imprisonment provides employment opportunities for some whose families would otherwise be on welfare. On the other hand, welfare costs that result from loss of illegal income are true costs of increasing imprisonment. That is, when crime reduction through more imprisonment reduces theft losses, it also reduces criminals' incomes and perhaps causes some dependents to go on welfare. I have no basis for estimating, however, how often this happens and what portion of the welfare expenses can be considered a cost of imprisonment.

There are several other indirect costs that cannot be measured with information currently available. These include suffering by prisoners and relatives resulting from the imprisonment, relatives' costs for visiting and telephoning inmates, and the possible "crime-school" effect of imprisonment.

Conclusions

Prison populations appear to be near an equilibrium point from a cost-benefit viewpoint. The most readily measured benefit, reduced monetary loss to victims, is some \$19,000 per additional prisoner per year. This is substantially less than the most readily measured cost, \$29,000 for prison operation and construction, less probation supervision costs. But reduction in psychological costs to victims, estimated to be worth \$18,000 per prisoner, raises the benefits to \$37,000. For all practical purposes, given the uncertainties involved, especially for psychological costs, there is no indication that the direct calculable costs (\$29,000) and benefits (\$37,000) of imprisonment differ appreciably.

Additional costs and benefits that are not quantified, such as suffering by victims' and inmates' relatives, also appear to be roughly balanced. Potentially the most important benefit, reduction in overall criminal justice expenses, and a major potential cost, inmates' loss of earnings, cannot be included because there is little to suggest that they are truly benefits and costs in practice.

This leads one to ask what might make the incarceration strategy more worthwhile. Criminals vary greatly in the amount of crime they commit, and there is growing evidence that many of the most active criminals remain on the streets, while prisons contain large numbers of criminals less adept at evading capture. Surveys of inmates suggest that the vast majority of crimes are committed by a small percent of criminals who tend to have much lower apprehension rates than others (for example, Chaiken & Chaiken, 1982; Horney & Marshall, 1991; Blumstein, Cohen, & Visser, 1988). Reducing crime by expanding prisons is

unlikely to be very cost-effective unless accompanied by greater efforts to imprison the most active criminals.⁷ Lawmakers, therefore, should seek to improve police effectiveness as a way to make better use of prisons.

NOTES

¹Two major cost-benefit studies produce inflated estimates of the benefits of imprisonment because they did not have adequate data on number of crimes avoided (Cavanagh & Kleiman, 1990; Zedlewski, 1987).

²The published NCS and UCR data are adjusted upward for inflation and are expressed in 1994 dollars (assuming 3 percent inflation in that year), as are all figures in this article unless stated otherwise.

³Judging from prisoner surveys, fraud and forgery amount to approximately 30 percent of index crimes (see, for example, Chaiken & Chaiken, 1982; Horney & Marshall, 1991). Thus each prisoner on average would have committed some six such crimes (30 percent of 21). Cavanagh and Kleiman (1990) assume that the loss to victims per crime is the same as larceny. This is \$376, the average of the NCS and UCR figures in table 1, and multiplying by six produces the rough estimate of \$2,000.

⁴The rape and robbery figures are for "total mental health" (which includes mental health medical expenses) and "quality of life" (excluding homicide). Some two-thirds of the total is "quality of life lost to psychological injury." The researchers listed another \$2,000 per crime for loss of work, which I do not include because it presents job opportunities for others. The published figures are in 1989 dollars and are increased by 20 percent to adjust for 1989-94 inflation. As for burglary, the mental health data are from the early 1980's, and the inflation adjustment is 45 percent.

⁵The total number of crimes are 38 million, after adjusting for under-reporting (each crime is divided by its reporting rate) in 1990 (see Federal Bureau of Investigation, 1993; Bastian, 1994).

⁶In 1992 crime resulted in about 6.1 million days of lost work (Klass, 1994), or about 1.5 hours per crime on average. Loss of time from work occurs in about 24 percent of rapes and 10 percent of robberies.

⁷Spellman (1994) also arrives at this conclusion, although through different reasoning.

REFERENCES

- Bastian, L.D. (1993). *Criminal victimization in 1992*. Washington, DC: U.S. Department of Justice.
- Blumstein, A., Cohen, J., & Visser, C. A. (1988). *Linking the crime and arrest process to measure individual crime rates: Variations in individual arrest risk per crime*. Pittsburgh, PA: School of Urban and Public Affairs, Carnegie Mellon University.
- Bureau of Justice Statistics. (1986). *State and federal prisoners 1925-85*. Washington, DC: U.S. Department of Justice.
- Bureau of Justice Statistics. (1993). *Correctional populations in the United States, 1992*. Washington, DC: U.S. Department of Justice.
- Cavanagh, D.P., & Kleiman, A.R. (1990). *A cost benefit analysis of prison cell construction and alternative sanctions*. Cambridge, MA: Botec Analysis Corp.
- Chaiken, J. M., & Chaiken, M. (1982). *Varieties of criminal behavior*. Santa Monica, CA: Rand Corporation.
- Conrad, J.P. (1989). News of the future: Research and development in corrections. *Federal Probation*, 53(2), 65-67.

- Cohen, M.A. (1988). Pain, suffering, and jury awards: A study of the costs of crime to victims. *Law and Society Review*, 22, 537-556.
- Federal Bureau of Investigation. (1993). *Crime in the United States 1992*. Washington, DC: U.S. Government Printing Office.
- Gilliard, D.K., & Beck, A.J. (1994). *Prisoners in 1993*. Washington, DC: U.S. Department of Justice.
- Greenberg, D.E. (1990). The cost-benefit analysis of imprisonment. *Social Justice*, 17, 49-75.
- Horney, J., & Marshall, I.H. (1991). Measuring lambda through self reports. *Criminology*, 29, 471-495.
- Klass, P.A. (1994). *The costs of crime to victims*. Washington, DC: U.S. Department of Justice.
- Langan, P.A. (1991). America's soaring prison population. *Science*, 251, 1568-1573.
- Lindgren, S.A. (1992). *Justice expenditure and employment, 1990*. Washington, DC: U.S. Department of Justice.
- Marvell, T.B., & Moody, C.E. (1994). Prison population growth and crime reduction. *Journal of Quantitative Criminology*, 10, 109-140.
- Miller, T.R., Cohen, M.A., & Rossman, S.B. (1994). Victim costs of violent crime and resulting injuries. *Health Affairs*, 12, 186-197.
- Nagin, D. (1978). General deterrence: A review of the empirical evidence. In A. Blumstein, J. Cohen, & D. Nagin (Eds.), *Deterrence and incapacitation: Estimating the effects of criminal sanctions on crime rates*. Washington, DC: National Academy Press.
- Spellman, W. (1994). *Criminal incapacitation*. New York: Plenum Press.
- Zedlewski, E. W. (1987). *Making confinement decisions*. Washington, DC: U.S. Department of Justice.
- Zimring, F.E., & Hawkins, G. (1991). *The scale of imprisonment*. Chicago, IL: University of Chicago Press.