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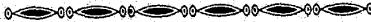
THERE ARE ALTERNATIVES

TO INCARCERATION !

A STUDY PROPOSAL WRITTEN FOR THE
CONNECTICUT PRISON ASSOCIATION

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March, 1973

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TO THE GOVERNOR AND CITIZENS OF THE STATE OF CONNECTICUT


At a vote taken by the Directors of the Connecticut Prison Association on March 8, 1973, it was unanimously voted by all present, to request a moratorium on the building of any new correctional institutions in the state of Connecticut. This moratorium should last from three to five years, during which time a Blue Ribbon Committee be appointed by the Governor to study alternatives to incarceration of sentenced inmates.

The Board requests that the paper, "Alternatives to Incarceration", researched and written by Mr. Thomas Thurber, MSW, Director of Social Services of our agency, be printed and distributed to the leaders of our State.

The Board is fully aware of the existing conditions in the abomination of desolation we call our correctional centers in Hartford, New Haven, and Cheshire, Connecticut. We feel that the Hartford and New Haven installations should be razed immediately, and a system such as we suggest be put into motion to transfer inmates from these two institutions to other facilities.

The following paper is no panacea to the problem of establishing "Alternatives to Incarceration", but it is a primer that should allow fresh approaches to flow.


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THERE ARE ALTERNATIVES TO INCARCERATION

CONCLUSION

The present plans of the Connecticut Department of Correction for the construction of new penal institutions are in direct conflict with the advice of leading criminal justice authorities on correctional reform. Furthermore, such plans are unnecessary and represent an enormous waste of tax dollars.

The National Council on Crime and Delinquency, the National Advisory Commission On Criminal Justice Standard And Goals, Chief Justice Warren Berger, and many others have cautioned against building new penal institutions until community based alternatives are fully explored. Many states, including California, Wisconsin, Minnesota, Iowa, Texas, Kentucky, Massachusetts and Vermont have implemented a variety of community treatment programs resulting in a savings of millions of tax dollars as well as providing a more effective correctional process.

COST

The total cost of Connecticut's new building program is 59,000,000 dollars. The total capacity of the proposed institutions is 1,700 units. This represents an increase over present population figures of 393.* This, of itself, should give reason for concern since the national trend, both for pre-trial detainees and for sentenced prisoners, is decreasing. According to the National Council on Crime and Delinquency, overbuilding by 25 beds is a half million dollar error. Just on the basis of remaining constant in size, this constitutes nearly an 8,000,000 dollar error for Connecticut.

The Department's purpose in building new community correctional centers is two-fold: to house pre-trial detainees and work-release prisoners. (1) Statistics from the Institute For Criminal And Social Justice in Hartford indicate that the pre-trial population has decreased nearly 30% over the past two years and may be reduced by an additional 10% to 25% over the next two. (2) Housing work-release prisoners (who are out in the community all day long) in a maximum security jail is tremendously wasteful economically and ineffective from a rehabilitative standpoint.

*Total inmate population as of February 1, 1973 for Bridgeport, Hartford, New Haven and Cheshire was 1307.

These people are among those the Department believes are safe to be in the community during the balance of their correctional process, and it would make much more sense to house them in less expensive group homes.

The building program includes 33,000,000 dollars to add on to the existing youth facility at Cheshire in order that the present facility may be renovated and used to house adult misdemeanor prisoners. These prisoners are generally part of the prison population which should be treated in community correctional programs. Correction officials in Connecticut have acknowledged that the need for maximum security facilities for those dangerous to the community applies to only 20% of persons presently incarcerated. The present inmate population is 3,050. Twenty percent is 610. Even though release of the balance of the population into community programs may be five to ten years away in terms of establishing sufficient alternatives, it is important to realize that building now is to build into our system new maximum security institutions with a life expectancy of 65 to 100 years and an annual operating budget of at least 7,000,000 dollars. This constitutes tremendously wasteful planning.

PROPOSAL

The Connecticut Prison Association proposes that further construction of Connecticut's penal institutions be held in abeyance pending completion of a comprehensive study of the criminal justice system in Connecticut. A commission in Wisconsin recently completed such a study for Governor Lucey and has provided the state with an in-depth set of recommendations. At the present time only the community correctional center in Bridgeport is under construction. The balance of the funds are appropriated but not irrevocably committed.

The Association recommends that the state immediately allocate an additional \$3-1/2 million a year to improve probation and parole services to an acceptable level of a caseload of 50 for probation officers and 35 for parole officers. (The present cost of operating these services is merely 2,000,000 dollars.) Even a substantially beefed-up probation and parole program would cost only a

fraction of the cost of incarceration. In lieu of annual maintenance costs (7,000,000 dollars) to operate new institutions, the cost of improving probation and parole services (5.6 million dollars) represents a total net savings in excess of 1,250,000 dollars while improving the Criminal Justice System far beyond its present capacity.

The Association is aware of the deplorable state of the Hartford and New Haven correctional facilities. It believes they should be razed, now! There are presently enough empty beds in other institutions to permit the housing of inmates currently at Hartford and New Haven elsewhere. Moreover, this can be done at less cost (including additional transportation cost) than is required to keep these two facilities open.

The trend in the country is away from institution-ization. It would be a greater tragedy to build new maximum security facilities which will constitute a albatross around the neck of our system for years to come. In terms of tax dollars, high crime rates, and human resources, we must take a hard look at the nature of our system. Until we do this we must halt further construction!

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INTRODUCTION

The following paper is designed primarily to accomplish one purpose: To stimulate public debate in Connecticut over the present plan of the Department of Correction for construction of new correctional facilities.

Until recently, such a debate was assumed to be unnecessary by most concerned people and organizations, including the Connecticut Prison Association. The only question being raised was where such facilities should be built, not whether they should be built. Within the last year, however, new evidence and new developments both within our state and around the nation have made it imperative to question the wisdom of the course now being proposed before it is too late.

The paper is divided into three sections. The first contains a description of the Criminal Justice System in Connecticut, including the current resources in personnel and buildings, the cost to the taxpayer, and the principal problems facing each component. The second part examines the correctional facilities now being planned and points out how these plans are inconsistent both with the problems now plaguing Connecticut's Criminal Justice System and with the national trend in corrections. The third part presents the following preliminary set of alternate proposals which the Connecticut Prison Association believes are more in line with both the needs and the resources of our state:

- 1) That a moratorium be imposed on all new construction of penal institutions in Connecticut for three to five years while alternative measures to incarceration and rehabilitation are studied by a high level blue ribbon task force.
- 2) That a portion of money now earmarked for new construction be invested in a variety of Community Based Correctional Programs for the above period including expanded probation and parole staffs, halfway houses, and work release.
- 3) That, as much as possible, the correctional process move from minimum control to

maximum control rather than vice versa as is now the case.

- 4) That the present facilities of the Correctional Centers in Hartford and New Haven, which are admittedly obsolete and dangerous, be phased out and their populations redistributed to other existing facilities or released under expanded probation and parole.

The Connecticut Prison Association believes that the above recommendations would result in a substantial savings to the State of Connecticut, amounting to approximately 39,000,000 dollars in suspended construction costs. In light of such curtailment there would also be an annual savings in excess of 1,250,000 dollars in service costs while at the same time substantially improving the present correction and probation systems.

The control of crime is a serious concern for everyone. For this to occur, the correctional process must be both humane and effective. Continuing to concentrate on custody and new buildings is not the answer. If the present facilities have contributed to the problem rather than its solution, then merely to build contemporary versions of them, leaving all else unchanged (and perhaps locking out the possibility of change), is hardly a wise move. The great need, as the paper points out, is for more intelligent, more workable measures of rehabilitation not simply more modern institutions. We cannot afford to build foolishly. Let us learn from the mistakes of the past--while there is still time.

Gordon Bates

PART ONE

I. THE CRIMINAL JUSTICE SYSTEM IN CONNECTICUT:

A. Nature And Purpose:

The Criminal Justice System in Connecticut consists essentially of three subdivisions: law enforcement, the judiciary, and corrections.

1) Law Enforcement - All police departments, with the exception of the state and other special police forces, are organized on the municipal level. Of 184 Connecticut municipalities, 101 employ full time police personnel. The total population of these towns numbers 2,798,700. As of 1971 there were a total of 9,281 department employees. (1)

The State Police Department is headed by a commissioner who is appointed by the governor. According to 1971 statistics, there were 11 police troops throughout the state as well as other specialized units with a total of 1009 full time personnel, including 759 authorized sworn personnel.

2) The Courts - Connecticut has two state wide criminal trial courts, the superior court and the circuit court, both of which are operated by the judicial department of the state, as is the entire juvenile court system. As of 1971, there were 18 circuit courts in the state employing 34 court reporters, 67 clerks and assistant clerks, and 207 clerical assistants. At this time the circuit court employed a total of 631 people.

In 1971, there were 10 superior courts located throughout the state. Personnel of the superior court consisted of 43 court reporters, 30 clerks and assistant clerks, and 84 clerical assistants. In total, there were some 392 persons employed by the superior court, including the personnel of the supreme court. A panel of 35 judges of the superior court is, by statute, the governing body of that court.

Taken as a whole, the activities of the adult criminal court are designed to achieve five

goals: first, to determine who should be subjected to prosecution and conviction; second, to determine who is to be held in custody pending outcome of the case; third, to assure that the rights of those accused are respected; fourth, to determine guilt or innocence of those charged with a crime; and fifth, to impose a sentence upon those convicted of a crime as a measure of exercising the government's coercive power calculated to advance the objectives of isolation and rehabilitation. (2)

The Juvenile Court System is administered in three separate districts. Hartford, Bridgeport, and New Haven serve as headquarters for the court in each district. Twelve other cities located throughout the three districts provide for permanent area offices staffed by resident probation officers. As of 1971, there were 158 authorized positions within the Juvenile Court. (3)

3) Corrections - The Department of Correction in Connecticut is comprised of the council of correction (a seven member policy making body), the Connecticut correctional institutions, the community correctional centers, and the division of parole. The department operates two major institutions for adult males, at Somers and Enfield, one institution (in the process of being phased out) for women at Niantic, and one institution for youth in Cheshire. The department also operates six centers located in Litchfield, Brooklyn, Bridgeport, New Haven, Montville, and Hartford.

On the average there are 1,950 sentenced felons, 700 sentenced misdemeanants, and 600 un-sentenced persons. In addition, the parole division has the responsibility of supervising approximately 1800 individuals who have been released prior to completion of maximum sentence by the Board of Parole. The average number of full time employees for the Department of Correction is 1,400. (4)

4) Probation and Parole - The department of adult probation provides services to both the superior and circuit courts. The two main functions of the department are: (1) to provide case material through an investigation of all accused prior to sentencing; and (2) to supervise and counsel all offenders placed on probation by the courts. The

probation services are provided through 23 local offices with a staff of approximately 135 probation officers. The average caseload for each officer is approximately 107 people. (5)

The division of parole is part of the Department of Correction. This unit is chiefly responsible for the supervision of those men paroled from penal institutions after review by the board of parole. At present there are 20 parole officers throughout the state supervising a total population of approximately 1800 men. The average caseload per parole officer is 90 people. (6)

The intended purpose of the Criminal Justice System is basically threefold: 1) to protect the public from the effects of criminal activity, 2) to detect crime and apprehend suspected criminals, and, 3) to correct and or rehabilitate those convicted of crime. It is in the performance of these three basic areas of responsibility that justice is said to be served, subject of course to the limitations of human understanding and compassion. Wherever a serious breach of the law occurs, through the enactment of criminal behavior, it is the responsibility of the Criminal Justice System to exercise its powers of restraint to see that justice is upheld and law and order restored.

B. The Cost Of Operating The Criminal Justice System:

Law Enforcement - According to a 1971 survey conducted by the Connecticut Planning Committee on Criminal Administration, 101 Connecticut towns, with a total population of 2,798,700 people, had 9,281 law enforcement employees (including clerical and administrative employees) with a budget of 68,610,161 dollars. Although these 101 towns represent only 54% of the towns in the state, they contain 91% of the state's residents. The per capita police costs range from a high of \$38.80 spent by cities of over 100,000 in population to a low of \$15.70 spent in the towns under the previous year of 1970. Police employees for each 1,000 population served, including part time supernumerary officers, range from 3.9 per one thousand in the larger cities to 3.10 in the smaller towns and cities. (7)

State police services are provided by 11 police troops numbering 1,009 in full time personnel. The total operating budget for the state police department during 1971-72, was 13,008,184 dollars. (8)

The Courts - The total expenditures for operating our superior and circuit courts in this state during FY-71 amounted to 21,192,678 dollars. The total operating budget for the Juvenile Court System in Connecticut during 1971-72 was 2,581,836 dollars. The individual expenditures for superior and circuit courts were 7,941,803 dollars and 8,082,761 dollars respectively. The circuit court figure represents a 31.7% increase in expenses over 1968. A comparison of expenditures over a five year period demonstrates a steady rise in the cost of operating the circuit courts in Connecticut. Since 1967 the operating cost of the circuit court has increased 37%. During the past five years, expenditures for operating the criminal side of the superior court have tripled. (9)

Correction - The total operating expenditures for FY-1971 for the Department of Correction was 17,463,953 dollars. Eighty percent or 13,971,062 dollars was allotted for custody while 20 percent or 3,492,791 dollars was used for administration, program development, and parole and institutional treatment services. The average per capita, per annum costs for individuals incarcerated at a jail is 3,225 dollars as compared to an average per capita, per annum figure of 5,414 dollars for individuals incarcerated in our prisons. Less than 20% of the per capita costs expended for each individual is used for treatment oriented programs. (10)

According to recent statistical data published by the Connecticut Department of Correction, the total estimated expenses for 1972-73 is 19,093,727 dollars. The total budget for providing custody at the Correctional Center in Hartford is approximately 1,157,000 dollars per year. This figure alone amounts to nearly one third of the total outlay for treatment programs in the entire correctional system. (11)

Parole - Expenditures for the division of parole for the Department of Correction during FY-71/72 was approximately 440,000 dollars. The number of people on parole during the same period was around 1800. The per capita cost for supervision amounted to approximately \$244.00. Of the 440,000 dollars spent by the parole division, better than 80% went for salaries. A little more than 7% went for transportation costs, including the rental of automobiles from the state motor pool. Approximately 28,000 dollars was spent on administration and office expenses as well as direct services to 1800 parolees. (12)

Recently, the Department of Correction received a federal grant amounting to 140,000 dollars to be used to administer a crises intervention program on behalf of parolees throughout the state. This money is to be used for contracting services from various community resources as well as for salaries for corrections staff administering the program.

Probation - During FY-71/72 there were approximately 10,500 people on probation at any one time. The total number of people received by the department throughout the year numbered 17,000. The total cost of operations was 1,450,152 dollars. The per capita costs rounds out to approximately \$138.00 per year. (13)

Total Figures - The total operating expenses for the Criminal Justice System, as of 1971-72 was approximately \$126,000,000 dollars. (14) Over the past five years, total expenditures have increased annually by three percent. Allowing for this same rate increase for 1972-73, the present cost of operating our Criminal Justice System in Connecticut is approximately \$131,000,000.

In spite of the staggering costs of operating our system of criminal justice in this state, the rate of crime continues to rise. We shall now take a closer look at some of those factors contributing to the system's failure.

C. Facts Of The System's Failure:

1) Prevalance Of Crime:

There are a number of conditions indicative of the system's failure to administer effective programs of criminal justice. Among the more obvious is, failure to prevent or control crime. Billions of dollars are spent annually by our Criminal Justice System in this country and yet the crime rate continues to increase. Urban citizens bolt themselves behind their doors for fear of assault. Pedestrians in many cities are afraid to walk the streets after dark. Many of our parks have become havens for drug addicts, rapists, prostitutes, etc., who wait as predators for some innocent person to be robbed, molested, or propositioned.

Insane and self-ordained revolutionaries stalk themselves in buildings to gun down innocent and defenseless citizens. Our youth, as young as eight years of age, fall victim to the exploitive interests of the drug pusher.

Many of our cities are infested pockets of crime and corruption of every description. Recently I visited a housing development in one of our major cities where 18,000 people live in an area less than one square mile. One of the officials there told me that there is "at least one stabbing every day", and that drugs have been transported into the neighborhood, from out of state, in ice cream trucks.

Cities are not the only centers of crime. There is hardly a neighborhood in this state that is not susceptible to crime. Some of the most brutal slayings and gang style murders, suicides and cases of drug abuse, take place in respectable high income neighborhoods.

Many schools are serving as markets for drug pushers, who have succeeded in influencing many of our youth with drugs. Once hooked, they too, regardless of social class, are forced to resort to crime in order to support their habit. In the case of the addict, crime often begins right in his own home or neighborhood.

2) Failure To Apprehend Or Detect Crime:

Our agencies of law enforcement in this country have not been very successful in detecting much of the crime committed, especially in the urban centers. "For the most common index crimes, burglary, larceny, and car theft, which include 3.8 million of the 4.5 million index crimes reported in 1968-fewer than one in five led to an arrest and fewer than one in twelve resulted in conviction. (16)

According to figures provided by the Uniform Crime Reports, section of the FBI, Connecticut's Crime Clearance rate in 1971 was 18.3 percent. In otherwards, 81.7 percent of the crimes committed in Connecticut in 1971 were not solved. That is, the offender was not identified, or there was insufficient evidence to charge him and take him into custody. (17)

In Connecticut the ratio of police to one thousand population ranges from 3.0 in cities of 25,000 to 49,999, to 3.9 in cities of 100,000 and over. When we consider that these figures are based on the total law enforcement population and do not take into account the division of manpower as deployed over three shifts, this is hardly a sufficient force to provide for the detection and/or prevention of crimes necessary to the public's safety.

Crime prevention is a tremendous challenge to law enforcement and to be certain it is not a task that can be handled by law enforcement alone. To begin with, there is need for better cooperation and understanding between the other sub-divisions of the Criminal Justice System. If the courts fail to prosecute and correction fails to rehabilitate, law enforcement is left with an abundance of incorrigible citizens who in short time are likely to commit another crime. Ramsey Clark in the chapter "The Failing System", of his book entitled Crime In America, states that:

If courts have huge backlogs and are unable to reach criminal cases for many months, burdens are placed on police, who may be confronted with a series of crimes committed by

people released on bail pending trial ...

If corrections fails to rehabilitate, then all the efforts of police, prosecutors and judges can only speed the cycle of crime ... (18)

3) Failure To Correct Or Rehabilitate - Courts, Corrections, Probation:

The efforts of the courts, corrections, and probation, together, have not succeeded in providing effective measures of rehabilitation for many of society's offenders.

The courts have had to function under a serious shortage of professional and support-staff, sufficiently trained, which in turn has created much disorganization, confusion, misrepresentation, and inappropriate sentencing.

Attorney Rosemary B. Zion in a recent study of the superior court found that:

Judges, although experts in the law, were uncertain whether the purpose of sentencing should be rehabilitation or retribution.

The study goes on to say that:

Judges don't know how effective the various sentencing alternatives are or how they help or hurt an individual offender. (19)

Corrections has been limited in its ability to provide adequate and appropriate treatment services, as its methodology has been based primarily on the institutional model under conditions of incarceration.

If rehabilitation is to succeed, treatment modalities must approximate, wherever possible,

those conditions of life as they exist in a free society.

Programs of probation and parole have also been seriously limited in their effectiveness due to shortages of trained personnel, (especially in the area of counseling psychology). A lack of coordination of community resources, and little public support, especially in the areas of employment and housing.

D. Reasons For The Systems Failure:

1) Law Enforcement:

a) Assignment Of Difficult Task:

For the most part criminal justice authorities regardless of function have been asked to do a job that they are not always trained to do, or they have been required to make a judgment based on data which is not always complete or within their area of expertise.

Police - Today's society has asked the police force to assume a burden of responsibility that is next to impossible. They have been asked to enforce many laws which are unenforceable (i.e., vagrancy, runaways, gambling, prostitution, drug and alcoholic violations, etc.) They have been asked to exercise roles such as social worker, counselor, teacher, administrator, doctor (delivering babies) and good will ambassador for a system of criminal justice that will never really be respected until our society is able to claim real social justice, for all, for the former is predicated on the latter.

b) Lack Of Public Support:

Police are expected to perform with the highest efficiency while suffering from a serious shortage of staff, inadequate salaries, and little professional training. They have been asked to do all of this often under strong public criticism and lack of complete public support.

If crime detection and control is going to become a real possibility, the private citizen is going to have to do his part to 1) isolate

and control those social conditions which tend to precipitate crime, 2) report all witness crimes, immediately, to law enforcement officials, 3) support our policemen in the performance of their duties 4) encourage a high level of proficiency by providing the resources needed to promote a greater level of professionalism.

c) Lack Of Professionalism:

Law enforcement in the past twenty years has developed into a highly complex and scientific profession requiring highly trained personnel.

Law enforcement was once a relatively simple task but today no activity in our society is more complex or requires a greater bundle of professional skills for effective performance.

Law enforcer and lawyer, scientist and a whole range of physical sciences--chemistry, physics, electronics--medic, psychologist, social worker, human relations and race relations expert, marriage counselor, youth advisor, athlete, public servant--these are but a few of the many skills a major police department must exercise daily. Individual policemen must personally possess many of them and perform them with excellence. Safety, life and property, equal justice, liberty, confidence in government and in the purpose of our laws will depend on it. (20)

In the State of Connecticut, the professional training necessary to accomplish the above cited responsibilities of today's law enforcement agent is seriously wanting amongst our policemen. Although noticeable efforts have been made over the past year to upgrade the educational levels of our policemen in this state, most of the upgrading has taken place amongst our state policemen and not among municipal police forces.

According to 1971 statistics published by the Connecticut Planning Committee on Criminal Administration, 84.7% of all supervisory personnel among municipal police had only a high school education while the same level of educational achievement was represented by 92.4% of the line force. Only 1.2% of the supervisory staff possessed a bachelor's degree as compared to 1.3% of the line staff for the same scholastic achievement. Of the supervisory staff, 7.2% never completed high school as compared to 4.1% of the line staff. (21)

It is clear that if we expect our policemen to be effective agents of law enforcement, they are going to need the professional training necessary to provide them with the high level of professional competency so necessary for a policemen in today's complex and frustrated society.

2) Courts

a) Traffic Congestion And Backlog Of Court Cases:

Another indication of the system's failure is the traffic congestion and backlog of cases in our courts which results in an inefficient administration of justice. The traffic in our courts today resembles a Wall Street stock market at the height of trade. Congestion, confusion, and misrepresentation are but a few of the conditions characteristic of courtroom procedure. Reasons for such inefficiency are varied and to be sure are related in part to the shortcomings of the other criminal justice sub-systems, namely, law enforcement and corrections. However, Chief Justice Warren Burger, in his address to the National Conference on Corrections in 1971, said, in reference to the courts:

In some places the time lag between arrest and trial is hardly less than a public disgrace. Some of this is due to the maneuvering of lawyers who misconceived their function and seek to postpone the trial date as long as possible; some due to overworked defender legal aide staffs, overworked prosecution

staffs, and overloaded courts--and some to poor management of the courts. (22)

Still further Daniel Glasser, in his book entitled Adult Crime And Social Policy, concludes in his chapter on the courts that:

If one looks at the judicial system... one finds that the courts:

- 1) Do not select wisely or equitably those offenders for whom state action is appropriated;
- 2) Do not reach decisions efficiently;
- 3) Do not conduct criminal procedure fairly;
- 4) Do not maintain public support for themselves.

From these standpoints, courts may well be the most unsuccessful major institutions in our society. (23)

In Connecticut, as in other states, one of the greatest problem owing to the inefficiency of our courts to provide effective and meaningful justice is their inability to process cases swiftly and efficiently. For example, in July of 1964 there were 295 cases pending in superior court. At the same time in 1971 the number of pending cases was 2,037. The aging of cases as the number of cases increase is three months or more. In circuit court during June of 1971 there was a backlog of 31,467 cases which is about one fifth of the total number of cases that were on the docket during the preceeding six months. (24)

b) Lack Of Professionalism:

In order for our courts to be conducted in an atmosphere of professionalism, there must

first of all be a sufficient number of supportive staff and facilities. The most experienced judge or attorney in the country is hardput to guarantee swift and equal justice if there are a shortage of assistant attorneys, clerks, family relations officers and other court personnel responsible for scheduling court appearances, and providing the courts with accurate and complete information regarding the accused.

A judge's time must be put to its highest and best use. Support in the form of magistrates, referees, masters, commissioners, bailiffs, clerks, legal assistance and secretaries is essential to this end. Major parts of the time consuming burdens of judges can and should be handled by such aides. To deny such assistance is to impair justice and to deny speedy trials. (25)

There is also a need for a multi-disciplinary understanding of those brought before the courts for trial. Professionalism in this case, implies an understanding of the accused not only in terms of behavior verses a body of law but personal problems verses suitable treatment alternatives.

Although it is not the responsibility of the court to assess moral guilt, it is, in this writer's opinion an indispensable condition for the dispensation of fair and equal justice, that the courts take into consideration the needs of today's poor, uneducated, sick, confused, alienated, and culturally disoriented people of the ghettos, the communes, and the trouble families of middle class affluency. Most importantly, the administrators of criminal justice must be aware of the conditions of our jails and prisons whether old or new and the extent to which rehabilitation is made possible for each individual.

Thus, judges and lawyers must be schooled not only in the law but in the behavioral and social sciences as well, and most of all they must be free of race and/or class bias. They must understand that to the extent that social injustice

is allowed to flourish in our society, to that extent does the system of criminal justice become less responsible to the rights of its citizens, both the accused as well as the victims.

It is evident, however, that changes affecting only the administration of justice can never eliminate the liabilities that the blacks, the Indians, the Spanish speaking, the political descentors, and the poor encounter when confronted with arrest, trial, or imprisonment. The quest for justice will necessarily be frustrated as long as we fail to recognize that criminal justice is dependent upon and largely derives from social justice...Inevitably, decisions as to guilt or innocence will be contaminated by whatever prejudice and discrimination exists in the broader society. (26)

3) Correction

a) Failure To Rehabilitate:

Just as we may think of corrections as the most effective means we have to date to reduce incidences of crime in America, so to we may point to the present limitations of corrections as being the major cause of the Criminal Justice System's failure to mitigate the crime problem. The reason for this is that our present system of correction has simply not been able to correct. Much of the reason for this inadequacy is inherent in the way of correctional program in this country is designed and administered.

Although there is a growing trend in this country to turn to community base correctional programs as an alternative to traditional measures, incarceration is still the most primary and widely used method of dealing with the offender as a means of, protecting the public, administering punishment, and providing an atmosphere for compulsory treatment. A good measurement of the success of our correctional

system in this country may be made by determining the ability of the system to accomplish its manifest goals.

Protecting The Public:

As was pointed out earlier in this paper, public protection, at best, is only a temporary thing. Ninety five percent of all people ever incarcerated for a crime, are released to the community within a very short time. In 1970, 75% of those released in Connecticut having sentences of one year or longer, served an average of 3-5 years incarceration. (27) Although it is difficult to determine how much of a deterrent incarceration had in terms of recidivism, it is safe to assume that for the most part these received very limited counseling in response to individual needs and situational factors operant in their social environment which precipitated criminal behavior. Quite frankly, rehabilitation still takes a back seat to custody in the operation of our penal institutions. This situation is not so much the result of administrative indifference as the latent disfunctionalism of our present system of correction with respect to rehabilitation.

It is time, long past due that we end our self-delusion about prisons. Their only "success" is in effecting the very thing which a democratic society professed to abhor: namely, punishment. As a deterrent to crime, they have been a total failure, certainly if we define failure in terms of crime rate and recidivism. As an institution for reform or rehabilitation they have been an unadulterated catastrophe!

The lesson of two hundred years of American history is clear enough: coerced incarceration and rehabilitation are not only contradictory but mutually exclusive. Regardless of money and motives, reform and rehabilitation never have reached more than a handful of our inmates. (28)

Administering Punishment:

There is nothing of value in punishment itself, except that it might serve the appetites of the uncivilized in the fulfillment of a desire for vengeance. Karl Menninger, in his book, The Crime Of Punishment, points out that, "If society were able to catch most offenders, and then if it were willing to punish them promptly without any discrimination, inflicting the penalties fairly but ruthlessly, as it were, most crime could be prevented. But society is neither able nor willing to do this. Almost no crime is punished promptly. Many crimes are punished unfairly, and some crimes are punished so severely that the whole world reacts against the action". (29)

Although professionals within our system of criminal justice realize the futility of punishment as a measure of compensating for the crime, there is still the feeling that the ominous threat of incarceration will have a deterrent effect on the offender, not to commit another crime, and on the public to refrain from criminal behavior. As Plato once said, "No man is to be punished because he did wrong, for that which is done can never be undone, but in order, in the future times, he, and those who see him corrected, may utterly hate injustice, or at any rate abate much of their evil doing." (30) During the month of July, 1972, the Connecticut Department of Correction released a total of 1,370 inmates to the community. During the same month 1,259 were sentenced to our penal institutions; of those 49% represented felonies while 37% represented people who had been incarcerated in Connecticut. Statistics on those institutions and centers were not available at the time this paper was written. However, available statistics are enough to point out that punishment or incarceration does not serve as a significant deterrent to crime. (31)

Compulsory Treatment:

One of the basic conditions for the success of any rehabilitation program is that the patient (or in this case, inmate) be properly pre-disposed to treatment. This means that the inmate has some insight into his problem

or at least is willing to admit that he has a problem. Secondly it means that the individual must be willing to receive help. Thirdly, it means that the patient is in an environment (treatment milieu) that is conducive to fostering the desired level of personality functioning.

In the case of the inmate, rehabilitation must necessarily imply the development of self-respect, positive social interaction, solidification of family ties and relationships with "significant others". It must seek to encourage if not support the inmate's need for improving his economic and social status. It must do all of these things in an atmosphere that promotes feelings of dignity and self-worth as well as respect for the rights of others through a positive understanding and assimilation of justice.

Unfortunately our institutions of correction are required to assume responsibility for rehabilitating people who for the most part have no desire to be incarcerated, and who in many cases do not consider themselves to be in need of treatment, e.g. "political prisoners". Still further those who might benefit from some form of therapeutic intervention often find themselves on the short end of the stick when it comes to the availability of competent therapists. Although Connecticut's counselors are certainly competent, they are much too few in number. Finally, it is questionable as to how successful correction can ever be in terms of rehabilitation given its present treatment model, i.e. involuntary confinement under conditions of a minimum period of incarceration.

In A Struggle For Justice, the American Friends Service Committee aptly describes the affect of our present system of correction on the efforts of rehabilitation as mentioned above.

We submit that the basic evils of imprisonment are that it denies autonomy, degrades dignity, impairs or destroys self-reliance, inculcates authoritarian values, minimizes the likelihood of beneficial interaction with one's peers fractures family

ties, destroys the family's economic stability, and prejudices the prisoner's future prospects for any improvement in his economic and social status. It does all this whether or not the buildings are antiseptic or dirty, the aroma that of fresh bread or stale urine, the sleeping accommodation a plank or an inner-spring mattress, or the interaction of inmates takes place in cells and corridors ("idleness") or in the structural setting of a particular time and place ("group therapy").

(32)

Thus whether we speak of protecting the public, administering punishment in the interest of deterring further crime, or providing effective programs for rehabilitation, the present system of correction (whether it consists of old or new institutions) is clearly an inappropriate model for the accomplishment of some of its most important goals.

b) High Rates of Recidivism:

The term recidivism is an often confusing one when trying to determine the success or failure of a correctional program. The word itself denotes a "relapse into criminal habits after punishment." (33) Yet correction administrators and research analysts will agree that the term as "popularly" used is most often misleading. The term may apply to one who returns to prison for a second term. It might apply to one who has committed a second offense but is not sentenced to prison. In the case of the parolee, a man or a woman may be returned to prison on a technical violation; i.e., failure to report regularly, leaving the state without permission, etc. Such acts are not criminal in nature but can result in a return to a penal institution. Still further is the limitation of the term in relation to the length of time between crimes that would constitute recidivism. Should a person who commits two separate crimes ten years apart be called a recidivist?

Is a recidivist one who necessarily returns to a penal institution? It is possible that one who commits a second offense may be sentenced to probation instead of being returned to an institution. To

avoid such confusion in further discussion this writer will use the definition of recidivism as outlined by The National Advisory Committee on Criminal Justice.

Recidivism is measured by criminal acts that resulted in conviction by a court, when committed by individuals who are under correctional supervision or who have been released from correctional supervision within the previous three years, and by technical violations of probation or parole in which a sentencing authority took action that resulted in an adverse change in the offender's legal status.

(34)

There are approximately 3300 men and women incarcerated in Connecticut prisons and jails on any given day. The conditions which they are required to live under are in many cases deplorable and inhumane. Even where institutions are relatively new; i.e., Enfield, Somers, Montville, and the new Bridgeport facility (not yet occupied), the conditions of isolation, regimentation and impersonalization breed feelings of loneliness, hatred for authority, and despair. Under these conditions, the only opportunity for hope is to be paroled. Rehabilitation often becomes a game of "measuring up" to the expectations of the parole board in order to win their favor. Thus for an inmate to be rehabilitated often means nothing more than to be free. Unfortunately, in too many cases, it means freedom to commit another crime, and the game begins all over again.

Recidivism in this country ranges anywhere from 55% to 80% when taking into account all indices of crime including technical violations of parole and probation. There are no accurate statistics available in Connecticut regarding recidivism rates; however, officials within the Criminal Justice System have used figures consistent with the national average which exceeds the 50th percentile. What is really important, however, is not how many people are committing second offenses, but how many offenses are committed by the same people.

The most important statistic on crime is the one which tells us that 80% of all felonies are committed by people already known to the Criminal Justice System. (35)

c) Lack of Professionalism:

For many years the purpose of our Correctional Institutions in this country was defined in terms of custody and punishment. Personnel hired to maintain such a system were not required to have a high degree of professional training. What was required was that correction's staff become proficient at administering correctional facilities in an atmosphere of military-like regimentation. Order, conformity, and obedience were the primary objectives of prison management. The official public mandate was to protect the innocent citizen; however, there was also a feeling of self-righteous indignation prevalent among citizens that was interpreted by many corrections officials as a license to punish or at least refrain from making life too comfortable for anyone sentenced to a prison or jail.

Fortunately, this attitude is rapidly giving way to a new wave of professionalism and human decency. Correctional officials are requiring a high standard of professional competency among staff and in-service training sessions are commonplace in many states in order to educate personnel on the latest philosophy and methods of Correctional Administration and rehabilitation. The Connecticut Correctional System, since 1968, has made some very positive inroads towards developing more competent administrative and line staff. Yet we have a long way to go and many difficult roads to travel before corrections ever realizes its fullest potential.

There is little question, however, that the failure of the Criminal Justice System to reduce the incidence of crime in America is due in great part to a shortage of professionally trained personnel in our centers and institutions of correction as well as within the divisions of probation and parole.

4) Probation and Parole

a) Unmanageable Caseloads:

In Connecticut, better than 80% of all probationers and 65% of all parolees complete their period of supervision without committing a serious violation. (36) Yet, national averages show that 80% of the felonies committed in this country are committed by people with previous records. Although we seem to suc-

ceed with the majority of people on probation and parole, nevertheless, those who are most in need of counseling are never reached due to overburdened parole and probation officers. It seems that those who succeed under parole or probation supervision do so in spite of authoritative influence. Perhaps part of the answer to such a phenomenon is that the system still tries to make punishment or treatment fit the offense rather than the offender. Many cases on probation are the result of behavior that does not imply a defective personality, and therefore are not in need of close supervision and/or counseling. It is apparent, however, that those who do suffer from various levels of emotional deficiency are not receiving the attention they need due to excessive case load assignments. It is, therefore, this small but very significant number of people who need intensive treatment and who constitute 80% of all crimes committed. In short, because treatment has been used to fit the crime rather than the criminal, we have overburdened our parole and probation staff with excessive numbers of people, most of whom do not need counseling in the first place, at the expense of those who do. To the extent that we have failed to adequately treat those most in need, on probation or parole, to that extent have we succeeded in keeping our penal institutions full, and at the same time, justifying the need to build more.

In Connecticut there are presently about 1800 men on parole. There are only 19 parole officers and 8 parole trainees. This results in an average caseload of 90 men per parole officer. The President's Crime Commission recommends no more than 35 people per caseload. (37)

Within the probation department, during the fiscal year 1971 there were 88 probation officers; during the same year a total of 7,043 pre-sentence investigations were completed and 17,011 offenders were on probation. The average number of people on probation at any one time was approximately 10,385. This averages out to about 118 cases per officer. However, "85% of a superior court probation officer's time is taken up by conducting pre-sentence investigations." (38) This allows for only 15% of a superior court probation officer's time to be spent on supervision and counseling under extremely prohibitive conditions.

Attempts to deter a person from incar-

ceration through probation or to offer him a chance for an early release from prison through parole, are in themselves worthwhile concepts which unfortunately have not been realized for their full potential. Critics are quick to point to the lack of evidence that parole or probation offer any better chance for rehabilitation than traditional methods under incarceration. What the critics fail to admit is that probation and parole have never been utilized under optimum conditions due to a general lack of support by both the public and other officials within the system. Whether because of fear, or the desire for vengeance, or because of the belief that a man who is sent to prison will be forced to see the error of his ways and repent, whatever the reason, we have neglected that one area of the Criminal Justice System that, to date, offers the greatest hope for rehabilitating the offender in an atmosphere of humane and professional treatment. To fail to recognize and support the goals of probation and parole only serves to further frustrate those officers who possess the skills to do a good job but are denied the resources to produce significant results. We have used the penal system in this country for nearly 200 years and it has not worked. It is time that we at least begin to use the volumes of scientific data on methods of treatment and designs for community-based corrections that is presently available, and give probation and parole a chance to prove its worth. What is at stake is not probation or parole, but the preservation of law and order, and perhaps even our own lives.

The advantages of treatment in the community versus treatment in the prison are, even on the surface, highly significant in terms of social, psychological and economic indices. Specific figures will be spelled out later in this writing. Suffice it to say at this point that the overall cost of rehabilitation from the community level is considerably less than the cost of rehabilitational efforts in our correctional institutions, not to mention the savings in terms of intangible human resources. From a purely economic perspective, a nationwide survey conducted by the National Council on Crime and Delinquency for the President's Crime Commission, found that the "daily cost for a juvenile in an institution is ten times the cost of juvenile probation or aftercare. For adults, state institutional costs are about six times that of parole and about four times that of probation." (39)

b) Lack of Professionalism:

Because the function of probation and parole has for so long been defined in terms of authoritative supervision, the role they have been asked to play is not much different from that of a policeman. In a sense, probation is the law enforcement arm of the court and parole the law enforcement arm of correction. Together they have served as handmaids to a system that strongly relies on their support but fails to understand or make use of their full potential impact. Such neglect has resulted in the operation of a system that is seriously understaffed, undertrained, and overworked.

Given the present conditions, it is miraculous that these two systems have been as successful as they have. With more attention and greater support, the concept of community-based correction may become a real possibility.

5) Public

a) Philosophy of Retributive Punishment and the Desire for Vengeance:

Still another reason for the failing system of criminal justice, in Connecticut and throughout the country, may be attributed to the prevailing attitude of many citizens that the "transgressor must pay for his crimes."

This attitude reflects shades of a puritan ethic which at one time in this country underlined every dimension of individual and social behavior. The philosophy was one of moral self-righteousness which considered any transgression (whether committed publicly or privately) to be immoral, unrighteous, and deserving not only of God's wrath, but also the wrath of "His people." Only the virtuous man was deserving of the "good life." The transgressor was to be punished and humiliated before the public not only to serve as a deterrent to sin and corruption, but so as to emphasize the purity and goodness of living the virtuous life. Such a philosophy originated in the northeastern part of this country and is still quite prevalent in the minds and hearts of many New Englanders. Although the puritan ethic may no longer have formal community sanction, the feeling that one must be punished for his wrongdoing is still quite prevalent.

There are some behavioral experts who feel that the basis for such self-righteous indignation may not necessarily be predicated upon a deep moral conviction, but rather upon a primitive display of vengeance. Given respect for social order as well as fear of reprisal, the individual will often use the "criminal" as a scapegoat and a legitimate object for vengeance. Karl Menninger in his book The Crime of Punishment refers to this desire for vengeance in the following passage.

Our morals, our religious teachings, even our laws repudiate it. But behind what we do to the offender is the desire for revenge on someone - and the unknown villain proved guilty of wrongdoing is a good scapegoat. We call it a wish to see justice done; i.e., to have him "punished." But in the last analysis this turns out to be a thin cloak for vengeful feelings directed against a legitimized object ...

It is natural to resent a hurt, and all of us have many unfulfilled wishes to hurt back. But, in our civilization that just is not done openly. Personal revenge we have renounced, but official legalized revenge we can still enjoy. Once someone has been labeled an offender and proved guilty of an offense, he is fair game and our feelings come out in the form of a conviction that a hurt to society should be "repaid." (40)

Whatever the motive, the desire for punishment and retribution for society's offenders is highly prevalent among many citizens, including officials within the Criminal Justice System. Because of the retributive desire of so many citizens to take an "Eye for an Eye" the body of criminal law has been forced to assume such sentiments in its assessments of criminal behavior and in its criteria for determining sentences. In the following statement Justice Oliver Wendell Holmes spelled out the problem of revenge and its effect upon our body of law.

The first requirement of a sound body of law is that it should correspond with the actual feelings and demands of the community, whether right or wrong. If people would gratify the passion of revenge outside of

the law, if the law did not help them, the law has no choice but to satisfy the craving itself, and thus avoid the greater evil of private retribution. At the same time, this passion is not one which we encourage, either as private individuals or as lawmakers. (41)

Thus the issue is not a body of law which discriminates or seeks to fulfill its own vengeance but rather that the law recognizes the need for social order, recognizes the sentiments of the citizens who if not guaranteed justice against the wrongdoings of others would otherwise take the law into their own hands. Thus, it seems, that in order for the law to be applied more objectively, as well as mercifully (an essential quality for the administration of true justice), we must begin to deal with the need to eliminate private vengeance or other substitute forms of returning hurt for hurt from the hearts and minds of every citizen. Not only has the desire for vengeance, punishment, retribution, been expressed and legitimized in our body of law, but, because of such sanction, institutions of the Criminal Justice System have often assumed that they too are justified in supporting and exercising similar measures in the name of the "law."

The relationship of such thinking to the performance of the Criminal Justice System is simply this: our system of justice has been concerned more with punishment for the crime rather than cure for the problem. We have been concerned more with apprehension, prosecution and correction than preventing, understanding, and rehabilitation.

Social scientists everywhere have clearly pointed out that punishment as an end in itself, is not a successful deterrent to crime. Yet the desire for punishment still prevails, and, to the extent that it does, those officials of the Criminal Justice System fall short in their efforts to design a more equitable and efficient system of criminal justice.

Gresham Sykes, Professor of Law at the University of Denver, offers a number of reasons why he feels the Criminal Justice System has failed to come up with the answers to the perplexing problem of crime in America. Among them he singles out, as perhaps the most

important, the persistent punitive attitude of the general public toward the criminal.

...Perhaps ... the most important barrier to a search for more rational methods for dealing with crime is the persistent punitive attitude of the general public toward the criminal. We may disguise this desire for retribution all we wish in talking of the need for rehabilitation, the reformation of the offender, or the benefits of therapy; and public officials may piously proclaim that prevention of crime, not punishment, is their major goal. But as Roscoe Pound once pointed out "A strong public reeling that someone ought to be hurt following the commission of a crime has been the bane of criminal law reform since jurists began to think about it seriously in the 17th century." (2)

b) Public Indifference and Over-reliance on the System

In this age of confusion, alienation, and self-interest, there has developed a tendency to detach oneself as much as possible from the seemingly undefinable inalterable and simply overwhelming social and political problems which constantly threaten our sense of security. Yet, being members of the human race, we have tremendous capacity for hope. We believe man can overcome philosophical differences which divide us and often bring us into war with each other. We as Americans believe that all men are created equal and that social injustice must be overcome, that all men may live in freedom. We believe, yet we are at the same time equally overwhelmed by the task of altering the present situation. As individuals we feel powerless and so we turn to the institutions (governmental, industrial, scientific, and legal) to help remedy the problems.

We sanction organized bodies to provide for the common welfare, by accepting responsibilities for the broad social tasks inherent in modern civilization. For certain, in such a complex and technocratic society, the institutional approach to problem solving has many advantages. However, there is also a tendency to become overly dependent upon institutions to solve

all of the problems all of the time. This expectation is of course most unrealistic if not dangerous. Not only do we fail to see or admit our role, in terms of cause and effect as it relates to the overall social problem, but we also tend to reduce or simplify the problem by making the institution solely responsible for its solution.

Such has been the case with the public versus the Criminal Justice System in America. We have failed to see our role in this nation's crime picture, for we have failed to admit responsibility or to work to eliminate those causes which both precipitate and perpetuate crime in our cities and towns throughout the land. We have become over-reliant on the Criminal Justice System to solve the crime problem and to a great extent because we have defined the crime problem in terms of the Criminal Justice System.

Much of the problem may also be attributed to the fact that the American public has become so over-reliant on the bureaucratic god of institutionalism that we have, at the same time, turned a deaf ear to the cries of the institution for public support and commitment. If the public really understood the limitations of our Criminal Justice System in fulfilling our social needs as well as the extent to which we as individuals are capable of making a significant contribution towards the solution of the overall problems of crime, we would be more likely to make a personal investment which would at the same time eliminate the fear that comes from seeing ourselves as potential victims rather than primary agents of overall criminal reform.

Ramsey Clark, in his book Crime in America, refers to the problem of over-reliance and the need for citizen involvement if we are ever going to successfully solve the problem of crime in this country by saying that:

Too often we think of crime control exclusively in terms of the Criminal Justice System. This is a dangerously narrow view ... crime can never be controlled for the Criminal Justice System alone. Even the most powerful and arbitrary police state in a simple rural environment will be unable to frustrate the deep desires and secret acts of

people. The capacity of this system of criminal justice to prevent and control crime in our mass society is extremely limited, however great the effort, however effective its techniques. While the role of this system of criminal justice is critically important, it can never be but a minor fraction of the total effort necessary to prevent crime. (43)

6) General

a) The System Fails to Function As A System:

The Criminal Justice System in Connecticut is hardly a system at all and therein perhaps lies the crux to many of the problems which so often beset our policemen, court officials, and corrections personnel, in trying to stem the ever-increasing tide of crime and lawlessness in our communities.

A system may be defined as a combination of interrelated parts, orderly arranged, so as to function as a whole. Yet the three basic units of our Criminal Justice System: law enforcement, the courts, and corrections, each seem to function as independent and often autonomous units. There does not seem to be any attempt at establishing a mutually supportive framework of policy and procedure that would provide for a unified and systematic approach to the task of crime abatement. There does not appear to be much mutual understanding between the units of our system in terms of overall objectives or problems incurred in trying to fulfill those objectives.

A system implies some unity of purpose and organized inter-relationship among component parts. In the typical American city and state, and under federal jurisdiction as well, no such relationship exists (within our Criminal Justice System). There is, instead, a reasonably well defined criminal process, a continuum through which each accused offender may pass: from the hands of the police to the jurisdiction of the courts, behind the walls of a prison, then back onto the street. The inefficiency, fallout and failure of purpose during

this process is notorious. (44a)

b) Lack of Scientific Data:

Another factor which has resulted in a waste of human and economic resources is the general lack of scientific knowledge that would indicate where and how our resources might be best spent.

The Criminal Justice System in Connecticut is seriously lacking in terms of coordinated research. Each system compiles a separate pool of statistics based primarily on volume and operational costs. Until just recently, there has not appeared to be any effort to compile and analyze the findings of each criminal subsystem in order to reach some overall conclusions about which crimes require the greatest investment of the tax dollar to control; what are the effects of these crimes, according to economic, psychological and social indices; which crimes should receive priority in terms of prosecution procedure; what kinds of people seem to commit what types of crime; what are the psychological and social forces operant which tend to precipitate crime; and what are the best methods available for rehabilitation and prevention.

Researchers, policymakers, and operating agencies should know which crimes cause the greatest economic loss, which the least; on whom the cost of crime falls, and what the costs are to prevent or protect against it; whether a particular or general crime situation warrants further expenditures for control or prevention and, if so, what expenditures are likely to have the greatest impact. (45)

To arrive at such an understanding, all agencies within the Criminal Justice System must begin to pool their knowledge and resources in a systematic way so as to develop a body of knowledge that will offer the public some indication as to where we can best invest our money, in order to detect, control, and prevent further crime in our communities. The success of our Criminal Justice System is not to be measured in terms of how many people we were able to arrest, prosecute and rehabilitate but rather in terms of how few crimes are actually being committed.

E. Consequences Of The System's Failure To The Public:

1) Poor Investment Of Tax Dollar:

The actual state expenditures for F.Y. 1971 was 1,000,738,585. dollars. The approximate total cost to the taxpayer in the same year for operating the Criminal Justice System was 126,449,549 dollars. (46) This figure represents approximately 12% of the total state expenditures for 1972. This means that 12 cents of every tax dollar we pay goes to finance the Criminal Justice System.

The return on our investment dollar for the services of the Criminal Justice System is not very encouraging. Of that dollar, 65.5% goes to our Law Enforcement Agencies, State and Local, who have not succeeded in reducing the rate of crime throughout the state. (47) According to the Uniform Crime Rate published by the Federal Bureau of Investigation for 1971, the total prime index for Connecticut amounted to 81,686 crimes. Of these crimes, 5,968 were attributed to violent crimes and 75,718 were attributed to crimes against property. The total crime index for 1970 in Connecticut was 78,076. This represents an increase in crimes for 1971 are better than 3% over the previous year.

Approximately 16.4% of our criminal justice tax dollar is used to operate the courts in our state which each year find it more and more difficult to process criminal cases swiftly and efficiently. A comparison of expenditures over a 5 year period reveals a steady rise in the cost of operating the court. The cost of operating the circuit court for F.Y. 1971 has increased to 56% over F.Y. 1967. During the past five years, expenditures for operating the criminal side of the superior court have doubled. In spite of the increase in costs, the backlog of cases in superior court increased 700% over a period of 7 years from 295 cases pending in July of '64 to 2,037 cases pending in July of '71. (48) The circuit courts in Connecticut had a backlog of 31,467 cases in June of 1971. As the number of backlog cases increase, the waiting period for disposition is most often three months or more. For jury trials, case aging is anywhere between three to six months. (49)

Corrections gets approximately 13.9% of every dollar spent by the Criminal Justice System. Of that figure less than 20% goes into direct treatment programs and over 80% goes into custody and maintenance. If the primary function of the Correction System is to correct or rehabilitate, then it seems logical that the percentages of investment for custody and rehabilitation ought to be reversed.

The taxpayer is led to believe that each man or woman sentenced to our correctional institutions and centers is receiving treatment appropriate for his needs, and that such treatment will succeed in deterring the individual from any further repetition of crime once he is released to the community. The fact of the matter is, (and this will not change with new facilities) the greater percentage of our tax dollar invested in corrections will always go for custody and maintenance as long as we insist on institutionalized control and treatment.

Finally, about 1.1% of our every dollar spent on the Criminal Justice System is allotted to probation. (The remainder of the criminal justice dollar is spent on children and youth services). (50). Probation says there is an alternative to incarceration and boasts of a success rate which claims that 80% of all persons discharged from probation are able to complete their supervision without a serious violation. Likewise, the Division of Parole which provides for an opportunity for early release to the community, claims that according to a study of 154 men released from Connecticut Penal Institutions over a period of 3 months during 1971, 64.2% had either successfully completed parole or had served an average of 18 months on parole without a serious violation. (51)

If both probation and parole can claim such success under conditions that preclude meaningful counseling efforts (probation caseloads succeed 118 people per officer and parole caseloads, 90 people per officer), it would seem wise to provide more community base treatment programs in lieu of incarceration and transfer the monies otherwise used for incarceration to finance such programs. Under the present conditions, however, the efforts of probation and parole officers are constantly frustrated by overwhelming caseloads and an overburdening amount of paper work.

The inability of law enforcement in this state to successfully control crime; the inefficiency of our courts in processing criminal cases swiftly and fairly; the failure of our present penal system to adequately provide for the needs of the offender so as to assure a successful readjustment to the community; the frustrating limitation of probation and parole to provide adequately for individuals entrusted to their care and supervision; all of these factors add up to a pretty discouraging picture of our Criminal Justice System in the State of Connecticut. In spite of the system's inefficiency and inherent limitations, the Connecticut taxpayer is asked to pay nearly 131,000,000 dollars annually in order to perpetuate such a dysfunctional system. (52)

2) Increased Welfare Costs:

Although there are no specific statistics available in either the Welfare or Correction Department, using a hypothetical number of cases, the cost to the taxpayer for dependents of incarcerated breadwinners is staggering.

Using a flat grant figure of \$263.97 per month for a family of two children and one adult, (53) the cost of supporting identical families for 100 incarcerated men over a period of 1 year is 306,764 dollars. When we consider the cost of incarcerating 100 men in a prison facility for the same length of time, we incur an additional expense of 600,000 dollars. Thus the total net cost to the taxpayer for 100 incarcerated men and their families (averaging 2 children each) is nearly 1,000,000 dollars per year.

3) Waste Of Human Lives And Resources:

There is at least one thing that crime and corrections have in common in our society and that is that both claim victims. During 1971 there were 5,968 crimes of violence committed in the State of Connecticut. Victims of those crimes have suffered extreme physical and mental anguish which can never be measured. During the same year there were 75,718 crimes against personal property committed in Connecticut. While exact figures are not available, many of our citizens suffered the loss

of personal property which was of great value to them. Depending upon the concentration of crime in a particular geographic area, insurance rates are often increased due to the high risk factor associated with crime. Thus the effects of crime are felt physically in terms of personal injury, materially and emotionally in terms of property destruction and loss and economically in terms of medical bills and the cost of replacing property.

Likewise, those perpetrators of crime who are brought to justice and incarcerated in our penal institutions throughout the state, are in turn quite often victimized by the oppressive and the dehumanizing conditions of imprisonment.

The physical conditions of our jails, the shortage of trained staff, the lack of meaningful programs of rehabilitation, as well as the overall dehumanizing affects of isolation and control produce additional victims. Whether it be the crime of the offender or the crime of punishment, everyone loses in a Criminal Justice System which only serves to perpetuate the crime cycle rather than break it.

As long as our system of criminal justice in this country insists on taking an "eye for an eye", we shall never really succeed in reversing the spiraling rate of crime. We must be more concerned with treatment or cure for the problem rather than punishment for the crime. Therefore, the decision of our courts in sentencing must focus more on the needs of the individual offender rather than the nature of the crime he committed. Only when we learn to respond effectively to who and why rather than what, will justice be served in the long run, and safety and piece of mind be restored to the citizens of our society.

4) Increased Cost Of Consumer Goods:

The economic impact of crime in the State of Connecticut cannot be determined merely in terms of 81,686 incidences of crime, for there are many crimes which go undetected. Among those crimes that are normally undetected are crimes of embezzlement, fraud, shop-lifting, theft, prostitution, gambling, etc. Although many of these crimes are never reported or detected by law enforcement, the

results are nevertheless passed on to the consumer in terms of increased retail prices to cover insurance costs.

Employee theft, embezzlement, and other forms of crime involving business which appear as relatively small numbers in the police statistics, bloom very large in dollar volume. Direct stealing of cash and merchandise, manipulation of accounts in stock records, and other forms of these crimes, along with shop-lifting, appear to constitute a tax of 1 to 2% on the total sales of retail enterprises, and significant amounts in either parts of business and industry. (54)

5) Increase In Fear

Even though most serious crimes of assault are committed by persons known to the victim, (76%) indeed fear of crime and of the possibility of becoming a victim has led the average citizen to fear even the stranger. Fear has gripped the hearts of so many citizens today that the social order itself is in serious peril.

When fear of crime becomes fear of the stranger the social order is further damaged. As the level of sociability and mutual trust is reduced, streets and public places can indeed become more dangerous. Not only will there be fewer people abroad, but those who are abroad will manifest a lack of concern for each other. (55)

One of the social consequences of mounting crime in our country is fear and distrust, of one another. Such a social condition provides an excellent breeding ground for selfishness, apathy, loss of community and national unity, anger, hatred, and eventually self destruction as a nation.

6) Increase In Crime:

Thus, we see that in spite of enormous sums of money invested for its operation, the Criminal Justice System in Connecticut has failed to perform successfully. Whether we speak of latent dysfunctionality, a lack of professionalism, public apathy, or simply poor management. The fact remains that crime continues to spread in our society and there seems to be very little being done to remedy the situation. There are many studies available that suggest innovative measures which may lead to greater efficiency. However, there is also a wealth of knowledge which we have gained from history which not only demonstrates to us those methods that are full proof, but also warns us of those methods and values which are doomed to fail. The history of penology in this country and throughout the world has offered us some of these insights which we might do well to heed. Among them is the value of incarceration as an effective means of punishment and/or rehabilitation.

In the second section of this paper, we shall take a look at Connecticut's plans for correctional reform which include the construction of new and additional penal institutions at a total cost in excess of 59,000,000. dollars. We shall question the wisdom of such a plan based on statistical evidence and the present national trend in correctional reform.

New Haven Jail\$ 8,750,000

Total \$59,870,000

II. EXAMINATION OF PLANS FOR NEW FACILITIES:

A. Description And Cost:

The Connecticut Department of Correction plans to construct three new jails including a multi-service treatment complex for youth and adult misdemeanants, during the next two years. The estimated cost of this construction is around 53,870,000 dollars. Construction plans call for a new center in New Haven to replace the present structure. The new facility will have 266 beds, which is 112 beds less than its present capacity. Plans have also been made to construct a new Hartford Center to be located in the Meadows section of Hartford. This facility will provide 368 beds, which is 162 beds less than the present facility. Plans for construction in Cheshire are to renovate the existing structure to provide up to 502 units, to be used for adult misdemeanants, and to build a separate center for youth with a bed capacity of 360. (56)

With the phasing out of Niantic State Farm, 30 of the beds at the Hartford Center will be reserved for women. In New Haven, 16 beds will be reserved for women. The construction of the Bridgeport facility is already under way and is near completion. According to figures given by the Department of Correction, the estimated individual cost breakdown for each facility is as follows:

Male Adult Misdemeanant Center-	
Cheshire	\$ 1,820,000
Industry-	
Cheshire	2,500,000
Services-	
Cheshire	3,700,000
Health-Education-Training Center-	
Cheshire	6,100,000
New Youth Institution-	
Cheshire	17,000,000
Bridgeport Jail Renovation	6,000,000
Hartford Jail	14,000,000

B. Planned Use:

Present plans for the use of the two new jail facilities in Hartford and New Haven call for a mixed population of presentenced detainees, work and educational release inmates, and some sentenced misdemeanants to be used for in-house maintenance services. These centers will be three story concrete structures, with four wings per floor. Inmates may be housed according to a classification system, by utilizing separate wings; all units are to be uniformly designed with maximum security potential if necessary. Bars will be used but will not be visible; they will be concealed in louvre type windows. The youth institution will be located in Cheshire and will house up to 360 inmates. The present Cheshire facility will be renovated to house up to 520 adult male misdemeanants. The department also plans to construct a health-education and training center as part of the Cheshire complex.

The life expectancy of each institution is at least 65 years. The approximate cost of operating these facilities, based on present custody and treatment figures alone will exceed 7,000,000 dollars annually or 455,000,000 dollars during the expected life span of the institutions not allowing for inflated operating costs.

C. Wisdom Of Plan:

The present plans of the Department of Correction to build more penal institutions in Connecticut are in serious conflict with the professional opinions and recommendations of leading authorities on criminal justice reform. Regardless of how modern our penal institutions might be, the fact remains that many people behind bars today simply do not belong there, (57) still others are not getting the help they need. Indeed for most offenders it is questionable whether incarceration will ever be a successful means for rehabilitation. Chief Justice Warren Burger in his annual State of the Federal Judiciary message to the American Bar

Association stated that:

If we have learned anything about the correctional process, it is that many of the people sent to prisons would have better prospects of being restored to useful life if they were placed on probation under close professional supervision rather than confined ... a probationer can be given close supervision for less than one tenth of what it costs to keep that same person in prison ... (58)

Furthermore, the National Advisory Committee on Criminal Justice, in its most recent (1973) study urged that: each criminal justice jurisdiction, state or local as appropriate, should adopt immediately a policy that no new physical facility for detaining persons awaiting trial should be constructed and no funds should be appropriated or made available for such construction until:

- 1) A comprehensive plan is developed in accordance with standard 4.1.
- 2) Alternative means of handling persons awaiting trial as recommended in standard 4.3 and 4.4 are implemented, adequately funded, and properly evaluated.
- 3) Constitutional requirements for pre-trial detention facilities are fully examined and planned for.
- 4) The possibility of regionalization of pre-trial detention facilities are pursued. (59)

1. Outdated Statistics:

As of February 1, 1973, there were a total of 312 inmates at the Hartford Correctional Center, 159 of which were sentenced. The proposed plans for the new Hartford Center calls for 368 units

to be used for unsentenced, as well as work and educational release populations. The Department also states that it will be necessary to have a number of sentenced inmates living at the center to be used for maintenance and service crews.

When we consider that sentenced male adults are to be housed in Cheshire, (except for a small number to be used for maintenance) there is some question as to whether or not we need such a large facility. If we subtract the present number of sentenced misdemeanants from the total population, it leaves us with a figure of 153 unsentenced men. There are also 16 men on work release status living in separate quarters of the Hartford Center. These populations total 169 men. Based on result statistics and allowing for a maintenance force of some 50 men, The total number of units necessary is 219. The proposed bed capacity of the new unit is 368 leaving 149 extra units. In terms of general statistics the present capacity of the Bridgeport, Hartford, New Haven, and Cheshire facilities is 1730 units. As of February 1, 1973, there were a total of 423 empty units among these centers. The new plans call for a total of 1700 units. Although this number is 30 units less than the present capacity, it represents a better than 20% increase over the present population figures. To assume that these extra units may be filled with additional work or educational release inmates is a moot point.

For one thing it is questionable as to whether jobs will be available; federal and state austerity has also led to serious cutbacks in educational and vocational training programs.

However, the real question that ought to be raised with respect to work release and/or educational release candidates is whether or not they really need to be incarcerated. Granted that there may be value in allowing an individual the opportunity to gain gradual exposure to free community life, we must remember that in most cases the need for "reorientation" was created, in the first place, by the fact that the individual was incarcerated.

To the extent that extra beds might be available, the courts may then be tempted to fill them with pre-trial detainees, thus reversing the trend in reducing the pre-sentence population in

our jails; or the Department of Correction may utilize them for educational and/or work release inmates, who, because of their exposure to the community each day, may not really need to be incarcerated, (least of all in a maximum security facility), in the first place, or they will be left empty at a tremendous waste of the taxpayers money.

According to Carl M. Loep, Jr., Vice Chairman of the NCCD:

Mistakes in planning are costly. At \$10,000 to \$20,000 per bed ... Over building by only 25 beds is a half million dollar error with interest going on forever. The real mistake however, is not in the building of a jail, it is in using it for a human being who should not be there in the first place. (60)

2. Not Consistant With National Trend:

The national trend with respect to correctional reform is to suspend all further construction of penal institutions in favor of community based correctional programs. States which have already begun to phase out or close down institutions include California, Iowa, Wisconsin, Minnesota, Massachusetts, Vermont, Kentucky, and New Jersey.

In Wisconsin, Governor Lucey's Task Force on Correction states:

The study committee on offender rehabilitation has unequivocally established as its most fundamental priority, the replacement of Wisconsin's existing institutionalized correction's system with a community-based non-institutional system. (61)

An article in the Des Moines Register dated November 11, 1972, entitled "Are New Jails Needed?" quotes the editor as saying:

Recognition has grown that few offenders require maximum security. The American Correctional Association estimates that less than 15% of the men sent to maximum security institutions need to be locked behind bars. The Iowa Crime Commission wisely decided several years ago that none of its Federal Crime fighting money would be used for maximum security jails. (62)

In California and Minnesota, the trend is to phase down most of their penal institutions and pay each county \$4,000 for every man, woman and child they chose to treat on a community level. The success for community based treatment programs in Sacramento, California and in St. Paul, Minnesota has resulted in the postponement of any further plans to build new penal institutions. Just recently, the California Legislature recinded a decision to appropriate \$35,000,000 for new prisons. This decision was (according to corrections officials) brought about by the convincing evidence of the success of community based treatment as exhibited through the California Treatment Project and the Subsidized Probation Program. (63)

In their final report to the governor, Wisconsin Citizen's Study Committee on Offender Rehabilitation points out that:

The trend toward community treatment is steadily growing throughout the country. Hawaii has 85% of all its offenders on probation. Massachusetts is closing all of its state operated youth training schools. Kentucky has already done so. California's adoption of probation subsidy programs has closed four youth institutions, one adult prison, and another one soon to close. (64)

The Criminal Justice System in America

and in Connecticut has clearly failed in its efforts to control and reduce incidences of crime. This is due, to a great extent, to the fact that corrections has not succeeded in rehabilitating the offender. We, along with prominent organizations and leaders of criminal justice reform throughout the country, believe that much of the reason for correction's failure is inherent in its present modality of control and treatment, namely, a system of incarceration. Admitting that prisons are necessary for those who are a serious threat to society, the Connecticut Prison Association strongly urges that citizens of Connecticut take a long and hard look at the past record of corrections in this state as well as the recent plans for not only perpetuating but also proliferating a system that has clearly not worked in the past, that offers us no guarantee of better results even under the most modern conditions, and which will commit the citizens of this state to an irreversable course extended over some 65 years. In light of substantial evidence which suggests that such a course most probably will not succeed and will cost enormous sums of money, not to mention the tremendous waste of human resources, the Connecticut Prison Association offers the following proposal.

III. PROPOSAL OF THE CONNECTICUT PRISON ASSOCIATION FOR THE CESSATION OF FURTHER CONSTRUCTION OF CONNECTICUT'S PENAL INSTITUTIONS

The Connecticut Prison Association strongly urges the cessation of all further construction of penal institutions in the State of Connecticut. The Association suggests a three to five year moratorium on construction in order to study, administer, and evaluate alternative measures to incarceration and correctional rehabilitation.

The Association should like to make it clear that such a proposal is not without precedence among other states throughout the country, which are known for their progressive leadership in the field of correctional reform. Furthermore, such thinking has been supported, among others, by: the National Council on Crime and Delinquency, the Forty Second American Assembly on Correctional Reform, the United States Crime Report Commission, the National Advisory Committee on Criminal Justice, Chief Justice Warren Burger, the United Presbyterian Church of America, Mr. Emmanuel Margolis (senior editor of the Connecticut Bar Journal), and many other distinguished leaders and social scientists throughout the country.

In this proposal we shall examine, some of the favorable arguments for community based correctional programs in accordance with economic, human, and social indices. We shall take a look at what other states such as Wisconsin, Iowa, California, Massachusetts, and Vermont are doing in the area of penal reform. We shall also present some most convincing arguments, offered by nationally recognized organizations and public figures, for the cessation of the construction of penal institutions in favor of community correctional facilities.

A. Argument For Community Based Correctional Programs:

i) Futility Of Rehabilitation By Means Of Incarceration:

The inability of our correctional

institutions throughout the country to successfully rehabilitate its inmates results in a tremendous waste of money and human resources and leads to a further perpetuation of crime in our society. One of the reasons for the system's failure lies in the concepts of isolation and confinement.

Isolation and confinement of offenders has been traditionally accepted by society and the system of criminal justice in this country as a means of accomplishing two primary objectives: 1) protection and punishment through custody and, 2) correction through rehabilitation. The key word here is rehabilitation, for if there is no positive change developed in one's attitude or behavior during his period of incarceration, he will return to the community unchanged except perhaps that the bitterness developed from confinement and control may only serve to further harden his mind and heart towards life, authority, and society in general. Protection for society is not guaranteed by incarceration, it is only at best a temporary assurance.

As for the claim that society is always best protected by incarcerating dangerous offenders, the argument is not convincing when examined in a time prospective. Although it may be true that temporarily at least, the criminal is isolated from opportunities to engage in illegal activities; upon release (which occurs well over 95% of the time) he will be back in the community. What internal controls have been developed which will serve in a sense as a protection in society is a moot question (witness, for example, the recidivism rates). (65)

There is little in confinement alone that produces a positive change in attitudes or behavior. Neither has the threat or experience of confinement served as a successful deterrent to crime. The only purpose that punishment may serve is to allow the vindictive and self-righteous person the chance to "get even" or condemn. Although such desire for vengeance may be recognized as a

very basic and realistic psychological drive in most of us, we owe it to the interest of civilization and peaceful co-existence to seek out more constructive channels through which we might sublimate these primitive feelings. If the purpose of corrections is to correct, we must insist that only the very best efforts and methods of rehabilitation be employed.

In designing and implementing various methods of treatment for corrections, we must keep in mind the ultimate objectives. That is, what forms of behavior modification do we wish to accomplish through these methods?

If our objective is to create a feeling of penitence and sorrow for one's actions, we will simply not succeed among today's convicted offenders. For the most part they are products of drug and alcoholic disease, mental and emotional deficiency, oppressive social conditions, disorganized and broken families, etc. How does one feel sorry for being sick, or poor, or being rejected by his family, or for being black or Puerto-Rican? The spirit of penance is based on an understanding of love. Most of our prisoners today have had very little positive experience with love; what they have known, is frustration, selfishness, rejection, exploitation, confusion, dual standards of morality, and abusive authority.

On the other/hand, if the objective of correctional rehabilitation is to foster "normal" social functioning, it is questionable whether such an accomplishment can take place under present conditions of isolation and confinement.

If we insist that "normal" social functioning ought to be the primary objective of treatment methodology and corrections, (and it must be) then, under conditions of confinement, the very best we could hope for is that the inmate will become a "model" prisoner. Such an outcome may be welcomed by prison administrators and personnel who like things to run smoothly, but it doesn't say much for the individual who is preparing to return to the community. Rehabilitation in terms of adjustment to prison life only makes sense if the inmate will be serving a maximum life sentence.

A model prisoner is no guarantee of successful rehabilitation in terms of normal social functioning in a free society. In a paper entitled Correctional System, A Rationale For Determining Program Alternatives, Doctor Lawrence Albert and Doctor Albert Alissi point out that:

... An offender who functions successfully in a modified "planned" manner in his own community circumstances has demonstrated more progress and potential compared to an inmate who has been a "model" in many of even our finest correctional institutions. (66)

Thus it seems that if we wish to succeed in our efforts at rehabilitating the majority of today's offenders, we need to consider an alternative to incarceration. The 42nd Annual Assembly on Prisons In America also stated in their final report that:

The primary purposes of confinement are to protect the public from the offender and to discourage the commission of crimes. A mounting body of evidence suggests, however, that the existing correctional institutions have not served the purpose of rehabilitation ... to the contrary, involuntary confinement in large correctional institutions is counter productive for rehabilitation. It is fruitless to cling to the rehabilitative ideal under these conditions. (67)

2) The Wisdom Of Constructing New Penal Institutions:

In their 1973 study, the National Advisory Committee on Criminal Justice commented that, "for reasons difficult to explain fully, construction of a facility to incarcerate people seems easier to accomplish than the implementation of programs to

allow them to retain their liberty. While the maintenance of jails is generally more expensive and the initial cost high, too many jurisdictions continue to build buildings instead of helping people."

Thus in spite of the humane, social, and economic advantages of community based correctional programs, many Americans find it difficult to be objective about needs for correctional reform. This is due, to some extent, to a general reluctance on the part of the public to "bend over" to help those who have willfully infringed on the rights of others, and also because Americans are, for the most part, people of tradition. "What was good for the goose is good for the gander", we say. Granted that some of our jails ought to be leveled, we suggest that we build new ones in their place to carry on as before. The only thing wrong with such thinking in respect to correctional reform is that the issue at stake is not tradition, or moral integrity of the righteous, but human lives and respect for property.

As we said earlier in this paper, the effects of crime are pervasive and costly. If we wish to respond intelligently to such a threat to social and individual security, we ought to refrain from investing our money in programs that have clearly failed us, and invest it, for at least a period of five years, on a number of community based correctional programs that will cost us much less to operate, and, from every indication, promise a much more equitable return on our dollar.

We can choose to move boldly forward with problems of crime, mental health, and ecology, in the hopes of achieving a better society for everyone, or fall complacent and apathetic to the broad social problems until they eventually destroy all of us. We have time to build, but time lost cannot be purchased at any price; neither can the lives of those who fall victim to crime. The time is now; the cost--economical; the outcome, very promising. To paraphrase a famous quote by Edmund Burke, The only thing necessary for the continuation of evil in our society, is that those who are able to do good, do nothing.

B. What Others Have To Say About Reform:

The National Advisory Commission On Criminal Justice in referring to the shift of emphasis from institutions to community programs, has this to say:

The trend toward community based corrections is one of the most promising developments in corrections today. It is based on the recognition that a considerable amount of delinquency and crime is a symptom of failure of the community, as well as of the offender, and that a successful reduction of crime requires changes in both. Reasons for embracing the concept of community corrections and for embarking on a national strategy to effect a transition from our current institution-oriented correctional system to one that is community-based include the following:

- There is convincing evidence that current use of and practices in additional penal institutions intensify and compound the problems they profess to correct.
- The cost of institutionalization, particularly with the system's current excessive emphasis on security and hardware, is reaching a magnitude beyond all reason.
- The majority of offenders currently are treated as violent and dangerous despite the fact that only a few of them conform to this unfortunate stereo-type.
- Time spent in confinement is inversely related to success on parole, and community-based programs appear to be more effective than traditional institutional programs in providing community protection.
- Imprisonment has negative effects on an offender's ability to develop sufficient skills and competence to perform culturally prescribed roles after release into the community.

-The move toward community corrections implies that communities must assume responsibility for the problems they generate. (68)

In 1972, the Board of Trustees of the National Council on Crime and Delinquency published a policy statement on a number of correctional reforms. In their chapter on "Institutional Construction", they asserted that:

No new detention or penal institution should be built before alternatives to incarceration are fully achieved. Specifically, the National Council on Crime and Delinquency calls for a halt in the construction of all prisons, jails, juvenile training schools, and detention homes until the maximum funding, staffing, and utilization of non-institutional correction have been attained. (69)

On December 17, 1972 a group of seventy Americans from twenty states representing government (Federal, State and Local-Legislative and Executive Branches) business, labor, education, the military, the clergy, foundations and civic organizations, met as members of the American Assembly to discuss prisoners in America. In their final report there was general agreement that:

It must become firm policy to avoid further construction of Adult Prisons, Jails or Juvenile Training Schools. Resources should be allocated for more adequate alternative programs and services as well as for the repair of existing facilities to make them habitable. The present changes in correctional policy have not run their course. Plans for new construction must be deferred. (70)

The United Presbyterian Church of America, in

their winter issue of Church and Society, address themselves to the question of whether or not corrections possesses enough scientific knowledge to shift from institutional centers to community based correctional programs.

The problem is not a lack of more desirable alternatives. The President's Task Force On Prison Rehabilitation said in an April, 1970, report:

"We concluded early that there was no need to search for new ideas about rehabilitating prisoners. The voluminous literature on the subject overflows with excellent ideas that never have been implemented nor, in many cases, even tested."

Moreover, there is mounting evidence that rehabilitation through community-based treatment programs rather than incarceration and isolation is a more effective way to deal with criminal offenders. The major instruments of this corrections philosophy are preindictment and post-indictment probation and parole. (71)

Admitting that there is a need to incarcerate those criminals who are dangerous until they are no longer a threat to the community, the President's Commission on Law Enforcement and Administration of Justice goes on to say that:

Institutions tend to isolate offenders from society, both physically and psychologically, cutting them off from schools, jobs, families, and other supportive influences and increasing the probability that the label of criminal will be indelibly impressed upon them. The goal of reintegration is likely to be furthered much more readily by working with offenders in the community than by incarceration. (72)

In the New York Times issue dated Monday, January 15, 1973, the United States Crime Report Commission was quoted as saying:

It is recommended that no new major institutions be built, existing ones should be phased out in favor of local facilities and programs. (73)

The Commission went on to recommend that:

Every state, within five years, should develop a systematic plan for implementing a range of alternatives to institutionalization with particular emphasis on community based alternatives to confinement. (74)

Chief Justice Warren Burger, in his annual state of the federal judiciary message to the American Bar Association in 1972 said that:

If we have learned anything about the correctional process, it is that many of the people sent to prisons would have better prospects of being restored to useful life if they were placed on probation under close professional supervision, rather than confined. Laying aside all compassionate and humanitarian considerations, we see that a probationer can be given close supervision for less than one tenth of what it costs to keep that same person in prison. (75)

The National Council on Crime and Delinquency said further in their policy statement that:

A major rationale for the use of community programs is that correctional costs can be considerably reduced by

handling in the community a large number of those offenders normally institutionalized. A nationwide survey conducted by NCCD for the President's Crime Commission found that the daily cost for a juvenile in an institution is ten times the cost of juvenile probation or aftercare. For adults, state institutional costs are about six times that of parole and about fourteen times that of probation. (76)

As an example of the savings based purely on economics, the NCCD sights correctional expenditures in Philadelphia, by comparing institutional costs with the cost of community based treatment for offenders:

Philadelphia spends 10.4 million dollars to maintain a daily average of 2,961 prisoners - cost: \$3,200. a year per prisoner. Upon release, at least 65% will commit more crime. At the same time, the city spends \$2,000,000. a year to supervise 17,300 offenders on probation - cost: \$150. a year per person. The recidivism rate is about 16%. Community treatment makes sense. (77)

In a study prepared by the National Chamber of Commerce and published by the American Correctional Association, entitled, Marshalling Citizen Power To Modernize Corrections, the statement was made that:

Community corrections is more humane- experience has shown that, as opposed to isolation and punishment, community based corrections which permits a person to live in his own community and maintain normal social relationships, or providing control, guidance, and access to rehabilitative resources and services,

is a more efficient, economic, and more humane approach to the treatment of the offender. A considerable and impressive body of evidence has accumulated indicating that corrections in the community is more effective in reducing recidivism than severe forms of punishment.

Because the community-oriented approach is almost always more economical, it enjoys a substantial cost benefit advantage. Experience has revealed that if one-third of the offenders currently held in institutions were transferred to probation along with their share of the correctional budget, they could be placed in caseloads of ten or less. This would provide the opportunity for more individual attention and enhance chances for probation to succeed. Under present circumstances, however, judges face the dilemma of having to choose between the worst of two evils; whether to utilize already overburdened probation services, or whether to commit the offender to an institution which is ill equipped to rehabilitate at all. (78)

In the September, 1972 issue of the Connecticut Bar Journal, Mr. Emanuel Margolis, Senior Editor of the Connecticut Bar Journal, said that:

It is the time to debate fundamentals: namely whether, within the frame of reference of historical experience, sound economics, basic principles of human psychology, and the dictates of the administration of justice, it is more sensible and practical to improve our correctional institutions to the point where they can actually achieve the rehabilitation they are set up to achieve; or rather, to finally toll the bell on incarceration

as a rehabilitation vehicle, to bite the penological bullet and embark upon a program of incarceration ...

The lesson of 200 years of American History is clear enough: coerced incarceration and rehabilitation are not only contradictory but mutually exclusive. Regardless of money and motives, reform and rehabilitation never have reached more than a handful of our inmates.

... On the other/hand if we are prepared to critically appraise the correction system, accepting nothing as axiomatic and questioning everything regardless of sacrosanctity, the starting point must be the technique of incarceration itself. The argument here is that it is time to stop worshipping the golden calf of caging in or isolating the social offender, and, worse still, fattening it with precious and scarce tax dollars.

Instead, the major premise must be incarceration, with a massive increase in the use of probation (and parole) coupled with community-based and community-oriented alternatives, and linked closely in turn to restitution to victims. Such a program, while not ignoring the demands of society for crime deterrents and even punishment, would place far heavier emphasis on fines, on social stigma, confinement to a residence except during working hours, and similar non-incarceration alternatives. (79)

C. What Other States Are Doing About Correctional Reform:

1) Polk County, Iowa:

In 1970, the Des Moines Model Neighborhood Corrections Project was founded by Model Cities,

LEAA, and State Department of Social Services. The project was called the Pre-Trial Release Program, and focused on releasing as many men and women as possible, who were awaiting trial, to a community based program that was responsible for the appearance of the accused in court as well as providing a meaningful program of rehabilitation that might be accepted by the court as an alternative to sentencing.

The Des Moines program was modeled directly after the Vera Foundation Project which now operates in the five separate boroughs of New York City. The Polk County project was in turn modeled after the Des Moines Model Neighborhood Program. Essentially the program provides for an alternative to sentencing by involving the accused in a community based program including counseling services, employment, vocational and educational training. Pending successful adjustment to the community based program, the individual is deferred from trial and allowed to continue his rehabilitation progress under some type of probationary supervision.

What is unique about this project is that in addition to providing an alternative to sentencing through the Pre-Trial Program, they sought to bring the separate units of the Criminal Justice System together in a unified and coordinated fashion, in order to function as an efficient system. This was accomplished by bringing four major criminal justice service units together to form what was to be called the Department of Court Services.

As the coordinator and administrator of four functional units, the Department of Court Services provides a comprehensive community-based correctional program for Polk County, Iowa.

The four units of the department developed from several origins, with various functions, and under the administration of various organizations and agencies, both public and private. Pre-Trial release was originally administered and funded by a private

organization, the Hawley Welfare Foundation. Community corrections, while funded publicly was originally administered by a private organization, the National Council on Crime and Delinquency ...

The Probation Unit, consisting of pre-sentenced investigation and probation supervision, was incorporated from two separate public agencies. The Fort Des Moines Correctional Facility, a minimum security institution, was planned and implemented under the direct administration of the Department of Court Services. The integration of these functional units to a single structure has allowed the initially fragmented programs to develop into a unique comprehensive program operating in all areas of the Criminal Justice System, subsequent to arrest in Des Moines, Polk County, Iowa. (80)

This program not only offers an alternative to sentencing or incarceration, which in itself represents a very unique and sensible approach to the task of rehabilitation, but even more uniquely, recognizes the need and the advantage of coordinating the efforts of each major unit of the Criminal Justice System so as to function as an efficient whole. Thus the successful rehabilitation of an offender becomes the concern not only of the pre-trial release staff but the courts, corrections, and the private sector, of community based services as well. Each functions to serve the other, all are coordinated under the eyes of the court, (for it is the court that usually decides the fate of the accused) in order to administer a form of justice that is not so much concerned with punishment for the crime as it is with providing a cure for the problem and ultimately order and safety for members of society.

2) Massachusetts Youth Commission:

In 1972 the Massachusetts Youth Authorities Commission under the direction of Doctor Jerome G. Miller,

closed down all but two or three major institutions for youthful offenders in favor of community based correctional treatment programs. (81)

The rationale for such a move was based on a belief that 80% of those youth incarcerated in institutions were not considered dangerous to the community and could be treated much more effectively by utilizing community treatment resources. Those that were to be released from institutions were classified into two primary treatment groups. One, those requiring a highly structured treatment environment, and two, those who, it was felt, could live at home with the aide of extended supports through local treatment agencies.

The program focuses on providing three main services including counseling; vocational training; and formal education. Services are contracted from public and private agencies within the community, and rates are set by a rate setting commission which reviews every private facility providing services to youth to determine a fair cost of treatment services.

Although it is still too early to draw any significant conclusions from such a program, authorities of the Youth Commission report that in terms of recidivism factors surrounding the commission of serious crimes, the program to date has been quite successful.

3) The California Probation Subsidy Program:

The California Subsidy Program provides an excellent example of how corrections can be made less costly and more effective. Under this program, the state offers each county a grant for every convicted offender who by being placed in a correctional program, helps to reduce the number of people from that county who are placed in the state's penal institutions. (82)

For example, if a particular county, over the years, averaging 25 inmates in state prisons for every 100,000 population, should cut this down to 15 by using community based alternatives to treatment, it could receive up to \$4,000. for each of the ten offenders not sent to

state institutions, or a maximum of \$40,000. These funds would then be used in turn to purchase local services. Experience over the first two years of the program demonstrated that improved probation services could be given to five or six persons at the local level for each individual grant.

During the first two years of the project, 3,814 offenders were supervised who might have otherwise been incarcerated. This represented a gross savings of 15.2 million dollars for the state, and a net of 9.8 million dollars after subsidy payments to the counties.

In an interview with correctional authorities from the state of California, this writer was told that based on the success of this program, the legislature was convinced that the 35 million dollars which had already been appropriated for further construction of penal institutions, should be rescinded. Even since then, this program has resulted in the indefinite postponement of scheduled construction of several state institutions.

4) The Saginaw Project:

In a three year experiment conducted between 1957 and 1960 in Michigan's Saginaw County, the proportion of convicted felons to be placed on probation was raised to 67.1% leaving less than 33% for sentencing to institutions. As a result of the intensive and highly individualized treatment provided for these probationers, the proportion of probation failures experienced a decline from 32.2% during three prior years, to 17.4% during the three experimental years. Estimated savings to taxpayers over the period was almost half a million dollars, because of reductions in cost of institutional care, cost of welfare for prisoners, families, and parole expenditures. (83)

5) Sacramento and Stockton Community Treatment Project:

Another experiment in community based corrections conducted in California has yielded noteworthy results. This experiment involves a parole plan with intensive community treatment for serious offenders up to age twenty one. All those involved in the experiment were confirmed

delinquents with histories of car theft, grand larceny and robbery, all have served terms at county institutions for their offences. After the first two years of the experiment, studies showed that 41% of the experimental group had their paroles revoked, as opposed to 61% of the control group. The cost of the project per youth is less than half the average cost of putting an offender in an institution. This project has saved the taxpayer between 6 and 8 million dollars that would have otherwise been needed to house the youth.

6) Wisconsin Task Force On Correctional Reform:

In 1971, the Governor of Wisconsin commissioned a task force committee to investigate and complete a comprehensive study of the correctional system. The study contains a thorough evaluation of the present facilities and the extent to which they are capable of rehabilitating offenders. The task force also examined and made recommendations for community based treatment services as an alternative to incarceration. Further suggestions were made for program improvements on every level of the correction's system including, inmate's rights, administration, and the use of probation and parole services. Recognizing that a small percentage of those incarcerated really need to be confined for the public's safety, and concerned that the national history of failure or inaction with respect to previous penal reform recommendations not be repeated in Wisconsin, the committee emphatically stated that:

Incarceration in maximum security institutions does not aid the rehabilitation of the great majority of Wisconsin's offenders. Not only are our prisons extremely expensive to operate, they do not protect society from the great majority of offenders who are released within a comparatively short time and, moreover, they inhibit those community-related demographic factors which constitute parole success.

7) The Vermont Project:

By developing a network of community based treatment programs, and improving the units of probation and parole, the Vermont Department of Correction has succeeded in reducing its prison population from 400 in 1966 to 102 at present date. The present jail population is around 130 inmates. Through inovated programs administered at the community correctional centers the department has succeeded in providing more appropriate measures of treatment, with emphasis on early release to the community wherever possible. (84)

8) Pre-Trial Intervention:

Another low-cost high-yield program recently developed is that of Pre-Trial Intervention which was designed primarily by the leadership of the manpower administration, United States Department of Labor, to help break up the backlog in court processing and to offer the court yet another alternative to imprisonment.

The Pre-Trial Program which is now being expanded to other cities throughout this country, was built on the earlier efforts of the Manhattan Court Employment Project operated by the Vera Institute of Justice in New York, and Project Cross Roads, operated by the National Committee for Children and Youth in Washington, D.C.

Following successful experiments with the above demonstration programs, the Pre-Trial Project is now being tested in Atlanta, Boston, Cleveland, Minneapolis, San Antonio, Baltimore, San Francisco, New Haven, and Hartford, Conn.

The recidivism rate for adult participants in Project Cross Roads over a 15 month period was 22.2%; that of the control group (not receiving project services was 45.7%. Program costs totaled approximately \$500. per enrollee and the project exhibited a benefit/cost ratio of at least 2 to 1. (85)

Although more time is need to accurately determine the success of these programs, in terms of reducing the crime rate in this country, there are some very important and helpful observations that can be made about community based efforts of correction.

First of all, the most obvious and tangible advantage is the tremendous savings in tax dollars (anywhere from 2 to 5 times less than the cost of incarceration). Secondly, behavioral and social scientists will agree that, where public safety is not in danger, the alternative of community based treatment, as opposed to incarceration, is not only more humane, but pragmatically speaking, offers a better chance for individual growth and behavioral reform. The psychological and social consequences of isolation and control are self-defeating and represent an inherent contradiction in the present form of correctional rehabilitation.

Thirdly, we know that for 80 to 90% (86) of the criminal population that are not considered dangerous to the community, the effectiveness of community treatment programs is no less than the present system, and yet costs two to six times less to operate.

We therefore, owe it to ourselves as taxpayers and citizens concerned about the crime situation in this country, to demand better and more economic methods of controlling crime and treating offenders. We also owe it to ourselves to become informed about those methods that show the most promise, and not to be misled either by fear and shortsightedness, or the political and vested interests of those who would deceive us into thinking that what we need is more modern facilities instead of more effective and economic methods of rehabilitation.

D. Suggestions For Implementation Of Long Term Goals:

The Connecticut Prison Association suggests an immediate cessation of construction of penal institutions in the state, and that the governor appoint, immediately, a task force on correctional reform. This task force should be composed of members from all divisions of the Criminal Justice System, public and private; as well as legislators, businessmen; professionals from the fields of behavioral and social sciences, medicine, law,

public expenditures and administration; and representatives of the general citizenry, including former offenders. This organization will have the responsibility of studying alternative measures to incarceration based on independent study and consultation with corrections and other criminal justice authorities as well as with public and private service agencies throughout the state. A period of twelve to eighteen months should be allotted for conducting such a study, and an additional two to four years for implementation and experimentation of task force recommendations.

Concomitant with the task force's efforts at compiling a comprehensive study and evaluation, arrangements should be made to organize and coordinate a state or regional inter-agency committee on offender rehabilitation. This committee should consist of representatives from public and private agencies throughout the state. The committee would analyze the needs of the offender population as revealed to them by the findings of the task force. The inter-agency committee would then in turn relate those needs to their own resource potential and offer recommendations for various services. These resources should include counseling in areas of employment, education, vocational training, personality disorders, family difficulties, financial assistance, medical insurance, transportation, clothing, housing, etc., and should be provided within the framework of minimum and maximum controls. For example minimum control would allow the individual under parole or probation supervision to maintain independent living status and seek compulsory assistance from service agencies in his community. Maximum control status would require that an individual be placed in a highly structured half-way or residential group and/or treatment center. Professional staff would then be responsible for mobilizing whatever resources might be necessary to provide for successful rehabilitation.

The underlying philosophy of this approach is that, wherever possible, rehabilitative efforts should begin with minimum controls and move to maximum as a last resort. Such an approach offers many worthwhile advantages:

- 1) It provides the courts with more alternatives for sentencing and treatment.
- 2) It allows for greater personal input of the offender in defining his problem and suggesting appropriate treatment responses outside of incarceration. If the only alternative is imprisonment, the offender need do nothing more than serve his time and hope to get out early. If however, he is given alternative routes in lieu of incarceration, he is then in a position to decide for himself just how much control will be necessary.
- 3) It enables professional staff to develop a clearer understanding of the individual's needs and weaknesses through a gradual and differentiated process of treatment.
- 4) It represents a more economical approach for a number of reasons:
 - a) Community based services generally cost less to operate, especially when administered by private agencies. (87)
 - b) Availability of a broad number of services under a program of differentiated treatment provides not only for a heavy concentration of services but for a more appropriate application of those services as well. Thus, each person receives the help that he needs, and in the way that he most needs it. Such flexibility is not possible under conditions of incarceration.
 - c) Under community treatment the individual may hold a job and contribute towards part of his treatment costs. The

average salary for low skilled employees is around \$5,200 a year. Based on present tax rates, he will be paying around \$900. a year to the Federal Government and over \$100. a year to the State in the form of sales tax on purchases. (88)

- d) The intangible factors of successful treatment, although not subject to cost analysis, nevertheless represent the main objective of our investment, namely, that the individual develop a more intergrated personality, that he develop a higher self-image, that he increase his motivation to better his own life and that he be given the opportunity to lead a constructive life which benefits not only himself but every member of society; in short, that the goals of rehabilitation and/or reintegration be realized and that incidences of crime be sharply reduced.

Connecticut has the resources and the expertise to develop a model program of community based corrections. If we allow ourselves to be ruled either by tradition, or a primitive need for displaying vengeance, however eloquently expressed the cost to the Connecticut taxpayer will be 60,000,000 dollars now in construction costs, and hundreds of millions of dollars (allowing for inflation) over the next 65 years to operate these new facilities. In addition, thousands of human lives will be adversely affected due to conditions of incarceration and there is no promise of any reversal in the present rate of crime. All of this is not to mention the continuation of a system of Criminal Justice that is seriously disfunctional because of a shortage of personnel and a lack of efficient methods of operation.

Before we build more prisons and jails for the courts to fill, and create, by their incarceration, more criminals for the police to control, let's take a good hard look at those alternatives which might be available in the community to assure a more successful operation of our Criminal Justice System, and more positive results in stemming the tide of crime that threatens to engulf us.

E. Suggestions For Implementation Of Short Term Goals:

1) Misdemeanant Population:

The Connecticut Prison Association suggests that all money appropriated for construction of Hartford, New Haven and Cheshire facilities be held back for legislative reapportionment. The Association further suggests that the present populations at Hartford and New Haven jails be phased out over a period of one year by means of institutional transferrals and release to the community through normal attrition. Subsequent to phasing out the population of New Haven and Hartford Centers, both facilities should be razed.

The Association also recommends that a classification board be formed to consist of non-correctional personnel, i.e. specialists in the areas of: employment, vocational rehabilitation, drug and alcoholic addiction, family services, clinical psychology, and religion. The board should consist of one member from each of the above disciplines, and should be required to meet once a week at each of the centers. The superintendants and chief counselors at each center would automatically sit on the classification board. All members (except correctional personnel) should be salaried to insure quality professional results.

The function of the classification board would be to review the case of every individual sentenced to a center (jail) and make recommendations to the commissioner of corrections on the best program of rehabilitation. Where it is deemed that the individual in question is not a serious threat to society, rehabilitation should focus on community based programs within a framework of minimum and maximum controls.

An example of such a program might be as follows: Every individual sentenced to a center would be given the chance to meet the classification board and together with them work out a treatment program that would best serve his needs. During the first week of incarceration the individual would meet with the chief counselor for initial review of the case. By the second week the inmate is expected to have worked out, in his own mind, those alternatives which he feels might best serve his situation and present them to the entire board. By the third week, the board must reach a final decision on what the best course for treatment might be, (based on treatment needs and community safety), notify the inmate, and make a formal recommendation to the commissioner for his approval. Under no circumstances should an inmate have to wait more than three weeks from the initial date of incarceration for a final decision. In order for such a program to work, all misdemeanants should be "sentenced to the commissioner" for an indefinite period of time. Wherever possible the commissioner should accept the recommendations of the classification board; priority should be given, in all cases, to community based programs for offender rehabilitation. If there is any therapeutic or deterrent value in incarceration itself, thirty days, or the length of time it would normally take to review an offenders case and design a treatment program, would certainly be sufficient for those not considered dangerous to society.

Again, in order for this program to realize its fullest potential, it is imperative that there be some effort at organizing community agencies throughout the state that might be able and willing to provide the kinds of services required for a successful program of community based corrections. The Connecticut Department of Correction is already engaged in such community organization under federal grant assistance, through project PREP. As the mechanism for such coordination is already present, consideration should be given to further intensify the efforts of the project beyond its present level.

Any success of this program would significantly reduce the misdemeanor population in our correctional centers throughout the state. To reduce the population, is at the same time to reduce the

need for more centers. The present capacity of our centers in Litchfield, Brooklyn, Montville, and the new facility soon to be completed in Bridgeport, amounts to 456 units. The present total adult male misdemeanor population in our correctional centers is, (as of February 1, 1973), 610 inmates. If the above proposed program succeeds in reducing the average misdemeanor population by even 50%, we will have a total of 151 beds available in our Centers throughout the state with no need to replace Hartford and New Haven. These beds, if necessary, could be used for misdemeanants who fail to adjust through community corrections and have to be returned to the center for a period of time. The Association would like to point out that a similar program is already operant in Vermont and has realized successful results. (89)

2) Pre-Trial Population:

The unsentenced population in our penal institutions throughout the state could be significantly reduced through the affects of pre-trial diversionary programs, releasing the accused on written promise to appear (WPTA), and allowing the indigent to post their own bail through a ten per cent bail program. Such programs are already in operation in Hartford under the direction of the Institute For Criminal And Social Justice. (90)

As of February 1, 1973, there were 589 people being held in our Centers on pre-trial status. If the efforts of pre-trial programs, as well as programs allowing the accused to live in the community pending disposition of criminal cases succeed in reducing the unsentenced population be merely 20%, over the next two years, we would be left with an average unsentenced population of 450 people. The latest efforts of our judicial system in this state to improve methods of administration and develop a broader knowledge of today's offender as well as alternatives to incarceration should result in reducing both pre-trial and sentenced populations in our penal institutions. It is felt by criminal justice agencies that programs

such as "WPTA" (written promise to appear) and a system of bail bonding which allows the indigent to post security without paying a fee, (the accused puts up 10% of total bond to be held by the courts, and the money is refunded when a disposition is reached), will continue to have an overall affect on reducing the pre-sentenced population in our correctional centers.

The average total number of pre-trial detainees held at Hartford and New Haven centers was (as of February 1, 1973) 276 men. There were 118 men at Hartford and 158 at New Haven. There were also 85 women held at Niantic Correctional Institution for Women. Allowing for the influence of those programs mentioned above, and the available space in other centers and institutions throughout the State, the Association makes the following recommendations:

- (1) The Association recommends that over a six month period, one hundred and fifty men be released from Osborn (minimum security institution) to parole, and that one hundred and fifty men then be transferred from Somers (maximum security institution) to Osborn reserving the units at Somers for pre-trial detainees.

It is recommended then, that all pre-trial detainees normally held at Seyms Street Jail (120) be housed at Somers Institution. Those pre-trial detainees normally held at New Haven Jail (160) could be housed at the Bridgeport Center. The new Bridgeport facility is designed to hold 204 inmates, the old facility which could still be used in part (as there are no plans to raze the building) has a present bed capacity of 392 units. Between the old and new units there should be ample space to house pre-trial detainees from both Bridgeport and New Haven. The average daily number of pre-trial detainees at New Haven and Hartford are 160 and 120 respectively. Female detainees could be housed in a separate section of the Bridgeport or Cheshire facilities.

All pre-trial detainees could then be bused from Bridgeport and Somers to court each day. According to present estimated quotations, the approximate cost of private busing would amount to seventy cents per mile, per bus. Thus, the daily cost of running a bus round trip from Somers to Hartford would be approximately, \$40. per day, or \$200. per week, or \$10,400. per year. The cost of running a bus daily from Bridgeport to New Haven and back would amount to approximately, \$25. per day, or \$125. per week, or \$6,500. per year. The total transportation costs amount to \$17,000. a year (91)

- (2) The Association further recommends that work release programs be phased out of our institutions and administered from the community level. The total number of men and women presently on work release in Connecticut's correctional institutions and centers is 115. The Association suggests that these people be allowed to live in the community, under parole supervision, as long as they can maintain consistent employment and refrain from committing a serious violation. Alternatives to incarceration should be utilized in accordance with the design recommended above for adult misdemeanants. Rationale for such a recommendation is as follows:

The work release program provides an opportunity for individuals, considered not to be dangerous, to find a job in the community, contribute toward their support while institutionalized, (as well as welfare costs for family where appropriate), and prepare themselves for an eventual return to free society by means of a program of gradual release. The average length of time that an individual is on work release status is approximately four to six months. Candidates for work and/or educational release programs have, for

the most part, committed offences which do not reflect serious pathological disorder. Such offences usually center around alcoholism, drugs, non-support, larceny and theft (often related to drug offences) and some cases of illicit sexual promiscuity. With the exception of non-support offences, all of these offences indicate a serious mental or emotional deficiency which requires close medical supervision. There is nothing in holding a job, per se, that will cure a drug addict, a burglar, an alcoholic, or a morals offender. Although work can certainly, be therapeutic, without the intensive medical attention that is necessary, there is little realistic hope for successful rehabilitation.

Still others on work release, represent those individuals who display an exceptional amount of individual resourcefulness which is allowed optimum expression, at least while incarcerated, through the work release program. Yet, one also has to question why these men who are not considered dangerous to the community, and who have exceptional resourcefulness as individuals, need to be incarcerated in the first place. It would seem that under close parole supervision, these men should be able to make a successful adjustment while working and living in the community. What the public must know is that the individual is not released to the community because he has done well on work release, he is released in most cases, because his maximum sentence has expired, or because he has served the minimum time required for parole. The fact is, that the inmate is no further a threat to society before he goes on work release, than he is when released to the community.

If it is felt that most inmates, who have been incarcerated for a long period of time, need a re-entry phase

in order to work out initial traumas of readjustment to free community life, we must ask to what extent correctional institutions are able to provide a realistic treatment model to deal with such stress. At present in our correctional centers, there is very little formal counselling available to inmates to deal with problems of readjustment and/or reintegration. What's more, one can hardly begin to define or experience problems of readjustment if he is not able to face those tasks which most realistically represent life as he will have to live it once he is released. There is little opportunity for testing one's psychological and social preparedness for independent living when "community release" is limited to working an eight hour day and returning to the jail at night. Work itself can be therapeutic and is valuable in terms of developing responsibility, however, in a work release situation the overall objectives of rehabilitation are not further enhanced by means of incarceration. Thus, an individual could live in the community, attend work regularly and receive much more appropriate treatment from social service agencies in the community which are in a much better position to interpret and deal with problems of stress as they evolve from day to day living in a free and challenging environment.

For certain, the man who is sentenced to jail for non-support, benefits not only himself but every taxpayer as well, if he is allowed to live in the community. When a man is sentenced to jail for non-support, the taxpayer not only picks up the tab for his room and board (amounting to approximately \$3,225.) but also assumes the cost of welfare payments to his family while he is incarcerated. Although the work release inmate is required to pay whatever he can towards the support of

his family, by returning half of what he makes to the welfare department, the cost to the taxpayer is still considerably less if he is allowed to live and work in the community and assume full responsibility for his family.

The experience of the Connecticut Prison Association has revealed certain shortcomings in the work release program that tend to undermine the long range objectives of such a program, to provide employment security after release from custody.

- a) The cost of employing work release people is much less to the employer as he can usually hire them at a much lower income than a man living in the community, and can lay the employee off after he is released from jail in favor of hiring new work release candidates. This turnover protects the employer from having to consider raises or promotions. Thus, when the man is eventually released to the community, he is often terminated from employment.
- b) Upon release, the offender, who may have a family, finds that the income he worked for while incarcerated is not sufficient to meet the cost of living in the community. He either tries to get more money from the employer, or he leaves his job to look for a more lucrative position.
- c) Often the individual on work release is forced to take any job at all that will offer him the chance to get out of the jail daily and help him to earn money which may be saved for his release. However, once a free man, he will most often look for a job that is more compatible with his personal

needs and skills. In short, he wants to make better money if possible, and he wants to be happy doing it.

- d) He finds it difficult getting to work once he is released because he often lacks personal means of transportation, and finds that the public facilities either do not cover his work route or are too costly in face of his other living expenses. Thus he quits or loses his job because of tardiness or absence.

The best argument for work release seems to be that it offers the inmate the chance to break into free community living by associating with other members of society, (at least during the day), where he works. It offers him the opportunity to "feel his way back" by assuming gradual responsibility and reorienting himself to life in free society. It does not necessarily provide him with a job to go to upon release, for reasons cited above, nor does it necessarily help him to develop self-esteem through economic independence and/or creative productivity, for the job seldom fits the man's skills, and except in cases where he possesses high marketable skills, he never really makes that much money to consider himself economically independent. What we should clearly understand is that the inmate's very need for reorientation is created to a great extent by incarceration itself.

If, therefore, it may be more economically advantageous for an individual to work while living in the community as a free man, and if those candidates usually selected for work release are not dangerous to the community and may receive better service while living in the community under parole supervision,

if would seem that the work release concept as presently defined, would better serve the ultimate objectives of rehabilitation through a community based operation.

By transferring pre-trial detainees to Bridgeport and Somers facilities, phasing out the work release program from our jails, to the community level, and sentencing misdemeanants to the commissioner for an indefinite period with the accent on community treatment, there would be no need for construction of proposed centers at Hartford, New Haven, or Cheshire. Instead, a portion of the 53,870,000 dollars to be appropriated for construction, could be used to renovate existing facilities, (especially for the youth at Cheshire); improve the probation and parole programs, and finance a comprehensive study and evaluation of community based alternatives, to be conducted over a period of twelve to eighteen months. At a time in this country when the problem of crime seems to be almost out of hand; at a time when such a vast body of scientific knowledge is available to the public and the Criminal Justice System, regarding alternatives to present methods of correction and rehabilitation, and, at a time when the State of Connecticut itself has seen a need to "tighten the belt" in regard to unnecessary spending, it seems only wise to stop, think, and question the wisdom of investing at least 60,000,000. in the short run, for the perpetuation and proliferation of a system that has not succeeded in deterring people from criminal behavior and this in part because the walls that have been built to keep the inmates in have also succeeded in keeping the community out. Let us bring the community to corrections by bringing corrections to the community.

We should not resort to incarcerating an individual simply because we don't know how to handle his problems. If there is no further commission of a serious offence, we should explore every available resource to help him on the community level. To take on this massive responsibility, we would need to sizeably increase the facilities and manpower of probation and parole.

F. Probation Statistics And Recommendations For Program Improvements:

According to the Connecticut Planning Committee on Criminal Administration, in 1971-1972, the Department of Adult Probation incurred an annual expenditure of 1,450,152. During this period the average total caseload was 11,502 people. There were 110 probation officers employed at the end of fiscal year 72, with each having an average caseload of 105 men. During this time 7,282 pre-sentence investigations were conducted by probation for the courts, and a total of 18,874 people were on probation for various periods of time. Based on the above statistics, and in keeping with the recommendations of the President's Crime Commission, that present probation caseloads be significantly reduced. We recommend that the probation budget be increased 133% from 1,550,000. dollars to 3,620,000. dollars. This would allow for a total probation population of 13,000 to be supervised over the next twelve months at 50 people per caseload. The 13,000 allows for a 10% increase in the total caseload population. The estimated increase in overall caseload is based on 20% of the average number of misdemeanants (600) incarcerated in our centers throughout the state, who it is hoped might be deferred from sentencing through pre-trial diversionary programs. It also allows for a normal rate of increase on figures of previous years. (92) Thus, if at least 20% of future misdemeanants who would normally be sent to jail, were deferred from trial and placed on probation along with the existing probation population, the department would be able to provide services to every man and woman in caseloads not exceeding 50 people.*

As not every individual on probation is in need of therapeutic counseling, the Association further recommends that there be a division of the total population into two separate classifications of those requiring supervision alone, and those requiring supervision and counseling. Such classifications would allow for better deployment of professional skills. Those who have had training and experience in counseling and mobilizing resources, could be used to supervise caseloads of individuals requiring a number of social services.

*See table III

Those who either lack the training or are not inclined to work in a treatment role, could be best utilized in performing pre-sentence investigations as well as supervising the behavior of probationers in accordance with court order.

Another interesting statistic which lends further support to the concept of community based treatment, wherever possible, is that in 1972 each full time employed probationer contributed and estimated \$250. to the state's tax revenue. Total earnings for probationers under supervision during 1971-72 was \$25,612,352.89. This figure represents more than the entire budget for the department of correction during the same year.

G. Parole Statistics And Recommendations For Program Improvements:

According to the Department of Correction's statistics for 1971-72, the annual expenditures for parole was \$440,000. During this time the average total caseload of parolees was 1700. These men were supervised by 19 parole officers each handling an average caseload of 90 men. The Association recommends that parole manpower be increased by 400% in order to handle misdemeanants placed in community treatment programs as well as the normal parole caseload from the prison populations.

In order to accomplish the above, the Association recommends that the parole budget be increased 400% from 440,000 dollars to 1,620,000 dollars. This would allow for an increase in present caseload population from 1800 to 2300 men, while at the same time reducing average caseloads to 35 parolees per officer. * It would also provide for an average of \$200. per year to be used for each parolee for emergency services. The increase in the parole population by 200 men over the next twelve months allows for a decrease in overall prison population in order to make room for pre-trial detainees as suggested earlier in this paper. The additional three hundred cases represent the estimated number of men which might be released to parole under community treatment programs for misdemeanants and others considered to be not dangerous to the public.

* See TABLE IV

H. Total Costs:

The total recommended budget for operating probation and parole under relatively ideal conditions would amount to 5,380,000 dollars in round figures. When we consider that the cost of operating the proposed institution at Cheshire and centers at New Haven and Hartford would exceed five million dollars annually, and that the total operations budget for probation and parole at the end of fiscal year 1972 was around 2,000,000 dollars, we can see that it would cost us at least 7,000,000 dollars a year to run the new institutions and continue probation and parole under present conditions. However, to cease construction of the new institutions and provide probation and parole with a total of 5,380,000 dollars to enhance their programs and increase their efficiency to a level which borders the ideal, would realize the state and the taxpayer a net savings annually of 1,620,000 dollars. Furthermore, when we consider that such a proposal would allow for a reduction in prison population of 200 men to be placed on parole and an eventual reduction in the misdemeanant population, (presently averaging about 600 men in our centers) through a program of diversion from incarceration to probation and parole, we will realize additional savings of millions of dollars, for community treatment is at least two thirds less expensive than the cost of incarceration, not to mention the savings in terms of human resources.

Of the 1,620,000 dollars plus which is estimated as an annual savings, 17,000 dollars would be needed to transport misdemeanants daily from centers and institutions to court. And 200,000 dollars would be needed to salary classification board members. In addition, an estimated sum of 85 to 100 thousand dollars would be required to conduct a comprehensive study of the present penal system in Connecticut with recommendations for meaningful and effective programs for rehabilitation. Thus, the total estimated expenditures for improving probation and parole, providing transportation of unsentenced inmates to court, and salaries to members of the classification board, would amount to 5,597,000 dollars, with an additional amount of 85 to 100 thousand dollars needed in the first year to conduct a comprehensive study of the correctional system.

The estimated total budget for construction of new penal institutions in Connecticut is approximately 59,870,000 dollars. To this date approximately 45,000,000 dollars has actually been appropriated. If we deduct the cost of construction for the Bridgeport Center (6,000,000 dollars) as it is already under construction, and cease further construction of proposed penal institutions, we are left with a figure of 39,000,000 dollars which could be turned into substantial savings to the State, in terms of suspended construction costs. Although the 5,597,000 dollars recommended for program improvements, exceeds present annual expenditures for parole and probation by better than 3,000,000 dollars, it represents an investment for services far superior to present conditions; in lieu of the cost in operating the proposed new institutions (which based on present statistics would exceed 7,000,000 dollars annually) it represents an annual net savings to the state of over one and a quarter million dollars.

Summary:

The Criminal Justice System in Connecticut has fallen seriously short in its efforts to detect and control crime, prosecute those accused, and rehabilitate those sentenced to institutions of correctional reform. Reasons for the system's failure are as complex as the society in which it functions. For certain the prevalence of social injustice in our country precludes the administration of effective and true criminal justice. Yet, within the system itself are many dysfunctional elements which tend to undermine overall efficiency. Among them are; shortage of personnel, lack of professionalism, excessive demands in terms of work assignments, lack of uniform data on the nature, disposition and rehabilitative results of those convicted of crime and sentenced to penal institutions. In addition to shortcomings of the system itself, the prevalence of public indifference and the desire for retribution tend to undermine the efforts of our Criminal Justice System to establish law and order, protect the rights of innocent citizens, and correct or rehabilitate those with a propensity for committing crime.

The consequences of the system's failure are far reaching. Not only may they be measured in terms of the rising crime rate, but also in terms of increased welfare costs, wasted tax dollars, increased cost of consumer goods and a waste of human lives and resources.

In spite of the apparent failure of our present system of criminal justice, the Department of Correction has committed itself and the taxpayer to a program of new construction of penal institutions. Such a program represents the perpetuation of a system that, for nearly two hundred years, has clearly failed in its efforts to rehabilitate the offender.

The present building program of the Department of Correction in Connecticut calls for the construction of three new centers. In Bridgeport (near completion), New Haven and Hartford. The bed capacity of these centers is 204,266 and 368 respectively. The program also calls for a new youth center at Cheshire to house 360 people, renovation of the existing reformatory to house up to 502 adult male misdemeanants and

the development of a health, education, and training center as part of the Cheshire complex.

Plans to build more penal institutions in Connecticut are in direct conflict with the professional opinions and recommendations of leading authorities on Criminal Justice reform. Regardless of how modern our penal institutions might be, the fact remains that many people behind bars today simply do not belong there, still others are not getting the help they need. Indeed for some offenders it is questionable whether incarceration will ever be a successful means for rehabilitation.

Many states have heeded the advice of authorities and seen the merits of Community Based Correctional Programs as being not only more economic but significantly more effective in terms of the ultimate objectives of rehabilitation and/or reintegration.

In light of the substantial evidence that our system of penology has not succeeded in accomplishing its manifest goals, and that the trend toward reducing inmate populations in favor of community based treatment, is growing rapidly throughout the country, the Connecticut Prison Association strongly urges the cessation of all further construction of penal institutions in the State of Connecticut.

Concomitantly, the Association recommends the appointment of a governor's task force on correctional reform to study and examine alternative measures to incarceration and determine the feasibility of implementing community based treatment programs. A period of twelve to eighteen months should be allotted for conducting such a study, and an additional two to four years for implementation and experimentation of task force recommendations.

Simultaneously, arrangements should be made to organize and coordinate a state or regional inter-agency committee on offender rehabilitation. This committee would analyze the needs of the offender and the system of correction and in turn relate those needs to their own resource potential and offer recommendations for various services.

The Association further recommends that the New Haven and Hartford centers be razed and not

replaced, except through community based private facilities. Pre-trial detainees normally held at New Haven and Hartford Centers could be housed in Bridgeport and Somers respectively and based daily to courts in New Haven and Hartford at an annual cost of approximately 17,000 dollars.

Work and educational release candidates should be phased out to the community in favor of simply hanging their hat at a maximum security institution in the evenings. The question of re-entry traumas can be dealt with more efficiently and realistically from the community level through private professional services.

The Association recommends that a serious campaign be launched to reduce the misdemeanor populations (those with sentences of 12 months or less) of our adult centers and youth institution at Cheshire by 50% over a period of twelve to eighteen months. These inmates should be assigned to probation and/or parole caseloads where they will be supervised under a community based treatment program designed to meet minimum or maximum control.

To reduce such a population in all our centers and the institution in Cheshire by 50%, would have us with a residual population of around 30 male adult misdemeanants. As Cheshire has a mixed sentenced population of both long and short term sentences, it is not possible to determine how many are misdemeanants. Statistics for this population will not be available at time of this writing.

The sentenced population in our Centers should be given every consideration for community based treatment whenever possible. To accomplish this, the Association recommends the formation of a classification board, comprised of non-correctional personnel, a representative of the fields of employment, vocational rehabilitation, family services, religious and psychological counseling. The function of this committee would be to review the case of every sentenced inmate within the first two weeks of incarceration and offer a recommendation for appropriate treatment, to the Commissioner of Correction not later than the third week of incarceration. Wherever possible recommendations should focus on community treatment.

The main criteria for recommending incarceration should be based on the fact that the individual is either considered to be dangerous to society or has not projected from opportunities for community based programs and must, therefore, be returned for an indefinite period of time to a maximum security institution.

When we consider that the present capacity of our adult male centers at Bridgeport, Montville, Litchfield and Brooklyn alone equal 456 units, fifty percent of the present misdemeanor population of around 300 men would still leave the department with over 150 extra beds with no need to rebuild in New Haven or Hartford or Cheshire.

CONTINUED

1 OF 2

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When we consider that the present capacity of our adult male centers at Bridgeport, Montville, Litchfield and Brooklyn alone equal 456 units, fifty percent of the present misdemeanor population of around 300 men would still leave the department with over 150 extra beds with no need to rebuild in New Haven or Hartford or Cheshire.

Conclusion:

We could list many reasons for the failures of the Criminal Justice System in this country, a few of them were outlined in this paper. For certain, the reasons for failure are as complex as the system itself and the society which it serves.

A shortage of material resources, insufficiently trained personnel, defective and outdated methods of operation, absence of reliable research, public apathy and overreliance, lack of compassion, wide prevalence of social injustice, loss of communal life, over-preoccupation with hedonistic values, somewhere between the pragmatic and the most abstract lies the answers to many problems related to crime and its abatement in our society.

To discover some of the answers and to provide solutions will require everything from money and advanced technology to a sweeping change of heart, mind, and values with respect to how we wish to treat those who offend us. Reason often dictates what is prudent and just, but unfortunately in some cases, the will is free to determine its own course.

Crime is most prevalent in our society; our present system of criminal justice does not seem to be able to respond efficiently to the problem at hand; alternative measures for dealing with problems of rehabilitation and/or reintegration have been suggested and in a few cases demonstrated to be highly successful. We have offered some of those suggestions in this paper. What we as citizens of Connecticut will do with them, to a great extent, will determine the outcome of our correctional system in this state for the next sixty five to one hundred years.

Every citizen ought to realize that even under the most ideal conditions, the most we could ever hope from the correctional system, however designed, is that the seed of rehabilitation be sown. It is up to each and everyone of us as citizens to cultivate that seed and help it reach a strong and healthy maturation.

However, to continue the present system of

correction vis-a-vis incarceration, may bear little fruit because the soil itself is unfertile. Building new jails, with modern treatment facilities does not necessarily produce fertile soil or if so, lacks the particular climate conducive to individual growth. Just as different seeds require different climates in order to mature, also people need individualized treatment in order to realize the goals of rehabilitation. Where some may require institutionalization, others may grow more effectively in a free environment. Where some may need a structural program, others may require only the chance to do for themselves under guidance and instruction.

We shall reap what we sow. If we plant our seeds over the stone of incarceration for the sake of punishment and retribution, they shall be blown by the winds and reap nothing. If we cast the seeds carelessly among the unharrowed ground of careless planning with respect to correctional reform, we shall see our best efforts strangled by the weeds of latent dysfunctionism. If we plant our seeds in the rich fertile and harrowed soil of sound, meaningful, and effective programs of rehabilitation suited to the needs of the offender rather than his crime, we shall all reap a golden harvest, of respect for law and order, and mutual concern for the rights of each other.

What is so important is that we use the right fertilizer and water the seeds frequently. To fail to forgive and forget, to refuse to offer the exoffender a decent job and means to live a respectable life, will destroy the seed that has been planted. We hold the watering pot in our very hands. All we need to do is give of the seed to drink, for the water is plentiful and the season is right.

CORRECTIONS

STANDARD 4.1

COMPREHENSIVE PRETRIAL PROCESS PLANNING

Each criminal justice jurisdiction immediately should begin to develop a comprehensive plan for improving the pretrial process. In the planning process, the following information should be collected:

1. The extent of pretrial detention, including the number of detainees, the number of man days of detention, and the range of detention by time periods.
2. The cost of pretrial release programs and detention.
3. The disposition of persons awaiting trial, including the number released on bail, released on nonfinancial conditions, and detained.
4. The disposition of such persons after trial including, for each form of pretrial release or detention, the number of persons who were convicted, who were sentenced to the various available sentencing alternatives, and whose cases were dismissed.
5. Effectiveness of pretrial conditions, including the number of releases who (a) failed to appear, (b) violated conditions of their release, (c) were arrested during the period of their release, or (d) were convicted during the period of their release.
6. Conditions of local detention facilities, including the extent to which they meet the standards recommended herein.
7. Conditions of treatment of and rules governing persons awaiting trial, including the extent to which such treatment and rules meet the recommendations in Standards 4.8 and 4.9.
8. The need for and availability of resources that could be effectively utilized for persons awaiting trial, including the number of arrested persons suffering from problems relating to alcohol,

narcotic addiction, or physical or mental disease or defects, and the extent to which community treatment programs are available.

9. The length of time required for bringing a criminal case to trial and, where such delay is found to be excessive, the factors causing such delay.

The comprehensive plan for the pretrial process should include the following:

1. Assessment of the status of programs and facilities relating to pretrial release and detention.

2. A plan for improving the programs and facilities relating to pretrial release and detention, including priorities for implementation of the recommendations in this chapter.

3. A means of implementing the plan and of discouraging the expenditure of funds or the continuation of programs inconsistent with it.

4. A method of evaluating the extent and success of implementation of the improvements.

5. A strategy for processing large numbers of persons awaiting trial during mass disturbances, including a means of utilizing additional resources on a temporary basis.

The comprehensive plan for the pretrial process should be conducted by a group representing all major components of the criminal justice system that operate in the pretrial area. Included should be representatives of the police, sheriffs, prosecution, public defender, private defense bar, judiciary, court management, probation, corrections, and the community.

Table I

Law Enforcement

State.....\$13,008,184
Local..... 68,610,161

Courts

Supreme..... 1,069,963
Superior..... 7,941,803
Circuit..... 8,082,761
Common Pleas..... 2,581,836
Juvenile..... 2,043,829
Administration..... 408,020

Correction..... 17,463,953

Probation..... 1,450,152

Youth Services..... 3,788,867

\$126,449,549

N.B. These figures are based on 1971 statistics; If we increase this figure by three percent as representative of the average annual increase in the cost of operating the Criminal Justice System in Connecticut, the approximate total expenditures for fiscal year '72 is \$131,000,000.

Table II

Total State expenditures for FY-1971
 were\$1,000,738,585

12% = 120,088,630

Cost of operating CJS 126,449,549

Percentage of Criminal Justice Tax Dollar
 by each unit is as follows:

Law Enforcement.....	65.5%
Courts.....	16.4%
Correction.....	13.9%
Probation.....	1.1%
Youth Services.....	2.8
	<u>99.7%*</u>

*Figures rounded to nearest 500,000.

Table III

Probation:

1971-1972 expenditures.....\$1,450,152

Populationapprox. 11,500

Probation officers.....110

Average caseload per officer.....105

Proposal: To increase staff by 133%, and
 reduce caseload size to 50 per officer.

Cost1,450,000 x 1 1/3
 = \$3,620,000

Caseload statistics:

Maximum probation population 13,000
 Number of probation officers 256
 Average caseloads.... 50

Table IV

Parole:

1971-1972 expenditures\$440,000.00
 Population1800 men
 Parole Officers..... 19 (8 trainees)
 Average caseload per officer.... 90

Proposal: To increase staff 400%, and reduce caseload size to maximum of 35 cases.

Cost.....\$440,000 x 4= \$1,760,000

Caseload statistics:

Maximum parole population2300
 Number of Parole officers 80

Allowing for one supervisor for every ten parole officers, this leaves 72 parole officers to divide 2300 cases @ between 30 and 35 cases.

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