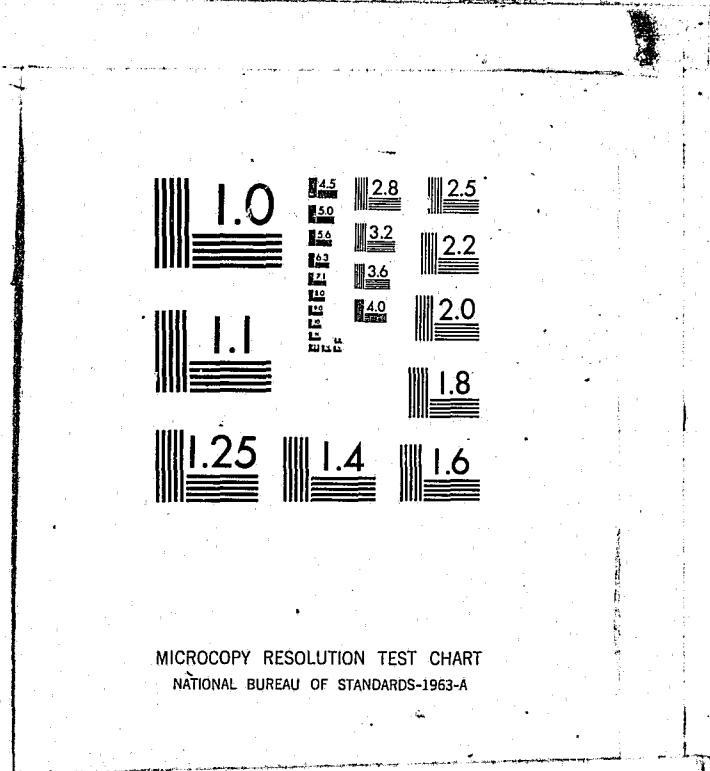


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Federal Probation



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DECEMBER 1980

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All phases of preventive and correctional activities in delinquency and crime come within the fields of interest of FEDERAL PROBATION. The Quarterly wishes to share with its readers all constructively worthwhile points of view and welcomes the contributions of those engaged in the study of juvenile and adult offenders, Federal, state, and local organizations, institutions, and agencies—both public and private—are invited to submit any significant experience and findings related to the prevention and control of delinquency and crime.

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Federal Probation

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VOLUME XXXIV

DECEMBER 1980

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This Issue in Brief ACQUISITIONS

Prisoners' Rights Litigation: A Look at the Past Decade, and a Look at the Coming Decade.--A number of startling changes have occurred in the prisons during the 1970's, according to Richard G. Singer, professor of law at Rutgers University. The question he explores in the first part of his article is whether these changes are attributable, in whole or in part, to the prisoners' rights movement, and specifically the litigation arm of that movement. In the second part he discusses the impact the recent Supreme Court case of *Bell v. Wolfish* will have on prison litigation in the future.

Children of the Holocaust and Their Relevancy to Probation: Presentence Investigations and Case Planning.--Federal Probation Officer Stephen L. Wishny of Los Angeles suggests that a social history of parent or parents as survivors of the Holocaust, or survivors of like social trauma, might provide an additional element in explaining defendant behavior and developing treatment plans. His article reexamines a presentence investigation in the light of recent research in the field of Holocaust survivor psychology and discusses casework planning from the same perspective.

Managing the Interorganizational Environment in Corrections.--In the face of declining governmental and public support for human service programs, correctional administrators will be required to do more with fewer resources, asserts Dr. Ronald I. Weiner, associate dean of The American University School of Justice. One approach for becoming more competent in the management of scarce resources is the necessity for understanding interorganizational problems in corrections and designing effective strategies to overcome them, he maintains. Management training in corrections would be wise to expand its knowledge base beyond concern for the administration of personnel and programs internal to the organization. Future training needs will require

both knowledge and strategies for more effectively negotiating favorable relationships with other organizations in the task-environment, he concludes.

Fines as an Alternative to Incarceration: The German Experience.--Although many issues of correctional reform have been discussed and debated in the United States during the last decade, the potential role of financial penalties (fines) is not among the issues raised. This omission, according to Professor Robert W. Gillespie of the University of Illinois, stands in sharp contrast to similar discussions and policy innovations in Europe regarding fines. The innovations in recent German penal policy and practice in the use of fines is reviewed and contrasted to the role accorded fines in selected United States courts.

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Assessing Parole Violation Rates by Means of the Survivor Cohort Method.--The examination of parole violation statistics will invariably show a larger number of parole violators each month during the first year or so of parole as compared to the number of violators during the latter parole periods. Two reasons could account for this. Either the probability of violation is highest during the immediate postrelease period, or the number of parolees "at risk" is greater thus providing a larger pool of possible violators. The purpose of this article by George F. Davis, supervisor of information systems for the California Youth Authority, is to present additional data relating to the issue of whether the early months on parole are the most risk-prone.

Purchasing Services in a Community-Based Juvenile Corrections System: The Ohio Experience.--Despite the widespread practice of state juvenile corrections agencies contracting with private agencies to provide residential and social services, there is little in the literature concerning what is needed to develop and maintain a successful purchase of service system, writes Don G. Shkolnik, community residential services administrator for the Ohio Youth Commission. A review of the strengths and weaknesses of such a system is the backdrop against which the Ohio Experience is examined.

His Day in Court.--Frederick Greenwald, executive director of International Probation and Parole Practice, believes that sentencing the alien offender is as vital a part of the judicial process as the sentencing of a citizen or long-time resident. It may have far-reaching effects both on the individual and the na-

All the articles appearing in this magazine are regarded as appropriate expressions of ideas worthy of thought but their publication is not to be taken as an endorsement by the editors or the federal probation office of the views set forth. The editors may or may not agree with the articles appearing in the magazine, but believe them in any case to be deserving of consideration.

tions, not to mention the families involved. He states that when economic and social costs and values are weighed, the balance favors providing equal rights to the alien offender and an equal opportunity to the court to have benefit of full and complete knowledge of the offender when considering the sentence to be imposed.

Patterns of Probation and Parole Organization.--Organizational relationships between programs providing services to mutual clients have a critical impact on the timeliness and quality of those services, according to authors Charles L. Johnson and Barry D. Smith. Their article discusses the impact on services of organizational relationships among probation, parole, and correctional functions. At issue is the compliance of each state with specific portions of standards recommended by the National Advisory Commission on Criminal Justice Standards and Goals.

Understanding Alcoholism and the Alcoholic Offender.--Alcoholism is a major national health problem in the United States. Its costs to American society in terms of mortality, economic loss, and social and emotional disturbance are escalating. Current research evidence indicates that there is a basis for optimism in treating the alcoholic when the focus of treatment is on alcoholism as a primary disease entity rather than as a symptom of an underlying emotional disturbance or inter-personal problem. This article by Professor Gloria Cunningham of Loyola University of Chicago discusses the implications of emerging knowledge about alcoholism for criminal justice practice.

Purchasing Services in a Community-Based Juvenile Corrections System: The Ohio Experience

BY DON G. SHKOLNIK

Community Residential Services Administrator, Ohio Youth Commission, Columbus

THE CONCEPT of purchase of service in a community-based corrections system is gaining widespread popularity. However, descriptions of how the concept works in practice are virtually absent from the literature.

The purpose of this article is to describe the purchase of service system which the Ohio Youth Commission, state juvenile corrections agency, uses in its community-based corrections program. Background information is first presented to assist the reader in understanding the context of juvenile corrections and the purchase of service concept. The article is written from the perspective of the state corrections official, but attempts to understand the perspective of the private agencies which provide service to youth.

Background

State agencies established to control and prevent

¹ The National Assessment of Juvenile Corrections (NAJC) reported that in fiscal year 1974 state agencies for juvenile corrections spent approximately 90 percent of their budgets on their institutions and 10 percent on community-based residential programs! In terms of the percentages of youth in each type of program, 83 percent of the juvenile offenders were in institutions and 17 percent were in community-based residential programs. Vinters, Robert, et al., *Juvenile Corrections in the States*. National Assessment of Juvenile Corrections, November 1975, p. 21 and p. 9.

The term "community-based" is used to designate programs which allow clients significant quantity and quality on community contact. See Robert Coates, "A Working Paper on Community-Based Corrections: Concept, Historical Development, Impact and Potential Dangers," (Harvard Law School: Center for Criminal Justice, 1974): "The words 'community-based' focus our attention on the nature of the linkages between programs and the community. A key set of variables which sharply focusses on this linkage notion which provides a basis for differentiation among programs is the extent and quality of relationships between program staff, clients and the community in which the program is located... The nature of these client and staff relationships with the community provides the underpinning for a continuum of services ranging from the least to the most community-based." (p.8)

² The 1971 LEAA Bureau of census counted 1,045 youth in community-based residential programs, the 1973 LEAA/Census identified 1,602 youth, and the NAJC researchers counted 5,663 youth in 1974. This increase in the number of youth in community-based programs could be an indication of more youth being diverted from institutions or an indication of correctional agencies "widening their net" by attracting youth who except for the community-based programs, would remain in their own homes. The former explanation seems, unfortunately, to be the case. (Vinters, et al., op.cit., p.32.) also see Lerman, Paul. *Community Treatment and Social Control*; Vinters, et al., op.cit. pp. 76-77; and Rutherford, Andrew and Bengur, Osman, *Community-Based Alternatives to Juvenile Incarceration*, LEAA, October 1976, pp. 30-31.

³ Juvenile Justice and Delinquency Prevention, *Report of the Task Force on Juvenile Justice and Delinquency Prevention*, National Advisory Commission on Criminal Justice Standards and Goals, 1976, p. 615.

⁴ Massachusetts: Officials Say Juvenile System Works, *Corrections Magazine*, May-June, 1975, p.36. Also see Kassebaum, Gene, et al., *Contracting for Correctional Services in the Community*, Volume 1, LEAA, May 1978, pp. 5-8 and 31.

juvenile delinquency traditionally had been oriented to the use of training schools, youth camps, and correctional centers.¹ Despite the fact that correctional agencies continue to place great reliance on institutions, the number of youth who are placed in community-based programs is expanding.² With the increased number of youth in community-based programs, the importance of these programs has correspondingly increased. The role that the state juvenile corrections agency should play has been addressed by the Task Force on Juvenile Justice and Delinquency Prevention.

The state agency may directly provide all services or it may contract with the private sector or with other public agencies to provide such services. When services are contracted for, the state agency should retain responsibility for monitoring and enforcing program standards in the same manner prescribed for State-operated programs.³

With the advent of community-based corrections, the concept of contracting with the private sector or "purchase of services" has begun to receive attention.

Arguments for Purchase of Service Concept

In support of this concept, proponents cite a number of arguments: greater flexibility, ease of the development of new programs, greater diversity and innovation of new programs, increased support for community corrections by the private sector, avoidance of civil service requirements (ease of hiring and firing) and other bureaucratic problems, and lower than state-operated program costs. These benefits are not realized in a state-operated community corrections program.

Former Massachusetts Commissioner of the Department of Youth Services, Joseph Leavey, illustrated some of the merits of a purchase of service system when he stated:

If you're going to close a state program it takes a damn revolution, like we had in this state. If you're talking about private programs it is much easier for us to go in and say, Hey, we don't need you. You're not providing the services you said you would, (so) we're not renewing your contract.⁴

There is no disputing the fact that states which rely solely or primarily on the purchase of service system or "state-funded programs" have far outstripped states that rely primarily on "state-operated programs." The NAJC researchers found that:

Of the 44 states that had one or both kinds of community based programs, eighteen used both approaches, sixteen relied entirely on state-funded programs, and ten reported that state funds were used only for state-run community based programs...The dominant pattern is reliance entirely or mainly on state funded services.⁵

State funded services avoid or at least alleviate a major problem of state-operated programs.

State-operated programs usually have difficulty in eliciting community involvement. Such programs are sometimes seen as being the responsibility of the state and not the local community. The involvement of local citizens as members of boards of trustees or advisory boards attempting to deal with local problems brings a degree of local ownership and "community control" which are powerful incentives for widespread community involvement and support.

Criticism of Purchase of Service

The purchase of service system is not without its critics. Justine Wise Polier, retired judge of the New York Family Court, warns against a tendency of many people to have "euphoric faith" in the purchase of services from private agencies.⁶ Judge Polier points out that in New York the voluntary agencies often screen out the child most in need of service because they want a high percentage of successes. Moreover, these agencies also discriminate

⁵ Vinters, et al., *op.cit.*, p.43 and p.53. Also see Rutherford and Bengun, *op.cit.*, p.23.

⁶ "Myths and Realities in the Search for Juvenile Justice," *Harvard Educational Review*, Vol.44, No.1, February 1974, p. 123.

⁷ *Ibid.*, p.123. Also see *The PINS Child: A Plethora of Problems*, Office of Children's Services, Judicial Conference of the State of New York, 1973, p.76.

Even proponents of purchase of service recognize the problems of "skimming" or "taking only the most intelligent, well-behaved youngsters and refusing to take those who they think will cause them problems." "Juvenile Corrections in Massachusetts," *Corrections Magazine*, Nov.-Dec., 1975, p.8.

⁸ See, for example, James Howard, *Children in Trouble*, The Christian Science Publishing Society, 1969.

⁹ Wooden, Kenneth, *Weeping in the Playtime of Others*, McGraw-Hill, 1976. There has also been increased coverage of private programs abusing in such popular programs as "60 Minutes."

¹⁰ *Op.cit.*, p.71.

¹¹ It should be noted that monitoring and accountability are noticeably absent in the entire field of juvenile justice. See, for example, Nejlaski, Paul and LaPook, Judith, "Monitoring the Juvenile Justice System: How Can You Tell Where You're Going, If you Don't Know Where you Are?" *The American Criminal Law Review*, Vol. 12:9, 1974, p.13, "The most important negative aspect...of our service to children is almost complete lack of accountability on the part of juvenile organizations." Also see Wolfgang, Marvin, "Making the Criminal Justice System Accountable," *Crime and Delinquency*, Vol. 18, No.1, January 1972, p.15, "The so-called system...has no moral conscience, no need to report to its immediate neighbors, let alone external agents."

¹² Tripodi, Tony et al., *Social Program Evaluation*, F.E. Peacock Publishers, Inc., Itasca, Illinois, 1971, p.84.

against children on the basis of race or religion. Thus blacks and Puerto Ricans and some non-Catholic or non-Jewish children are denied admission to programs because these programs were established to serve whites, Catholics, and Jewish children and they draw their financial support from these segments of the community.⁷

Another problem of the purchase of service system is that well-established private agencies can become as bureaucratic as the state corrections agencies. If these agencies control enough services that the state cannot turn elsewhere for similar services, then the private agency and not the state agency can dictate which youth will be served and the quality of those services. When this occurs, the quality of service is likely to decrease and youth in most need of services may not receive the service.

Finally, while child abuse in state operated institutions has been well documented,⁸ only recently similar abuse in private agencies has come to light.⁹

Quality of Services

Given these problems and the advantages of a state-funded (or purchase of service) system noted above, which system (state-funded or state-run) delivers a better quality of service? Vinter, et al., conclude there is no difference.

And we have no evidence from this survey, from NAJC's on-site studies of all types of correctional programs, from the research of others, or from the reports of state administrators indicating any general quality differences between state-run and state-funded community services.¹⁰

If there are no differences in the quality of service, can we say with any confidence that the purchase of service system is superior to the state-operated system? Certainly, each seems to have resulted in different problems.

It seems fair to say that the weaknesses of state-operated programs are inherent and irresolvable while weaknesses of state-funded programs are more open to amelioration. Realistically, the civil service system is not going to allow rapid hiring and firing and state programs will not be able to win the same level of community support as private programs. The question becomes, how can quality services be provided to all youth that require services?

Monitoring and Accountability

What is required for a purchase of service system to be effective is accountability, which can be achieved only through monitoring.¹¹ Monitoring has been defined as "...those procedures which are used for the direct review of program operations..."¹² One form of monitoring is social ac-

counting which is used "for recording and keeping track of program beneficiaries."¹³

In addition to the objectives of reviewing, recording, and keeping track of the effects of the programs, monitoring can be used as a management tool to determine whether certain expectations are being met, to identify technical assistance needed by service providers, to guide the decision of the state agency to increase, decrease, or maintain the quantity of services purchased, and finally to determine whether to renew or terminate a contract with service providers.¹⁴

It is not surprising to find that in Massachusetts, which in 1971-1972 pioneered community-based state-funded programming, the monitoring system was inadequate. One report on the Massachusetts Department of Youth Services states that:

(The director) and his staff failed to monitor either the financial management or the quality of the private programs with the result that large sums were unaccounted for in programs of questionable quality, many of which folded or were closed down after he left office.¹⁵

It should be noted that several private agencies were forced to close, not because they did not deliver quality service, but because of the inability of the Department of Youth Services to meet its financial obligations.

Another study of the Massachusetts experience found:

During 1973 many of the groups that provided services, and in particular foster parents, were put to very severe financial strain with the agency being on many occasions unable to pay for the services it had purchased. This occurred, in the main, because the financial mechanism had not developed at the same place as the other major structural changes in the agency.¹⁶

It is distressing, however, to note that several years have passed without notable improvements in the monitoring ability of state agencies. In their 1975 review of 12 representative community-based site locations, Rutherford and Bengur found that, "monitoring of private agency programs appears to be limited or non-existent."¹⁷

That the Massachusetts Division for Youth Services was unable to deal with the myriad of problems surrounding the closing of all state-operated institutions for juvenile offenders and develop an

¹³ *Ibid.*, p.65.

¹⁴ See Waller, John D., et al., *Monitoring for Government Agencies*, Urban Institute, February 1976, p.17.

¹⁵ "Focus of National Attention: Juvenile Corrections in Massachusetts," *Corrections Magazine*, November-December, 1975, p.39.

¹⁶ Rutherford, Andrew, "The Dissolution of Training Schools in Massachusetts," *Academy for Contemporary Problems*, 1974, p.17.

¹⁷ *Op.cit.*, p.24.

¹⁸ Matalon, Rachel, "A Survey Report of Purchase Personal Services Utilization and a Review of the Purchase Personal Service Literature," unpublished manuscript, Ohio Youth Commission, 1979, pp. 29 and 30.

adequate system of monitoring state-funded community programs is understandable. What is less understandable is why states which have sought only to reduce institutional populations by utilizing community-based programs have not developed a greater ability to monitor programs.

In order to assess the current use of purchase-of-service throughout the country, the Ohio Youth Commission in 1978 mailed surveys to state juvenile correctional agencies in 49 states and the District of Columbia. Of the 34 states which responded, 29 or 85 percent indicated use of purchase-of-service. Most states reached the same conclusions as the researchers of community corrections programs cited earlier; that is, they indicated that purchase-of-service allowed great diversity and flexibility in their community-based programs. On the other hand, several states indicated that monitoring of their purchase-of-service system was a problem.¹⁸

The OYC Experience

Experience of the Ohio Youth Commission (OYC) parallels that of other state juvenile corrections agencies. In 1971 there were approximately 2,800 youth in OYC institutions compared to the present (1980) figure of 1,600. The corresponding increase in the number of youth in community-based residential and nonresidential programs has resulted. Group homes, foster homes, and other potential residential providers had an average daily population of approximately 400 youth in 1971. The current (1980) population is 970. There were no contracts for non-residential programs for fiscal year 1980. The current contractual services budget for the OYC is just under \$12 million.

The OYC purchases services in the areas of education, employment, job preparation, day treatment, mental health, outreach and a variety of out-of-home placements. The OYC contracts with more than 100 agencies, approximately 90 percent of which are nonprofit and the balance city or county operated.

Although the OYC purchase of service system is far from perfect, the sharing of our perceived strengths and weaknesses should be useful to the reader. We believe we understand (as opposed to having achieved!) the elements of a successful system. These elements will now be briefly described.

An Efficient Fiscal System.—It was noted earlier that a major failing of Massachusetts, the one state that has deinstitutionalized to a larger degree than others, was its severe fiscal problems causing many service providers to go out of existence. In Ohio we

have experienced some problems in the fiscal area but not to the extent of those in Massachusetts. We have observed that when the fiscal system ceases to pay service providers on a timely basis providers, naturally enough, concentrate on the issue of late payments rather than on serving youth. The one system in Ohio that is now an on-line Cathode-ray Tube process, although not free of errors, does provide for timely payments to direct service providers. On the other hand the Ohio Youth Commission has manually processed invoices in a number of other program areas which has led to a number of late pay checks and animosities between the Youth Commission and service providers. Plans for computerization of the entire OYC purchase of service system will soon be implemented.

Public Support for Community-Based Corrections.—Again the experience of Ohio closely follows the experience of other states in that community-based corrections has not been welcomed with open arms by those most affected—neighbors of these programs. Letters to the Governor, state legislators, and the OYC Director; allegations of illegal and mischievous behavior on the part of youth in community-based programs; heated battles before zoning boards; news paper "exposes"; and even the burning of a church which sponsors a group home!—these have been some of the responses of Ohio citizens to community-based corrections.

To cope with these anticipated problems the Youth Commission has made a concerted effort to tell the facts of community-based corrections through a Federal project (Community Support Project) and through trying to meet the real and imagined concerns of those who are protesting the existence of the community-based programs. The Community Support Project, an LEAA funded project, has published some excellent promotional information on corrections in the community and what the OYC is trying to do. These publications attempt to assuage the fears and prejudices of the general public through slide-tape shows and publications. Although the quality of this information is high, the impact of the Community Support Project in increasing the support of the public for community based corrections has not been established.

Trained Direct Service Staff.—Staff from the Community Services and the OYC's Staff Development Unit have worked in conjunction with providers of service to plan and implement systematic training of those staff who are providing direct service to youth in community-based programs. These training sessions have been of high quality and have definitely improved the skill level and some of the

formal training that is lacking in the staff of agencies which provide direct service.

Technical Assistance.—The Youth Commission has placed great emphasis on monitoring as demonstrated by the presence of "specialists" staff on the regional level. There are specialists in the areas of volunteers, employment, education, neighborhood youth workers (outreach workers) and community residential services (3) in each of the Youth Commission's seven regional offices. These specialists, usually former "Youth Counselors" (parole officers), are experienced practitioners and can provide technical assistance as well as ensure contract compliance. Specialists monitor each program under contract on a monthly basis; reviewing the activities, deficiencies and plans for resolving deficiencies if any exist. (Deficiencies are those areas in the program which fall short of standards, discussed below, and the program statement which each agency is required to submit as part of the contracting process.) Deficiencies or violations in standards are dealt with through meetings between staff and the service provider and the OYC at the regional level. If the deficiencies persist or there is a serious violation of standards the OYC will issue a letter notifying the provider that unless the decision is appealed through a fair hearing process, the contract between the OYC and the provider will be terminated.

Standards for Providers.—Community Services staff has worked with the OYC Legal Affairs Office, the Office of Business Administration and, again, provider groups in developing standards for the various types of programs. Because standards must be perceived by providers as legitimate and as tools to provide quality services the standards cannot be unrealistic or overly bureaucratic. When standards are accepted by providers they will not strenuously object to close monitoring based upon the standards. Moreover, accepted standards evenly enforced throughout the state will lead to a consistent relationship between the OYC and service providers and, ultimately, to better services to youth.

Research.—The Youth Commission Community Services staff has worked closely with the Office of Research to develop a longitudinal research study of the effectiveness of its community-based programs compared with its institutional programs. First returns of this research indicate that the findings in Ohio will corroborate findings of other research studies in the field of community-based corrections. That is, community-based programs are at least as effective as institutional programs, while being considerably less expensive.

Diversity in Providers.—The Youth Commission has not had the problem experienced in other states of having only a few agencies dominate the field of providers of services. The Youth Commission contracts with approximately 100 different agencies so that no one agency can dictate the relationship between itself and the Youth Commission. This leads to all agencies being treated equally, or at least not grossly different by the Youth Commission and eliminates jealousies and rivalries among the service providers as well as grievances against the Youth Commission.

Commitment to a Purchase of Service System.—Last but not least among the elements of the OYC system is a genuine commitment in understanding of the purchase of service system. The OYC recognizes that there are some global needs which are shared by itself and direct service agencies—a need for cooperation, joint planning, open communication, and improving the perception that the public has of community-based corrections. We also recognize that there are some inherent vested interests which the OYC has that are challenged by vested interests of the service providers:

PURCHASER OF SERVICE

- (1) To see that all youth, including youth with the most severe acting out behavior, the most emotionally disturbed, or the most mentally retarded, receive needed services.

PROVIDER OF SERVICE

- (1) To work with youth who have the greatest chance to succeed or at least youth who will not bring the agency adverse community reaction because of the youth's past behavior.

Whether "skimming"—screening out the most difficult youth—can be avoided rests upon two factors: (1) *the contractual relationship between the two parties* (If the purchaser pays a fixed amount regardless of the number of youth served, pressure to serve the most difficult youth is reduced. If the purchaser pays only for the number of youth served there is a greater possibility that these youth will be served.) and (2) *the availability of providers throughout the state who are willing to work with difficult youth* (Some providers take pride in the fact that they are willing and able to work with "unreachable" youth who fall outside of the intake criteria of other agencies).

- (2) To obtain services to youth with the least possible delay. (Purchaser)
- (2) To deliberate before making a decision in order to maintain autonomy, screen out difficult youth and involve staff in an important decision. (Provider)

Factors that influence the speed with which the referral is accepted include all of those listed for accepting difficult youth plus, in most instances, the educational level of the staff of the private agency. That is, our experience indicates that speed of intake varies inversely with the educational level of staff members of private agencies. Fortunately, a few agencies, with which the OYC contracts, are exceptions to this observation.

- (3) To monitor to assure quality services are delivered. This need can be met by on-site visits, by demanding reports on each youth who is being served as well as reports on the program in general, and by use of peer pressure from other service providers. Providers and associations put pressure on an agency when the quality of service declines. (Purchaser)
- (3) To meet the demands of the public agencies as well as their boards of directors or advisors. Providers seek to establish their legitimacy so that the monitoring will not interfere with their primary objective of delivery of services to youth they serve. Agencies frequently complain about bureaucratic red tape and undue interference into the operation of their agency in the name of public agency monitoring. (Provider)

These conflicting needs partially explain the complaints that OYC staff has against residential providers as well as complaints against the OYC.

Complaints about the OYC include:

- (1) Lack of consistency among OYC staff. Often expectations of OYC staff within a single office or within the OYC network of seven regional offices differ in their relationship to service providers. When providers around the state are organized and talk to each other, statewide consistency is needed.
- (2) Lack of sensibility to attitudes and pressures of the community.

(3) Lack of knowledge of OYC staff about what provider does and why.

Some OYC staff complaints against service providers include:

- (1) Lack of experience and competence of program staff.
- (2) Lack of cooperation.
- (3) Not following OYC procedure.
- (4) Slow and rigid intake.
- (5) Trying to be advocate for youth which sometimes conflicts with meeting OYC expectations.

These complaints, grievances and charges are not surprising. They are similar to complaints and grievances which supervisors have of their workers and vice versa. The resolution or at least the amelioration of the complaints and the problems that lie behind them must be addressed by both the purchaser of service (OYC) and the providers of service. However, the *initiative* for dealing with the problems is the responsibility of the purchaser of service (OYC). The OYC has a legal obligation to provide services and when it chooses to do that through a purchase of service arrangement the legal obligation still rests with the OYC to see that the service is provided. Certainly a lack of information on the part of both parties has led to many of the problems and complaints. Therefore, a general effort to educate staff of both the service provider and purchaser of service is absolutely necessary.

Because of the different roles that each party plays there will always be some conflict between the purchaser and provider of services. For example, if a provider wishes to play a strong advocacy role for youth that they serve, they may well come into conflict with the purchaser of service. In such a situation both parties need to understand the other's position and realize that harmony is not always required for a relationship to be functional.

Arms Length Governance.—In its dealings with service providers, OYC attempts to assume the stance which one author describes as "arms length governance."¹⁹ That is, the purchaser of service must regulate and oversee the general activities of the provider of services because of the legal responsibility to see that quality service is delivered. Accountability must not be compromised.

¹⁹ Young, Dennis R. and Finch, Stephen J., *Foster Care and Nonprofit Agencies*, Lexington Books, 1979, p.233. These authors state earlier in their book, "Increasingly the future of nonprofits as a vehicle of service delivery seems to depend on the ability of government to become a competent and sensitive overseer of nonprofit sector activities," p. 19. On the same point, Kassebaum, *et al.*, state, "To impose governmental requirements beyond a reasonable degree upon private organizations is to defeat the very purposes of contracting out for certain services. Clearly extensive contracting requires both accountability and the retaining of the free market mechanisms." *op. cit.*, p.31.

However, the purchaser of service must learn to accomplish this task without interfering with management prerogatives. That is, the purchaser must seek to preserve the present strengths of service providers, must see value in the diversity and innovations which come from different perspectives and different role definitions than those held by the OYC. The purchaser of service must be willing to pay the price. Innovative, nontraditional, creative programs are usually ones that hire young and inexperienced staff, who often disdain what they perceive as bureaucratic or "law and order" attitudes of the correctional agency. The two appear to go hand in hand. If a public corrections agency is unwilling to struggle with nontraditional programs, it will limit the range and the competence of resources open to youth under its care.

Service providers who are independent and autonomous, who have their own base of influence and who draw on community support are in a better position to deliver quality services to youth than agencies which are totally dependent on the OYC. Just as the good supervisor does not want his worker to merely be a "yes man" without being creative and innovative, and without adapting his own style of performing his job, the purchaser of service must assume a stance with the provider of service in which conflict and different perspectives are not seen in a negative light.

Summary and Future Directions

Both the strengths and weaknesses of the purchase of services system which are discussed in the literature are found in the OYC community-based program. The OYC has been able to reduce its institutional population and increase its community-based programming because of the rapid and diverse expansion of programs by private service providers. The elements of a successful purchase of service system have been discussed along with the problems that Ohio has had with providers "skimming" and the conflicting needs and perceptions of the providers of service and the purchaser of service.

Some of the areas that will be addressed in the future:

- (1) Improving the monitoring functions of OYC staff to ensure accountability. There is often a conflict between the technical assistance function of the OYC and its monitoring function. The two can be in conflict when a situation arises in which the OYC finds itself with a major interest in the continuance of an agency because of the funds and technical assistance that the OYC has provided to the project. Concomitantly the OYC may be dependent of the agency to serve a large

number of youth in such situations. There is pressure on the monitoring staff to be less than diligent in enforcing established standards. One possible solution to this problem is to have individuals with no responsibilities for the program to monitor the program. In some states there are special evaluators in monitoring units who perform this function. We believe, however, that such detached units are often not in touch with the realities of program needs and needs of youth. Therefore, the OYC has experimented with keeping the monitoring function within the program

services staff but switching responsibilities. That is, an education specialist along with a community residential services specialist will monitor a group home and then an alternative school program. We have found this idea to be promising.

- (2) Computerization of the fiscal process to more efficiently pay providers for services rendered.
- (3) An improved fiscal system which will provide fiscal accountability for the use of public funds.
- (4) Increase joint planning between the OYC and service providers to deal with present problems and future expansion needs.

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