



**AN INVESTMENT IN JUSTICE:  
A NEW VISION OF AMERICA'S CRIMINAL JUSTICE SYSTEM**

**U.S. Department of Justice  
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## I. A CONTINUUM OF SANCTIONS

**Challenge and Opportunity:** Knowledge exists about the implementation of community-based sanctions that fall between probation and prison and about methods for establishing their integrity and punitive credibility in the eyes of the judiciary and the public. The resources of the federal government can be used to nurture states' efforts to develop a continuum of credible, just, cost-effective, enforceable intermediate sanctions. This will enhance the judiciary's ability to hold all offenders accountable, whether through incarceration or other form of punishment and to help to insure that correctional resources are reserved for the violent offender.

## II. PREVENTION AND EARLY INTERVENTION

**Challenge and Opportunity:** Resources must be diverted to community-based programs at the "front end" of the system if generational change is to be effected. The federal government can encourage and endorse states' efforts to develop public policy and program initiatives that focus both on juvenile delinquency prevention efforts, and on issues of youth empowerment and leadership, social development, and community activation and reconstruction. The government can emphasize the importance of developing resources for programs which give priority to locally-generated solutions in areas of greatest need; and involve youth, their families, and grass-roots community groups in program planning efforts. Policies must be developed that focus on increasing support for basic risk reduction and youth development strategies; target services to areas of greatest need; and give priority to locally-generated solutions that address three interrelated and interdependent components -- the youth themselves, parents and the larger community.

## III. SUBSTANCE ABUSE

**Challenge and Opportunity:** While illegal substance abuse has been a central law enforcement initiative over the last decade, research findings reveal that alcohol abuse is more directly associated with the violent crimes feared by the public than illegal substance abuse. Expanded treatment and education to reduce both drug addiction and alcohol abuse should be a priority of the criminal justice system for the addict-criminal, and for the at-risk addict population at large. Expansion of such treatment approaches to drug-related crimes are financially and socially cost-effective. Sentencing judges should have available a diversity of enforceable community-based in- and out-patient drug treatment modalities.

#### IV. VICTIMS OF CRIME

**Challenge and Opportunity:** Resources must be allocated to facilitate meaningful victim and victim service provider participation at appropriate intervention points in the criminal justice system and to enable effective implementation of existing legislative mandates, especially in cases of domestic violence. Victim advocacy agencies in the public and private sectors must work together to help create intermediate sanctions that meet the needs of victims, hold offenders accountable, and promote individual and community healing. Victim participation at appropriate intervention points in the criminal justice system and sanctions such as restitution and mediation that directly address victim needs must be expanded.

#### V. WOMEN

**Challenge and Opportunity:** Although there has been no overall increase in violent crime among women, the rate of incarceration for women is rising more rapidly than for men. Women are still less likely to recidivate than men and rarely pose significant public safety risks. The relatively few women who do commit violent offenses often do so in response to having been physically or sexually abused. Women offenders, three-quarters of whom are mothers, share a host of unique physical, social, financial and psychological problems. Policies must be developed that reduce reliance on incarceration and detention of women; that increase the number and types of less restrictive community-based alternatives to incarceration; and that coordinate interactions between the criminal justice and child welfare systems. The federal government can encourage the development of community-based punishments specifically designed to maintain family units where possible and supportive services that enable women to overcome drug addiction, victimization and poverty; that address the needs of women and their children and diminish the disruption of families.

#### VI. PUBLIC EDUCATION AND INVOLVEMENT

**Challenge and Opportunity:** Every effort should be made to involve citizens in the development of community-based prevention, substance abuse and sanction projects that present the best opportunity to prevent repetitive criminal activity; enhance public safety; and restore realistic expectations of, and credibility to, the criminal justice system. To be successful, programs must be tailored to the priorities, needs and interests of local communities. Citizens and local officials must be involved in monitoring and, where appropriate, implementing early intervention, treatment and punishment programs that respond to the unique safety concerns of each neighborhood. An education campaign targeted to inform and involve policymakers, community leaders and citizens in this effort is an essential element to the successful development of community-based responses to crime.

## I. A RESHAPING OF THE SYSTEM

**Challenge:** *The President has the opportunity to give voice to a new vision of the nation's criminal justice system. A system that expands its boundaries beyond punishment alone to address and invest in a spectrum of programs encompassing prevention, punishment and treatment. A system that recognizes the necessity of broad, collaborative and coordinated interaction with health, social service and education systems to address the complicated and interrelated needs of today's offenders.*

**Profile of the system:** The United States imprisons a larger share of its population than any other nation. Of every 100,000 Americans, there are 426 in prison, compared with 333 in South Africa and 268 in the former Soviet Union. 3,109 black American men per 100,000 are incarcerated, compared with 729 black males per 100,000 in South Africa. One out of every four black men is under some form of correctional supervision. Incarceration rates for Latinos and women are rising rapidly and disproportionately.

**Expansion of system boundaries:** Most defendants coming into the system have service needs that transverse myriad social problems, including AIDS, drug abuse, mental illness, family violence, functional illiteracy, homelessness, racial issues and unemployment. Offenders and their families have often fallen through the cracks of mainstream social service/employment/education networks, and their problems extend beyond the scope of the criminal justice system. While jails and prisons incapacitate people for the short term, 90% of sentenced criminals return to their communities. States must return them less apt -- not more -- to resume drug use and criminal activity.

The criminal justice system must help treat offenders at the same time it holds them responsible for their actions. The system can and must work in concert with existing social service systems to ensure that these individuals and their families can access mental health care, substance abuse treatment, employment training, and children and youth services at all points in the system: from the first stages of criminality through the social reentry point of correctional release. The earlier the service interventions, the greater the chance that youthful offenders will become productive adult community members.

**Opportunity for government leadership:** Many states spent more on law enforcement and prison construction in the 1980s than on education, health care or social services. Yet education, more than any other factor, reduces a propensity to crime; preventive health and mental health care saves taxpayers millions in future medical and social service costs; and substance abuse/alcohol treatment and rehabilitation programs have a better chance than prison of reducing future criminal behavior and ensuring long-term public safety. President Clinton should give support to a crime policy that encourages states to invest in punishment for offenders, but also in a range of rehabilitation, treatment and prevention programs and services that will protect citizens from future crime. Investments in community-based programs cost less than prison, yield more for society, and encourage a restorative model of justice.

## II. A CONTINUUM OF SANCTIONS

**Challenge:** *The Clinton administration can use the resources of the federal government to develop policies and to target funding in ways that encourage states to adopt a comprehensive range of sanctioning options for sentencing judges that enable them to punish offenders swiftly and constructively while protecting public safety. A system that provides a range of community-based punishments for less serious offenders, thus ensuring that prison space is reserved and available for chronic and violent offenders.*

**Getting tough on crime:** Getting tough on crime in the 1980s meant more prisons and more incarceration. Arrest and conviction rates exploded. Billions were spent to incarcerate a wide range of offenders and substance abusers because of stringent federal sentencing guidelines, drug laws, and increasingly harsh public policies that had been manifested in mandatory incarceration laws. Massive prison construction and operating costs of up to \$17 billion annually ravaged state budgets without decreasing crime.

Getting tough on crime in the 1990s means giving voice to a new vision of the criminal justice system that actually is tough on crime. A system that holds all offenders accountable, and that crafts sanctions that fit the crime, are rigorously enforced, and make social and economic sense for victims and society at large. A system that provides a range of carefully-monitored community-based punishments for less serious offenders, thus ensuring prison capacity for chronic and violent offenders. A system that gives as much attention to prevention and treatment as it does to punishment; to victims as it does to offenders.

**The importance of intermediate sanctions to public safety:** Public safety has actually been jeopardized by excessively high incarceration rates. Congested courts, overcrowded prisons and a lack of sentencing options for judges have resulted in thousands of offenders being sentenced inappropriately – to already overloaded probation systems or to congested prison systems that allow even violent and chronic offenders, who pose the greatest threat to public safety, to be released after serving a minimal portion of their court-ordered sentences. Closely supervised and monitored community-based sentencing options for less serious offenders, that include punishment, treatment, victim restitution and community service, increase the likelihood that offenders will become productive citizens and thus enhance long-term public safety.

**Opportunity for government leadership:** Intermediate sanctions are the link that will allow states and the federal government to maximize existing prison space, while holding all offenders accountable for their crimes. To ensure that the criminal justice system works as a system, the Intermediate Sanctions Project (ISP),<sup>1</sup> challenges and assists policymakers of discrete jurisdictions to develop coherent policies and clear guidelines informing what sanctioning options should be designed and for what targeted offender populations. Goals include development of a diverse but coordinated array of sanctions, quality supervision, and measurable, accountable program evaluation. ISP deserves nationwide attention, expansion and continued federal funding.

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<sup>1</sup>This program is administered by The Institute for Rational Public Policy and funded by the National Institute of Corrections of the Department of Justice and the State Justice Institute.

### III. PREVENTION AND EARLY INTERVENTION

**Challenge:** *Prevention and early intervention projects, including sanctions that hold first-time offenders accountable, must become part of the continuum of options offered to the criminal justice system. Historically, the criminal justice field has been concerned with punishment and control -- the "back end" of the system. The vast sums spent on construction and correctional operations have left few resources for prevention or early intervention. More resources must be diverted to community-based programs at the "front end" of the system if we are going to effect generational change.*

**Prevention as a criminal justice issue:** Researchers project that as many as one in four children in the United States, 7 million of those aged 10 to 17 years, is at high risk of failing to mature into responsible adulthood unless immediate intensive interventions are made available. This is an age group that is increasing in population in the 1990s. Fifty years ago, children and adolescents were primarily at risk from infectious and other biomedical diseases. Today, many youth problems have their roots in "behaviors" rather than "physical causes." Drinking, smoking, truancy, HIV/AIDS, teen pregnancy, suicide, epidemic violence -- all are of a behavioral nature. Most of these so-called "social morbidities" have a high predictive correlation with delinquency and subsequent criminal behavior.

As the Carnegie Commission pointed out: "Young adolescents today make fateful choices, fateful for them and for our nation. The period of life from ages 10 to 15 represents for many young people their last best chance to choose a path toward productive and fulfilling lives." When so many of our young people are engaged in risky behaviors, it is our country as a whole that is at risk. Programs exist that involve youth, their parents and/or mentors, and community leaders in activities that foster positive bonding to community values and stress social competency, education and skills achievement.

**Opportunity for government leadership:** The President must encourage and endorse states' efforts to develop public policy and program initiatives that focus not just on juvenile delinquency prevention efforts, but on issues of youth empowerment and leadership, social development, and community activation and reconstruction. States must then work from articulated policy to the endorsement and nurturing of program models generated by grass-roots community groups. The government must provide resources for programs that provide multiple solutions to multiple problems; give priority to locally-generated solutions in areas of greatest need; and involve youth and their families in program planning efforts, seeing them as resources, not risks.

Within the criminal justice system, the Clinton administration must adopt a policy that stresses community-based intermediate sanctions and substance abuse treatment, thus enabling resources to be used on the prevention side.

## IV. WOMEN

**Challenge:** *The rate of incarceration for women is rising more rapidly than for men, although there has been no overall increase in violent crime among women. Women offenders, three-quarters of whom are mothers, share a host of unique physical, social, financial and psychological problems. How they are sanctioned will have broad-based social policy ramifications for our next generation.*

**Female offender profile:** The majority of the women offenders entering the criminal legal system are poor, undereducated, unemployed and unskilled. They are disproportionately African-American or Latina. Three-quarters of these women are mothers; 9% of incarcerated women give birth while imprisoned. The vast majority of these women are their families' primary wage earners, leaving behind an estimated 167,000 children, two-thirds of whom are under the age of eighteen. In addition, women offenders share a host of unique physical, social, financial and psychological problems that provide special medical and psychological challenges for the system: e.g., domestic violence, substance abuse, specialized health and mental health care, and counseling around a range of child-related issues from foster care to fetal alcohol syndrome to parenting skills. 80-90% of incarcerated women have been sexually abused, many as children. Their own children are at high risk for involvement with the corrections system.

**Increasing rates of incarceration:** The rate at which women are being incarcerated has increased dramatically. In the 1980s the number of women in state and federal prisons more than tripled, while the number of imprisoned men doubled. There are now more than 90,000 women in city, county, state and federal jails and prisons. This rapidly increasing rate of incarceration for women has critical implications for the next generation. Decisions about how women are punished and treated are intertwined with larger issues of social policy and have enormous cost implications for society, both in taxes and in the future social problems caused by the separation of mothers and children.

Studies indicate no overall increase in violent crime among women. Women are still less likely to recidivate than men and rarely pose significant public safety risks. The few women who do commit violent offenses often do so in response to having been physically or sexually abused by their husbands or lovers. Much of the increase in incarceration can be attributed to a surge of drug-related arrests, especially drug possession. In some states women are more likely to go to prison for drug possession than men, even though they are less likely to have criminal records.

**Opportunity for government leadership:** Policies must be developed that reduce reliance on incarceration and detention of women; that increase the number and types of less restrictive community-based alternatives to incarceration; and that coordinate interactions between the criminal justice and child welfare systems. The Clinton administration should encourage supportive services that enable women to overcome drug addiction, victimization and poverty; and that address the needs of women and their children and diminish the disruption of families.

## V. SUBSTANCE ABUSE

**Challenge:** *Expanded treatment and education to reduce drug addiction and alcohol abuse must be a priority of our criminal justice system for the addict-criminal as well as for those at high risk of criminal behavior related to substance abuse.*

**Treatment programs as sanctions:** The "war on drugs" goes on. Enormous amounts of money and energy are invested in attempts to solve the supply side of the problem. Comparable money is not yet being spent on attempts to change client demand. Community-based treatment programs work to change client demand and should be available and encouraged as part or all of a sanctioning plan. These programs appear particularly important and appropriate for the treatment and control of those whose criminality seems closely linked to addiction to drugs or alcohol -- the abusers, not necessarily the sellers.

Treatment and education programs are necessary for those abusing illegal substances, but are also critical for those abusing alcohol, which is more strongly associated than illegal drugs with the kinds of violent offenses feared by the public. Alcohol treatment components are especially critical to programs for offenders arrested for assault and family violence crimes.

**Benefits of treatment:** Sentencing judges should have available a diversity of enforceable community-based in- and out-patient drug treatment modalities that work to change behaviors. Expansion of such treatment approaches to drug-related crimes would be both financially and socially cost-effective:

**Cost Benefits:** Drug and alcohol treatment costs vary by region, but are uniformly less than the costs of constructing and operating a prison cell. Treatment programs also hold promise of formidable future payoffs in terms of crime reduction and long-term health and social service savings. This is especially true for women, with their attendant child/foster care costs.

**Social Benefits:** Cost-effective community-based treatment programs designed to reduce drug addiction and alcohol abuse among criminals, when coupled with close supervision, offer more socially protective punishments than jail or prison terms and have been shown to significantly reduce future criminal activity.

**Opportunity for government leadership:** Involvement in treatment programs holds better promise for eventual community protection than traditional custodial sentences, followed by insufficient control after release. Money must be made available for drug and alcohol education, treatment facilities and treatment programs on demand -- not just for individuals within the criminal justice system, but for those at high risk of negative substance abusing behavior. In addition, the federal government should encourage amendment of mandatory drug sentencing laws.



## VI. VICTIMS OF CRIME

**Challenge:** *Victim advocacy agencies in the public and private sectors must work together to help create intermediate sanctions that meet the needs of victims, hold offenders accountable, and promote individual and community healing.*

**Victim population:** Attention to victim needs must be a critical component in criminal sanctions planning. However, there is a hazard in speaking of victims as an aggregate "they." Victims of sexual abuse, homicide, domestic or family violence, or driving-while-intoxicated accidents have different responses to sanctions. Some want the offenders punished harshly, e.g., victims of homicide. Others want the offending behaviors stopped, but do not want, or stand to benefit by, incarceration of the offender (e.g., battered women dependent financially on their husbands; or elderly parents dependent physically on their abusing offspring). For some victims, the crime can be completely disabling; for others, victimization may merely create practical problems or inconvenience.

**Implications for the criminal justice system:** It is critical for victims to understand that incarceration is not the only viable punishment sanction. Jail does not treat the causes of abusive and violent behavior. Jail does not allow financial restitution. It is in the victim's best interest, as well as the system's, to support a range of credible and enforced judicial sanctions that put offenders under tight supervision. The potential for revictimization is lessened by appropriate punishment, coupled with treatment.

Sentencing judges need a range of sanctioning options to match the range of offending behaviors. Jail and prison overcrowding, which results from encouraging maximum penalties, ultimately undermines the rational operation of the criminal justice system, and hence undercuts the goal of just and meaningful punishment for all offenders. A structured system of intermediate sanctions has a better chance of ensuring that offenders are punished appropriately and that victim rights and services are guaranteed. Mediation and restitution are types of alternative sanctions that are especially appropriate and should be highlighted for certain types of crimes. Restitution programs directly address victim needs; mediation programs often resolve issues of conflict that trigger future offenses.

**Opportunity for government leadership:** Resources must be allocated to facilitate meaningful victim and victim service provider participation at appropriate intervention points in the criminal justice system and to enable effective implementation of existing legislative mandates, especially in cases of domestic violence.

## VII. PUBLIC EDUCATION AND INVOLVEMENT

**Challenge:** *"The most formidable barrier to implementing change may be the 'tough on crime' rhetoric that reinforces public fear and anger but offers no real solutions," said the Campaign for an Effective Crime Policy. The President can shape the public dialogue in ways that dispel that fear and anger and that capture public interest and support for a continuum of community-based intermediate sanctions and for a rational discussion of solutions.*

**Public acceptance of intermediate sanctions:** One of the first studies in the country that showed public support for well-monitored community-based programs as sentencing options was administered in Connecticut.<sup>2</sup> Since then, public opinion research polls in many states have shown that, when presented with sentencing choices beyond prison and probation, and their relative costs, citizens no longer identified imprisonment as the preferred punishment for certain classes of offenders. These surveys are instructive to public officials who think that constituents are opposed to options other than lengthy terms of imprisonment for all offenders.

**Role of local communities in the intermediate sanctions movement:** Efforts for change must be generated by individual communities from the "bottom-up." As communities differ greatly in their population profile, so too the sanctions appropriate and comfortable for those communities will vary. To be successful, intermediate sanctions must be tailored to the priorities, needs and interests of local communities. Citizens and local officials must be involved in monitoring and, where appropriate, implementing early intervention, treatment and punishment programs that respond to the unique public safety concerns of each neighborhood. After this has been accomplished, these communities must have support and funding from the federal government.

**Opportunity for government leadership:** Our country has been in a correctional crisis. A Chinese proverb observes: "Crisis offers two things: danger and opportunity." The perceived danger, fueled by rhetoric, is that crime is increasing; that we must incarcerate more and more people to control crime; and that there are no solutions. The real danger, in fact, lies in an overburdened correctional system that cannot effectively hold convicted criminals accountable for their behavior and that releases violent offenders prematurely to the community.

President Clinton has the opportunity to go beyond rhetoric and work proactively to articulate the vision of the new criminal justice system that gets tough on crime by holding all offenders accountable; ensures prison capacity for violent offenders; and works to prevent repetitive criminal activity. The President can offer solutions that are tougher on crime than overloaded prisons and unmanageable probation caseloads. He can encourage citizens and neighborhoods to support and share responsibility for the neighborhood prevention, substance abuse and community-based sanction projects that will be more effective than incarceration for most offenders and that will actually enhance public safety. He can then work to provide the federal funding that will make those initiatives possible.

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<sup>2</sup>"Crime in Connecticut." Survey conducted by The Analysis Group, Inc.: Stan Greenberg, President. 1988.

## MODEL FOR A CRIMINAL JUSTICE SYSTEM Connecticut's System

President Clinton is committed to "reinventing government." Connecticut administers a criminal justice system that embodies that spirit, and that provides one model for national replication.

**Government Commitment:** The legislative, judicial and executive branches of Connecticut's government are unique in their collaborative commitment over the past decade to the creation and expansion of a systemwide network of creative sanctioning interventions. Recognizing that the Connecticut judiciary had too few sentencing choices available, the General Assembly and the Judicial Branch spearheaded research that led to the development of an Office of Alternative Sanctions, to be housed within the Judicial Branch. The Legislature passed Public Acts that authorized the creation of that office, and that empowered judges to sentence offenders directly to intermediate sanction programs, including substance abuse treatment programs. The Executive Branch increased funding for these initiatives despite the State's serious fiscal problems. Together, these steps have begun to restore credibility to Connecticut's criminal justice system.

**Policy and Program Elements:** Elements critical to the success of Connecticut's model include:

**Intermediate Sanctions Project (ISP):** Connecticut recognized that responsible program expansion must be policy-driven. To be successful, sanctions must be devised and operated with the participation, endorsement and responsibility of those whose decisions will determine their use. The City of Bridgeport was selected by the National Institute of Corrections and the State Justice Institute as one of twelve model sites for the Intermediate Sanctions Project (ISP), a technical assistance program. With ISP support, jurisdictional teams of key court personnel, led by the presiding judge, discuss: new program needs; policies that will facilitate expansion of intermediate sanctions; and ways to improve existing programs. The success of ISP in Bridgeport has inspired statewide replication.

**Office of Alternative Sanctions (OAS):** Connecticut created a discrete office responsible for the development, expansion and evaluation of intermediate sanction programs. The Office of Alternative Sanctions is housed in the Judicial Branch, to ensure ongoing judicial use of intermediate punishments.

**Alternative Incarceration Program (AIP):** A model public/private criminal justice venture, AIP was developed through the collaboration of the Judicial Branch, the Department of Correction, and the private sector. The Alternative Incarceration Program comprises a statewide network of rigorous, carefully-monitored, community-based programs that balance punishment, supervision, treatment and community service.

**Training:** A judicial curriculum was developed for the ongoing training and education of key court and system players, to maximize utilization of intermediate sanction programs.

**Public Education Campaign:** A public education and involvement campaign on community-based punishment, treatment and prevention options has included: a speakers' bureau; an editorial press packet; public opinion polls; statewide hearings; programming for municipal leaders; and two TV documentaries, hosted by Raymond Burr.