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STATE CRIME COMMISSION
CRIMINAL JUSTICE STANDARDS AND GOALS STUDY

Study Group: Corrections Date: November 18, 1975

Position Paper Title: Adult Parole/Probation Practices, CR 2-5

Issue Statement

How can present adult probation and parole practices be improved to enhance the opportunity for offenders to assume responsibility for their own future behaviors and remain outside the criminal justice system.

Conclusion

Georgia's correctional authorities are faced with the need to improve probation and parole services at a time when a peculiar and difficult set of circumstances and authoritative opinion exists. They are faced with an increasing offender population, a 53 per cent recidivism rate and a growing body of thought that casts doubt upon the efficacy of the rehabilitation model around which the correctional system has been designed. Improving probation and parole services then will not be easily achieved but becomes of paramount importance if both society's and the offenders' needs are to be met.

After examining these needs, the conclusions reached, regarding probation and parole services in Georgia, are that:

- (1) All probation and parole services in Georgia should be unified gradually under the State's Department of Corrections/Offender Rehabilitation (D.C.O.R.);
- (2) Probation and parole supervisors' caseloads must be reduced to afford offenders with ample supervisory contact;
- (3) Probation and parole supervisors must be provided with career ladders which will ensure job satisfaction and improved job performance;
- (4) The Governor should resolve present differences between D.C.O.R. and the Board of Pardons and Paroles, after which;
- (5) D.C.O.R. should establish the "PERM" model as a pilot project. With regard to parolees, the Board of Pardons and Paroles should act as a third party to the contracts between offenders and D.C.O.R. With regard to probationers, the performance contracts should be between the

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probationer and D.C.O.R. in light of the requirements set forth by the sentencing judge. A three-year testing period should be utilized prior to a three-year evaluation period. If evaluation demonstrates the model's effectiveness, it should be phased into the Statewide system.

Research Findings

Problem Identification

The facts which are cited in the following pages demonstrate that the problems identified in the area of probation and parole services¹ are urgent. The ratio of offenders to probation/parole supervisors has already reached the point where the offenders' needs for time and attention are acute. There are only 237 probation/parole supervisors available to supervise 28,757 offenders. In addition, if the present rate of increase in the probationer/parolee population continues, (approximately 10 per cent per year²) even greater burdens will be placed upon the State's probation/parole supervisors. The primary goals of probation and parole supervision are the protection of the public and rehabilitation of the offender. With respect to parole and probation, the protection of the public is contingent in great measure upon the reduction of recidivism.³ Previous studies have tended to show that offenders who receive probation or parole supervision have a better chance of not being re-arrested, or having their paroles or probations revoked, than those who "max-out" after incarceration and receive no supervision.⁴

Although studies tend to indicate that offenders who have received probation or parole supervision do not return to crime as often as offenders who do not receive supervision, the current consensus in Georgia and elsewhere, is that the effectiveness of present rehabilitation efforts is questionable at best. However, there are figures which enable the State's corrections officials to determine the comparative costs of incarceration vis-a-vis probation/parole supervision. For Fiscal Year 1975, the annual cost in Georgia per incarcerant was \$3,317.85.⁵ The annual cost of supervising an offender in the community was \$215.00, a saving of \$3,102.85 per offender.⁶

Since supervision seems to have a positive effect on reducing recidivism, assisting probationers and parolees to achieve the "best possible community adjustment"⁷ is of paramount importance in providing for the protection of society and is economically attractive as well. Therefore, improving the quality of parole and probation supervision is crucial.

Other States' and Federal Experiences

Federal Experience:

Federal probation and parole services operate under a dual system: probation services are under the judiciary and parole services are under the Parole Board which is assigned to the Justice Department for administrative purposes only. Probation and parole services are organized on the basis of District Circuit Court boundaries.⁸

The Federal Probation Act (March 4, 1925), amended June 6, 1930, removed the probation system from civil service and placed the power of appointment of probation officers in the hands of judges of district courts. It also placed supervision of parolees upon probation officers, removing this function from the federal penal institutions. In 1940, probation was transferred from the Department of Justice (Bureau of Prisons) to the Administrative Office of the United States Courts (Division of Probation).⁹

The federal probation system is not centralized and local administration is in the hands of Chief Probation Officers (of 91 district courts) who are directly responsible to the courts they serve. Its field services are coordinated by the Division of Probation of the Administrative Office of the United States Courts. The system works in close cooperation with the Bureau of Prisons and in close harmony with the United States Board of Parole furnishing all necessary field services for that body.¹⁰

The Federal Board of Parole consists of eight members appointed by the President with six year terms on a staggered basis. The Chairman is appointed by the Attorney General of the United States. Under the supervision and direction of the Attorney General, the Board has responsibility for the supervision of federal parolees and federal mandatory releases through federal probation officers.¹¹

The Federal Probation Office reports that its "supervision" caseload averages 52 cases per officer.¹²

Other States' Experience:

With respect to organizational patterns of probation services at the state level those most commonly found in other states include:

1. Local Administration:

- A. Either by county or city, by one or more courts, or by a non-judicial government authority. California, for example, retains local administration of all probation services.¹³

- B. With the state setting standards and providing general supervision and financial support as does Minnesota and New York. The state agency may be a probation board or commission, a department of which probation service is a division or bureau, or within the administrative office of the state judicial system.¹⁴
2. State-administered services available to all courts in the state, such services being the responsibility of a state department of which probation is a bureau or division, as in Wisconsin, Michigan and Ohio; or a state department, board or commission for probation and parole, as in Florida's system.¹⁵

Parole services in other states are administered under several organizational patterns. In Florida the parole board serves as the administrative and policy-making board for a combined probation and parole system.¹⁶ In Wisconsin, Michigan and Ohio the parole board is part of the department of corrections.¹⁷ In Alaska, Tennessee and Maine the director of corrections serves as chairman of the parole board.¹⁸ In Minnesota, parole services are administered by the Minnesota Department of Corrections which also administers probation and institutional services.¹⁹

With respect to caseload size for probation/parole supervisions, a national survey of corrections revealed that probation officers with over 100 cases are responsible for 76.34 per cent of all misdemeanor cases and 67.05 per cent of all felony cases.²⁰

The survey concluded that, based on population projections, 45,000 officers would be needed by 1975 (22,000 to supervise misdemeanants and 23,000 to supervise felons) in the states' corrections systems.²¹

In 1964, California reported adult supervision caseloads four times the maximum acceptable standard of 50 cases advanced by the National Council on Crime and Delinquency.²²

With respect to entry level criteria, in Florida, Parole/Probation Officers must have a college degree. The entry level is PG-20 (\$8,498.16 annually); The second step is PG-22 (\$9,333.36); PG-24 (\$10,314.72). and PG-25 (\$10,899.36).²³

In Alabama, Probation/Parole Supervisors enter the system at Supervisor I (\$9,321); Parole Supervisor II (\$10,387); Assistant Director (\$13,923); and Director is fourth step (\$16,523). A college degree is required.²⁴

In North Carolina, a bachelor's degree is required. Probation Trainee is the first level (\$8,484); Probation Officer I (\$9,276); Probation/Parole Case Supervisor (\$11,148); Assistant Branch Manager (\$12,816) and Branch Manager (\$14,052).²⁵

In South Carolina, Probation (and Parole) Agents must have a bachelor's degree.

Their entry level is Probation Agent I (\$8,757 annually); Probation Agent II (\$9,755); Probation Agent III (\$10,296); Classification Officer (\$10,858); and Regional Supervisor (\$12,168).²⁶

With respect to career ladders for probation/parole supervisors, "under present practices in many jurisdictions, increased pay is only available through...the acceptance of administrative jobs."²⁷ At the same time, "some probation officers excel in presentence writing, others may make better field supervisors, and still others may excel in group work, or working with community resources."²⁸ Illinois is one of the states which, recognizing the problem inherent in a one-track career ladder for probation/parole supervisors, is currently working on a structure which would provide two tracks for the supervisor allowing him to advance while remaining in the area in which he is most competent and contented. The details of Illinois' approach to this problem were not yet available for inclusion in this writing.²⁹

Illinois is one of the first states to publicly acknowledge that it is no longer willing to rely on the efficacy of the rehabilitation model in corrections, and in January, 1976, its legislature will consider abolishing parole and conditional release programs and requiring fixed determinate sentences. Illinois' proposed plan would encompass an automatic one-day reduction in sentence for each day of good behavior within the prison, but life sentences would remain "life", allowing no time off for good behavior. An appellate court might re-sentence after a specific number of years served.³⁰

In California, a bill was proposed in June 1975 to abolish "open sentences" which authorize inmate releases considered appropriate by prison authorities.³¹

The Minnesota Department of Corrections recently stated that "it rejects the belief that offenders can be coerced into conforming" and that its programming "will be directed toward providing positive reinforcement for the client who selects a program of self-improvement."³²

New York State recently developed a program for testing, in probation, the concepts of the Mutual Agreement Program (MAP) developed by the American Correctional Association.³³ The main elements of the program are: (1) Problem Identification; (2) Program Objectives, and (3) Program Procedures. Problem Identification addresses itself to (1) lack of offender participation in program planning,³⁴ (2) lack of individualized conditions,³⁵ (3) time on probation longer than necessary,³⁶ and (4) test for short term intensive supervision needs.³⁷

Under the MAP plan a specific program will be developed for selected offenders with their participation in the planning. The incentive to participate is an agreed-upon early date of discharge with court approval of the plan. A contract setting forth general and specific

objectives is entered into by the judge, the offender and the probation officer. The initial returns are considered by State corrections officials to be very positive. They feel they are getting on probation the people they want on probation; those who do not need probation are being discharged.³⁸

Current Georgia Experience

Georgia Law:

As presently organized the Department of Corrections/Offender Rehabilitation (D.C.O.R.)³⁹ has six functional areas of responsibility. Three of these, providing direct services to offenders, are Institutional Operations, Community Based Services (which includes probation and parole) and Community Facilities.⁴⁰

Georgia Code Annotated §27-2707 provides that if the judge, or the majority of the judges, of a circuit are dissatisfied with a probation/parole supervisor in that circuit,⁴¹ he or they may relieve the supervisor of his duties in that circuit and recommend to the Director of Probation that the supervisor either be discharged or replaced.⁴² A probation/parole supervisor is responsible for investigating all cases referred by the court and making his findings and recommendations available in writing to the court. The supervisor is also responsible for remaining informed about the conduct, habits, associates, employment, recreation and whereabouts of his probationers.⁴³

The State Board of Pardons and Paroles derives its authority from the Georgia Constitution. The Board presently consists of five members appointed by the Governor subject to confirmation by the Senate.⁴⁴ The 1972 amendment to the Constitution which created the Board provides that "it shall be composed of not less than five or (sic) more than seven members, the number to be determined by the General Assembly."⁴⁵

This same amendment removed from the Governor the responsibility for appointing the Chairman of the Board and provided for the Chairman to be elected annually by the board members. The members serve staggered seven year terms.⁴⁶

The Board of Pardons and Paroles is charged with the overall responsibility for supervising all persons placed on parole, investigating any violation of the terms of parole and aiding parolees and probationers in securing employment.⁴⁷ The Board is also charged with the responsibility for obtaining certain information on every person who is subject to release by the Board. Such information is to include a complete statement of the crime committed, the circumstances of the crime, the nature of the sentence and other pertinent data. The court, all parole officers and other appropriate officers must furnish to the Board such information as it may require.⁴⁸

The Board prescribes all terms and conditions of release for any person who is paroled and in the event of a violation of such terms, the parolee is subject to rearrest and/or extradition for placement "in the actual custody of the Board".⁴⁹

The Board has authority to make investigations of and collect information on all cases for which it has responsibility.⁵⁰

Georgia Experiences:

It is well to recall the statement of the National Advisory Commission on Criminal Justice Standards and Goals that the correctional system "appears to offer minimum protection for the public and maximum harm to the offender."⁵¹ Further, the Commission states that "pressures for change...are intense...(and) it is clear that a dramatic realignment of correctional methods is needed."⁵² Pressures for change are manifested in Georgia's probation and parole services in the six following specific areas:

1. Organization and administration of probation and parole services.
2. Probation/parole supervisors' caseloads.
3. Pay rates and career ladders for supervisors.
4. Size of Pardons and Parole Board.
5. Caseloads of Parole Board members.
6. Offender release decision-making.

1. Organization and administration of probation and parole services.

The proper placement of probation/parole services within the government framework was recognized by the National Advisory Commission on Criminal Justice Standards and Goals as critical for effective functioning. The Commission recommended that these services be administered by the state rather than local units, reasoning that the potential for coordinated planning, better utilization of manpower and improved services to offenders is thereby increased. In addition, it reasoned that such an arrangement more readily lends itself to a total system planning approach requiring state leadership, implementation of planning strategies, uniformity of standards, reporting, evaluation and resource allocation.⁵³

With an important exception noted below, probation services are unified in Georgia under D.C.O.R. Consideration of unification of these services under the judiciary rather than the executive would be neither desirable nor practical because,

As one reviews the existing court structure in Georgia, it becomes evident that it is characterized by a complex network of courts with overlapping jurisdictions, many part-time judges and employees, and the lack of any system for central administration. Below the superior court level is a multitude of courts created by special legislation, the names of which often provide no reliable guide to their jurisdiction. The overall structure is lacking in organization.⁵⁴

Further, probation/parole personnel require training, programs for development and administrative functions which the present judicial system has no way of performing.⁵⁵

Except for two independent county probation systems (Fulton and DeKalb), Georgia meets the NAC standard with respect to services for felony offenders. However, the responsibility for the quality of probation services for misdemeanants in seven counties in Georgia is not presently within the purview of the D.C.O.R. (See footnote 39).

A review of the independent counties⁵⁶ reveals that the hiring of probation supervisors is done by judges in at least four of these counties, while two of these seven counties (DeKalb and Fulton) have merit systems. Some of these counties require college degrees of the supervisors; some do not. Caseload averages range from 200 in one county to a situation in another county (Bibb) which has a caseload of 2800 with two supervisors employed. Starting salaries are higher than those of D.C.O.R. in all but one of the counties. In one county (Muscogee), the one supervisor employed is merely an extension of the County Clerk's office and only collects child support and alimony payments. There are approximately 85 probation supervisors employed in these independent county systems. Probation and parole supervisors in the rest of the state are hired and assigned by D.C.O.R. but they must first be approved by the judge or judges of the circuit in which they will be employed.⁵⁷ Georgia Code Annotated §27-2709 divides the work of probation and parole supervisors into two categories: investigation and supervision. This division results in these supervisors' providing services to the courts as well as supervision of the offenders.⁵⁸

Probation and parole supervisors attend court for various reasons and collect fines, child support, restitution and court costs. Recent research studies have concluded that on the average approximately thirty-five per cent of a supervisor's time is spent on activities unrelated to treatment and rehabilitation.⁵⁹ In addition, because of the close working relationship between the circuit judge and the circuit supervisor, there exists the possibility that a supervisor may be used for other court or law enforcement duties.⁶⁰

Probation services may be delivered in metropolitan areas on a functional specialization basis, i.e., certain supervisors perform supervision and case work tasks while others perform investigations or attend court hearings. In less populous areas with smaller staffs all functions are performed by each supervisor.⁶¹

2. The size of probation/parole supervisors' caseloads.

A recurring problem affecting the quality of supervision is the unwieldy size of caseloads.

As of February, 1975, there were 26,520 probationers and 3,037 parolees (a total of 29,557 offenders) under community supervision by D.C.O.R. There were 269 probation/parole supervisors employed by the State. Of these, 32 were classified as Intensive Supervisors whose maximum caseload can only amount to 25 cases (a federal grant requirement). These 32 persons then serve a total of 800 cases, leaving 237 supervisors to serve 28,757 offenders. Therefore, the average caseload per supervisor is 121 cases.⁶²

Offenders in the probation/parole system are classified according to their need for supervision (maximum need, 3.25 contacts per month; medium need, 2.20 contacts per month; minimum need, 1.50 contacts per month; misdemeanants, 1.50 contacts per month and parolees, 4.00 contacts per month)⁶³ Based upon the 28,757 offenders cited above and the required number of contracts they require each month (see footnote 63), 237 supervisors must make 65,639 contacts each month⁶⁴ If these contacts were of 45-minutes duration, 49,229 hours are required of 237 supervisors each month, or 208 hours per month per supervisor.

In addition, in the month of January 1975, 8484 hours were required for all categories of investigation.⁶⁵ Using the same 237 parole/probation supervisors, this adds 36 hours per month to their workloads, or 244 hours a month required of parole/probation supervisors.

Further, D.C.O.R. estimates that 35% of a supervisor's time is devoted to handling the "everyday crises which occur through the collection function, i.e., non-payment, issuing warrants, family has not received support checks, etc."⁶⁶ Assuming a supervisor works a 40-hour week (172 hours per month) then 35% of that is 60 hours a month.

Adding 208 hours in supervision, 36 hours in investigation and 60 hours in collection activities, the total amount of time required is 304 hours per month or 71 hours per week, or 14 hours per day. The conclusion is that with the present number of supervisors, supervisors must reduce the length of time to less than 45 minutes per contact as well as the number of contacts made with offenders. And between 1968 and 1975 the number of probationers and parolees increased from 12,700 to 29,577, representing a 43 percent increase in eight years. If this trend continues, by 1977 there will be 38,400 offenders in need of supervision.⁶⁷

Using the same figures above it can be deduced that if 28,757 offenders generated 49,229 hours of supervision time, average supervision time was 1.7 hours per month per offender. A probation/parole supervisor devoting full

time to supervision alone (172 hours) could, at 1.7 hours per month, supervise 101 offenders. If he spends 36 hours a month on investigations, his time is reduced to 136 hours per month, during which he can supervise 80 offenders at an average of 1.7 hours per month per offender. If his time is further reduced by spending 60 hours in everyday collection and its concomitant crises he is left with 76 hours during which he can supervise 45 offenders per month with an average supervision time of 1.7 hours per month per offender.

3. Pay rates and career ladders for probation/parole supervisors.

Another factor having a very direct effect on the quality of parole/probation supervision is the opportunity (or lack of it) for job satisfaction for the parole/probation supervisor. Where two-track career ladders are non-existent supervisors must abandon their relationships with offenders and assume administrative roles in order to advance and obtain concomitant pay increases. In many instances this means the loss of personnel whose skill in dealing with offenders is sacrificed because of the lack of an adequate career ladder for supervisors.

The career ladder for state probation and parole supervisors in Georgia has four levels: Merit System Position Grades 14, 15, 16 and 17. The entry level salary (PG14) is \$8,196 annually and the job description includes the supervision "of a caseload of probationers and parolees in the community-based service programs."⁶⁸

At PG 15 the salary is \$8,952 and the job description includes "a caseload of the more serious or difficult offenders or those with mental, addictive, or other special problems." At this level there appears for the first time in the job description the statement that the incumbent "may be responsible for supervising the operations of a small probation or parole office or service unit within an assigned area."⁶⁹

At PG 16 (\$9,780 annually) the incumbent is removed from offender contact and "supervises a small group of probation/parole supervisors and counselors and is responsible for all probation and parole activities in a small circuit," although the incumbent may "supervise a limited caseload of parolees and probationers generally involving the unusual or problem cases."⁷⁰

At PG 17 (\$10,692 annually) the incumbent "supervises and coordinates a large group of ... supervisors and counselors ... and is responsible for all probation and parole activities of a large circuit office."⁷¹

Based on these figures the following list shows Georgia's position relative to four other southern states: (see footnotes 26-29)

	<u>Alabama</u>	<u>South Carolina</u>	<u>Florida</u>	<u>North Carolina</u>	<u>Georgia</u>
Entry level	\$ 9,321	\$8,757	\$8,498	\$8,484	\$8,196
2nd step	10,387	9,755	9,333	9,276	8,952
3rd step	13,923	10,296	10,315	11,148	9,780
4th step	16,523	10,858	10,899	12,816	10,692
5th step		12,168		14,052	

To illustrate the loss of probation/parole supervisors alluded to above, there were 41 resignations from D.C.O.R. in fiscal years 1973, 1974, and 1975. Of these, 28 (68%) were at the PG 14 level; 11 (27%) were at the PG 15 level and 2 (5%) were at the PG 16 level.⁷²

"Graduation from a college or university of recognized standing with major course work in one of the behavioral or social sciences, or in a generally related field" is considered "desirable" at all four levels. No additional educational requirements are imposed in order to progress from one grade level to another.⁷³

The only training and experience standard required for advancement is the number of years of "full-time, paid employment" considered "desirable" for each position grade level.⁷⁴ Therefore, it can be seen that since the job descriptions beyond the PG 15 level call for administrative duties which remove the supervisor from offender contact, there is concern among professionals that probation/parole supervisors with the skill and commitment essential to successful supervision are being forced into administrative roles in order to meet financial needs and expectations.⁷⁵

4. Size of Pardons and Paroles Board.

The five-member Parole Board considers between 4,000 and 5,000 parole cases each year. Approximately ten per cent of these cases are required by Title 77 of the Code of Georgia to be examined by all five Board members; i.e., cases such as exceptions to the parole eligibility date set by law, commutation of sentences, or reprieves exceeding four days. Title 77 of the Code of Georgia requires that approximately five per cent of the cases must be heard by four of the members; i.e., cases where the required majority (3 member) agreement does not take place, and these cases may reach the point where they will have to be heard by all five members before the majority agreement can be obtained. Since it does take at least three members to render a decision, the basic caseloads range from 3,400 to 4,250 cases per member annually. The monthly workload per member averages 350-400 parole decisions. Each member also daily participates in 15-20 hearings or other considerations, such as when the Board is exercising its Constitutional authority in clemency actions, restoring civil and political rights to

convicted felons, pardoning first offenders, granting full pardons, commuting sentences, granting reprieves, holding public hearings and revoking paroles.⁷⁶ And, of course, under the present system, any increase in offender population would correspondingly increase the number of parole applications to be considered.

5. Caseloads of Pardons and Parole Boards.

Professional assistance to the State Board of Pardons and Paroles currently includes six Review Officers (Hearing Examiners). One is federally funded and five are funded by the State.⁷⁷ These officers conduct preliminary hearings on parole violations and review some cases for the Board. They also conduct investigations for the Board.⁷⁸ The Executive Director of the Board is of the opinion that more authority could be delegated to review officers allowing them to review and release certain cases which do not require Board action; e.g. misdemeanants serving consecutive 12 month sentences, those offenders who have contracted for definite release dates and young first offenders. Once this delegatable authority is identified by the Board of Pardons and Parole and the Attorney General concurs, then Review Officers could assume these delegatable duties "without the quality of release decisions being affected."⁷⁹

6. Offender release decision-making.

In Georgia, as in the rest of the nation, there are conflicting points of view on the methods of rehabilitation including the nature of release decisions. It is argued on the one hand that "judgmental decisions based upon subjective as well as objective information received only by paroling authorities are extremely critical to the release decision."⁸⁰ On the other hand, it is contended that the "current... subjective, negative system" places the onus for rehabilitation on the administration and corrections staff as a result of which "inmates feel no responsibility for taking steps to rehabilitate themselves."⁸¹ It is further asserted that presently the inmate knows only "in vague, general terms what might influence the Parole Board to let him out"⁸² and that in this present state of affairs money is being poured into "a system that has not worked and cannot work"⁸³ the evidence being "the current crime rate and recidivism rate."⁸⁴

Currently, the Department of Corrections/Offender Rehabilitation is considering a "Performance Earned Release Model" (PERM) which, in the words of the Commissioner of Corrections is a compendium of methods derived by looking "at what other states and countries are doing and selecting the best from each."⁸⁵ In this correctional model the responsibility for behavior change would be shifted from the correctional managers to the offenders who would be required "to work(their)way out of the system"; spend 90 days in pre-release centers before being released and "everyone will get a degree of supervision when released".⁸⁶

The approaches of this model have been tested under the Youthful Offender Act in a method whereby the offender enters into a three-party contract (offender, DCOR, and the Board of Pardons and Paroles). Through this system the offender earns his release. After three years experience, 659 offenders have been released. Of these, nine percent

had had their conditional releases revoked but this figure included technical violations of release conditions. The actual rate of return to crime is described as less than five percent."⁸⁷

The "PERM" model, as described in a recent pamphlet published by the Department of Corrections/ Offender Rehabilitation, would require monitoring by the Board of Pardons and Paroles and the research indicates that there is little or no direct communication between DCOR and the Board of Pardons and Paroles. Since the plan requires close harmony and cooperation between the two bodies there seems to be no way to subject the model to an evaluation process in the current climate of disagreement.

Authoritative Opinions

With respect to a unified statewide probation/parole system, the National Advisory Commission's recommendation has been cited previously. It argues for coordinated and uniform planning, use of manpower, and services to offenders.

With respect to caseload size, the American Bar Association in its Project on Minimum Standards for Criminal Justice stated:

Too often a sentencing judge is faced with the Hobson's choice of a sentence to an overcrowded prison that is almost a guarantee that the defendant will emerge a more dangerous man than when he entered or a sentence to an essentially unsupervised probation that is little more than a release of the defendant without sanction, as well as without incentive to avoid the commission of a new offense.⁸⁹

The American Correctional Association's Study on Standards and Goals recommended a workload of not more than 50 units⁹⁰ The National Council on Crime and Delinquency recommends 50 units per officer⁹¹ as does the American Correctional Association.⁹² The President's Commission on Law Enforcement and the Administration of Justice recommended a staffing pattern of 35 cases per officer.⁹³

Criminologists point to the "clear need for additional probation and parole officers" calculating that "for adult felons almost three times the number of officers currently employed are needed."⁹⁴ These same authorities point out that offenders kept under supervision cost one-tenth the amount needed to incarcerate them.⁹⁵ The President's Crime Commission stated that probation and parole expenditures "can clearly be increased several fold and still remain less expensive than institutional programs."⁹⁶

One authority has stated that

Caseloads too large to allow the probation officer any time to supervise individual cases may endanger the safety of the public, preclude any meaningful efforts toward rehabilitating offenders and cause probationers to lose respect for the entire system of justice.⁹⁷

As one approach to rectify this situation, the National Advisory Commission on Criminal Justice Standards and Goals suggests that staffs separate from probation services should be established to perform many of the court services now done by the probation/parole supervisor.⁹⁸ One Director of Planning in a state department of corrections insists that work other than offender supervision, such as fine collections, should be removed from the responsibilities of the probation/parole supervisor and assigned to a separate agency.⁹⁹ One professional who has experienced both the Georgia system and the federal system (where the average caseload is 38-60) held the opinion that, in Georgia, because supervisors are burdened with other responsibilities, possibly five of the supervisor's assigned offenders are really being supervised and the rest neglected in each caseload. He recommended removing from supervisors the responsibilities for making arrests, attending hearings and collecting fines. In addition, he recommended the federal practice of automatic promotion of a supervisor to the next paygrade level based on satisfactory evaluations.¹⁰⁰ This practice would allow the supervisor to attain recognition and salary increases without being forced out of the offender/supervisor role which the supervisor may prefer.

The National Advisory Commission on Criminal Justice Standards and Goals addressed itself to this need for two-track career ladders by stating that:

Persons employed at the entry level must be given the opportunity to acquire knowledge and skills necessary to advance. Staff members should have the choice of two tracks; direct service to probationer or administration. Each track should have sufficient salary and status to provide continuing job satisfaction.¹⁰¹

The Commission recognized that:

at present the only way to advance in a probation system in terms of salary and status is to be promoted to an administrative or supervisory job. A more intelligent manpower policy would permit those employees who are doing a service they like and are probably best qualified for, to continue in service to probationers, with the knowledge that they will receive salary raises in line with their performance there.¹⁰²

The American Bar Association also recommended that:

Salaries should be structured so that promotion to an administrative...job is not the only means of obtaining a higher salary. Merit pay increases should be available for outstanding job performance....¹⁰³

With respect to the "rehabilitation-is-a-myth" concept, most of the authoritative opinion is quite recent. However, in 1841, John Augustus (ironically the father of American probation) spoke of the "folly of attempting to force a man into a reformation."¹⁰⁴ John Bartlow Martin, an observer of American prisons, wrote after the prison riots of 1952 and 1953, that rehabilitation was an unrealistic and unattainable ideal.¹⁰⁵ Twenty years later, after Attica, Ben Bagdikian made the same observations.¹⁰⁶ Robert Martinson reviewed 231 studies of correctional treatment since 1945 and concluded in 1973, that current programs do not affect the rates of recidivism.¹⁰⁷ (Emphasis added.) Martinson's study was supported a year later by a study of 679 offenders in Denver, Colorado. Here, the study concluded that probation is no more successful than institutionalization followed by parole with respect to recidivism.¹⁰⁸ William Nagel, writing in 1973, stated that after many years of pioneering in advanced treatment techniques, "we did not appreciably change the recidivist rate."¹⁰⁹ In March, 1975, Norman Carlson, the director of the Federal Bureau of Prisons "instructed his staff to remove the term 'rehabilitation' from their lexicon."¹¹⁰

Goldfarb and Singer, at the end of a 674-page detailed analysis of the present corrections system, refer to their book as supporting "a massive indictment of our corrective system." They argue that there are two basic routes for reform to take. The first would be "clean up the system...hiring more probation and parole officers, providing lower caseloads...and taking other similar, worthwhile steps."¹¹¹ The authors would not opt for this alternative contending that "the fundamental mistake we believe the corrections system is about to make is taking just such steps, which we consider superficial and cosmetic." They argue instead for "more profound changes"¹¹² and agree with Martinson's insistence that "the myth of correctional treatment is the main obstacle to progress ... (it) prevents the sound use of resources to balance public protection and inmates' rights..."¹¹³

Martinson's belief receives support from Dr. C. Ray Jeffery a criminologist working on the application of environmental design to the control of criminal behavior. Dr. Jeffery describes the persisting insistence on reforming offenders and the criminal justice system on the assumption (mistaken, he implies) that we know how to rehabilitate offenders.¹¹⁴ He refers his readers to the question asked in a recent survey of the California correctional system, and its answer, "will the clients act differently if we lock them up, or keep them locked up longer, or do something with them on the inside, or watch them closely afterwards, or cut them loose officially - - Probably not."¹¹⁵

Therefore, although figures cited earlier tended to show that there may be differences in recidivism rates between parolees, probationers and "max-outs" the latest authoritative opinions in the field of corrections point to the fact that much more remains to be done. There is a growing recognition that the medical model (treatment) in corrections does not work. Martinson's studies need not be interpreted as demonstrating that treatment programs should be abandoned. Among those rejecting the rehabilitative model as a historical failure is Professor James Q. Wilson who is opposed not to efforts to rehabilitate but rather to the use of rehabilitation as a penal policy.¹¹⁶

However, rehabilitation (or treatment) programs might be effective in conjunction with a program designed to enlist the offender's participation - a plan to enhance responsibility in his behavior. In other words, treatment programs could be used as options available to offenders in a contract-making process.¹¹⁷

Arguments against the contract proposal concept include the recognition that "there are inmates who could achieve almost any set of goals ... but who would still be totally unready for releases."¹¹⁸ It has also been stated that "prison 'treatment' programs are singularly unsuccessful in bringing about the rehabilitation of anyone." This latter authority also points out that the contract method would "formalize the 'game' that some prisoners play - enrolling in various programs to make points toward parole."¹¹⁹

Such criticisms, however, do not speak to the fact that games are played by offenders under the traditional systems and the game players are either eventually paroled anyway or "max-out" with no supervision whatever.¹²⁰

Alternatives

In considering alternatives, it is necessary to keep in mind the six specific areas discussed under Current Georgia Experience. The State probation structure plus the State parole process plus the quality of supervision equals the impact of the correctional system on the offender. A simpler formula might be: a smooth administration process plus good supervision equals rehabilitation of more offenders and greater societal protection.

Making no change would entail no additional cost (economically), no disruption of the present system and there would be no need for the introduction of legislative change. But these advantages may be offset by continued duplication of services and economic waste. There would be a continued lack of uniformity in standards and goals, policies and priorities in probation/parole services across the state, and in resource allocation as well. There would be a continuation of unmanageable caseloads for probation/parole supervisors, and caseloads will continue to increase in size. In addition, the system will

continue to lose good supervisors. In parole services there would continue to be unrealistic demands on Parole Board members and a less efficient decision-making process.

Measuring these facts against the formula demonstrates that rehabilitation and societal protection demand change.

Area 1. Organization and Administration of Probation Services.

Alternative 1

The legislature should unify all probation services in the State, and pay newly merged employees at current merit System levels.

Advantages:

- A. Would eliminate duplication of services and effort.
- B. Would establish statewide uniformity and quality of services.
- C. Would establish uniform record keeping.
- D. Would make possible the coordination and transfer of records from one unit to another if an offender moves.

Disadvantages:

- A. Would increase cost to the State because it would entail absorbing approximately 85 officers currently employed in independent systems.
- B. Would meet with county resistance because of lower salary level in State system.
- C. Would necessitate further legislation.

Alternative 2

The legislature should unify all probation services in the state by bringing all probation systems under D.C.O.R.; continue to pay newly acquired employees their current salary levels but do not classify the new positions under the Merit System until these acquired employees vacate their positions.

Advantages:

- A. Would eliminate duplication of services.
- B. Would establish statewide uniformity and quality of services.

Disadvantages:

- A. Would increase cost to the State by entailing absorption of approximately 85 officers currently employed in independent systems.
- B. Would still meet with county resistance because of close working relationships between the judiciary and the probation/parole supervisors in the smaller independent systems.
- C. Would require further legislation.

Alternative 3

The legislature should ultimately unify all probation/parole services in the state by bringing the independent county systems into D.C.O.R. at the rate of one each year until all are absorbed; continue to pay newly acquired employees their current salary levels but postpone classifying the positions under the Merit System until newly acquired employees vacate them.

Advantages:

- A. Would eliminate duplication of services.
- B. Would establish statewide uniformity and quality of services.
- C. Would allow gradual absorption of increased costs.

Disadvantages:

- A. Would increase cost by amount of additional employees absorbed.
- B. Would increase costs because of higher salaries earned by these employees.
- C. Would still meet with county resistance.
- D. Would require further legislation.

Area 2. Probation/Parole Supervisors Caseload Size.

Alternative 4

The D.C.O.R. should reduce probation/parole supervisors' caseloads by annually requesting the legislature to appropriate funds for additional supervisors necessary to maintain present caseload sizes as the offender population increases.

Advantages:

- A. Would provide a strict method of budgetary control over this salary item.
- B. Would have capability of providing supervisory positions based on realities of offender population.
- C. Would eliminate necessity for increasing the supervisors' already unmanageable caseloads as offender population increases.

Disadvantages:

- A. Would continue the need for an annual approach to the legislature.
- B. Would not provide for effective long-range planning and forecasting.
- C. Would continue a caseload size per supervisor which does not provide for optimal offender contact.

Alternative 5

D.C.O.R. should establish an ongoing ratio formula of supervisors to offenders such that offenders are provided with the appropriate number of supervisory contacts and supervisors are provided with caseloads no greater than 50 workload units (as defined by the American Correctional Association).

Advantages:

- A. The quality of supervision would be optimally enhanced.
- B. Would provide for realistic flexibility relative to an expanding or contracting offender population.

- C. Would free D.C.O.R. of its need for an annual approach to the legislature.

Disadvantages:

- A. Would require legislation permitting D.C.O.R. to hire according to ratio formula without approaching legislature annually.
- B. Would require immediate hiring of more supervisors.
- C. Would increase D.C.O.R. costs.
- D. Would require Merit System changes.

Area 3. Pay rates and career ladders for Probation/Parole Supervisors.

Alternative 6

D.C.O.R. should provide its probation/parole supervisors with both Client Service and Administrative tracks in their career ladders and increase entry level salaries to \$8952 (Merit System Pay Grade 15).

Advantages:

- A. Would provide greater opportunity for supervisor job satisfaction.
- B. Would improve quality of supervision by allowing those supervisors who prefer the offender/supervisor relationship to remain in supervision without sacrificing status or financial awards.
- C. Would provide offenders with better quality supervision enhancing the probability of supervisory success, rehabilitation of offenders and societal protection.
- D. Would provide the system with administrators promoted from supervisory ranks who have talent and inclination in this direction and understanding of the services they are administering.
- E. Would reduce supervisor turnover and loss to other agencies by reducing supervisor's job dissatisfaction.

Disadvantages:

- A. Would require adjustment of Merit System entry pay grade, job classification and description.
- B. Would entail additional expense for State.

Area 5. Parole Board Caseload.

Alternative 7

The Parole Board should delegate releasing authority to Review Officers in those cases involving such circumstances as misdemeanants serving consecutive 12 month sentences, certain felons who have contracted for a release date, and young first offenders. The Board should then increase the number of Review Officers by two to accomodate this change.

Advantages:

- A. Would reduce Board's caseloads.
- B. Would hasten release time for certain offenders without reducing quality of decisions.

Disadvantages:

- A. Would increase cost because of additional two salaries.
- B. Would require creation of an appeal process to the Board.

Area 6. Offender Release Decision Making.

Alternative 8

Make no change in the present traditional method of releasing offenders from incarceration either by parole, early release for good time or release at the end of sentence without supervision (max-out).

Advantages

- A. Would require no legislative change.
- B. Would entail no additional financial cost to the State.
- C. Would keep intact the present responsibilities and authority of D.C.O.R. and the Board of Pardons and Paroles.

Disadvantages

- A. The present 53 percent recidivism rate may continue or increase since there would be no intervention into the present system under which this rate prevails.
- B. Corrections personnel would continue to be expected to rehabilitate offenders with methods which have not been successfully demonstrated.

Alternative 9

In keeping with the growing recognition that there is a need for a program beyond the traditional rehabilitation model, D.C.O.R. should establish its "PERM" model for adult offenders; the Board of Pardons and Paroles should be a third party to the contracts between offenders and D.C.O.R. and have the final release decision authority after contracts have been fulfilled.

Advantages

- A. Would provide the offender a program for participating in the conditions for his release.
- B. Would shift the responsibility for offender behavior change from corrections personnel to the offender.
- C. Would provide an objective measure for deciding release readiness.
- D. Would retain the input of the Parole Board.
- E. Would resolve difficulties inherent in a system where the jailer becomes final arbiter of the jailed by providing a system of checks and balances.

Disadvantages

- A. Would require additional legislation.
- B. Would require a Constitutional amendment.
- C. Would meet with resistance from traditionally-oriented corrections personnel.
- D. Given the present dissension between D.C.O.R. and the Board of Pardons and Paroles, the "PERM" model would be difficult, if not impossible, to implement.

Alternative 10

The D.C.O.R. should establish the "PERM" model, the Parole Board should be kept at its present size and be given responsibility for the release decisions only over capital offenders; the Parole Board should be given the responsibility for final arbitration of contractual disputes which may arise but have no responsibility for release decisions where contracts are fulfilled. In this system, when an offender fulfills his contract he would be released; if the offender does not fulfill a contract he would continue to maintain the same eligibility for parole consideration as under the current system; i.e., an offender might fulfill a contract and be released before he would become eligible for parole consideration. However, if the offender does not fulfill a contract the same parole consideration eligibility time schedule would apply as at present and if the offender is not paroled he would max-out at the end of his sentence.

Advantages

- A. Would provide the offender a program for participating in the conditions for his release.
- B. Would shift the responsibility for offender behavior change from corrections personnel to the offender.
- C. Would provide an objective measure for deciding release readiness.

Disadvantages

- A. Would require additional legislation.
- B. Would require a Constitutional amendment.
- C. Would meet with resistance from traditionally-oriented corrections personnel.

Alternative 11

D.C.O.R. should establish the "PERM" model as a pilot project. With regard to parolees, the Board of Pardons and Paroles should act as a third party to the contracts with offenders and D.C.O.R. With regard to probationers, the performance contracts should be between the probationer and D.C.O.R. in light of the requirements set forth by the sentencing judge. In addition, the model should be tested for three years during which time an official recidivism rate should be established for the PERM model. Further, an additional three-year evaluation period should be allowed, after which, if the evaluation demonstrates that PERM is an effective model, it should be gradually established as the statewide system, as resources are made available to D.C.O.R. for enlarging the scope of PERM.

Advantages

- A. Would provide an opportunity to gain baseline data required for the possible application of PERM system-wide.
- B. Would allow time and opportunity to iron out initial or unanticipated difficulties in such a transition.
- C. Would reduce resistance from the traditionally-oriented corrections personnel.
- D. Would not require additional legislation.

Disadvantages

- A. Would temporarily add to corrections workload.
- B. Would create an additional expense.
- C. Would require an additional budget appropriation.

Recommendation

It is recommended the following alternatives and procedures be adopted:

Alternative 3:

The legislature should ultimately unify all probation services in Georgia by bringing the independent county systems into the D.C.O.R. one at a time; continue to pay newly acquired employees their current salary levels but postpone classifying these position slots under the merit system until they are vacated.

Alternative 5:

D.C.O.R. should establish an ongoing ratio formula of supervisors to offenders such that offenders are provided with the appropriate number of supervisory contacts and supervisors are provided with caseloads no greater than 50 workload units (as defined by the American Correctional Association).

Alternative 6:

D.C.O.R. should provide its probation/parole supervisors with both Client Service and Administrative tracks in their career ladders and increase entry level salaries to \$8952 (Merit System Pay Grade 15).

It is further recommended that the Governor intervene and arbitrate the differences in the points of view between the Department of Corrections/Offender Rehabilitation and the Board of Pardons and Paroles. Only after there is complete harmony and cooperation between D.C.O.R. and the Parole Board can the next recommended alternative (Alternative 11) be adopted.

Alternative 11

D.C.O.R. should establish the "PERM" model as a pilot project. With regard to parolees, the Board of Pardons and Paroles should act as a third party to the contracts between offenders and D.C.O.R. With regard to probationers, the performance contracts should be between the probationer and D.C.O.R. in light of the requirements set forth by the sentencing judge. During this pilot project phase transitional problems should be worked out. In addition, the model should be tested for three years during which time an official recidivism rate should be established for the PERM model. Further, an additional three-year evaluation period should be allowed, after which, if the evaluation demonstrates that PERM is an effective model, it should be gradually established as the statewide system, as resources are made available to D.C.O.R. for enlarging the scope of PERM.

Implementation

The 1976 General Assembly should enact legislation to ensure the gradual inclusion of the independent county probation and parole services into the Department of Corrections/Offender Rehabilitation. This legislation should also provide for an agreed upon timetable for the inclusion of the independent systems and should insure that the newly acquired employees be paid at the salary levels formerly provided by the independent systems. These positions should be exempted from the State Merit System until they are vacated by the incumbents.

The State Merit System should, in 1976, prepare to classify these positions and fill them with Merit System eligible candidates as they are vacated by the current incumbents.

The Department of Corrections/Offender Rehabilitation by January, 1976, should establish an ongoing ratio formula of supervisors to offenders such that offenders are provided with the appropriate number of supervisory contacts and supervisors with caseloads no greater than 50 workload units (as defined by the American Correctional Association).

The General Assembly should, in 1977, enact legislation authorizing D.C.O.R. to hire probation/parole supervisors consistent with the above-described formula as soon as the formula is established.

The State Merit System, in cooperation with D.C.O.R. should, by July, 1976, establish a two-track career ladder for probation/parole supervisors such that the supervisors would be able to progress into higher paygrade levels regardless of whether they remain in the work of offender supervision or assume administrative positions.

In addition, the Merit System should, by July 26, increase entry level salaries for Probation/Parole Supervisors to \$8,952 (Pay Grade Level 15) with concurrent increases of Pay Grades 15, 16 and 17 to the next levels.

The Governor should, before January, 1976, intervene and arbitrate the differences in the points of view between D.C.O.R. and the Board of Pardons and Paroles in order to insure harmony and cooperation between the two.

The Department of Corrections/Offender Rehabilitation should, by 1976 establish the "PERM" model as a pilot project. With regard to parolees, the Board of Pardons and Paroles should act as a third party to the contracts between offenders and D.C.O.R. With regard to probationers, the performance contracts should be between the probationer and D.C.O.R. in light of the requirements set forth by the sentencing judge.

The model should provide for adequate community aftercare for all releases. During this period safeguards for ensuring just and consistent administration should be perfected as well as procedural adequacy.

By January, 1979, a recidivism rate based on the NAC Corrections standard (15.5), should be calculated for the entire PERM model. Following that a three-year evaluation should be undertaken and in 1982, if the evaluation demonstrates PERM to be effective it should gradually be phased into the statewide systems as resources are available. The Board of Pardons and Paroles should cooperate in this endeavor as described in Alternative II.

Financial Impact

The inclusion of the seven independent county parole/probation offices into the Department of Corrections/Offender Rehabilitation will have an annual financial impact to the State, once unification is concluded, of approximately \$867,816 - based on the entry level salaries of the independent counties' parole/probation officers in August, 1975.

County		If Alter- native 6 is not also imple- mented	If Alter- native 6 is also imple- mented	If Alter- native 6 is not also imple- mented	If Alter- native 6 is also imple- mented
Bibb	4 supervisors x \$675 per month x 12 months =	\$32,400	\$35,808		
Chatham	12 supervisors x \$690 per month x 12 months =	99,360	107,424		
Cobb	5 supervisors x \$725 per month x 12 months =	43,500	44,760		

County		If Alter- native 6 is not also im- plemented	If Alter- native 6 is also implemen- ted	If Alter- native 6 is not also im- plemented	If Alter- native 6 is also implemen- ted
DeKalb	21 supervisors x \$784 per month x 12 months =	197,568	197,568		
Fulton	38 supervisors x \$998 per month x 12 months =	455,088	455,088		
Muscogee	1 supervisor x \$725 per month x 12 months =	8,700	8,952		
Richmond-	4 supervisors x \$650 per month x 12 months =	31,200	35,808		

\$867,816 or \$885,408

To insure that there are enough parole/probation supervisors to provide each parolee and probationer with the 45 minutes per contact deemed necessary to impact upon the offender, it is estimated by the Community Services Division, D.C.O.R., that, given (1) the present 269 parole/probation supervisors in the State system and (2) the projected annual increase of almost 10 percent in the number of persons on parole and probation in the State system, that in July, 1977, it will require an additional 200 parole/probation supervisors (not including the above independent counties) to allow the State system to continue to provide the proper level of supervisor/offender interaction.

200 additional
supervisors x \$746
per month x 12 months = \$1,790,400 \$1,790,400

To implement Alternative 6 would have the following impact:

130 supervisors (PG14) x \$756* = \$98,280
 66 supervisors (PG15) x 828* = 54,648
 22 supervisors (PG16) x 912* = 20,064
19 supervisors (PG17) x 1008* = 19,152
 237** \$192,144

192,144 192,144

Total Potential Annual Financial Impact \$2,850,360 or \$2,867,952

*The difference between the current pay grade level amount and the next successive one.
 ** The number of supervisors employed by D.C.O.R. is a fluctuating one. The figures used here are based on the percent of the present

number of supervisors who are at the four pay grades
assuming that the proportions are the same.

Footnotes

1. Probation is a judicial decision to have a convicted offender supervised in the community and not incarcerated. It is a sentence which represents an alternative to incarceration.

Parole is an executive decision to release an offender after he has been incarcerated.

2. Georgia Department of Corrections/Offender Rehabilitation (DCOR), "Trended Historical Data and Projections," 1975.
3. Historically, definitions of recidivism rates have varied to such a great degree that they are virtually impossible to compare. They may show trends. Presently, the National Advisory Commission's definition, which includes a three-year tracking period, is becoming the accepted definition throughout the states. That definition states that recidivism consists of:

"(1) 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 a specific tracking period, and by

(2) 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."

(National Advisory Commission on Criminal Justice Standards and Goals, Corrections, Standard 15.5 (Evaluating the Performance of the Correctional System) 528 (1973).

In Georgia, of prison inmates released during the last quarter of 1971, 53 percent were rearrested and convicted within three years.

"The Georgia figure is based on computer analysis of records of 262 inmates who were released during the fourth quarter of 1971. During their first year after release, 56 had been arrested; and another 59 were arrested in their second year, and another 24 in their third -- a total of 139, or 53 percent. Only arrests leading to conviction or revocation were counted.

"Inmates released in the third quarter of 1971 had a recidivism rate of 49 percent. At this time, there is no way to tell whether the rise from 49 to 53 percent represents part of an upward trend or is simply a fluctuation caused by some irrelevant factor, except to wait and see what future reports reveal.

"Because of erratic reporting, especially from rural areas and smaller cities, and because of problems encountered in trying to match data, the records examined represented only 15 percent of the inmates who were actually released. Reporting is rapidly improving, however, and data matching problems are being overcome. It seems unlikely that better reporting will substantially alter the apparent recidivism rate, but it is a possibility that should be remembered in interpreting the trends that will be emerging with each successive quarter."

(This data is from a Bulletin published by the Research and Development Division of the Georgia Department of Corrections/Offender Rehabilitation, May 1, 1975.)

4. A "Recidivism Calculation" study produced by the Georgia Department of Corrections/Offender Rehabilitation in January, 1974, tracked 6,400 probated felons and 5,718 incarcerants released during calendar year 1972 for a period of one year. The study showed that of the 6,400 probated felons tracked, 200 committed new felonies during Fiscal Year 1973. This results in a rate of 3.1% for rearrest and conviction for felonies by the sample population over a one-year period. (Note that the figure does not include revocation of probation or arrest and conviction for a misdemeanor.) Of the 5,718 incarcerants tracked during the same period, 244 were back in prison within one year of release for a "return to prison" rate of 4.2%. (Note that the figure does not include rearrest and/or reconviction for any crime other than the one that lead to a return to prison and includes both "max-outs" and parolees.) This study tends to show that probationers may have a better chance of not returning to the correctional system than do those who have been incarcerated.

Another study, entitled "A Recidivism Comparison Between Max-Outs and Parolees," completed on May 9, 1975, by the Research and Development Division of the Georgia Department of Corrections and Offender Rehabilitation, compared 1966 "max-outs" with 2,099 parolees using the NAC definition of recidivism with the single deviation being that in the case of both samples the tracking period was from one day to 4 years. The study showed that 24.7% of the "max-outs" recidivated and that 18.6% of the parolees recidivated.

Both of the above studies, while not actually comparisons of standardized rates of recidivism, show indications that both probationers and parolees have a better chance of not re-entering the correctional system than do those who receive no supervision after incarceration.

5. State Board of Corrections, Cost Averages, 1975.
6. Georgia DCOR, Statistics prepared by Tim Carr, Chief of Statistics, August 15, 1975.

Another interesting cost analysis of incarcerating an offender was prepared by the Research and Development Division of DCOR in August, 1973. In this study, the cost of incarcerating one offender per year was estimated at \$17,678. Research to arrive at this figure is based on a population of 6,122 offenders. A breakdown of the cost is as follows: \$4,303 for administrative and institutional costs to maintain one offender per year; \$12,450 for potential generated income loss per offender per year (based on using an economic multiplier of \$3.00); \$650 for family welfare costs per offender per year; and \$275 for tax loss per offender per year. (Interview Bill Baughman, Director of Planning and Evaluation, Research and Development Division, DCOR, July 15, 1975.)

7. Probation/Parole Supervisor's Manual, Georgia DCOR, 5.01 (July 1, 1974).
8. Merrill Smith, As a Matter of Fact: An Introduction to Probation, 5-11 January, 1973.
9. Ibid.
10. Ibid.
11. Ibid.
12. Federal Probation System, (1974).
13. R. Goldfarb and L. Singer, After Conviction, 216-220 (1973).
14. Ibid.
15. Ibid., 267; and Florida Parole and Probation Commission, Annual Report, 15 (1974).
16. Ibid.
17. R. Goldfarb, 267.
18. Ibid.
19. Minnesota Corrections Authority, \$241.045 at 2988; and \$243.05 at 3014.
20. President's Commission on Law Enforcement and the Administration of Justice, Task Force Report, Corrections, 173 (1967).
21. Ibid.
22. Ibid.
23. Karen Dalton, Personnel Department, Florida Parole Commission, in a telephone interview, September 15, 1975.
24. David Williams, Assistant Director, Alabama Board of Pardons and Parole, in a telephone interview, September 15, 1975.

25. Paul McKee, Personnel Analyst, North Carolina Department of Adult Probation and Parole, in a telephone interview, September 15, 1975.
26. Richard Hodges, Director, Support Services, South Carolina Probation, Parole and Pardons Board, in a telephone interview September 15, 1975.
27. American Bar Association, Standards Relating to Probation, 102 (February, 1970).
28. Ibid.
29. Interview with Leonard M. Lieberman, State Government Liaison, Illinois Law Enforcement Commission, by telephone August 27, 1975.
30. News Release, Office of Governor of Illinois, February 8, 1975.
31. Atlanta Constitution, April 10, 1975.
32. Minnesota Department of Corrections, Mission Statement, October, 1974.
33. American Correctional Association, Mutual Agreement Program, (Resource Document #3), 1973.
34. Probation departments tend to perform for rather than with offenders.
35. Frequently the probation conditions imposed are not specific to the individual offender.
36. Offenders may be supervised longer than the offender requires.
37. Short term intensive supervision needs testing as to its efficiency and effectiveness.
38. Interview with Marc Salm, Senior Probation Program Analyst, New York Division of Probation, by telephone June 23, 1975.
39. In 1956, a Statewide probation system was created to be administered by a State Board of Probation. Ga. Code Ann. §27-2703 (1972). At that time the counties of Fulton, DeKalb, Cobb, Chatham, Muscogee, Bibb and Richmond were exempted from this system. Ga. Code Ann. §27-2716 (1972). The Executive Reorganization Act of 1972 abolished the State Board of Probation and transferred its administrative functions to the Board of Offender Rehabilitation. Ga. Code Ann. §77-506a (1973). The Division of Community Based Services was created by the Reorganization Act and given responsibility for the supervision of parolees and probationers. Ga. Code Ann. §40-35162.6 (1957). The office of the Director of Probation

was created in 1956; the incumbent to be appointed by the Board of Probation. Ga. Code Ann. §27-2704 (1972). The Executive Reorganization Act transferred this function to the Board of Offender Rehabilitation. Ga. Code Ann. §40-35162-5 (1957). The Department of Offender Rehabilitation was created by the Reorganization Act. Ga. Code Ann. §40-35162.1. The Board of Offender Rehabilitation was to be composed of nine members of the State Board of Corrections. (Ga. Code Ann. §40-35162.2). Since 1956, five of the seven counties exempted from the Statewide Probation Act have relinquished responsibility for all Superior Court Probation cases and now maintain only probation supervision over misdemeanants sentenced in the State Court. The two exceptions are Fulton and DeKalb Counties which continue to operate their own probation systems providing all probation services for those sentenced in the State and Superior Courts of those counties. In Fulton County, the Department of Offender Rehabilitation operates a State Probation Office which primarily serves probationers sentenced in counties other than Fulton and DeKalb and later transferred into the Fulton County area. In DeKalb County, the Department of Offender Rehabilitation operates a similar service, but additionally provides full probation services for those sentenced in Rockdale County, which along with DeKalb County, is in the Stone Mountain Judicial Circuit. (DCOR evaluation of NAC Corrections Standard 10.1-10.5, Probation.)

40. The three not providing direct services to offenders are General Services Administration, Research and Development and Offender Administration.
41. One person may have both parolees and probationers under supervision.
42. Ga. Code Ann. §27-2707 (1972).
43. Ga. Code Ann. §27-2710 (1972).
44. Constitution of Georgia of 1945: Article V, §I, paragraph XI; amended by Ga. Code Ann. §2-3011 (1973).
45. Ga. Code Ann. 2-3011 (1973).
46. Ibid., at §77-502.
47. Ibid., at §77-517. (However, the Executive Reorganization Act of 1972, Ga. Laws 1972, p. 1015, transferred the actual parole supervisory personnel to the Department of Offender Rehabilitation.)
48. Ibid., at §77-512.
49. Ibid., at §77-515.
50. Ibid., at §77-516.

51. National Advisory Commission on Criminal Justice Standards and Goals, Corrections, 113 (1973).
52. Ibid., 114.
53. Ibid., 560.
54. Institute of Government, University of Georgia, Judicial Administration in Georgia: A Case Study, p. 9, 1972.
55. Criminal Justice Standards and Goals for Georgia, "Position Paper Courts 7":, 1975.

56. Atlanta Parole District, DCOR, The Feasibility of Unifying Parole/Probation Systems under State Control, June, 1975.

57. Ga. Code Ann. §27-2707 (1972).

58. Ga. Code Ann. §27-2708; §27-2709. These sections have the effect of dividing the supervisors' duties as follows:

Investigation: Preparation of presentence investigation reports used by the judge in determining proper penalty for an offender; investigation of parolees and probationers to assure that offenders are abiding by the conditions of their release; preparation of pre-parole social reports which provide the Parole Board with information on a potential parolee's social background, and updating of parolee information to determine if the family, employer and community are ready for the inmate's release.

Supervision: Counseling probationers and parolees in the field or during their office visits; aiding the probationer or parolee in his adjustment by social case work, and referring the offender to other social agencies which offer specialized treatment services.

59. Interview with Linda Lyons, Research Analyst, Department of Corrections/Offender Rehabilitation, May 6, 1975.

60. Ibid.

61. Interview with Harold Newton, Assistant Deputy Commissioner, Community Services Division, Department of Offender Rehabilitation, in Lawrenceville, Georgia, May 5, 1975.

62. Georgia DCOR, "Caseload Trends," (March, 1975).

63. D.C.O.R. and the Parole Board, drawing upon their past experience with offenders' needs have established that these numbers of contacts are necessary for the offenders in the five categories and that if offenders are to be helped and their needs

met, the contacts should be no shorter than 45 minutes.
(Harold Newton, Assistant Deputy Commissioners, Community Services Division, D.C.O.R., in an interview 9/8/75).

64. Georgia D.C.O.R., "Caseload Trends", (March, 1975).
65. Ibid.
66. Ibid.
67. Georgia DCOR, "Trended Historical Data and Projections," 1975.
68. Georgia State Merit System, "Probation/Parole Supervisor I" (Job Description), September 1, 1972.
69. Ibid., "Probation/Parole Supervisor II."
70. Ibid., "Probation/Parole Supervisor III."
71. Ibid., "Probation/Parole Unit Coordinator."
72. Judy Miller, Personnel Department, D.C.O.R., in a telephone interview, September 12, 1975.
73. See Footnotes 68-71.
74. Ibid.
75. Dan Beal, State Coordinator, Probation and Parole, Georgia DCOR, in an interview, May 8, 1975.
76. Robertson Haworth, Executive Director, Board of Pardons and Paroles, in an interview, September 8, 1975.
77. Ibid.
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79. Ibid.
80. Cecil McCall, Chairman, Georgia Board of Pardons and Paroles, in an interview, September 8, 1975.
81. Allen E. Ault, Commissioner, DCOR, "Georgia Corrections -- A New Direction," April, 1975.
82. Ibid.
83. Ibid.
84. Ibid.
85. Allen Ault, Commissioner of Corrections, DCOR, in a speech to the Southern Correctional Managers Council, Myrtle Beach, S.C., Sept. 10, 1975.

86. Ibid.
87. Ibid.
88. DCOR, "Operation Performance: Crime Prevention through Effective Corrections, 1975.
89. American Bar Association, Standards Relating to Probation 2 (February, 1970).
90. The study weighted one work unit for each probationer supervised and five work units for each presentence investigation completed. Accordingly, a 50-unit workload could mean fifty supervision cases or ten investigations, or in a combined workload, thirty-five supervision cases and three investigations.
91. National Council on Crime and Delinquency, Standards and Goals for Adult Probation, 57 (1962).
92. American Correctional Association, Manual of Correctional Standards, 109 (1966).
93. President's Commission, at 167, note 19, supra.
94. N. Morris and G. Hawkins, The Honest Politician's Guide to Crime Control, 135, 136 (1970).
95. Ibid.
96. President's Commission, 28.
97. Goldfarb, 244.
98. National Advisory Commission, 46.
99. Interview with George Denton, Director, Ohio Department of Corrections, by telephone, May 20, 1975.
100. Interview with Richard Maher, Supervisor, Federal Probation Service, in Atlanta, May 9, 1975.
101. National Advisory Commission, 338.
102. Ibid.
103. American Bar Association, 101.
104. Goldfarb, 206.
105. Ibid.
106. Ibid.
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110. Atlanta Constitution, April 10, 1975.
111. Goldfarb, 675.
112. Ibid.
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