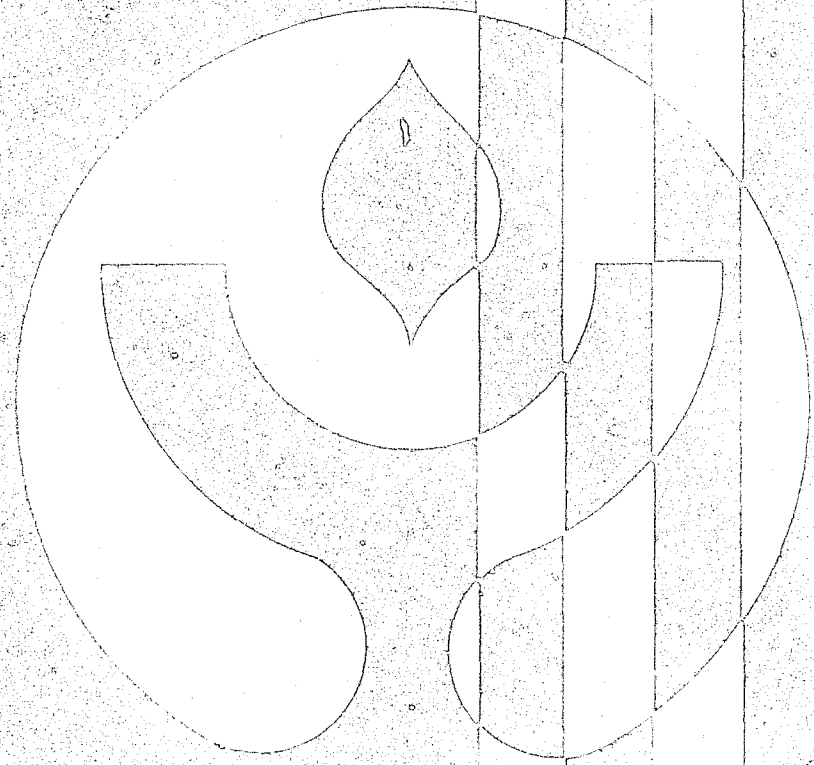


Alternatives to Imprisonment

70 Beacon Street, Boston, MA 02108

a thoughtful
approach
to crime
and punishment



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**ALTERNATIVES TO IMPRISONMENT:
A THOUGHTFUL APPROACH TO CRIME AND PUNISHMENT**

NCJRS

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PREFACE

This booklet is based on one prepared in 1978 by Jody Soper, an intern from the University of Iowa who worked with the Unitarian Universalist Service Committee's National Moratorium on Prison Construction (UUSC/NMPC) in San Francisco. I am most grateful to her for laying the groundwork out of which this edition was born.

One big change in this edition is the use of language. Based on work done by the Prison Research Education Action Project, we have been more careful in this edition to use language which speaks directly to the issue rather than language which evades it. To this end, where some might write "criminal justice system", we have written "criminal (in)justice system" to underscore how unjust the system is. We also use "prisons" and "jails" rather than the euphemisms "correctional institutions" or "detention facilities". And we call people who are imprisoned "prisoners", not "inmates" or "residents". These choices, we hope, will help us all remember the harsh realities which we face.

Finally, several people have played significant roles in pulling this booklet together. My co-workers in UUSC/NMPC, Carol Bergman, Walter Collins and Mary Mayhew, gave much time and careful attention to improving every draft. Michael Kroll, former NMPC coordinator in Washington, DC, provided valuable criticism and insight of early drafts. Jan Marinissen of the American Friends Service Committee in San Francisco helped with the re-thinking of many sections of the report. And Anne Barrett, UUSC United States Program Director, kept me moving forward to complete what at times seemed an endless task.

In fact, this booklet is no more a finished product than is our struggle for justice. It is a rough tool which should give us a little more understanding and a little more hope in our efforts to reduce the numbers of people caged in America.

Naneen Karraker
San Francisco, California
16 April 1982

INTRODUCTION

Like imprisonment, alternatives to locking people up in America are not simple solutions to crime. Instead, they are generally used to expand the net of repressive social control while not reducing the numbers of people locked up. (53) Some can cost more than imprisonment, at least in the short term. And for a variety of reasons, the establishment of alternative programs or procedures has thus far not been followed by a sharp reduction in the crime rate.

But these serious limitations must not keep those concerned about justice from vigorously advocating the full implementation of alternatives to imprisonment as part of reducing our over-reliance on the prison and jail and as a means of controlling crime.*

We do know that locking up people at a rate of about 298 prisoners per 100,000 "free" citizens is just too excessive. The United States imprisons more people per capita than any industrialized nation in the world except South Africa and the U.S.S.R. We also know that America arrests, convicts and imprisons mostly poor people and disproportionately Blacks, Latinos and Native Americans, even though crimes are committed by people of all socio-economic levels and of all races. We focus our criminal (in)justice efforts on street crimes (both assaultive and non-assaultive) and, in comparison, virtually ignore "crimes in the suites" such as consumer fraud and other decisions by the powerful which cause enormous pain and suffering. We lock up the "street criminal" and, with few exceptions, allow the "suite criminal" to remain in the community. This lop-sided approach is harmful to those imprisoned, is poisonous to a society which is based on the ideal of freedom and dignity for *all* people, undercuts efforts to heal the suffering of crime victims, and does nothing to reduce crime.

We know also that the roots of both street and suite crime lie far deeper in the social, political, and economic conditions of society than they do in the individual. When a society supports the basic needs of all its members then crime is minimal. When a society neglects to meet those needs for citizens, then crime increases. Obviously, what are perceived as basic needs vary from individual to individual and society to society. In modern American society, for example, we know that an increase in unemployment rates increases the rates of suicide, mental hospital admissions and crime. (9) This phenomenon seems to have much to do with feelings of powerlessness and alienation that accompany a lowering of status in a society that places tremendous emphasis on material wealth as the major indicator of status. Many people somehow cope with these feelings without hurting themselves or others; many do not. Street crime is one result.

The American response to this street crime is to spend billions of dollars to catch, prosecute, and lock up millions of people each year and to do little to assure full employment, decent housing, the best health care and excellent education for all people. Rather than moving as quickly as we might toward an economically and politically just society, America supports a costly war on street crime. Building more prisons and jails is one of the more visible parts of this war.

The National Moratorium on Prison Construction of the Unitarian Universalist Service Committee (UUSC) advocates a halt to building more prisons and jails. We are also working toward the full implementation of alternatives to imprisonment as a better approach to the problem of crime. These alternatives can be seen as both long-term and short-term. In the long term, alternatives to imprisonment involve social, political, and economic changes which would result in a just society. In the short term, they involve a variety of programmatic and procedural changes in the criminal (in)justice system which reduce the numbers of people locked up. As we work toward a just society, there are many programs and procedures that can be implemented right now.

*The difference between prisons and jails is important. Jails are places of relatively short confinement, holding people awaiting trial and/or sentenced for less than one year. They are generally city or county run. Prisons are places of long confinement, holding people for one year or more. They are generally run by states or the federal government.

Contrary to popular opinion, the majority of people in prisons and jails are *not* a danger to society. Recently, the director of the U.S. Justice Department's National Institute of Corrections estimated that 50% of all state prisoners could be released safely to the community. Many prison officials estimate that 75-80% of prisoners in their institutions could be safely released. (44) Additionally, 52% of the jail population is confined while awaiting trial; in other words, they are, with rare exceptions, too poor to pay their bail. Though some pre-trial prisoners may be dangerous, most are not. For all these people, there is a wide range of less restrictive options than imprisonment to assure public safety and justice.

The alternatives to imprisonment discussed in this booklet focus primarily on adults, not on children. About ten percent of the people imprisoned in the United States are under the age of 17. Many of these children are locked up for status offenses or behaviors which would not result in imprisonment if the prisoner were an adult. These behaviors include running away from home, being on the streets late at night, cursing in public, refusing to attend school on a regular basis.

A vigorous movement over the last ten years to get children imprisoned for these actions out of prisons and jails has been somewhat effective. This movement gained substantial support during the 1970's as indicated by passage of the federal Juvenile Justice and Delinquency Protection Act of 1974. Tragically these gains are being eroded in the 1980's by passage of laws requiring certain children to be tried as adults and by efforts to treat other children who have behaved violently or in ways troublesome to adults more harshly.

We are deeply understanding and supportive of the urgent need to continue reducing the numbers of children imprisoned in this country and to provide supportive services to troubled youth. However, since there is more support for alternatives to imprisonment of children than for alternatives to imprisonment of adults, we have chosen to emphasize here ways of reducing the numbers of adults in prisons and jails. (See Appendix for a list of nationwide advocacy groups for children.)

Before beginning our discussion of the alternatives to imprisonment which we can support, we would like to list some of the criteria which we believe are essential for any degree of success.

ALTERNATIVES TO IMPRISONMENT SHOULD:

- 1) be the least restrictive and coercive, consistent with public safety;
- 2) be designed for people already in prisons and jails, or those most likely to receive prison or jail sentences;
- 3) seek to reconcile the victim, the community, and the convicted person;
- 4) involve laypersons (particularly crime victims and prisoners or ex-prisoners) in the design and implementation of the program, wherever possible;
- 5) have a positive, clear, achievable goal;
- 6) allow for multiple options;
- 7) not promise to cure crime, end recidivism, or rehabilitate people.

In the following pages, we provide examples of several specific alternative programs and procedures which meet the above criteria and which are presently being applied with reported success. We believe, however, that if the creative energies of individuals and communities can be engaged in the effort to reduce our reliance on imprisonment, programs and procedures will emerge which have not yet been imagined. Please keep this in mind as you cite these examples or prepare to replicate them elsewhere. And keep in mind, too, your own potential for creative thinking.

PRE-ARREST

DECRIMINALIZATION OF VICTIMLESS CRIMES

Definition

A victimless crime is a legislatively-declared moral standard condemning behavior which directly affects only the person or persons actively involved. Such "crimes" include drug addiction, alcoholism, homosexuality and other voluntary sexual acts between consenting adults, gambling, and prostitution. Victimless crimes by children (status offenses) include truancy and running away from home — acts which, if committed by adults, would not be considered crimes.

Discussion

Victimless crimes make up a major portion of arrests in the United States. In 1978, for example, 25% of all arrests were for these crimes; and when the undefined category "all others but traffic" was included in the count, the number rose to 43% of all arrests. (75) This bogs down the courts with minor offenses which require disproportionately large amounts of law enforcement resources. (1, 32)

The UUSC advocates removing all victimless crimes from the criminal code. In 1972, after a two year study, this stance was supported by a committee of prominent lawyers within the American Bar Association. Similarly, in 1973, the National Advisory Commission on Criminal Justice Standards and Goals, a commission made up of ex-governors, police officials, judges, etc., recommended that states not impose jail sentences for gambling, marijuana use, pornography, and private sexual acts between consenting adults. (65)

THERE ARE THREE TYPES OF STATUTORY DECRIMINALIZATION WHICH MAY BE USED:

- 1) *outright decriminalization* — This would remove particular offenses (such as homosexuality and other voluntary sexual acts between consenting adults) from statutory prohibition, while making no attempt to penalize, regulate, or provide treatment.
- 2) *reclassification* — This is most effectively used in instances where conduct cannot be effectively deterred by criminal sanctions. Such a measure shows special disapproval and downgrades the criminal penalty for a particular crime (such as drug and alcohol abuse), while leaving the way open for treatment.
- 3) *substitution of non-criminal response* — This action substitutes criminal sanctions with non-criminal responses by regulating acts rather than prohibiting them (i.e. legalizing prostitution, gambling). (1)

THERE ARE VARIOUS REASONS WHY THE UUSC SUPPORTS THE DECRIMINALIZATION OF VICTIMLESS CRIMES:

- 1) The UUSC does not believe it is society's proper function to legislate private citizen morality.
- 2) With the creation of victimless crime laws, our society has made deviants/criminals out of persons who would otherwise not be labeled as such. Psychologists agree that labeling tends to affect a person's self-concept and, therefore, his or her conduct. (34, 68)
- 3) It is virtually impossible to enforce victimless crime laws effectively. This fact tends to have a demoralizing effect on law enforcement. (65)
- 4) Prosecution of victimless crimes tends to stimulate more dangerous "satellite crimes." (65)

5) The cost, both in person-hours and money, is staggering, while putting those who commit victimless crimes in jails/prisons generally exacerbates their situations rather than helping them.

6) Victimless crimes are particularly susceptible to selective enforcement by police. Examples of this would be harassment of homosexuals and prostitutes.

In conjunction with the decriminalization of victimless crimes, the UUSC supports non-coercive services which help people solve their problems. These include alcohol and drug abuse centers, and support groups for people involved in prostitution and gambling who want to change their lifestyles. (65)

Example

- The state of California saved local criminal justice agencies \$25 million in one year after the possession of under one ounce of marijuana was changed from a felony to a misdemeanor. (57)

MEDIATION/ARBITRATION CENTERS

Definition

Community-based mediation and arbitration centers provide neighborhoods with a forum for resolving disputes before violence erupts and instead of taking the dispute through the court system.

In centers which utilize mediation, the conflicting parties themselves are helped to make mutually acceptable resolutions. Centers which utilize arbitration provide a trained, neutral party or panel which hears complaints and makes decisions regarding them. (63) The range of cases which can be handled by such centers is wide, including assault and battery, destruction of property, telephone harassment, petty larceny, shoplifting, tenant/landlord disputes, health code violations, bad checks, family disputes, and breaches of contract. (37)

Discussion

There is a great need for more mediation/arbitration centers; court costs are exorbitant, and courts are often unable to solve disputes satisfactorily. Mediation/arbitration centers can provide speedy means of settlement and help insure resolution of disputes. Centers are usually easily accessible to the public, encourage people to deal with their own conflicts, and encourage personal interaction.

There are two types of mediation/arbitration centers operating in various areas of the country - those which are totally community-based and have little or no "official" sanction, and those programs which are sponsored by a prosecutor's office. Both types use informal dispute settlement processes, relying quite successfully on experience gained in labor relations, administrative law, international relations, psychology and psychiatry.

The UUSC supports the development of community-based programs over "official" programs for several reasons. First, there is less potential for official coercion with community-based programs. Second, such programs depend entirely on the active participation and cooperation of community members, and thus help to create a supportive network and allow the community to gain more control over its internal affairs. (77)

Examples

- The Community Board Program in San Francisco, California, offers one of the few truly community-based programs in the country. It utilizes trained neighborhood volunteers to serve on panels which resolve disputes and work toward changing particular

neighborhood conditions which contribute to problems and criminal activity. (42)
Contact: Community Boards Program; 149 - 19th Street; San Francisco, CA 94103

- In New Haven, Connecticut, the Fair Haven Community Mediation Program organizes local residents to hear disputes involving landlord/tenant disagreements, vandalism, and complaints of trespassing or noise. Contact: Fair Haven Community Mediation Program, Inc.; 162 Fillmore Street; 2nd Floor; New Haven, CT 06513

DRUG AND ALCOHOL CENTERS

Definition/Discussion

Many people who are convicted of drug and alcohol offenses are sentenced to serve time in prisons or jails. These places are not equipped to help drug and alcohol abusers solve their problems nor are they able to do anything about improving social and economic conditions which contribute to abuse. At best, they force individuals to go without alcohol and/or drugs for the length of their stay. More commonly, there is easy access to drugs within the confines of prisons and jails. In fact, many drug users who have served time claim it is often easier to "score" drugs in prisons or jails than on the streets.

The overall social costs of this situation are enormous. It is generally recognized that many burglaries and robberies are drug related. Added to the financial losses suffered by the victims of these crimes is the substantial and largely wasted cost of processing the people arrested for burglaries and robberies through the criminal (in)justice system. Finally, society as a whole is deprived of any constructive input from the thousands of people caught in a cycle of addiction - a loss which cannot be counted in purely monetary terms.

"Real treatment or therapy will never work in the traditional setting," said the superintendent of Iowa's women's reformatory, "because whenever there's a choice between rehabilitation efforts or custody, custody wins out." (13) If we are serious about helping alcoholics and drug abusers escape from self-abusing cycles, and if we intend to cut down on drug and alcohol related crimes, we must promote community-based responses, not banishment.

Addiction, drug or alcohol, is a complicated matter. Many of the existing drug and alcohol programs are not as effective as they might be. Effective therapy can only exist where there is a voluntary contract between the user and the helper. In other words, the user must have a willingness and desire to change. This creates serious problems for centers which receive clients through court or police referrals.

Another problem arises out of trying to match the individual abuser with the "right" program for his/her needs and personality. Some programs operate under very strict rules of conduct, while others offer freer environments. There are abusers who take advantage of the privileges offered by certain programs, while others react quite strongly against extensive restrictions.

These problems should not discourage further drug and alcohol program development. They must, however, be addressed particularly in light of the role of social and economic pressures on drug and alcohol abusers. The UUSC supports expansion of voluntary, community-based centers geared toward helping individuals solve their problems and toward challenging the socio-economic conditions which increase abuse.

Examples

- The Delancey Street Foundation in San Francisco, California, offers a unique and highly successful program for some drug abusers. It is a residential program which demands a minimum commitment of two years and willing participation in regular confrontive group therapy sessions. Residents participate in various Delancey Street enter-

prises which help to make the foundation self-supporting. Contact: Delancey Street Foundation; 2563 Divisadero Street; San Francisco, CA 94115.

- Montgomery County Emergency Service, Inc. provides a 24 hour alternative to arrest and jail for people with psychiatric, drug, and alcohol problems. Contact: Montgomery County Emergency Service, Inc.; Bldg. 16, An Emergency Psychiatric Hospital; Stanbridge and Sterigere Streets; Norristown, PA 19401; 215/277-6225.
- Stepping Stones in Washington, D.C., is a residential program for male alcoholics. There is emphasis on connection of the program with the community around it. Contact: Stepping Stones; 736 - 6th Street NW; Washington, DC 20004.

CITIZENS RIGHTS EDUCATION

Definition/Discussion

Knowledge of the law enforcement process and our legal rights provides a possible buffer to entanglement in the criminal (in)justice system. It is important that citizens understand their rights regarding such issues as arrest, the witnessing of a crime, picketing, search and seizure, due process, freedom of information, or the issuance of traffic violations. This kind of knowledge can help a person avoid arrest, lessen the chance that s/he will be detained pre-trial, and help protect him/her throughout the trial process.

Knowledge about the criminal (in)justice system seems particularly important for people who belong to "high harassment level" groups, such as people living in low income neighborhoods, minorities, and youth. Both public and private agencies should provide basic legal information to the public. Schools, churches, youth centers, radio talk shows, television, and print media are avenues for distributing this information.

Example

- The American Civil Liberties Union produced a series of handbooks on the rights of over a dozen groups or classes. The ones most relevant to this discussion are *The Rights of Ex-Offenders*, *The Rights of Mental Patients*, *The Rights of the Poor*, *The Rights of Prisoners*, *The Rights of Suspects*, *The Rights of Gay People*, *The Rights of Aliens*, *The Rights of Military Personnel*, and *The Rights of Veterans*. They are available for \$1.50 to \$1.75 plus postage from Avon Books, Mail Order Dept., 250 West 55th St., New York, NY 10019.

PRE-TRIAL

CITATIONS AND SUMMONSES

Definition

All states have statutes which permit the police to issue written summonses and citations to appear in court, rather than arresting a person and confining him or her in jail until court time. Usually, each jurisdiction determines which offenses are eligible for the issuance of a citation or summons. Citations substitute for much of the traditional field arrest, while summonses replace warrants for arrest. (78) Citations are also used after arrest, in lieu of booking someone in jail. See the next section on pre-trial release for details.

Citations and summonses are similar to traffic tickets and give the time and date for the court appearance. As with non-financial release programs, the failure-to-appear rates for those issued citations and summonses are the same or lower than the rates for those people who are released on bail. (78)

Discussion

The cost-effectiveness of using citations and summonses extensively is considerable. If used in lieu of arrest, the issuing of citations and summonses by police and courts can cut the cost of traditional arrest by 10-41%. Studies indicate that with screening of arrestees in order to keep failure-to-appear rates down and the establishment of a broad base of eligibility for release, a substantial percentage of the people who might go to jail do not. (78) This can cut costs of jailing and can ease jail overcrowding.

Example

- Oakland, California had an outstanding citation program which included both field and jail citations for misdemeanor arrestees. Low default rates, high utilization, and large savings of time and money have made this program a success. From February 23, 1970 to May 31, 1971, 54.7% of the 7,993 eligible misdemeanor arrestees received field and jail citations. The failure-to-appear rates compared very favorably to those of own recognition and bail release defendants during the same period of time. (2)

PRE-TRIAL RELEASE AND PRE-TRIAL SCREENING

Definition

Pre-trial release includes a variety of procedures following arrest. These procedures determine eligibility for release based on assurances that (1) the defendant will return to trial or (2) the defendant need not return to trial. In the first type, bail or ties to the community are the criteria for release. In the second type, the seriousness of the offense charged and strength of the prosecution's case determines eligibility. In some instances charges are dropped; in others prosecution is suspended until the defendant completes a rehabilitation or "diversion" program.

Pre-trial release options are:

- 1) Assuming return to trial
 - a) *citation release from jail* - People who can show identification and whose "criminal" behavior is judged by jailers as non-continuing may be released before they are actually booked into a jail. They are given a citation showing when they must appear in court.

- b) *release on own recognizance (ROR)* — This option allows pre-trial release based on criteria which supposedly show strength of ties to the community. These include present and prior employment history, prior criminal record, length of time at one or more residences in the area, and family ties. Other forms of ROR include release to the care of an established person or private institution in the community and release with conditions such as regular reporting to the court or pre-trial agency.
 - c) *bail* — The payment of money to the court in exchange for freedom. The bail is theoretically returned if the person returns to court. Bail is usually set either by an officer of the court on a case by case basis or according to a bail schedule in which an amount is pre-determined for most offenses. Bondsmen usually require 10% of the bail set as payment for their services of posting the full bail (and of tracking down people who jump bail). In some states, the law allows an arrested person to pay 10% to the court; 9% is then returned to the defendant if he or she makes all court appearances.
- 2) Assuming no return to trial.
- a) *pre-prosecution screening* — Prosecutors usually assess cases to decide whether or not to prosecute. These decisions are usually based on departmental policies about what kinds of crimes should be prosecuted and/or on the strength of the case. (31)
 - b) *pre-trial diversion or intervention* — Diversion is generally a procedure by which the prosecutor agrees to suspend prosecution until the arrested person completes a rehabilitation program such as drug treatment, counseling, or even community service. If the program is completed, the charges are dropped. If the program is not completed, prosecution continues.

Discussion

The United States Constitution guarantees that a person shall not be deprived of life, liberty or property without due process of law and that excessive bail shall not be required. Our legal system also includes a presumption that a person is innocent until proven guilty.

In practice, these constitutional rights are compromised significantly during the pre-trial phase of the criminal (in)justice process. Until the mid-1960's, posting of money bail was the only formal means of pre-trial release for people who had to face prosecution. Unless a defendant could pay full bail to the court or 10% of that amount to a bondsman, he or she would stay in jail until acquitted or, if sentenced to jail or prison, until the end of sentence. Rarely were defendants released on their own recognizance.

In the 1960's formal procedures and staffed projects were established to facilitate own recognizance release. The Vera Foundation in New York City was the pioneer in this field. Vera set up a set of criteria to show strength of community ties so that people without adequate funds could be released without having to pay bail. Their efforts showed a failure-to-appear rate less than that for those released on bail. Throughout the late 1960's and early 1970's, Vera-type pre-trial release projects sprang up across the country and showed equal "success."

Unfortunately, these pre-trial release projects have been unable to replace the bail system and many people remain in jail because they cannot pay bail. The constitutional right to reasonable bail has not been assured.

Preventive detention or the detention of people believed to be dangerous has been one major reason for this situation. One of the criteria for ROR is prior criminal record. It was intended to help show whether or not a person would return to trial. Instead it is used to show level of dangerousness. Somewhat like the use of excessive bail, ROR criteria of prior record are used to detain presumably innocent people before trial. This became such an issue that jurisdictions such as Washington, DC have attempted to formalize preventive detention by setting up

legal procedures beyond bail setting or assessing ROR eligibility. (4) In some states, preventive detention of the mentally ill who have been arrested is legal. (28, 62)

Another compromise of constitutional guarantees involves pretrial diversion. The presumption of innocence is severely weakened when someone agrees to take part in a rehabilitation program while prosecution is suspended. The unspoken understanding is that if the arrested person were not guilty, she/he would not agree to diversion, but would go to trial. In addition, if the person "fails" to complete the diversion program, then he/she has a harder time proving innocence. Agreement to diversion can be tantamount to admitting guilt. (10, 20, 22, 61)

Though these pre-trial release efforts are laden with problems, the formalization of non-monetary release processes has helped show that people will return to trial on their promise. These processes have also allowed the release of many people who would otherwise be jailed before trial.

Examples

- San Francisco's sheriff instituted in 1980 a vigorous policy of citation release from jail. Studies of the procedure show that the average citations issued each month rose from 360 in 1979 to 797 in 1981. Overall this was a 122% increase. (38)
- Since the mid-1960's numerous own recognizance release projects have been set up around the country. They have helped facilitate the pretrial release of many people who would otherwise have had to remain in jail because they could not pay their bail. (73) Most major cities have a project which is either private or part of probation.

SYSTEM OF CLEARING HOLDS

Definition

A detainer (or hold) is a request from one criminal (in)justice agency to another to be notified before a particular prisoner is released. If the detainer has not been cleared at the time the prisoner is scheduled for release, s/he will be transferred to the custody of the jurisdiction or agency from which the detainer originated.

There are a number of circumstances which can give rise to a hold or detainer: an out of state traffic ticket which has run to warrant, a pending prosecution by the Immigration and Naturalization Service, an outstanding arrest warrant other than traffic, or pending probation or parole revocation proceedings. (25)

Discussion

A detainer can be filed without any determination of whether the underlying charges are valid. In fact, detainers are filed routinely and casually. Over 50% of all pre-trial detainees and 30% of all federal prisoners carry holds. A great portion of these detainers will never be exercised either because they are invalid or because the underlying charges are too trivial to merit prosecution. In the meantime, the impact on the prisoner is tremendous, since pre-trial release, the opportunity to enter work furlough programs, early release and similar options are commonly denied those prisoners with detainers. Such situations can place prisoners under great stress and can cause family problems. There is also unnecessary cost to the taxpayer, since many arrested people with holds are shipped to the appropriate jurisdiction only to be sent back days later when officials realize the hold is invalid. (25)

The widespread use of computers within the criminal (in)justice network should make the lifting of invalid holds and the resolution of outstanding detainers a comparatively easy procedure. However, the absence of either trained personnel or uniform guidelines now makes the process of removing detainers time consuming and difficult.

Example

- An example of a holds clearance program exists in San Francisco, California. The San Francisco Prisoners Services staff is trained in holds clearance. This has resulted in a lower jail population and a saving to the taxpayer, without causing an increase in the local crime rate. Contact: Prisoner Services; San Francisco Sheriff's Department; 245 Harriet Street; San Francisco, CA 94103.

WEEKEND AND NIGHT COURTS

Definition/Discussion

Most criminal courts operate on weekdays only between 8 or 9 a.m. and 4 or 5 p.m. Week-day courts ignore the following: 1) Some portion of the people who are arrested must work during the day and therefore, court appearances during the day are disruptive, either causing people to miss work or to miss court appearances. 2) A sizable portion of the people arrested are arrested at night or during weekends. Unless these people can pay bail according to a bail schedule, they must (with the exception of the few who are released by jail citation or on their own recognizance) stay in jail until their arraignment.

One obvious approach to these problems is to provide courts which operate during night hours and on the weekends, both of which are peak arrest periods. This approach would require some judges, district attorneys, defense attorneys, and their staffs work at night and on weekends. This could cost more for the courts, but savings in jailing expenses would be reduced.

Examples

- Maricopa County and the City of Phoenix, Arizona originally scheduled court sessions for 10:30 a.m. and 2 p.m., five days per week. When the sheriff was ordered by the court to reduce the jail population, both the county and city courts instituted a new schedule. Beginning in October 1981, hearings were held on Thursdays through Sundays at 2 a.m., 5 a.m., 9 a.m., and 2 p.m.; on Mondays through Wednesdays, the old schedule continued. The new schedule has been so effective in reducing the numbers of pretrial prisoners, that local administrators are proposing expanding the Thursday through Sunday schedule to seven days per week.
- San Francisco County has, for the past several years, held Traffic Court on the second Thursday of each month. They also have scheduled Small Claims Court for an evening session on one Wednesday per month.

POST-TRIAL

RESTITUTION, FINES, AND COMMUNITY SERVICE

Definition

The imposition of restitution, fines, or community service is becoming increasingly popular as a sentence for people convicted of certain kinds of offenses. A fine is a sum of money imposed as a penalty for an offense and is usually paid to the state. Restitution carries the concept behind imposition of fines a step further. It is the act of making good or compensating for loss, damage, or injury — the restoration of a previous condition. Community service means working as a volunteer in a public or private, non-profit agency for a prescribed period of time.

Discussion

Fines have been most commonly used with the option of paying the determined fine or going to jail. In many cases fines have been imposed on people who were unable to pay, or, in the case of corporate offenses, were merely considered another cost of doing business.

Fines can be used most effectively if certain criteria are kept in mind: 1) The fine should act as a deterrent to continued criminal acts. For example, a fine imposed on a juvenile but paid by the parents has little impact on the juvenile. 2) The fine should reflect the seriousness of the offense as well as the financial situation of the defendant. 3) Fines should only be used in cases where they won't interfere with restitution to the victim. For example, if the person cannot afford to pay both a fine to the state and restitution to the victim, the court should impose only restitution.

Restitution is becoming recognized as a constructive sentencing option for victims as well as wrongdoers. "Creative restitution" demands that the convicted person leave the situation better than before the offense was committed, often through the imposition of double or triple payment of damages, or a requirement that the person personally repair any damage done. This sanction is particularly effective in dealing with white collar crime. For example, rather than fining a manufacturing plant for polluting river waters, the judge can issue a fine as well as order the plant directors to personally supervise the clean up operation. The objective of "creative restitution" is to restore feelings of goodwill and harmony to the victim(s). (63)

In cases where the convicted person is unemployed or can only afford to make compensation in installments, it is important that the state provide prompt restitution to the victim. The convicted person should be assisted in finding employment in order to complete restitution himself/herself and/or to pay back to the state. The state may also need to provide counseling and legal support to some victims whose lives would otherwise not be fully restored.

Community service requires caution in its application. Care should be taken not to infringe on the person's normal working hours and not to take advantage of the potential "slave-like" quality of the situation. Such programs do not necessarily cost extra tax dollars, because they can be administered either by existing court personnel or by organizations which have a policy of utilizing such services. In most cases, persons sentenced to community service are allowed to choose the kind of work they want to perform, although for some offenses, such as drunk driving, judges may require that the person perform a task specifically related to his/her offense, e.g. working in a detoxification center.

Examples

- The Alternative Assignment Project 20 is a sentencing alternative project in San Francisco, California, which utilizes approximately 100 government and non-profit agencies. The program is used for people convicted of a wide variety of offenses ranging from traffic violations to felonies. Convicted persons are interviewed by Project 20 staff to

determine the appropriate community service assignment for them. For every dollar spent in this program, the city saves \$7.00. The project has a high follow-through record of program completion. Contact: Project 20; San Francisco Probation Department; 860 Bryant Street; San Francisco, CA 94103.

- Sweden has a day fine program which utilizes a sliding scale of payments based on the financial resources and family responsibilities of each individual (.1% of a person's total income). The scale determination is reduced to a "per diem" sum. The seriousness of each crime is ranked on a scale of 1-120, with minor offenses constituting one day fines and the most serious contributing 120 day fines. Fines may be paid in installments when necessary. (56)
- The Quincy, Massachusetts, "Earn It" program involves supervision of convicted people who are required to pay restitution by means of a vigorous employment effort. Between early 1976 and August 1980, more than \$500,000 was restored to victims. Contact: Earn It Program; District Court of East Norfolk; 50 Chestnut Street; Quincy, MA 02169.
- The New York Community Service Sentencing Project arranges community service for people convicted of misdemeanors in the boroughs of Manhattan, Brooklyn and the Bronx. In the first six months of the project, 90% of those involved in the project successfully completed their terms of work. The staff estimates that, with 1000 participants per year, 83 jail cells can be emptied. Contact: Vera Institute of Justice; 30 East 39th Street; New York, NY 10016.

PROBATION

Definition

Probation is a sentence involving some level of supervision in the community for a prescribed period of time. The least restrictive form of probation involves staying "arrest-free" for the duration of the sentence. Other forms require regular reporting of activities, residence, etc. to a probation officer and often attendance in a treatment program. In many jurisdictions, volunteers work with probation officers. Frequently, probation is combined with a suspended jail or prison sentence. If the terms of probation are violated, the person is sent to jail or prison.

Discussion

Initially, probation was staffed by volunteers. The role of the volunteer was as a helper to the person sentenced to probation and their communications were kept confidential. Eventually, volunteers were replaced by paid staff, accountable first to either the judicial or the executive branch of government and second to the person on probation.

During the community corrections enthusiasm of the 1960's and early 1970's, probation expanded both in its use and its content. The idea behind this expansion was that if people convicted of crimes could get enough professional social services support, they would do better in the community than in jail or prison. Probation was a major vehicle for this support. (See section on work/education furlough for more information.)

A wide variety of special probation programs were set up, e.g. intensive supervision, group counseling. The National Advisory Commission on Criminal Justice Standards and Goals report, *Corrections*, called for replacing imprisonment with probation as the standard sentence. (52) California adopted Probation Subsidy, a pioneering concept of paying the counties for each person not sent to state prison above an agreed number of people allowed to go. By 1976, after ten years of this program, state figures showed a fiscal savings of over \$120 million and a reduction of 43,000 commitments to state prisons. (36) This program became the model for community corrections acts in Minnesota, Oregon, and Kansas.

Unfortunately, the vision of probation as the replacement of imprisonment and as a humane approach to crime has not materialized. On one hand, probation was seen by many people sentenced to its authority as a kind of "street prison." Probation officers because they may carry guns and make arrests, are seen more as oppressors than as helpers. This situation undercuts virtually every hope on which expansion of probation rested. On the other hand, law-and-order fanatics pounced on every incident in which a person on probation committed another crime. They argued that probation was just a "slap on the wrist" and lobbied vigorously both in the media and legislatures for longer mandatory prison sentences.

This battle around probation underscores some of the most serious drawbacks to reform of the criminal (in)justice system. Without a major shift in society's attitudes about crime and justice, reforms will fail to fulfill the vision behind them. Liberals will lose faith in progressive change and conservatives will be able to reinstate more punitive, short-sighted responses to street crime. (24, 71)

Examples

- Client Specific Planning is a relatively new alternative to both probation and prison or jail. For a fee, an alternative sentence is arranged and presented to the judge. Contact: National Center on Institutions and Alternatives; 1337 — 22nd Street NW; Washington, DC 20037; 202/657-4156.
- Volunteers in Probation (V.I.P.) began a decade ago in Royal Oak, Michigan and has been taken on by numerous probation departments around the country. Though these volunteers are freer to be helpers than are probation officers, many of the serious limitations discussed above still apply. Contact: Volunteers In Probation; 200 Washington Square Plaza; Royal Oak, MI 48067.

SHORT DETERMINATE SENTENCES

Definition

Determinate sentencing gives convicted people definite sentences with unconditional discharges at sentence expiration. Individual sentence length is usually determined by considering the severity of the crime committed and the mitigating and aggravating factors associated with the particular crime. (70) Once a sentence is set, a prisoner may shorten his/her stay by doing "clean time" or a recalcitrant prisoner may lose privileges, but in neither case can the person be held any longer than the fixed sentence period. In some jurisdictions, however, an additional sentence may be placed after a special hearing.

Discussion

Before beginning a discussion of determinate sentencing, it is important to give some background on the indeterminate sentencing system:

In an effort to protect women, early reformers developed the indeterminate sentencing concept. Its goal was to allow women who showed a readiness to return to their communities to obtain an earlier release than the sentence determined by the judge. Later, indeterminate sentences were expanded to cover both male and female prisoners. (13)

However, the original concept of providing earlier release for those prisoners who had rehabilitated themselves was drastically altered over time because of a conflicting societal goal. This goal strove to socialize low income people, immigrants, and minorities to the "puritan ethic" way of life. Crime in the streets, comparatively petty in its direct costs compared to white collar crime, represented a potentially revolutionary rejection of the accepted values of private property, status, and hard work. Therefore, indeterminate sentencing was transformed from its original concept of protecting women prisoners to an effective means of keeping people in prison

until prison officials felt they were rehabilitated to society's values. (45) The result is that prisoners given indeterminate sentences often serve longer sentences for the same crimes than those given determinate sentences.

The UUSC does not support putting most people in prison or jail. We know that imprisonment is a dishonest approach to controlling crime and that we must strive for approaches which get to the root causes of crime. Yet, as long as judges continue to sentence people to prison or jail, the UUSC urges the universal application of short, determinate sentencing. In conjunction with short, determinate sentencing, we stress that prison or jail sentences should only be given after a thorough consideration of *all* the alternatives to incarceration available in a community.

There are many arguments which support short, determinate sentencing. We shall discuss some of the more important ones:

1) Short, determinate sentencing should help to lower prison populations by limiting the length of prison sentences. Lower populations should ease, if not eliminate, the need to build new cages. If shorter sentences are combined with full utilization of community-based alternatives, criminal justice costs should fall.

One need only look at the Netherlands where the average prison sentence is 3 months compared to the U.S. average of 25 months in state prisons and 27 months in federal prisons. (79) In the Netherlands, the imprisonment rate is 22 prisoners per 100,000 people not in prison; in the United States, the rate is 260 prisoners per 100,000. (63)

2) The studies which look at the relationship between imprisonment of any length and crime rates show no deterrent effect. (3, 6, 18) There is also evidence that shorter sentences are related to lower recidivism, or return-to-prison, rates. (16) One dramatic, well-documented example of this relationship is the early release of about 1000 prisoners in Florida following the *Gideon* decision. After 2½ years, the early release prisoners had a recidivism rate *half* that of prisoners released at the end of their regular terms. (50)

3) An alarming aspect of indeterminate sentencing is the wide disparity between sentences given different convicted persons for similar crimes. One of the most striking studies demonstrating this disparity gave 50 federal district court judges of the second circuit the same case files and asked them to recommend sentences. An extortionate credit transaction case received sentences ranging from 3 years to 20 years plus a \$65,000 fine. A bank robbery case received sentences ranging from 5 years to 18 years plus a \$5,000 fine. (59) A more recent study of 264 federal judges showed sentences ranging from no imprisonment to 20 years or more for hypothetical and identical bank robbery and fraud cases.

Factors other than judicial discretion also affect sentence lengths. Race affects the severity of punishment. Punishment for crimes between black perpetrators and white victims is much greater than between black perpetrators and black victims. Many times, certain cases are handled according to the amount of public pressure and interest in the case rather than its severity. This pressure often determines how hard a prosecutor will press the case, if s/he will allow the defendant to plead to lesser charges, etc. (70) Determinate sentencing lessens the chance for sentencing discrepancies and helps to insure equal treatment for all.

4) The uncertainty about release time which indeterminate sentences create has a negative influence in prisoners' lives. Uncertainty tends to make prisoners bitter and mistrustful of authority figures, and later, this mistrust and bitterness can carry over into their private lives. Uncertainty also promotes "putting one over on the Man." It coerces prisoners into participating in rehabilitative programs only as a ploy to impress parole boards to gain earlier release. Determinate sentences eliminate these uncertainties and permit prisoners to participate in rehabilitative programs if they have a genuine interest in them. (45)

Determinate sentencing does not offer a perfect solution to all the irregularities in the indeterminate sentencing system. There are some very real problems which must be dealt with when developing a determinate sentencing system:

1) The first problem revolves around shorter prison sentences. In three states which now utilize determinate sentencing (California, Indiana, and Maine), proponents of the original legislation wanted to insure shorter jail/prison sentences. In all three states, final legislation did not accomplish this goal. (19)

There are various explanations for this: Some claim that public clamoring for law and order is to blame; others point to a lack of public consensus on what constitutes fair and just sentences for various crimes; and yet others blame the difficulty of cataloguing every variation of every crime and assigning separate determinate sentences to each, (23, 70)

In an effort to prevent the creation of long determinate sentences, sentencing commissions can be used to set sentence lengths. Commission membership can consist of judges, lawyers, citizens, and criminal justice experts. In light of the present public hysteria about crime, a well-informed commission should be able to make better sentencing decisions about the fate and the rights of this unpopular prison minority than legislators who are more subject to direct public pressure. (70)

2) Another problem with existing determinate sentencing legislation is due to the vagueness of sentencing guidelines. A substantial degree of discretion is still left up to judges and prosecutors. Such discretion does not achieve sentencing uniformity, nor does it allow for principled sentencing. (23) There are also no provisions asking judges to consider less restrictive alternatives to incarceration before sending a person to prison, or requiring that the judge prove beyond a reasonable doubt that outside services have been tried and have failed with a particular prisoner. (40)

3) In many states, determinate sentencing laws allow judges to add additional years onto a sentence if a person has a previous record. This raises a serious constitutional question around the guarantee that persons shall only be penalized once for a crime. (40)

4) Support of short, determinate sentences diverts attention from more important issues such as the role the criminal (in)justice system plays in maintaining racism, sexism, and economic inequality in the broader society. Until those issues are resolved, the length or type of prison or jail sentence will have little effect on reducing violence in our society. (26, 45, 63)

In spite of these and other problems, the UUSC feels that short, determinate sentencing can move us a step forward toward reducing our over-reliance on imprisonment.

SENTENCE REVIEW PROCESSES

Definition

Once a person is sentenced to serve prison or jail time, sentence review processes offer the only way of shortening the sentence. They may be used in one of two ways: to shorten the person's sentence by letting him or her out earlier than the mandated sentence, or to change the form of the person's sentence by releasing him or her on parole. As long as people are sentenced to serve time in prisons and jails, the UUSC feels it must support some forms of sentence review and encourage their expanded use.

Discussion

There are five types of sentence review which are used throughout the United States: good time credit, work time credit, sentence modification, parole and emergency release. Because of

widespread abuse and manipulation of prisoners with the use of good time credit, work time credit and parole, we support only sentence modification and emergency release.

Good time credits are used in all institutions and are based on the principle that the person's sentence will be shortened by a set formula which is based on the amount of time served without disciplinary infractions. Good time systems have the additional purpose of controlling prisoner behavior. This dual aspect of good time systems means that they are often administered in a punitive fashion.

Work time credit is a variation of good time. Prisoners volunteer to work at such activities as clean up, kitchen duties, and desk work. They are granted credits toward early release in a similar fashion to good time credits. Although work time credit is theoretically available to all prisoners, a shortage of work prevents all but a small percentage of prisoners from participating.

Sentence modification processes shorten a prisoner's sentence through court action. Usually, a motion is brought before the trial court for modification or reduction of sentence. The court has wide discretion to grant or deny the motion, and in fact, such motions are granted infrequently. Moreover, prisoners who do not have a lawyer or social worker to act as their advocate have even less chance of obtaining this kind of relief.

Parole, as a sentence review process only applies under an indeterminate sentencing system and jail sentences. It does not shorten a person's sentence, but rather continues it outside the prison by releasing the prisoner into the community usually under the supervision of a parole officer. The decision to release a prisoner on parole is made by a parole board. In a determinate sentencing system, parole is mandated by statute and sentences are shortened only by the other methods listed here.

Many individuals and organizations have recommended abolition of parole. In 1974, the New York Citizens' Inquiry on Parole and Criminal Justice recommended abolition on the grounds that it is "oppressive and arbitrary, cannot fulfill its stated goals, and is a corrupting influence within the penal system." (26) The McKay Commission Report on Attica found dissatisfaction with parole the most widespread grievance expressed by prisoners. (43) Federal District Court Judge Lawrence Pierce proposed replacement of parole by assignment for a definite period of time to a non-coercive community-based assistance program. Only conviction for a new crime would carry sanctions. (60)

Emergency release is a procedure which allows release of all prisoners, with certain exceptions, who are within 90 days of the end of their sentences when a prison or jail population reaches capacity. If a further population reduction is needed, all prisoners within 180 days of the end of their sentences can be released. The decision to take this action is given to the governor in the case of state prisons or to a sheriff or other jail administrator in the case of jails. Capacity for the purposes of emergency release is usually determined by law. Most prison and jail administrators rate 80 to 95 percent of available beds as capacity. This allows room to separate more assaultive prisoners from less assaultive ones and newer prisoners from ones who have been locked up longer. Emergency release laws can set a higher rate of capacity.

Examples

- Michigan enacted a Prison Overcrowding Emergency Powers Act in 1980. The Governor ordered release of about 1000 prisoners in May 1981 with no apparent increase in crime.
- California's Penal Code section 4021.4 allows a county jail administrator to release prisoners early when the jail population rises above capacity.

WORK/EDUCATION FURLOUGH, COMMUNITY RESIDENTIAL CENTERS, AND HALFWAY HOUSES

Definition

Work/education furlough, community residential (or treatment) centers, and halfway houses are forms of non-traditional imprisonment. Work/education furlough generally refers to daytime release from prison or jail in order to work or go to school in the community. However, many jurisdictions house people on furlough in a separate building. Community residential (or treatment) centers and halfway houses are buildings usually in urban centers and somewhat separate from jails or prisons. People committed to these programs are usually allowed freedom beyond work or education, but must reside at the centers.

Furlough programs are generally run by prison or jail administrators and the people committed to these programs are considered prisoners. This means that failing to return to a furlough center is an escape not a parole or probation violation and is thus treated more harshly. Community residential centers and halfway houses are run by either public or private agencies. These public agencies are usually either parole or probation departments. The private agencies usually contract to public agencies for services provided; the contract usually requires that people in these programs adhere to the strict rules of probation or parole. People in community residential centers are either sentenced to the centers as a condition of probation or are there as a condition of parole. People in halfway houses are usually there as a condition of parole.

Other terms for arrangements like those described above are: partial confinement, halfway-in, halfway-out, community corrections (though this term includes other, less restrictive options), pre-release centers, and re-entry programs.

Discussion

Much of the difficulty in describing these programs is related to the "alternatives to incarceration" boom which followed establishment of the federal Law Enforcement Assistance Administration (L.E.A.A.) in 1966 and publication the next year of the President's Commission on Law Enforcement and Administration of Justice report, *The Challenge of Crime in a Free Society*. Though official work release had been around since 1913 (the "chain gang" is an earlier form based on somewhat different intentions), the Federal Bureau of Prisons set up several "pre-release guidance centers" in the early 1960's, and the first halfway house was set up in the 1940's, widespread support for these programs among administrators of prisons, jails, probation, and parole did not build until the mid-1960's. (41, 55) Through the following decade, every conceivable form of community-connected residential program for prisoners was developed. (55)

These programs were based on the idea of "reintegrating the offender," a concept explained by the President's Crime Commission as follows:

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

"The general underlying premise for the new directions in corrections is that crime and delinquency are symptoms of failure and disorganization of the community as well as the individual offenders. In particular, these failures are seen as depriving offenders of contact with institutions that are basically responsible for assuring the development of law-abiding conduct. . . .

"The task of corrections, therefore, . . . requires not only efforts directed toward changing the individual offender, . . . but also mobilization and change of the community and its institutions." (64)

The Crime Commission also advocated "reintegration programs" as a way of better controlling an ever-increasing number of people on probation and parole. "(W)ith two-thirds of the total corrections caseload under probation or parole supervision, the central question is no longer whether to handle offenders in the community but how to do so safely and successfully." (64)

By the early 1970's, official opinion was that these "reintegration programs" seemed to be helping prisoners to find jobs, to use social service agencies, and to have a place to live for a while after leaving prison or jail. However, no conclusive evidence could be found to show that these programs lowered recidivism, or return-to-prison, rates. (21) The Des Moines Project in Polk County, Iowa which began in 1971, became the national model of reintegration from arrest to release when L.E.A.A. named it an "exemplary project" in 1973. L.E.A.A. spent over \$10 million replicating Des Moines in six other jurisdictions. (10)

By the mid-1970's, the value of rehabilitation (including "reintegration") was loudly challenged. A huge study of rehabilitation programs both inside and outside prisons and jails was published. The authors argued that the programs had no effect on recidivism. (40.5) Their arguments were disputed among professionals in the field. (57.5)

In 1980, a Government Accounting Office report of the Federal Bureau of Prisons' "community-based correctional programs" concluded that the Bureau could do a much better job managing its programs so that the prisoners and ex-prisoners who needed help could get it. (15) In California, which had been a leader in establishing "community-based correctional programs," it was reported that the ratio of traditional to non-traditional prison beds had dropped to one of the lowest in the country. (39) In 1981, the Federal Bureau of Prisons began cutting back its community residential centers in response to budget reductions.

In short, the support for the concept of reintegration had eroded in the face of increasing law-and-order pressure and loss of faith by liberals who had initially advocated the concept. As with many other criminal (in)justice system reforms, failure to adequately address the roots of crime in setting up and running reintegration programs made the vision of the concept appear false. This failure added fuel to the conservative forces. (71)

This situation does not mean that furlough and other non-traditional forms of imprisonment cannot be supported. They can be harder places to "do time" than prison or jail because the temptations to escape or otherwise violate rules are greater. However, they can allow people who would otherwise be locked up far from urban centers to be closer to them. Also they can, if properly administered, help to reduce pressure to build more prisons and jails.

Examples

- The Women's Community Center in Seattle is a private, publicly-funded program for women who would otherwise be sentenced to state or federal prison. Women are sentenced to the center as a condition of probation. Contact: Women's Community Center; YWCA, 3rd floor; 119 - 5th Avenue; Seattle, WA 98101.
- Montgomery County Work Release/Pre-Release Program in Rockville, Maryland, began in 1968 as an in-jail program for 16 prisoners. By 1978, it had expanded to its own 100-bed building separate from the jail. Five groups of people can apply to the program: 1) those sentenced to the county jail for 18 months or less, 2) those in state prison who had lived in the county prior to arrest and who are within 5 months of release or a parole hearing, 3) those in federal prison who had lived in the county prior to arrest and are within 5 months of release, 4) those pre-trial or pre-sentence prisoners who can be released on a "third party custody agreement" to the center, and 5) those who agree to stay at the program for a stipulated period of time in lieu of parole violation (which would send them back to prison). Contact: Montgomery County Work Release/Pre-Release Program; Department of Correction and Rehabilitation; 11651 Nebel Street; Rockville, MD 20852.

POST-RELEASE

We would be remiss in our review of alternatives to incarceration if we did not include a discussion of post prison programs. Although on the surface such a section might seem inappropriate because it deals with the post-incarceration period, in fact, it plays an essential part in the overall picture. All too often, what happens to a prisoner upon his/her release and in the period shortly following influences the likelihood of his/her return to criminal activity - especially if the person has no job and no money with which to support him/herself.

The present social and economic situation around the country makes the transition period from jail and/or prison to the streets an especially difficult one for all prisoners. Those few with adequate financial resources and/or a supportive community of family and friends awaiting them experience a slightly less difficult transition period than those without such resources. It is in society's best interest to assure *all* ex-prisoners sufficient resources to meet the challenges of re-entry.

Post-prison resources should, at a minimum, include gate money. That option is discussed below. One could also include savings from paid work while in prison and unemployment benefits if a prison job does not continue outside. However, we have chosen not to discuss these options here primarily because prison labor is not an alternative to imprisonment.

GATE MONEY

Definition/Discussion

Many prisoners are given gate money upon their release, but in most cases, the amount given is pitifully small. One survey in the mid-1970's found that 48 states and the District of Columbia grant "gate money" on release. The amounts ranged from \$2 in D.C. to \$1,430 in Washington State. (58) It isn't hard to imagine the difficulties which meet a prisoner who walks out of the prison door with nowhere to go and only a little money in his/her pocket, carrying the stigma of being an ex-convict. The American Bar Association, among other organizations, has been urging states to legislate larger sums of gate money in an effort to give prisoners a cushion to fall back on until they can resettle and secure work. (30)

Many factors must be considered when calculating what an adequate sum of gate money would be. These should include 1) the costs of decent shelter, clothing, food, and transportation, 2) the differences in costs of living depending on the community, and 3) the different periods of time it would take to secure employment or secure welfare if a person could not work.

AMEND/ENFORCE CIVIL RIGHTS LAWS

Definition/Discussion

Though ex-prisoners may be free of the oppression of jail or prison administrators or of parole or probation administrators, most ex-prisoners convicted of a felony, "infamous crime," or crime of "moral turpitude" continue to carry certain civil disabilities after serving their sentences. These civil disabilities, though they vary from place to place, include denial of the right to vote, to hold public office, to serve on a jury, or to obtain certain professional and occupational licenses. As of 1979, the federal government, every state and major city, and most towns, villages and hamlets had civil-disability laws. (56) All states have some procedure for restoring an ex-prisoner's civil rights, but none are automatic nor do they restore all rights.

Example

The American Civil Liberties Union handbook on the rights of ex-prisoners reflects efforts during the 1970's to restore civil rights to ex-prisoners. Available from: Avon Books, Mail Order Department; 250 West 55th Street; New York, NY 10019 for \$1.95 plus postage (25¢).

POST JAIL/PRISON SUPPORT

Definition/Discussion

For people serving prison and jail sentences, the freedom of the outside world can be awe-some and frightening — inside there is little freedom to make mistakes; outside there is every opportunity imaginable. Therefore, many prisoners need and want support after their release to help them learn to cope in what has become an even more alien environment than the one they knew before arrest.

Ideally, that support should come from every part of society. In fact, support for ex-prisoners has been so limited, if available at all, that the formal, public programs discussed in previous sections such as parole, pre-release centers and halfway houses were established in part to lend some support. These government programs unfortunately tend to be far more oppressive than supportive.

There are, however, some private programs, many of them church-funded, which provide various services to ex-prisoners and other disenfranchised people. Most large cities have places where one can go for free food, clothes, a bed for a night or two, and/or basic medical care. These places, however, offer only temporary relief and, in the face of basic societal distrust of ex-prisoners, do little to build one's sense of dignity and self-worth.

One large-scale program, which attempted to build the dignity and self-worth of ex-addicts, ex-prisoners, youth, and people for whom welfare had become the only known way of life, did so by establishing "supported-work" sites in 21 places around the country. Between 1975 and 1978, the New York-based, non-profit Manpower Demonstration Research Corporation (M.D.R.C.) had enrolled over 10,000 people in its twelve-month programs. About one-third went on to unsubsidized jobs or public school. The project, funded partly by the Ford Foundation and partly by the U.S. Department of Labor, ended as a nationwide effort by December 1981. Though its direct influence on the estimated nine million members of America's underclass was insignificant, it did show that an intensive, short-term supportive-work program could increase the employability of ex-addicts and mothers receiving A.F.D.C., but made no measurable improvement in the employability of ex-prisoners. (8) These findings strongly suggest that the barriers facing ex-prisoners are so huge that what is needed are much broader changes in our social and economic structures than can be provided by short-term, social service efforts.

Some small, private efforts to provide long-term supportive communities such as Delancey Street in San Francisco which requires a two-year commitment or the House of Umoja in Philadelphia which has provided an extended family for hundreds of local boys and young men, show remarkable success at helping ex-prisoners and others stay out of trouble. (63) Though their efforts provide far more than temporary relief, they are only tiny examples of what post jail/prison support needs to be in order to reduce the levels of crime and violence in our society.

Examples

- Delancey Street Foundation (see section on drug and alcohol programs).
- Fortune Society in New York City has long provided support to prisoners, ex-prisoners, and their families as well as public education about the need for broader social and economic change. Contact: Fortune Society; 229 Park Avenue South; New York, NY 10003.
- House of Umoja in Philadelphia has provided since it opened in 1969 shelter and the chance to earn membership in the extended family to hundreds of boys and young men belonging to over 70 local street gangs. Contact: House of Umoja; 1436 North Frazier Street; Philadelphia, PA.

- National Alliance of Business (N.A.B.) runs the Community Alliance Program for Ex-Offenders (C.A.P.E.) in Philadelphia, Portland, Oregon and San Jose, California. The program's purpose is to find ways of improving the employment opportunities for ex-prisoners by bringing together some community-based organizations, private employers, and local "correctional" agencies. This is not a new idea but continues N.A.B.'s long-time support for increasing employment opportunities for ex-prisoners. Contact: National Alliance of Business; 1015 — 15th Street NW; Washington, DC 20005.

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American Bar Association
Child Abuse Committee
National Legal Resource Center for Child
Advocacy and Protection
1800 M St., NW., 2nd Floor S.
Washington, DC 20036

American Civil Liberties Union
Juvenile Rights Project
22 E. 40th St.
New York, NY 10016

American Friends Service Committee
1515 Cherry St.
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Association of Junior Leagues, Inc.
825 - 3rd Ave.
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Association on American Indian Affairs, Inc.
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Children's Defense Fund
1520 New Hampshire Ave., NW
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3443 - 17th St., NW
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John Howard Association
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National Assembly of National Voluntary
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National Youth Work Alliance
1346 Connecticut Ave., NW
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Youth Law Center
1663 Mission St., 5th Floor
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AN ABOLITION PAPER

QUALITIES OF A PRISONER ALLY

There are many ways of "helping" prisoners. One is to impose what you think is "best" for them. This is the typical approach of well-meaning "experts" and "professionals" who are members of the criminal (in)justice bureaucracies.

Another way of "helping" prisoners is through charity. We use charity in prison to provide relief of suffering and to express compassion. But there are problems with charity: Charity creates dependency. It communicates pity rather than shared outrage and can romanticize the prisoner. Charity sometimes relieves the sufferings of prisoners, but it does not alter the basic conditions responsible for the sufferings.

A third way of helping prisoners is to become their ally. These are some of the qualities of a prisoner ally as compared to those of the "charitable" person:

- The charitable person does not think of altering the prisoner's persistent need for help. The prisoner must always depend on the good will of the charitable.
- The prisoner ally helps the oppressed prisoner become empowered to change his/her situation.
- The charitable person often acts out of guilt and pities the prisoner who is seen as a "poor soul."
- The prisoner ally treats the prisoner as an ally in change, sharing anger about prison oppression.
- The charitable person might think the prisoner's situation comes from some fault within the prisoner.

- The prisoner ally identifies social and cultural forces that contribute to the cause of prisoners' oppression.
- The charitable person often has a plan for the prisoner, who is not regarded as a peer.
- The prisoner ally and the prisoner strategize together, mutually; no one must be "thanked."
- The charitable person expects the prisoner alone to change.
- The prisoner ally works with the prisoner and takes mutual risks, experiencing change also.
- The charitable person has his/her own view of what the prisoner must feel.
- The prisoner ally understands the prisoner's experiences through the prisoner's own words.
- The charitable person has easy access to the criminal (in)justice bureaucracies.
- The prisoner ally often has a stormy relationship with the bureaucracies, because s/he is perceived as threatening to persons who hold power in the system.

Note: Obviously, we are not proposing that the ally and charitable person are always so very opposite or that people ever actually fulfill either role in exactly the manner presented here. Rather, our purpose is simply to contrast the basic qualities of these two relationships. Learning how to become an ally is an abolitionist task.

from: Prison Research Education Action Project, *Instead of Prisons: A Handbook for Abolitionists*, Safer Society Press: Syracuse, New York (1976)

The **Unitarian Universalist Service Committee (UUSC)** is a non-sectarian, non-profit membership organization founded in 1939 and dedicated to improving the economic, social, civil, and political rights of all people throughout the world. Through its staff and nationwide network of volunteers, the Service Committee works for basic social change in the U.S. in the areas of criminal justice and aging, and for economic development and human rights in Central America, the Caribbean, India, and Africa.

The **National Moratorium on Prison Construction (NMPC)** is a project of UUSC which works toward a halt to all prison and jail construction until alternatives to imprisonment are fully implemented. NMPC staff gather, analyze, and disseminate information about prison and jail construction plans and about alternatives to imprisonment. Staff help to organize groups to challenge construction plans on the federal, state, and local levels. The NMPC newsletter, **JERICHO**, is published quarterly out of the Washington, DC office. NMPC was established in 1975.

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