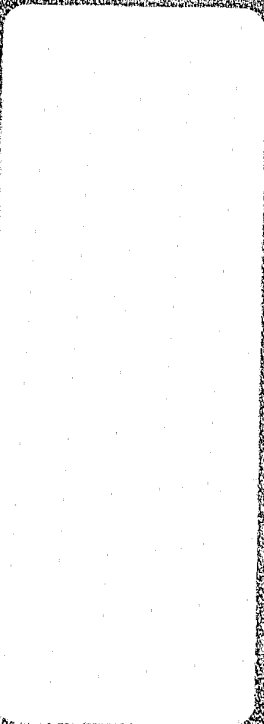


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*Public Policy for Corrections: A Handbook for Decision-Makers*

**A Handbook for Decision-Makers**

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# *Public Policy for Corrections*

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## **The Ratified Public Correctional Policies of the American Correctional Association**

101706

**U.S. Department of Justice  
National Institute of Justice**

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## Foreword

Since 1870, when its Declaration of Principles was adopted, the American Correctional Association has held to the philosophy that correctional practitioners can and should be concerned with the evolution of corrections' role in a democratic society. Our experience has demonstrated again and again that our correctional forerunners understood the fundamental truths underlying sound correctional practice.

Today we approach a new and, we believe, equally important era in corrections. The Public Correctional Policy Project, begun in 1981, is culminating in a body of correctional policy that adds new dimensions to the fundamental principles articulated more than a century ago.

Through a consortium of fellow experts and thousands of ACA members, we have developed, put into writing, and ratified clear, uncomplicated policies for the practice of corrections. These policies can be understood and implemented throughout our nation. They offer guidelines for the future of American corrections. They are the structural framework for building an effective correctional system.

Responsible policy development for corrections must include the experience and expertise of the practicing professional. For one thing, the commitment to implement policy is always stronger and more meaningful when those who must actually carry out policy have been involved in its making. But there is an even more important reason for seeking out and incorporating the views of practitioners in policy-making.

Correctional practitioners have a perspective and a grounding in reality that others cannot offer. Practitioners have a unique understanding of corrections' obligation to address the situation of the offender as well as the victim . . . to meet the demands of human service as well as public safety. The twenty-one public correctional policies in this volume reflect that perspective and understanding. This is because the process used to shape these policies recognizes—and indeed depends on—the need to formally engage practitioners.

The final stage of the Public Correctional Policy Project is to encourage widespread acceptance of these documents. It is time to take the products of the past four years and move them into the statehouses, courthouses, legislatures, and public forums of our nation. As practitioners, we are extremely conscious of the reality of the expression, "War is much too serious to leave to the generals." We know that we alone cannot create public policy, but we also believe that we can work to influence its development.

It is not an impossible task. We enjoin your support.

*Anthony P. Trivisono  
Executive Director  
American Correctional Association*



## Preface

**T**his handbook is a report of efforts by the American Correctional Association to develop public policy for correctional practitioners, key decision-makers, and the public at large. The handbook describes the history of these efforts and presents the twenty-one policies ratified to date. The policies identify some of the critical issues in corrections and offer guidance and direction for the correctional field. The policies address both adult and juvenile corrections as well as the functional parts of the correctional community—prisons, probation, parole, local detention facilities, and community-based programs and services.

I am extremely proud of what we have accomplished. The development process set in motion for these policies establishes a way to reach consensus on the major issues facing the field. We have taken the initial steps to assure for the correctional practitioner a more active role in providing direction for the present and future of corrections.

This progress could not have occurred without the support of the National Institute of Corrections . . . the leadership and encouragement of the staff and members of the American Correctional Association . . . the hard work of the Public Correctional Policy Advisory Committee . . . and the contributions of thousands of correctional practitioners and concerned citizens who reviewed the policies and made them both meaningful and realistic.

Correctional practitioners know what the direction should be for corrections. The consensus-building process by which these policies evolved offers a simple and effective way for that knowledge to be translated into clear directives for the correctional community and for the larger society of which it is a part.

*Charlotte A. Nesbitt  
Director  
Public Correctional Policy Project*

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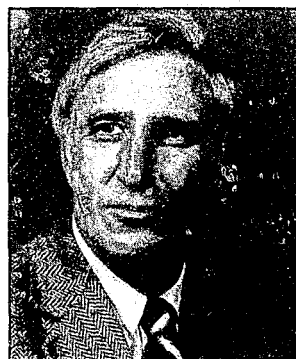


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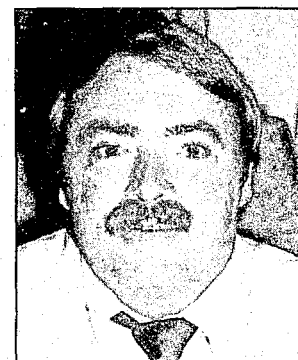
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## Part One.

# Public Correctional Policy: An Introduction

*"Correctional policy, particularly during times of rapidly increasing prisoner populations and prison overcrowding, can no longer remain confined to one level of government or one segment of society. State, local and federal authorities must focus on these problems and in concert—within the framework of federalism—develop a national correctional policy to deal with them."*

Warren E. Burger,  
Chief Justice of the United States

In 1870, the founders of the American Correctional Association developed a set of principles that stated in general terms the basic truths for the practice of corrections. For the past 40 years, the Association has again been at the forefront, developing and promoting national standards as a means of making sound correctional practices known and accepted. Yet, even with these sound principles and accepted standards, there has been a need for a body of public correctional policy to provide clear direction for the field itself and for our society as a whole.

The purpose of policy is to give explicit, specific, and definitive guidance on an issue. In its simplest terms, a policy is a framework for decision-making. It is the necessary channel between an accepted principle and the successful enactment of that principle. It is the roadmap that establishes the course for the myriad of decisions that are made on any one issue.

Correctional policy is not and cannot be determined by correctional professionals alone. Corrections is a vital part—but only one of several vital parts—of this nation's justice system. What happens in corrections not only is influenced by but is dependent on actions by other vital parts—federal and state legislatures, judiciaries, executive branches of government, city councils, county boards, public and private interest groups, and the general citizenry.

## Correctional Principles and Standards: The Background

More than a century ago, leaders in American corrections formulated a set of principles stating the fundamental truths for the profession and the objectives underlying its practice. This Declaration of Principles set forth the basic precepts for corrections and established the conceptual foundation for public correctional policy.

These principles (reproduced in Appendix A) can be considered a blueprint—a clear, uncomplicated plan for the future of corrections in our country. For such principles to be established in 1870—when our forebears were emerging from the conflict between the states, adjusting to the elimination of slavery, experiencing an industrial revolution, and opening the doors of our country to the downtrodden and poor of the world—was genius. These correctional visionaries understood the issues and problems of their time but also had a clear vision of the future. No correctional document produced before or since can match the significance of the principles of 1870.

**Public Correctional  
Policy: An  
Introduction  
(continued)**



For the next half-century, the public showed little apparent concern about the practice of corrections. This attitude changed when the country was again torn apart by war. The nation's post-World War I prison population increased dramatically. New, innovative institutions were built as rapidly as possible to meet the demand, and debates ebbed and flowed over whether to build even more prisons.

The concerns of correctional practitioners came to attention again at the end of World War II. Prison populations began building up to their pre-war numbers, eventually surpassing them by 1950. Attention began to focus on correctional standards—authorized rules and guidelines for correctional operations and services. The first ACA Manual of Correctional Standards appeared in 1946 and was revised in 1960.

Following the Vietnam conflict, the creation by the U.S. Congress of the Law Enforcement Assistance Administration (LEAA) demonstrated the nation's renewed concern with crime and its system of criminal and juvenile justice. Yet another new day of correctional concern began in 1974 with the concept of accreditation for agencies and programs that met the standards of good practice promulgated by the ACA and the Commission on Accreditation for Corrections.

In 1982, the American Correctional Association reaffirmed and updated its Declaration of Principles. The importance of ACA standards as measures of good correctional practice is now fully accepted, and the Association's ten volumes of correctional standards (see Appendix B) are the basis for accreditation of correctional agencies and programs throughout the United States and Canada. Despite these advances, however, sustained public and legislative support for a rational, coherent, and effective system of corrections has yet to be achieved. This is the role of public correctional policy.

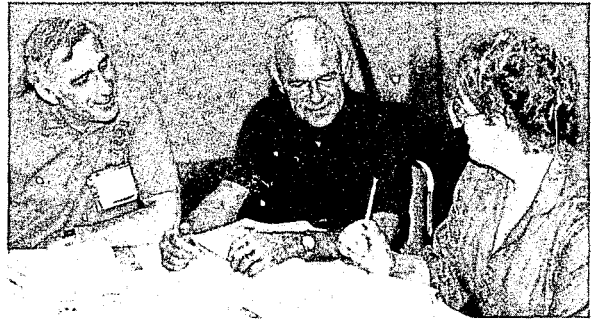
### **The Public Correctional Policy Project: A History**

Throughout the correctional literature of the 1970s and 1980s, a recurring theme has been that correctional practitioners must take a leadership role in the development of public policy for corrections—that correctional practitioners are the ones with the necessary expertise and perspective to decide what is possible and necessary in sound correctional programs.

The inescapable need for clearly formulated correctional policies was discussed for a number of years. Finally, in January 1981, the ACA Policy/Resolutions Committee was charged with the task of developing a Public Correctional Policy Proposal. The proposal was presented to the Association's Executive Committee, Board of Governors, and Delegate Assembly at the January 1982 ACA Midwinter Conference where it was unanimously adopted.

The Association then submitted this proposal and a request for limited funding to the National Institute of Corrections (NIC), an agency of the U.S. Department of Justice. The request was supported and provided the funds needed for the Association to draw together ideas for a process for developing correctional policy that was national in scope. The Association moved quickly to appoint a project manager and to bring together con-

**Public Correctional  
Policy: An  
Introduction  
(continued)**



cerned practitioners who were the forefront of what was to become the Public Correctional Policy Advisory Committee.

The goal of this short-term proposal was to initiate the actions necessary for actually developing national correctional policy. A steering committee of practitioners proceeded to:

- Consolidate the significant correctional issues already identified by other groups and research efforts;
- Survey the ACA membership to determine their priorities on these issues;
- Outline a plan for an ongoing process of issue identification; and
- Outline a plan of action to develop statements of national policy addressing the identified issues.

The results of the five-month study were unanimously accepted by the ACA Executive Committee, Board of Governors, and Delegate Assembly at the August 1982 Congress of Correction.

With the approval of the Executive Committee, ACA's president established a Public Correctional Policy Advisory Committee composed of outstanding practitioners. The committee represented a rich cross-section of experience and perspectives, and its membership included leaders from state and local departments of corrections, community-based correctional services, state judicial systems, federal bureaus and agencies, and the university community.

In January 1983 the Policy Advisory Committee met at the ACA Midwinter Conference to review the policy issues that had been identified through the survey of the field. Fittingly, the committee selected the Purpose of Corrections as the most appropriate major issue for the initial policy to be developed.

Three months later, in April 1983, the American Correctional Association again requested and received support from the National Institute of Corrections in the form of a two-year financial assistance grant. This marked the formal implementation of the Public Correctional Policy Project.

During the next two years, April 1983 to January 1985, public correctional policies on twenty-one major issues completed the intensive consensus-building process developed by the project and were ratified by the ACA Delegate Assembly. Additional issues remain to be tackled. The ACA Executive Committee has accepted the policy development process as a permanent function of the Association and has charged the ACA Resolution and Policy Development Advisory Committee with the ongoing task of identifying major issues in corrections and designing policy statements for consideration by the field.

### **Correctional Policy Development: The Process**

The policy development process initiated by the ACA Public Correctional Policy Project derives from an overwhelming belief that the correctional field itself must lay out the issues and provide direction for policy decisions on corrections. It has been and remains the American Correctional Association's position that correctional practitioners have the

**Public Correctional  
Policy: An  
Introduction  
(continued)**



major responsibility not only for directing correctional practices, but for helping to determine the public policy upon which those practices are based. Thus, the process is specifically designed to directly involve practitioners and to develop policy based on their experience and expertise.

The specific steps in the policy development process are depicted on the following chart. The process is structured to ensure wide representation and a solid base for action. Extensive review and commentary is sought and received for each policy, and each of the several interim drafts represents hundreds of hours of deliberation and painstaking evaluation by Policy Advisory Committee members. It should be noted that the process involves individuals and groups outside the correctional environment as well as those in corrections.

Comments by members of the Policy Advisory Committee on first drafts are incorporated into second drafts, which are reviewed by the ACA Executive Committee and Board of Governors, presidents of ACA chapters and affiliates, chairpersons of ACA committees, and other members of ACA's Delegate Assembly. In addition, ACA members who have asked to be involved in the policy development process receive the drafts for their comments and recommendations.

Each comment is carefully considered by the Policy Advisory Committee. Comments and recommendations are then consolidated into final drafts, which are resubmitted to these various groups and individuals for final approval. The final draft of each policy is also printed in ACA publications so that all members have an opportunity to comment on the policy draft. The Policy Advisory Committee's next role is to finalize the draft and present it at a formal public hearing.

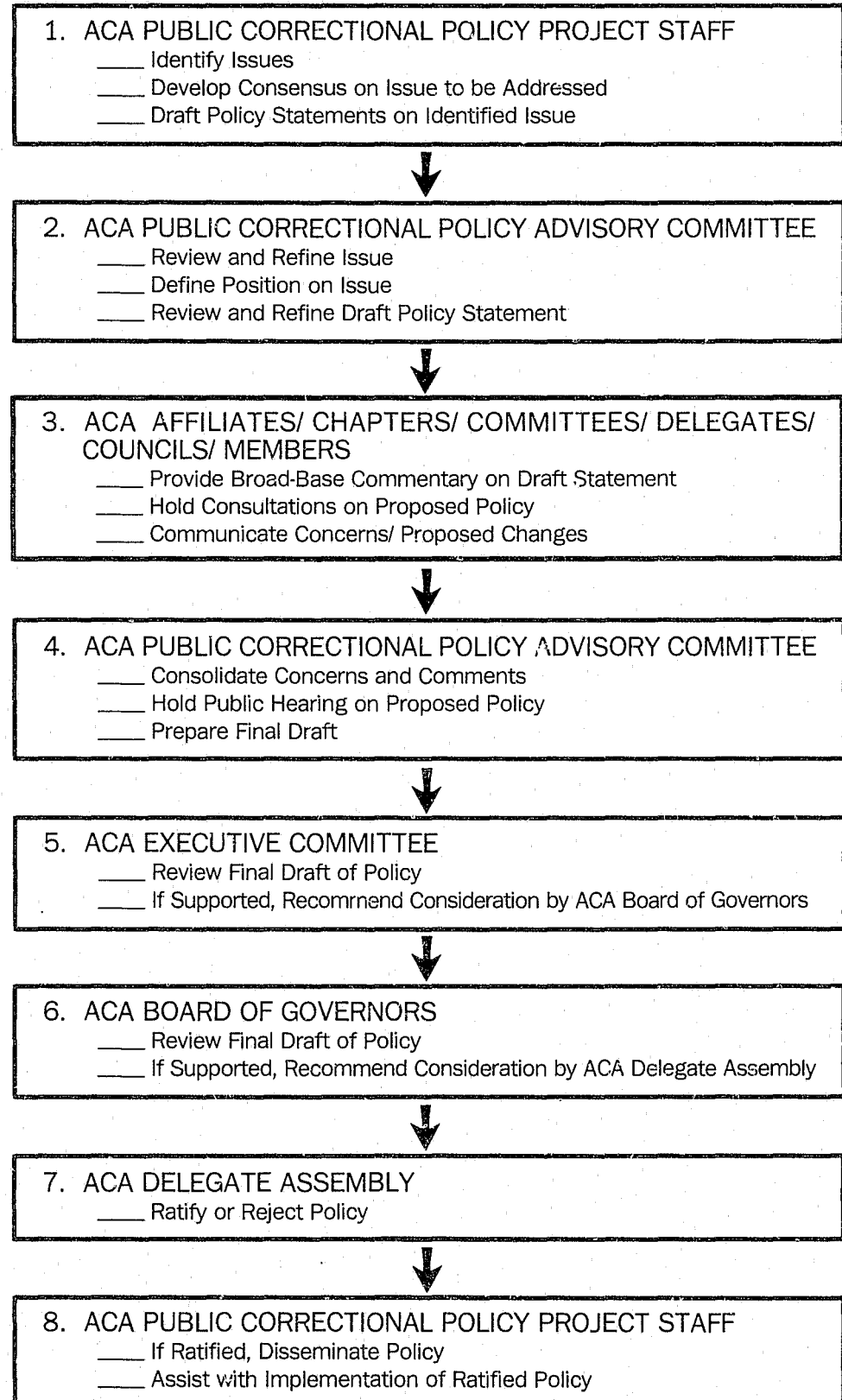
While time-consuming and tedious at times, this intensive effort to obtain review by as many practitioners as possible is seen as critical to the development of each policy. "Reviewers in the field and speakers at the public hearing can identify nuances that might be missing," states one committee member. "The quality and quantity of comments we have received on each draft demonstrate that people are really thinking about the basic purposes and goals of our profession. It is an exciting milestone in our history that we have the maturity to question our purposes and to seek consensus on the answers."

After one last consolidation of comments, the proposed policy is submitted for ratification by the ACA Delegate Assembly. Each of the twenty-one policies submitted to date has been approved overwhelmingly.

The process represents the American Correctional Association's effort to provide a unified sense of purpose and direction for correctional systems, agencies, and services throughout the country. Without clear policy direction, corrections is a rudderless ship. As noted above, the ACA Executive Committee is committed to the continuation of this process, and the Association will continue to strongly encourage all of its members to become active participants in the process.

**Public Correctional  
Policy: An  
Introduction  
(continued)**

**Public Correctional Policy Development Process**





**Public Correctional  
Policy: An  
Introduction  
(continued)**



**Public Correctional Policy: The Future**

To be effective, correctional policy must be *public* policy. This is the task that lies ahead. In the words of one member of the Public Correctional Policy Advisory Committee, "We have developed an important process, and great progress has been made . . . but a policy isn't a policy until it is implemented."

It is up to corrections to take these policies and put them before decision-makers and the public at large for consideration. That is the purpose of this report. It is now up to the public and the makers of correctional policy nationwide to infuse these documents with the lifeblood of executive, legislative, and judicial action.

Through these policies, correctional practitioners have attempted to develop a realistic concept of corrections' role in the justice system and to articulate and communicate that concept clearly. The twenty-one policies ratified to date reflect the best thinking of correctional practitioners. They are now offered as subjects for public forums and as guidance for decision-making. The objective is quite simple: To develop clear policy on what we as a nation want from our correctional system and to provide the support needed for that policy to be enacted.

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## **Part Two.**

# **Ratified Public Correctional Policies**

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**T**his section of the handbook contains the twenty-one Public Correctional Policies ratified to date by the members of the Delegate Assembly of the American Correctional Association. Each policy represents the widespread consensus achieved through the policy development process described in Part One. Following that intensive consensus-building, each policy was also presented at a public hearing before it was submitted to the Delegate Assembly for consideration. All policies submitted have been ratified enthusiastically.

Each policy is accompanied by an informal discussion on the correctional issues addressed in the policy. The discussions also present some of the background thinking that went into the policy's development.

The discussions were written by individuals on the staff and Advisory Committee of the Public Correctional Policy Project, and were reviewed by the Committee as a whole as well as by ACA staff and outside specialists. Intended for the general reader with little or no background in corrections, the discussions merely supplement the ratified policies and are not to be considered formal documents.



# Public Correctional Policy on Classification

## **Introduction:**

Classification is a continuing process basic to identifying and matching offender needs to correctional resources. This continuing process involves all phases of correctional management.

## **Statement:**

Classification should balance the public's need for protection, the needs of offenders, and the efficient and effective operation of the correctional system. In developing and administering its classification system, a correctional agency should:

- A. Develop written classification policies that establish criteria specifying different levels of security, supervision, and program involvement; establish procedures for documenting and reviewing all classification decisions and actions; describe the appeal process to be used by individuals subject to classification; and specify the time frames for monitoring and reclassifying cases;
- B. Develop the appropriate range of resources and services to meet the identified control and program needs of the population served;
- C. Base classification decisions on rational assessment of objective and valid information, including background material (criminal history, nature of offense, social history, educational needs, medical/mental health needs, etc.) as well as information regarding the individual's current situation, adjustment, and program achievement;
- D. Train all personnel in the classification process and require specialized training for those directly involved in classification functions;
- E. Use the classification process to assign individuals to different levels of control on the basis of valid criteria regarding risk (to self and others) and individual needs, matching these characteristics with appropriate security, level of supervision, and program services;
- F. Involve the individual directly in the classification process;
- G. Assign appropriately trained staff to monitor individual classification plans for progress made and reclassification needs;
- H. Objectively validate the classification process and instruments, assess on a planned basis the degree to which results meet written goals, and, as needed, refine the process and instruments; and
- I. Provide for regular dissemination of classification information to all levels of correctional staff and to involved decision-makers outside of corrections as an aid in the planning, management, and operation of the correctional agency.

The following discussion clarifies for the general reader the correctional issues addressed in the policy. The discussion was prepared by members of the Advisory Committee and staff of the ACA Public Correctional Policy Project.

## Discussion: Classification

**C**lassification is a comprehensive, continuing process that strives to identify the correctional needs of offenders (both adult and juvenile, accused and adjudicated) and match those needs with available resources. It is a process for sorting people into different groups for different correctional programs, services, levels of security, and degrees of supervision. The classification process begins when a person is arrested and charged with a crime, and it continues through release from correctional supervision. In a sense, classification is the critical element in the administration of an equitable, rational, and effective system of corrections that protects the public interest while treating offenders in a way that is neither subjective nor capricious.

Correctional systems undertake classification for sound practical reasons. First, offenders are individuals who present different risks and needs; they are not interchangeable parts that can be arbitrarily and casually substituted for each other. The second practical consideration is that security, programs, and services cost money. An objective classification system helps ensure these limited resources are used wisely. It also helps prevent the unnecessary investment of resources—both monies and staff—that can occur in the absence of a rational system for determining correctional needs.

The complexity and ongoing nature of classification is illustrated by a brief look at the decisions that must be made when a person is arrested. Depending on the nature of the charge and the individual's personal history, a decision must be made whether to release the accused into the community or whether it is in the public's and the accused's best interests to detain the accused until he or she is tried. This first decision leads to, and may be contingent upon, other decisions: if the person is released into the community, what sort of supervision is needed; if the person is to be held pending trial, where should they be detained (what facility), where should they be housed within the facility (single room, double room, dormitory), what special precautions are necessary (is the person a potential victim, potential victimizer, at risk for suicide), what level of supervision is needed, what privileges can be retained (for example, how often and when can the individual see visitors), and what services are needed (for example, medical, mental health).

At sentencing, similar decisions must be made: should the individual be released on probation, and if so, under what conditions; should the individual be placed in a community-based facility, and if so, what kind and under what conditions; should the individual be placed in a secure institution, and if so, at what level of security (minimum, medium, maximum), at what level of supervision, and in what programs.

In its decision *Ramos vs. Lamm*, the Supreme Court established the criteria for a correctional classification system by emphasizing "that any system of classification, placement, and assignment must be clearly understandable, consistently applied and conceptually complete. Methods of validation must be implemented and means of redress for irregularity must be provided." ACA's public correctional policy on classification outlines the essential elements of such a system.

### A. **"Develop written classification policies. . . ."**

Putting in writing the agency's criteria and procedures for the total classification system promotes equitable decision-making, consistent application, and general understanding of the system by both offenders and staff.

### B. **"Develop the appropriate range of resources and services to meet the identified control and program needs. . . ."**

Scarcity of resources is a continuing problem to corrections. Even the most sophisticated and validated classification system will be rendered ineffective if the agency lacks the resources to implement its recommendations. The lack of "mid-range" alternatives (e.g., work release centers, community-based supervision) has been a nagging problem in corrections, leading to overuse of secure incarceration for offenders who by validated classification criteria do not require this level of control.

**Discussion on  
Classification  
(continued)**

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- C. ***"Base classification decisions on rational assessment of objective and valid information . . ."***  
A well-functioning classification system depends on the timely availability of comprehensive, objective, and accurate information in a readily usable format. Such information includes objective assessment of each individual's degree of progress in his or her current correctional placement.
- D. ***"Train all personnel in the classification process and require specialized training for those directly involved in classification functions . . ."***  
All staff should be familiar with the criteria and overall functioning of the classification system (see item A). Staff directly involved in the classification process (e.g., observation of the offender's behavior, data collection and analysis, program supervision) should receive specialized training to ensure that the process is carried out as intended.
- E. ***"Use the classification process to assign individuals to different levels of control on the basis of valid criteria regarding risk (to self and others) and individual needs . . ."***  
The principle of least restrictive appropriate sanction requires that offenders be accorded no greater degree of supervision and surveillance than is necessary to counteract whatever threat or risk they pose to themselves, other offenders, staff, or the general public. The right of the state to impose sanctions implies an obligation to assure that no offender is placed in a level of security greater than that required for personal safety and public protection. The process must further assess the individual needs of offenders in order that appropriate programs and services can be designed and delivered.
- F. ***"Involve the individual directly in the classification process . . ."***  
Each offender should receive a written (and, if necessary, verbal) explanation of both the classification process and the selection criteria for different programs and services. Offenders should be aware of the time frames and procedures for reclassification and should participate in the process to the extent possible. Such participation increases a sense of responsibility and promotes accountability by both the offender and the agency.
- G. ***"Assign appropriately trained staff to monitor individual classification plans for progress made and reclassification needs . . ."***  
No classification process will correctly classify all individuals—there will always be cases whose exceptional circumstances are not addressed by "normal" classification criteria. Thus, an override capability must be built into the process, and the system must be continuously monitored to prevent abuses. In addition, there should be provision for documented, systematic, and periodic reclassification hearings for all individuals under correctional supervision.
- H. ***"Objectively validate the classification process and instruments . . ."***  
The classification process should not be capricious, irrational, or discriminatory, and should constantly strive for equity and objectivity. This requires valid instruments (screening mechanisms, tests, performance evaluations) and regular, formal assessment of how well the system is meeting the goals established for it.
- I. ***"Provide for regular dissemination of classification information to all levels of correctional staff and to involved decision-makers outside of corrections . . ."***  
Classification is a dynamic, not static, process. Moreover, the classification process is critical not only to an agency's effective operation, but also to a general understanding of agency goals, needs, and accomplishments by staff, inmates, and the public.



# Public Correctional Policy on Community Corrections

**Introduction:**

Correctional programs operating in a community setting are an integral part of a comprehensive correctional system. These include community residential facilities, probation, parole, and other programs that provide supervision and services for accused or adjudicated juveniles and adults. Responsiveness to the needs of victims and offenders and to protection of the public is essential to the success of community programs and services.

**Statement:**

The least restrictive sanctions and controls consistent with public and individual safety and maintenance of social order require that the majority of offenders receive services in a community setting. It is the responsibility of government to develop, support, and maintain correctional programs and services in the community. A screening process to select offenders who can be safely maintained in the community is critical for placement in these programs. Those responsible for community corrections programs, services, and supervision should:

- A. Seek statutory authority and adequate funding, both public and private, for community programs and services;
- B. Develop and ensure access to an array of services, residential or non-residential, that adequately address the identifiable needs of offenders and the community;
- C. Inform the public and offenders of the reasons for community programs and services, the criteria used for selecting individuals for these programs and services, and that placement in such a program is a punishment;
- D. Ensure the integrity and accountability of community programs by establishing a reliable system for monitoring and measuring performance in accordance with accepted standards and professional practice;
- E. Recognize that public acceptance of community corrections is enhanced by victim restitution and conciliation programs; and
- F. Seek the active participation of a well-informed constituency, including citizen advisory boards and broad-based coalitions, to address community corrections issues.

*The following discussion clarifies for the general reader the correctional issues addressed in the policy. The discussion was prepared by members of the Advisory Committee and staff of the ACA Public Correctional Policy Project.*

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## Discussion: Community Corrections

**T**he term "community corrections" refers to correctional programs and services that are administered in the community rather than in prisons or jails. In general, community corrections programs and services are used in two basic ways: 1) as the least restrictive appropriate sanctions for certain offenders; and 2) as "reintegration" mechanisms for offenders who are being released from secure facilities but who require a period of monitoring and counseling in the community before being released from correctional supervision.

Community corrections includes residential programs (e.g., work release and community treatment centers) and non-residential programs (e.g., community service, probation, parole). Community residential centers are small facilities housing offenders who need minimal supervision; offenders living in such centers typically leave the facility during the day for work or training and then return in the evening. Non-residential programs provide differing degrees of services to offenders who live at home but report to program staff on a regular basis to participate in training, counseling, and evaluation. This monitoring can occur daily or less frequently, depending on the needs of the individual offender.

Corrections officials are well aware of the need for a stringent screening process for participation in community-based programs and of the need for offenders to abide by detailed, strict rules when they are released into the community. Typically, correctional personnel and the offender develop a written program plan or "contract" that specifies the rules of conduct and the expected outcomes. Most community corrections programs require the offender to undertake certain activities or pursue special programs (e.g., substance abuse treatment) that are specifically directed at their successful reintegration into the community.

In comparison to secure facilities, community-based programs typically are much less expensive to develop and operate. In addition, community-based programs generally make it easier for offenders to maintain family ties and to develop critical support systems within the community. If provided with adequate funding and resources, these programs offer the controls consistent with public safety by restricting—to various degrees—the offender's freedom of movement and closely supervising his or her activities.

The vast majority of accused and adjudicated juvenile and adult offenders do not threaten public safety. It is consistent with the policy of least restrictive appropriate sanctions and controls that these offenders be considered for placement in a community setting. As the monetary and human cost of incarceration places increasing stress on economies, the expansion of community-based corrections programs is appropriate and wise. Therefore the public correctional policy on community corrections calls for correctional agencies and justice officials to do the following:

### A. **"Seek statutory authority and adequate funding . . . for community programs and services . . ."**

The burgeoning cost of incarcerating offenders concerns all citizens. While public officials are responsible for good management of public monies, criminal justice professionals share the responsibility of educating officials about appropriate and safe legal sanctions other than incarceration. With constantly diminishing fiscal resources, it is essential that correctional administrators actively inform and support governmental authorities regarding efficient and effective alternatives to institutionalization for certain offenders.

Enacting these alternatives requires enabling legislation as well as adequate funding. While community corrections programs are relatively economical, whether they are operated by government or by private organizations under contract to

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government, they are not "free." Sufficient funding is essential to ensure that the offenders placed in these programs can be adequately supervised and served. Without adequate funding, whether from public or private funds, community programs will fail to live up to the trust and expectations of the public and those they are to serve.

**B. "Develop and ensure access to an array of services . . . that adequately address the identifiable needs of offenders and the community . . ."**

Community corrections was founded on the premise that most offenders and the public are better served when offenders can address their problems in the community and assume responsibility for lawful behavior there. But addressing these problems requires an array of services. Many offenders who can appropriately be placed in the community lack either jobs or the education and skills necessary to find and maintain employment. Some need a period of supervision in a community residential facility; for others, minimum supervision or community service is sufficient. Services that address the specific problem areas that prompted illegal behavior are essential if offenders are to be able to support a life void of further criminal behavior.

**C. "Inform the public and offenders of the reasons for community programs and services, the criteria used for selecting individuals . . . and that placement in such a program is a punishment . . ."**

Plans to place adjudicated juveniles and adults in community programs require careful presentation to the public. To address the natural concerns and fears of community residents, corrections professionals should thoroughly inform the public regarding the mission and scope of all community-based programs, whether new or existing. The public should understand why offenders are selected for these programs and how they are carefully screened to evaluate their risk to public safety as well as their potential for success in the program. The public should also understand that community placements do not "let offenders off" but, rather, are punishments that demand accountability and that restrict to various degrees the offender's personal freedom and mobility in the community.

Encouraging the public to take an active role in community correctional programs helps reduce fear of and resistance to these sanctions. Opportunities for public involvement include tours of operating programs, service on advisory committees, and informational meetings.

**D. "Ensure the integrity and accountability of community programs by establishing a reliable system for monitoring and measuring performance . . ."**

The success of community programs depends on protecting the public while providing genuine opportunities for offenders to benefit from community resources. If public safety is jeopardized or participants do not benefit from a program, serious credibility problems result. Such problems may be irreversible or harm other programs. To ensure that program credibility is maintained, community corrections programs should operate in accordance with national standards for good correctional practice. The criteria and procedures for consistent monitoring and evaluation of program operations should be established before programs are implemented.

**E. "Recognize that public acceptance of community corrections is enhanced by victim restitution and conciliation programs . . ."**

Community corrections programs can serve the victims of crimes as well as the offenders. Victims expect and have a right to services through these programs. One advantage of community placement is that offenders can maintain their jobs or seek employment and therefore are in a better position to make direct restitution to victims or pay into victim restitution funds. When appropriate, offender/victim conciliation can occur.



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F. ***"Seek the active participation of a well-informed constituency . . . to address community corrections issues . . ."***

Corrections does not exist in a vacuum. To ensure the most successful community corrections programs, corrections professionals must actively seek the advice and participation of informed individuals and groups. A wealth of information, services, and other contributions can result from fostering a partnership with the citizenry.

It is prudent decision-making to involve committed individuals and groups who can advocate for expanding existing programs or for new programs that help address the issues of overcrowded facilities, effective use of limited fiscal resources, and humane treatment of offenders. In addition, the community should be encouraged to view itself as a valuable resource for enriching and supporting such programs through the activities of self-help groups, service clubs, and citizen volunteers. If offenders can be reintegrated into their communities as law-abiding citizens, it is the community as a whole that will be the long-term beneficiary.



## Public Correctional Policy on Conditions of Confinement

### Introduction:

Correctional systems must administer the detention, sanctions, and punishments ordered by the courts in an environment that protects public safety and provides for the safety, rights, and dignity of staff, focused or adjudicated offenders, and citizens involved in programs.

### Statement:

Maintaining acceptable conditions of confinement requires adequate resources and effective management of the physical plant, operational procedures, programs, and staff. To provide acceptable conditions, agencies should:

- A. Establish and maintain a safe and humane population limit for each institution based upon recognized professional standards;
- B. Provide an environment that will support the health and safety of staff, confined persons, and citizens participating in programs. Such an environment results from appropriate design, construction, and maintenance of the physical plant as well as the effective operation of the facility;
- C. Maintain a professional and accountable work environment for staff that includes necessary training and supervision as well as sufficient staffing to carry out the mission of the facility; and
- D. Maintain a fair and disciplined environment that provides programs and services in a climate that encourages responsible behavior.

The following discussion clarifies for the general reader the correctional issues addressed in the policy. The discussion was prepared by members of the Advisory Committee and staff of the ACA Public Correctional Policy Project.

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## Discussion: Conditions of Confinement

**T**he term "conditions of confinement" refers to the totality of the environment in which accused and adjudicated offenders, both adult and juvenile, must live and in which staff must work. While most commonly thought of in terms of prisons and jails, these considerations apply to all types of residential correctional settings, including work release centers, halfway houses, and other community facilities. The factors that must be considered in assessing a facility's environment are the number of offenders confined, the conditions of the physical plant, the number of staff and their capabilities, the programs and services available, and the general soundness of the correctional operations.

A large body of case law has confirmed the offender's right to an environment that is reasonably safe, healthy, and well ordered. Moreover, failure to provide such an environment increases the potential for the spread of disease and for disturbances and violence toward staff and other offenders.

### A. **"Establish and maintain a safe and humane population limit. . . ."**

Every correctional facility has a limit to the number of offenders it can house safely. Each correctional agency should define its population limits on the basis of design, staffing, and appropriate standards and maintain these limits as operational policy. Agencies should actively encourage authorities to recognize these limits.

A large body of research, professional practice, and standards recognizes the hazards of forcing too many people to live in too little space. These hazards include increases in the number of complaints of illness, the potential for spreading disease, the number of disciplinary infractions, and death rates. The potential for mass disturbances with destruction of property and personal injury also increases as population limits are exceeded.

When populations become too large, services in a facility begin to deteriorate: correctional staff are unable to adequately supervise inmate activity and resolve conflicts; dietary and medical staff are unable to provide timely service; utility systems become overloaded. The result can be a chaotic facility filled with angry offenders and overworked staff.

### B. **"Provide an environment that will support health and safety. . . ."**

The physical structure of buildings is an important element in determining the conditions of confinement. Correctional facilities should be designed to support the mission established by the operating agency. The physical design of facilities for housing high-risk offenders should support the safety of staff and inmates, control inmate activity, and prevent escapes. Facilities for lower-risk offenders should provide reasonable levels of protection and control, with greater reliance on non-architectural security and individual responsibility. All facilities should have appropriate spaces for program activities, including work, recreation, and rehabilitative services. Facility design should be tailored to the current offender population, but should also be flexible enough to accommodate possible changes in mission without major redesign or reconstruction.

Correctional facilities should meet applicable building and fire safety codes. They should be designed to allow timely and cost-effective maintenance and repair. They should utilize contemporary energy-conservation measures.

Unless they meet the criteria above, buildings designed for other purposes should not be converted to correctional facilities except for very short-term emergency use.

### C. **"Maintain a professional and accountable work environment for staff . . . ."**

Professional management requires a well-planned fusion of staff training, supervision, and adequacy of resources in a professional work environment. For correc-

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tional facilities to operate in a professional and accountable manner, administrators must have an adequate number of trained staff and supervisors to carry out the tasks that make up the facility's overall mission. In addition, staff must be supervised in a manner that instills confidence and competency while remaining sensitive to the special needs of a diverse population.

Specialized in-service training that develops the skills of both service delivery staff and supervisory and managerial staff is essential. Correctional systems must deliver programs for mentally ill, mentally retarded, violent, and self-destructive offenders. They must also deliver a wide variety of educational and adjustment programs as well as emergency and long-term medical care. Correctional administrators must know how to maintain a clean, well-run housing and working environment with limited financial resources. Carrying out such programs demands the highest possible level of professionalism, expertise, and commitment.

**D. "Maintain a fair and disciplined environment . . . that encourages responsible behavior. . . ."**

Encouraging responsible behavior in offenders is a fundamental goal of all correctional programs and services. Responsible behavior by offenders and the orderly operation of correctional facilities go hand in hand. Developing responsible behavior within the structured setting of correctional facilities is difficult but necessary for an orderly environment; at the same time, an orderly environment is essential for promoting responsible behavior.

Fairness and order are essential components of a facility's overall environment if offenders are to act responsibly and make constructive use of the programs and services offered. Fairness and order produce a climate that fosters safety, humaneness, and positive growth toward responsible and productive citizenship. To achieve this climate, all correctional facilities should establish uniform procedures for maintaining offender discipline and for responding to and resolving offender grievances. In addition, all facilities should have a formal structure of programs that provides an appropriate combination of work, educational, treatment, and leisure-time activities.



## Public Correctional Policy on Correctional Industry

### Introduction:

Correctional industry programs, whether operated by the public or private sector, aid correctional systems in reducing idleness, lowering costs, and providing opportunities for offenders to gain job skills, training, and economic self-sufficiency and to participate in programs of victim compensation and institution cost-sharing.

### Statement:

Correctional industry programs, operating under sound management principles and effective leadership, should:

- A. Be based on statutes and regulations that support the development, manufacturing, marketing, distribution, and delivery of correctional industry products and services;
- B. Be unencumbered by laws and regulations that restrict access to the marketplace, competitive pricing, and fair work practices except as necessary to protect the offender and the system from exploitation;
- C. Provide evaluation and recognition of job performance to assist in promoting good work habits that may enhance employability after release;
- D. Provide training and safe working conditions, for both staff and offenders, similar to those found in the community at large;
- E. Assure that the working conditions in an industry operated by public or private organizations are comparable with those in the industry at large, and that compensation to inmates is fair;
- F. Recognize that profit-making and public service are both legitimate goals of an industry program;
- G. Support reinvestment of profits to expand industrial programs, improve overall operations, maintain and upgrade equipment, and assist in the support of inmate training programs that enhance marketable skills, pre-release training, and job placement services; and
- H. Integrate industry programs, public or private, with other institutional programs and activities under the overall leadership of the institution's chief administrator.

The following discussion clarifies for the general reader the correctional issues addressed in the policy. The discussion was prepared by members of the Advisory Committee and staff of the ACA Public Correctional Policy Project.

## Discussion: Correctional Industry

**T**he public correctional policy on correctional industry affirms several broad goals for industry programs: reducing idleness, providing ways for offenders to contribute to the costs of their correctional programming and to victim compensation programs, and providing opportunities for offenders to gain job skills that will enable them to be economically self-sufficient on their release.

Inmate idleness is a serious problem, with direct consequences for institutional safety and security. While it may be difficult for the general public to imagine being idle day after day, year after year, this is the prospect facing thousands of confined offenders and the problem facing the correctional staff responsible for managing them. Opportunities for constructive work and meaningful job training do much to promote a sense of individual self-worth and to reduce the inevitable tension and frustration that exist within any confined population.

Correctional industry programs help lower correctional costs by producing useful items and services (e.g., clothing, furniture, bedding, food products, cleaning supplies, warehousing operations, keypunching, automobile repair). Industries that become self-supporting can, when appropriate, provide funds for expansion of these programs and other vocationally oriented programs and services.

The importance of gaining job skills as well as good work habits addresses the long-term problem of economic self-sufficiency and the possibility of improving one's condition in life. Many offenders have poor work histories, due at least in part to an absence of good work habits and/or skills for anything other than menial, dead-end work. Yet every offender released back into the community faces the realities of a technologically oriented society, plus the realities of what it costs to support oneself and one's dependents.

Although correctional work programs must operate within the guidelines of security and safety necessary for any correctional program, every effort should be made to operate correctional industries under sound management and business principles that promote professional, self-sustaining, and profitable operations.

The policy on correctional industry sets forth the following guidelines for these programs:

A. ***"Be based on statutes and regulations that support the development, manufacturing, marketing, distribution, and delivery of correctional industry products and services. . . ."***

State laws and regulations governing correctional industries should be carefully drafted to take into consideration the many stumbling blocks that can impede the development and full use of these programs. Procurement laws and procedures should maximize the ability of correctional industries to purchase raw materials, component parts, equipment, and needed goods and services in a timely manner at the least possible cost. The possibility of interjurisdictional purchases and sales as well as joint ventures with the private sector are other issues that should be considered in drafting enabling legislation.

B. ***"Be unencumbered by laws and regulations that restrict access to the marketplace, competitive pricing, and fair work practices. . . ."***

Legislation at both the state and federal level has imposed severe restrictions on correctional industries. For example, federal law limits the transportation of inmate-made goods across state lines even though many states authorize the selling of inmate-made goods to other states.

The need to expand industrial programs to accommodate the increasing number of inmates, plus the desire to allow these programs to be as self-sustaining and profitable as possible, demands that artificial barriers to selling, pricing, and fair

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work practices be eliminated. Similarly, laws and procedures governing personnel operations in correctional industries should promote flexibility in staffing. If correctional industries are to operate according to business-like practices, it makes good sense to allow them the opportunity to do so.

C. ***"Provide evaluation and recognition of job performance . . ."***

The use of employee incentive programs and valid job performance evaluation procedures are important components of any well-managed business. Learning that one is accountable for one's performance is an important motivating factor in developing good work habits and the incentive to improve performance both during and after confinement. Being recognized for work well done is also an important motivator.

Workers should be expected to develop the work habits and interpersonal skills required by good business practices. The more inmates and supervisors feel themselves part of a work force with a common goal—the efficient production of quality goods and services for consumers—the more effective the program.

D. ***"Provide training and safe working conditions similar to those found in the community at large . . ."***

Correctional industries should operate in accordance with recognized national, state, and local safety standards. Correctional staff working in industries should be appropriately trained and should have expertise in the industrial operation and business management as well as in the management of offenders.

E. ***"Assure that the working conditions in an industry operated by public or private organizations are comparable with those in the industry at large, and that compensation to inmates is fair . . ."***

While recognizing the constraints imposed by a correctional environment, industry managers should be guided by sound business practices. Such functions as purchasing, marketing and sales, inmate hiring and firing, productivity, quality control, and timely delivery should all be tailored to reflect effective business-oriented operations. In short, correctional industry operations should be made to approximate the realities of the business workplace to the greatest extent possible.

Inmates should receive fair compensation for their services. Many jurisdictions are exploring wage scales and incentives for good work performance. Communication with other jurisdictions about their policies, procedures, and enabling legislation is important to all concerned with improving the effectiveness of correctional industries.

F. ***"Recognize that profit-making and public service are both legitimate goals of an industry program . . ."***

Unrealistic and sometimes-conflicting mission statements for correctional industries have often made it difficult for these programs to incorporate the concept of becoming self-sustaining operations. Correctional industries can provide a valuable public service in making available a variety of products and services at a reasonable cost. In addition, all industries should work toward the goal of becoming self-supporting. Today many industries are demonstrating that they also can make a profit. These proceeds benefit the industrial operation as well as the correctional system as a whole.

G. ***"Support reinvestment of profits to expand industrial programs, improve overall operations, maintain and upgrade equipment, and support inmate training programs . . ."***

A good correctional industry operation requires good equipment and supplies. Training offenders on outmoded equipment or for jobs that are not available in the community works against the goal of providing offenders with marketable skills and vocations. Reinvesting profits into activities designed

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to help offenders achieve economic self-sufficiency makes good economic sense. Reinvestment of profits also functions as an important incentive for inmate workers, as they see the results of their labor reinvested in programs to help give them a more secure footing in the competitive marketplace.

H. ***"Integrate industry programs, public or private, with other institutional programs and activities. . . ."***

Correctional industries must deal with situations unique to prisons, jails, and other correctional facilities. Security issues, program scheduling, and "calling-out" of offenders during work hours to meet with other institutional staff are among the areas that most often conflict with industry operations.

Corrections and industry administrators together need to establish workable written policies and procedures so that the objectives of both parties can be realized. Correctional administrators should try to ensure that the day-to-day operation of the institution facilitates rather than retards the efforts of their industrial operations. For example, cooperative efforts between vocational education programs and correctional industries maximize the use of limited resources and benefit the training and skills development of inmates.

The chain of command between industry and other institution programs should be explicit, with areas of responsibility and accountability detailed in written documents. The institution's chief administrator should assume overall leadership for the coordination and integration of all programs and services.





# Public Correctional Policy on Crowding and Excessive Workloads

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## Introduction:

Overpopulation of correctional programs and facilities can negate the effectiveness of management, program, security, and physical plant operations and can endanger offenders, staff, and the public at large. High population density within correctional facilities has been associated with increased physical and mental problems, more frequent disciplinary incidents, higher rates of assault and suicide, and decreased effectiveness of programs and services. When the population of a correctional program or facility exceeds capacity, maintaining safe and reasonable conditions of confinement and supervision becomes increasingly difficult, and may become impossible. Excessive workloads in institutional and community corrections dilute effectiveness of supervision and support services and threaten public safety.

## Statement:

The number of offenders assigned to correctional facilities and community services should be limited to levels consistent with recognized professional standards. Correctional agencies should:

- A. Establish and maintain safe and humane population and workload limits for each institution and service program based on recognized professional standards;
- B. Develop, advocate, and implement, in coordination with the executive, legislative, and judicial branches of government, emergency and longterm processes by which offender populations can be managed within reasonable limits;
- C. Anticipate the need for expanded program and facility capacity by using professional population projection methodologies that reflect both demographic and policy-related factors influencing correctional population growth;
- D. Advocate the full development and appropriate use of pretrial/adjudication release, probation, parole, community residential facilities, and other community services that are alternatives to assigning offenders to crowded facilities or that reduce the duration of assignment of offenders to such facilities;
- E. Develop, advocate, and implement plans for necessary additional facilities, staff, programs, and services.

The following discussion clarifies for the general reader the correctional issues addressed in the policy. The discussion was prepared by members of the Advisory Committee and staff of the ACA Public Correctional Policy Project.

## Discussion: Crowding and Excessive Workloads

**O**f all the problems facing corrections, overcrowding and excessive workloads have had the most adverse impact on staff, inmates, probationers and parolees, and correctional services and programs, whether for adults or juveniles or for accused or adjudicated offenders. Overpopulation of correctional programs is the most serious operational problem faced by correctional managers.

The public correctional policy on crowding and excessive workloads is based on two basic principles. First, the policy is directed to the full range of correctional programs and services, not only institutions. Second, the policy directs correctional administrators, in concert with all branches of government, to take specific actions to address this problem and initiate and implement long-term solutions.

The term "crowding" in the policy's title relates primarily to institutional corrections. Just as schools and hospitals, correctional institutions are designed for a certain maximum population. Once that population is exceeded, the same types of strains on people, equipment, and services occur as do in any overcrowded facility.

The critical difference is that the strains already present in correctional facilities far exceed those of normal residential living. Placing two or three inmates in a room designed for one drastically increases management problems and the potential for violence, as does the conversion of recreational areas, classrooms, and other program space to dormitories.

The term "excessive workload" in the policy's title is directed primarily to non-institutional services, such as parole and probation supervision, and to facility-based services such as education and vocational training programs, recreational programs, medical care, and food service. Workload refers to the quantified relationship between the amount of time needed to satisfactorily perform one's work (e.g., the amount of time needed by a probation officer to satisfactorily supervise each particular probationer assigned to him or her) and the amount of time available.

The policy calls on correctional agencies to do the following:

A. ***"Establish and maintain safe and humane population and workload limits . . . based on recognized professional standards . . ."***

The first step in responding to crowding and excessive workloads is to define what constitutes such conditions. These definitions should be based on recognized professional standards, which include not only the standards of the American Correctional Association but also relevant standards for optimum workloads from other disciplines such as vocational training, education, and medical services.

B. ***"Develop, advocate, and implement, in coordination with the executive, legislative, and judicial branches of government, emergency and long-term processes by which offender populations can be managed within reasonable limits . . ."***

All three branches of government share responsibility for conditions within correctional programs and facilities. The expression "emergency and long-term processes" is intended to demand immediate action when crowding and workload levels have become dangerous, unhealthy, or a threat to public safety. While life-threatening conditions demand immediate action, long-range planning is needed to prevent future crises. This requires the funding necessary to undertake long-range planning, based on valid and comprehensive data, and to implement those plans.

C. ***"Anticipate the need for expanded program and facility capacity by using professional population projection methodologies that reflect both demographic and policy-related factors . . ."***

Professional population projection methodologies assist correctional administrators and justice policy-makers to anticipate the effects of policy decisions

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that are within their control as well as the effects of demographic trends, which are beyond their control. Policy decisions include proposed or actual changes in statutes and agency policies and procedures. Ideally, all policy-related factors should be carefully scrutinized for their effects on correctional populations *before* any such changes are authorized.

- D. ***“Advocate the full development and appropriate use of pretrial/adjudication release, probation, parole, community residential facilities, and other community services that are alternatives to assigning offenders to crowded facilities or that reduce the duration of assignment of offenders to such facilities. . . .”***

The term “appropriate use” recognizes the potential for any new or expanded community-based program to become filled with offenders who could have been appropriately assigned to less restrictive programs and services. This merely increases the degree of supervision of persons already in the community without reducing the number of offenders confined in crowded facilities.

“Full development and appropriate use” of community-based facilities and services can also reduce the length of time certain offenders are incarcerated. After serving a portion of their sentence, many offenders can be safely released to an appropriate form of supervision in the community. This is especially significant because of the current trend toward longer sentences in many jurisdictions.

- E. ***“Develop, advocate, and implement plans for necessary additional facilities, staff, programs, and services. . . .”***

Additional resources are absolutely necessary to remedy the problem of crowding and excessive workloads in corrections. Additional resources alone will not resolve the problem, however. Those resources must be applied within the context of a comprehensive effort involving informed policy-making and the full development of alternatives to secure incarceration and facility-based correctional services. Moreover, such effort must be on-going and systematic. The four actions called for in items A through D are just as critical as additional resources to achieving a rational, long-term solution to excessive workloads and overcrowded facilities and programs.



# Public Correctional Policy on Design of Correctional Facilities

## Introduction:

The effectiveness and efficiency of correctional staff in maintaining security and delivering services can be either enhanced or limited by the physical plants in which they operate. Quality design has long-term cost and program advantages in assisting a correctional system to accomplish its mission.

## Statement:

Correctional architecture is unique, involving the design of facilities that are functionally and environmentally supportive of the needs and activities of a confined society. The design of such facilities is a multidisciplinary process. To improve the design quality and operational adequacy of new and renovated correctional facilities, correctional agencies should:

- A. Define operations of correctional facilities prior to design, including written specifications of the facility's mission and functional elements, basic operating procedures, and staffing patterns so the design can fully support intended correctional operations;
- B. Select architects and engineers on merit, as demonstrated by either successful completion of prior correctional projects, or by successful completion of other projects combined with access to recognized correctional expertise;
- C. Design correctional facilities through a multidisciplinary process that directly involves correctional professionals, criminal justice planners, architects and engineers, and that also seeks the contribution of other groups and disciplines who have an interest in the facility's design, including those involved in the facility's day-to-day operations;
- D. Ensure that facility designs conform to applicable codes and nationally approved professional standards and that they encourage direct interaction in supervision of offenders, consistent with staff safety;
- E. Ensure facility design is sufficiently flexible to accommodate changes in offender population and in the facility's mission, operating procedures, and staffing;
- F. Maintain project oversight to assure design objectives are met;
- G. Recognize the need for early selection of key staff who will be responsible for initial operation of the facility so they can participate in the design and construction process; and
- H. Engage in an ongoing process of research and evaluation to develop, improve, and recognize the most successful design features, equipment technologies, and operating procedures.

The following discussion clarifies for the general reader the correctional issues addressed in the policy. The discussion was prepared by members of the Advisory Committee and staff of the ACA Public Correctional Policy Project.

## Discussion: Design of Correctional Facilities

**O**vercrowding and antiquated facilities have placed renovation and new building high on the priority list of many correctional systems. At the same time, state and local governments are often dismayed at the high costs of constructing secure facilities. But construction costs, including architectural fees, account for only 10 percent of the total costs of operating a facility over a 30-year period; staffing will account for 81 percent of the costs over this period, and operations (utilities, food, maintenance) for 9 percent. Because facility design has a significant impact on staffing patterns and operating efficiency in addition to safety and security measures, correctional agencies should devote considerable thought and effort to new construction projects and should emphasize effective and open communication among all those involved in the design and operation of the facility.

Correctional architecture carries the same requirements for functional and humane design as any other kind of specialized architecture, whether for hospitals or private homes. Just as a poorly designed house with poor traffic patterns, inadequate space for needed activities, poor construction techniques, and inadequate mechanical systems will hamper and frustrate family living, so will a poorly designed correctional facility frustrate and hamper the safety of staff and offenders and the efficient operation of programs and services.

Contemporary thinking about correctional facilities suggests that the institutional atmosphere should be as normal as possible for both offenders and staff, while providing the necessary safety and security. The operating experience of institutions throughout the nation attests to the benefits and cost-savings of this approach to correctional design.

A. ***"Define operations of correctional facilities prior to design . . . so that the design can fully support intended operations . . ."***

In order for the design to fully support intended correctional operations, the operations must be clearly defined: number and type of offenders to be housed; type and size of programs and services to be available; security levels (maximum; medium; minimum; mixed levels of security); and number and type of staff. Opportunities for interaction with the community and volunteers must also be defined before the design process can get underway.

B. ***"Select architects and engineers on merit, as demonstrated by either successful completion of prior correctional projects, or by successful completion of other projects combined with access to recognized correctional expertise . . ."***

Correctional expertise is essential to the design process. Contemporary design philosophy for corrections focuses on promoting a humane atmosphere while providing the necessary safety and security. In recent years correctional architecture has been moving away from the traditional symbols of punitive incarceration—such as tiers of windowless cells. At the same time, correctional design and construction must provide the level of security appropriate to a facility's population. Successful correctional design and construction require an understanding of correctional goals and the correctional mission for the facility as well as engineering and architectural competency.

C. ***"Design correctional facilities through a multidisciplinary process that directly involves correctional professionals, criminal justice planners, architects, and engineers . . ."***

Just as the design of correctional information systems requires the input of those who need and will use the information, so does the design of correctional facilities. Staff training needs, optimal expansion capabilities, and new programs and services must all be taken into account as part of the design process. The question of how well the facility blends with the surrounding community and future plans for development of the area are other important considerations that enter into the earliest stages of design.

**Discussion on  
Design of  
Correctional Facilities  
(continued)**

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- D. ***"Ensure that facility designs conform to applicable codes and nationally approved professional standards and that they encourage direct interaction in supervision of offenders, consistent with staff safety. . . ."***

Facility design and construction should conform to national standards for professional correctional practice and to all applicable life and safety codes. In addition, designs should encourage direct staff supervision of inmates when possible.

Direct supervision means that staff are not isolated from the offenders under their supervision, but, rather, work in direct contact with them and supervise directly rather than passively from an observation booth or from behind barricades such as glass walls. Experience has shown that, in general, direct supervision fosters better interpersonal relationships between staff and offenders and leads to more knowledgeable decision-making because staff better know the offenders under their supervision. In addition, it has been found to reduce the potential for disruptive behavior because staff can directly intervene in disputes and defuse potentially dangerous situations before they escalate.

- E. ***"Ensure facility design is sufficiently flexible to accommodate changes. . . ."***

Correctional facilities frequently remain in use for as many as 50 to 75 years. A flexible design can respond to changes in types of offenders housed and types of programs and services offered. Designs with numerous multiuse spaces of different sizes facilitate changes in programs and services. Another important design feature for flexibility is the use of small housing units. This design feature enables institutions to house small groups of offenders according to their individual program needs.

- F. ***"Maintain project oversight to assure design objectives are met. . . ."***

Building or renovating a correctional facility takes time. The correctional agency should continue its involvement and oversight responsibilities throughout the process. The best person to maintain this oversight is the person who will ultimately manage the institution, as it is the administrator who best understands the functions and staffing patterns that the facility is to accommodate.

- G. ***"Recognize the need for early selection of key staff who will be responsible for initial operation of the facility. . . ."***

Ideally, the key staff for any correctional facility will be selected early in the design process so that they can contribute to the design effort. Early selection also enables these key staff to fully understand how the facility will operate and to suggest changes and modifications as needed. All staff who will work in the facility should have an opportunity to test and become thoroughly familiar with the buildings, mechanical systems, and operating procedures prior to the facility's opening.

- H. ***"Engage in an ongoing process of research and evaluation to develop, improve, and recognize the most successful design features, equipment technologies, and operating procedures. . . ."***

Correctional architecture is a growing field. New technologies and construction techniques are appearing constantly. Correctional agencies should keep up to date on these changes and should maintain contact with professional groups concerned with correctional architecture. In addition, agencies can benefit greatly from both the successful and the less successful operating experiences of agencies that have built new facilities or renovated existing ones.



## Public Correctional Policy on Female Offender Services

### Introduction:

Correctional systems must develop service delivery systems for accused and adjudicated female offenders that are comparable to those provided to males. Additional services must also be provided to meet the unique needs of the female offender population.

### Statement:

Correctional systems must be guided by the principle of parity. Female offenders must receive the equivalent range of services available to other offenders, including opportunities for individualized programming and services that recognize the unique needs of this population. The services should:

- A. Assure access to a range of alternatives to incarceration, including pretrial and post-trial diversion, probation, restitution, treatment for substance abuse, halfway houses, and parole services;
- B. Provide acceptable conditions of confinement, including appropriately trained staff and sound operating procedures that address this population's needs in such areas as clothing, personal property, hygiene, exercise, recreation, and visitation with children and family;
- C. Provide access to a full range of work and programs designed to expand economic and social roles of women, with emphasis on education; career counseling and exploration of non-traditional as well as traditional vocational training; relevant life skills, including parenting and social and economic assertiveness; and pre-release and work/education release programs;
- D. Facilitate the maintenance and strengthening of family ties, particularly those between parent and child;
- E. Deliver appropriate programs and services, including medical, dental, and mental health programs, services to pregnant women, substance abuse programs, child and family services, and provide access to legal services; and
- F. Provide access to release programs that include aid in establishing homes, economic stability, and sound family relationships.

The following discussion clarifies for the general reader the correctional issues addressed in the policy. The discussion was prepared by members of the Advisory Committee and staff of the ACA Public Correctional Policy Project.

## Discussion: Female Offender Services

**B**ecause of their comparatively small numbers, female offenders—both adults and juveniles, accused and adjudicated—have been virtually ignored in the justice system. While data suggest that female offenders are very receptive to rehabilitation programs and supportive services, they seldom have access to such programs, and certainly not to the range of services available to male offenders.

Some female facilities and programs are excellent. Many, however, have never received the resources they need to offer parity of programs and services and to provide the necessary training to their staff. As a result, many institutions have had to simply “hold” their female inmates, providing few opportunities to them for constructive change.

Justice professionals and the public should be made aware of the profound need for parity of resources and services for females.

### A. ***“Assure access to a range of alternatives to incarceration . . .”***

It is fiscally and programatically sound that the alternatives available for adult and juvenile female offenders include programs and services that address their needs in the least restrictive setting consistent with public safety. The majority of female offenders are arrested for crimes against property; few pose a risk to society. Consequently, as opposed to secure confinement, community placement—whether on pre-adjudicated release or probation, in a residential program, or on parole—can provide the level of structure and support needed by many female offenders. At the same time, community placement considerably reduces the cost burden to taxpayers. Programs that allow female offenders to be gainfully employed not only promote self-sufficiency; they enable the individual to make restitution and contribute to the cost of her correctional program.

Substance abuse is a significant problem that can best be treated in the kinds of programs that generally are available in the community but not in traditional institutions. Treatment in the community may also be the most efficient and effective means for some offenders to address other areas of personal need, such as education, employment, and maintaining family and community ties. All of these options should be available, either in the community or in institutions, for female as well as male offenders.

### B. ***“Provide acceptable conditions of confinement, including appropriately trained staff and sound operating procedures that address this population’s needs . . .”***

Departments of correction should ensure that their written policies and procedures address both female and male offenders. Historically, manuals of policies and procedures have been written from the point of view of the male offender. For example, official lists of “clothing to be issued,” “permissible personal items,” and “rules of probation” have overlooked the needs of the female offender; policies on hygiene, recreation, paid employment, and visitation with children are often inappropriate for female offenders or else do not exist.

In addition, requirements and opportunities for staff development often overlook the needs of administrators and staff for professional, ongoing training in managing the female offender. For example, staff training in the issues relating to child welfare is needed so that staff can assist inmates with the complex arrangements that must be made with other agencies when a parent is incarcerated.

### C. ***“Provide access to a full range of work and programs designed to expand economic and social roles . . .”***

More than half of the nation’s workforce is now female. Most women who are convicted of crimes held jobs before their conviction, yet most also were earning incomes below the poverty level. The majority of these women were also the sole



**Discussion on  
Female Offender  
Services  
(continued)**

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support for themselves as well as their children. Adequate academic education programs and occupational assessment and training for female offenders is therefore a critical need.

To successfully compete in a demanding job market, female offenders should receive the opportunity for suitable training, based on their interests and abilities, in both traditional and non-traditional vocations. Many female offenders also lack the relevant lifeskills necessary for successfully managing a household and being independent in a competitive and costly society. Whether in an institution or under community supervision, females should have an opportunity to acquire and practice these skills through instruction, counseling, and gradual release programs such as furloughs and pre-release. Work release programs should be available so that female offenders can apply their training in a structured and supportive setting.

**D. "Facilitate the maintenance and strengthening of family ties, particularly those between parent and child. . . ."**

Undue separation of parent and child punishes both. Incarcerated mothers and their children experience serious problems in maintaining their relationships with each other, much less improving them. In general, society not only has ignored the need of these children for a parent; it has ignored the need of incarcerated mothers to remain a parent to their children. It is important, for example, that incarcerated parents be involved in the decision-making about any support services needed by their children.

Female offenders should have the opportunity to participate in programs on marriage, the family, and parenting that are taught by qualified individuals. Many of these offenders received poor parenting as children; many were neglected and abused both emotionally and sexually. Yet, on their release, incarcerated mothers are usually expected to resume their parenting role, usually as the head of the household. To prevent a cycle of abused and neglected children, these offender mothers must have the opportunity to learn effective parenting skills.

Moreover, it takes both time and support to improve family relationships. To adequately address this need, female offenders and their children should have the opportunity to spend extended periods of time together, in both structured and unstructured situations.

**E. "Deliver appropriate programs and services. . . ."**

Programs that restore and help maintain physical and mental well-being and that address unique needs such as pregnancy and menopause are essential for female offenders. Adequate care for the prenatal and postpartum woman should be available. It is particularly important that the nurses, physicians, and mental health staff working with female offenders have an interest in and specific knowledge of female physiology and mental health. In addition, female offenders should have access to attorneys who are knowledgeable about the legal questions surrounding women's rights.

**F. "Provide access to release programs that include aid in establishing homes, economic stability, and sound family relationships. . . ."**

One of the penalties of incarceration is that it weakens and even destroys the offender's support systems in the community. Before their arrests, many female offenders were dependent on spouses, parents, or others for emotional and financial support. More often than not, however, released female offenders must establish residences, find employment, and attempt to reestablish family ties without assistance. Their fear, loneliness, dependency, and frustration are serious threats to their success after their release from correctional supervision.

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**Discussion on  
Female Offender  
Services  
(continued)**

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Most female offenders could benefit from release programs that allow them to gradually assume responsibility for themselves and their dependents. Even if an outside support system is intact, returning to family and community can be an unsettling experience, especially as the offender tries to carry over newly acquired skills and an improved self-image. Post-release programs (e.g., community-based counseling and monitoring) offer the offender needed support, encouragement, and guidance during this critical time.



## Public Correctional Policy on Information Systems

### Introduction:

Timely and accurate information is a basic requirement for effective management of organizations. Such information forms a basis for sound decision-making and provides for accountability in operations and program results.

### Statement:

For correctional managers to function effectively, they must have accurate and timely information. The design of correctional information systems must reflect combined efforts of both correctional professionals and information system specialists. To meet the diverse needs of a correctional agency, information systems should be designed that will support the management processes of the agency as their primary function, support service delivery functions by providing data relevant to their efficiency and outcome, and provide sufficient flexibility to support relevant research and evaluation.

To promote development of effective information systems, correctional agencies should:

- A. Clearly define the desired scope of the system, consistent with a realistic assessment of anticipated resources and technologies;
- B. Involve and train correctional managers in all stages of system development and operation to ensure managers' needs are met;
- C. Prepare detailed and carefully monitored development plans to ensure systems are designed and implemented in a timely and cost-effective manner;
- D. Require that the system include formal evaluation procedures to ensure the quality of system input and output;
- E. Cooperate with correctional, law enforcement, and other public agencies to provide for mutual sharing of information, consistent with legitimate concerns for privacy, confidentiality, and system security;
- F. Ensure appropriate information needs of the public are met, consistent with legal requirements; and
- G. Advocate provision of resources to implement and update advanced information system technologies.

The following discussion clarifies for the general reader the correctional issues addressed in the policy. The discussion was prepared by members of the Advisory Committee and staff of the ACA Public Correctional Policy Project.

## Discussion: Information Systems

**M**odern management techniques require that justice agencies be able to collect, analyze, and act on large volumes of information. While information technology by itself will not solve organizational problems, an understanding and utilization of information technology is essential if correctional agencies are to meet contemporary standards of accountability and efficiency.

Most correctional agencies have only limited resources to allocate to system development. To achieve maximum benefit from any information system, agencies need to carefully rate their information goals in order of priority. The highest priority should be given to information that supports the basic management processes of the agency. Mandated daily activities must be conducted efficiently before resources can be committed to other important, but optional, efforts.

As a second priority, information systems should support the service and program functions of the agency by providing data relevant to efficiency and outcome. These data enable managers to determine if objectives are being met. They also allow them to determine if new programming is needed or if existing programming should be modified or curtailed.

An information system should be sufficiently flexible to support relevant research efforts. An effective program of research and evaluation is needed to address such basic issues as the causes of criminal behavior, ways to control that behavior, and the effects of correctional programming. Such knowledge is essential to guide policy-makers and governmental agencies in their decisions about existing and proposed correctional programs, services, and facilities.

In recent years many organizations have expended considerable effort and resources on systems development only to be disappointed in the results. These failures are usually the result of inadequate input from the users during the design and development process. To avoid this, correctional managers must determine and clearly state the capabilities they need in a system. These capabilities should be communicated to system specialists for translation into technical development steps. Most system failures can be avoided if correctional managers maintain close control of the design and implementation process and ensure that the seven development guidelines listed in the policy statement are followed:

A. ***"Clearly define the desired scope of the system, consistent with a realistic assessment of anticipated resources and technologies. . . ."***

To be useful, any information system must be specifically tailored to the operation it is intended to support. This is true whether the system is based on computers or manual files.

Devoting time and resources to developing a system that cannot meet an agency's basic record-keeping requirements is an obvious waste, as is the devotion of time and resources to an overly sophisticated system. In addition, adequate resources must be available for staff training and ongoing system maintenance so that the system remains functional.

B. ***"Involve and train correctional managers in all stages of system development and operation to ensure managers' needs are met. . . ."***

Correctional managers must be fully involved from the beginning of the design process to ensure that the operational needs of the organization are met. Information specialists cannot design effective systems without guidance and direction from the functional managers. Moreover, involving correctional managers throughout the process helps ensure that they can use the system and that they understand its capabilities both for the present and the future.

**Discussion on  
Information  
Systems  
(continued)**

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- C. ***"Prepare detailed and carefully monitored development plans to ensure systems are designed and implemented in a timely and cost-effective manner. . . ."***

While the design and implementation of an information system requires time, the continuing emergence of new technologies can postpone final decisions and implementation indefinitely. Once a correctional agency decides to embark on a system, it should draw up a detailed plan setting priorities, estimating costs, and establishing a timetable for design and implementation. Agencies must then carefully monitor their plans to ensure they are carried out on schedule and within budget.

- D. ***"Require that the system include formal evaluation procedures to ensure the quality of system input and output. . . ."***

The data received from an information system must be accurate and relevant to the agency's needs. This requires that the data entered into the system be accurate and complete. The quality of system input and output should be evaluated periodically to ensure that information is being entered and produced as planned. Any system should also be independent of efforts to manipulate data input and collection.

- E. ***"Cooperate with correctional, law enforcement, and other public agencies to provide for mutual sharing of information, consistent with legitimate concerns for privacy, confidentiality, and system security. . . ."***

Information sharing with other public agencies improves the quantity and quality of information available for correctional decision-making, whether the subject is classification or long-term population projections.

The process of admitting and properly classifying a new inmate in a prison, for example, is dependent on timely, accurate, and comprehensive information about the offender. This information exists in various records from various sources: court commitment papers (courts), presentence reports (probation offices), custodial transfer forms (jails), health transfer forms (jails), warrants and detainers (courts), and notice of parole violation (parole agency).

Yet, too often, many of these records are difficult to read, contain incomplete or inaccurate data, or arrive late or never at all. This creates time-consuming duplication of testing and reconciling of discrepancies. Identification of health, psychiatric, or behavior problems may be delayed. Moreover, when vital data are missing, institutions tend to "overclassify" inmates—provide more supervision and controls than necessary—in order to avoid the risk of providing too little.

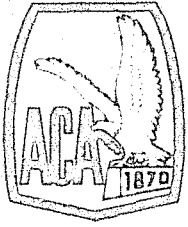
Standardized formats and computer interfaces between agencies can radically reduce both the time it takes to transfer information and the number of errors that occur during processing and transferring that information.

- F. ***"Ensure appropriate information needs of the public are met, consistent with legal requirements. . . ."***

Correctional agencies have a responsibility to meet the legitimate information needs of the public. These information needs include general information on the agency's operations—its offender populations, types and size of programs, budget information—and specific information on individual offenders (e.g., location, length and type of sentence).

- G. ***"Advocate provision of resources to implement and update advanced information system technologies. . . ."***

Information systems development is a burgeoning field. New technologies are emerging almost daily. Agencies should plan ahead for the eventuality of updating their information systems. A piecemeal approach to improved technologies will be less successful and more expensive than a coordinated approach. This requires that adequate funds be committed in advance so that the system can be updated as needed.



# Public Correctional Policy on Juvenile Corrections

## Introduction:

The juvenile corrections system must provide specialized care for young offenders in our society. Juvenile corrections, although sharing the same overall purpose as adult corrections, has significantly different processes and procedures and requires specialized care, services, and programs.

## Statement:

Children and youth have distinct personal growth and developmental needs and should be secure from any harmful effects of association with adult offenders. Juvenile corrections must provide a continuum of programs, services, and facilities for accused and adjudicated juvenile offenders that are separate from those for adult offenders. Services and care for the individual youth must be of primary concern, consistent with protection of the public and maintenance of social order. To achieve these goals, juvenile corrections officials and agencies should:

- A. Establish and maintain effective communication with all concerned with the juvenile justice system—executive, judicial, and legislative officials, prosecution and defense counsel, social service agencies, schools, police, and families—to achieve the fullest possible cooperation in making appropriate decisions in individual cases and in providing and using services and resources;
- B. Provide a range of community and residential programs and services to meet individual needs, including education, vocational training, recreation, religious opportunities, family, aftercare, medical, dental, mental health, and specialized programs and services such as substance abuse treatment;
- C. Involve the family and community as preferred resources and use the least restrictive appropriate dispositions in program planning and placement for juveniles;
- D. Exclude from correctional systems all status offenders (those whose behavior would not be considered criminal if committed by adults);
- E. Operate a juvenile classification system to identify and meet the program needs of the juvenile offender, while actively considering the public's need for protection; and
- F. Support limitations on the use of juvenile records according to approved national standards, recognizing that the need to safeguard the privacy and rehabilitative goals of the juvenile should be balanced with concern for the protection of the public, including victims.

The following discussion clarifies for the general reader the correctional issues addressed in the policy. The discussion was prepared by members of the Advisory Committee and staff of the ACA Public Correctional Policy Project.

## Discussion: Juvenile Corrections

The juvenile corrections system, while sharing the same overall purpose as the adult corrections system, is based on significantly different processes and procedures. The term "juvenile" in juvenile corrections is a legal term, and the definition of "juvenile" varies from state to state.

In general, juvenile corrections views juveniles as developmentally immature and less culpable for their behavior than adults. As such, the primary thrust of correctional programs and services for juveniles is to treat, guide, protect, and rehabilitate. At the same time, juvenile corrections shares the concern of adult corrections for protecting the public safety and maintaining social order.

Until the turn of the century, juveniles who committed crimes were processed through the adult criminal courts. In 1899, in response to reform movements, the first juvenile court was established in Cook County, Illinois. The philosophy underlying its creation was the English tradition of equity and the doctrine of *parens patriae*, which held that government had the right as well as the duty to serve the child's needs if the child's parents failed to. In contrast, the adult justice system (criminal courts) is based on the English tradition of law, which limited the power of the state to take action against an individual except when it could be proved beyond a reasonable doubt that the person had violated a criminal law or when the safety of the community was jeopardized.

The intent of the juvenile court was to consider in an informal and nonthreatening manner the child's general situation and needs as well as any delinquent acts. Children were seen as having a right to "custody" by the state, but not to the rights afforded in criminal court. Emphasis was on the best interests of the child, and there was little emphasis on the kinds of legal safeguards provided to a defendant in an adult criminal case.

The vast discrepancy between the original hopes and intent of the juvenile court and the realities of the limited resources and sometimes-harsh methods applied to juveniles spawned a second reform movement in the 1960s. This reform movement was directed at curbing the powers of the juvenile court and, indirectly, the powers of parents. In *re Gault* (387 U.S. 1), decided in 1967, was the first important U.S. Supreme Court case regarding juvenile rights. Since then, the drive to provide constitutional rights to juveniles, such as the right to counsel and the right to appeal, has developed rapidly so that the juvenile legal system in many ways parallels the adult legal system.

State and local social service agencies have been slow to keep pace with many of these changes. As a result, in some jurisdictions there are few if any resources and services for troubled youth who are not adjudged delinquent. As importantly, the need for adequate funding, staffing, and evaluation of juvenile programs and services continues. All of these factors underscore the importance of effective communication among all concerned with the juvenile justice system. As the *ACA Declaration of Principles* declares in its basic precepts for corrections, "Juvenile and adult correctional agencies, whether federal, state, or local, or public, private, or voluntary, must regard themselves as part of a highly integrated larger system that must work together toward common goals."

### A. "Establish and maintain communication with all concerned with the juvenile justice system. . . ."

The components of juvenile corrections cannot operate alone; they need the assistance of all concerned with providing services to youth. Our young people are directly affected by the quality of communication among government decision-makers. Moreover, as much as any other group distinguished by special characteristics, juveniles in trouble need knowledgeable and concerned advocates to promote their best interests before all branches of government.

**Discussion on  
Juvenile  
Corrections  
(continued)**

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**B. "Provide a range of community and residential programs and services to meet individual needs. . . ."**

Correctional services for juveniles vary greatly from locality to locality. Quality programs and services should be available to all youthful offenders. These programs should include preventive programs such as crisis intervention and counseling directed at diverting youth from becoming actively involved in criminal behavior.

Once a youth is involved in the juvenile corrections system, a wide range of programs or services is needed to treat youth in accordance with their individual needs. All programs and services should operate in accord with recognized national standards for juvenile corrections. These standards include the exclusion of adjudicated juveniles from adult prisons and jails.

**C. "Involve the family and community as preferred resources and use the least restrictive appropriate dispositions in program planning and placement for juveniles. . . ."**

The concept of reward and consequences, and the need for approval from positive and caring role models, are strong motivators for youth. Because the parent or legal guardian is legally responsible for the care of a minor child, it is imperative to involve the family and local community services where it is appropriate. Juveniles themselves also need the opportunity to express their views on what alternatives they consider to be in their best interests.

Detention of juveniles is usually seen as a last resort and then only to protect the youth or the public. The treatment of youthful offenders operates under the general philosophy that with proper instruction, guidelines, and support services, a youthful offender who has strayed from lawful behavior can be convinced to behave in the community. While most youth can be treated successfully in the community (given that the necessary resources are available), some cannot be diverted from further involvement in delinquency without the structure and continuing reinforcement provided by skilled professional staff in a residential setting.

**D. "Exclude status offenders from correctional systems. . . ."**

Status offenders—those who commit acts that would not be considered criminal if committed by adults—have their own special needs. This sector of the juvenile population should be excluded from corrections and placed in their own unique system. This allows status offenders, including runaways and chronic truants, to receive needed help without the stigma attached to adjudication or disposition in juvenile corrections. This has been partially achieved in some jurisdictions by case law or statutory law that prohibits the comingling of status and adjudicated juvenile offenders.

**E. "Operate a juvenile classification system. . . ."**

Juvenile corrections should make use of classification systems devised especially for juveniles so that an individual youth can receive the most appropriate programs and services. Continuing evaluation of the classification process and the effectiveness of programs and services is also necessary. The many shifts in philosophy and conflicting ideas about delinquent behavior make it imperative that correctional programs and services for juveniles be based on the most accurate information available about effective treatment.

**F. "Support limitations on the use of juvenile records according to approved national standards, recognizing that the need to safeguard the privacy and rehabilitative goals of the juvenile should be balanced with concern for the protection of the public, including victims. . . ."**

Confidentiality of juvenile records has been required in most jurisdictions except in certain limited circumstances where the legal rights of defendants, victims, or the juveniles themselves might be violated by strict adherence to these laws.





## Public Correctional Policy on Legal Issues and Litigation

### Introduction:

Adherence to law is fundamental to professional correctional practice. This entails avoiding litigation through sound management, effective use of the adversarial process to resolve issues that are litigated, and professional compliance with judicial orders.

### Statement:

Problems addressed through litigation, such as inadequate and insufficient facilities, services, procedures, and staffing, can often be remedied through professional correctional practice, supported by government officials and the public with the necessary capital and operational resources. To achieve sound management of legal issues, correctional agencies should:

- A. Use the standards and accreditation process of the American Correctional Association and the Commission on Accreditation for Corrections as a method to develop and maintain professional practice;
- B. Consult frequently with legal counsel to remain informed of current developments in the law and to anticipate and avoid emerging legal problems;
- C. Train staff about legal issues and responsibilities and provide them with legal representation when appropriate;
- D. Attempt to resolve potential legal problems through dispute resolution techniques such as administrative grievance procedures;
- E. Negotiate and settle litigation when agreements can be developed consistent with professional correctional practice;
- F. Litigate, when no professionally reasonable alternative is possible, with the best legal and correctional expertise available and with full preparation and development of the case; and
- G. Implement court orders in a professional manner.

The following discussion clarifies for the general reader the correctional issues addressed in the policy. The discussion was prepared by members of the Advisory Committee and staff of the ACA Public Correctional Policy Project.

## Discussion: Legal Issues and Litigation

Differences of opinion in the interpretation of legal responsibilities and mandates are not uncommon in a pluralistic, democratic society. Moreover, litigation is sometimes necessary to settle conflict. The public correctional policy on management of legal issues and litigation recognizes that adherence to law is fundamental to professional correctional practice. It further recognizes that litigation may be necessary when no reasonable alternative is possible.

The greatest unresolved conflicts in corrections concern the policies, procedures, and operating resources that, combined, create the conditions of correctional supervision and confinement. In recent years, the number of lawsuits filed against correctional agencies and individual staff for alleged violations of rights has increased dramatically. In general, correctional liability suits have alleged violations of one or more of the rights guaranteed by the U. S. Constitution, especially the right to freedom of speech, the prohibition against unreasonable searches and seizures, the right against self-incrimination, the right to the assistance of counsel, the right against cruel and unusual punishment, and the right to due process and to equal protection.

The policy encourages an active and informed approach to avoid the conditions and situations that may give rise to legal conflict. It directs correctional agencies to:

A. ***"Use the standards and accreditation process of the American Correctional Association and the Commission on Accreditation for Corrections . . ."***

As set forth in the policy on standards and accreditation, compliance with the standards promulgated by the American Correctional Association assures that an agency is complying with a professional body of standards for sound correctional practice. Compliance with ACA standards means that agencies are also complying with the professional standards promulgated by government health agencies and the National Fire Protection Association's Life Safety Code.

B. ***"Consult frequently with legal counsel to remain informed of current developments . . . and to anticipate and avoid emerging legal problems . . ."***

Awareness of the law is a prerequisite to adherence. Agencies must be aware of federal, state, and local laws and regulations affecting correctional practice, as well as the implications of recent court decisions in both their own and other jurisdictions.

C. ***"Train staff about legal issues and responsibilities and provide them with legal representation when appropriate . . ."***

Correctional personnel can be liable under both federal and state law. In addition, they can be liable for both civil and criminal liabilities. Correctional staff, particularly those working directly with offenders, should receive training on current and potential legal issues, offender and employee rights, the impact of recent court rulings, and legal and administrative remedies.

Staff should understand that rules and regulations issued pursuant to law have the force and effect of law and are binding on the individual staff member and correctional agency unless declared illegal or unconstitutional by the courts. Staff should also understand that agency policies, guidelines, and administrative directives also have the force and effect of law, and that failure to follow them may lead to administrative action or civil liability.

D. ***"Attempt to resolve potential legal problems through dispute resolution techniques such as administrative grievance procedures . . ."***

Grievance mechanisms that assure that complaints will be resolved fairly are a critical component of sound correctional management. Grievance systems reduce litigation, improve the morale of both staff and offenders, and promote justice. All

**Discussion on  
Legal Issues  
and Litigation  
(continued)**

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correctional agencies and programs should develop and have in place dispute resolution techniques as a means to try to resolve disputes before they escalate to litigation.

- E. ***"Negotiate and settle litigation when agreements can be developed consistent with professional correctional practice. . . ."***

Dispute resolution techniques sometimes fail. If litigation is filed, correctional agencies should meet with parties to the suit and attempt to reach a reasonable settlement that is consistent with good correctional practice.

- F. ***"Litigate, when no professionally reasonable alternative is possible, with the best legal and correctional expertise available and with full preparation and development of the case. . . ."***

Litigation is both expensive and time-consuming. Correctional agencies faced with litigation should devote adequate time and resources to preparing and presenting their case in a fully professional manner.

- G. ***"Implement court orders in a professional manner. . . ."***

Both public and judicial support of corrections depends in part on the manner in which agencies fulfill judicial mandates. Correctional agencies have a fundamental responsibility to comply with orders of the court and to carry out such orders in a professional manner. Open lines of communication between the agency and the court are critical.



# Public Correctional Policy on Offender Education and Training

## Introduction:

Many accused and adjudicated juvenile and adult offenders lack basic educational, vocational, and social skills necessary to enhance community integration and economic self-sufficiency. These deficiencies may interact with other socioeconomic and psychological factors to affect the life choices made by offenders and may limit the legitimate financial and social opportunities available to these individuals.

## Statement:

Education and training are integral parts of the total correctional process. Governmental jurisdictions should develop, expand, and improve delivery systems for academic, occupational, social, and other educational programs for accused and adjudicated juvenile and adult offenders in order to enhance their community integration and economic self-sufficiency. Toward this end, correctional agencies should:

- A. Provide for assessment of academic, vocational, and social skills deficiencies of those under their jurisdictions;
- B. Make available opportunities to participate in relevant, comprehensive educational, vocational, and social skills training programs and job placement activities that are fully coordinated and integrated with other components of the correctional process and the community as a whole;
- C. Ensure programs provided are taught by certified instructors in accordance with professional standards and relevant techniques;
- D. Provide incentives for participation and achievement in education and training programs;
- E. Maximize use of public and private sector resources in development, implementation, coordination, and evaluation of education and training programs and job placement activities; and
- F. Evaluate the efficiency and effectiveness of program performance based on measurable goals and objectives.

The following discussion clarifies for the general reader the correctional issues addressed in the policy. The discussion was prepared by members of the Advisory Committee and staff of the ACA Public Correctional Policy Project.

## Discussion: Offender Education and Training

The majority of juvenile and adult offenders have not acquired the basic educational, vocational, and/or social skills necessary for success in the world of work and in society in general. Whether because of deficiencies within themselves or because of a lack of resources or access to them in the community, offender populations are characterized by high levels of illiteracy, negative attitudes toward school and work, low levels of motivation, limited vocational skills, poor job-seeking skills, and low-status work histories. These deficiencies clearly hinder community adjustment and economic self-sufficiency upon release from correctional supervision.

Traditionally, education and training for offenders has been viewed as a part of institutional programming. The public correctional policy on offender education and training goes beyond this somewhat-narrow focus. It brings to the attention of all governmental agencies, including educational and correctional systems, the need to expand and improve these programs for offenders and the need to integrate them with other services and programs, whether in the community or in institutions. For correctional systems this necessitates the following actions:

A. ***"Provide for assessment of academic, vocational, and social skills deficiencies. . . ."***

Identification and assessment of offenders' educational and social needs should be a part of the classification process. Ideally, this assessment should take place prior to sentencing so that sentencing decisions and program assignments can take into account the offender's identified deficiencies and the availability of resources to correct them.

B. ***"Make available opportunities to participate in relevant, comprehensive educational, vocational, and social skills training programs and job placement activities. . . ."***

Opportunities for education, vocational training, and job placement activities should be available for both juveniles and adults, whether accused or adjudicated. Programs provided by the correctional system should be integrated as much as possible with existing resources in the community. Similarly, they should be coordinated with other correctional programs and services in which the offender is involved.

Programs and services should be relevant to the offender's needs; that is, they should be practical in terms of the offender's educational, economic, and social realities. For example, vocational training programs should be based on reliable and up-to-date information about job skills and fields that are in demand.

C. ***"Ensure programs are taught by certified instructors in accordance with professional standards and relevant techniques. . . ."***

As a group, offenders typically have experienced difficulties and failure with the traditional education system. Education and training programs should therefore be flexible and creative yet also meet professional standards. Programs should be taught by certified instructors skilled in dealing with the particular age groups and the identified deficiencies, whether academic, vocational, or social. All programs, whether presented in the community or in institutions, should comply with federal, state, and local statutes and regulations governing educational and vocational training programs.

D. ***"Provide incentives for participation and achievement in education and training programs. . . ."***

Both juvenile and adult offenders need to see immediate as well as long-range benefits from program participation and achievement. Educational and vocational training programs should include mechanisms that provide positive reinforcement

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**Discussion on  
Offender Education  
and Training  
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for successful participation and individual achievement. These incentives can take many forms, from tangible rewards—such as time credits that reduce the length of sentence—to less tangible incentives such as special events and activities that reward constructive behavior through approval, recognition, and praise.

E. ***“Maximize use of public and private sector resources in development, implementation, coordination, and evaluation . . .”***

Correctional education, training, and job placement activities cannot exist in a vacuum. They must be integrated with existing community programs. This includes not only coordination and cooperation among service delivery systems, but also joint staff training and other employee development activities.

F. ***“Evaluate program efficiency and effectiveness based on measurable goals and objectives . . .”***

Just as public education and job placement programs should be subject to close scrutiny and evaluation, programs for offenders should be made accountable and measured against specific goals and objectives. This requires the resources to conduct follow-up evaluations of program effectiveness in promoting economic self-sufficiency and law-abiding behavior in the community.



## Public Correctional Policy on Offenders with Special Needs

### Introduction:

The provision of humane programs and services for the accused and adjudicated requires addressing the special needs of certain offenders. To meet this goal, correctional agencies should develop and adopt procedures for the early identification of offenders with special needs. Agencies should also develop a plan for providing the services that respond to those needs and for monitoring the delivery of services in both confined and community settings.

### Statement:

Correctional systems should assure provision of specialized services and programs to meet the special needs of offenders. To achieve this, they should:

- A. Identify the categories of offenders who will require special care or programs. These categories include:
  1. Offenders with severe psychological needs, mental retardation, significant psychiatric disorders, behavior disorders, multiple handicaps, neurological impairments, and substance abuse;
  2. Offenders who are physically handicapped or chronically or terminally ill;
  3. Offenders who are elderly;
  4. Offenders with severe social and/or educational deficiencies, learning disabilities, or language barriers; and
  5. Offenders with special security or supervision needs, such as protective custody cases, death row inmates, and those who chronically exhibit potential for violent or aggressive behavior.
- B. Provide specialized services or programs for those offenders who are identified as being in need of special care or programs. Such services and programs may be provided within the correctional agency itself, or by referral to another agency that has the necessary specialized program resources, or by contracting with private or voluntary agencies or individuals that meet professional standards;
- C. Maintain specially trained staff for the delivery of care, programs, and services;
- D. Maintain documentation of the services and programs provided;
- E. Institute carefully controlled evaluation procedures to determine each program's effectiveness and the feasibility of its continuation or the need for adjustments; and
- F. Provide leadership and advocacy for legislative and public support to obtain the resources needed to meet these special needs.

The following discussion clarifies for the general reader the correctional issues addressed in the policy. The discussion was prepared by members of the Advisory Committee and staff of the ACA Public Correctional Policy Project.

## Discussion: Offenders with Special Needs

**C**orrectional systems have a fundamental responsibility to provide humane care for all offenders assigned to them, accused and adjudicated, young and old, male and female. Additionally, correctional systems are under legal obligation and political pressure to address the special needs of certain groups of offenders.

The range of special needs embraces the full extent of human problems found in any community, including substance abuse, mental impairment, pathological behaviors, and severe learning disabilities.

Problems such as these make it difficult for offenders to function adequately in regular community-based or institutional programs. Many offenders enter the correctional system with such problems; indeed, they may enter *because* of such problems. Others develop special needs while under correctional supervision by reason of age, illness, or the stresses of confinement. Also, correctional facilities historically have been charged with responsibility for people whose behavior is highly disruptive and/or dangerous, and who require special security or supervision.

Recent trends in society have exacerbated the number of offenders with special needs. One major trend is the movement to deinstitutionalize the mentally ill. As a result, many of these people are becoming wards of the correctional system. In addition, more offenders are serving long sentences and in effect growing up and growing old in confinement. At the same time, correctional systems are facing the largest offender populations and workloads in their history, with all the stresses and problems produced by overcrowding and reduced resources.

Larger offender populations have meant less program opportunities for work and more time "locked up" in many facilities. Reduced resources and increased caseloads in all human service agencies have made obtaining services for offenders under community supervision more difficult. There is increased demand for special programs in the community for delinquent juveniles and the emotionally disturbed. Moreover, expansion of the drug culture has spawned not only large numbers of substance abusers who need treatment, but also a new class of informants who need special protection ("protective custody") in jails and prisons.

In the last two decades much has been learned about the special problems and needs of such groups as the elderly, the handicapped, and the mentally ill, and much has been learned about how to meet those needs. The public correctional policy on offenders with special needs identifies several categories of offenders who require special services or programs and calls on correctional systems to offer appropriate programs and services:

**A. "Identify the categories of offenders who...require special care or programs...."**

Correctional systems should develop and implement classification policies and procedures for the early identification of the special needs of both adult and juvenile offenders. The availability of detailed information about individuals and the use of sophisticated, validated classification systems make it possible to quickly identify these offenders. In addition, early identification of special needs during the presentence investigation permits the courts to choose the most appropriate sentencing option, which in some cases may be placement with an agency other than the correctional system.

**B. "Provide specialized services or programs...within the correctional agency itself, or by referral to another agency that has the necessary specialized program resources, or by contracting with private or voluntary agencies or individuals that meet professional standards...."**

Programs and services to meet the special needs of offenders should: 1) Be comparable in quality to those available to the general citizenry; 2) be accessible to offenders without exceeding the bounds of appropriate correctional control and risk



**Discussion on  
Offenders with  
Special Needs  
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to the public; and 3) meet recognized professional standards. The availability of such programs and services should be consistent with the identified needs and the concepts of fairness, sound correctional practice, and humane treatment of offenders regardless of their status.

Some services and programs may be most effectively and efficiently provided by human service agencies outside the correctional system. It is extremely difficult for small correctional systems or systems with limited resources to staff and operate a multitude of specialized programs. Moreover, it is not necessary that each correctional facility or community-based program offer a full range of specialized services; cooperative efforts among correctional facilities and agencies make good sense and should be encouraged. This approach also allows correctional officials the flexibility to diversify and change programs as necessary to accommodate the special needs of the offenders under supervision.

C. ***"Maintain specially trained staff for the delivery of care, programs, and services. . . ."***

The categories of offenders who require special care or programs are distinct. It is obvious, for example, that the management, treatment, and supervision of the severely mentally retarded offender will differ from that of the offender with a physical handicap or the offender on "death row." The correctional staff responsible for the delivery of programs and services to offenders with special needs require training specific to the needs of the offenders under their supervision.

D. ***"Maintain documentation of the services and programs provided. . . ."***

Records should be maintained in sufficient detail so that other staff and agencies can understand what programs and services are offered and how the individual offender is responding to them.

E. ***"Institute carefully controlled evaluation procedures to determine each program's effectiveness and the feasibility of its continuation. . . ."***

Reliable evaluation procedures are needed to determine how well a program designed to meet special needs is achieving its goals. Such evaluation is important for cost-benefit analyses, for making adjustments in programs, and for documenting the services and treatment given.

F. ***"Provide leadership and advocacy for legislative and public support to obtain the resources needed to meet these special needs. . . ."***

Better understanding of the special problems and needs among offender populations can help ensure better decision-making about the allocation of both fiscal and jurisdictional resources to meet these needs. Those responsible for correctional budgets should be particularly aware of the funds needed to operate these programs, including funding for specialized staff and staff training.



# Public Correctional Policy on Parole

## Introduction:

Parole is the conditional release of an offender from confinement before expiration of sentence pursuant to specified terms and conditions of supervision in the community. The grant of parole and its revocation are responsibilities of the paroling authority. Supervision of the parolee is provided by a designated agency that ensures compliance with all requirements by the releasee through a case management process. Because the vast majority of those incarcerated will eventually be released into the community, the public is best protected by a supervised transition of the offender from institutional to community integration. Parole offers economic advantages to the public, the offender, and the correctional system by maximizing opportunities for offenders to become productive, law-abiding citizens.

## Statement:

The parole component of the correctional system should function under separate but interdependent decision-making and case supervision processes. Paroling authorities should seek a balance in weighing the public interest and the readiness of the offender to re-enter society under a structured program of supervisory management and control. Paroling systems should be equipped with adequate resources for administering the investigative, supervisory, and research functions. Administrative regulations governing the grant of parole, its revocation, case supervision practices, and discharge procedures should incorporate standards of due process and fundamental fairness. To achieve the maximum cost-benefits of parole supervision, full advantage should be taken of community-based resources available for serving offender employment and training needs, substance abuse treatment, and other related services. The parole system should:

- A. Establish procedures to provide an objective decision-making process incorporating standards of due process and fundamental fairness in granting of parole that will address, at a minimum, the risk to public safety, impact on the victim, and information about the offense and the offender;
- B. Provide access to a wide range of support services to meet offender needs consistent with realistic objectives for promoting law-abiding behavior;
- C. Ensure any intervention in an offender's life will not exceed the minimum needed to ensure compliance with the terms and conditions of parole;
- D. Provide a case management system for allocating supervisory resources through a standardized classification process, reporting parolee progress, and monitoring individualized parolee supervision and treatment plans;
- E. Provide for the timely and accurate transmittal of status reports to the paroling authority for use in decision-making with respect to revocation, modification, or discharge of parole cases;
- F. Establish programs for sharing information, ideas, and experience with other agencies and the public; and
- G. Evaluate program efficiency, effectiveness, and overall accountability consistent with recognized correctional standards.

The following discussion clarifies for the general reader the correctional issues addressed in the policy. The discussion was prepared by members of the Advisory Committee and staff of the ACA Public Correctional Policy Project.

## Discussion: Parole

The public correctional policy on the purpose of corrections indicates that the overall mission of the criminal and juvenile justice system, consisting of law enforcement, courts, and corrections, is to enhance social order and public safety. Because the vast majority of offenders will be released from confinement at some point, the public is best protected by a supervised transition of the offender from institutional to community life. For more than 100 years, the American Correctional Association has recognized parole as an important method of protecting the public safety. Parole is a proven method for the reentry of incarcerated offenders into society and a proven method for providing supervision of the released offender in the community. Experience has demonstrated that an effective system of parole is essential to any corrections system.

In the 1983 report *Towards a Nationwide Corrections Policy*, corrections specialists concluded that parole serves the following six important purposes. It is:

- A tool for correctional managers in motivating offenders toward constructive activities and responsible behavior.
- A means of hindering residual disparity in dealing with inmate changes over time.
- A way to conserve human and economic resources.
- A source of hope for that group of potentially desperate inmates serving extremely long or life sentences.
- Post-release assistance to offenders in their efforts to reintegrate themselves into society.
- Perhaps most importantly, a method of public protection through community surveillance that allows for removal of the parolee from the community should he or she violate the conditions of release.

The public correctional policy on parole calls for the parole system to do the following:

A. ***"Establish . . . an objective decision-making process incorporating standards of due process and fundamental fairness . . ."***

Parole boards have made significant progress in their effort to ensure the fairness, equity, and accountability of parole as a structured process of release, and these objective efforts should be continued. The issues of risk to public safety, impact on the victim, and providing information about the offense and the offender are essential elements in the parole decision-making process.

B. ***"Provide access to a wide range of support services . . ."***

The supervision provided through a parole system offers protection to the public as well as the opportunity for released offenders to receive services that can aid them in their reentry and their daily living in our communities. In order to successfully implement parole decisions, there must be adequate resources to maintain the necessary level of supervision and supportive assistance.

C. ***"Ensure any intervention in an offender's life will not exceed the minimum needed . . ."***

Parole regulations and services should be employed only at the level necessary for administering the sanction and for balancing concern for individual dignity, public safety, and maintenance of social order.

D. ***"Provide a case management system for allocating supervisory resources . . ."***

As with other correctional resources, the resources available to parole are scarce. Therefore the most efficient and effective case management system is needed. The case management system should have an objective method of assessing the level of supervision and services needed by each offender, ensuring periodic assessments of the parolee's progress, and monitoring both the supervision and the treatment plans.

**Discussion on  
Parole  
(continued)**

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E. ***"Provide for the timely and accurate transmittal of status reports to the paroling authority . . ."***

Paroling authorities must have factual and timely information about an individual's progress or lack of progress so that the necessary follow-up can be made. Parole decisions on revocation, discharge, or modifications to the conditions of release must be based on this information.

F. ***"Establish programs for sharing information, ideas, and experience . . ."***

Parole authorities should have means by which they can share their experiences, innovative programs and strategies, and performance evaluations with other agencies. This sharing of information benefits the total justice system as well as the individual parole system. Correctional practitioners have found again and again that one need not reinvent the wheel—that we can and should learn from others. In addition, parole agencies should aggressively promote a system of providing the public with information concerning their programs, policies, and procedures.

G. ***"Evaluate program efficiency, effectiveness, and overall accountability . . ."***

Recognized correctional standards can provide to parole systems the necessary benchmarks from which they can evaluate their overall operations. The public correctional policy on parole strongly recommends that parole systems conduct an ongoing evaluation program in the interests of meeting the individual needs of the offender and of society at large.



# Public Correctional Policy on Private Sector Involvement in Corrections

## Introduction:

Although most correctional programs are operated by public agencies, there is increasing interest in the use of profit and nonprofit organizations as providers of services, facilities, and programs. Profit and nonprofit organizations have resources for the delivery of services that often are unavailable from the public correctional agency.

## Statement:

Government has the ultimate authority and responsibility for corrections. For its most effective operation, corrections should use all appropriate resources, both public and private. When government considers the use of profit and nonprofit private sector correctional services, such programs must meet professional standards, provide necessary public safety, provide services equal to or better than government, and be cost-effective compared to well-managed governmental operations. While government retains the ultimate responsibility, authority, and accountability for actions of private agencies and individuals under contract, it is consistent with good correctional policy and practice to:

- A. Use in an advisory and voluntary role the expertise and resources available from profit and nonprofit organizations in the development and implementation of correctional programs and policies;
- B. Enhance service delivery systems by considering the concept of contracting with the private sector when justified in terms of cost, quality, and ability to meet program objectives;
- C. Consider use of profit and nonprofit organizations to develop, fund, build, operate, and/or provide services, programs, and facilities when such an approach is cost-effective, safe, and consistent with the public interest and sound correctional practice;
- D. Ensure the appropriate level of service delivery and compliance with recognized standards through professional contract preparation and vendor selection as well as effective evaluation and monitoring by the responsible government agency; and
- E. Indicate clearly in any contract for services, facilities, or programs the responsibilities and obligations of both government and contractor, including but not limited to liability of all parties, performance bonding, and contractual termination.

The following discussion clarifies for the general reader the correctional issues addressed in the policy. The discussion was prepared by members of the Advisory Committee and staff of the ACA Public Correctional Policy Project.

## Discussion: Private Sector Involvement in Corrections

**C**orrectional agencies are responsible for a growing number of offenders and for their many specialized needs in such areas as education, vocational training, health care, mental health, and social skills training. There are strong concerns about the need for more resources to bring correctional operations into compliance with constitutional standards, maintain sound correctional practices, and improve the field as a whole. Agencies are under great pressure to explore the widest range of alternatives for increasing the effectiveness and efficiency of their operations. These alternatives include services and programs provided through the private sector.

The involvement of the private sector through volunteers and private profit and non-profit contractors is not new. In addition to these traditional cooperative relationships, the public correctional policy on private sector involvement addresses the issue of private operation of correctional facilities. The concept of privately operated correctional facilities, particularly secure institutions for adults, is one on which there has been little research and evaluation. This is primarily because there has been little experience with this type of operation. Moreover, there is legitimate controversy about such an approach to correctional operations. Nevertheless, this approach is being explored by an increasing number of states, counties, and municipalities.

The American Correctional Association believes strongly that leadership and guidance on this issue is needed. Therefore the policy on private sector involvement emphasizes that *all* groups and individuals involved in correctional programs and services must operate according to the recognized professional standards of the field. Further, the policy affirms that the ultimate responsibility and authority for any correctional program, service, or facility rests with the governmental body, not the contractor. The role of contracted services and programs is to supplement agency operations where there is a demonstrated need, not to replace them. A clear understanding of this role is necessary by all parties to any contract, including legislators, executive officials, members of the judiciary, and contractors.

The policy establishes a course of direction for government to follow in exploring the concept of private sector involvement in corrections. The policy states that it is consistent with good correctional practice for government to:

- A. ***"Use in an advisory and voluntary role the expertise and resources available from profit and nonprofit organizations in the development and implementation of correctional programs and policies. . . ."***

The expertise and resources of profit and nonprofit industrial, educational, and service agencies can enhance the development and delivery of many programs for offenders. Vocational and academic programs and correctional industry operations can benefit greatly from the advice and experience of outside specialists. Correctional agencies should be open to support and assistance from profit and nonprofit organizations in all areas of correctional programming and services.

- B. ***"Enhance service delivery systems by considering the concept of contracting with the private sector when justified in terms of cost, quality, and ability to meet program objectives. . . ."***

The growth of professional standards and adherence to constitutional requirements have meant that correctional institutions and programs no longer are expected to be self-sufficient "worlds unto themselves," isolated from the outside community.

Correctional agencies have contracted for specialized treatment programs for offenders for many years. Such programs include psychiatric services, drug counseling, and post-secondary education. Correctional agencies are also using the private sector to provide other services such as medical care, laundry, and food service. Use of outside resources can enable agencies to obtain highly trained

## Discussion on Private Sector Involvement (continued)

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specialists and outside support on an as-needed basis. This can be cost-effective in terms of both staffing costs and the costs of building and maintaining expensive service components.

- C. ***"Consider use of profit and nonprofit organizations to develop, fund, build, operate, and/or provide services, programs, and facilities when such an approach is cost-effective, safe, and consistent with the public interest and sound correctional practice . . ."***

The operation of halfway houses, foster homes, training schools, group homes, and community centers by nonprofit groups has been a valuable resource for corrections for many years. The continued expansion of inmate populations, plus the need for replacing antiquated facilities, has led to discussion and limited implementation of the concept of privately operated secure adult facilities (e.g., prisons and jails) for both short- and long-term confinement.

Some correctional practitioners and public employee organizations have expressed serious concerns about the idea of for-profit operation of secure facilities. One concern is that staff development, training, and benefits for public employees will be jeopardized. Another concern is the fear that it would be in the interest of profit-making firms to keep "every bed occupied," thereby possibly jeopardizing the quality and quantity of correctional services and programs.

At the base of these concerns lie four issues: 1) The possible adverse effect of the profit motive on necessary public safety; 2) fear that the general public and state legislatures may see private operations as a "quick fix" to the problems facing corrections and to the requests for support expressed by correctional agencies; 3) concern that what might initially appear a cost-effective approach could result in escalating costs if a governmental unit became dependent on services provided by the private sector; and 4) governmental liability for the actions of the private contractor.

The American Correctional Association's policy statement acknowledges that private sector interest in correctional programming is a fact of life and urges that all concerns be addressed through open discussion, research, and evaluation. Because decisions regarding correctional policy are made by many groups and interests, any discussion of alternative delivery systems must emphasize and insist upon adherence to professional standards in the operation of all correctional programs, services, and facilities.

- D. ***"Ensure the appropriate level of service delivery and compliance with recognized standards through professional contract preparation and vendor selection as well as effective evaluation and monitoring by the responsible government agency . . ."***

The selection of private resource organizations and individuals should be conducted in an open and professional manner according to objective criteria. Moreover, the policy affirms that correctional programs and services operated by private contractors must do the following:

- Comply with recognized standards of professionalism
- Protect the public safety
- Provide services equal to or better than those provided by government
- Be cost-effective compared to well-managed governmental operations.

Agencies and contractors alike must understand that the ultimate responsibility and authority for correctional operations resides with the government agency. States, counties, and municipalities have the obligation to regulate the activities of contractors and to hold contractors accountable for their actions. Agencies should monitor contracted services and programs to ensure that contractors are complying with all terms of the contract. Agencies should also evaluate all contracted pro-

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**Discussion on  
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grams and services to ensure they are meeting the goals and objectives stated for them and to make changes or improvements as necessary. Such monitoring and evaluation should be carried out by trained, experienced professionals who can discern the soundness of the correctional operations.

- E. ***"Indicate clearly in any contract for services, facilities, or programs the responsibilities and obligations of both government and contractor, including but not limited to liability of all parties, performance bonding, and contractual termination . . . ."***

Drawing up an equitable contract is a complex task and one with critical implications for litigation in the event of damages, injury, or mismanagement. Contracts with private agencies and individuals should be professionally prepared and clearly written. They should define the specific responsibilities and obligations of both the government agency and the contractor. Contracts should include clear statements of the responsibilities and obligations of all parties in such areas as liability (of both the government agency and the private individual or organization); bonding; staffing levels and qualifications; program quality and quantity; fiscal auditing; monitoring; performance evaluation of staff and operations; and terms of renewal or termination of contract.





## Public Correctional Policy on Probation

### Introduction:

The vast majority of adjudicated adult and juvenile offenders remain in the community. Probation is a judicial decision that assigns the responsibility for supervision and control of these offenders to community corrections.

### Statement:

Probation is a frequently used and cost-effective sanction of the court for enhancing social order and public safety. Probation may be used as a sanction by itself or, where necessary and appropriate, be combined with other sanctions such as fines, restitution, community service, residential care, or confinement. Agencies responsible for probation should:

- A. Prepare disposition assessments to assist the court in arriving at appropriate sanctions. The least restrictive disposition consistent with public safety should be recommended;
- B. Establish a case management system for allocating supervisory resources through a standardized classification process;
- C. Provide supervision to probationers and, with their input, develop a realistic plan to ensure compliance with orders of the court;
- D. Monitor and evaluate, on an ongoing basis, the probationer's adherence to the plan of supervision and, when necessary, modify the plan of supervision according to the changing needs of the offender and the best interests of society;
- E. Provide access to a wide range of services to meet identifiable needs, all of which are directed toward promoting law-abiding behavior;
- F. Assure any intervention in an offender's life will not exceed the minimal amount needed to assure compliance with the orders of the court;
- G. Initiate appropriate court proceedings, when necessary, if the probationer fails to comply with orders of the court, supervision plan, or other requirements so the court may consider other alternatives for the protection and well-being of the community;
- H. Oppose use of the probation sanction for status offenders, neglected or dependent children, or any other individuals who are neither accused nor charged with delinquent or criminal behavior;
- I. Establish an educational program for sharing information about probation with the public and other agencies; and
- J. Evaluate program efficiency, effectiveness, and overall system accountability consistent with recognized correctional standards.

The following discussion clarifies for the general reader the correctional issues addressed in the policy. The discussion was prepared by members of the Advisory Committee and staff of the ACA Public Correctional Policy Project.

## Discussion: Probation

In 1841 a judge in Boston released an individual into the care of John Augustus rather than placing the offender in the local jail. There were some risks involved: The offender might persist in wrongdoing, and the social order and public safety might be jeopardized. But, based on his personal convictions, Augustus had convinced the court that that particular offender might become motivated to practice law-abiding behavior if society provided some opportunity for self-betterment. Augustus thus offered hope to a correctional system that until then was based only on severe punishment. From this successful experiment arose the sentencing option that is now used for 70 to 80 percent of all adult and juvenile offenders.

Originally viewed as an alternative to incarceration, probation has gradually become redefined as a sanction in its own right. In sentencing an offender to community supervision by a probation agency, the court specifies rules of conduct, or "conditions," that the individual probationer must follow. If these rules are violated, the offender may be sentenced to confinement.

The "conditions" generally place limits on the probationer's freedom (e.g., imposition of curfews, restrictions on out-of-town travel). They may also require the individual to undertake programs directed at his or her successful integration into the community as a law-abiding citizen (e.g., vocational training, substance abuse treatment). Probation can also be imposed as an adjunct to other sanctions such as fines, restitution, and community service.

Probation departments throughout the country vary greatly in their organizational functions and structures. Some are part of the judiciary; others are part of the executive branch of government. Some are statewide; some are county; some are a combination. Some supervise adult offenders only; some supervise juvenile offenders only; some supervise both. In addition to supervising probationers, in some jurisdictions the probation agency may also be responsible for pretrial and diversionary programs, detention and residential treatment facilities, schools, camps, halfway houses, victim services, and prevention programs. In other jurisdictions the probation agency is used only to conduct investigations for the courts and to supervise persons sentenced to probation.

While each jurisdiction defines the mission of its probation department, the overall mission of probation as a sanction is to enhance social order and public safety. The public correctional policy on probation calls for probation agencies to:

A. ***"Prepare disposition assessments to assist the court in arriving at appropriate sanctions. The least restrictive disposition consistent with public safety should be recommended. . . ."***

One function of probation agencies is to serve as the objective information-gathering arm of the courts. In arriving at appropriate sentences, courts often rely on the presentence investigation performed by probation agencies. In addition, some probation agencies are asked to assess and recommend dispositions during the pretrial phase of the justice process. Based on its investigation, a probation agency may recommend particular release options, such as bail, release on recognizance, or some form of conditional release. In accord with the public correctional policy on appropriate sanctions and controls, the policy on probation calls for probation agencies to recommend the least restrictive disposition consistent with public safety.

B. ***"Establish a case management system for allocating supervisory resources through a standardized classification process. . . ."***

Use of a validated and standardized classification process allows agencies to determine exactly how much and what kind of supervision each probationer needs. Case assignments can then be made according to workload measures (the amount of supervisory time each case requires).

## **Discussion on Probation (continued)**

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One of the problems experienced with probation in the past has been the excessive caseloads assigned to probation officers. In contrast, classifying probationers by their supervisory needs and assigning cases based on these needs helps ensure that each probationer receives the degree of supervision needed. For example, many jurisdictions are developing "intensive supervision" programs whereby some officers carry a caseload of as few as 15 to 20 probationers who need and receive close supervision.

A well-functioning information base and case management system also allows agencies to better coordinate their supervisory services. For example, it is not uncommon for more than one member of an at-risk family to be under some form of court supervision. In such cases "family supervision" by a single officer may be the most cost-efficient and most effective approach to providing supervision and promoting law-abiding behavior.

**C. "Provide supervision to probationers and, with their input, develop a realistic plan to ensure compliance with orders of the court. . . ."**

Developing the probation supervisory plan in conjunction with the probationer promotes a greater sense of individual responsibility and helps offenders to understand their active role in correcting personal deficiencies and making use of the resources available for their betterment.

**D. "Monitor and evaluate, on an ongoing basis, the probationer's adherence to the plan of supervision and, when necessary, modify the plan according to the changing needs of the offender and the best interests of society. . . ."**

The role of the probation officer is complex. It includes correction, enforcement of the conditions of the court, collection of debts due the state and victims of crime, referral to community resources, individual and family counseling, and a range of other activities. The officer must also be concerned with public safety. This demands that the officer must assess the risk each probationer presents to the community and then provide sufficient control and surveillance to minimize this risk. It also means that the officer must return to court those offenders who do not comply with the orders of the court. The probation officer is both social worker and enforcement officer.

**E. "Provide access to a wide range of services to meet identifiable needs. . . ."**

Probation is a cost-effective disposition for promoting law-abiding behavior for many offenders. Offering services and providing control or surveillance in the community is a good investment. However, jurisdictions that allow the use of probation as a sanction and then refuse to fund it adequately are not realizing probation's full potential in preventing crime, enhancing social order, and promoting public safety. Moreover, they may be endangering their own constituents.

**F. "Assure any intervention in an offender's life will not exceed the minimal amount needed to assure compliance with the orders of the court. . . ."**

Probation recognizes that it is essential to punish individuals who commit crimes and acts of delinquency. At the same time it acknowledges that human beings are capable of change, given adequate opportunities for self-rehabilitation and correction.

**G. "Initiate appropriate court proceedings, when necessary, if the probationer fails to comply with orders of the court, supervision plan, or other requirements. . . ."**

As noted earlier, the role of the probation officer is complex, combining elements of both social service and enforcement. Probationers who refuse to abide with the orders of the court may be referred back to the court for reconsideration of their assignment.

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**Discussion on  
Probation  
(continued)**

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- H. ***"Oppose use of the probation sanction for status offenders, neglected or dependent children, or any other individuals who are neither accused nor charged with delinquent or criminal behavior. . . ."***

Probation departments in many jurisdictions are called on to provide services to status offenders and neglected or dependent children. (A status offender is a youth who has been charged with conduct that under the law of the jurisdiction would not be considered criminal if committed by an adult; common status offenses are truancy from school and running away from home.)

The policy does not discourage probation agencies from providing services to status offenders and other individuals who are not accused or charged with delinquent or criminal behavior. Indeed, in many jurisdictions, such services are the only ones available to these troubled youth. Rather, the policy discourages the use of probation as a punitive sanction with these individuals.

- I. ***"Establish an educational program for sharing information. . . ."***

Probation authorities should have means by which they can share their experiences, innovative programs and strategies, and performance evaluations. Sharing of this information benefits the total justice system as well as the individual probation system. In addition, probation authorities should aggressively promote a system of providing the public with information concerning their programs, policies, and procedures.

- J. ***"Evaluate program efficiency, effectiveness, and overall system accountability consistent with recognized correctional standards. . . ."***

Recognized correctional standards offer probation authorities the necessary benchmarks from which they can evaluate their overall operations. The policy strongly recommends that probation systems conduct an ongoing evaluation program in the interests of meeting the individual needs of the offender and of society at large.



## Public Correctional Policy on Purpose of Corrections

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### **Introduction:**

In order to establish the goals and objectives of any correctional system, there must be a universal statement of purpose that all members of the correctional community can use in goal setting and daily operations.

### **Statement:**

The overall mission of criminal and juvenile justice, which consists of law enforcement, courts, and corrections, is to enhance social order and public safety. As a component of the justice system, the role of corrections is:

- A. To implement court-ordered supervision and, when necessary, detention of those accused of unlawful behavior prior to adjudication;
- B. To assist in maintaining the integrity of law by administering sanctions and punishments imposed by courts for unlawful behavior;
- C. To offer the widest range of correctional options, including community corrections, probation, institutions, and parole services, necessary to meet the needs of both society and the individual; and
- D. To provide humane program and service opportunities for accused and adjudicated offenders that will enhance their community integration and economic self-sufficiency, and that are administered in a just and equitable manner within the least restrictive environment consistent with public safety.

The following discussion clarifies for the general reader the correctional issues addressed in the policy. The discussion was prepared by members of the Advisory Committee and staff of the ACA Public Correctional Policy Project.

## Discussion: Purpose of Corrections

**T**he criminal and juvenile justice system consists of several interrelated parts, one of which is corrections. The overall mission of the justice system is to enhance social order and public safety. It is therefore important that all components of the system coordinate their policies and operations toward the fulfillment of that mission. It is equally important that the various elements of corrections work together in the pursuit of that overall mission as well as in the attainment of their individual specific objectives.

The public correctional policy on the purpose of corrections defines the role of corrections as the following:

A. ***"To implement court-ordered supervision and, when necessary, detention . . . prior to adjudication . . ."***

In the United States and Canada, persons charged with the commission of a crime are presumed innocent until proved guilty. The justice system treats defendants in different ways to assure their appearance for trial. The court may require the defendant to meet certain conditions of bail or bond, or it may authorize the individual's release on personal recognizance, or it may place the accused on pretrial diversion subject to specific reporting requirements. Adults considered a risk to public safety or unlikely to appear for trial are typically detained in a local jail for safekeeping. Juveniles are typically placed under parental custody or in foster care unless the child's behavior indicates a need for detention in a more secure facility.

Whatever option is exercised by the judge, it is the responsibility of the designated correctional agency to provide the necessary services in compliance with the court order.

B. ***"To assist in maintaining the integrity of law by administering sanctions and punishments imposed by courts for unlawful behavior . . ."***

A basic tenet of the citizens of the United States and Canada is that laws are essential to the public safety. Our commitment to the observation of public law is necessary for the integrity of our legal system and our way of life itself. When individuals violate the law, the courts may decide to impose various sanctions or punishments. It is the responsibility of corrections to administer the decisions of the courts in criminal matters. All legal forms of control are used to reinforce respect for law and the legal system. Gratuitous punishment is not sanctioned by professional correctional practices.

C. ***"To offer the widest range of correctional options . . . necessary to meet the needs of both society and the individual . . ."***

Professional correctional practice recognizes that while it is essential to punish individuals who commit crimes and acts of delinquency, it is also necessary to provide opportunities for those individuals to become motivated to practice law-abiding behavior. This can best be accomplished through a balanced distribution of resources among the different components of corrections. This approach will allow both male and female offenders, whether institutionalized or under supervision in the community, to engage in such activities as productive work, education, vocational training, counseling, and constructive use of leisure time. Programs and activities that promote self-worth and encourage individual responsibility will support offenders in their efforts to respond to the expectations of society.

D. ***"To provide humane program and service opportunities . . . that will enhance . . . community integration and economic self-sufficiency, and that are administered in a just and equitable manner within the least restrictive environment consistent with public safety . . ."***

The great value placed on individual rights by the United States and Canada finds ample expression in both nations' legal systems and does not end when a person is

**Discussion on  
Purpose of  
Corrections  
(continued)**

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placed under correctional supervision. Correctional systems must recognize this concern and structure their operations to provide a range of programs and services so that the legitimate mandates of the courts are met in a humane manner.

Placement of each individual into the least restrictive correctional environment consistent with both individual and public safety is one important aspect of humane treatment. Among the factors to be considered when a judgment is made regarding the least restrictive environment for an individual are the following: 1) If a mandate can be met in a way less restrictive than incarceration, that option should be available; 2) Individuals should not be placed in settings likely to be destructive to their physical well-being; 3) An efficient system of physical and procedural controls must be available to correctional supervisors; 4) Rehabilitative programs should be available to support individuals in their efforts to become self-sufficient and law-abiding; 5) The destructive effects of long-term idleness on confined persons should be counteracted by making available work and service programs that will, in turn, permit individuals the opportunity to make restitution to their victim(s) and community and, where appropriate, contribute to their own maintenance in the correctional system.



# Public Correctional Policy on Staff Recruitment and Development

## **Introduction:**

Knowledgeable, highly skilled, motivated, and professional correctional personnel are essential to fulfill the purpose of corrections effectively. Professionalism is achieved through structured programs of recruitment and enhancement of the employee's skills, knowledge, insight, and understanding of the correctional process.

## **Statement:**

Correctional staff are the primary agents for promoting health, welfare, security, and safety within correctional institutions and community supervision programs. They directly interact with accused and adjudicated offenders and are the essential catalysts of change in the correctional process. The education, recruitment, orientation, supervision, compensation, training, retention, and advancement of correctional staff must receive full support from the executive, judicial, and legislative branches of government. To achieve this, correctional agencies should:

- A. Recruit personnel, including ex-offenders, in an open and accountable manner to assure equal employment opportunity for all qualified applicants regardless of sex, age, race, physical disability, religion, ethnic background, or political affiliation, and actively promote the employment of women and minorities;
- B. Screen applicants for job-related aspects of physical suitability, personal adjustment, emotional stability, dependability, appropriate educational level, and experience. An additional requisite is the ability to relate to accused or adjudicated offenders in a manner that is fair, objective, and neither punitive nor vindictive;
- C. Select, promote, and retain staff in accordance with valid job-related procedures that emphasize professional merit and technical competence. Voluntary transfers and promotions within and between correctional systems should be encouraged;
- D. Comply with professional standards in staff development and offer a balance between operational requirements and the development of personal, social, and cultural understanding. Staff development programs should involve use of public and private resources, including colleges, universities, and professional associations;
- E. Achieve parity between correctional staff and comparable criminal justice system staff in salaries and benefits, training, continuing education, performance evaluations, disciplinary procedures, career development opportunities, transfers, promotions, grievance procedures, and retirement; and
- F. Encourage the participation of trained volunteers and students to enrich the correctional program and to provide a potential source of recruitment.



The following discussion clarifies for the general reader the correctional issues addressed in the policy. The discussion was prepared by members of the Advisory Committee and staff of the ACA Public Correctional Policy Project.

## Discussion: Staff Recruitment and Development

**S**taff are the backbone of any correctional program. It is staff who carry out an agency's written policies and procedures, who interact with offenders and serve as role models for them, who diagnose, treat, control, and protect. It is essential that correctional staff recruitment and development receive the fullest possible executive and legislative support. Equally important, correctional agencies themselves must support the development of staff and advocate fair and equitable compensation for their employees.

The public correctional policy on staff recruitment and development calls on correctional agencies to do the following:

A. ***"Recruit personnel . . . in an open and accountable manner to assure equal employment opportunity for all qualified applicants . . ."***

Effective employment practices are based on professional recruiting procedures. Given the low visibility of corrections as an occupational field and the need to attract staff from a wide cross-section of demographic groups, it is essential that agencies undertake aggressive recruitment efforts, both within and beyond their jurisdictional boundaries.

All qualified applicants should be considered, without regard to race, sex, age, religion, physical handicap, political affiliation, or ethnic background. In addition, corrections should serve as a model for other agencies, both public and private, in extending to ex-offenders the opportunity to seek and receive equal consideration for positions for which they are qualified.

B. ***"Screen applicants for job-related aspects of physical suitability, personal adjustment, emotional stability, dependability, appropriate educational level, and experience . . ."***

An appropriate screening process evaluates an applicant in a way that predicts that individual's ability to meet the demands of the job. Employment requirements should be valid, reliable, fair, job-related, and non-discriminatory. To determine the knowledge, skills, and abilities needed in various positions, agencies should analyze and periodically review the tasks performed by current employees. Valid and reliable tests that measure these actual job requirements are the foundation for an objective screening process.

In addition, applicants should be thoroughly screened for their ability to relate to others—both staff and offenders—and for their ability to meet any valid physical requirements of a particular position. Screening for emotional stability and interpersonal skills can be accomplished through background investigation and situational testing.

C. ***"Select, promote, and retain staff in accordance with valid job-related procedures that emphasize professional merit and technical competence . . ."***

Matching the abilities of employees with the requirements of particular positions is best accomplished through the establishment of valid, job-related criteria for selection, performance evaluation, and advancement. Such criteria will vary depending upon the position being addressed.

Past performance is a possible indicator of an employee's potential for promotion. However, skills used in the past may or may not be related to the individual's ability to perform at a higher level. Assessing candidates for promotion on the basis of valid measures that focus on the skills needed for the new position is a more justifiable means of selection.

Encouraging voluntary transfers and promotions within and between correctional systems helps agencies fill positions at all ranks and promotes career development for staff who have considerable potential but have only limited advancement opportunities in their present locations.

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**Discussion on  
Staff Recruitment  
and Development  
(continued)**

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**D. "Comply with professional standards in staff development. . . ."**

Professional standards call for correctional agencies to provide on-going training and staff development. Training and staff development are essential to maintain work standards, refine skills, expand knowledge, avoid burnout, and keep up to date with changes in correctional philosophy, policies, and procedures. Training designed to build on employee strengths and overcome any weaknesses helps individuals to improve their current job performance and prepare for advanced or specialized positions. Providing opportunities for, and encouraging participation in, training and education that promotes personal and professional growth is a critical element in maximizing agency productivity and employee satisfaction.

While many staff development programs can be offered in-house, agencies should also make use of outside resources such as colleges, universities, extension programs, professional associations, and private organizations. This not only helps to avoid duplication of effort; it allows agencies to focus their in-house training on subjects and skills relevant to the particular agency but perhaps not available elsewhere.

**E. "Achieve parity between correctional staff and comparable criminal justice system staff. . . ."**

Compensation, staff development practices, and administrative policies and procedures should be equitable throughout the justice system. Because corrections is the least visible component of the system, correctional agencies must make a concerted and continual effort to keep the public informed about the problems and positive achievements of the field.

Agencies must make the public aware of the difficult and potentially dangerous working conditions in corrections. The public should also be aware of the qualifications and skills needed for correctional staff to perform their jobs well. This will help obtain appropriate recognition and equitable levels of funding and public support for the field as a whole and for staff in particular.

**F. "Encourage the participation of trained volunteers and students. . . ."**

Each year volunteers and students contribute thousands of hours of time and expertise to correctional programs and services in institutions and the community. Volunteer-sponsored activities range from visiting with inmates to conducting hobby groups, teaching literacy classes, and assisting with work release programs.

While agencies must carefully select and train volunteers to ensure that they comply with agency rules and maintain a realistic perspective on their job functions, the participation and contribution of these human resources should be actively encouraged. The benefits of such cooperation extend to all involved, providing agencies with needed resources and a potential source of public support; providing students and volunteers with opportunities for job experience, personal satisfaction, and insight into the field of corrections; and providing offenders with vital skills and increased opportunities for developing positive relationships with constructive role models.



# Public Correctional Policy on Standards and Accreditation

## Introduction:

Correctional agencies should provide community and institutional programs and services that offer a full range of effective, just, humane, and safe dispositions and sanctions for accused and adjudicated offenders. To assure accountability and professional responsibility, these programs and services should meet accepted professional standards and obtain accreditation. The use of standards and the accreditation process provides a valuable mechanism for self-evaluation, stimulates improvement of correctional management and practice, and provides recognition of acceptable programs and facilities. The American Correctional Association and the Commission on Accreditation for Corrections have promulgated national standards and a voluntary system of national accreditation for correctional agencies. The beneficiaries of such a process are the administration and staff of correctional agencies, offenders, and the public.

## Statement:

All correctional facilities and programs should be operated in accordance with the standards established by the American Correctional Association and should achieve and maintain accreditation through the Commission on Accreditation for Corrections. To fulfill this objective, correctional agencies should:

- A. Implement improvement as necessary to comply with the appropriate standards specified or referenced in the following manuals and supplements:
  - Standards for Adult Parole Authorities
  - Standards for Adult Community Residential Services
  - Standards for Adult Probation and Parole Field Services
  - Standards for Adult Correctional Institutions
  - Standards for Adult Local Detention Facilities
  - Standards for Juvenile Community Residential Facilities
  - Standards for Juvenile Probation and Aftercare Services
  - Standards for Juvenile Detention Facilities
  - Standards for Juvenile Training Schools
  - Standards for the Administration of Correctional Agencies
- B. Seek and maintain accreditation through the voluntary process developed by the Commission on Accreditation for Corrections in order that, through self-evaluation and peer review, necessary improvements are made, programs and services come into compliance with appropriate standards, and professional recognition is obtained.

The following discussion clarifies for the general reader the correctional issues addressed in the policy. The discussion was prepared by members of the Advisory Committee and staff of the ACA Public Correctional Policy Project.

## Discussion: Standards and Accreditation

**S**tandards provide a profession with the means to measure and evaluate the quality of its programs and services based on professionally recognized and accepted criteria. The accreditation process is the formal mechanism by which a program or facility is evaluated as to whether it meets such standards. The development of national standards for correctional practice stems from the pursuit of excellence that underlies any professional field of endeavor.

Correctional programs and services operate at the federal, state, and local level, with no one legislative, judicial, or executive authority to promote accountability and professional responsibility. The development of national correctional standards and the creation of an autonomous accrediting body, the Commission on Accreditation for Corrections, have been major forces in improving correctional practice nationwide and in enhancing professionalism in the field. Today there are ten volumes of ACA standards, each covering a specific functional area of corrections.

The American Correctional Association recognized the need to develop standards for the profession long before the advent of court intervention into correctional operations. Even though the courts have continued to intervene when unconstitutional conditions have developed, the judiciary consistently has held it to be the responsibility of correctional administrators and line workers to put their own house in order. The development of standards and accreditation should be viewed in part as a method of carrying out that responsibility.

All correctional facilities and programs should operate in accordance with ACA standards. All facilities and programs should also seek and maintain accreditation through the Commission on Accreditation for Corrections. Moreover, the correctional field should educate the legislative and executive branches of government about professional standards and the accreditation process, and encourage their support of this process.

### A. ***"Implement improvement as necessary to comply with appropriate standards. . . ."***

The purpose of ACA standards is to set professionally accepted levels of correctional practice. The standards are benchmarks for developing, operating, and evaluating institutional and community-based programs and services for adults and juveniles.

ACA standards cover all aspects of correctional practice:

- administration and management
- selection, training, and retention of staff
- community placement
- probation and parole supervision
- case records and information systems
- physical plant
- security
- classification
- food service
- sanitation and hygiene
- medical and health care
- work programs
- educational, recreational, religious, and social service programs
- special management inmates
- citizen involvement in programs and services
- research and evaluation
- arrest and revocation hearings
- the rights of adult and juvenile offenders

**Discussion on  
Standards and  
Accreditation  
(continued)**

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Compliance with all applicable safety and fire codes is mandatory under the standards. The standards also require that agencies and facilities put into writing their policies and procedures.

**B. "Seek and maintain accreditation through the voluntary process developed by the Commission on Accreditation for Corrections . . ."**

The concept for a system of accreditation for corrections—including institutions, detention centers, community residential facilities, juvenile training schools, and community-based supervision services—emerged in the 1960s. The accreditation of a correctional service or facility is similar to the accreditation of hospitals, colleges, and other professional activities.

Accreditation is conferred by the Board of Commissioners of the Commission on Accreditation for Corrections, an autonomous non-profit organization. The Commission works directly with correctional agencies seeking accreditation under ACA standards. To become accredited, a correctional facility or service must demonstrate that it complies with all mandatory standards and 90 percent of all other applicable standards.

Achieving compliance indicates that the service or facility has attained a high level of professionalism and accountability in its operations. To ensure that accredited facilities and services maintain these high standards of operation, accreditation must be renewed every three years. In addition, the American Correctional Association and the Commission have a formalized process for continuing commentary from the field whereby existing standards are updated and new ones developed. This capacity to reflect changing values, based on new experience and knowledge, is vital to the continued acceptance and use of standards.



# Public Correctional Policy on Use of Appropriate Sanctions and Controls

## Introduction:

In developing, selecting, and administering sanctions and punishments, decision-makers must balance concern for individual dignity, public safety, and maintenance of social order. Correctional programs and facilities are a costly and limited resource; the most restrictive are generally the most expensive. Therefore, it is good public policy to use these resources wisely and economically.

## Statement:

The sanctions and controls imposed by courts and administered by corrections should be the least restrictive consistent with public and individual safety and maintenance of social order. Selection of the least restrictive sanctions and punishments in specific cases inherently requires balancing several important objectives—individual dignity, fiscal responsibility, and effective correctional operations. To meet these objectives, correctional agencies should:

- A. Advocate to all branches of government—executive, legislative, and judicial—and to the public at large the development and appropriate use of the least restrictive sanctions, punishments, programs, and facilities;
- B. Recommend the use of the least restrictive appropriate dispositions in judicial decisions;
- C. Classify persons under correctional jurisdiction to the least restrictive appropriate programs and facilities; and
- D. Employ only the level of regulation and control necessary for the safe and efficient operation of programs, services, and facilities.

The following discussion clarifies for the general reader the correctional issues addressed in the policy. The discussion was prepared by members of the Advisory Committee and staff of the ACA Public Correctional Policy Project.

## Discussion: Appropriate Sanctions and Controls

**D**ecisions to apply correctional resources to any one individual take place at several points in the justice system. Decisions are made by judges, when they sentence people or determine the conditions necessary to assure appearance at trial or adjudication; by correctional staff, when they make recommendations in presentence and parole reports, determine supervision levels, and make program assignments; and by parole officials, when they decide whether to release an offender from incarceration.

Whether institutional or community-based, for adults or juveniles, for the convicted or the accused, all correctional programs are designed to meet specific needs. Each program functions best when applied to the types of problems it was designed to address. Correctional options cover a broad range of levels of control and supervision in different settings—in the community, in residential treatment and work programs, and in prisons, jails, and local detention facilities. In general, the greater the degree of restriction, the greater the cost, both for setting up the program (e.g., secure facility) and for operating it (e.g., 24-hour staffing).

Applying the most appropriate sanction to an offender involves human as well as logistical and financial considerations:

- *Consideration for the interests of society at large* takes into account the specific objectives in a given case (e.g., retribution; restitution). Certain objectives may necessitate selecting sanctions that are not the least restrictive. Even so, the choice should be the least restrictive option consistent with achieving the necessary objectives.
- *Consideration for the offender* takes into account the destructive effects of a particular sanction upon the offender and the offender's family. Examples include loss of income, damage to family relationships, and deterioration in job skills and employment prospects. When equally effective sanctions are available, the one that minimizes harm to the offender and others is to be preferred.
- *Consideration for the effectiveness of sanctions* takes into account all available evidence concerning the potential benefits of correctional programs and services. Some programs and services have been proved to have beneficial results (i.e., to prevent repetition of the offense and/or deter others from committing that offense). Other correctional options have demonstrated little impact on unlawful behavior. As with any sanction, if the options available lack proven effectiveness, the most humane and sensible one should be preferred.

Depending on public opinion, legislative mandates, and the correctional resources and options available, the courts should have some flexibility in deciding what sanction or combination of sanctions to impose on an individual. Similarly, correctional agencies should have some flexibility in deciding how to administer the sanctions imposed. Correctional agencies can and should take an active role in both promoting and applying the policy of using the least restrictive sanction appropriate for the individual case.

### A. ***"Advocate to all branches of government . . . and to the public at large the development and appropriate use of the least restrictive sanctions . . ."***

Correctional agencies should take a leadership role in helping government officials and the public understand the rationales and research data underlying the principle of least restrictive appropriate sanctions and controls. Ideally, this principle should be applied to all decisions that affect correctional programs and public safety. These include all decisions regarding pretrial detention, sentencing, and security or program classification. Decisions regarding new correctional programs and facilities also should be consistent with this principle so that it can be implemented to the fullest extent possible.

**Discussion on  
Appropriate Sanctions  
and Controls  
(continued)**

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**B. "Recommend the use of the least restrictive appropriate dispositions in judicial decisions. . . ."**

Applying the principle of appropriate sanctions and controls does not mean overlooking the multiple objectives that can enter into judicial decisions. The principle is not an end in itself, but a practical and philosophical framework in which to fashion reasonable ways to achieve objectives.

Many valid sentencing objectives may be appropriate to any given case. Appropriate use of sanctions and controls should implement the valid objectives of sentencing, not function as a substitute for them. (A judge, for example, may sentence a public official to prison to achieve the objectives of deterrence and retribution, even though less restrictive alternatives would achieve other goals of sentencing.) But imprisonment should not be used when other sanctions will achieve the necessary goals of sentencing in a case. Similarly, alternatives to imprisonment should entail only those services and supervision processes necessary to achieve the objectives of the sentence.

**C. "Classify persons under correctional jurisdiction to the least restrictive appropriate programs and facilities. . . ."**

Correctional programs and facilities are costly to operate and to staff. Both labor- and capital-intensive, they frequently operate round-the-clock. It is therefore fiscally prudent to use only the level and intensity of program and facility necessary to solve a specific problem or meet a specific need.

In addition, correctional programs and facilities are in short supply. Extensive crowding in facilities and excessive workloads in community-based programs are common. If a person does not warrant assignment to a particular program or facility, placing that person there means that someone who needs the program will not be assigned to it, or that the quality of the program will be diminished for all people assigned to it, or both.

**D. "Employ only the level of regulation and control necessary for the safe and efficient operation of programs, services, and facilities. . . ."**

The administrators of individual correctional programs, services, and facilities should also be guided by the principle of appropriate sanctions and controls. Persons under their supervision should be subject only to the level of control necessary to achieve the objectives of the sentence. All correctional agencies that apply or administer sanctions should periodically reassess the status of individuals under their supervision to determine whether any restrictions or control measures in force at the discretion of the agency should be continued or whether they can be modified.

The overall goal of our justice system is to promote law-abiding behavior. The knowledge that one can gradually assume more control over one's life by behaving more responsibly is a powerful motivating force for many offenders. On the other hand, knowing that one cannot possibly change one's position for the better, only for the worse, provides little incentive for positive change. While the logical consequence of irresponsible or "bad" behavior should be the swift imposition of additional restrictions and controls, the logical consequence of improved behavior and performance by individuals under correctional supervision should be the opportunity to practice and demonstrate more personal responsibility for their conduct.





## Public Correctional Policy on Use of Force

### Introduction:

Correctional agencies administer sanctions and punishments imposed by courts for unlawful behavior. Assigned to correctional agencies involuntarily, offenders sometimes resist authority imposed on them, and may demonstrate violent and destructive behaviors. Use of legally authorized force by correctional authorities may become necessary to maintain custody, safety, and control.

### Statement:

Use of force consists of physical contact with an offender in a confrontational situation to control behavior and enforce order. Use of force includes use of restraints (other than for routine transportation and movement), chemical agents, and weapons. Force is justified only when required to maintain or regain control, or when there is imminent danger of personal injury or serious damage to property. To assure the use of force is appropriate and justifiable, correctional agencies should:

- A. Establish and maintain policies that require reasonable steps be taken to reduce or prevent the necessity for the use of force, that authorize force only when no reasonable alternative is possible, that permit only the minimum force necessary, and that prohibit the use of force as a retaliatory or disciplinary measure;
- B. Establish and enforce procedures that define the range of methods for and alternatives to the use of force, and that specify the conditions under which each is permitted. The procedures must assign responsibility for authorizing such force, assure appropriate medical care for all involved, and provide the fullest possible documentation and supervision of the action;
- C. Establish and maintain procedures that limit the use of deadly force to those instances where it is legally authorized and where there is an imminent threat to human life or a threat to public safety that cannot reasonably be prevented by other means;
- D. Maintain operating procedures and regular staff training designed to anticipate, stabilize, and defuse situations that might give rise to conflict, confrontation, and violence;
- E. Provide specialized training to ensure competency in all methods of use of force, especially in methods and equipment requiring special knowledge and skills such as defensive tactics, weapons, restraints, and chemical agents; and
- F. Establish and maintain procedures that require all incidents involving the use of force be fully documented and independently reviewed by a higher correctional authority. A report of the use of force, including appropriate investigation and any recommendations for preventive and remedial action, shall be submitted for administrative review and implementation of recommendations when appropriate.

The following discussion clarifies for the general reader the correctional issues addressed in the policy. The discussion was prepared by members of the Advisory Committee and staff of the ACA Public Correctional Policy Project.

## Discussion: Use of Force

The appropriate use of force is a controversial issue in all phases of the justice system that involve the apprehension, custody, and management of offenders. The public correctional policy on use of force is intended to address the proper use of force by correctional officials in both institutional and community settings. The policy is based on professional standards for good correctional practice and reflects the views of the courts on use of force.

The definition of "use of force" is critical to the policy. Basically, use of force is broadly defined as physical contact for the purpose of controlling an individual's behavior and enforcing or restoring order. By implication, use of force is not a routine procedure; it is appropriate and justifiable only under particular conditions. In addition, the policy makes clear that correctional agencies should specify in written policies and procedures the types of force that are justifiable and the conditions under which they can be applied. The policy call on correctional agencies to:

A. ***"Establish and maintain policies that require reasonable steps be taken to reduce or prevent the necessity for the use of force . . ."***

This section of the policy places emphasis on preventive measures by stating that the use of force is warranted only when no reasonable alternative is possible, and then only in the minimum degree necessary. By implication, the policy calls upon correctional agencies to develop strategies and techniques that will reduce the necessity for using force to the lowest level possible.

B. ***"Establish and enforce procedures that define the range of methods for and alternatives to the use of force, and that specify the conditions under which each is permitted . . ."***

The policy applies the principle of proportionality to the application of force by requiring that agencies identify a hierarchy of methods so that the least force necessary is applied to any particular situation. By calling for the "fullest possible" documentation and supervision of use of force, this section of the policy recognizes the necessity for correctional line staff to be able to respond quickly to emergency situations. At the same time, supervisory staff should be made aware of any potential or actual use of force as quickly as possible. Moreover, supervisory staff are responsible for documenting any such actions as fully as possible.

C. ***"Establish and maintain procedures that limit the use of deadly force to instances where it is legally authorized and where there is an imminent threat to human life or a threat to public safety that cannot reasonably be prevented by other means . . ."***

This part of the policy was carefully framed to recognize two possible conditions under which deadly force might be justifiable. The first condition is when there is an immediate threat to human life. The second condition is when there is a threat to public safety that cannot reasonably be prevented by other means. Such a threat does not have to be simultaneous to the use of force. In general, the policy affirms that use of deadly force is a last resort and should never occur unless necessary.

The policy recognizes that the use of deadly force may be limited by law in certain jurisdictions, particularly with respect to juvenile offenders. It is against the philosophy of juvenile corrections to consider the use of deadly force with juveniles. Juvenile courts have made clear the distinction between adults and youths. When this distinction becomes clouded based on the juvenile's age, seriousness of offense, previous record, and the appropriateness of juvenile-oriented interventions, then the juvenile court or other statutory authority has the legal prerogative to waive jurisdiction to adult court. In short, the decision to treat a juvenile as an adult is the result of a legal or statutory process.

**Discussion on  
Use of Force  
(continued)**

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The policy does not prevent a jurisdiction or agency from prohibiting deadly force for certain populations or programs as a matter of law or procedure after careful deliberation and examination of all related factors. For example, a halfway house could determine that none of the offenders in its custody represents a threat to public safety or human life, and could therefore prohibit deadly force in all circumstances.

- D. ***"Maintain operating procedures and regular staff training designed to anticipate, stabilize, and defuse situations that might give rise to conflict, confrontation, and violence. . . ."***

The orderly running of a correctional facility or program depends on sound management procedures and well-trained staff. Experience indicates that certain situations and incidents raise tension levels in correctional settings. These include overcrowding, hastily instituted changes in rules and procedures, and misunderstandings caused by lack of communication. Being aware of tensions and resentments that could escalate into physical conflict or violence is a key factor in preventing the necessity for use of force; the better staff are able to recognize and actively intervene at the outset of any disagreement or potentially dangerous behavior, the greater the chances of defusing the situation.

- E. ***"Provide specialized training to ensure competency in all methods of use of force. . . ."***

All staff members who could be called on to use force should receive specialized training in the authorized methods and equipment in order that any force applied is done so as safely and in as limited a context as possible. Training programs should include testing and certification by the agency that the individual has achieved competency in the use of whatever methods of force have been taught. In addition, agencies should carry out continuing in-service training and recertification to assure that staff maintain the necessary skills.

- F. ***"Establish and maintain procedures that require all incidents involving the use of force be fully documented and independently reviewed by a higher correctional authority. . . ."***

The phrase "independently reviewed by a higher correctional authority" means review by an experienced correctional official who was not involved in the incident but who is trained in the use of force. Depending upon the seriousness of the incident, the reviewing official may be a ranking official within the institution or field office, an official within the central administrative office, or an official within the executive or judicial branch of government. In addition, the policy recognizes that agencies can learn from past incidents and should therefore initiate any procedural changes recommended to help prevent repetition of a similar incident.



## Public Correctional Policy on Victims of Crime

### Introduction:

Victims of crime suffer financial, emotional, and/or physical trauma. The criminal justice system is dedicated to the principle of fair and equal justice for all people. Victims' rights should be pursued within the criminal justice system to ensure their needs are addressed.

### Statement:

Victims have the right to be treated with respect and compassion, to be informed about and involved in the criminal justice process as it affects their lives, to be protected from harm and intimidation, and to be provided necessary financial and support services that attempt to restore them to their former position before the crime was committed. Although many components of the criminal justice system share in the responsibility of providing services to victims of crime, the correctional community has an important role in this process and should:

- A. Support activities that advocate the rights of the victims;
- B. Promote local, state, and federal legislation that emphasizes victim rights and the development of victim service programs in local communities;
- C. Advocate funding and technical assistance to develop and expand victim service programs;
- D. Promote and advocate the development of programs in which offenders provide restitution to victims, and compensation and service to the community;
- E. Promote active participation of victims in the criminal justice process, including the opportunity to be heard;
- F. Promote the use of existing community resources and community volunteers to serve the needs of victims;
- G. Cooperate in the development of training programs, designed for criminal justice officials, that promote sensitivity to victims' rights and identify community services; and
- H. Operate those victim assistance programs that appropriately fall within the responsibility of the field of corrections.

The following discussion clarifies for the general reader the correctional issues addressed in the policy. The discussion was prepared by members of the Advisory Committee and staff of the ACA Public Correctional Policy Project.

## Discussion: Victims of Crime

**T**he justice system is dedicated to the principle of fair and equal justice for all people, including the victims of crime. Programs to assist victims should be developed and expanded in local communities nationwide. To accomplish this requires actions on the part of correctional practitioners, justice officials, and the general public. The public correctional policy on victims of crime calls on the correctional community to do the following:

A. ***"Support activities that advocate the rights of the victims . . ."***

Until recently, the public in general, including the justice system, has tended to overlook the pain and trauma of victims of crime. While victims are considered important to achieving conviction, they generally have been ignored otherwise and left to bear the financial and emotional burdens resulting from the crime. As the correctional field expands its constituency, it should broaden its focus to include concern for all individuals and systems affected by crime. This will not only promote greater balance within the justice system. It will develop more advocates for corrections and for correctional practitioners because victims will know they are being supported by the justice system.

B. ***"Promote local, state, and federal legislation that emphasizes victim rights and the development of victim service programs in local communities . . ."***

Local justice officials, correctional professionals, and lay citizens can influence their local, state, and federal legislators to develop model legislation promoting the needs of victims and providing adequate funding for victim programs and services in communities. Legislators will respond to the plight of victims if individual victims, lay citizens, and criminal justice professionals speak out and support these positions.

C. ***"Advocate funding and technical assistance to develop and expand victim service programs . . ."***

The correctional community shares in the responsibility for actively advocating funding and technical assistance from both public and private sources for programs to assist victims.

D. ***"Promote . . . the development of programs in which offenders provide restitution to victims, and compensation and service to the community . . ."***

Restitution, whether to an individual or to a community, offers a tangible and positive way by which an offender can be accountable to the victim of crime. In addition, restitution offers sentencing options for the judiciary that are less costly than incarceration and that can help relieve overcrowding in local and state correctional facilities.

A restitution or community service sentence can be viable punishment for low-risk offenders who can be safely maintained in the community in lieu of incarceration. Restitution can also be imposed in addition to fines and other sanctions. The most common form of restitution is financial payment made by the offender to the victim. Some communities are also exploring the concept of payment in service; for example, an offender who has few funds but has professional painting skills may be assigned by the court to paint the victim's house or perform other work directly on behalf of the victim.

Restitution to the community at large typically takes the form of a "community service" sentence whereby the offender works a specific number of unpaid hours for community agencies, such as hospitals and libraries, or for public lands such as parks.

E. ***"Promote active participation of victims in the criminal justice process . . ."***

Victims are becoming more vocal in expressing their needs, including their wish to be heard in all components of the justice system. These productive efforts by

**Discussion on  
Victims of Crime  
(continued)**

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victims to be more actively involved in the justice system should be supported by the justice community. Correctional agencies should be sensitive and responsive to the concerns and inquiries of victims and should supply requested information as appropriate.

F. ***"Promote the use of existing community resources and community volunteers to serve the needs of victims. . . ."***

Victim services should go beyond financial restitution. Some of these services should include crisis intervention (e.g., emergency shelter, food, medical assistance); short-term support counseling; negotiation with offenders and the police for a prompt return of the victim's money or property; notification about the progress of investigations; notification about court dates and proceedings; and transportation assistance where needed (e.g., for the elderly, disabled, or financially needy) so that victims who choose to can attend court hearings and trials.

At the same time, it is neither desirable nor feasible for the justice system to provide all of the services needed by victims of crime. Many victim needs can be addressed by existing community mental health agencies, social service agencies, and family and child agencies. Lay citizens, including victims of previous crimes, can provide emotional support and other forms of assistance to victims. The justice system can and should serve as a catalyst for mobilizing and using these local community support services on behalf of victims of crime.

G. ***"Cooperate in the development of training programs . . . for criminal justice officials that promote sensitivity to victims' rights and identify community services. . . ."***

Many justice officials are insensitive to victims' rights because they are unaware of the pain and trauma carried by victims. Correctional officials should cooperate with other criminal justice professionals in developing and participating in training programs concerned with the issue of victims' rights. Moreover, justice officials need to be made aware of specific resources and services in the community that can help victims.

H. ***"Operate those victim assistance programs that appropriately fall within the responsibility of the field of corrections. . . ."***

The correctional system has a part to play in providing victim assistance. The field as a whole needs to be receptive to program ideas for victim assistance and willing to develop as well as participate in such programs.

*These principles were first set forth in 1870. They were reaffirmed in 1982 following modifications in language to bring them up to date.*

## **Appendix A.**

# **ACA Declaration of Principles**

### **Preamble:**

More than a century ago, in 1870, leaders in American corrections first developed principles stating the ideas and objectives underlying the practice of their profession.

As members of the American Correctional Association, we continue in the spirit of our founders by renewing and revising these principles in 1982, so they may continue to guide sound correctional practices, make clear our philosophy and aims, and facilitate our seeking out and involving the leaders and citizens of the communities we serve.

The role of corrections is to assist in the prevention and control of delinquency and crime. We believe that the principles stated herein provide the conceptual foundation for correctional policy that will increase that contribution. Ultimately, however, preventing criminal and delinquent behavior depends in large measure on the will of the individual and the constructive qualities of society and its basic institutions—family, school, religion, and government.

Social order in a democratic society depends on full recognition of individual human worth and dignity. Thus, in all its aspects, corrections must be measured against standards of fairness and humanity. We share with the rest of the juvenile and criminal justice systems the obligation to balance the protection of individuals against excessive restrictions.

Finally, we are committed to conducting corrections in a manner reflecting rational planning and effective administration as measured by recognized professional standards.

### **Principles:**

#### **Article I - Basic Precepts**

1. Laws and administrative policies and systems stemming from them shall be based on respect for human dignity and worth with recognition that hope is essential to humane and just programs.
2. Victims, witnesses, and all other citizens who come in contact with the criminal justice system shall receive fair, concerned consideration and assistance including restitution and/or compensation when appropriate.
3. The accused or convicted offender shall be accorded the protection of recognized standards of safety, humaneness, and due process. Individuals who are neither accused nor charged with criminal offenses should be served by other systems.
4. Sanctions imposed by the court shall be commensurate with the seriousness of the offense and take into account the past criminal history and extent of the offender's participation in the crime. Unwarranted disparity, undue length of sentences, and rigid sentencing structures are an injustice to society and the offender and create circumstances that are not in the best interest of mercy, justice, or public protection.

**ACA Declaration  
of Principles  
(continued)**

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5. The least restrictive means of control and supervision consistent with public safety shall be used. Use of institutions for control and supervision of pretrial detention and post-conviction disposition shall be based on judicious and restricted use of a limited resource. Incarceration shall only be used with juveniles or adults charged with or convicted of criminal offenses and for whom no other alternative disposition is safe or acceptable to society.
6. Juvenile and adult correctional agencies, whether federal, state, or local, or public, private, or voluntary, must regard themselves as part of a highly integrated larger system that must work together toward common goals.
7. Correctional agencies, in order to be accountable to and receive strong support from all branches of government and the public at large, must take an active role in setting future direction and must provide information on which public policy decisions can be made.

**Article II - Programs and Services**

8. Correctional programs at all levels of government require a careful balance of community and institutional services that provide a range of effective, just, humane, and safe options for handling adult and juvenile offenders. These services shall meet accepted professional standards and be accredited where appropriate.
9. Correctional agencies shall provide classification systems for determining placement, degree of supervision, and programming that afford differential controls and services for adult and juvenile offenders. These systems shall be based on sound theory and empirical knowledge of human behavior, giving consideration to such factors as age, sex, physical and mental conditions, and the nature of the offense.
10. All offenders, whether in the community or in institutions, shall be afforded the opportunity to engage in productive work and participate in programs including educational, vocational training, religious, counseling, constructive use of leisure time, and other activities that will enhance self-worth, community integration, and economic status.

**Article III - Personnel**

11. Adequately trained and well-supervised volunteers are essential adjuncts to effective delivery of services to adult and juvenile offenders at all stages of the correctional process.
12. Leadership selection for correctional agencies at all levels, public and private, shall be on the basis of merit without regard for political affiliation, race, sex, or religion, with tenure assured as long as there is demonstrated competent performance and compliance with professional and ethical standards.
13. The staff of correctional systems must be professionally competent and well-trained. They shall be selected and retained on the basis of merit without regard to political affiliation, race, sex, or religion and afforded training, career development experiences, and remuneration commensurate with job requirements and performance.

**Article IV - Advancement of Knowledge**

14. Correctional agencies have a continuing responsibility to promote, sponsor, and participate in research and program evaluation efforts. Doing so will contribute to both an understanding of the prevention and control of delinquent and criminal behavior and to assessment of the effectiveness and efficiency of programs and services.



Issued by the American Correctional Association in cooperation with the Commission on Accreditation for Corrections.

## **Appendix B.**

# **Manuals of Correctional Standards**

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### **General:**

Administration of Correctional Agencies (June 1979)

### **Adult Corrections:**

Adult Parole Authorities (2nd Edition, June 1980)

Adult Community Residential Services (2nd Edition, August 1980)

Adult Probation and Parole Field Services (2nd Edition, March 1981)

Adult Correctional Institutions (2nd Edition, January 1981)

Adult Local Detention Facilities (2nd Edition, April 1981)

### **Juvenile Corrections:**

Juvenile Community Residential Facilities (2nd Edition, January 1983)

Juvenile Probation and Aftercare Services (2nd Edition, January 1983)

Juvenile Detention Facilities (2nd Edition, January 1983)

Juvenile Training Schools (2nd Edition, January 1983)

### **Supplement:**

Correctional Standards Supplement (Annual)—

Additions, deletions, revisions, and interpretations for all manuals