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# Federal Probation

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## This Issue in Brief

**Community Service: A Review of the Basic Issues.**—Triggered by the Federal Comprehensive Crime Control Act of 1984, the evolution of community service as a formal condition of probation has caused judges and probation officers to pay increased attention to the requirements of community service programs. Authors Robert M. Carter, Jack Cocks, and Daniel Glaser state that as various options are considered, basic issues must be identified, related to a system of judicial and correctional philosophy, and implemented in an atmosphere in which citizens have ambiguous feelings about community service as a sentencing option. In this article, the authors attempt to identify the basic issues and to place them in a frame of reference for practitioners.

**The Alcoholic, the Probation Officer, and AA: A Viable Team Approach to Supervision.**—Probation officers are encountering increasing numbers of problem drinkers and alcoholics on their caseloads. Most officers are not specifically trained to work with the alcoholic, and author Edward M. Read advances a practical treatment model for use in the probation supervision setting. The author stresses the necessity for an important re-education process which includes full acceptance of the disease model of alcoholism and an accompanying renunciation of several damaging myths still all too prevalent. Several techniques of countering the alcoholic denial system are discussed, and the author highlights the appropriate use of Alcoholics Anonymous in the supervision process.

**The Perceptions and Attitudes of Judges and Attorneys Toward Intensive Probation Supervision.**—In recent years the spectrum of criminal justice sanctions has widened to accommodate an intermediate sentencing alternative known as intensive probation supervision (IPS). In his study of the perceptions and attitudes of court personnel toward IPS in Cook County, Illinois, author Arthur J. Lurigio found that, overall, judges and public defenders viewed IPS favorably, whereas state's attorneys were essentially unwilling

to accept IPS as a viable option to prison. According to the author, the success of IPS programs often hinges on developing effective strategies to promote the program so that it appeals to the various elements in the criminal justice system.

**The Role of Defense Counsel at Sentencing.**—This article establishes the duties and obligations of defense

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# The Perceptions and Attitudes of Judges and Attorneys Toward Intensive Probation Supervision

BY ARTHUR J. LURIGIO, PH.D.\*

## Introduction

**P**ROBATION IS no longer a sentence reserved for first-time misdemeanants or petty offenders. According to available statistics, the number of persons placed on probation has increased steadily throughout the 1980's and has begun to constitute a growing proportion of hardcore felony cases (Bureau of Justice Statistics, 1984). Moreover, a widely publicized Rand Corporation study revealed that 65 percent of the felons on probation in Los Angeles and Alameda counties (California) were rearrested during the course of their sentence—many of them for serious offenses such as burglary, assault, and robbery (Petersilia, Turner, Kahan, and Peterson, 1985). Another sobering conclusion of the research was the finding that the instant offenses and criminal histories of 25 percent of the offenders granted probation were indistinguishable from those of criminals who were sent to prison.

While it remains unclear whether Rand's results generalize to other settings, there are few reasons to suspect that felony probationers in Los Angeles county are systematically different from similar types of offenders in comparable urban areas. In response to the apparent public threat posed by felons on probation and broader changes in correctional policies, which emphasize community protection over offender rehabilitation (see Harris, 1982), the spectrum of criminal justice sanctions has widened to accommodate an "intermediate" sentencing alternative that is more punitive and restrictive than regular probation but allows offenders to essentially retain their freedom in the community and avoids the stultifying and costly effects of imprisonment. This innovative and relatively new approach is referred to as Intensive Probation Supervision (IPS).

To date, little is known about the attitudes and per-

ceptions of court personnel toward IPS, or about their notions regarding the kinds of impact they expect such programs will exert on the criminal justice process. Understanding reactions to IPS from those outside the immediate ranks of the program and the department administering the program is a requisite first step toward overcoming any obstacles or resistance to successful implementation (cf. Cochran, Corbett, and Byrne, 1986). Indeed, "key actors" in the system may often be instrumental in assisting IPS staff to initiate and maintain program operations.

The research described in the present report was therefore designed to assess the views of judges and attorneys toward the IPS program in Cook County (Chicago), Illinois. It was hoped that eliciting their responses in a self-report questionnaire would provide practitioners with the data necessary to make informed program changes that would result, ultimately, in a greater number of cases being recommended and sentenced to IPS.

## *Intensive probation supervision programs*

Although many experimental IPS projects, which were based on the premise that reduced caseloads and more contacts would lead to better outcomes (Baird, 1983), had been in existence for more than a decade (see Banks, Portor, Rardin, Siler, and Unger, 1977), it is only in recent years that fully implemented IPS programs began appearing with great frequency. Presently, intensive supervision models have been implemented statewide in nine states including Texas, Georgia, Florida, New Jersey, Arizona, Utah, Oklahoma, Connecticut, and Vermont. At least 20 other states have administered programs in selected sites or counties, while many projects are in the planning stages of development (Byrne, 1986). The expressed philosophies, designs, and target populations of these programs differ somewhat from jurisdiction to jurisdiction. Nonetheless, the principal objectives of most IPS projects are to: (a) divert offenders from prison to diminish the financial burden of incarceration and alleviate the problem of prison overcrowding and (b) promote public safety by ensuring that serious criminals on community release will be subject to close

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surveillance and held to a higher standard of accountability through restitutive and community service activities (Baird, 1983).

A number of program evaluators have conducted research to study whether IPS programs are meeting their articulated objectives. The results of these investigations have been quite promising. A study in Wisconsin, for example, which tracked IPS and non-IPS offenders during a 2-year interval, indicated that offenders in the intensive surveillance group were less likely to be arrested, to abscond, and to violate the conditions of their probation (Baird, 1983). More recent evaluations have demonstrated that IPS has been effective in diverting offenders from prison and in yielding a resultant cost savings in penal expenditures (e.g., Erwin, 1986). Additional studies have shown that intensive supervision projects were able to successfully maintain serious offenders in the community with a minimal risk of their being rearrested for personal or violent offenses (e.g., Pearson and Bibel, 1986).

#### *A description of IPS in Cook County*

The Cook County Adult Probation Department received support from the Administrative Office of the Illinois Court to implement an IPS program in mid-1984. The structure of the program closely resembled Georgia's IPS model of selection and monitoring (Erwin, 1984). In designing the project, the state's primary goal was to safely divert offenders from prison to effective community supervision and reintegration.

An extensive screening process was instituted to determine the eligibility of offenders for the program. The screening process includes a field assessment component which evaluates an offender's risk potential, willingness to participate in the program, and proclivity to engage in dangerous behavior. Criminals possessing a history of violent offenses, requiring residential drug treatment, or failing to provide a verifiable address are excluded from consideration. Further, eligible criminals must have already been sentenced to the Illinois Department of Corrections (IDOC) for a felony conviction. Based upon the outcome of field assessment, officers formulate a supervision plan and formally recommend IPS as an alternative to incarceration. If the sentencing judge subsequently deems the offender suitable for intensive supervision, then the court order dictating imprisonment is vacated and the offender is deflected to the program.

In addition to encompassing the statutory conditions of probation, Cook County IPS includes community service activities, mandatory curfew restrictions, multiple weekly contacts with supervising officers, and an enforced prohibition against illicit drug use. For a

period of 12 months, offenders proceed through the program in a series of three graduated phases—each of which represents a gradual tempering of the prescriptions and requirements of IPS—until they are committed to regular supervision as the final leg of their statutory time on probation.

An evaluation of Cook County IPS following its first year of implementation tested the performance of a matched group of maximum risk regular probationers against those sentenced to the program and examined the judgments and perceptions of program personnel toward IPS operations and procedures (Lurigio, 1986). Results demonstrated that IPS probationers were less likely to violate their probation because of a new arrest. Moreover, when compared to regular probationers, IPS offenders had satisfied their financial restitution with greater regularity, were more often engaged in verified participation in adjunctive treatment and educational activities, and did not commit a single crime against person during the first year of the program. Finally, findings showed that the program had yielded considerable savings to the state through its monitoring of criminals who otherwise would have received a sentence to prison.

Despite these notable accomplishments, Cook County's program had fallen far short of reaching its full potential with respect to caseload size. Efforts to increase the number of IPS cases by modifying offender selection procedures had met with only modest success. Because the existing mode of intake was highly dependent upon the interprofessional cooperation and willingness of judges and attorneys to utilize the program, the department decided to conduct a survey of their attitudes, perceptions, and opinions about intensive probation supervision in Cook County. In addition to being a tool for gathering information that would translate into more IPS cases, the actual administration of the survey was intended explicitly to enhance awareness of the program and to increase the salience of IPS as a sentencing option.

#### *Method*

##### *Sample and procedure*

Self-report questionnaires were administered to the presiding judges, state's attorneys, and public defenders assigned to the 46 criminal and pretrial felony circuit courts in Cook County, which can potentially hear cases that are eligible for the IPS program. One public defender and state's attorney from each courtroom was chosen randomly to receive a survey through his or her respective office, while judges' surveys were forwarded directly to their chambers. In addition, a sample of 100 Cook County criminal at-

torneys in private practice were asked to participate in the study. Names of the private attorneys were drawn randomly from an exhaustive list of attorneys who practice law in the Cook County criminal courts. Private attorneys were mailed questionnaires on two occasions, including a follow-up mailing for those who had not responded initially.

Fifty-six percent of the judges (N=26), 83 percent of the public defenders (N=38), 59 percent of the state's attorneys (N=27), and 53 percent of the private attorneys (N=53) completed the survey. Table 1 summarizes the demographic characteristics of the four samples and the length of time they have been employed at their present position. As shown, the samples were comprised overwhelmingly of whites and males. The average age of the respondents was 43, with judges decidedly the oldest group and state's attorneys and public defenders the youngest. Judges and private attorneys were employed at their present positions substantially longer than public attorneys.

#### Questionnaire contents

The IPS survey consisted of 30 closed- and open-ended items that were developed to measure four content domains relating to respondents': (a) awareness and utilization of the program; (b) judgments about program intake and selection strategies; (c) ratings of IPS and its personnel; and (d) recommendations regarding program changes. Also, a special subsection of the questionnaire was designed for potential respondents who had not previously heard about IPS in Cook Coun-

ty. These participants were instructed to base their responses on the introductory material describing the program, which was given on the first page of the survey.

### Results

#### *Levels of awareness and utilization of the program*

All of the judges returning the survey reported being aware of IPS. Levels of awareness were also very high among participating public attorneys, with 91 percent of the public defenders, and 85 percent of the state's attorneys revealing knowledge of the program. However, only 18 percent of the responding private attorneys in the random, city-wide sample acknowledged an awareness of IPS and its operations.

A majority of public defenders (89 percent), state's attorneys (78 percent), and judges (69 percent) reported first learning about IPS from the Adult Probation Department. According to respondents in the three samples, their primary sources of information regarding the program were the IPS program supervisor (52 percent), IPS probation officers (34 percent), non-IPS probation officers (13 percent), and the deputy chief administering the program (11 percent).

When asked how often they utilized or recommended IPS as a sentencing option, 43 percent of the public defenders, who were aware of the program, responded, "very often" or "quite often," whereas only 15 percent of the state's attorneys and 10 percent of the judges indicated that they utilized the program with any high degree of frequency. In addition, results showed that 66 percent of the prosecutors and 37 percent of the judges who knew about IPS "rarely" or "never" recommended it for offenders. Overall, more than half of the judges reported a moderate level of program utilization, with 53 percent revealing that they "sometimes" utilized or recommended IPS as an alternative sanction.

Although relatively few of the private attorneys had knowledge of the program, more than 30 percent of those already familiar with IPS reported that they recommended the program "very often" or "quite often." Moreover, a substantial percentage of the criminal lawyers (86 percent), who were made aware of IPS through the survey, related that they would be "very willing" to recommend the program for eligible offenders.

In the opinion of more than half of the public defenders and more than one-third of the state's attorneys, the level of awareness of IPS throughout the Cook County Criminal Courts is either "low" or "very low." None of the respondents in the public attorney

TABLE 1. DESCRIPTION OF SURVEY RESPONDENTS

	Public		Private	
	Judges	Defenders	Prosecutors	Attorneys
<b>Sex</b>				
Male	88%	71%	81%	83%
Female	12%	29%	19%	17%
<b>Race</b>				
White	88%	97%	100%	77%
Black	12%	3%	0%	23%
<b>Age</b>				
30-34	0%	32%	37%	15%
35-39	0%	50%	44%	34%
40-44	11%	18%	19%	32%
45-49	23%	0%	0%	11%
50 and over	66%	0%	0%	7%
<b>Years employed at present position</b>				
1-5	31%	37%	41%	19%
6-10	27%	42%	41%	23%
11-15	15%	21%	18%	38%
16 and over	27%	0%	0%	21%

samples perceived the level of awareness as "high" or "very high." In contrast, only 8 percent of the responding judges deemed the Criminal Court's awareness of IPS as "low" or "very low."

Suggestions from judges, public defenders, and state's attorneys for promoting the program were highly similar and were therefore combined for the purpose of analysis. The most frequently mentioned measure to increase local awareness of IPS was for the probation department to conduct regular educational/informational sessions with court personnel about the program and its accomplishments (66 percent). Other suggestions included getting the media involved in publicizing the program (42 percent), keeping judges abreast of program successes (28 percent), and presenting IPS as a sanction within a fixed sentencing format (14 percent). Private criminal attorneys participating in the study recommended also publishing articles about IPS in professional law journals and daily law bulletins as a useful strategy to enhance awareness of the program among lawyers.

As expected, participants' self-reported awareness and utilization of IPS corresponded closely to the total number of offenders they reported recommending for IPS screening during the past year. More than 90 percent of the respondents in the state's attorney and public defender samples stated that the Public Defender's Office usually took the initiative in suggesting IPS as a sentencing alternative. Table 2 shows that the highest average number of screening recommendations among attorneys were made by public defenders. Also, it appears that they are the most successful attorney group both in convincing their clients that IPS is a viable option and in placing their clients in the program. Further, public defenders reported the highest percentage of cases sentenced to the program, which actually resulted in diversions from prison.

Findings revealed that, on the average, Circuit Court judges participating in the survey recommended

approximately four offenders for IPS screening during the past year. Not surprisingly, the vast majority of judges' recommendations (95 percent) eventuated in a sentence to the program. Moreover, judges related that none of the offenders they recommended to the program chose prison instead of IPS, and that 97 percent of their sentences to IPS were diversionary.

More than 90 percent of public defenders and state's attorneys indicated that felons declined IPS in lieu of prison most often because the defendants believed that the requirements of the program are overly restrictive. Some illustrative statements include:

The defendant thought it would be easier to complete straight time in prison.

My client stated that the program was too confining and because of that he didn't think he could comply with it.

The defendant knew that there was just too great a chance for a VOP [violation of probation] and that if he failed IPS he would get even more time.

The most common responses offered by public defenders to explain their failure to recommend IPS were largely in reference to the restrictive eligibility requirements of the program. For example, 71 percent of the public defenders reported that they did not recommend offenders to IPS because of the program's exclusionary admission criteria relating to instant offenses, criminal histories, and drug usage. According to public defenders, other prohibitive factors standing in the way of their recommendations consisted of the unwillingness of the state's attorney's office to allow IPS as part of a plea bargaining arrangement and the reluctance of defendants to plead guilty to a prison sentence without an unqualified guarantee of community supervision.

Seventy-four percent of the reasons given by state's attorneys for not utilizing IPS focused primarily on criminals and their lack of suitability for the program. The following statements describe prosecutors' refusals to propose or accept IPS as an alternative (in order of frequency): (a) most defendants are not sincere in their professed intent to fulfill the mandates of the program; (b) offenders' records are too serious to support a sentence other than prison; (c) some criminals "don't deserve" community release because of the serious nature of their offenses; (d) IPS does not satisfy victims' need for seeing justice served; (e) many offenders requesting IPS have violated previous probations and should not be allowed another opportunity; and (f) the program is not strict or punitive enough in its supervision of criminals.

Judges presented a wider range and more balanced set of responses regarding their reluctance to utilize IPS. Findings demonstrated that judges' reasons for failing to sentence offenders to IPS encompassed

TABLE 2. UTILIZATION OF IPS—PUBLIC DEFENDERS, PROSECUTORS, AND PRIVATE ATTORNEYS

	Public Defenders	Prosecutors	Private Attorneys
Average number of offenders recommended	4.3	2.4	1.7
Percentage of recommended offenders sentenced to IPS	74%	57%	50%
Percentage of recommended felons refusing IPS option	1%	7%	10%
Percentage of recommended felons diverted from prison	87%	51%	80%

program- and offender-related explanations, which essentially represented both the public defender's and state's attorney's perspectives on the utilization of IPS. In addition, 20 percent of the judges indicated that their failure to sentence offenders to the program stemmed from "a lack of knowledge" about IPS and its procedures.

*The assessment and sentencing of IPS offenders*

The responses of judges, prosecutors, and public defenders were analyzed to draw a composite of the type of offender most suitable for the program. A consensus of participants (more than 40 percent in all three samples) indicated that ideal IPS candidates are older, nonviolent offenders who have served time in prison and are currently free of serious drug problems. In addition, employable criminals and probation violators were mentioned by more than 20 percent of the respondents as categories of offenders appropriate for the program. These characteristics are highly consistent with factors mentioned by IPS probation officers as portraying candidates most likely to be successful in the program (Lurigio, 1986).

Participants were queried regarding the type of information which they thought should be collected in an investigation to properly determine offender eligibility for IPS. Public defenders and state's attorneys (combined samples) cited family situation (62 percent), employment history (56 percent), educational experience (53 percent), criminal background (52 percent), offender's attitude toward the program (31 percent), and drug involvement (25 percent). Prosecutors added the following areas to their list of basic screening information: victim impact, potential to successfully complete restitution or community service, written justification for why the offender should not be sentenced to prison, and details of past drug/alcohol treatment. Public defenders also mentioned type of prior probations, pending charges, and previous probation violations.

Similar to the public attorneys responding to the survey, judges regarded criminal background (69 percent), employment history (61 percent), and family adjustment (46 percent) as the most important factors to be reviewed in rendering an evaluation of an offender's eligibility for IPS. The remaining variables cited by judges included educational background, juvenile criminal histories, and drug/alcohol use.

Ninety-two percent of the responding judges stated that they would be willing to accept or support direct sentencing as the primary mode of program intake (as opposed to the present practice which involves an initial sentence to IDOC). Also, the results of the survey revealed a major difference in public defenders' and

state's attorneys' positions with respect to direct sentencing. While 95 percent of the public defenders were in favor of direct sentencing, only 18 percent of the state's attorneys reported that they would support direct sentencing over the present method of intake.

State's attorneys' reluctance to accept direct sentencing arose from two primary concerns. First, according to prosecutors, the potential for court abuse of the program would increase if IPS were installed as part of the regular sentencing structure. Second, in their opinion, the program would lose its impact without a precursory incarceration to remind the offender of what he or she may return to as a consequence of violation. In addition, state's attorneys contended that, when compared to the current assessment and sentencing strategy, direct sentencing would not permit court personnel to make an accurate judgment of an offender's true motivation to succeed in the program.

None of the respondents endorsed an alternative intake strategy that entails screening offenders for eligibility to IPS after they have already been incarcerated for a period of 30 days or less. Most of the participants were highly critical of the costliness and inefficiency of this approach. Also, many respondents stated that the logistics of "removing" a criminal from the Department of Corrections would present a formidable obstacle and that screening for community release while an offender was in prison, would essentially undermine the discretionary power of judges and could possibly lead to a torrent of public criticism.

Participants were also asked whether they would be willing to admit IPS cases of greater or lesser severity than those currently involved in the program. A majority of public defenders expressed an interest in seeing increasing numbers of both types of offenders being sentenced to IPS, with 76 percent relating that more serious offenders would be acceptable, and 61 percent indicating that less serious offenders should be sentenced. In comparison, state's attorneys were markedly opposed to cases of greater severity being sentenced and highly supportive of bringing in cases of lesser severity. Specifically, none of the state's attorneys would admit more serious cases, while 74 percent were open to cases of lesser severity being sentenced to the program. Finally, judges were evenly split in their willingness to accept cases of greater severity (46 percent, yes; 54 percent, no) and highly supportive of less serious cases being sentenced to IPS (77 percent, yes; 23 percent, no).

*Ratings of IPS and suggestions for program change*

Table 3 displays public defenders and state's attorneys' ratings of IPS on three dimensions: usefulness

as a sentencing alternative and effectiveness in diverting and monitoring criminals. More than one-third of the public defenders indicated that the program was "very useful" as a sentencing alternative, compared to only 8 percent of the state's attorneys. Further, nearly 20 percent of the prosecutors deemed IPS "not at all useful" as a sanction, whereas only 3 percent of the public defenders rated the program in this fashion.

Comparable results were obtained with respect to public attorneys' ratings of program effectiveness in diverting and monitoring offenders. Again, a significantly greater percentage of public defenders gave favorable ratings to IPS regarding its effectiveness in diverting (50 percent, "very" or "quite effective") and monitoring (84 percent, "very" or "quite effective"), whereas state's attorneys' ratings were largely unfavorable on both dimensions (56 percent, "not very" or "not at all effective": diverting), (52 percent, "not very" or "not at all effective": monitoring). In a more global assessment of the program, 41 percent of the public defenders rated the overall performance of IPS as "excellent" or "very good," while 52 percent of the prosecutors indicated that the overall performance was "poor" or "very poor."

TABLE 3. RESPONDENTS' RATINGS OF IPS

Question: How useful to the criminal justice system is IPS as a sentencing alternative?

	Public		Private	
	Judges	Defenders	Prosecutors	Attorneys
Very useful	50%	34%	8%	42%
Useful	31%	32%	11%	24%
Somewhat useful	12%	26%	37%	15%
Not very useful	8%	5%	26%	11%
Not at all useful	0%	3%	18%	8%

Question: How effective is IPS in diverting offenders from prison?

	Public		Private	
	Judges	Defenders	Prosecutors	Attorneys
Very effective	31%	26%	4%	34%
Quite effective	35%	24%	18%	23%
Somewhat effective	23%	37%	22%	19%
Not very effective	8%	8%	41%	15%
Not at all effective	4%	5%	15%	9%

Question: How effective is IPS in monitoring high risk offenders?

	Public		Private	
	Judges	Defenders	Prosecutors	Attorneys
Very effective	27%	63%	4%	38%
Quite effective	38%	21%	7%	26%
Somewhat effective	19%	8%	37%	15%
Not very effective	12%	5%	37%	13%
Not at all effective	4%	3%	15%	8%

It can also be seen in table 3 that the ratings of judges and attorneys in private practice were consistent with public defenders' assessments of the program. Specifically, 81 percent of the judges viewed IPS as a useful sentencing alternative, while their evaluations of the program on the monitoring and diversion scales showed that more than 60 percent of the judges indicated that IPS was "very" or "quite effective" in its performance. Private attorneys, including those who had not heard of the program, also gave favorable ratings on program usefulness and effectiveness.

One of the goals of IPS is to provide an intermediate form of punishment that is more severe than regular probation and less severe than incarceration. Respondents were asked to compare the Cook County IPS program against an ideal or prototypic IPS program by judging the two on a 10-point scale or continuum of punishment ranging from +1 (regular probation) to +9 (incarceration).

Table 4 illustrates that public defenders perceive the actual program as significantly more punitive than regular probation. Moreover, their responses showed no difference in the average punishment ratings assigned to the actual and ideal program. In contrast, state's attorneys' average ratings of the actual program with regard to punishment were significantly closer to regular probation and significantly different from their rating of an ideal IPS program. Also, the findings in table 4 reveal that public defenders and state's attorneys do not differ in their judgments of the level of punishment that an ideal IPS program should provide. Finally, results evidenced that judges' punitive ratings of both the actual and an ideal IPS program were higher than those of public attorneys.

Ratings of IPS staff were quite favorable among the three major samples of participants. Substantial percentages of the judges (78 percent), public defenders (81 percent), and state's attorneys (66 percent) related being "very satisfied" with the quality of contacts they've had with program personnel. Further, more than half of the respondents indicated that they have "excellent" or "very good" rapport with IPS staff, i.e., according to respondents, problems have "never" or "very rarely" occurred during contacts. Nonetheless, some reasons for dissatisfaction with program person-

TABLE 4. RESPONDENTS' AVERAGE PUNITIVE RATINGS OF THE ACTUAL AND AN IDEAL IPS PROGRAM

	Actual Program	Ideal Program	Differences
Judges	6.50	7.83	-1.33
Public Defenders	5.96	6.08	-.12
State's Attorneys	2.00	6.80	-4.80

nel were reported. These included complaints about IPS officers being inadequately prepared for case presentations in court and failing to keep court attorneys or judges abreast of program procedures or cases.

Table 5 provides a summary of judges', public defenders', and state's attorneys' recommendations for future program changes and improvements. Public defenders' suggestions focused generally on establishing IPS as a more permanent sanctioning option and expanding the present program in Cook County to encompass additional personnel and a greater number of cases. State's attorneys, on the other hand, advocated cutting back on the use of IPS as well as augmenting the current monitoring and punitive aspects of the program. Judges, as a group, appeared to want more direct involvement in the program and more information about program offenders and their progress. A response common to all three samples was a call for greater clarification regarding IPS selection procedures and operational guidelines.

### *Summary, Conclusions, and Recommendations*

#### *Similarities and differences in participants' responses*

The present findings indicate clearly that various members of a local criminal justice system may maintain very different views about intensive probation supervision as a sentencing alternative. Public defenders, who presumably stand to benefit most from the program, were more inclined to recommend offenders for screening, to make more favorable judgments about IPS and its effectiveness, and to pledge their support for the continuation and expansion of the program. Similarly, private attorneys appeared to be highly receptive to the concept of IPS and gave the program very high marks in theory. Further, criminal lawyers practicing in Cook County expressed a strong willingness to refer their cases to the program. In stark contrast, state's attorneys were reluctant to accept IPS as a viable option to prison, and their judgments about the program were uniformly negative. Although judges rated IPS highly on all measures, their tendency to utilize the program was comparatively weak.

There were also differences found in participants' positions vis-a-vis direct sentencing as a mode of intake and in their opinions about whether more or less serious criminals should be admitted to the program. Public defenders were overwhelmingly in favor of direct sentencing and were open to cases of greater and lesser severity being sentenced to IPS, while state's attorneys were roundly opposed to direct sentencing and were only in favor of less severe cases being sentenced to the program. Judges' responses

TABLE 5. RECOMMENDATIONS FOR PROGRAM CHANGE

#### **Public Defenders**

- Bring greater awareness to program through further public relations/educational efforts
- Expand program (e.g., widen pool of eligible offenders to include residential burglars or low risk homicide and manslaughter cases, assign more officers to IPS, begin screening at pretrial stage)
- Establish IPS as a statutory or mandatory sentence for certain types of offenders
- Specify, more clearly, program guidelines for selection and supervision

#### **State's Attorneys**

- Upgrade supervision (e.g., increase surveillance activities/reporting requirements, conduct more drug testing)
- Clarify program operations and selection procedures
- Sentence program violators automatically to prison without a hearing
- Restrict the program to exceptional cases, i.e., when it is clear that IPS is a more reasonable alternative than prison
- Utilize IPS as a probation sentence only, not as a diversion from prison

#### **Judges**

- Institute direct sentencing procedures
- Assign IPS officers to judges or courtrooms
- Inform judges about the progress of cases with greater regularity and detail
- Utilize program more frequently by screening additional cases
- Encourage better communication between judges, public defenders, and state's attorneys about the program and its utilization
- Report program violations more promptly

were more consistent with the state's attorneys' position on the question of offender seriousness and with the public defenders' position on the issue of direct sentencing.

There was a consensus of opinion among respondents, however, on the type of cases most suitable for the program and on the categories of information that are needed to render sound decisions about offender eligibility. Most respondents agree that IPS offenders should be free of drugs and nonviolent. In addition, participants believed that eligibility assessment should be performed primarily by reviewing a criminal's social/familial background, criminal history, and employment potential and that assessments done after an offender had already been incarcerated would not be useful. Judges and attorneys also concurred that IPS must be a restrictive sentence which lies between regular probation and incarceration and which approximates prison with respect to its punitiveness.

#### *Increasing program awareness and utilization*

As suggested in the responses of participants, the success of IPS may require a concerted effort to in-

crease public awareness of the program through a variety of avenues such as the print media, criminal justice newsletters, and law bulletins. Educating citizens about IPS and its operations can serve generally to enhance perceptions of department credibility and professionalism, which is critical in light of lingering negative public opinions about probation and its effectiveness. Special attention should also be aimed at private criminal attorneys, who represent a rich and untapped source of program referrals. Examples of information-sharing strategies include disseminating pamphlets that describe the program's philosophy, goals, achievements, and benefits to the system and the community, and submitting IPS success stories to the media in order to highlight the "human interest" side of the program.

Results of the survey have strong implications for the implementation of IPS in jurisdictions (like Cook County) that do not employ automatic sentencing or alternative modes of intake which are not explicitly dependent on "key actors" in the system. It appears that the success of IPS and how well it is accepted may hinge on the ability of practitioners to market the program so that it appeals to the varying viewpoints and motivations of different court personnel. Hence, it is important for a department to tailor its IPS marketing efforts to insure a high degree of receptivity across the full range of groups learning about and utilizing the program.

For example, judges seem to like the program but are hesitant to support it either because they lack sufficient knowledge concerning IPS or are not quite confident enough in the program to allow their favorable attitudes to translate into actual sentencing decisions. In this instance, it would be essential to inform judges about the program in a manner that leads them to perceive IPS as a "safe" sentencing alternative, i.e., a decision that will not result in adverse repercussions. Prosecutors, on the other hand, must be persuaded that IPS is truly a punitive sanction in lieu of prison and that the philosophy and goals of the program are not incompatible or in conflict with those advanced by the state's attorneys office.

Selling the program effectively in Cook County, for example, would necessitate a coordinated effort at all levels. The deputy chief of the department, who administers IPS, must be encouraged to engage in public speaking engagements about the program and to obtain interviews with interested media representatives. The program supervisor has to aggressively promote the program through regular contacts with judges and attorneys in the court system, while probation officers in the department should actively search for eligible IPS cases when performing presentence investigations

and should promptly bring appropriate offenders to the attention of program personnel.

#### *Improving program operations and procedures*

The program evaluation literature is replete with examples of projects that have faltered because of a failure to enact procedures in accordance with the ideology or structure underlying program conceptualization and development (Lurigio and Rosenbaum, 1986). IPS practitioners should, therefore, strive to maintain the integrity of their efforts by insuring that implementation complies with formal program objectives and guidelines. The current data offer some illustrative examples of the gaps that may appear between the theory and practice of an IPS program.

First, the findings of this study suggest that many of the cases admitted to the program are not resulting in diversions from prison. Results also suggest that the program's diversionary aim may be partially blocked by the sentencing conservatism of judges and attorneys, who may be more comfortable referring and sentencing regular probation cases to IPS instead of prison-bound felons. Further research is required to ascertain the percentage of cases representing actual diversions and to investigate systematically why diversions are not always being achieved.

Second, some of the respondents expressed a concern that the program is not being utilized to its fullest extent. This calls for: (a) an in-depth examination of current intake/assessment strategies at both the preliminary and field stages of screening; (b) a thoroughgoing analysis of the reasons for case rejections; (c) a comparison of rejected and accepted cases on such variables as demographics, prior record, instant offense, and risk scale score; and (d) a validation of current offender evaluation procedures, including a test of whether risk scale scores differentiate between successes and failures in the program.

Finally, probation officers assigned to the program are often the sole contact court personnel have with IPS. Indeed, their professional demeanor and persuasiveness during case presentations may be a crucial determinant of whether judges and attorneys are receptive to recommendations about offender eligibility. Respondents' judgments of program officers and their performance were overall quite favorable. IPS officers should make a conscious effort to maintain good relations with court personnel, which will certainly facilitate the future success of a program.

One criticism emerging from the results of the survey was the observation that case presentations are, on occasion, inadequately prepared and executed. According to participants, this inadequacy stems from the fact that the officer presenting the case is not always

the same officer who performed the initial evaluation. Also, some respondents reported that IPS officers do not always provide them with regular or detailed information about the progress of cases.

Program procedures should be modified to rectify these shortfalls. Program guidelines could, for example, dictate that case presentations be performed by the officer who is most knowledgeable about the offender, i.e., the person best prepared to respond to the questions posed by all interested parties in court. In addition, standardized case reporting forms can be developed to satisfy the informational needs of judges and attorneys regarding the cases they have recommended or sentenced to the program.

To conclude, this article underscores for program practitioners the importance of placing intensive probation supervision within the larger context of the criminal justice system in which the program operates. Probation departments administering IPS clearly cannot exert full control over the number and/or type of cases being recommended or sentenced to their program. Hence, it is only by enlisting court personnel in a mutually beneficial and cooperative relationship with the program that they can ever hope to achieve full success and to secure a more permanent niche for IPS as an alternative sentence in the spectrum of criminal justice sanctions.

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