

U.S. Department of Justice
National Institute of Justice

111436

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

Public Domain/NIJ

U.S. Department of Justice

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

Practice In Search of a Theory: The Case of
Intensive Supervision - An Extension of an Old
Practice or a New Approach?

Lawrence A. Bennett

Discussion Paper 4-87

NCJRS

MAY 24 1988

ACQUISITIONS

Based on a paper, "Practice In Search of a Theory: The Case of Intensive Probation," delivered at the Annual Conference, Academy of Criminal Justice Sciences, Chicago, Illinois, March, 1984. While prepared under the auspices of the National Institute of Justice, the views expressed are those of the author and do not necessarily represent the official position or policies of either the National Institute of Justice or the U.S. Department of Justice.

Practice in Search of a Theory: The Case of Intensive Probation - An Extension of an Old Practice or a New Approach?

As a result of the public's demand for more stringent law enforcement and stiffer penalties, the jails and prisons of the nation are filled to overflowing with most correctional systems operating well over rated capacity. This is not a new problem nor is it likely to disappear soon. For example, upon completion of all prisons currently now planned or under construction there will still be 30 percent more inmates than cells to house them.

Probation has always served as an alternative to imprisonment. Even today, despite the marked increase in the rate and percentage of prison sentences, the numbers of offenders placed on probation also has increased. At any given time the majority of offenders under the control of the criminal justice system is under probation supervision. This applies whether we are discussing juveniles or adults, misdemeanor or felons. For example, during 1986 in California 63 percent of those convicted in Superior Court were sentenced to probation (California Bureau of Criminal Statistics, 1987).

Despite the heavy usage of probation, the level of satisfaction with this program has seldom been high. More recently confidence in probation as a mechanism for the protection of society has been even further eroded. This situation results from a marked increase in individuals placed under probation supervision along with a decrease in budget allocations to support the operation (Petersilia, et al, 1985 notes a increase of 63% in probation population from 1974 to 1983 with a 10% decrease in spending for probation, taking California as an example). In some jurisdictions caseload size has soared to over 350 offenders per probation officer, raising serious doubts about the possibility of any kind of effective supervision or control.

Probation As An Alternative Sentence

While there is the suggestion that prison crowding has forced more people onto the probation caseload, it is likely that it is a matter of more people receiving criminal sanctions, with both prison and probation populations rapidly increasing. In any event, probation is still seen as an alternative to prison. A recent program in Texas apparently was quite successful in encouraging the placement of large numbers of individuals on probation rather than sentencing them to already seriously crowded prisons (Fields, 1984). The difficulty for most judges is that, while differential punishment is desired, fitting the sanction to the severity of the offense, the options available

are quite limited. Thus, when faced with an individual not yet hardened into a lifetime pattern of serious crime but still somewhat more obstreperous in nature than would ordinarily fit with probation, what choices are available to a judge? Prison, on the one hand, seems too severe for the offense involved. It also represents a high cost in terms of expensive bed space, bed space more efficiently used for those requiring strict controls to protect society - and bed space that is already far too limited to start with. Many people, on the other hand, see placement on probation as almost a direct release. With high caseloads per probation officer, it is often difficult to even keep track of the offenders, let alone attempt to counsel or supervise them toward a more positive social adjustment.

Thus, Intensive Probation Supervision enters the picture. Perhaps, in a marriage of theory and practice, this seemingly new approach may offer a different avenue for the management of adult criminal offenders. In addition, this new approach may provide new knowledge that can serve to shape theory, aiding in the building of a framework that may eventually permit the testing of more structured hypotheses.

The Need for Theory

The field of corrections, chronically faced with a state of crisis, is more often action oriented than thoughtful in its approach to problem solving - more ready to develop a program, an approach, a technique rather than to test basic assumptions. Further, we seldom determine clearly what programs or what aspects of programs are working in the manner expected.

Thus the practices of criminal justice in general, and corrections in particular, have dealt little with theory in the usual sense. Further, theories, even when developed, tend to be philosophical rather than practical and are seldom put to empirical test. Despite exhortations from many leaders in the field, we seem reluctant to restrict ourselves to the constraints of theory. Rather we pursue practical realities on a pragmatic basis. The recent explorations of Lewin and Cohen (1980) reflect much the same view:

...these recommendations (for the form that parole should take) hold in common the need for greater theoretical understanding of the nature of parole supervision (p.5).

Why should we concern ourselves about theory? As we look at the methods for accumulating knowledge, the traditional way is the building block approach. While Kuhn (1962) would argue that we achieve major gains in scientific knowledge by breaking away from traditional approaches (indeed often looking at problems from a completely different, often radical approach), there continues to be value in attempting to organize principles for dealing with

this task through the application of theory. Carefully constructed theories can help us to place seemingly isolated bits of information into a larger context as an aid to "making sense" out of our observations. At the same time, a well developed theory will generate hypotheses, allowing us to test theories or parts of theories, rejecting unsupported hypotheses and building anew in the face of failure and/or new discoveries. The building block approach has also been endorsed by the prestigious Panel on Research on Rehabilitative Techniques of the National Academy of Sciences in the following statement:

...the panel believes that a sustained research effort offers the best hope in the long run for the development of an effective crime control policy. Better research does not assure more successful programs, but more programs without such a sustained research effort are likely to lead to continuation of our uncoordinated and noncumulative crime control policies...past failures are more likely to be repeated and occasionally successful programs less likely to be capitalized on...(p. 12, Martin, Sechrest & Redner, 1981).

Intensive Probation Supervision - A New Approach

We now see a new correctional program evolving. It is being described as "new" although some will argue that it is but the culmination of a developmental process that has been going on for some time.

The program under discussion is that recently introduced by Georgia and New Jersey under the general title of Intensive Supervision. This program, introduced as an alternative form of punishment in lieu of prison incarceration, involves very close contact with the officers in charge and a complicated set of compliance rules. The rules usually include early evening curfew, participation in community service activities, as well as the usual exhortation to maintain steady employment and residence, avoid unwholesome companions, and obey all laws. While this would seem to be the ultimate outgrowth of earlier intensive probation or parole supervision programs, the position taken here is that it is really quite different, despite having a number of elements in common.

Cost Comparison With Prison, not Regular Probation

First, as practiced in Georgia and New Jersey, the supervision is very intense - five or more contacts per week is not uncommon. With two officers assigned to a caseload of 25, that level of activity is possible. This contrasts with the usual "intensive" supervision program that may involve three to eight contacts per month (Romm, 1982). The authors of the Georgia Institute of Technology report on Intensive Special Probation ISP (1976)

expressed grave doubts about the achievement of truly intensive supervision given typical caseloads. However, in the new program the intensive number of contacts was carefully considered by the planners. Increasing the intensity of normal supervision raises costs very rapidly as compared to regular supervision. Most organizations simply cannot afford to allow intensive supervision to develop. Justification of these increased costs is particularly difficult when the attempt is made to show the reduction in crime that might be attributable to the improved control afforded by the more intensive supervision. However, in the case under discussion, the intensive supervision is in lieu of prison - the individual is already lost as a productive citizen. Thus, the costs of intensive supervision should not be compared with the costs of normal supervision but rather with the cost of incarceration. While the cost of maintaining one more person in prison for one year is not very great, in these times of prison crowding the potential capital costs of building a prison cell to house that person can represent a significant tax burden. Thus, from the view of the economics of the public administrator, that which was too expensive to consider, intensive supervision, is now, from this changed perspective, altogether possible. For example, in the case of Georgia Erwin and Bennett (1987) estimated a cost avoidance per IPS probationer of \$6,775. Considering that through the end of 1985 over 2,000 offenders were placed in the program, the state realized a total savings of over \$13 million. These estimates did not include any capital outlay. If we judge that these offenders might serve one year incarcerated, the state would need to build two prisons of 500 cells each, a sizable expenditure that has been avoided. In the case of New Jersey (Pearson, 1987) the estimate of cost avoidance (again excluding capital outlay considerations) was between \$7,000 and \$8,000 per offender.

Are costs the only consideration? Of course not. Any program of this nature must operate at a level of control acceptable to the community. In both areas closely studied, technical violations of rules of supervision set the recidivism rate with such offenses as drinking and involvement in drug use. In Georgia, for example, the most serious new offenses were 4 burglaries and 1 armed robbery without injury (based on a sample of 200 followed for an 18 month period). This compares quite favorably with similar offenders released from prison who exhibited 13 burglaries, 3 aggravated assaults, 2 rapes and 2 armed robberies (Erwin and Bennett, 1987). In the New Jersey program, 2.7 percent were convicted of serious offenses such as burglary and robbery compared to 9.6 percent of a similar group released from prison.

Theory, Assumptions and New Knowledge

What about theory? In looking at the issue of theory and practice, there are a number of hidden assumptions. First, there

is the implication that this new program, unlike past efforts, is moving ahead in terms of rapid implementation, well ahead of our theoretical knowledge, as contrasted to other correctional practices. Such a stance would imply that most activities with corrections have a theoretical base. In particular, probation or parole supervision must have some logical reason to assume that such intervention might lead to differential outcomes in terms of societal adjustment on the part of the offender.

Well, let's take a look at what we think we know in terms of theoretical structure about probation or parole supervision. We can approach the issue from two differing perspectives - that of society (the sociological or criminological) or that of the individual (the psychological).

Let us take a quick look at the sociological theory. Here we see the broad purposes of supervision to be but a part of those ascribed to the total correctional process - deterrence, both general and specific; retribution or punishment; control or restraint, the incapacitation aspects; and rehabilitation or reintegration into society. Here we see that normal supervision does fulfill these theoretical expectation, at least to some minimal degree. To the extent that any punishment exerts a deterrent influence, probation and parole should have some influence. While the strain of being supervised is not onerous, few individuals volunteer for such programs (in the absence of less desirable alternatives) which suggests that programs of supervision represent both punishment and deterrence. Granted the influence is not great; certainly not as great as the threat of incarceration. However, even in the case of prisons it has been quite difficult to demonstrate large deterrent effects (Cohen, Blumstein and Nagin, 1978). Jackson (1980) also observed little deterrence although Sacks and Logan (1979) posit a suppressant or delaying effect.

How about control? While the presence of the legal restraints of being on probation or parole represents a controlling factor, little empirical evidence is available to support this notion. On the other hand, the direct supervision aspects are unlikely to exert much control, for the regular supervision process typically provides only from one to eight contacts per month. Such loose controls allows the offender considerable time to engage in a wide variety of unsupervised activities, some of which may be criminal in nature. As so clearly put in the NEP Phase I Report on Intensive Special Probation (1977):

There is some doubt that truly intensive supervision can ever exist since client contact can only occur for such a small duration of the probationer's waking hours. (p.iii)

Mixed results were found when control and surveillance were applied as a primary function of parole supervision (Buchanan and Star, 1980). Parole supervision of this type seemed valuable in apprehending rather quickly those parolees who became involved in illegal behavior but has little identifiable influence in preventing individuals from again engaging in crime. Well that leaves rehabilitation or reintegration. It is unlikely that great changes in personality or psychological functioning can be achieved by the brief and limited contacts of regular supervision. However, various approaches applied in probation and parole supervision can and do assist the individual to reintegrate himself into society. Job counseling and employment referrals, marital and family counseling, referral for legal assistance, all play a part in helping the ex-offender find a place for himself upon his return to the community.

Out of this array of assumptions, many writers in the field have reduced the function of supervision to two main concerns. Typical of these views are those of Morris and Beverly (1975):

It is firmly believed... that parolees benefit from the supervisory experience, either by virtue of the social support and the guidance given, or by the element of control which keeps them away from criminal associates and activities (p.12);

By releasing men... and by stipulating certain rules and conditions to which the parolee must conform, there is an implied belief that the support, guidance and/or control offered by the supervising officer is not only a necessary part of the reintegration process, but that it will be at the same time both beneficial to the parolee and protective of the public. (p.122) (emphasis added)

Similarly Lewin and Carlson (1980) express it most cogently, "Parole supervision has traditionally been defined to include two functions - surveillance and assistance" (p.6).

Tomaino (1975), in setting the stage for an improved study of probationer/probation officer interaction, expressed similar views:

...probationers should be "helped" to overcome or neutralize their antisocial behavior. At the same time probation is aimed at "protecting" the community from those same overt behaviors (p.42).

What about the more psychological aspects of the supervision process? Early theory placed heavy emphasis on the interpersonal interaction theories of Adler, but current literature along this line no longer recognizes this aspect. Some would conjecture that

the Freudian parental identification process would necessarily be a major component of what happens when a parolee changes. More recently the "Level of Integration" theory of Grant and Grant (1959) has been presented as a model. Findings from earlier work suggest that those undergoing military discipline responded more favorably if those who saw their life controlled by outside forces were provided strict supervision and clear guidelines for expected conduct. On the other hand, those who had matured to the point of internalizing societal controls and were struggling to live up to their own expectations benefited from counseling that resembled psychotherapy and reacted negatively if attempts were made to exercise strict control over their lives. While an attempt was made to test this theoretical approach under field conditions in California (Special Intensive Parole Unit, Phase IV), the results were quite inconclusive. In part, this was because parole officers had a difficult time maintaining a strict, authoritarian approach to supervision when the training and the prevailing culture at the time rewarded the therapy/counseling approach.

Tomaino (1975) in his suggested research examining probationer/probation officer interaction, based his views on a change process presented by Kelman (1958) in dealing with attitude changes ranging from compliance through identification to internalization. Within a grid that represents a modification of the "Management Grid" developed by Blake and Mouton (1964), Tomaino suggests five different ways that probation officers may approach their task. These range from allowing the individual to develop through the exercise of minimal controls; through being Mister Nice Guy, with whom the probationer can identify; up to being strict, firm yet open, assisting the probationer to help himself but within the limit of controls with eventual internalization of society's expectations. As Kelman (1958) expresses it:

Internalization can be said to occur when an individual accepts influence because the content of the induced behavior - the ideas and actions of which it is composed - is intrinsically rewarding (p.54).

Eliot Studt (1973) also alludes to the importance of the parolee/parole agent interaction in her study:

According to generally accepted parole doctrine, what the agent does with the parolee is a major factor in achieving parole success ...[he] watches over the behavior of the parolee... he sets limits ... refers to employment opportunities of service agencies; and he counsels the parolee as he makes various life decisions (p.8). (emphasis added)

In summary, what we see is considerable speculation about the dynamics and goals of probation/parole supervision but not much testing of assumptions or derived hypotheses. Phrases like, "...it is firmly believed," "...generally accepted," and, "...there is an implied belief..." seem to permeate the discussion.

With such a flimsy theoretical base, how can the new intensive supervision program have any less? Here we have to look at the motivations for establishing the program.

The intent was to respond in a sensible way to the problem of prison crowding. With more people incarcerated than there were cells to house them acceptably, a variety of procedures were examined and placed into operation - early release, accelerated paroles, etc. Intensive supervision, then, was an attempt to identify those headed toward prison for whom an alternative form of punishment seemed to be feasible without posing an undue threat to society.

Punishment and Control As Major Aspects

Thus, a major component of intensive supervision was control. As previously noted, such consideration could not be based upon evidence accumulated from past experience for no such successes have been reported. Small caseload studies, presumed to lead to more intense supervision and thus to more positive outcomes, have either been negative in their findings or equivocal (Evaluation of Intensive Special Probation Projects, NEP, Phase I, 1977; Special Intensive Parole Unit, Phase I, 1968; Lewin and Carlson, 1980). Even when the focus has been on control and surveillance, the results have been far from clear cut and suggest that the techniques applied are more effective in determining wrongdoing after it has occurred than in preventing the event (Buchanan and Star, 1980).

Similarly, the extensive research on the value of supervision in the rehabilitation or reintegration of offenders has not been encouraging. Specific programs or techniques applied to carefully circumscribed groups of offenders have proved themselves of value, but in these instances the selection of cases was not on a systematic basis suggestive of any relationship to treatment potential (Sechrest, et. al. 1979).

To be sure, all of the theoretical concerns raised about normal supervision would seem to apply to the intensive approach. In fact, as we progress through the litany of various features it would appear that intensive supervision may come closer to offering the potential often promised by regular supervision.

For example, in terms of punishment or society's retribution upon the offender, the intensity of the surveillance, the restrictive

nature of the conditions of supervision plus the heavy load of community service, all total up to something more closely resembling punishment than does regular probationary or parole supervision.

Similarly, if punishment is adequate, there may be some deterrent effect. One might assume that since the punishment component is stronger for intensive supervision than the deterrence might be somewhat greater than for regular supervision, at least in its effect upon the individual. On the other hand, this level of punishment, somewhat hidden from public view, is unlikely to deter other potential offenders from their misdeeds (general deterrence). However, one should take great care in this area, for deterrence is a complex issue and common sense assumptions may easily miss the mark.

And despite the futility of attempting to control the activities of any person in a community setting, certainly intensive supervision is likely to exert a greater influence than regular supervision. However, one should not be lulled into the view that strict control of behavior has been achieved -- adept manipulators can beat any system. It is speculated that the comparatively successful outcomes seen during the initial phases of such projects are probably more related to the good judgement applied in selecting candidates than they are to program influences.

When it comes to rehabilitation or reintegration, the case is still open. Certainly the intensive supervision officers are likely to know the individuals under their supervision better than the typical probation or parole officer knows his caseload. At the same time more adequate time may be available to explore sources for the various types of referrals required. However, of equal concern, the close surveillance may engender fear and hostility that could lead to both conscious and unconscious rebellion.

How about the psychological aspects? Will intensive supervision differentially affect those being supervised? Again, we are in the area of speculation but there seems to be some suggestion that identification may be possible. Because of the frequent contacts, the complex process of identification may begin. A parallel might be between psychoanalysis and counseling. Psychoanalysis is often scheduled for three to five sessions per week; counseling may be once a week or once every other week. In addition, the strict rules governing intensive supervision, if conscientiously applied, provide a framework for identification. Again the suggestion of Tomaino (1975) seems appropriate:

[probation officers]...seek to integrate both control and rehabilitation... [the probation officer] creates conditions which help a

probationer help himself but limited by the reality of probationary conditions... the probationer is helped to select from goals calculated to meet his needs more effectively within a legal framework...

Put another way... clients change when it makes sense to do so because there is some kind of "pay off". (p. 45)

Accountability Seen As Key Element

Even given the relative adequacy of the post-hoc fit between the activity and theories that might be applied, can we say that this exhausts the theoretical underpinnings? It is argued here that these assumptions, theories, and speculation do not encompass all, and perhaps not even the most important, of the bases for the program. It is suggested that one of the major reasons that the program is acceptable to judges (key actors, after all, in the total process) and why it "works" as it does, is accountability. Previously the judge had a limited array of options, two key ones being placement in prison or on probation. If the individual were sentenced to prison, the judge was pretty sure he knew at any given time, and at any given time over some future period, where that individual was and what he/she was doing. In contrast, placement on probation, with caseloads ranging from 90 to 350, the individual was very much on his own. He was out there somewhere and his probation officer might know where he was living at the end of last month; might know where he was working last week; might know that he was still in town a few days ago, but there would be no system to provide up-to-date information about the offender's present activities.

With intensive supervision, on the other hand, the judge can quickly obtain information about what the offender has been doing, what he is doing, where he lives, where he is working, if he is, and how he seems to be adjusting. Such reassurances are probably only necessary for a few cases, but the idea that such information is available, if needed, can reduce the concern a judge might have to a far greater extent than would the case with the individual under regular probation supervision.

Because of the small case loads, the supervising officers become accountable. Under normal circumstances the officer may be excused for failure to carry out some aspect of supervision on the basis of caseload pressures. With huge caseloads and rapid turnover of both clients and personnel, individuals could be unsupervised for brief periods and, occasionally, lost in the cracks of bureaucratic processing. The officers, then, given the responsibility and the time, as well as being accountable, may well achieve some of the goals so hopefully outlined for regular supervision.

Summary

In conclusion, the key points are the following. First, it is asserted that Intensive Supervision, as it is now being carried out, is a new and different program, not simply an extension of earlier traditional supervision. The frequency of contacts, the imposition of curfew and restitution bring to bear a level of severity of punishment enough to make it acceptable to many as an alternative to incarceration. In addition, the frequency of contact at least enhances the control of behavior aspect of management, necessary in any program under consideration as a serious sanction in the continuum of punishment.

The field of probation and parole field supervision has developed more along the lines of operational experience and common sense, but there are a number of theoretical propositions associated with supervision. While these have been formulated and maintained on the basis of loose assumptions, speculation and tradition, they do offer the potential for a framework for further study of the function of supervision as a tool of the total correctional process.

With regard to the specific case of intensive supervision, it is argued that, although the theoretical aspects that apply to regular supervision are likely to be present in a more potent manner in intensive supervision, an overriding factor dominates the scene. That factor is accountability - the offender is more accountable for his behavior, the officer is accountable for knowing about the behavior of his charges, and the officer is accountable for fully accomplishing those activities that are too often seen, under the pressure of high caseloads, as ideal procedures rather than realistic goals of the operation.

The very hopeful sign that emerges from this review is that while accountability may be the basis for acceptance of the program by judges, within the framework of intensive supervision there is the potential that many of the goals expected by regular supervision may be achieved, laying the groundwork for a revitalization of supervision as a valuable tool of probation and parole.

REFERENCES

- Evaluation of Special Intensive Parole Unit, Phase I. Sacramento: Research Division, California Department of Corrections, 1958.
- Buchanan, Kim and Deborah Star. Investigation and Surveillance in Parole Supervision: An Evaluation of the High Control Project. Sacramento: Research Division, California Department of Corrections, 1980.
- Blake, Robert and Jane Mouton The Managerial Grid. Houston: Gulf Publications, 1964.
- Erwin, Billie S. and Lawrence A. Bennett. New Dimensions in Probation: Georgia's experience with Intensive Probation Supervision (IPS). Research in Brief, Washington, D.C.: National Institute of Justice, 1987.
- Cohen, Jacquiline, Alfred Blumstein and Daniel Nogin (Eds). Deterrence and Incapacitation: Estimating the Effects of Criminal Sanctions on Crime Rates. Washington, D.C.: National Academy of Sciences, 1978.
- Georgia Institute of Technology, National Evaluation Program, Phase I - Evaluation of Intensive Special Probation Projects Washington, D.C.: National Institute of Justice, 1976.
- Grant, J. Douglas and Marguerita Q. Grant. The treatment of nonconformists in the navy. Annals of the American Academy of Political Science, 1959, 322, 126-135.
- Havel, Joan. Special Intensive Parole Unit - Phase 4: Parole Outcome Study, Sacramento: Research Division, California Department of Corrections, 1962
- Jackson, Patrick G. The paradox of control: Crime and the parolee. Doctoral dissertation, University of California at Davis, California, 1980.
- Kelman, Herbert C. Compliance, identification and internalization: Three processes of attitude change, Journal of Conflict Resolution, 2, 1958, 51-60.
- Kahn, Thomas S. The Structure of Scientific Revolutions Chicago: University of Chicago Press, 1962.
- Lewin, Bonnie and Ken Carlson. Alternative Models of Parole Supervision, Issue Papers, Washington, D.C.: National Institute of Justice, 1980.

Martin, Susan E., Lee B. Sechrest and Robin Redner (eds) New Directions in the Rehabilitation of Criminal Offenders. Washington, D.C.: National Academy of Press, 1981.

Morris, Pauline and Farida Beverly, On License: A Study of Parole. London: British Home Office, 1975.

Pearson, Frank. Final Report - New Jersey's Intensive Supervision Program. Washington, D.C.: National Institute of Justice, 1987.

Romm, Joseph National Evaluation Program - Phase II: Evaluation of Intensive Probation. Washington, D.C.: System Sciences, 1982.

Sacks, Howard R. and Charles H. Logan Does Parole Make A Difference? Hartford, Connecticut: University of Connecticut School of Law Press, 1979.

Sechrest, Lee, S.O. White and E.D. Brown (Eds.) The Rehabilitation of Criminal Offenders: Problems and Prospects. Washington, D.C.: National Academy of Sciences, 1979.

Studdt, Eliot Surveillance and Service in Parole: A Report of the Parole Action Committee, Sacramento: Research Division, California Department of Corrections, 1973.

Tomaino, Louis The five faces of probation, Federal Probation, 39, 1975, 42-45.