Federal Probation

MARCH 1992

Federal Probation is formatted and typeset by the Administrative Office's electronic publishing system (Ronald Jackson, electronic publishing editor, Printing, Mail, and Records Management Branch).

Federal Probation (ISSN 0014-9128) is published quarterly in March, June, September, and December. All aspects of corrections and criminal justice come within the fields of interest of *Federal Probation.* The journal wishes to share with its readers all constructively worthwhile points of view and welcomes the contributions of persons—including those from Federal, state, and local organizations, institutions, and agencies—who work with or study juvenile and adult offenders. Authors are invited to submit articles describing experience or significant findings related to the prevention and control of delinquency and crime.

Postmaster: Please send address changes to the editor at the address below.

FEDERAL PROBATION
Administrative Office of the United States Courts
Washington, DC 20544

Telephone: (202)633-6228

Second-Class Postage Paid at Washington, DC and additional offices
Publication Number: USPS 356-210

Federal Probation

A JOURNAL OF CORRECTIONAL PHILOSOPHY AND PRACTICE

Published by the Administrative Office of the United States Courts

VOLUME LVI MARCH 1992 NUMBER 1

This Issue in Brief

Public Policy and Sentencing Reform: The Politics of Corrections.—Author Peter J. Benekos focuses on the politicalization of corrections and presents a public policy critique of correctional reform. As fear of crime and victimization have generated retributive rhetoric and get-tough crime control policies, the consequences of these policies—high incarceration rates and prison crowding—have now become their own public policy issues with critical implications for corrections. A review of one state's legislative reform efforts suggests that sentencing policies can be proposed with the get-tough rhetoric but are ostensibly more responsive to correctional needs, i.e., overcrowding and cost, than to the issues of crime, criminals, or crime control.

The Costliest Punishment—A Corrections Administrator Contemplates the Death Penalty.—According to author Paul W. Keve, the United States—going contrary to the general trend among nations—is maintaining its death penalty, with growing numbers of prisoners on its death rows, while at the same time showing a general reluctance actually to execute. Meanwhile, the public is mostly unaware that maintenance of the death penalty is far more costly than use of life imprisonment and has no proven deterrent effect. The author cautions that the interest in expediting executions by limiting appeals must be resisted because even with all the presumed safeguards, there are still repeated instances of wrongful convictions. He adds that the death penalty as respectful of the feelings of victim families is a defective concept because it actually puts families through prolonged anguish with the years of appeals and successive execution dates.

The Refocused Probation Home Visit: A Subtle But Revolutionary Change.—Home visits have historically been used in the control/law enforcement function of probation work, as well as in the treatment/service function. However, the current state of probation—dramatically affected by burgeoning caseloads, increased numbers of "difficult" clients, and emerging issues of officer safety—has made it necessary to rethink the concept of home visits. Now, many agencies are limiting home visits to high risk cases and using such visits solely for control—an approach which may be consistent with a shift in probation practice towards a law enforcement orientation. In an article reprinted from the *Journal of Contemporary Criminal Justice*, author Charles Lindner looks at the

CONTENTS

Featured in "LOOKING AT THE LAW"...

"Revocation of Community Supervision: What the Courts Have Made of Congress' Ambiguous Language and Policies"

- Revocation of Probation
- Mandatory Revocation for Possession of Drugs
- Imposition of Supervised Release After Revocation

Public Policy and Sentencing Reform: The Politics of Corrections

By Peter J. Benekos

Professor, Department of Criminal Justice, Mercyhurst College

In 1991, the Pennsylvania legislature proposed a sentencing reform act which essentially was designed to restructure the state's sentencing policy from indeterminate to determinate and to abolish the parole release decision-making process. The proposal was presented as a "reform" to ensure "truth in sentencing" and to increase the "certainty of punishment" so offenders would "understand the consequences of their behavior" (Pennsylvania Department of Corrections, 1991, p. 1). The language and intent of the bill reflected dissatisfaction with indeterminate sentencing policies and support for the objectives of "just deserts" and a determinate sentencing structure. This article examines the legislative initiative in the context of sentencing reform, prison crowding, and the politicized nature of crime control policy.

The Crime Issue

In the 1964 Presidential election, Barry Goldwater seized the issue of crime and succeeded in placing it on the national agenda (Cronin, Cronin, & Milakovich, 1981). In campaigning for a "war on crime" against President Johnson's "war on poverty," Goldwater succeeded in politicizing the issue of crime and in focusing the election on an ideological crusade rather than a policy debate. Since then, legislators and politicians have capitalized on the public's fear of crime and the accompanying images of social and moral disorder. In the 1988 Presidential election, the Bush campaign managers (Lee Atwater and James Pinkerton) used this approach and successfully packaged the Willie Horton incident into a message that triggered emotional reaction and portrayed Michael Dukakis as the quintessential liberal who was soft on crime.

While there are several "lessons of Willie Horton" (The Sentencing Project, 1989), the most obvious one is that crime is a salient issue with political ramifications. Politicians have learned to believe that the public prefers to support a tough response to crime and criminals. The distinction between getting tough on crime as opposed to getting tough with criminals, however, is usually obscured in the political area, and the focus continues to be on identifying the "best" policy for responding to criminals. Sentencing policy is therefore an indication of which "best" response is prevalent, and the assumptions, objectives, and structures of sentencing practices reflect political-ideological views.

Sentencing Policy

In the perennial dialectic of how to sanction criminals, sentencing is one criminal justice outcome which clearly embodies the objectives, ideologies, and assumptions of crime control policy. Two sentencing models, indeterminate and determinate, have emerged as statements of policy. In this dichotomy, indeterminate sentencing structure is viewed as concomitant of the treatment model and the rehabilitative emphasis of crime policy. In their study of sentencing reform, Goodstein and Hepburn (1985, p. 12) characterize the indeterminate sentence as the policy which prevailed in the 1950's based on the ideological assumption that individualized treatment of offenders would prevent future involvement in criminal activities. With faith in the medical model, crime is viewed as a symptom of social-psychological "illness" which requires that the offender be diagnosed and treated. The model emphasizes an individualized sentencing structure with judicial discretion to determine the needs and circumstances of the criminal. The model permits judges to provide broad limits, i.e., indeterminate sentencing, within which correctional specialists and parole board authorities can evaluate treatment progress and determine the appropriate time for release.

This sentencing model is consistent with the liberal perspective on crime policy. It focuses on the rehabilitative goal of corrections and requires discretion for judicial sentencing, correctional treatment, and parole release.

By the 1970's, however, critics were questioning the assumptions and outcomes of the rehabilitative model and were reassessing the goals of sentencing (Fogel, 1975; von Hirsch, 1976). Several authors (von Hirsch, 1976; Cullen & Gilbert, 1982; Travis, 1982; Hepburn & Goodstein, 1986) have reviewed this period of sentencing history and have observed that both liberals and conservatives found common cause in seeking to reform sentencing policy.

Liberals argued that the discretion of indeterminate sentencing violated "rights and liberties of incarcer-

***This is a revised version of a paper presented at the Annual Meeting of the American Society of Criminology, San Francisco, November 23, 1991. The author would like to thank Don Gibbons for his comments on an earlier draft of this paper.**

ated offenders" (Goodstein & Hepburn, 1985, p. 14). Not only did the sentencing process result in sentence inequities, but coercive treatments and capricious parole release decisions distorted rehabilitative theory and its assumptions (Cullen & Gilbert, 1982). For conservatives who viewed rehabilitation as a "coddling of criminals," the researchers who reported that rehabilitation did not work (e.g., Martinson, 1974; Lipton, Martinson, & Wilkes, 1975) served to bolster the debate on identifying the appropriate sentencing goals (Goodstein & Hepburn, 1985). Judicial discretion was questioned not because it was unfair to criminals but because it was based on a discredited model (rehabilitation) which permitted judges to be "soft" on criminals and therefore on crime.

In the effort to get tough, the determinate sentencing policy was advocated as a model based on deterrence rather than rehabilitation. Supporters argued that certainty, swiftness, and severity of punishment would serve to deter criminals and reduce crime. Determinate sentencing would require judges to impose sanctions which were commensurate with the crime committed, not the criminal who committed the crime. This would reduce judicial and parole board discretion and therefore disparity in sentences and punishments. For different reasons, this issue of "disparity" was a concern to both liberals and conservatives and provided a common basis for seeking sentencing reform (Travis, 1982).

The shift from indeterminate to determinate sentencing policies and from rehabilitation to deterrence models signaled the prevalence of new assumptions and objectives in crime control. Crime was not committed by offenders who were sick, but by criminals who made deliberate decisions to commit crime. With this paradigm shift in the late 1970's and early 1980's, efforts to identify and develop treatment programs were replaced with initiatives to determine the "just" sentences to fit the crimes and to reduce disparity by removing judicial discretion with legislatively established sentence schedules (Travis, 1982). The result was the development of sentencing commissions and the creation of sentencing guidelines (Blumstein, Cohen, Martin, & Tonry, 1983; Champion, 1989; Lawrence, 1991; Tonry, 1991).

Sentencing Reform in Pennsylvania

In this sociopolitical context of the conservative approach to crime control and the efforts to structure sentencing decisions with determinate and mandatory sentences, two developments in Pennsylvania precipitated a sentencing "reform" initiative. As with many states confronting increases in prison populations, Pennsylvania also experienced overcrowding. The prison population in 1980 was 8,547 (Hindelang, Gottfredson, & Flanagan, 1981, p. 476); 10 years later it had increased to 22,290 (Bureau of Justice Statistics, 1991, p. 2). From 1980 to 1989, the rate of incarceration increased from 68 to 169 per 100,000 citizens (Maguire & Flanagan, 1991, p. 605).

While legislators and correctional officials were attempting to respond to the issue of prison overcrowding and the need for additional prison cells, a prison riot in October 1989 at the State Correctional Institution at Camp Hill drew public attention, precipitated a demand to do something about prison conditions, and provided the catalyst to initiate reform. Seizing the opportunity (or responding to the crisis), 2 weeks after the riot Pennsylvania Governor Robert P. Casey announced a "new" prison expansion program which included adding capacity to existing institutions and building at least two new prisons. In response to staffing needs, the Governor also announced that 2,100 new corrections officers would be hired (*Correctional Newsfront*, 1989/90, p. 5). These efforts were designed to increase capacity by 8,700 cells. At the same time, the Governor called on state policymakers to enact earned-time legislation and to "examine new and innovative ideas for dealing with prison crowding" (*Correctional Newsfront*, 1989/90, p. 5).

Five months after this announcement (April 16, 1990), the Governor nominated Joseph D. Lehman to be the new Commissioner of Corrections and charged him with bringing the state's prison system and the problem of overcrowding under control. Commissioner Lehman acknowledged that the "most pressing" problem facing the Department of Corrections was prison crowding. After his meetings with the Governor and state legislators, he announced the need for innovative and assertive responses and called for support and cooperation from the executive and legislative branches of government (*Correctional Newsfront*, 1989/90, p. 1).

On January 14, 1991, 9 months after the new Commissioner had been appointed, Thomas Caltagirone, the Majority Chairman, and Jeffrey Piccola, the Minority Chairman, of the Pennsylvania House of Representatives Judiciary Committee announced that after the holiday recess, they would be introducing The Sentencing Reform Act of 1991 (Caltagirone & Piccola, 1991). The primary goal of the legislation was the "punishment of offenders by requiring them to serve a sentence tied directly to the severity of the crime" (Caltagirone & Piccola, 1991, p. 1). In effect the proposal was a plan to restructure the state's sentencing policy from an indeterminate to a determinate one and to change the role of the Pennsylvania Board of Probation and Parole. The legislation was announced as a sentencing "reform" which would ensure "truth in sentencing" and increase the "certainty in punish-

ment" (Pennsylvania Department of Corrections, 1991, p. 1).

Current Sentencing Structure

Since 1923, Pennsylvania has operated with an indeterminate sentencing policy in which judges impose both minimum and maximum sentence dates. Since 1982, a sentencing commission has established guidelines to structure judicial decision making. There is no earned-time credit, and inmates are not eligible for release until the minimum date of the sentence. Release is determined by the Pennsylvania Board of Probation and Parole which has separate authority for parole release and revocation decisions and also for parole supervision.

In this "quasi-indeterminate" process, the sentencing commission guidelines establish minimum ranges which do not exceed one-half of the statutory maximum. "Under this process, the Parole Board is endowed with absolute discretion in determining the appropriateness of release for offenders upon completion of their minimum sentence date" (Pennsylvania Department of Corrections, 1991, p. 2). When released, the parolee is under Parole Board supervision "until the expiration of the maximum sentence" (Pennsylvania Department of Corrections, 1991, p. 2). In other words, the Department of Corrections and the Board of Probation and Parole are separate departments.

The following statement by the Pennsylvania Department of Corrections reflects a major criticism of the existing sentencing structure (1991, p. 2):

> Integral to the current paroling process is the assumption that there is a relationship between incarcerated behavior and post-release behavior. The process further assumes that paroling authorities can predict which individuals are likely to re-offend. The legitimacy of this predictive supposition, however, is debatable: predictive models can forecast the percentage of parole failures in certain groups, but are of little value in forecasting the potential failure for specific individuals. Unfortunately, pursuant to the current discretionary releasing process and based on an assessment of future criminal activity, inmates in the state prison system, on average, serve 125 percent of their minimum sentences.

While the validity of the predictive process is challenged, the concern for inmates who are not paroled at the earliest minimum eligible date reflects a salient issue: The denial of parole contributes to the problem of prison crowding. As offenders are admitted to the state prison system, there is pressure to release inmates in order to accommodate new commitments, i.e., "back door policy." Recent figures indicate that the Parole Board grants release to about 70 percent of the inmates who are eligible for parole (Jacobs, 1991).

Proposed Reform: Original House Bill No. 239

As introduced on February 4, 1991, the proposed Sentencing Reform Act would be more consistent with the "just-deserts" approach to sentencing. In drafting the legislation, the Pennsylvania lawmakers considered some significant restructuring in the state's sentencing and corrections systems. One change "would enable the court to increase the offender's minimum sentence beyond the current statutory limit," thereby permitting judges to ostensibly lengthen minimum prison terms for the more violent offenders (Pennsylvania Department of Corrections, 1991, p. 3). This reflects the "get-tough" response to certain categories of crime (drugs and violence) and signals a potential increase in severity of sentences.

While Pennsylvania is one of three states without a "good time" policy, this legislation would also establish both earned time (4 days per month) and work-related time (1 day per month). The schedule for good behavior in prison would allow for a 17 percent reduction in the minimum sentence; i.e., a 10-month year (House Bill No. 239, Amended, June 25, 1991).

A third feature of the proposed legislation is a "presumption" of release at the expiration of the minimum date, less the time earned for good behavior. The significance of this presumption is that the Parole Board's release decision-making authority would be eliminated in most cases. A provision, however, would allow the Department of Corrections to request an extension of the minimum sentence (Pennsylvania Department of Corrections, 1991, p. 3). In effect, this element of the reform would abolish the Parole Board as it currently exists and place the supervision of released offenders within the authority of the Department of Corrections. The Parole Board would still conduct hearings for parole revocations and respond to requests by the Department of Corrections to deny release at the minimum date of eligibility.

In summary, the proposal would establish a more determinate form of sentencing in which the length of the sentence and the release date would be "determined" at the time of sentencing by the court (less good time) rather than by the decision making of the Parole Board. In part, the appeal of this model is for judicial rather than Parole Board sentencing, to "equity and proportionality" in sentences, and to increased "certainty of punishment" (Pennsylvania Department of Corrections, 1991, p. 3).

The statements and implied rationale of House Bill No. 239 are consistent with the determinate model of sentencing and offer language which suggests a more punitive, deterrent emphasis of prison sentences. Criticisms of the bill, however, were raised regarding the policy of release without review and the apparent exclusion of victims from input at the time of release. (Previous state legislation provided for consideration of the victim's statements taken at the time of parole consideration.) As a result, and due in part to the

public hearings and the letters sent to the House Judiciary Committee, the sentencing reform proposal was amended.

Proposed Reform: Revised House Bill No. 239

While the objectives of the legislative reform remained essentially the same, to increase "certainty, proportionality and fairness in criminal sentencing" (House Bill No. 239, amended, June 25, 1991, p. 1), revisions reflected concerns of the public and some specific constituent groups.

The amended bill provided for the establishment of the Office of Victim Advocate "to represent the interests of crime victims before the Board (of Parole) and the Department (of Corrections)" (House Bill No. 239, amended, June 25, 1991, p. 8). The victim advocate would continue to notify crime victims about pending releases and "assist in and coordinate the preparation and submission of comments by crime victims prior to a release decision . . ." (p. 9).

This amendment provided that "based on the continuing effect of the crime on the victim," the offender could be denied parole. Regardless of the decision, the Parole Board would notify the victim of the outcome of the hearing prior to the offender's release (p. 16).

A related issue concerned the presumption of release without a hearing. The amended bill established a category of "high-risk dangerous offenders" who would be identified for review prior to the expiration of the minimum sentence. The purpose of the hearing would be to "determine if there continues to exist an undue risk that the offender will pose a serious threat to pubic safety" (p. 16).

Under this provision, the Parole Board would be empowered to order continued imprisonment until a later hearing to reconsider the questions of risk to the community. The legislation would direct the Parole Board to determine the criteria of "undue risk that an offender will pose a serious threat to public safety" (p. 17).

Basically, the amended proposal would establish a bifurcated system of release in which "non-dangerous" inmates are scheduled for release at the expiration of the minimum date of sentence imposed by the court. Sentence reductions can be earned at the rate of 5 days per month. "Dangerous" criminals, however, would be reviewed at the date of minimum eligibility for release, and if the Board determined they still represented a risk to the community, release could be denied. In either case, victims have an advocate to represent their concerns.

Discussion

The Sentencing Reform Act of 1991 was promulgated as a "truth in sentencing" bill which would increase judicial authority to sentence serious offenders while restructuring the state's sentencing practice toward a more determinate model. The emphasis on punishment, certainty, and severity of the sentence, and abolition of parole decision-making release reflected elements of the get-tough ideological response to crime and the just-deserts philosophy of sentencing.

Criticism of the state's 68-year-old indeterminate sentencing structure was directed at the practice of a "dual sentencing process" in which offenders were first sentenced by "the judicial process based on sentencing guidelines" and then re-evaluated (i.e., re-sentenced) by an administrative process based on "potential future behavior" and conducted "outside of the public purview" (Pennsylvania Department of Corrections, 1991, p. 2).

Comments by Caltagirone and Piccola (1991) were also aimed at the Parole Board's failure to parole inmates at the expiration of their minimum sentence. They referred to this as a "re-sentencing" process which "resulted in inmates serving, on average, 125 percent of their minimum sentences—a figure which has a significant impact on prison crowding" (1991, p. 2).

They raised the issues of "public safety" and "limited correctional resources" and argued that "we must preserve state prison cell space for our most dangerous offenders" (p. 2):

> The *Sentencing Reform Act of 1991* will serve to achieve this objective by insuring the release of offenders once they have served approximately harsh sentences and freeing up that cell space for new criminals destined for state prison.

The chronology of these events (table 1) began with concern over prison crowding and became more visible after a major riot. The initial response was a prison expansion policy followed by proposed legislative reform to establish a determinate sentence structure which would insure that offenders would be released at their minimum eligibility dates *and* that they would be able to earn a 17 percent reduction of their minimum sentence dates. A major criticism of the Parole Board was directed at its failure to parole inmates at the minimum dates, thus adding to the problems—and costs—of prison crowding.

Based on data presented in testimony before the House Judiciary Committee on February 26, 1991, the Pennsylvania Board of Probation and Parole reported that of the inmates eligible for parole release in 1990 (N=7,905), 73.1 percent was granted parole (Jacobs, 1991). The 2,127 inmates who were denied release continued to occupy Department of Corrections prison cells at the average daily operating cost of $46.64 per inmate (Leban, 1991).

This represents nearly $100,000 per day which could be saved by the Department of Corrections and the

state of Pennsylvania *if* the 2,127 inmates were released at their minimum date of eligibility. (A 6-month parole set back for these 2,127 inmates would cost the state $17,856,590.) In the context of overcrowding and increasing operational expenses, this represents expensive criminal justice policy. In comparison, the determinate sentencing structure is conceived as a policy which can be justified as getting tough with criminals while also making more cells available with greater predictability. If good time is also taken into consideration, the length of sentence can potentially be reduced for all inmates. Aside from the "truth in sentencing" objective, this model suggests a "shorten the sentence" objective as well.

TABLE 1. CHRONICLE OF EVENTS IN LEGISLATIVE INITIATIVE

October 25-26, 1989	Riot at SCI Camp Hill
November 9, 1989	Governor announces prison expansion
April 16, 1990	Governor announces new Commissioner
January 14, 1991	Memorandum from House Judiciary Committee
February 4, 1991	House Bill No. 239 introduced
February 26, 1991	Public Hearings
June 25, 1991	House Bill No. 239 amended and reported from Committee
October 15, 1991	House Bill No. 239 approved by House Judiciary Committee (14-5); Sent to House Appropriations Committee

"Slippery Slope"

This type of policy, however, is not without undesirable latent consequences. Austin's (1991) review of sentencing and incarceration practices in Florida suggests that as prison populations increase, there is a concomitant increase in pressure to release inmates. While the Florida case is not representative, it does illustrate how good-time credits can be increased in order to reduce the length of sentence as a way of accelerating prisoner releases to make prison cells available for new admissions. Data for 1990 indicate that Florida prisoners served about one-third (32.5 percent) of their prison terms (Austin, 1991, p. 6).

Similar pressures in Texas forced "the parole board to approve the paroles of up to 150 inmates per day" (*Criminal Justice Newsletter*, 1991a, p. 6). After nine former death row inmates were paroled, the public's criticism and the political response to the board's policies resulted in a sharp reduction in the number of paroles granted: from 69 to 32 percent. The problem of prison crowding, however, did not abate, and this threatened the "possible triggering of the Emergency Prison Management Act" (*Criminal Justice Newsletter*, 1991a, p. 6). The Texas Board of Criminal Justice reported that the "average prison inmate in Texas serves less than 20 percent of his sentence" (p. 6).

In Illinois, the legislature authorized a *doubling* of good time, increasing the allowance from 90 to 180 days. The objective of the law was "for purposes of controlling the prison population" and saving "the state $4.7 million in the current fiscal year" (*Criminal Justice Newsletter*, 1991b, p. 5). A study done by the National Council of Crime and Delinquency concluded that the good time program "could eliminate the need for construction of a 1,400 bed prison, saving the state $1.2 billion in construction and operating costs over the next 10 years" (p. 5).

These cases illustrate the principle of criminal justice thermodynamics (Walker, 1989, p. 46) and the reality of discretion: As pressure is experienced at one point of the system (e.g., get tougher on crime with more mandatory and longer minimum sentences) it is diffused at some other point in the system (e.g., early release with good time and emergency authority to shorten the length of sentence). The developments in Illinois especially suggest that once established, good-time allowances can be changed as crowding necessitates additional releases to accommodate new commitments. It also illustrates how crowding drives policy and compromises sentencing reform. In addition, it reflects the politics of crime policy.

Politics of Reform

In the political arena, sentencing has become the symbol of crime policy. As the "anxiety barometer" of crime increases, legislative reform is aimed at new crime bills which call for tougher responses including longer mandatory minimum sentences and the use of capital punishment for more crimes (Isikoff, 1991). These bills, however, usually do "not authorize spending for any new prosecutors, judges and prisons that would be required to implement them" (Isikoff, 1991, p. 32).

The D'Amato amendment to the United States Senate's new crime bill, for example, would require a mandatory minimum 10-year Federal prison term "for possessing a firearm during a drug-trafficking crime" and a 20-year mandatory minimum Federal sentence "if the firearm is discharged" (Isikoff, 1991, p. 32).

In response to critics of the amendment who questioned the impact that these sentences would have on the courts and prisons, the sponsor of the amendment, Republican Senator Alfonse M. D'Amato of New York, said "I could care a hoot about the fact that it may create a burden for the (federal) courts" (quoted in Isikoff, 1991, p. 32).

In order to avoid what Democratic Representative Charles E. Schumer of New York calls a "legislative rain dance, a lot of dancing and no rain" (quoted in Isikoff, 1991, p. 33), rational sentencing reform must consider prison capacity and the consequences that new policies will have on prison crowding (Lawrence, 1991). In his review of the Minnesota Sentencing Guidelines, Lawrence concludes that "a rational sentencing policy will not allow corrections to become overburdened to the point where it is unable to carry out its designated mission" (1991, p. 23).

The issue raised by Lawrence and others (Travis, 1982; Hepburn & Goodstein, 1986; Tonry, 1991) is that effective crime control policy requires that states are able and willing to pay for the level of incarcerative punishment which will result from legislative reform. If not, the disparity between the intent of reform and its implementation can create a crisis for corrections. "Successful implementation of 'reform' may be impeded by a number of factors" such as prison crowding, which has become a salient correctional concern and an obstacle to sentencing reform (Hepburn & Goodstein, 1986, p. 339). This suggests that the "process of implementing a new sentencing policy is too often overlooked by reformers..." (Blumstein et al., 1983, Volume I, p. 277). As a consequence of reactive, get-tough crime control sentencing policies, "the problem of overcrowded prisons (has) assumed priority over the objectives of determinacy" (Hepburn & Goodstein, 1986, p. 360).

In his review of sentencing and sentencing commissions, Tonry observes that the politicization of criminal justice policy has frustrated meaningful sentencing reform because sentencing policy has not been related to correctional resources (1991, p. 309). The conservative get-tough rhetoric has popularized and promulgated longer and mandatory sentences, but as Clymer notes, "if promised anonymity, conservatives readily concede there is more symbol than substance in their crime bill" (1991, p. E15). In his assessment of these "reforms," Fox concludes (1989, p. 148):

> . . . the logic supporting the notion that specific reforms within the criminal justice system can reduce crime or produce a "safe society" is seriously flawed. Liberals and conservatives alike have pursued criminal justice reforms from a perspective that has been tainted with self-interests and political and ideological myopia.

As states like Pennsylvania face increasing budget problems and as increased portions of tax dollars are allocated to corrections, the crisis in crime control policy will become more salient. As Commissioner Joseph Lehman of Pennsylvania has repeatedly stated, "we cannot build our way out of the prison problem by simply adding more cells" (*Correctional Newsfront*, 1989/90, p. 5). Even as initiatives in intermediate punishments are developed, incarceration rates and prison populations continue to be staggering. Sentencing reform based on rhetoric and political self-interest, and without regard for cost and consequences, is dangerous and irresponsible public policy.

REFERENCES

Austin, J. (1991, September). The consequences of escalating the use of imprisonment. *Corrections Compendium*.

Blumstein, A., Cohen, J., Martin, S., & Tonry, M. (Eds.). (1983). *Research on sentencing: The search for reform* (Volumes I and II). Washington, DC: National Academy Press.

Bureau of Justice Statistics. (1991). *Prisoners in 1990*. Washington, DC: U.S. Department of Justice.

Caltagirone, T., & Piccola, J. (1991, January 14). Memorandum: The Sentencing Reform Act of 1991. Harrisburg, PA: House of Representatives.

Champion, D. (Ed.). (1989). *The U.S. Sentencing Guidelines: Implications for criminal justice*. New York: Praeger.

Clymer, A. (1991, September 15). Politicians take up the domestic issues; Polls suggest why. *The New York Times*.

Correctional Newsfront. (1989/90). Camp Hill, PA: Pennsylvania Department of Corrections, *16*, p. 1.

Criminal Justice Newsletter.(1991a, May 1). Texas Parole Board under fire; Prison crowding raises pressure, *22*, p. 9.

Criminal Justice Newsletter (1991b, June 3). Illinois "good time" law eased prison crowding, study finds, *22*, p. 11.

Cronin, T., Cronin, T., & Milakovich, M. (1981). *U.S. vs. crime in the streets*. Bloomington: University of Indiana Press.

Cullen, F., & Gilbert, K. (1982). *Reaffirming rehabilitation*. Cincinnati: Anderson.

Fogel, D. (1975). *We are the living proof . . . The justice model for corrections*. Cincinnati: Anderson.

Fox, J.G. (1989). Critical perspectives on selective incapacitation and the prediction of dangerousness. In D. Champion (Ed.), *The U.S. Sentencing Guidelines: Implications for criminal justice* (pp. 136-149). New York: Praeger.

Goodstein, L., & Hepburn, J. (1985). *Determinate sentencing and imprisonment: A failure of reform*. Cincinnati: Anderson.

Hepburn, J.R., & Goodstein, L. (1986). Organizational imperatives and sentencing reform implementation: The impact of prison practices and priorities on the attainment of the objectives of determinate sentencing. *Crime and Delinquency, 32* (3), 339-365.

Hindelang, M., Gottfredson, M., & Flanagan, T. (Eds.). (1981). *Sourcebook of criminal justice statistics-1980*. Washington, DC: U.S. Department of Justice.

House Bill No. 249. (1991, June 25). Printer's No. 2134, Harrisburg, PA: House of Representatives, Commonwealth of Pennsylvania.

Isikoff, M. (1991, July 29-August 4). The Senate's crime bill with hidden costs. *The Washington Post National Weekly Edition*, pp. 32-33.

Jacobs, F. (1991, February 26). House Judiciary Committee Public Hearings: House Bill No. 239; Testimony Presented by the Pennsylvania Board of Probation and Parole.

Lawrence, R. (1991, March 8). *The impact of sentencing guidelines on corrections*. Paper presented at the Annual Meetings of the Academy of Criminal Justice Sciences, Nashville, TN.

Leban, J. (1991, September). Prison society urges major expansion of alternatives to incarceration. *Correctional Forum*.

Lipton, D., Martinson, R., & Wilkes, J. (1975). *The effectiveness of correctional treatment*. New York: Praeger.

Maguire, K., & Flanagan, T. (Eds.). (1991). *Sourcebook of criminal justice statistics-1990*. Washington, DC: U.S. Department of Justice.

Martinson, R. (1974). What works?—Questions and answers about prison reform. *The Public Interest. 35*, 22-55.

Pennsylvania Department of Corrections, (1991). *Sentencing reform proposal*. Camp Hill, PA.

The Sentencing Project. (1989). *The lessons of Willie Horton: Thinking about crime and punishment for the 1990s.* Washington, DC.

Tonry, M. (1991). The politics and processes of sentencing commissions. *Crime and Delinquency, 37* (3), 307-329.

Travis, L., III. (1982). The politics of sentencing reform. In M. Forst (Ed.), *Sentencing reform: Experiments in reducing disparity.* Newbury Park: Sage.

von Hirsch, A. (1975). *Doing Justice: The choice of punishments.* New York: Hill and Wang.

Walker, S. (1989). *Sense and nonsense about crime: A policy guide* (2nd ed). Pacific Grove, CA: Brooks/Cole.