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# Federal Probation

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## 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

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“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

# Growth-Centered Intervention: An Overview of Changes in Recent Decades

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**T**HROUGHOUT THE 1980's, American corrections struggled with issues of institutional crowding, rising costs, and controlling offenders' behavior. These were its central themes or strongest currents. To many practitioners and policy makers they resembled a troubled sea.

Simultaneously, other currents were stirring, ones that were calmer, submerged at first, and considerably stronger before 1980. These involved rehabilitation or habilitation, which may be called growth-centered intervention. By the mid-'80's these currents became somewhat stronger, and, as it were, they returned to view. Toward the end of the decade much of their strength was back.

This article briefly reviews these issues and currents. It focuses on the reemergence of intervention in particular—its growth-centered version especially—and it discusses its prospects in the 1990's and beyond. It tries to provide perspective, interpretation, and possible direction mainly to practitioners, policy makers, researchers, and students.

## *The Era of Incapacitation*

The 1980's was mainly an era of incapacitation and short-term behavior-control. This was corrections' chief response to the public's concern with safety *now*. It was a response which reflected a hope and belief that emerged in the mid-to-late 1970's, namely, that swift and certain punishment, by itself, could provide enough deterrence to produce high levels of immediate protection, and perhaps long-term safety as well. Further, this response reflected a correctional philosophy called the justice model. This model, which began to dominate corrections by the mid-1970's, emphasized punishment and downplayed rehabilitation as well as alternatives to incarceration (Fogel, 1975; von Hirsch, 1976).

As the 1990's approached and the volume of crime remained high, it became clear that the above hope and model had not produced the desired level of protection, whether short-term or long. Nor had crowding and costs declined. Despite this, the justice model will probably remain dominant during the 1990's; and incapacitation, plus intensive supervision combined

with fines, restitution, etc., will likely remain corrections' main strategy.

This situation reflects the importance of incapacitation's and intensive supervision's contribution. For instance, though these approaches do not provide the *desired* level of short- and certainly long-term protection, they do provide *considerable* short-term safety. In this regard they reduce criminal and delinquent behavior or at least dampen their spread, and in so doing they partly address the public's main concern. Moreover, incapacitation and intensive supervision perform this function at a monetary price that may remain barely manageable in most jurisdictions for at least several years.

## *"Hidden" Costs*

Yet, heavy or exclusive reliance on such a strategy can also have hidden (or not so hidden) costs, ones which are substantial and might include the following: continued or increased institutional crowding, with its many attendant problems; absence or paucity of serious programming within and outside lockup; little focus on long-term change in offenders even when some programming exists; and diversion of resources from broad activities such as delinquency prevention. These "costs" mainly but not entirely apply to incapacitation. Some can involve high recidivism rates and a resulting "revolving door" relationship between lockup and the streets. Several states and systems, e.g., California and its department of adult corrections, clearly exemplify this relationship (Blue Ribbon Commission, 1990).

Still, corrections' present strategy does help, and problems such as the above should not be entirely attributed to it. Nevertheless, this strategy leaves much to be desired; as a result, it should at least be complemented by other strategies or approaches and to some extent replaced by them. One such strategy involves *intervention*, particularly that form which does not center on punishment and incapacitation itself. Historically, this strategy is broader than, but sometimes identified with, rehabilitation.

## *The Reemergence of Intervention*

As suggested, in the 1980's a then-secondary approach existed, one with strong roots in the 1960's and earlier. This approach is generally called rehabilita-

\*Opinions expressed in this article are those of the author and do not necessarily reflect the California Youth Authority's official position.

tion or, less often, habilitation. It is a major form of intervention, one which not only emphasizes the goal of internal change and growth but which recognizes the role of external controls and is sometimes called treatment. Rehabilitation tries to build—and build on—an individual's skills and interests rather than rely on punishment, fear, public humiliation, physical pain/discomfort, or incapacitation itself. At least, it tries to minimize the latter factors.

#### *Developments in Recent Decades*

From the 1960's to early-1970's there was a broad surge of confidence regarding rehabilitation's ability to change and control offenders on a short- as well as long-term basis. This high optimism was quickly followed by widespread pessimism during 1975-81, a period which was triggered by Martinson's mid-1970's critique of rehabilitation's presumed effectiveness. By 1983-84 evidence for his "relatively-little-works" view and for an alternative, "several-things-sometimes-work" view had been marshalled and became increasingly known. As a result, a mixed and unsettled atmosphere emerged regarding effectiveness. More precisely, some confusion and considerable uncertainty existed (Greenberg, 1977; Martinson, 1974; Palmer, 1974, 1978; President's Commission, 1967; Warren, 1971).

Yet, one thing became clear: Neither the deep pessimism of 1975-81 nor the global optimism of the 1960's seemed justified. Instead, more moderate positions had taken shape and soon began to prevail, especially among researchers and academicians (Empey, 1978; Gendreau & Ross, 1979; Glaser, 1975; Martin et al., 1981; Palmer, 1978, 1983; Romig, 1978; Sechrest et al., 1979). This included a relatively open-minded skepticism, on the one hand, and a more cautious optimism, on the other. Meanwhile, most practitioners believed programming was helpful but many had doubts about the extent of that help. Other individuals were neutral but not uninvolved.

During the rest of the '80's intervention gained strength in terms of *focus, direction, and legitimacy*. Its new or increased focus mainly resulted from its relevance and responsiveness to a growing interest by both the public and policy makers in addressing serious or multiple offenders. This interest reflected not only America's growing volume of crime, but widely accepted studies which showed that relatively few offenders accounted for half of all recorded crimes, many of which were violent (Hamparian et al., 1978; Strasberg, 1978; West & Farrington, 1977; Wolfgang et al., 1972).

#### *Common Ground*

Intervention's new direction or emphasis resulted from the fact that many individuals, some "skeptics"

included, largely agreed on the following three principles for working with serious or multiple offenders, among others: (a) *multiple modality programs were needed*; (b) *increased intensity of contact was important*; (c) *greater attention had to be paid to offenders' needs and characteristics*, e.g., to matching those factors with particular program elements (Palmer, 1983, 1984). These principles gave new direction and impetus to program development in several states, beginning around 1985. Included was intensive probation programming for juvenile recidivists and various intensive parole programs for serious adult offenders. These programs, of course, were also in response to institutional crowding, rising costs, and the desire for increased protection from non-incarcerated offenders (Armstrong, 1988a, 1988b; Barton & Butts, 1990; Byrne et al., 1989; Fagan & Hartstone, 1986; Greenwood & Zimring, 1985; Gruenewald et al., 1985; Krisberg et al., 1989; U.S. Department of Justice, 1988; Van Voorhis, 1987).

#### *The Re-legitimization of Intervention*

Throughout 1975-81, several justice model proponents and followers of Martinson's early views virtually declared intervention "illegitimate," i.e., inappropriate or, at best, seldom needed (Greenberg, 1977; van den Haag, 1975; Wilson, 1975). Nevertheless, supported by its above-mentioned *relevance*, intervention regained considerable "legitimacy" in the 1980's. First, it regained pragmatic legitimacy. This occurred when it became clear that intervention often did provide practical assistance—simply put, concrete help—whether educational, vocational, psychological, or in interceding with others. Punishment and incapacitation were not, by themselves, designed for that. Secondly, intervention slowly regained moral legitimacy. This occurred when it became increasingly obvious that various stereotypes, such as the 1970's *Clockwork Orange* characterization of treatment as dehumanizing and inhumane, were intrinsic to neither intervention in general nor rehabilitation in particular—that, in fact, they seldom pertained beyond the early-to-mid 1970's. This applied to Mitford's (1971, 1973) widely known descriptions as well. If anything, instances of dehumanized "treatment" frequently emerged in the 1980's in connection with punishment and crowded institutions, rarely in relation to treatment as described above.

Further, intervention regained substantial scientific legitimacy. This occurred as several meta-analyses and literature reviews of experimental programs found converging evidence that most such efforts reduced recidivism when compared to their control programs; and for all programs combined the average reduction was moderate, i.e., 10-12 percent<sup>1</sup>. These

reductions, and others which were considerably larger, e.g., 25 percent or more, made those programs directly relevant to public protection, especially when large numbers of offenders and therefore many potential offenses were involved (Andrews et al., 1990; Davidson et al., 1984; Garrett, 1985; Geismar & Wood, 1985; Gendreau & Ross, 1987; Gottschalk et al., 1987; Lipsey, 1989, 1991; Mayer et al., 1986; Palmer, 1975, 1984; Panizzon et al., 1991).

Finally, intervention regained—actually, retained—its philosophical legitimacy. This occurred toward the end of the decade as the following became clear: Neither justice model proponents nor others had provided convincing arguments that rehabilitation (a) should be considered intrinsically inappropriate as a major correctional goal, (b) was in fact unimportant or perhaps even harmful, and (c) should be secondary to punishment in any event, whether for short- or long-term goals.

On such grounds, intervention, particularly rehabilitation, had “fought its way back” from the artificially created, near-“illegitimacy” of previous years, and from its very real, partial banishment as well. This re-legitimization is a major development in American corrections, one whose implications are substantial.

#### *The Tacit Consensus*

Even by the mid-1980's, one product of intervention's early gains in terms of focus, direction, and legitimacy was the following tacit consensus among many practitioners and researchers (soon afterwards, this consensus also included various policy makers): (a) In contrast to the clearly pessimistic outlook and the actively rejecting attitude of 1975-81, some forms of intervention *could* probably reduce the recidivism of key offenders. In this regard, and because it often produced educational, vocational, and other gains, (b) rehabilitation/habilitation might be possible and useful after all.<sup>2</sup>

Though essentially self-evident by 1990, and seemingly simple and basic in any event, this consensus, in the mid-1980's, represented a major shift in tone and attitude from the preceding decade.

Supported by this developing consensus, and given direction by the agreed-upon principles (multiple modality programming, increased intensity of contact, and greater attention to offender needs/characteristics), program-development efforts began moving toward the same level that existed during 1965-75. By the late 1980's many practitioners and researchers were seriously focusing on the task of discovering and rediscovering practical methods and strategies, and of developing/evaluating possibly improved approaches. In this regard, many individuals, former skeptics in-

cluded, were moving in similar directions and supporting similar goals.

#### *Into the '90's*

As the 1990's begin, intervention has a recognized and generally accepted role with serious and multiple offenders, sometimes including “special populations” such as sex offenders and substance abusers. Through the 1990's and beyond, this role can be performed via several approaches, including skill-development methods, control/surveillance techniques, psychologically oriented programs, and combinations of all three. In this respect intervention can draw on approaches that have existed in one form or another for over 30 years; yet it can utilize new approaches as well. Its role can be played with high- and middle-risk youths and adults and it can doubtlessly extend beyond serious, multiple offenders. In this regard, intervention's relevance or responsibility can be broad.

#### *Current Limitations*

Given its heavy responsibility—present and future—intervention's current limitations should be well understood; so should its present inability to guarantee certain levels of success. For instance, as of 1990 no *categories* (“types”) of programs exist that usually—e.g., in at least two of every three such programs (*individual* programs)—produce *large* recidivism-reductions with typical, heterogeneous client-samples. Moreover, such reductions do not even occur one-third of the time, and this applies whether or not those samples mostly contain serious, multiple offenders. Here, “large reductions” means 25 percent or more, and “type” refers to a program's principal or most conspicuous component, e.g., vocational training or group counseling. As indicated, however, moderate reductions are common.

This absence of even a few generally reliable and, simultaneously, rather powerful and widely applicable *categories* of programs has major implications. For instance, it makes it impossible to presently recommend any categories as such to policy makers, i.e., recommend them on an across-the-board basis. More specifically, one cannot claim that any randomly selected individual program which falls within a given category, e.g., within the set of programs labeled “vocational training,” will quite likely produce large recidivism-reductions compared to standard programs. One reason for this limitation is as follows: Individual programs often differ from each other on various dimensions, even though they may share a label such as “vocational training” or “individual counseling.” As a result, many may also differ from others in their relevance to particular offender-groups that are found within the overall client samples, e.g., to younger vs.

older offenders, or to fearful vs. assertive. Those programs may therefore vary in their ability to reduce illegal behavior, and some—depending, e.g., on the dominant client-sample and the particular *mix* of clients—may not reduce it at all.

### *Moving Forward via Knowledge-Building*

Though categories of programs cannot be recommended *carte blanche*, the individual programs that comprise them need not all be discarded and the categories themselves thereby eliminated. For instance, the above-mentioned meta-analyses showed that in each of several program categories, e.g., educational training or cognitive-behavioral, many individual programs that comprised those respective categories did reduce recidivism, though many others did not. Even if, say, only two out of every five of a given category's individual programs (not, e.g., the desired 67 percent or more) reduced recidivism to a statistically reliable degree, *those* two could still play important roles. Moreover, they could do so even if their reductions were moderate instead of large, e.g., 10-12 percent rather than 25 percent or more. A 10 percent reduction would mean, e.g., that 900 offenses rather than 1,000 could be expected; in addition, many of the 100 that could be avoided would probably be violent.

To make solid progress, corrections should of course reproduce programs, e.g., the "two out of five," that have shown success; moreover, it should discard or substantially modify the rest. This would increase the percentage of successful programs within each given category and could eventually make the category itself more useful to decision makers. Through research and other means, corrections should also adapt its existing programs to new settings and conditions.

To help achieve these goals, researchers and practitioners need detailed information not only about the defining features of promising programs but about factors that probably make them relevant to various kinds of offenders. Such information could provide a sound basis for program-building. It could, e.g., lead to better matching of new programs with given individuals and settings, and it could thereby increase the degree to which those programs reduce illegal behavior.

Despite these important possibilities the following should be kept in mind. Though correctional intervention gained considerable strength in the 1980's, similar progress or at least a comparable rate will not necessarily occur in the '90's. However, brisk progress can indeed occur if a number of the following objectives are achieved in connection with experimental studies:

- (a) A higher percentage than in 1960-90 should be well-designed, and many fewer should be of questionable quality.

- (b) To test reliability, a higher percentage should be replications or partial replications of programs that showed substantial success.
- (c) To test and increase generalizability, a higher percentage should be systematic variations of programs that have already shown success under one or two sets of conditions.
- (d) Wherever possible, studies should describe the main offender subgroups that comprise the overall sample, and separate outcome-analyses should be conducted for each such group.
- (e) Intervention processes, e.g., techniques and strategies, should be examined closely and described more often and fully than before.

### *Beyond Tokenism*

Knowledge gained from such studies can help intervention avoid being left to function in a very limited capacity or as mere window dressing and a token of humanitarian concern. All in all, intervention's potential within American corrections extends beyond that of providing, at most, modest assistance to many offenders and perhaps somewhat more to those actively seeking it or in obvious need. As a result, rehabilitation or habilitation, e.g., can and should be developed as more than essentially an appendage to either a management-and-control centered strategy or a punishment-oriented strategy. In the 1980's, intervention's relevance and potential were again partly recognized. In the 1990's, its gains as well as potential should be actively supported by practitioners, policy makers, and others. They should not be left to fade because of other valid priorities.

Nevertheless, even if considerable knowledge is gained and carefully planned programs become increasingly valued options, the public's overriding desire for short-term protection will probably remain the largest single influence on corrections in the 1990's. For this reason, and because they address that desire very directly and visibly, the control-centered approaches and relatively short-term goals that dominated corrections in the 1980's will likely remain in the forefront and will probably absorb most resources. Though this may occur at the expense of continued, serious overcrowding, it should not and probably will not occur at the price of ignoring intervention. Given substantial progress, and as growth-centered intervention and longer-term goals plus community-programming are increasingly used, the mix of available options will broaden and corrections *as a whole* will have more relevance and strength. This, however, should not in turn detract from crime-and-delinquency prevention efforts and from the fact that broad social changes are needed as well.

Finally, with regard to theory, a recently described "habilitation/developmental" (H/D) framework could add a critical dimension or emphasis to today's main perspective and tomorrow's program development (Palmer, 1991). Current perspectives mainly emphasize sociological factors and downplay the psychological or personal/developmental, factors of importance with many offenders (Elliott et al., 1979; Hawkins & Weis, 1985). In addressing various gaps and in providing direction for both expanded and more focused correctional efforts, an H/D framework would implement the three earlier-mentioned principles in an individualized way and could apply to more than serious, multiple offenders. It could also refocus knowledge-building and the interpretation of findings.

### Closing Thoughts

In reflecting on the past three decades one quickly realizes that correctional intervention has already accomplished much and has a good deal to build on. Nevertheless, many approaches and combinations are still untried, and considerable growth can occur in the next few decades. More specifically, although many individual programs can already help many offenders, corrections as a whole has a long way to go before it can offer practitioners and policy makers a large number of highly reliable, cost-effective, yet also powerful approaches. Nevertheless, though American corrections often struggles to simply survive the day, the development of such approaches—while it may take considerable time—remains an exciting challenge to persons with confidence in the power of knowledge-building and well-documented practical experience. By the year 2000, intervention, through hard and carefully planned work, could be well along the way.

Toward this end, however, it should be firmly kept in mind that rehabilitation and habilitation, in particular, are part of corrections, not illegitimate or alien forces. Together with other contributions, theirs can help this field overcome or reduce its difficulties, much as they jointly help individuals address their own, and thereby progress.

### NOTES

<sup>1</sup>The 10-12 percent average reduction resulted from combining all programs that yielded a positive outcome (meaning, any reduction in recidivism) with all programs that yielded a negative outcome, as well as those in which no differences were found between the experimental and control programs. When only those programs which yielded a positive outcome were examined, the average recidivism-reduction was approximately 20 percent.

<sup>2</sup>Other aspects of the consensus were: (c) Most standard forms and typical variants of intervention, e.g., variants of individual or group counseling, were no longer considered intrinsically demeaning or necessarily onerous to offenders. (d) When viewed as a package that included definite external controls and "account-

ability," e.g., unpleasant consequences for infractions and illegal behavior, some forms of intervention, e.g., the community-based, were now considered less risky to the public than before, for selected offenders.

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# Federal Probation

A JOURNAL OF CORRECTIONAL PHILOSOPHY AND PRACTICE

## *MANUSCRIPT PREPARATION AND SUBMISSION*

1. FEDERAL PROBATION articles usually run from 3,500 to 4,000 words.
2. Type manuscripts on 8½- by 11-inch paper, double-spaced, allowing good side margins. Be sure that manuscript type is *clear* and *dark*, as it will be read by optical scanner.
3. Mail the manuscript *in duplicate* (preferably, one original and one photocopy).
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5. In typing the title, byline, and centerheads, follow the style of FEDERAL PROBATION.
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9. Tables and figures to present data and illustrate points are permissible. However, they should be used sparingly and should not simply duplicate material that is discussed in depth in the narrative.

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