

# Federal Probation

**Divided by a Common Language: British and American Probation Cultures** ..... *Todd R. Clear*  
*Judith Rungay*

**Alternative Incarceration: An Inevitable Response to Institutional Overcrowding** ..... *Richard J. Koehler*  
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# Federal Probation

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## This Issue in Brief

**Divided by a Common Language: British and American Probation Cultures.**—American and British probation officers speak the same language but—according to authors Todd R. Clear and Judith Rumgay—have very different approaches to their jobs. The authors explore the important differences between the two probation traditions and their impact on the development of probation supervision in both countries.

**Alternative Incarceration: An Inevitable Response to Institutional Overcrowding.**—Authors Richard J. Koehler and Charles Lindner discuss alternative incarceration programs—programs for offenders who do not require the total control of incarceration, but for whom probation is not an appropriate sentence. The authors highlight New York City's Supervised Detention Program, a program which provides an alternative to pretrial jail incarceration, as an illustration.

**Variations in the Administration of Probation Supervision.**—Authors Robert C. Cushman and Dale K. Sechrest explore the reasons for the great diversity in the operations of probation agencies, including differences in caseload size and services provided. They document variations in felony sentencing and use of probation for 32 urban and suburban jurisdictions using data primarily collected by the National Association of Criminal Justice Planners.

**An Evaluation of the Kalamazoo Probation Enhancement Program.**—Noting that few studies have evaluated halfway houses designed exclusively for probationers, authors Kevin I. Minor and David J. Hartmann report on a study of a probation halfway house known as the Kalamazoo Probation Enhancement Program (KPEP). Findings reveal that while relatively few residents received successful discharges from KPEP, those who did were less likely than those who received unsuccessful discharges to recidivate during a 1-year followup period.

**Criminalizing Hate: An Empirical Assessment.**—Author Eugene H. Czajkoski focuses on a fairly new phenomenon in the criminal justice taxonomy, hate crime. He discusses the recent movement to

criminalize certain forms of hate and examines data officially reported by the State of Florida regarding the first full calendar year of operation of its hate crime law.

**Pretrial Bond Supervision: An Empirical Analysis With Policy Implications.**—Author Keith W. Coopridier discusses policy and operational implications derived from an empirical analysis of bond supervision data obtained from a county-based pretrial release program. He analyzes the use of electronic monitoring and describes patterns of success and failure on bond supervision.

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# An Evaluation of the Kalamazoo Probation Enhancement Program

BY KEVIN I. MINOR AND DAVID J. HARTMANN\*

**D**ATA COMPILED by the U.S. Department of Justice (1990a) indicate that Federal and state adult prison populations increased by 115.3 percent between the end of 1980 and the end of 1989. During this same time period, the nation's parole population rose by 107 percent and the probation population by 126 percent (U.S. Department of Justice, 1990b). Given these record high figures, it is clear that the 1980's will be remembered as a decade of prison crowding. However, the decade will also be remembered for growth and developments in community corrections, specifically efforts to develop a range of incarceration substitutes calibrated according to offenders' differential risks and needs. Most noteworthy in this respect are various expansions in probation which are meant to intensify the supervision and treatment of offenders. Residential programs or halfway houses are integral components of the movement to provide probationers more services and structure in living than traditionally possible with regular probation.

There is an abundance of literature on halfway houses. However, we note three limitations of this literature. First, the bulk of the research was conducted during the 1970's. Fewer studies have been carried out in more recent years, meaning that the literature as a whole is somewhat dated. Second, minimal attention has been devoted to programs specializing in residential probation services. Most research has focused on programs for parolees or mixed client groups (e.g., Beck, 1979; Beha, 1976; Clendenen et al., 1979; Moczydlowski, 1980). Finally, the diversity of both client and program characteristics renders generalizations about halfway houses tenuous (Doeren & Hageman, 1982; Duffee & Wright, 1990; Grygier et al., 1970). Thus, investigations of contemporary residential probation are needed, and due to diversity, ideally each program should be evaluated within its own context. This article presents outcomes pertaining to the Kalamazoo Probation Enhancement Program (KPEP), a residential probation facility located in Kalamazoo, Michigan.

## *Survey of the Literature*

The literature on halfway houses raises issues relating to both theory and empirical research. We consider each in turn.

### *Theoretical Issues*

Unfortunately, halfway house programs are seldom designed and operated on the basis of *explicit* theoretical statements about criminal behavior. Indeed most literature on halfway houses makes no mention of the criminological theory literature.<sup>1</sup> Yet the general rationale for these programs is consistent with the major theses of certain theories, such as Hirschi's (1969) social bond theory and Cloward and Ohlin's (1960) opportunity theory. As Champion (1990) points out (and see McCarthy & McCarthy, 1991), the general rationale of community residential facilities in corrections is that offenders need assistance in becoming better integrated (i.e., bonded) to their local environments. It is assumed that some offenders require a period of structured and supportive living if they later are to function independently and successfully in the community. During this period, individuals receive services tailored to their personal needs and exposure to opportunities for law-abiding lifestyles coupled with restricted opportunities for illegal behavior. Ordinarily these services and opportunities center on employment and education (Smykla, 1981). Thus, while the linkage of halfway house programming to criminological theory is not as explicit or well developed as might be desired, the basis for that linkage does exist. (We return to this issue later in the article.)

### *Empirical Issues*

Although the use of halfway houses in U.S. corrections dates to the 1800's (Powers, 1959), it was not until the 1960's that such programs began to proliferate and expand their functions to include services for probationers (Beha, 1975; Latessa & Allen, 1982). As halfway houses proliferated, so did empirical studies of their operations. These studies fall into two general categories, including: (1) studies of cost efficiency and (2) studies of resident adjustment and recidivism during and after halfway house placement. The second category can be further divided into: (a) studies that employ experimental or, more commonly, quasi-experimental designs to compare the effects of halfway house programming with the effects of alternative interventions such as regular parole (e.g., Allen &

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Seiter, 1976; Beck, 1976; Dowell et al., 1985; Lamb & Goertzel, 1975); and (b) nonexperimental studies which use no comparison group but, instead, focus on isolating variables associated with the successful completion of programs by residents (e.g., Calathes, 1991; Donnelly & Forschner, 1984; English & Mande, 1991; Moczydlowski, 1980; Moran et al., 1977; Schoen, 1972).<sup>2</sup> Our research adds to the latter category by extending the focus on predictors of in-program success to include predictors of post-program convictions.

Studies that examine the correlates of resident success during halfway house placements are useful because these studies have implications for who should and should not be considered viable candidates for such placements. One major criticism of halfway houses relates to a failure to adequately distinguish offenders who could potentially benefit from specific types of halfway house programs (Rachin, 1972; Sullivan et al., 1974). As Moczydlowski (1980, p. 59) points out, "researchers must become more aware of what kinds of clients are more likely to be helped by various program structures."

Researchers have scrutinized numerous variables in the quest to specify predictors of in-program success and failure. The strongest and most consistent predictor of successful program completion is a more favorable employment record prior to and during program participation (Calathes, 1991; Donnelly & Forschner, 1984; English & Mande, 1991; Moczydlowski, 1980; Moran et al., 1977). Other salient predictors of success are a less extensive prior legal record (Donnelly & Forschner, 1984; English & Mande, 1991; Moczydlowski, 1980), older age (English & Mande, 1991; Moczydlowski, 1980), lack of documented history of drug and alcohol abuse (Calathes, 1991; Moczydlowski, 1980), and higher educational attainment (Donnelly & Forschner, 1984; Moran et al., 1977). In addition, Donnelly and Forschner found that females and clients who were married at admission were more likely to succeed, while Moczydlowski reported that persons with more serious instant offenses had a higher likelihood of success.

Unlike our research, none of the studies just mentioned examined a program designed exclusively for probationers; these studies examined mixed client groups consisting of offenders with such statuses as parolee, prereleasee, and probationer. Moreover, each of these studies limited the focus to correlates of in-program success and failure, with none focusing on predictors of post-program recidivism.<sup>3</sup> We do not know from the literature whether the factors which predict in-program success are also predictive of post-program performance, nor do we know whether successful program completion is associated with a reduction in post-program offending. Donnelly and

Forschner (1984) speculate that in-program success should be associated with less post-program recidivism but do not address the question empirically. Moczydlowski (1980) reasons that factors which predict post-program outcomes should not necessarily be expected to be the same as those which predict in-program outcomes but brings no data to bear on this issue. Our research addresses this void in the literature.

Our basic research questions include the following: (a) From a pool of persons admitted to KPEP over a 3-year period, how many were successfully discharged? (b) What variables are predictive of in-program success, as indicated by successful discharge status? (c) What variables are predictive of post-KPEP recidivism, as measured by convictions?

### *Program Overview*

Both McCarthy and McCarthy (1991) and Smykla (1981) distinguish between supportive and intervention halfway houses. Supportive programs attempt to match residents with appropriate community resources via referrals, whereas intervention programs offer residents extensive in-house treatment services rather than relying on referrals to local agencies. Like most halfway houses, KPEP falls between these ideal types.

KPEP is a nonprofit, county level organization which receives funds through the Michigan Department of Corrections. It is designed for male and female adult probationers who have been convicted of nonviolent crimes (usually felonies) and who are deemed by judges to require tighter and more structured programming than allowed by regular probation. After court screening, persons referred to KPEP are screened for admission by the house administration.

The main emphasis of KPEP is on the development of gainful employment patterns among residents. The program's central components include: (a) employment skills classes which are intended for individuals who are unemployed at admission and which are meant to build job seeking and retention skills; (b) job club, a peer support group for residents who are seeking or have recently obtained employment; (c) basic life skills classes emphasizing areas such as personal budgeting; and (d) preparation for and eventual attainment of the high school equivalency diploma or GED. Other services (e.g., substance abuse counseling and vocational training) are provided for select residents through referrals to local agencies. However, as already mentioned, the program's primary orientation is toward assisting residents in obtaining and sustaining gainful employment.

As is true of many halfway houses (Snarr & Wolford, 1985), KPEP employs a phase or level system of programming. Residents enter the house at level one and

are successfully discharged after completing level four. Each level carries a number of goals that must be achieved before advancement to the next level can be made; for instance, obtaining a job is a prerequisite to advance from level two to three. Each new level carries new goals, increased responsibilities, and also more privileges (e.g., increased furlough time). Staff members monitor resident behavior and progress toward goals through the use of a point system. Point increases toward the next level are given for desirable performance, while undesirable performance can result in point demotions or privilege restrictions. There are various rules governing in-house behavior; these pertain to such things as personal hygiene and interaction with other residents. There are also rules governing behavior while residents are away from the facility at work, in school, or on furlough. These pertain to such things as curfews and refraining from the use of alcohol and illegal drugs. (Alcohol and drug testing are routinely conducted.) Rule compliance is monitored by staff, and attempts are made to inform the residents in advance of the potential consequences of rule violations. Following successful completion of KPEP, persons are released on to regular probation.

### *Method*

#### *Data Sources and Subjects*

The data were coded from subjects' KPEP files and also from their files maintained by the Kalamazoo County Adult Probation Department. The subjects were 163 persons admitted to KPEP during the first three fiscal years of the house's operation (1981-82, 1982-83, and 1983-84).<sup>4</sup>

One hundred and fifty-seven (96.32 percent) of the subjects were male. Similarly, 116 (71.17 percent) were white, 45 (27.61 percent) were African-Americans, and 2 (1.23 percent) were of other ethnic origin. At admission, subjects ranged in age from 17 to 32 years, with a mean of 19.76 years. The vast majority of subjects (95.71 percent) were single at the time of admission. The last year of school either attended or completed by subjects at admission ranged from 5 to 12, the mean being 9.98 years.<sup>5</sup> Most individuals (85.19 percent) were unemployed upon entering KPEP, and 97.50 percent had assets totaling under \$1,500.

Slightly over 52 percent of the subjects had documented histories of abusing illegal drugs, 34.36 percent had histories of alcohol abuse, and 23.32 percent evidenced histories of abusing both illegal drugs and alcohol. Close to half (47.53 percent) of the subjects had juvenile court records, 49.08 percent had at least one prior criminal conviction as an adult, and 23.31 percent had both prior juvenile and prior adult re-

ords. With respect to instant offenses, most persons (93.25 percent) had been convicted of various property crimes. The modal instant offense categories were breaking and entering (47.24 percent of the cases) and larceny-theft (20.86 percent of the cases). As part of the sentence for the instant offense, 70.19 percent of the subjects had served jail terms before being admitted to KPEP.

#### *Additional Measures*

In addition to the subject demographic and background variables mentioned above, data were collected on a variety of other measures, including program and outcome measures. Program measures included: (a) the number of weeks a subject spent in KPEP; (b) whether or not a subject successfully completed the employment skills, job club, and life skills components; (c) whether or not a subject received substance abuse counseling or any other type of counseling while in the program; (d) whether or not gainful employment was held while in the program; and (e) for any subject who lacked a high school diploma or its equivalent at admission, whether the subject completed the GED while at KPEP.

The outcome measures pertaining to in-program performance included the subject's KPEP discharge status (successful, unsuccessful, or general<sup>6</sup>), the number of convictions resulting from felony, misdemeanor, or technical violations committed while in KPEP, and, if convicted, the eventual disposition (e.g., continuation of probation or revocation of probation followed by imprisonment). The outcome measures relating to post-program performance consisted of the number of convictions resulting from felony, misdemeanor, or technical violations committed within the 1-year period following a subject's discharge from KPEP and, if convicted, the eventual disposition.

### *Results*

#### *Program Variables*

The number of weeks that subjects spent in KPEP ranged from zero to 43, the average being 15.83 weeks. For subjects who received successful discharges from KPEP, the number of weeks ranged from four to 42, with a mean of 20.13 weeks. Over three-quarters (78.53 percent) of all subjects successfully completed the employment skills component, 75.31 percent successfully participated in job club, and 66.26 percent successfully completed the life skills component. Of the total sample, 63.19 percent had documented histories of abusing illegal drugs, alcohol, or both, and 39.81 percent of such persons received substance abuse counseling during their KPEP stays. Only 7.45 percent of the sample received some other type of counseling through referrals to local agencies. Most

probationers (83.13 percent) lacked a high school diploma or its equivalent at admission, and 23.31 percent of those so lacking completed the GED while at KPEP. Likewise, recall that 85.19 percent of the sample was unemployed at admission. Of these persons, 60.14 percent held employment while in KPEP.

It is apparent from the above results that relatively high proportions of the residents completed the employment skills, job club, and life skills components. Also, a relatively high proportion (61.96 percent of the total sample) held employment during the course of placement. However, the percentage of persons who received substance abuse counseling and the percentage who finished the GED were less than satisfactory.<sup>7</sup>

#### *Outcomes*

Over half (53.37 percent) of all subjects had records of at least one conviction resulting from violations committed while they were in KPEP. Most (72.41 percent) of the persons with such conviction records were convicted of technical probation violations; only 9.20 percent were convicted of felonies. Probation was revoked and a jail or prison term imposed in 57.47 percent of the cases involving a conviction for a violation committed while in KPEP. In the remaining cases, the probation sentence was either extended in length or simply continued, often with a brief jail term.

A total of 111 subjects (68.10 percent of the sample) were considered to be "at risk" of recidivism during the 1-year period following discharge from KPEP (i.e., persons who had their probation revoked and were subsequently incarcerated because of a violation committed while they were residents of KPEP were not at risk in the community during the followup period). Of the at risk group, 27.93 percent had at least one conviction as a consequence of violations committed during the followup period; 51.61 percent of these convictions were for new felonies, and 32.26 percent involved technical violations. Probation was revoked and an incarceration term imposed in 70.97 percent of the cases in which a conviction occurred due to a violation committed during followup.

Slightly over one-third (35.58 percent) of all subjects had no convictions for violations of any kind transpiring during KPEP residency or followup. As revealed by conviction data, these persons refrained from all violations for the entire timeframe covered by the study.

Of the 163 probationers admitted to KPEP, only one-third (31.90 percent) received successful discharges from the program. Over half (59.51 percent) were unsuccessfully discharged, and 8.95 percent received general discharges. As might be expected, nearly all (97.67 percent) of the subjects with records of at least one conviction for violations committed

while they were in KPEP received unsuccessful discharges. In fact, 86.60 percent of all persons receiving unsuccessful discharges had such a record. Of those individuals receiving successful discharges from KPEP, 19.23 percent were convicted of at least one violation committed within 1 year of discharge. By comparison, 45 subjects who received unsuccessful discharges were considered to be at risk in the community during followup, and 37.78 percent were convicted of at least one violation. Of the persons receiving general discharges, 28.57 percent were so convicted.

Successful completion of employment skills classes, job club, and life skills classes as well as holding employment while in the program were, with very few exceptions, prerequisites for successful discharge from KPEP. Yet, meeting these requirements in no way ensured successful discharge. To illustrate this point, only two subjects who did not hold employment during placement received successful discharges but, out of all persons receiving unsuccessful discharges, approximately 43 percent had held employment. This same trend applied for GED obtainment but, though significant using chi-square analysis and a standard .05 alpha level as the significance cutoff point ( $X^2=8.59$ ,  $df=1$ ,  $p=.003$ ), was less pronounced. On the other hand, receiving substance abuse counseling was not systematically related to discharge status.

As revealed by chi-square tests (again using a .05 alpha level), three subject background variables were significant predictors of discharge status.<sup>8</sup> Persons who were 18 years old or less at admission were less likely to receive successful discharges than persons in the 19 to 20 and 21 and over categories ( $X^2=6.24$ ,  $df=2$ ,  $p=.04$ ). Likewise, individuals who had attended or completed under 11 years of schooling at admission were less likely to be successfully discharged than ones who had attended or completed 11 to 12 years ( $X^2=5.09$ ,  $df=1$ ,  $p=.02$ ). Finally, subjects lacking juvenile court records were more likely to get successful discharges than those having records ( $X^2=4.04$ ,  $df=1$ ,  $p=.04$ ).

Because the three program variables relating to employment and the life skills variable were so highly correlated with successful discharge and, hence, with release into the community, risk of recidivism during followup was primarily limited to those who had successfully completed these components of KPEP. For instance, only 12 or 10.81 percent of the subjects who were at risk of recidivism during followup had not completed the employment skills component. Similarly, only 16 individuals who had not completed the job club were at risk.

Only one background variable was significantly predictive of recidivism during the 1-year followup period. Persons who were 18 years of age or under at admis-

sion were more likely than persons in the 19 to 20 and 21 and over groups to be convicted of a violation which occurred during the followup time frame ( $X^2=7.69$ ,  $df=2$ ,  $p=.02$ ). In addition, individuals who received successful KPEP discharges were less likely than those who received unsuccessful discharges to recidivate ( $X^2=4.13$ ,  $df=1$ ,  $p=.04$ ).

To summarize our findings with respect to the basic research questions posed earlier, the data reveal that only one-third of all probationers admitted to KPEP were granted successful discharges from the program. As might be anticipated, satisfactory completion of each major program component (except substance abuse counseling) was highly associated with in-program success. Additionally older age, higher educational attainment, and the absence of a juvenile record were predictive of in-program success. The only variables found to be predictive of lower post-program recidivism were younger age and successful discharge from KPEP.

### *Discussion and Conclusion*

It is appropriate here to integrate our findings with the body of literature on halfway house programming. The successful program completion figure of 31.90 percent obtained in our research is well below the average successful completion figure of 61 percent, which was established by Seiter et al. (1977) in their national evaluation study of halfway houses and which was replicated in a more recent study by Donnelly and Forschner (1984). Our figure is higher than the 16 percent success rate reported by Calathes (1991) and consistent with the one-third figure reported by Minnesota in an evaluation of state and local level programs there (cited in McCarthy & McCarthy, 1991, pp. 234-235).

As will be recalled, past studies demonstrate that the best single predictor of successful discharge is a more favorable employment record prior to and during program participation. While we found satisfactory completion of KPEP's employment-related components to be essential for successful discharge, we did not uncover a relationship between employment status at admission and discharge status. Our finding regarding the effect of age on discharge is consistent with the results of previous research (English & Mande, 1991; Moczydlowski, 1980); so are our findings regarding the effects of education (Donnelly & Forschner, 1984; Moran et al., 1977) and extensiveness of prior legal record as indicated by the presence of a juvenile court history (Donnelly & Forschner, 1984; English & Mande, 1991; Moczydlowski, 1980). However, one relationship that has appeared in past literature, that between substance abuse history and discharge status, did not emerge in our study.

Moczydlowski's (1980) heretofore unsubstantiated claim that variables which predict in-program outcomes should not necessarily be assumed to parallel those which

predict post-program outcomes is partially supported by our study. Educational attainment and juvenile court record were predictive of in-program but not post-program outcomes. However, age was predictive of both kinds of outcome. Similarly, Donnelly and Forschner's (1984) contention that in-program success should be associated with less post-program recidivism is supported by our results, since persons successfully discharged from KPEP were less likely to recidivate than those unsuccessfully discharged. This result is consistent with the findings of the Minnesota study cited above and with Beha's (1976) findings.

Since successful discharge from KPEP was associated with a reduced probability of recidivism during the year following discharge, it would seem desirable to minimize the number of unsuccessfully discharged persons while maximizing the number successfully discharged.<sup>9</sup> From the near 60 percent rate of unsuccessful discharge, it seems clear that the admission criteria used by the courts and house administration to determine which probationers were likely to benefit from and succeed in KPEP need to be reconsidered *via-à-vis* program structure and substance. Given the extant structure and substance of the program, our findings imply that the goal of minimizing unsuccessful discharges could be facilitated by admitting individuals who possess the characteristics correlated with successful discharge status. An alternative course of policy is to alter the program's structure and substance so that those who lack these characteristics are more likely to succeed.

We suspect that the limitations encountered by officials in accurately projecting which probationers were likely to succeed in KPEP primarily stem from the fact that the program is largely lacking an explicit theoretical foundation. Criminological theories are tools that can guide admission decision-making processes and assist officials in determining which offenders are and are not likely to benefit from specific correctional programs (cf., Orsagh & Marsden, 1985). Without the benefit of a theoretical foundation and a program structure modeled after that foundation, it is not surprising that the rate of successful discharge was low. While development of such a theoretical foundation is beyond the purpose of this study, the basis for linking halfway house programming to theory, as we noted earlier, does exist. Pursuit of the linkage is a promising avenue for future work in the area.

### NOTES

<sup>1</sup>See Bonta and Motiuk (1985) and Dowell et al. (1985) for exceptions.

<sup>2</sup>While a few studies, such as those by Beha (1976) and Bonta and Motiuk (1987), cut across these categories, we believe this categorization to be a useful tool in helping to characterize the literature.

<sup>3</sup>The comparison group studies generally do not specify the predictors of post-program outcome. Rather, the goal in these studies

is to compare the effects of halfway house programming with some alternative intervention.

<sup>4</sup>Of the total of 183 persons admitted during the first three fiscal years, enough data to warrant inclusion in the study were available on 163 (89.07 percent) of the cases.

<sup>5</sup>Persons who entered KPEP with the GED were coded as having completed 12 years of education.

<sup>6</sup>General discharges are given to persons who must leave KPEP for various administrative reasons, often involving extenuating circumstances (e.g., to answer to charges in another jurisdiction, death of a parent resulting in a need for the subject to be at home to provide for younger siblings, etc.).

<sup>7</sup>The percentages reported in this section of the article would be somewhat higher were we to eliminate from the total sample subjects who left the program before the expiration of some minimal time period. Of course, individuals must be in a program for a certain period before they can be expected to have completed components and received services. Nonetheless, there are two reasons why we chose not to eliminate subjects who exited KPEP relatively early. First, there is no sound justification for selecting one minimal time period (e.g., 4 weeks) over another (e.g., 8 weeks) as the cutoff point. Second, and more importantly, the elimination of early exits would obscure inferences about the adequacy of the screening procedures used by the court and house administration to select probationers deemed suitable for and likely to benefit from KPEP.

<sup>8</sup>Unfortunately, there was not enough variance in the sample by sex, marital status, economic assets, and instant offense to allow meaningful comparisons for these measures.

<sup>9</sup>Our policy recommendations must remain unspecific and guarded because the followup period of this study was quite short.

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