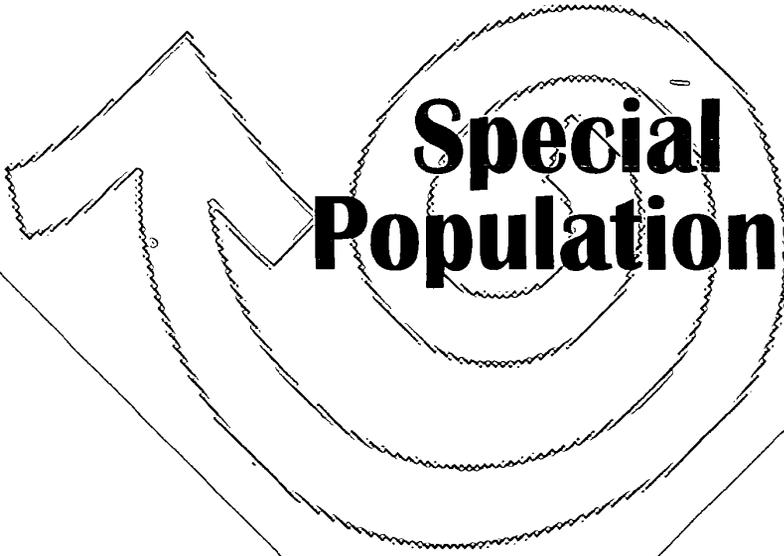


# Targeting

Tools for Building Effective  
Community Corrections



# Special Populations

CCC: A public-private partnership promoting an effective system of community corrections



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# ● Targeting Special Populations

By Mary K. Shilton

CCC: A public-private partnership promoting an effective system of community corrections  
October, 2000



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THIS PROJECT IS DEDICATED TO THE  
FOLLOWING PROPOSITIONS:

- ❖ That successful community corrections depends on intergovernmental collaboration which recognizes the needs and promises of each level of government;
- ❖ That successful community corrections demands a genuine partnership with the community;
- ❖ That the optimum use of community corrections requires public officials and a public who understand its purpose and are willing to support its programs;
- ❖ That small, relatively inexpensive changes in the right places can do much to increase the likelihood of successful community corrections.

# Preface

The Center for Community Corrections (“Center”) developed its first project in 1996 to provide improved information and support for community-based corrections. Since then, a number of projects have developed written materials and have provided technical assistance focused on the need for community corrections and how it can be improved. There are nonviolent and special populations routinely incarcerated who are better served and less likely to re-offend when placed in community-based programs. This piece focuses on a critical area identified by professionals as a stumbling point—the lack of adequate methods and support for targeting those offenders who can safely be in community programs.

This project of the Center also is premised on the assumption that reforms in the criminal justice system and intergovernmental partnership must take place in order to save taxpayers costs for over-reliance on incarceration and to provide more effective intermediate punishment systems for the vast majority of nonviolent offenders. Intermediate punishments are sanctions more severe than unrestricted probation but less stringent than prison. They form a graduated progression of interventions to change offender behavior, instill accountability, and increase public safety. A guiding principle is that a range of

*Rising correctional populations, coupled with reduced resources, have generated a contemporary crisis. This crisis highlights the need to reexamine the basic questions of corrections: whom should we punish, how should we punish them, and most importantly, for what purposes should we punish?*

**Lawrence F. Travis III,  
Martin Schwartz,  
and Todd R. Clear  
in *Corrections,  
an Issues Approach*,  
Anderson Publishing Co.,  
Cincinnati, 1992**

correctional services is needed. Furthermore, they will be more fully implemented when elected officials and the public are well informed about what is needed for an array of proven and effective correctional management techniques.

## PART I

# Targeting Special Populations

## EMPHASIZING SUPERVISION OF OFFENDERS IN THE COMMUNITY

Most people are not aware that community-based correctional programs have developed as a very important part of our system for managing offenders. Such programs handle nearly 70% of nonviolent persons who are under criminal justice supervision. They do this by using a variety of tools and techniques to sanction, educate, provide treatment, sustain employment and help pay back victims and communities. However, in many places, programs target a wide array of offenders with a “one size fits all” approach. This may result in net-widening and offenders who would otherwise succeed are sent to prison or jail. This piece examines some discrete populations who could be safely, effectively and more humanely managed in community programs. Collectively the costs for these special populations are high and after ruling out all violent offenders, they are still at least one third or more of all incarcerated persons. They are the mentally ill, youthful offenders, the elderly, disabled and terminally ill, non-violent single parents with young children and substance abusers.

*To avoid net-widening, programs must do a better job at targeting—that is, making certain that only persons who otherwise would be sent to jail or prison are placed in the diversionary programs. Targeting must include collection of data that clearly separate the target population from all others.*

**Dennis Schrantz**

However, there is a dearth of national, local or even statewide data on the types of sentencing options available between probation and incarceration. And it is not just research and data that are missing from the

picture. A range of coordinated programs must be in place for case management. There are few standards or procedures that uniformly measure program quality and effectiveness. We know that some groups can be remarkably improved with tailored programs that fit their needs and cut risks.

The effort to build community-based punishments as part of a continuum of justice system sanctions requires an approach that improves dialogue and resolves problems through the rule of law by:

- 1) responding to community norms;
- 2) delivering services in the offender's community and with the community's support;
- 3) applying what works in the fields of mental health, criminology, education and other related disciplines to change offender behaviors, reduce risk and address the root causes of crime;
- 4) diverting nonviolent offenders who are presently incarcerated in jail and placing them in jobs, education and other programs;
- 5) avoiding the unnecessarily disruptive impact of crimes on families and communities.

## ADDRESSING DEFICITS IN THE ADMINISTRATION OF CORRECTIONAL PROGRAMS

*The principal argument for intermediate sanctions is that they offer a way to development of a continuum of graduated sanctions, most of which fall between prison and probation, which will allow judges to scale the sanctions offenders receive to the seriousness of their crimes and to levels of supervision and control fitted to the offender's risks and needs.*

**Michael Tonry**

Criminal justice professionals from all disciplines consistently mention the lack of a common way to identify who should be in community corrections programs. In a recent survey by the Center of key informants of state and local agencies, judges and elected officials, this concern was voiced across all disciplines. (See Part 6 for a description of the survey). Furthermore, how these offenders should be supervised and what interventions are effective are major issues that must be

resolved. Focus groups and the survey of 98 elected county and state officials, judges, probation and correctional officials, district attorneys, business, civic, education and religious leaders revealed an interest in a range of options for offenders that are non-incarcerative and yet hold them accountable. Such options include intermediate sanctions such as halfway houses, work release, restitution, fines, day reporting centers, home confinement and other options.

The following are typical questions elected officials and criminal justice professionals have repeatedly identified in focus groups and surveys:

- ❖ Are there coordinated efforts to create public safety programs by systematically selecting offenders who will respond to community supervision, sanctions and programs?
- ❖ Who is involved from the community and the justice system in making decisions about offender eligibility, selection and supervision?
- ❖ Who manages and oversees such programs?
- ❖ What points of view do they bring forward to help decide who goes to community corrections? (See other publications by the Center concerning elected officials, the public and constituency building.)
- ❖ Who monitors and evaluates program performance?

Figure 1 describes who is involved in targeting offenders for diversion, community corrections or incarceration. It lists the critical decisions made during case processing. They involve deciding who should be diverted from the justice system, who will go to trial, who is eligible for probation or community corrections supervision, and who must be detained in prison and jail. Whether it is Jefferson County, Colorado or Los Angeles County, all three basic issues must be addressed within a community's justice system for each component to operate effectively. Such counties as Dade, Florida and Hennepin, Minnesota concluded that pretrial services screening and diversion should be interfaced with jail staff assessments. Community corrections and probation require information and targeted programs for those offenders who do not pose a risk to the community.

Although there are many opportunities within each stage of case processing for targeting criminal justice services more effectively, most criminal justice professionals have little training in how to assess cases that are at risk of re-offending. Such training must be adapted to the population management practices and procedures of each jurisdiction. Simultaneously, in many states, there are few programs that are available

**Figure 1: Deciding Who is Supervised in the Community**

Agencies Involved	How Involved?
Law Enforcement	Investigation—referral to assistance Citation-formal notation Arrest-intervention, screening, reporting
Pretrial Services	Interview arrestee Independent investigation Screening, substance abuse testing Pretrial release/custody recommendation Supervision upon release
Prosecution/defense advocates	Charging decision Investigation Interviews of witnesses Evaluation of evidence Diversion screening/decision Pretrial motions, hearings, plea Trial advocacy Post-trial advocacy
Courts	Arraignment Preliminary hearings Pretrial hearings Bail decision Diversion Special court Trial Sentencing Post-sentence supervision
Jails/Prison	In custody work Educational furlough or other release Community service Split sentence Case classification Pretrial supervision Restricted residential placement programs Post-incarceration supervision
Community Corrections	Pretrial supervised release Diversion and treatment Post-sentence supervision Halfway house Day reporting Victim reconciliation/mediation Substance Abuse treatment Electronic monitoring Home confinement Restitution Community service Job training

to reduce crime prone behaviors. Available training involves specialized skills including assessment, interviewing, and interpersonal and offender management techniques. Furthermore, techniques, training and procedures must be in place for graduated and appropriate accountability responses when offenders are non-compliant or are re-arrested.

## MOVING BEYOND UNSUPERVISED PROBATION AND PAROLE

As recognized by the National Advisory Commission on Standards and Goals, unsupervised probation and parole are adequate for many nonviolent and low-risk offenders. However, for more difficult cases, there is a lack of a variety of programs, resources and clout necessary to motivate many to mend their ways. Such offenders are most likely to be arrested within the first six months of release from prison and jail, yet much more can be done to manage them so that they do not recidivate when released. In response to these problems a middle range of options known as community corrections or intermediate sanctions has been developed to target certain nonviolent offenders and manage them in the community. In a growing number of jurisdictions, judges and correctional professionals oversee development of a range of sentencing options.

*Broad use of probation does not increase risk to the community. Any risk increased by allowing offenders to remain in the community will be more than offset by increased safety due to offenders' increased respect for society and their maintenance of favorable community ties. Results of probation are as good, if not better, than those of incarceration.*

National Advisory Commission on  
Criminal Justice Standards and Goals,  
Corrections, Washington, D.C.:  
U.S. Government Printing Office, 1973

## RE-EXAMINING WHO SHOULD GO TO JAIL

This monograph is intended to spark interest and concern about how communities decide which offenders go to jail and who remains under community supervision. It is based on the Center's research, data from other sources and advice from legislators

in the field of community corrections. We examined the research about what populations have been safely monitored in community-based settings. In so doing, we found that a variety of types of offenses requires that different approaches be tailored to each type of offender. This means that specific screening, assessment and monitoring must be done by pretrial services, court staff, probation or parole agents. They then match need and risk to services to make sure that the right interventions are in place and that the offender is compliant. When this is done, most nonviolent offenders with moderate needs for services are good candidates for community-based correctional programs.

## MOTIVATING AND STABILIZING OFFENDERS

**B**ut in order to turn their lives around, offenders have to be motivated to comply with stringent requirements of community-based programs. A growing number of researchers are showing that life changes, maturation and other stages of human development may influence readiness to be rehabilitated. When offenders

*Research suggests that more attention needs to be focused on internal motivation as a predictor of and an important contributor to stable positive results from drug treatment.*

**Doug Anglin**

are able to stabilize family ties and employment, they are more motivated toward prosocial conduct. This research points to opportunities to change human behavior and resolve longstanding problems. To do this there may be objective differences between individual offenders that must be noted in determining what types of sanctions and treatment will increase public safety and improve their long term conduct. Judges can work with probation, parole and private agency service providers to discern which offenders are best suited for commu-

nity corrections. In states like Vermont, Minnesota and Iowa, judicial and public interest has focused on resolving conflict and motivating offenders to provide restitution or community service.

## IMPACT OF LIMITED OPTIONS

**W**hen judges sentence nonviolent offenders, judges often comment that there are few alternative sentencing options to prison, jail or unsupervised probation. Consequently, prisons and jails are crowded and lack basic services and programs to

address characteristics of offenders that make them prone to crime. Data from nonviolent offenders who are incarcerated suggest that their experience of incarceration may even make them more crime prone than similar offenders who are diverted from the system. Therefore, serious thought needs to be given to what occurs in detention as well as how to effectively transition detainees back without incident into their communities.

This monograph explores ways for judges, communities and criminal justice leaders to focus on the decision of who goes to community corrections. Are there general offender characteristics that make them amenable to treatment? Are there special populations for whom community supervision is usually the most appropriate and effective course of sanctioning?

## A VARIETY OF APPROACHES PROMISES BETTER OFFENDER MANAGEMENT

The experiences of several jurisdictions highlight ways to target selected offenders and decide who goes to community corrections. Data on re-arrest, technical violations, compliance and program performance can identify high risk, moderate risk and low risk offenders. Additional questions are asked about particular groups in need of specialized services. For example, can public safety be enhanced by placing certain persons such as the nonviolent substance abuser, elderly, disabled, or custodial parent in community-based programs? The answer is “yes” in many cases because there are some individuals for whom community supervision is all that is needed. However, there are others who require special programs and even detention with treatment to mend their ways.

## MOVING TOWARD A BETTER PUBLIC UNDERSTANDING OF THE ISSUE

Selected and criminal justice leaders agree that the lack of governmental, judicial and public understanding and support about what can be done to improve correctional systems is an obstacle to improving them. One of the most frequently mentioned concerns,

the underlying lack of public understanding and confidence, is seen as a contributor to this situation. Knowledgeable members of the public have become involved in boards and volunteer programs in at least 30 states. Yet few system-wide efforts have focused on how we target sanctions and diversion for various offenders.

## CONTROLLING CORRECTIONAL COSTS

**B**y developing community corrections sentences, several types of prison and jail costs can be minimized. Overcrowding can be relieved and costly new construction can be averted. In 1999, prisons in the U.S. were reported to be operating at an average of 14% above rated capacity. Crowding is more the norm than the exception in jails as well. From 1990–1998, prison costs increased from \$48 to \$56 per inmate per day. Community corrections options, coupled with drug or mental health treatment, and other programs for special populations offer the greatest potential savings. Offenders can be safely kept in the community while the potential of future crime is reduced.

## IMPROVING QUALITY OF CORRECTIONAL SERVICES

**I**mproving correctional quality requires several important steps. Programs that are developed must confront underlying criminal behavior and build stronger, smarter justice management systems. These systems must support an array of sanctions and techniques recognizing that some strategies work better with some populations and other interventions may be needed for special groups of offenders with certain objective characteristics.



PART 2

# Who Should Go To Community Corrections?

## A PUBLIC SAFETY APPROACH TO INTERMEDIATE SANCTIONS

Any development of intermediate punishment options must be based on what is known about how to improve public safety. Although it seems an easy solution for most taxpayers to favor the use of prison or jail, after informed consideration of the options, polls reveal that the public prefers the community corrections approach for nonviolent offenders. This is particularly true when offenders can work, maintain family ties, and pay back victims and communities for their crimes. Intermediate sanctions programs are a form of punishment that requires offenders to live in their communities in structured residential facilities or monitored home situations. They may engage in work, supervised activities, treatment programs and education. Such intermediate sanctions may also require that offenders attend day reporting center programs, be detained in residential home confinement, and undergo sanctions such as drug testing and treatment.

When nonviolent offenders are linked to programs that create life skills, cognitive and behavioral changes and motivation, the rate of return to prison can be cut in half. To accomplish this, appropriate systems must be in place to determine who is eligible for going to such programs. A systematic community effort is needed to motivate offenders to become rehabilitated. Additionally, prisons and jails need to return offenders to the community through phased re-entry programs in order to avoid dumping of offenders on the streets with uncertain housing and means of subsistence.

## A PROFILE OF WHO GOES TO COMMUNITY PROGRAMS

In 1999, more than three million persons were on parole or probation. About eight out of ten were males. Over half (55%) were white and one-third (33%) black. Of those who returned to custody in 1998, most (60%) were returned for a technical violation or other reasons and 19% were returned for a new crime.

*In effect, the United States has developed a dual-track system for addressing substance abusers, with the tracks largely defined in racial terms. For minorities, a primary track leads to arrest, conviction and incarceration. For white Americans, especially those who are more affluent, there is often no intervention or intervention through the health and treatment system.*

**The Eisenhower Foundation**

Approximately 16% were returned for a combination of new crime and other reasons. Positive drug tests alone only accounted for about 2% of all revocations in 1998.

An in-depth survey of probationers in 1995, revealed that more than half of them had been convicted of a felony. The rest committed misdemeanors or violations. Less than one-sixth of them were convicted of a violent offense. Drug trafficking and possession of drugs were the prevailing felony charges. For misdemeanants, driving while intoxicated and assault were the two top charges.

## POPULATIONS WITH SPECIAL NEEDS

Surveyed criminal justice leaders and elected officials reveal that they are concerned about offender access to programs and whether available programs fit the types of offenders who are eligible for community corrections in their jurisdictions. They often blame a state or local agency for such shortcomings. In truth, the kinds of programs that work require cross-agency collaboration and multiple types of services to stabilize chaotic lives and motivate.

The concern voiced by elected officials and criminal justice leaders about access to appropriate treatment is underscored by some recent statistics. Figure 2 provides an overview concerning such special popu-

**Figure 2: Special Populations and Their Unmet Treatment Needs**

	Special Needs	% in prison	Unmet Needs	Treated Needs
Parents of minor children*	Visitation, re-entry	56%	50% have no child visitation weekly	50% have weekly child visitation
Youth under 18**	Developmental, educational, history, peers, risk behavior	1%	90% have not completed high school	N/A
Elderly/disabled and terminally ill***	Health, welfare, assisted living	5% estimated	N/A	N/A
Substance abusers****	Drug testing, criminal history, offense, self-report	40%–70%	75% untreated	25% treated
Mentally ill*****	Criminal history, medical history, interviews, self-report	18%	43% untreated	57% treated

SOURCES:

\* U.S. Department of Justice, Bureau of Justice Statistics, *Incarcerated Parents and Their Children*, August 2000, United States Department of Justice, Washington, D.C.

\*\* *Profile of State Prisoners Under Age 18*, 1985, 97, February, 2000, United States Department of Justice, Washington, D.C.

\*\*\* Sourcebook of Criminal Justice Statistics 1999 p. 513; U.S. Department of Justice Bureau of Justice Statistics, *Correctional Populations in the United States*, 1997, Washington, D.C.: U.S. Department of Justice 2000.

\*\*\*\* U.S. Department of Justice, Bureau of Justice Statistics, *Substance Abuse and Treatment, State and Federal Prisoners*, 1997, January 1999, United States Department of Justice, Washington D.C.

\*\*\*\*\* U.S. Department of Justice, Bureau of Justice Statistics, "State and Federal Prisoners Returning to the Community: Findings from the Bureau of Justice Statistics," by Allen Beck, *A Presentation at the First Reentry Courts Initiative Cluster Meeting*, Washington, D.C. April 13, 2000.

lations and their needs. For example, while at least 60% of those in prison or jail need substance abuse treatment, only 40% have been treated. Furthermore, most jails and prisons are unable to meet the demand for treatment and only 16% of their inmates receive substance abuse treatment prior to release. This means that access to treatment for offenders after release is essential because sustained treatment and aftercare can cut re-arrest rates by at least half.

### Mentally Ill Offenders

*Today there are nearly five times more mentally ill people in jails and prisons as there are in state psychiatric hospitals.*

**Steven S. Sharfstein, M.D.**

It is estimated that there are at least one million persons under criminal justice supervision who are mentally ill or have a history of major psychological problems. See BJS Special Report, *Mental Health and Treatment of Inmates and Probationers*, July 1999, NCJ 174463. However, many prisons and jails have limited resources for the treatment of mental illness and often medications are not made available to treat

the prisoner. Furthermore, upon release, many mentally ill prisoners lack the ability to seek psychological help and obtain medications necessary to stabilize their illnesses.

*Despite a decrease in elderly arrest rates, their numbers in prison have risen dramatically over the last decade from, about 9,000 in 1986 to over 35,000 in 1997. The system is now struggling to cope with the stress of this phenomenal growth—estimated to cost over \$2 billion per year at a cost of \$69,000 a year per elderly inmate. Over half of these inmates are first time offenders and most are nonviolent.*

**Coalition for Federal Sentencing Reform, Fall 1998**

### The Elderly

Another population with special characteristics, there are a number of challenges for them in correctional programs. The elderly require more medical care and assisted living than other populations. The elderly in the federal prison system are less likely to have committed violent offenses. Elderly offenders are also less likely to recidivate than younger offenders.

## Offenders Who are Parents

This unique population is often homeless or has unstable living patterns for the year prior to their arrests. In many instances they are parents of minor children with whom they were living before their arrests. They are likely to be the sole income for their children and to be employed at the time of their arrest. The impact of their arrest and detention can be harmful to their children due to trauma and disruption of family ties. Parent offenders tend to be disproportionately African-American, Hispanic, or Native American.

## Substance Abusing Offenders

Substance abuse (drug and alcohol) problems are indicated in the cases of approximately 70% of inmates in prisons and jails. Some are there for selling drugs, others for offenses committed in order to have the resources to obtain drugs, and still others are there for offenses committed while using and/or under the influence of drugs.<sup>1</sup> Half of all state prisoners were under the influence of drugs or alcohol when committing their crimes. At least one in six inmates on the average committed their crime to get money to buy drugs. More than three out of 4 persons convicted of drug trafficking are incarcerated for more than a year. Yet most of these persons will not get drug treatment in prison or jail. When they are released to parole or probation, those with drug problems under community supervision have a similar rate of addiction problems as persons in prisons and jails. At least 21% are convicted of a drug offense, one third are drug tested, and 41% are ordered to undergo drug and alcohol treatment.<sup>2</sup> Yet supervised treatment in communities has long waiting lists and offenders must stay drug free. What is needed is a more thorough approach to sentencing of nonviolent addicted offenders such as that of drug courts and community corrections programs.

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<sup>1</sup>Maguire, Kathleen and Ann L. Pastore, editors, *Sourcebook of Criminal Justice Statistics 1998*, U.S. Department of Justice, Bureau of Justice Statistics, Washington, DC, U.S. Government Printing Office, 1999.

<sup>2</sup>Bureau of Justice Statistics, *Characteristics of Adults on Probation, 1995*, U.S. Department of Justice, Washington, D.C. 1997.

## Youthful Offenders

By 1997 there were at least 7,400 persons in prison under age 18. They were four times more likely to suffer from mental disorders, substance abuse and learning problems than other youth. The increased likelihood of developmental disabilities and learning disorders requires special learning programs for them to be educated. Although governments have long recognized the importance of educating youth, many prisons and jails lack the resources to address these needs. The result is that they leave prison more damaged than when they enter. In the case of nonviolent youthful offenders, community-based programs may be the best and most effective form of treatment. The young persons will be returning to their communities and they should be returned equipped to lead productive lives.

How Do  
Leaders  
Review

Principles Governing Who Goes to  
Community Supervision?

The decision to send offenders to community-based corrections programs is based on law, correctional policy, community norms, and the availability of resources. There is a question whether our incarceration policies, mandatory sentences and inhumane treatment of special populations should be revisited. Are these policies increasing public safety and improving quality of life in our communities? Although there are no easy answers, leaders across the spectrum of the criminal justice system indicate that the following steps will provide answers to targeting questions.

**1. Review the legal purposes of sentencing and think about options.**

Mandatory sentences and lengthy sentences for nonviolent offenders often do not fulfill all of the purposes of sentencing. Sentencing of adults in the United States includes multiple reasons for punishment. This includes limited freedom, a payment, a hope of averting future crime by the experience of shame or other inflicted consequence, a paying back for the type of harm that occurred, and a stigma or other collateral consequence of conviction that set the offender apart from society. Additionally, punishment may be used to deter crime (specifically or generally); it may be used to restore the community, victims or social fabric. Punishment may be rehabilitative in orientation and include purposes of assisting the offender and/or changing the offender's criminal conduct.

The rate of incarceration in this country has drastically changed in the past ten years to a rate six times higher than in our history. We now incarcerate at a rate of 668 per 100,000 persons. One in every 23 white males born in the 1990s will be incarcerated and one in every four black males will be incarcerated at this rate. States and

localities vary widely in their reliance on incarceration as a sanction. Many of the most populous states have very high per capita rates of incarceration. These sentencing trends will have significant demographic and social effects in the long run. Sentencing should not have a harsh impact on a particular class of persons or be enforced disproportionately. The sentence may also include consideration of the impact on the community or victims and provide for public safety. An order of restitution, payment of fines and other affirmative action to repair the harm that has occurred are frequent sanctions.

One way to review trends in sentencing and consistency with purposes is for states and localities to periodically review their sentencing through Joint Legislative Commissions, sentencing reform task forces and judicial-correctional criminal justice advisory task forces. Some states have enacted sentencing legislation and correctional reforms based on the recommendations of such advisory groups. North Carolina, Vermont, Oregon, Ohio and Minnesota are among the states enacting such legislation.

## **2. *Become familiar with correctional policy, community supervision and rehabilitation.***

Despite the growth in such punitive programs over the past decade, the research indicates that the benefits of most community-based sentences are in their rehabilitative nature. This is because punishment has not been shown to improve behavior. On the other hand, more rehabilitative interventions can reduce crime-prone behavior. If we really want to reduce recidivism, then investing in rehabilitative programs will reap the best results.

There are growing bodies of research and literature about what works to reform offenders in the justice system. Reducing individual risk of re-offending can be accomplished through controlling known factors related to criminal conduct. Among them are: peer associations, thinking and cognitive problems, and economic and living stresses. Stabilization of living and physical environment through employment, housing and family support yields significant benefits. Addressing chronic problems such as mental illness, substance abuse, and physical health is another factor. Focusing resources on those who are most likely to need assistance and preventing relapse are key elements.

3. *Develop a local leadership body that can review practices and policies.*

### **Community Corrections Act Task Forces**

During the 1980s and 1990s, about 28 state legislatures created task forces to restructure sentencing practices or revise correctional policies. These actions often resulted in creation of Community Corrections Acts that created subsidies for local community corrections programs. The subsidies were most often administered on a statewide basis. Some states gave grants directly to localities to manage programs. Other states developed services through contracts with private non-profit service providers who were locally based.

Involving the public in the gathering of resources and open discussion of the work of community corrections leads to a wide array of supports and assistance through business, education, religious and other civic organizations. This helps develop a larger understanding of the relevance of improved community-based sanctions to public safety.

### **Intermediate Sanctions Policy Teams**

In the 1990s technical assistance was made available to states and localities to develop Intermediate Sanctions Policy Teams. This approach convened groups of stakeholders including judges and elected officials. The policy teams examined whether there was a need for an intermediate sanctions effort. It helped team members review their community, its criminal justice population and develop consensus around the use of prison and alternatives to prison. A part of the effort was to look at sentencing sanctions that were geared to particular offender risks and needs. Team members then began to develop criteria for eligibility to intermediate sanctions programs. The criteria were based on objective factors to be considered such as an assessment of risk or danger to the community or likelihood of committing a subsequent offense.

### **Drug Court and Court System Agency Collaborations**

In a number of states and localities, judicial leaders have convened multi-agency working groups to assist in the development of local

drug court programs. They have worked with substance abuse, education, mental health, probation and other justice stakeholders to provide graduated services and sanctions on an expedited basis for drug-related offenders. This effort has helped prosecutors and defense attorneys develop new protocols for handling cases and cooperative agreements on how to handle scarce treatment resources.

4. *Identify adequate resources that can be used for improving community-based options.*

### Special Courts Allocations

Many involved in drug court administration start with the opinion that resources are available for those in need of treatment if only they could access them. Many find that when they go looking for a range of treatment options, they have to create or contract for the services needed. This often leads to accessing state and federal funding that is generally available for all segments of the population. Eventually, experience shows that offenders in drug treatment have unique needs that need programs tailored to them. This hybrid treatment approach has required additional resources in many places. In Kansas City the drug court funding was financed by a tax passed by the citizens. In other places, special federal funding has been available such as the Washington/Baltimore High Intensity Drug Trafficking Area. In other places such as Arizona, offenders pay for the program out of fees and fines for treatment.

### Community Corrections Act Funding for Counties

Community corrections legislation provides a statewide funding pool for community-based offender programs. This funding provides a floor for basic services and also a vehicle whereby the state legislature can receive annual reports on funding.

### Probation Subsidy Programs

Many states have probation subsidy programs that assist local or regional probation efforts. These subsidies can provide for work

release programs, probation management and private services. Subsidies also can assist counties to provide services that are essential for good offender management. Probation subsidies can also target certain populations that are a priority statewide.

5. *Put in motion a process to study, plan and evaluate any changes or innovations.*

### Criminal Justice Advisory Councils

Criminal Justice Advisory Councils offer diverse views and strengthen communication between agencies. They include judges, the district attorney, pretrial, defense attorneys, probation, parole, private program providers, jails, law enforcement, state/county legislators, city or county executive, staff, victim assistance, staffing and citizens groups. In Vermont and Bend, Oregon, restorative justice advisory groups have been developed to help with reparative sanctions. In Colorado and Virginia, citizen advisory boards monitor program development and client placement in the community. In Ohio, statewide boards and county boards collaborate on funding cross-system support in mental health, substance abuse services and community-based correctional facilities.

### Special Advisory Commissions

Commissions surveying prison overcrowding, sentencing, drug treatment and related issues have often provided the impetus for evaluating legislation, administrative structures or agency practices. For example, in the state of Maryland the Governor commissioned a criminal justice task force that has resulted in comprehensive allocations for intermediate sanctions procedures and drug treatment for offenders statewide. Such task forces can provide the leadership necessary to inform the state legislature of how to change laws and to work with state agencies to develop innovative solutions.



# What Types of Steps Have States and Localities Taken?

## REHABILITATION CAN BE ESTABLISHED USING VARIOUS EXISTING AGENCIES

**M**any localities have developed their own criteria for determining which offenders will be eligible. This is accomplished through the authority of local prosecutors, sheriffs, probation or criminal justice advisory boards. Figure 3 provides examples of steps in screening and treating special populations. Locally-based programs generally operate out of a designated agency such as probation or parole office. The following provide examples:

- ❖ a sheriff may operate a work release center—San Francisco's Sheriff has a range of programs to train and employ offenders;
- ❖ a drug treatment program may be operated under contract with the county prosecutor and private providers as in Multnomah County;
- ❖ an independent private agency may screen jail inmates and conduct transitional planning such as Offender Aid and Restoration in Virginia.

## EXPLORING PATHS TO COMMUNITY SUPERVISION FOR PARTICULAR CATEGORIES

### Split sentences

In a traditional situation, jurisdictions refer cases to community corrections after the defendant has served time in jail or prison. This is known

**Figure 3: Special Populations and Treatment Outcomes**

Special Populations	Special Needs	Treatment Services	Outcomes
Nonviolent parents of minor children	Support of children, visitation, re-entry	Parent support, education, jobs, lifeskills, family counseling	Child health, welfare, reduced recidivism
Youth	Developmental, educational, history, peers, risk behavior	Education, health, development, job training, life skills	Reduced antisocial behavior, impulse control, prepare for work, cognitive development
Elderly/dying	Health, welfare, assisted living	Residential care, job training, placement	Improved health, safety, family support, reintegration, cuts costs
Disabled	Health, educational ability, history, safety	Residential care, assisted home confinement	Training, education, reintegration, family support, institutional costs reduced
Substance abusers	Drug testing, criminal history, offense, self-report	Education, change behavior, support, drug testing, therapy	Improved health, stay in treatment, increase abstinence, reduce new crimes committed
Mentally ill	Criminal history, medical history, interviews, self-report	Mental health outpatient, residential, group, or other therapy	Improved health, functioning, stability, job, education, family support, reduced recidivism

as a “split sentence.” Split sentencing has proliferated over the past decade as mandatory sentences and longer, tougher sentences have sent more persons to incarceration as part of their sentence. About half of all probationers receive a sentence that is split between probation and incarceration. It is this group of offenders who should be looked at carefully and some should be targeted for community corrections programs. Split sentences can be substituted for longer prison terms.

In cases involving split sentences, jails and prisons have an opportunity to assess prisoners, evaluate their needs and plan for transition to a halfway house or other release setting. On the negative side, most jails and prisons are so short on staff that pre-release intervention and planning is not possible. This means that in most cases, the first comprehensive screening, assessment and assistance that prisoners receive is when they are transferred to a transitional community corrections program.

### Drug courts

In this approach, defendants may have their trial postponed or their guilty plea nullified if they participate in a diversionary treatment program. There have long been diversionary treatment programs in many jurisdictions for selected types of low risk offenders. Drug courts, however, take drug-involved nonviolent offenders who may pose significant problems because of their substance abuse problems. Defendants are diverted pretrial to enter drug testing, self help drug treatment, and other necessary programs. The point is to get immediate intervention, to motivate offenders to stay free of illegal substances and to engage in productive work and education. The longer a person is compliant and drug free, the lesser the chance of relapse. Drug courts recognize that substance abuse is a disease that is prone to relapse. Therefore graduated incentives and sanctions are in place to prevent and address relapse.

### Mental health diversion processes

One of the most difficult areas in the field of corrections is what to do with the chronically and seriously mentally ill offender. Because mental illness is a disease and many offenders are in need of mental health treatment, it is safer, less costly and more humane to place nonviolent mentally ill offenders in mental health facilities. A number of jurisdictions have developed specialized courts and referral and diversion pro-

grams to assess those who need mental health treatment and to get them into treatment programs.

### Compassionate release programs

Courts, parole, probation and correctional agencies have processes to review special needs cases. When elderly, disabled, infirm or other offenders are inappropriate to be incarcerated, they may be released to special programs, residential settings or medical care facilities. As populations in prisons become older and sickly, compassionate and medical release mechanisms should be in place in every jurisdiction to assure safe and humane treatment of such special populations. The Volunteers of America have pioneered special programs for elderly and infirm offenders and several states are examining legislation to facilitate such release programs.

## COMMUNITIES FOCUS ON POPULATIONS TO BE REHABILITATED

Some states and localities have done extensive work in defining who is eligible for community-based programs. For example, in Virginia, and a number of states with Community Corrections Acts, state statutes describe who is appropriate to be sent to community programs. Typically, where such statutes are in place they consider the following questions:

- ❖ Does the legislation cover juveniles as well as adults?
- ❖ Does the statute apply to felons and/or misdemeanants?
- ❖ Does the eligible group include offenders who have committed a violent offense?
- ❖ Under what circumstances are violent offenders permitted to be included in programs?
- ❖ Are there any special populations such as substance abusing offenders who will be targeted?

In addressing these questions the following groups have been considered as eligible for community corrections programs.

- ❖ **Nonviolent, first time offenders:** This population is often easiest to keep in the community. However, many such offenders do not need high levels of supervision and services so care should be used not to waste valuable supervision resources on offenders who may do well under traditional probation supervision.
- ❖ **Nonviolent substance abusers:** Pretrial diversion and drug courts are two responses to address the need to limit use of incarceration for those who are drug involved. When they are given drug treatment and required to participate in aftercare, then new offenses by drug offenders can be decreased by half.
- ❖ **Single parents with children:** States like North Carolina and California have provided for sentencing and residential placement for mothers with children who are to be incarcerated for relatively short periods of time. The purpose of developing community-based programs is to minimize harm to the family and to assist the parent to stabilize within the community setting. Such programs are geared to break intergenerational cycles of poverty and abuse.
- ❖ **Juveniles who are nonviolent:** As states develop statutes that waive more and more youth under the age of majority into adult corrections, it is important to note that many of them are first time, non-violent offenders. Special care should be taken to handle youth in a way that encourages pro-social development, education and reintegration into the community. Many states are developing separate community-based programs for youth who are adjudicated under the adult system of justice.
- ❖ **Elderly and infirm offenders:** States like Colorado and Maryland have developed special procedures for the care and compassionate release of elderly and ill offenders. Most elderly offenders convicted of nonviolent crimes are unlikely to recidivate and can safely and humanely be handled in community-based programs.
- ❖ **Mentally ill:** Persons with mental disturbances become involved in the justice system because they have not been treated by mental health professionals. Most mental illnesses can be stabilized and

treated in an outpatient setting. Others require residential treatment and mental health providers should be available to provide such treatment. In situations where the mentally ill are not diverted to mental health facilities, the community corrections system can provide specialized treatment for nonviolent mentally ill offenders through coordinated efforts with mental health providers. Team approaches involving corrections, law enforcement and mental health professionals are often useful.

- ❖ **Developmentally disabled offenders:** These offenders require special programs and assistance to function normally. These programs are best offered through placement in specialized small facilities with a correctional component. Several states such as Ohio are developing such residential facilities as a humane and safe approach for the developmentally disabled offender.

# How Can You Follow Through on Initiating Changes?

## REQUIRE THAT THE CRIMINAL JUSTICE SYSTEM SPEND ADEQUATE TIME ASSESSING INDIVIDUAL CHARACTERISTICS OF EACH OFFENDER

When states and localities develop criteria for persons eligible for community corrections, each part of the justice system may be required to respond differently to their work with offenders. Law enforcement officers may develop screening and referral questions upon arrest or to be used at the station. A designated agency or staff in the jail may do routine screening and assessment to see who is eligible. This is also accomplished through pretrial services. The defense and prosecution should be trained about the program in order to more effectively target cases for evaluation. Care should be used to screen and assess using objective information and to develop classification that does not disproportionately impact ethnic groups.

## DEVELOP A FLEXIBLE CASE MANAGEMENT SYSTEM WITH THE CAPACITY TO CHANGE

The process of identifying offender groups by their characteristics in order to determine appropriate sanctions is known as "targeting." The process involves review of data concerning offender profiles in a jurisdiction, as well as discussion among policy makers as to the desired outcome for each type of offender. Targeting requires collaboration in the gathering of data about offenders in general and a specific offender in an individual case. Staff from pretrial services, the courts, probation or private agencies are needed to evaluate the data in general and with respect to a particular group with similar

characteristics. The group of professionals or team then looks at services to see how they address offender characteristics. They determine how to better match services with defendant characteristics to be addressed when changes are required. This process must be overseen by authorities who are interested in making changes where needed in the case management system.

## INVOLVE JUDGES AND OTHER PUBLIC OFFICIALS IN FORUMS THAT INSPIRE LEADERSHIP

In its report on Performance Measures the American Probation and Parole Association stresses the importance of giving regular performance feedback to stakeholders. In most cases, the judge is viewed as the chief person who determines community corrections placement.

However, in a number of instances, other criminal justice officials have input into decisions to refer to community corrections programs. Law enforcement may screen for those in need of special services such as alcohol detoxification and arrange for direct placement in a detoxification center upon arrest.

*Key stakeholders within the criminal justice system and the community at large should be informed of agency and program outcomes on a regular basis. Periodic reports and statistics on probation and parole operations, will give decision makers a clear picture of what resources are available and how they are distributed.*

Harry Boone et al, *Results Driven Management Implementing Performance-Based Measures in Community Corrections*, American Probation and Parole Association, Lexington, KY, 1995, p. 129

Pretrial services screen for risk to the community, likelihood to appear at trial and gravity of the offense. They can also refer to residential living programs when the offender needs stability of residence or assistance. Prosecutors or defense lawyers examine individual case characteristics and impact on family, neighbors and community. They can often provide valuable insight into

treatment, restitution, and placement. Probation, parole and human services agencies may evaluate individual case histories and develop important pre-sentence or post-sentence investigation reports. They provide input on supervision, monitoring and other sanctions integrated with the rehabilitation needed to stay crime free. Departments of Corrections and Sheriffs' Departments develop post-incarceration release plans for aiding in offender transitions from institutions to communities.

## CONCLUSION

Policymakers can take steps for more effective correctional programs by focusing on special populations such as the elderly, juveniles and the mentally ill. The single largest such group is nonviolent substance abusing offenders. Such targeted reforms divert such groups pretrial or post-trial into programs where offenders' needs and risks are addressed. Additionally, deficits in criminal justice programs such as service gaps must be eliminated. Coordination, involvement of key actors, leadership and various points of view are blended throughout each point or stage of targeting offenders.

Some steps include moving beyond unsupervised release, re-examining jail populations, motivating all offenders through a combination of positive incentives, treatment and coercive measures, and expanding sentencing options. Progress must also be made in improving public understanding, controlling costs and improving quality of services.

Clients with special needs must have those needs addressed in order to be successfully rehabilitated. By addressing the needs of special populations such as the mentally ill, the elderly, the seriously disabled or infirm and those who are single parents, future crime can be reduced and underlying community problems can be solved.

The Center's project team members also met with state legislators, county elected officials, community corrections state officials and local community corrections practitioners from November 1999 through March 2000. The meeting group participants were asked to respond to key questions about needs, obstacles and strengths of community corrections programs. Responses from the focus group meetings were collected to serve as a check on the written survey responses and to gauge

overall consistency of the sample. Focus group meetings also provided more detailed examples pertaining to community corrections issues.

## ABOUT THE CENTER'S SURVEY

The Center wanted to learn about how elected officials and other leaders in the field view intergovernmental relations issues and community involvement. The purpose was to reconcile their views with earlier research showing a discrepancy between elected officials and public opinion. The survey asked questions of key informants in several fields to learn more about their experiences with intergovernmental relations in the community corrections area. If certain areas were targeted as concerns by respondents, then the Center could begin to develop research, training and technical assistance to address these areas.

The Center developed its survey after reviewing national polling questions, earlier focus groups and literature on public opinion related to crime and punishment. After some initial pre-testing and review of the survey by several experts, the final questions were developed. The Center mailed 200 questionnaires to state legislators, county elected officials, community corrections administrators, community corrections practitioners, business, education, volunteer and religious leaders. Ninety-one responses were tabulated.

The survey was designed to generate responses on two topics related to community corrections: intergovernmental relations and community involvement/participation. The intergovernmental questions were open-ended and pertained to perceptions of relationships between agencies and actors, sources of information, perceived successes, perceived obstacles.

The survey of business, volunteer, religious, and education representatives was composed of six questions. They asked about participation in criminal justice issues, sources of information, and perceptions of public participation in various different categories of activities. An open-ended question asked about examples of successful involvement.

Categories were developed for open-ended questions and aggregate responses were tabulated for each question category. In response to

two questions that were not open-ended, the answers were tabulated by category. Data was recorded on a spreadsheet format and tables were constructed according to various data categories. Tables and charts were constructed by cross tabulation of variables. Initial tabulation, analysis of data in categories, and entry of data were checked and verified.

Copies of survey questions and data are available upon request.

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## About the Center for Community Corrections

The Center for Community Corrections is a broad coalition of former public officials, researchers and correctional professionals representing local, state, and federal concerns. The Center was created in 1987 to promote the overall concept of community-based sanctions as well as specific program options.

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