

Technical Assistance Guide Manpower Programs For Offenders

FOR PRIME SPONSORS
UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT OF 1973

47001

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Manpower Administration
U.S. Department of Labor

Prepared by:

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COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

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MANPOWER PROGRAMS FOR OFFENDERS

A Technical Assistance Guide for CETA

Prime Sponsors

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U.S. Department of Labor

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Arnie Miller

Project Director

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Forew ord

This Technical Assistance Guide is addressed to CETA Prime Sponsors. It has two purposes. First, it attempts to encourage Prime Sponsors to develop manpower programs for offenders. Second, it tries to provide basic information about offenders and the criminal justice system to manpower people concerned with serving offenders. This basic information includes additional sources - people, organizations and publications, to help you develop and implement realistic programs for offenders.

No one active in offender rehabilitation has the answer. A great deal still has to be learned about reintegrating offenders into society and how to make this happen. This Guide attempts to provide some advice, based on the experiences of people who have worked with offender programs in the past. This Guide doesn't have the answers. It seeks to encourage daring and determination, innovation and persistence. Hopefully, some answers will emerge from the experiences of Prime Sponsors as you begin to develop your own approaches to serving offenders.

As this Technical Assistance Guide goes to press, unemployment is at its highest level in decades. Crime rates are rising. The number of people in prisons and jails around the country is increasing. Manpower programs for offenders can't and won't turn around this trend. However, they can turn around the lives of some of those people whom they serve. This TAG is offered to Prime Sponsors to assist in that effort.

Chapter I: Introduction

A. What Does CETA Say?

When the Congress enacted CETA in 1973, the lawmakers made special reference to "offenders." Acknowledging their particular need for manpower services, Title III of the CETA in Section 301(c) says:

"With respect to programs for offenders... the Secretary shall establish appropriate procedures to insure that participants are provided with such manpower training and related assistance and support services (including basic education, drug addiction or dependency rehabilitation, health care and other services) which will enable them to secure and obtain meaningful employment."

The Secretary is further instructed to make "appropriate arrangements" with employers, labor unions and authorities in the criminal justice system and to gather information about offenders' needs for manpower services. While Title III makes special reference to offenders, they are also eligible for services under Titles I (Comprehensive Manpower Programs), II (Public Employment Programs), and VI (Emergency Jobless Programs).

Why, in passing responsibility for the planning and operation of manpower programs to governors, mayors, and county officials, did the Congress seek to insure that a significant proportion of the resources provided should be devoted to a group which society has historically tended to condemn and then largely to ignore? One reason is the massive waste of human resources involved. Each year our society loses a tremendous amount of talent. A great deal of human potential is locked up in prisons around the country, and wasting. Title III of CETA recognizes that something must be done about the enforced idleness of the hundreds of thousands of individuals who are incarcerated and the several million others who can't find a decent job because of a "record."

Title III reflects the findings of a decade of Manpower Administration experience--and numerous Law Enforcement Assistant Administration projects--which show that offenders with training and jobs do better.

Perhaps a more important reason for Title III is the recent increase in criminal activity and the heightened awareness of the high cost of crime. Losses to victims are now counted in the billions of dollars annually, and other billions are absorbed in the maintenance of police forces, court systems, and correctional institutions.

B. The High Cost of Crime

The true cost of crime -- in terms of its toll in lives lost, in personal injury and suffering, in stolen property, and paralyzing fear -- has not been and (probably) cannot be measured in dollars and cents. However, there are statistics available to show that the economic cost is enormous and that it has risen ominously in the last decade.

For example, the Commission on Law Enforcement and Administration of Justice (often called the President's Crime Commission) estimated that in 1965 direct losses through crimes against persons, crimes against property, and the cost of illegal goods and services amounted to about \$15 billion. On the crime-fighting front, the National Advisory Commission on Criminal Justice Standards and Goals more recently put the level of State and local criminal justice expenditures at \$9.3 billion in 1971. The Commission further cited a preliminary estimate of total criminal justice expenditures for the year of \$10.5 billion, or about 1 percent of the Gross National Product.

More comprehensive and up-to-date figures on the economic costs of crime, even if they were available, would fail to reflect such indirect costs as the resulting erosion of core cities. There seems little doubt that widespread fear of crime has contributed to business losses and the continuing exodus of population to the suburbs as well as to a rising aura of mutual mistrust which is destroying the quality of life.

• Serious Crimes

A frequently used approach to assessing the seriousness of crime is to examine the annual Uniform Crime Reports of the Federal Bureau of Investigation. The report for 1973 shows that "serious" crimes are committed in the United States at the rate of 16 each minute and "violent" crimes at the rate of one every 36 seconds. Serious crimes (murder, forcible rape, aggravated assault, robbery, burglary, larceny \$50 and over, and auto theft) are those selected by the FBI for inclusion in its Crime Index, the most generally quoted indicator of trends in crime -- and of the effectiveness of anti-crime programs. The statistics are voluntarily submitted to the FBI by police forces throughout the country. They are incomplete insofar as many crimes are never reported to police.

Crime index offenses reported to the FBI amounted to more than 8.6 million in 1973, an increase of 5.7 percent over 1972 and of 29.7 percent over 1968. Over the years since 1960, the rate of crimes per 100,000 inhabitants has increased by a shocking 120 percent.

Estimates of arrests, reported to the FBI by agencies covering only 74 percent of the population, show an estimated total of 9 million in 1973, with increases of 3 percent over 1972 and of 13 percent over 1968. It is well known that these nine million were not the full total of 1973 arrests in the United States. On the other hand, the same person may be arrested several times in the course of a year so that there is double counting of persons arrested.

Among the highlights of these data, with possible implications for manpower programmers, were the sharp jump in arrests for narcotic drug law violations, up 19 percent from 1972 and 174 percent from 1968, and the finding that 42 percent of the persons arrested for Crime Index offenses were young

people referred to juvenile courts. Well over half of all those arrested for drug offenses in 1973 were youth under 21 years of age.

- Victims of Crime

A Victimization Survey conducted by the U. S. Bureau of the Census in 1973 uncovered 18 million victimizations accounted for by crimes of violence and common theft, suggesting that the FBI data cited above are indeed incomplete. Of these 18 million instances, 57 percent related to individuals, 39 percent to households and 4 percent to businesses. Blacks were more likely to have been victims of personal crimes than whites and men were more vulnerable than women. Young people under 20 had the highest rates of victimization with each successively older age group showing a lower rate.

- Wasted Human Potential

The costs to the society in wasted human potential are virtually incalculable. One study, sponsored by the American Bar Association Center for Correctional Economics, concluded that more than \$1 billion of a total productivity potential of perhaps \$2.5 billion in adult inmate earnings is annually lost. Figures for the rest of the offender population are unavailable.

Today there is general agreement that corrections is failing to correct, and that inmates generally leave institutions much as they came in without the self-confidence, education, training, and job skills necessary for an increasingly technical job market. Many, in fact, are worse off after the prison experience. And, while practically all prisoners are eventually released, estimates are that from 6 to 8 out of every 10 will commit additional, usually more serious crimes and return to prison quickly in a dismal cycle of recidivism.

As indicated above and as this Technical Assistance Guide will hopefully show, a great deal is yet to be learned about "rehabilitation," and how it may be fostered.

However, it seems quite clear that an essential part of offender rehabilitation is a decent, meaningful job, which allows a person a chance to exercise his full potential. The Department of Labor (DOL) has recognized this connection between meaningful employment and offender rehabilitation. For more than a decade, DOL has been involved in research of the job market problems facing offenders, experimentation with ways to overcome these problems, and demonstration projects establishing that these ways are practical.

C. Offender Rehabilitation in the Department of Labor

Shortly after the passage of the Manpower Development and Training Act of 1962 the Department began to accumulate a broad base of experience focused on the criminal offender as a manpower resource. In the course of conducting research and developing projects and programs over the years since 1962 every phase of the offender's involvement with the criminal justice system, from arrest through trial and probation or incarceration and release to the post-release period, has come under scrutiny.

The history of this activity begins with three prison-based projects. At Riker's Island in New York City, which housed over 6,000 inmates, a group of psychologists and educators set out in 1963 to show that meaningful vocational training could be given to a sample of young men who were incarcerated for only brief periods of time. Training in computer skills was combined with intensive counseling, job placement, bonding assistance, and post-release loans to aid in the transition back to the community. Shortly thereafter, at the Lorton Youth Center, a facility of the Washington, D. C. correctional complex, a similar group undertook to develop a more comprehensive vocational training program (in 7 skills) for youth confined for somewhat longer periods. Tests to evaluate the interests and ability of the trainees, informal education and counseling, and some placement assistance were features of the project. Still another project of this early period was at

the Draper Correctional Center near Montgomery, Alabama, where occupational training in 7 skills was combined with remedial instruction in basic academic skills and with a job development, placement, and follow-up effort that enlisted community support.

While the three projects differed in respect to kinds of enrollees, course offerings, staff employed and institutional settings, their favorable experience combined to suggest the feasibility of using the MDTA machinery to provide useful manpower services for offenders, since all reported a favorable impact on the post-release employment experiences and the recidivism rate of their participants.

The disheartening nationwide picture of inmates' lack of training and job experience, their low socio-economic status, and the paucity of opportunities for change afforded them while behind bars prompted the then Secretary of Labor who was armed with a 1966 authorizing amendment to the MDTA, to quickly make plans for a large-scale pilot program to operate in a variety of settings for different kinds of prison populations utilizing varied mixes of manpower services. (Prior to this time offenders were excluded from all but demonstration projects on the grounds that they were not immediately available for employment and therefore outside the labor force which MDTA was designed to serve.) The "251" MDTA program (251 was the amending section) was carried forward with the cooperation of the Bureau of Prisons, the U. S. Office of Education, which was responsible for the vocational training aspects, the public employment service, and many State and local correctional agencies. Program planners aimed explicitly at attacking the inmate's isolation and estrangement from the community and moving him (women were less than 5 percent of the prison population) toward the community before his release.

Whereas these earlier projects and programs were concerned largely with helping the incarcerated offenders to enter or re-enter the labor market, in later years the focus has been extended to other intervention points in the criminal justice process. Some highlights of projects funded by the DOL in the later period are:*

- Pre-trial intervention projects offering an alternative to prosecution for selected offenders.
- Projects offering other community alternatives, working with probationers and parolees.
- Financial assistance in the post-release period, after inmates are released from institutions.
- A nationwide bonding assistance project in which the Federal government contracted with a commercial underwriter to provide bonds to ex-offenders and others denied bonds and therefore jobs because of their records.
- Mutual Agreement Programming - a method whereby an inmate, correctional and parole authorities agree in advance to the conditions of the inmate's release from incarceration. A definite parole date is established, contingent upon the inmate's successful achievement of specifically defined and mutually agreed upon objectives.
- A National Clearinghouse on Offender Employment Restrictions, operated by the American Bar Association, which collects and provides information and materials relating to unreasonable offender employment restrictions and techniques for their removal or modification.

* These programs and others are fully described in Chapters IV and V.

- A study on Employment and Addiction surveying the practices of both employers and drug treatment programs with respect to drug use by employees.
- The Experimental Manpower Laboratory for Corrections, representing the Department's continued concern with inmate training.
- Comprehensive Manpower Programs for Offenders (COMP) attempting to bring together, in 8 states, the services of all existing offender rehabilitation programs, whether under public or private agencies, and to foster institutional change in the criminal justice system.
- State model ex-offender programs (MEP) in public employment services to fashion effective manpower services through the use of specialized counselors, job developers, and community aides stationed in both penal institutions and employment offices in major metropolitan areas.
- DOL Offender Rehabilitation Goals Under CETA

In order to implement Section 301(c) of Title III of CETA, the Department of Labor has formulated a statement of its goals and objectives for offender rehabilitation.

The overall goal of the DOL is to provide those manpower services which will remedy deficiencies in employability and/or to provide reasonable and necessary supports for employment. This includes the full array of services traditional in manpower programs for the disadvantaged, as well as subsidized employment activities and the removal of discriminatory barriers unique to the offender population. DOL will conduct a program of research, demonstration, and evaluation to determine the needs of different kinds of offenders at different points in the criminal justice system and to identify the specific barriers to their employment.

Prime sponsors will be encouraged to furnish manpower services with the cooperation and support of private and public individuals and agencies who have resources to aid in the undertaking.

The objectives spelling out those goals include the provision of support for prime sponsors in establishing programs employing designs of demonstrated feasibility as well as innovative, experimental programs. Where possible, joint funding with other agencies is to be employed. Formal links with professional associations and other groups who can aid in the design, support and implementation of programs are sought. Also on the list of objectives are such items as encouraging the hiring and career development of ex-offenders in offender programs and promoting increased employer participation in the design and operation of prison and community-based training and work experience for offenders.

D. Activities of Other Federal Agencies

The DOL has not, of course, been the sole Federal agency attempting to solve offender employment problems. The Bureau of Prisons has engaged in innovative programs such as work release and has long offered adult basic education and other educational and training programs. It assembles useful statistics, including some from state correctional agencies, and is ready to share its experience in rehabilitative programs and in operating a Prison Industries Program.

The Omnibus Crime Control and Safe Streets Act of 1968 established the Law Enforcement Assistance Administration (LEAA) as a grant-administering agency in the Department of Justice. LEAA has made available block grants to states to reduce crime and improve the administration of justice--including grants to improve corrections. LEAA funds are supporting many intervention programs providing manpower services to offenders.

The Department of Health, Education, and Welfare, has also been active in offender programs. The Office of Education was a partner with the DOL in managing the training aspects of MDTA inmate training, while the Vocational Rehabilitation Administration has experimented with applying vocational rehabilitation techniques to offenders. The Center for Studies of Crime and Delinquency in the National Institute of Mental Health conducts research into problems of criminal and delinquent behavior. One area of emphasis is the development of community-based treatment models for delinquent, criminal and violent behaviors.

This Technical Assistance Guide attempts to build on the experiences of the DOL and other agencies and organizations who have worked with offender programs in the past. The task of offender rehabilitation is difficult and challenging. The results of our experiences are far from conclusive. There is clearly a continuing need for experimentation and innovation, under the guidance of lessons already learned. Only in this way can the best strategies for particular kinds of individuals be determined and priorities set for the best possible allocation of limited manpower resources. This Guide is offered to help contribute to that process.

E. Overview of the Guide

This guide is designed to introduce manpower personnel with little or no knowledge of offenders and the criminal justice system to a new area of activity and equip them with basic tools for proceeding. Of course, it should also be useful to others who have had varying degrees of experience with offender programs. Thus many specifics have been included -- names and addresses, descriptions of particular projects, and an extensive bibliography.

Following this general introduction, Chapter II acquaints the reader with the offender population, their numbers and demographic characteristics, and the seriousness of their educational and vocational handicaps. An effort is made to convey how the stigma of involvement with the criminal justice system, especially the experience of confinement, sets offenders apart from the rest of the population.

Chapter III describes the criminal justice system, paying particular attention to those points at which intervention with manpower programs is feasible, defining terms and identifying agencies and personnel whose cooperation is critical to the success of programs. In point of fact, the "system" described in Chapter III is a generalized model. Multiple jurisdictions (Federal, State, and thousands at the local level) and several independently operating and sometimes competing components (police, prosecutors, defense counsels, courts, probation and parole boards and agencies, and departments of corrections) make the Criminal Justice System in many ways a nonsystem. However, the chapter can ground you in how the system generally operates and prepare you to seek a thorough understanding of how it functions in your locality.

The following chapter (IV) centers on program descriptions, using Chapter III's format of proceeding according to successive stages in the criminal justice system. Both the general potential for program intervention and concrete program examples are presented at each stage from arrest through post-confinement, along with clues to promising methods and techniques and warning flags about pitfalls.

Chapter V discusses barriers to the employment of offenders, barriers which vary from legal proscriptions to subtle attitudes of which the general populace may be largely unaware and uncaring but which are pervasive and

defeating for offenders. The maze of legal and administrative obstacles to offender employment as well as discriminatory hiring practices appear to reflect the continuation of an essentially punitive attitude toward offenders. If so, it flies in the face of offenders' needs for the jobs which are the hallmark of the rehabilitation toward which corrections are allegedly pointed. The chapter further discusses some of the steps which have been and can be taken to overcome these barriers.

In Chapter VI, the contributions of sound planning to the success of offenders manpower programs are outlined and practical advice on how to accomplish this is given. Along with helping to anticipate and avoid problems and insuring that the program meets genuine needs, planning provides a basis for documenting the success of a project -- so important in assuring support for it in many quarters. The chapter also deals with the important matter of coordinating CETA-funded programs with those under other sponsorship, whether funded publicly, privately, or in combination.

Thereafter in Chapter VII the importance of program assessment and means for its achievement are detailed. The many variables in the labor market, among offenders and in the criminal justice system make the job of evaluating outcomes extremely difficult, and the results of the limited experience so far in hand are far from conclusive. The chapter stresses that there is a continuing need for experimentation and innovation, and that new efforts must be carefully monitored and evaluated. Only in this way can the best strategies for particular kinds of offenders be determined and priorities set for allocating limited manpower resources.

The Guide concludes with a Bibliography listing nearly 100 publications selected for their relevance to the undertakings at hand.

Chapter II: The Offenders

A. Introduction

Stanley Jackson describes himself as a white, American, heterosexual, Protestant male with a Master's Degree from Columbia. He has taught in the suburbs and is a husband and father of two. His description of himself sounds like a stereotypical American man. When he adds one more item about his life, however, it then changes everything. Stanley tells his listeners that he is also an ex-convict.

As a result of that hyphenated word, Stanley has less in common with all of his suburban neighbors and professional colleagues than he does with a black, ghettoized, uneducated ex-convict.

Prisons are populated with men and women who have spent their entire lives in trouble, and whose self-esteem is abysmally low. They accept prison as an inevitable part of the life experience. They view themselves as society's losers.

The offender, who represents a problem in terms of unemployment and recidivism, is usually the end-product of years of monumental neglect -- in the home, community, and institution. The prison experience has been an almost natural continuation of all that has gone before.

He went to prison with a poor work ethic at best and without any viable skill or training. His mandated work assignment in the prison entails only a few hours of actual work. It provides him with little incentive either in terms of significant material rewards or the internal reward of satisfaction. Upon his release, he is expected to find a job almost immediately as a result of parole pressure and the reality of economic survival. Most released prisoners have broken all family and community ties so other resources for provision of shelter and food and a job must be found. This potential employee will not have been prepared for his re-entry and

nothing that has happened to him or for him in prison will have constructively affected his ability to survive.

The offender, upon his release from prison one day, is expected to enter into the highly competitive job market the next. The sudden transition from a prison society to a "real world" is frightening. Successful transition is critical. Immediately, survival depends on self-reliance and an ability to make a myriad of decisions daily--qualities which the prison experience does nothing to encourage.

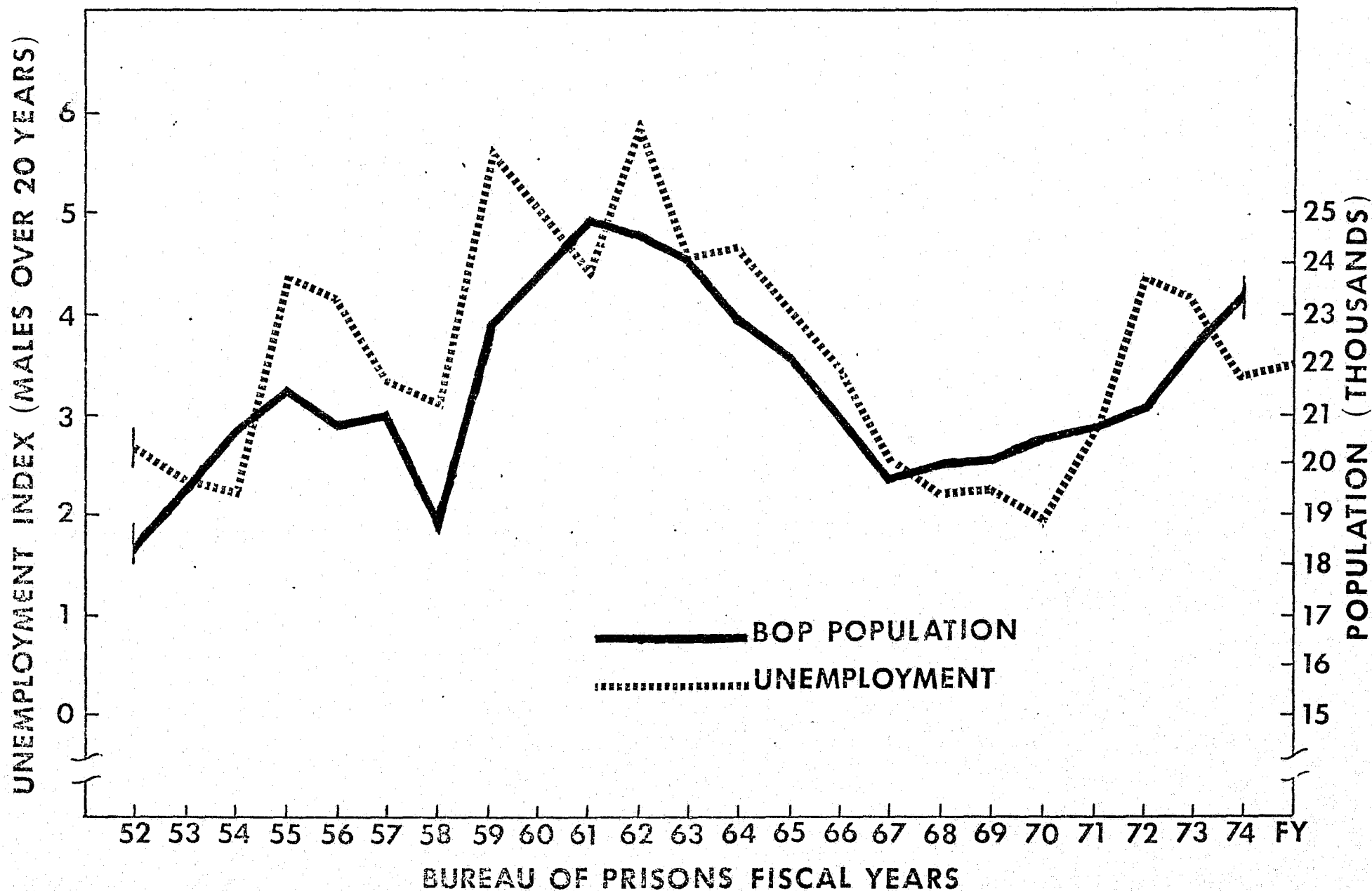
The offender leaves the prison with essentially the same educational and vocational skills with which he entered - unfit for a competitive society. In his own negative way he is realistic as to what the future holds for him in terms of a job and material rewards. The following chart, showing that federal prison population rises and falls with the unemployment rate, shows that this negative view may be justified.

B. Some Statistics

How many people are we talking about? No nationwide statistics are collected on the numbers of people under the supervision and/or control of the criminal justice system. However, we do know that about 200,000 inmates are in federal and state correctional institutions, while another approximately 142,000 are in local jails. When probationers and parolees are considered, perhaps 1.3 million people are under correctional supervision on any one day. (There are virtually no nationwide data on probation.) With more than 150,000 inmates discharged annually from federal and state institutions and even more rapid turnover in the local jails, it is apparent that the ex-offender label rests on a very significant part of the population. Estimates of the total number of Americans with a record of arrest or conviction range as high as 30 million people.

BUREAU OF PRISONS INMATE POPULATION MATCHED WITH UNEMPLOYMENT INDEX FROM 15 MONTHS EARLIER

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What are offenders like and how do they differ from the rest of the populace? The range is, of course, very great. Skin color is black, white, and "other"; some are very young, some are elderly; most have little education, and a few have college degrees; most are poor, but a few are drawn from the upper socio-economic echelons; most are males, but a small number are women.

The 1970 Census provides the most recent comprehensive data on inmates of state prisons. Nearly 178,000 individuals in 578 institutions were tallied, along with 21,100 inmates in federal institutions and 129,200 occupants of local jails and workhouses. The personal characteristics of the state prison population were found to be:

<u>Sex</u>		<u>Age</u>	
Males	97 percent	Median	28.7 years
Females	3 percent	under 21	14 percent
		21-29	41 percent
		30-49	38 percent
		50 & over	7 percent
<u>Race</u>		<u>Years of School Completed</u> (those 25 years of age or over)	
White	56 percent	Median	9.7 years
Black	42 percent	8 years or less	41 percent
Other	2 percent	1-3 yrs. H.S.	34 percent
		4 yrs. H.S.	19 percent
Of Spanish Origin	7 percent	1 or more yrs. college	6 percent

The reported educational level of inmates in both federal and local institutions was slightly higher than that in State prisons: the federal median was 10.1 years and the local median 10.2 years.

Other data which reflect the severe manpower problems of inmates in state prisons show that less than a third had completed some type of vocational training; slightly less than half had some income in the previous year (1969) and of these 3 in 4 had less than \$2,000; more than 1 in 10 had some work disability.

The Federal Bureau of Prisons reported, as of the end of 1973, more than half (56 percent) of those imprisoned in federal institutions at the end of the year were known to have had one or more prior incarcerations. Of those, nearly half had had three or more earlier incarcerations. The figures for state prisoners are similar.

Information about accused and convicted felons and misdemeanants, adults and juveniles, who are in jails comes from the 1972 Survey of Inmates of Local Jails carried out for the LEAA by the Bureau of the Census. They were found to be predominantly male (95 percent), typically young (6 in 10 under 30 years of age), and generally poor and undereducated. Nearly 3 out of 4 sentenced inmates had already served a jail or prison sentence before the current incarceration. During the year prior to their sentencing, almost half had below-poverty-level incomes of less than \$2,000. Forty percent had been unemployed when jailed, and 1 in 5 of those employed had worked only part-time. Blacks, at 42 percent of the jail population and 11 percent of the U.S. population, were disproportionately represented. In terms of formal education, 40 percent of the total number of inmates had gone no further than the 8th grade, while 35 percent were high school graduates, and 10 percent had some college in their backgrounds. Very few inmates in jails were participating in any kind of work or training programs.

C. The Woman Offender

Women are but a small minority of people arrested and convicted. In

1970 (the most recent year for which consistent data are available), 1 of every 7 arrestees was a woman. However, women were only 1 of every 19 people in jail, and 1 of 22 admitted to state or federal prison, 1 of 35 actually in prison on any one day is a woman. Women serve shorter terms than men. Like men, they primarily come from the poorer, less well educated groups in society, are disproportionately members of minority groups, and receive very little rehabilitative help at the hands of the criminal justice system.

A notable difference between men and women offenders lies in the offenses with which they are charged. Women are most likely to be arrested for larceny, forgery, fraud, embezzlement, prostitution and commercialized vice, and vagrancy, according to FBI reports. Men, on the other hand, are most likely to be arrested for robbery, burglary, auto theft, vandalism, weapons offenses, drunkenness and drunk driving.

Probably because they are relatively few in number, very little information has been obtained about women offenders. One study documents the low level of women inmates' education, from an average of 5 grades completed in some prisons to 10 grades in others surveyed. Another significant finding is that nearly a third of women prisoners were on welfare before incarceration. A recent study of the records of one populous state showed that 80 percent of the women in jails had dependents, in marked contrast to the overall average of less than 50 percent in the 1972 national jail survey.

Lately, the numbers of women coming under the criminal justice system are rising rapidly and the types of offenses they commit are broadening. Indeed, FBI reports show an increase of 86 percent in arrests of women between 1960 and 1972 while male arrests were rising only 28 percent. And when only

Index Crimes are considered, the increase for women was a startling 246 percent in comparison with an 82 percent increase for men. However, women were but 15 percent of all arrestees in 1972.

D. Summary

The demographic data cited above are probably similar to those of most CETA clients. Indeed, many CETA clients probably have a "record." But the demographics don't tell the whole story. Offenders are sharply alienated from society in general and often from the communities and neighborhoods in which they live. Many are subject to alternating moods of withdrawal and volatility. Their immediate demands require instant attention, their long-range goals are non-existent or undefined. Their ability to deal with disappointments is limited. While they often lack the skills and education necessary to make it in the job market, the powerful fact is that most lack the sense of self-worth and self-confidence necessary even to acquire those skills and that education - let alone to get and keep a job.

Amazingly, some offenders make it and break the cycle. Many more can. The challenge to Prime Sponsors and others is to create a supportive environment which will enable the offender to find in himself pride, independence, a sense of self-worth and the self-confidence to succeed.

E. The Offender Defined

For purposes of determining who should receive special consideration as an "offender" under CETA, the term should be construed to include all those for whom involvement with the criminal justice system or juvenile justice system either currently or in the past, has caused an employment handicap. Thus anyone with a record of arrest or conviction--arrestees, probationers, parolees, inmates, and former offenders--is eligible for special services.

Chapter III: The Criminal Justice System

A. Introduction

Since CETA offender programs require the active cooperation of criminal justice agencies, a basic understanding of the criminal justice system is essential. The aim of this chapter is to start you down this path. Of necessity, this chapter is only a start--the system is too complex in its nuances for full exposition here, and practices vary significantly from jurisdiction to jurisdiction. It will not give you "the answers", but hopefully it will enable you to ask the right questions.

The best way to learn about the criminal justice system is to talk to the participants--agency personnel and offenders. Chapter VI lists some sources of further information about the criminal justice system.

While we use the term "criminal justice system," one should realize that in several respects the term "non-system" may be as appropriate. The agencies involved frequently have competing interests. Police and prosecutors may differ on whether criminal charges should be filed against a man the police have just arrested. Prosecutors and defense counsel have obviously differing perspectives, both of which may come in conflict with the court's interest in expediting the disposition of criminal cases. Some experts have maintained that corrections departments' dual goals of custody or punishment and rehabilitation are contradictory. Agencies may find themselves competing with each other for limited amounts of criminal justice funding.

Duplication of effort and lack of coordination may also be present. For example, a bail agency, diversion program, Public Defender social worker, Probation pre-sentence report unit and corrections classification unit perform separate "work-ups" on the same client.

But criminal justice agencies do work together, in day-to-day operations and in comprehensive, system-wide criminal justice planning. This effort has been promoted by the Law Enforcement Assistance Administration (LEAA and LEAA-funded state and regional planning agencies).

The criminal justice process is basically a decision-making process, the aim of which is to determine whether an individual has committed a felony* (serious crime, in most states punishable by more than one year in prison) or misdemeanor (more minor crime, with a penalty not exceeding one year) and, if so, what to do with him. Not all arrested are formally charged with a crime in court. Of those that are, only a portion are convicted or plead guilty and a smaller portion sent to prison. This chapter will explain the decisions being made about the offender, and the criminal justice agencies that are involved in these decisions. The point to bear in mind is that, with the consent of the decision-makers involved, a CETA offender program could intervene at any of these decision-making points.

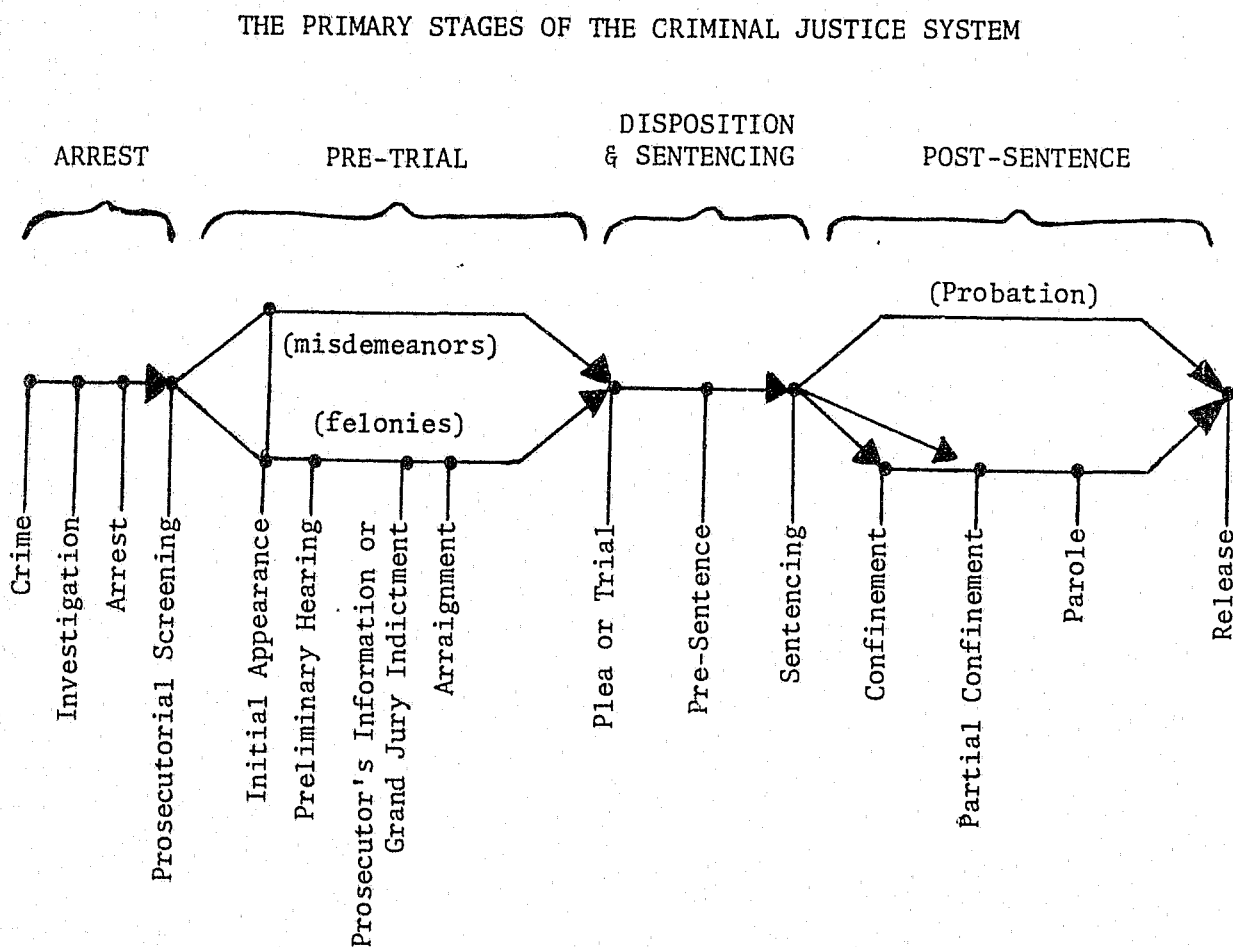
At each point, there are two categories of options open. A client can be placed in the CETA program in lieu of further criminal justice system processing, or, a client can enter a program and continue to remain in the criminal justice system pending disposition of his case or completion of a prison or parole sentence.

Selecting a point for intervention may cause conflict between criminal justice officials and CETA offender program managers. Program directors maintain that the earlier one intervenes, the better the chance for success--especially if the offenders avoid the stigma of conviction. Criminal justice

*Criminal Justice terminology varies from jurisdiction to jurisdiction. In this chapter we have somewhat arbitrarily selected to use and define one set of terms, which are underlined. Frequently-encountered alternative terms have been placed in quotes inside parenthesis.

agencies' willingness to permit an offender to enter a program at an early stage frequently varies proportionately with the seriousness of the offense. But seriousness of offense is at best indirectly related to an offender's need for, or ability to benefit from, a manpower program.

The figure below presents a diagrammatic view of the processing of a defendant through the criminal justice system, showing four discrete stages. Each stage is depicted in greater detail in subsequent flow-charts in this chapter.



In the interest of clarity, each of the four stages of the system will be described separately, the possibilities for intervention will be discussed, and the peculiar circumstances of each will be assessed for their advantages and disadvantages for program intervention.

Two further words about criminal justice systems. First, the following discussion is of a "typical" state criminal justice system. Offenders accused of Federal crimes enter the parallel Federal system, and youths under a specified age enter the juvenile system.* While there are significant differences between these adjudication systems, they are basically similar in their aim and approach.

Second, even in states with a "unified court system," there are frequently two or more levels of courts. Courts of special or limited jurisdiction ("Municipal Court," "Magistrate's Court," "Justices of the Peace," "District Court," "City Court," or "Town Court") usually hear misdemeanor cases to disposition and felony cases for initial appearance and preliminary hearing. Courts of general jurisdiction ("Superior Court," "Court of General Sessions") supervise grand juries and handle felonies from preliminary hearing to disposition. Both courts may be served by the same prosecutor, public defender, and probation department. Or the court of special jurisdiction may be served by a different prosecutor ("Corporation

* Juveniles enter the juvenile justice system when accused of juvenile delinquency (which includes offenses which would be crimes if done by an adult) or such status offenses as "ungovernability" or "truancy". In some states, these status offenses fall under juvenile delinquency also; in other states, the youth is adjudicated to be a "Child in Need of Supervision" (CINS; "Person in Need of Supervision," PINS). Frequently, a child is first brought to an Intake Unit of the Probation Department, for a process similar to prosecutorial screening (described later), except that heavy reliance is placed on "adjusting" the child by returning him to the community, perhaps on condition that he participate in a specified program -- and always on the condition that he will be "sent to court" if he commits another offense. A case appears for an "adjudication hearing" (similar to a trial) in which he may be adjudicated (not convicted) of being a delinquent or CINS. After a pre-dispositional investigation, "adjudicated" youths appear for a "dispositional hearing" (akin to sentencing -- see disposition and sentencing stage, below). Juvenile courts place much more emphasis on alternatives to State Training School than do criminal courts to alternatives to prison.

Counsel," "City Counsel," "Police Counsel") and a separate county or city probation department.

B. A Description and Some Definitions

1.0 Arrest.

Most offenders enter the criminal justice system through arrest, a determination by the police officer that a crime has been committed and that there is "probable cause" (a legal term defined by statute and case law) that the arrestee has committed the offense. Any given community may have a number of police departments, a sheriff, State Patrol officers, and special police forces ("Transit Police," "Housing Police," "Railroad Police," "Peace Officers"), each with statutory power of arrest.

While statutes and case law (decisions in individual cases which set precedent for future cases, as did the Miranda case specifying the warnings to be given an arrestee) provide specific limits on arrest powers, the police have broad discretion in whether to exercise these powers. The officer may send or escort the suspect home with a warning. A police department may promulgate a policy not to arrest people for certain minor or "victimless" crimes. Alcoholics and mentally ill persons (and drug addicts in at least one locale) may be taken to a treatment center instead.

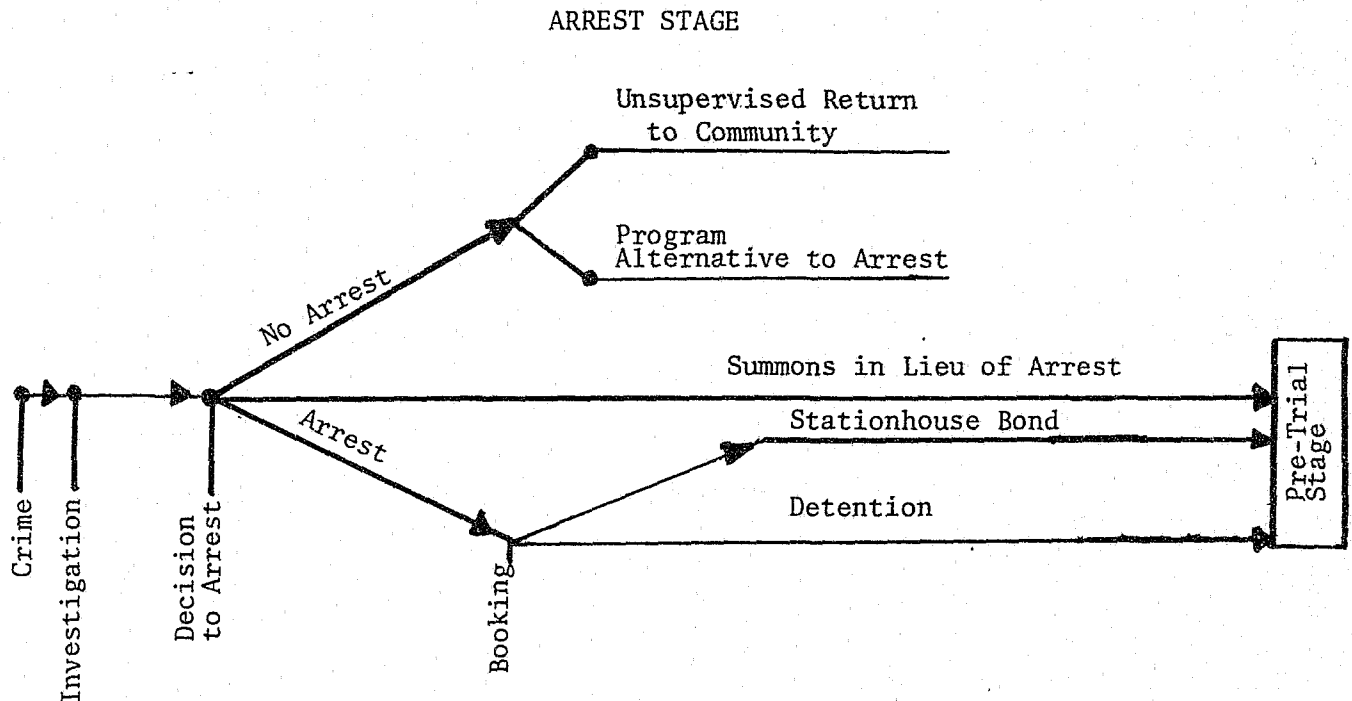
The officer may elect to issue a summons in lieu of arrest for minor cases in some jurisdictions. The defendant is not taken into custody, but is instead directed to appear in court at a specified time. In this case, "booking" occurs later.

"Booking" follows arrest. The arrest is logged in police records, the defendant is photographed and fingerprinted, and records are searched to determine whether the arrestee has a prior record or other pending criminal charges. It may take hours or days to search state records, and weeks for

the FBI to report whether a defendant has a record or outstanding cases in other states.

Stationhouse Bail (See discussion of bail, below) may be offered the arrestee following booking.

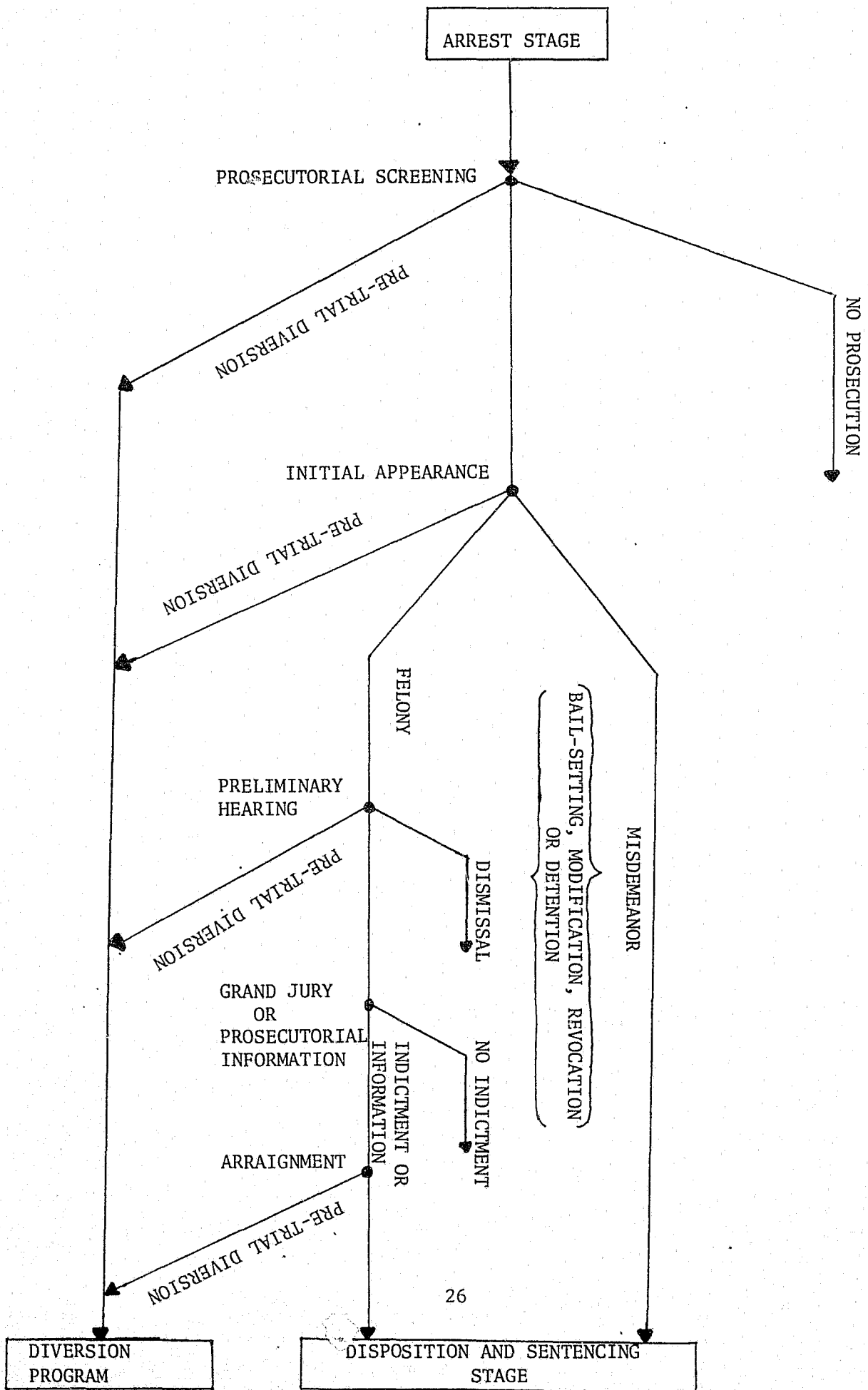
The functions performed during the arrest stage and the points at which they occur are depicted in the chart below.



2.0 Pre-Trial.

2.1 Prosecutorial Screening. ("Papering," "Complaint Screening," "Complaint Room") This step follows arrest in many jurisdictions. The trend is for more and more prosecutors to institute screening units. The prosecutor's office reviews the case with the officer (and perhaps the witnesses) to determine whether to prepare and file formal charges ("paper the case") and what charges are appropriate. With the filing of criminal charges, the "arrestee" becomes a "defendant." The prosecutor may reduce ("knock down") a felony, to a less serious felony or a misdemeanor. Or, he may decide that the evidence is insufficient or illegally obtained and decline

PRE-TRIAL STAGE



to file charges. Or, he may decide that treatment is more appropriate and direct the arrestee to a mental clinic, alcoholism center, drug program, or other diversion program.

Diversion is the removal of a defendant from further criminal justice system processing on specified conditions which, if violated, will result in re-institution and further processing of the criminal case. For clarity, we shall use the term diversion only to refer to post-arrest, pre-conviction alternatives. Prosecutors have used informal diversion for years; either "desk drawer diversion" ("I won't file these charges unless I see you in this office again.") or dropping charges in individual cases, for example, when a defendant is accepted into the Armed Services or enters into mental treatment.

Diversion Programs are more formalized. Typically, a specified program of services is offered, and if the defendant successfully completes this program, the charges are dropped.

At the prosecutorial screening stage, the prosecutor's decision to divert a case is not subject to court review. For the sake of good police and community relations, the prosecutor may elect to explain the diversion decision to the police officer and victim and deny diversion if either objects. In the vast majority of cases, no objection is entered, once the program's purposes are explained.

2.2 Initial Appearance. ("Preliminary Arraignment," "Presentment," "Arraignment" -- frequently confused with felony arraignment, discussed later). During initial appearance, the judge or magistrate typically (1) informs the defendant of the charges against him; (2) appoints counsel (Legal Aid, Public Defender, or "assigned counsel" selected from a list of private attorneys) if the defendant has no money to retain his own counsel; and (3) decides whether

and on what conditions the defendant should remain free pending trial.

The judge's options for releasing a defendant prior to trial include:

- Bail: A bond executed by the defendant, and secured by the posting of collateral, to insure his appearance in court. The collateral is forfeited to the court if the defendant fails to appear.
- Security Bond ("Bail Bond"), the most traditional, and in some jurisdictions the most common, form of release, is posted by a licensed bail bondsman. The defendant pays a non-returnable fee of 10 - 15% of the amount of the bond, and may post collateral with the bondsman as well. The bondsman may petition the court for revocation of the bond and return of the defendant to jail, anytime he feels that the defendant may be about to abscond or otherwise jeopardize the bondsman's interests.
- Cash Bond ("Cash Alternative," "Ten Percent Cash Bail"): A sum posted directly with the court (in cash, bonds, or real property) to secure the defendant's appearance. The entire sum, less a fee of about 1%, is returned to the defendant following disposition of the case.
- Release on Recognizance (hereinafter "ROR") (also "OR," "On Recognizance," "Personal Recognizance," "Unsecured Release"). Return of the defendant to the community without the posting of collateral and without further conditions, following his promise to appear in court as required. The defendant must show sufficient "roots in the community." Eligibility for ROR is usually determined by an independent ROR agency ("Bail Agency") or a branch of the Probation Department. The judge is not bound to follow the agency's recommendation, but does in most cases.
- Supervised Release ("Personal Recognizance with Conditions," "Conditional Release"). Release of a defendant pending trial on his unsecured promise to appear in court, and subject to court-imposed conditions. Conditions usually include the following: residing at a particular place; maintaining or seeking employment; reporting periodically to a supervisory authority; and/or remaining within the confines of the court's geographical jurisdiction. In addition, the defendant may be required to enroll in a specified rehabilitative program. Defendants violating these conditions may be required to post bond, or may be returned to jail. From a legal perspective, imposition of conditions is based upon the premise that a defendant who complies with conditions of release will be more likely to return to court; the rehabilitative aspects of conditions of release typically are secondary.

- Third-Party Custody: A specialized form of conditional release, with conditions in which a defendant is released in the custody of a particular individual or institution. The custodian undertakes to insure that the defendant will appear when required. In some instances, a community-based rehabilitative program can act as a third-party custodian, not only promising to insure the defendant's appearance in court, but also endeavoring to afford the defendant specialized rehabilitative services while he is on bond.

The judge reaches his decision on bail after hearing arguments from the prosecution and defense, and frequently after reviewing the recommendation of an ROR Agency or Bail Agency. Relatives, clergymen, or employers (rarely) may appear to testify on the defendant's behalf or assume third-party custody of the defendant. Some diversion programs may also interview defendants prior to the initial appearance. They may recommend diversion of the defendant. Or, where they do not recommend diversion, they may urge the judge to release the defendant to the third-party custody of the program, or seek conditional release -- conditioned on program participation -- in cases where the ROR agency is not going to recommend ROR. They may also accept defendants who are granted ROR.

Diversion is the most desirable alternative, because the criminal justice system is spared the effort and expense of further case processing, and the defendant avoids the stigma of conviction and possible interruption of his program participation by imposition of a prison sentence. In third-party custody or other conditional release, the criminal case proceeds. This distinction between diversion and pre-trial release is an important one to the defendant and criminal justice system alike.

But where a defendant cannot qualify for diversion, there are still advantages to program participation during conditional release. Program participation may be a poor defendant's only route to freedom, pending determination of whether or not he committed the crime in question -- thereby

improving his ability to present an adequate defense. He need not wait until resolution of the case before taking positive steps to improve his life situation. Successful program participation can also persuade a judge to impose a sentence other than prison -- or even to dismiss the case in the interests of justice. The prosecutor may be persuaded to recommend one of these courses to the judge.

The judge's decision regarding pre-trial release is based on the assessment of the defendant's likelihood to appear for trial -- specifically, not the likelihood that he will commit new crimes while awaiting trial. But it may be difficult for at least some judges to divorce the "risk to the community" from their minds in reaching their decisions. In assessing the defendant's likelihood of appearing, the judge considers such factors as seriousness of offense, strength of the prosecution's case, defendant's prior criminal record (although a defendant making every appearance while on bail during five prior trials may well have established his reliability), his employment record, length of residence in the community, home ownership, and other "roots in the community." Many statutes require the judge to impose the least restrictive conditions on pre-trial release necessary to insure later court appearance.

This decision may be reviewed and modified -- to more restrictive or to less restrictive conditions -- or it may be revoked at any time before case disposition. Typically, in felony cases there is review and occasional modification at arraignment on the indictment or information (see 2.5, below) and again pending sentence. The latter also occurs in misdemeanor cases.

Defendants not granted one form of pre-trial release are remanded to jail to await trial.

2.3 Preliminary Hearing ("Preliminary Examination," "Probable Cause Hearing") -- felonies only. The object of this proceeding is to determine whether the defendant should be held to answer for the felony charges. If so, the defendant is "bound over" to the Grand Jury (i.e., held in custody or pre-trial release pending Grand Jury action), or the prosecutor files an Information (formal complaint charging the defendant with a felony in lieu of Grand Jury proceedings, as authorized in some states). The judge may also reduce the charges to a misdemeanor or dismiss the case.

The judge may also entertain a motion to permit the defendant to enter a diversion program -- as he may at any court appearance.

2.4 Grand Jury. In jurisdictions which do not authorize prosecutors to file felony informations, cases follow the more traditional route of proceeding by way of an Indictment (formal complaint in which the Grand Jury accuses the defendant of a felony), which is "returned" by the Grand Jury. A Grand Jury is usually composed of 20 - 30 citizens, who hear the testimony presented by the prosecutor in closed proceedings at which no judge is present and who may call for further testimony on their own. They typically exclude the prosecutor, deliberate, and return one of the following:

- an indictment (or "true bill")
- a "no bill" or "Ignoramus" (i.e., decline to issue an indictment on the ground that the evidence does not establish a case against the defendant)
- a recommendation that the case be prosecuted as a misdemeanor.

2.5 Arraignment. After a felony indictment or information is filed, the defendant is "arraigned." The proceeding is similar to the initial appearance (section 2.2, above) in that the charges are read, pre-trial release is considered, and counsel appointed if this has not already been done.

As mentioned earlier, felony initial appearances and preliminary hearings typically occur in a court of limited jurisdiction (e.g., Magistrates' Court, Justice of the Peace, Municipal Court). Jurisdiction is the statutory authority to hear specified types of cases; arraignment marks the beginning of proceedings in a new court (e.g., Superior Court, Court of Common Pleas) with felony trial jurisdiction. The prosecution and defense counsel are present, but no testimony or other evidence is heard, except occasionally on the issue of pre-trial release.

The defendant is also required to "enter a plea" (formal answer to the charges). These could include:

- Not Guilty Plea
- Guilty Plea ("A Plea"): Formal admission of guilt, in which the defendant waives the rights to a judge or jury trial, to confrontation and cross-examination of witnesses, and to require the prosecution to prove guilt "beyond a reasonable doubt."
- Nolo contendere ("No Contest"): Not an admission or denial of guilt, but consent to entry of a conviction. The rights waived by a guilty plea are also waived with this plea.

Because there is confusion about the difference between "plea," "verdict," and "conviction," we should elaborate. Conviction is a formal finding of guilt, entered by the judge. It may follow a verdict "returned" by a jury or judge after trial, or it may follow acceptance of a guilty plea or plea of nolo contendere. Frequently one hears that a defendant "took a plea," "copped a plea," or "pled out." This jargon usually means that he entered a guilty plea as opposed to one of the other pleas listed above.

In some jurisdictions, because of overcrowded court dockets, plea bargaining ("plea negotiations," "copping a plea") may occur at arraignment. A case may appear in arraignment court several times if these negotiations appear fruitful. Sometimes a defendant will have waived preliminary hearing in order to be indicted on, and plead guilty to, a specific felony charge.

Plea bargaining will be discussed in section 2.7 (other pre-trial activities), below.

2.6 Omnibus Hearing ("Status Hearing," "Pre-Trial Conference"); Because courts have been innundated with pre-trial motions, and have seen so many cases "fold" (result in a negotiated guilty plea) on the eve of trial, some jurisdictions have adopted omnibus hearing procedures for felony cases. This trend is growing. Prosecution and defense counsel confer in a judge's chambers (private office) or prosecutor's office for discovery (access to information in one's adversary's files -- frequently by statute or court rules specifying what information is "discoverable"), discussion of plea possibilities, and filing and determination of all pre-trial motions.

The significance of this proceeding is that it may represent defense counsel's last opportunity to persuade the judge and prosecutor to consent to pre-trial diversion of the defendant into your CETA program or to agree to a plea bargain involving a non-prison sentence which involves participation in your program.

2.7 Other Pre-Trial Activities. Ever since section 2.2, initial appearance, we have been discussing felony case processing. We now return to activities shared in common with misdemeanors. To the lawyers, pre-trial activities involve investigation, trial preparation, and motions. CETA program planners should be most interested in diversion program activities, plea bargaining, and calendaring activities.

2.7.1. Calendaring. When a further court appearance is required in a case, it is put on the court calendar for a future date. Following the omnibus hearing or arraignment (or initial appearance in a misdemeanor), a case is scheduled for trial. But trial calendars are crowded,

laboratory reports may not be ready, witnesses may fail to appear, or the prosecution or defense counsel may not be ready to proceed. It has been known for lawyers on either side to seek tactical advantage through inappropriate delay. Thus, a case may be calendared for trial three or four times -- or more -- before proceeding to trial. But following these delays, vital witnesses may disappear, or the defendant may become anxious to end the process by pleading guilty. Courts are striving to improve their efficiency and to reduce undue delay -- and CETA programs must be sensitive to these calendaring problems.

Permission for the defendant to enter a diversion program may usually be sought at any of these court appearances, although court rules may suggest or require that such an application be made at a specific time.

2.7.2. Plea Bargaining. Plea bargain, or negotiation over entry of a guilty plea, frequently occurs before trial. Some 60 - 98% of all convictions are entered on guilty pleas, rather than on verdicts after trial. The plea bargains typically involve one of the following promises:

- a sentence of less than the maximum prescribed;
- a reduction of the charges against the defendant to a charge bearing a lesser penalty. Defendants may seek reduction of a felony to a misdemeanor, even where the same sentence is involved, in order to avoid the felony stigma.
- the dropping or consolidation of other criminal charges in return for a guilty plea to one charge.

The judge may or may not take an active role in these negotiations between prosecution and defense, but he must approve of the taking of the guilty plea and decide whether or not to accept the prosecutor's recommendations.

A prosecutor and judge may be persuaded to accept a plea bargain involving a promise not to send the defendant to prison if they can be shown that the defendant would instead enter a program offering a viable rehabilitative

alternative. They may even consent to dismissal of the charges in the interest of justice, for example, where this is necessary to permit the defendant to enter the Armed Services.

2.7.3. Diversion Program Activities. Although some diversion programs seek permission for diversion of defendants at the initial appearance (see section B, above), more typically this is done as soon after initial appearance as possible. Judicial consent is required, and the prosecution's recommendation is solicited. In many jurisdictions, prosecutorial consent is crucial. The arresting officer or complaining witness may be polled. The mechanics of the diversion process are discussed more fully in Chapter IV.

In many jurisdictions, a number of independent community programs willing to serve defendants awaiting trial receive referrals through the pre-trial release process. There may also be one or more diversion programs operating. When there is more than one local program, competition for the same clientele often results. It is essential that each program staff be aware of other programs, understand their rehabilitative capacities, and coordinate activities so that duplication of effort will be avoided and the best use made of available resources.

If a defendant cannot post bail or qualify for the above-described programs, he will be held in jail (detention) until disposition of the case. Jails are traditionally maximum security institutions maintained by the locality. They are often antiquated, overcrowded, and offer much less in the way of manpower programs than do prisons. When approaching jail problems, a CETA prime sponsor should always first consider beginning or expanding programs involving pre-trial release as ways to reduce populations before deciding on programs to fit the needs of the remaining detainees.

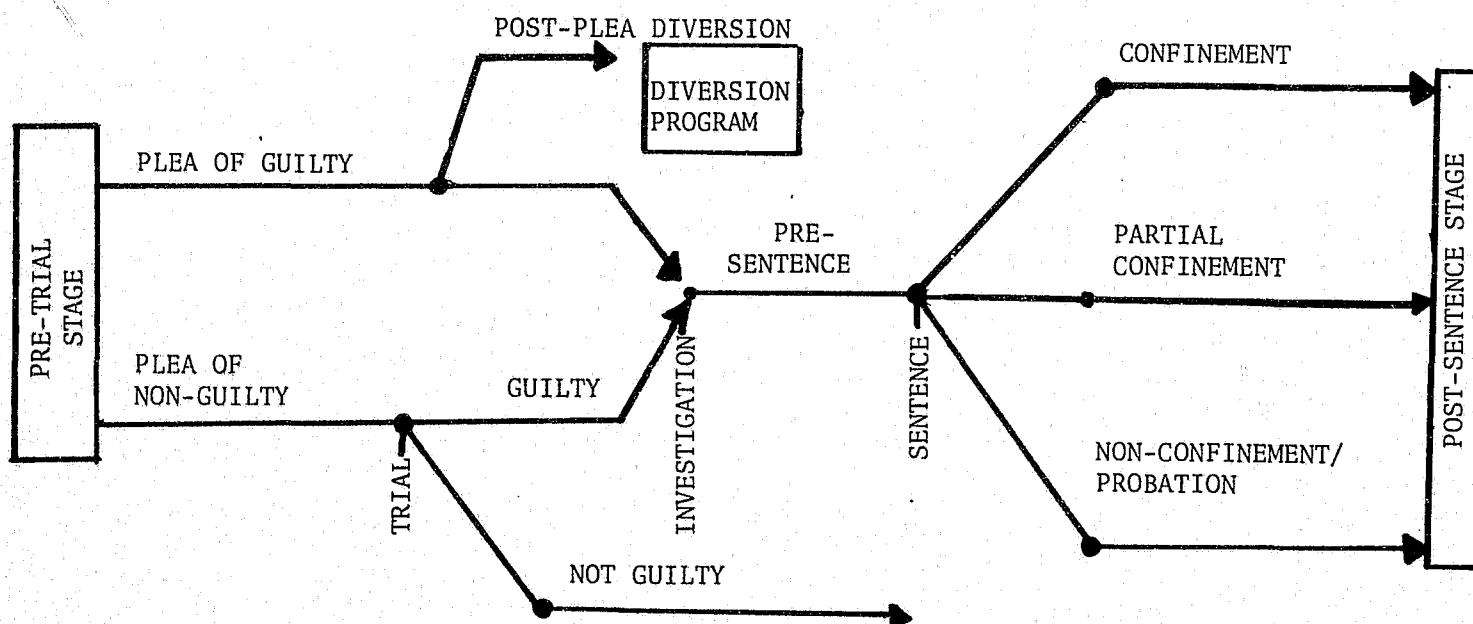
In many localities, jails hold both detainees and sentenced misdemeanants. When there are not a sufficient number of female detainees to warrant their own institutions, they will be housed in the same jails with men. Juveniles are handled in similar fashion. Most states have laws forbidding intermingling of men, women, juveniles, sentenced prisoners, and detainees, for purposes of housing or programs.

3.0 The Disposition and Sentencing Stage

This stage of the criminal justice system covers the adjudication of guilt or innocence and a judicial determination of the punishment of the convicted. Guilty plea or trial, pre-sentence investigation, and sentencing are involved. It is important to understand the mechanics of these activities because a judge's crucial sentencing decision may be influenced by the defendant's performance in a pre-trial program and may in turn restrict or expand the range of post-sentence programs available to the defendant.

This stage in the process is depicted in the figure below.

THE DISPOSITION & SENTENCING STAGE



Following conviction, a defendant may remain on pre-trial release, or he may have his release revoked and be remanded to jail to await sentence. The court may order a pre-sentence investigation into the background, criminal record, and social disabilities of the defendant, in order to assist the sentencing judge in determining what sentence to impose. This report is usually prepared by the staff of the local probation department. It often contains a specific sentencing recommendation by the investigating officer. Defense counsel may also conduct a pre-sentence investigation culminating in a report. Probation department reports are not necessarily required in all felony cases and are rare for misdemeanors.

The sentence imposed by the judge usually involves one or more of the following alternatives:

- Non-Confinement: A sentence permitting the defendant to return to or remain in the community for a specified time under specific conditions. It may be imposed after the court has suspended a sentence of incarceration. The return to the community may be supervised or unsupervised. (It is probation when supervised by a Probation Department officer.) The degree of supervision and the amount of responsibility imposed on the defendant may vary considerably, depending largely on the resources of the probation department. Violation of the conditions imposed or commission of a new crime may result in re-sentencing to prison. In addition to probation, this category includes "suspended sentence," "conditional sentence," and "unsupervised probation." It does not include parole, which is a form of supervised release following prison.
- Post-Plea Diversion: This is identical to pre-trial diversion, except that the defendant is required to enter a provisional plea of guilty before being enrolled. A defendant who fails to complete his diversion program is thus already adjudicated guilty of the crime charged, but successful completion results in withdrawal of the provisional pleas and dismissal of the charges. Department of Labor policy is opposed to exacting a guilty plea as a condition of diversion. Furthermore, many prosecutors and judges report that later, renewed prosecution of defendants is not significantly more difficult.
- Partial Confinement: This alternative includes any sentence under which a defendant is required to stay in some type of residential facility but is permitted or directed to work or to participate in a community-based training or educational program. Typically, the residential center is a work release center, a half-way house, a treatment facility, or some other community-based residential facility.

- Confinement: This includes imprisonment in a jail, penitentiary, or other correctional institution for a specified length of time. This period may be shortened by parole, credit for "good time," commutation (termination) of sentence or pardon by the Governor's Pardon Board. In some states, the length of time defendants must spend in prison is originally determined or modified by a sentencing board rather than a judge.
- Work/Study/Training Release ("Huber Law"): This sentencing alternative, usually made available by statute, permits an offender to be confined in prison during non-working hours, but released from confinement to pursue employment in the community.

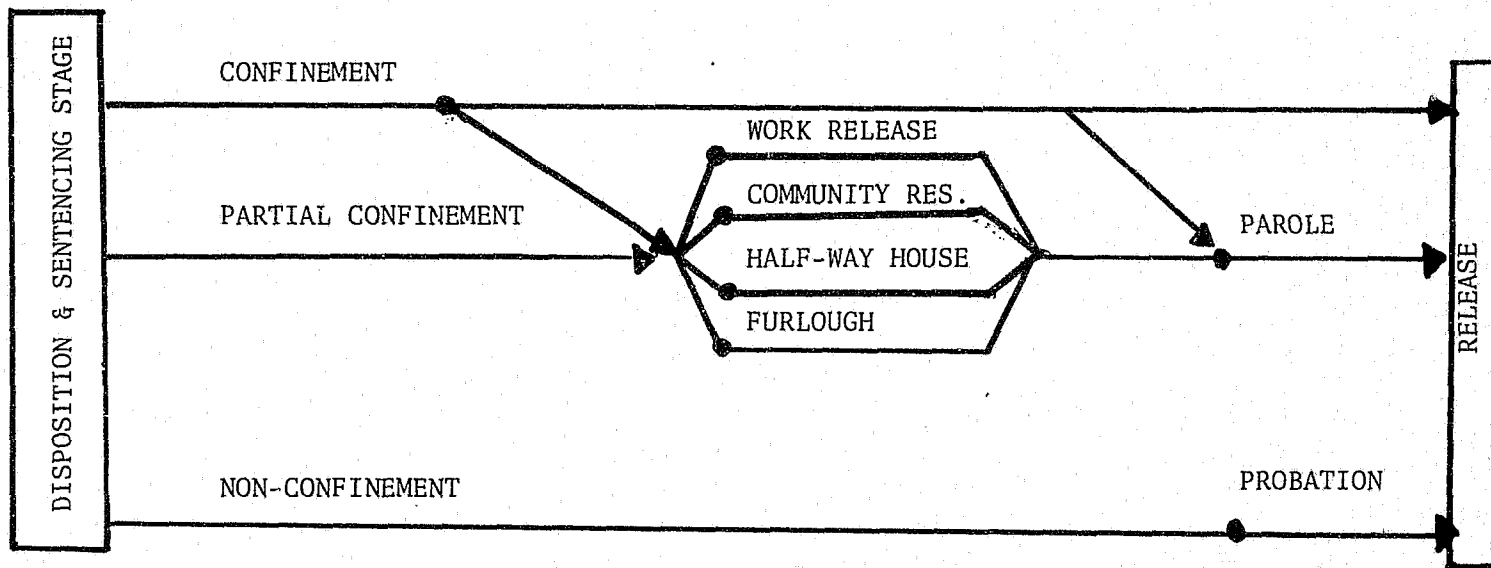
4.0 The Post-Sentence Stage

The post-sentence stage is concerned with the correctional process. Corrections consist of an amalgam of institutions and programs of great diversity in approach, facilities, and quality. Within these varied institutions and programs are many opportunities for programmatic intervention -- opportunities which are affected by the structure of institutions, the degree of confinement of offenders, and the philosophical attitudes of correctional authorities, and the extent of their commitment to rehabilitation in overall goals.

The following chart presents a graphic view of the types of institutions and programs traditionally viewed as comprising the correctional process, the avenues through which an offender may pass, and an identification of the degree of confinement associated with each stage in the process.

The degree of confinement associated with each stage of the correctional process is, of course, an important factor in identifying the possibilities for programmatic intervention and, more importantly, the types of programs which can be successfully integrated into the process at a given point.

THE POST-SENTENCE STAGE



As mentioned, a sentence may involve confinement in a prison or jail; parole following incarceration; partial confinement in a community residential center or while on work release; or probation. Each will be discussed in order.

4.1 Prisons

Defendants sentenced to serve more than one year of incarceration are generally sent to a prison or other correctional facility run by the state, rather than a jail or workhouse under the domain of a county or city. These state facilities may be large, maximum-security prisons, medium-security facilities or camps and "honor farms." Generally, they are in remote locations.

Verbal descriptions of prisons or jails cannot convey any sense of what life in prison is like. Readers contemplating a prison-based program are urged strongly to tour one or more prisons -- or even spend a night, a day or a week "inside." One or two visits will not provide an adequate, or even necessarily accurate, impression of the realities of prison existence. But they will provide a much more real image than can be gained from the printed page.

Prison employees include a custodial staff (primarily correctional officers) in charge of security and prisoner movement, a program staff providing educational and rehabilitative services, and civilians hired for routine clerical and maintenance work. Not infrequently, rehabilitative goals and security concerns conflict -- a situation which may be reflected in animosities between custodial and program staff.

Prisoners who present no problems are housed in cells and tiers in "general population." Isolated cells ("solitary," "the hole," "administrative segregation") may be provided for discipline problems and prisoners requiring protection from fellow inmates. Suspected homosexuals, prisoners on work release, and other special categories of inmates may be housed in separate units isolated from the "general population."

Antiquated facilities, outmoded equipment, staff shortages and the remote location make it difficult to provide rehabilitative services to inmates. Group or individual counselling may be provided to some inmates by social workers or the chaplain. Psychiatrists and psychologists are rarely encountered. Some segments of the population may be offered vocational or educational opportunities. But for most inmates, life revolves around a work assignment, a cellblock and lots of idle time. Thus, three or four men may be assigned to a task for which only one would be required. Typically, work assignments involve prison maintenance tasks (e.g., laundry, kitchen,

painting, plumbing and carpentry) or prison industries which produce license plates, uniforms and prison garb, office furniture, mattresses or other items for use by government. Federal law and many state laws prohibit transportation or sale of prison-made goods in commerce, for fear that this form of state-subsidized competition will lead to the collapse of the free-enterprise system. In one major Northeast city, merchants successfully closed a small offender-run boutique selling leather goods produced by inmates.

When a prisoner enters the prison system, he typically undergoes an intake diagnosis and classification process of orientation, medical check, interviews, and perhaps testing. A classification committee composed of program and custodial staff will assign the inmate to living quarters, a work assignment, and perhaps participation in a program.

Inmates may be temporarily released from prison for specified reasons, either on furlough or work/study/training release. Discussion of the latter will be deferred until Chapter IV (Section 4.5). Furloughs are generally releases for a specified time for a specific purpose. They may be granted for medical treatment not available in the institutions, visits to dying relatives, funerals and the like. Typically, permission must be granted for each furlough. Furloughs are being granted more and more frequently for job interviews, interview and registration for vocational training or education, or similar purposes.

An inmate's major concern is his release date. But, for a variety of factors, this may be difficult to determine. An inmate may be serving several sentences concurrently or consecutively, one after the other. He may or may not have been granted credit on his sentence for time spent in detention awaiting trial ("credit for time served"). Sentence computation problems

present a sizeable workload to prison staff and prison legal service projects. Inmates also gain sentence credit for "good time" or "time off for good behavior" at a specified rate. This good time may be taken away in disciplinary actions. But the biggest obstacle to predicting release dates is the uncertainty of parole. This will be discussed later.

4.2 Jails

Sentences of less than one year are typically served in the county prison, jail or county workhouse. These facilities are generally the responsibility of county or local government, and are frequently within the purview of the sheriff. They are generally more crowded and in poorer condition than prisons. Because of this, and because of the short sentences involved, the number of programs and services offered inmates may be much more limited. Parole and "good time" credit may or may not be available, depending on state and local law.

4.3 Community Residential Facilities

In the forefront of the problems of prisons and jails, corrections officials are increasingly disposed to rely on community residential facilities and other forms of supervised community release. The basic rationale for deinstitutionalization and the increasing use of community supervision by criminal justice officials has been the failure of correctional institutions and the established criminal justice system. The purposes of incarceration and traditional forms of community supervision (parole, probation) have been (with varying emphasis at different points in time): 1) to punish the offender, both to achieve retribution and to "teach a lesson" ("specific deterrence"); 2) to deter other potential offenders from committing crimes by instilling fear ("general deterrence"); 3) to protect the community from offenders by physically isolating

painting, plumbing and carpentry) or prison industries which produce license plates, uniforms and prison garb, office furniture, mattresses or other items for use by government. Federal law and many state laws prohibit transportation or sale of prison-made goods in commerce, for fear that this form of state-subsidized competition will lead to the collapse of the free-enterprise system. In one major Northeast city, merchants successfully closed a small offender-run boutique selling leather goods produced by inmates.

When a prisoner enters the prison system, he typically undergoes an intake diagnosis and classification process of orientation, medical check, interviews, and perhaps testing. A classification committee composed of program and custodial staff will assign the inmate to living quarters, a work assignment, and perhaps participation in a program.

Inmates may be temporarily released from prison for specified reasons, either on furlough or work/study/training release. Discussion of the latter will be deferred until Chapter IV (Section 4.5). Furloughs are generally releases for a specified time for a specific purpose. They may be granted for medical treatment not available in the institutions, visits to dying relatives, funerals and the like. Typically, permission must be granted for each furlough. Furloughs are being granted more and more frequently for job interviews, interview and registration for vocational training or education, or similar purposes.

An inmate's major concern is his release date. But, for a variety of factors, this may be difficult to determine. An inmate may be serving several sentences concurrently or consecutively, one after the other. He may or may not have been granted credit on his sentence for time spent in detention awaiting trial ("credit for time served"). Sentence computation problems

present a sizeable workload to prison staff and prison legal service projects. Inmates also gain sentence credit for "good time" or "time off for good behavior" at a specified rate. This good time may be taken away in disciplinary actions. But the biggest obstacle to predicting release dates is the uncertainty of parole. This will be discussed later.

4.2 Jails

Sentences of less than one year are typically served in the county prison, jail or county workhouse. These facilities are generally the responsibility of county or local government, and are frequently within the purview of the sheriff. They are generally more crowded and in poorer condition than prisons. Because of this, and because of the short sentences involved, the number of programs and services offered inmates may be much more limited. Parole and "good time" credit may or may not be available, depending on state and local law.

4.3 Community Residential Facilities

In the forefront of the problems of prisons and jails, corrections officials are increasingly disposed to rely on community residential facilities and other forms of supervised community release. The basic rationale for deinstitutionalization and the increasing use of community supervision by criminal justice officials has been the failure of correctional institutions and the established criminal justice system. The purposes of incarceration and traditional forms of community supervision (parole, probation) have been (with varying emphasis at different points in time): 1) to punish the offender, both to achieve retribution and to "teach a lesson" ("specific deterrence"); 2) to deter other potential offenders from committing crimes by instilling fear ("general deterrence"); 3) to protect the community from offenders by physically isolating

them; and 4) to rehabilitate or reform the offender by assisting him in meeting his educational/vocational needs and thus reducing future recourse to criminal activity. Clearly, only the goal of punishment has been fulfilled. Soaring rates of crime and recidivism of former prison inmates are evidence of failure to deter, to protect, and to rehabilitate.

As stated by the National Advisory Commission on Criminal Justice Standards and Goals, the move toward deinstitutionalization and community supervision is "...based on the recognition that delinquency and crime are symptoms of failure of the community, as well as the offender, and that a successful reduction of crime requires changes in both." The establishment of correctional institutions in the U.S. in the late eighteenth and early nineteenth centuries was, in part, illustrative of the community's reluctance to deal with "deviant" behavior. Prisoners were isolated from society in maximum security fortresses in remote locations--many of which still remain. But the present trend in criminal justice perhaps indicates a renewed willingness of the community to assume some shared responsibility for crime and offenders.

The basis for the increasing use of community alternatives to the established criminal justice process can be further delineated as follows.*

Community based programs -

- are "more humane" because they are smaller, and more physically comfortable than prisons;
- avoid or reduce the effects of institutionalization, i.e., inability to make personal decisions, lack of motivation due to periods of enforced idleness, etc.;
- are less expensive to operate than are traditional components of the criminal justice system;
- aid in the reintegration of offenders into the community by virtue of their proximity to the community; and

*Coates, Robert B. "A Working Paper on Community Based Corrections", paper presented at the Massachusetts Conference on Criminal Justice Standards and Goals, Fall, 1974.

- reduce recidivism rates by allowing offenders gradually increasing degrees of independence and responsibility.

Approaches to the development of community based programs have varied according to local need, availability of community resources, access to sufficient funds, and the structure of the local criminal justice system. In rural areas, where public transportation is limited, access to services has been enhanced by housing several types of offender services (for example, residential care, counseling, vocational training) in one centrally located facility. Urban areas generally provide access to a more complete range of services. However, they spend considerable time and energy coordinating programs and avoiding duplication of efforts.

Some programs have been developed to provide a specific set of services to a specific client group, while others have provided services as needed to any offender. Some projects are operated by government agencies, others by private corporations.

- Self-help projects have been established by ex-offenders who act as advocates for other ex-offenders in dealing with employment, education, family or financial issues. These groups also lobby for legislative reform such as automatic sealing of criminal records.
- Several states have implemented programs through which community residents volunteer to work with probationers on a one-to-one basis. This has reduced the pressure of high probation caseloads.
- Half-way houses generally provide residential care and counseling to ex-offenders returning from institutions to specific geographical areas.

Almost every state in the U.S. has begun to develop and implement what it calls "community based" programs. However, although all these programs come under the broad heading of "community-based," they may have very little in common. They differ in terms of:

- 1) target group, i.e., youth, adults, felons, misdemeanants;
- 2) intervention point, i.e., pre-trial, post-release;
- 3) services offered, i.e., counseling, residential care;
- 4) degree of community and citizen involvement; and
- 5) amount of input and control by criminal justice authorities.

In its broadest sense, the term "community based" has been used to identify any program which is not run entirely within a closed institution and involves some interaction between the offender and the community. A high school equivalency program operated in a prison is not community based; an education release program through which a prison inmate may leave the institution weekly, with or without supervision, is community based. Probation is community based; incarceration is not.

Clearly, one program may be more community-based than another. Therefore, in planning and developing criminal justice programs it is important to decide not only that they will be community based, but also the degree to which they will be so. Location, sponsor, and size have some influence upon the nature of a program. However, correctional institutions can be small and located in a city; a half-way house can be run by the state government. Ultimately, the extent to which a program is community based depends not upon these factors, but upon the "quality, frequency, and duration"* of relationships between program clients and staff and the larger community. This means mobilizing resources (educational, employment, social welfare, etc.) and developing relationships which encourage clients' initiative and independence in fulfilling meaningful roles in the community. Community based programs can also be a force advocating

*Coates, Robert B., op. cit.

the need for services responsive to the needs of citizens. "Communities" include government agencies at all levels, civic organizations, self-help groups, religious institutions, and individual citizens as well as agencies to which clients can be referred directly for services. Community based programs generate and support an active exchange of ideas and services which unite the program and the community.

4.4 Parole

Parole involves release from prison prior to the expiration of one's sentence, in order to serve out the remainder under supervision in the community. The decision to grant parole is usually made by a Parole Board of citizens appointed by the Governor. Seldom do Parole Board members have any formal training in corrections or the law. Supervision in the community falls to a Parole Department which is usually in a state's Department of Corrections or Department of Human Services, but independent of the Parole Board. There are seldom any clearly articulated standards on what qualifies an inmate for parole, and in the eyes of many, some Parole Board decisions appear arbitrary and capricious.

In determining whether or not to grant parole to a defendant, the Parole Board attempts to assess his chances of adjusting to life in the community without turning again to crime. In addition to the inmate's file, the Parole Board will review reports from the warden, custodial staff, program staff, chaplain, social worker, and the like. They may also receive reports from the "outside." The inquiry focuses on the inmate's background, his institutional adjustment, progress in educational and training programs, and specifically his plans upon release. An inmate who can show a job, a place to stay, and someone or some program who will take an interest in him should have a better

chance to gain release.

One of the inmate's major concerns, from the day he enters, is to make himself as appealing to the Parole Board as possible. A social worker or a Parole Officer assigned to a prison pre-release planning unit may -- or may not -- be available to assist the inmate to develop a suitable parole plan.

Inmates may arrange to enter a program, participate actively in prison affairs or go to the extreme of participating in very risky medical experiments, simply to leave a good impression on the Board. In some jurisdictions, statutes require an inmate to have a job before being released on parole. But CETA sponsors in these jurisdictions should not assume that every inmate on parole will, in fact, be gainfully employed.

This parole-planning process culminates in a hearing before the Parole Board. These hearings are closed proceedings, at which counsel is rarely permitted (although case law trends indicate this could change). There may be no witnesses, and the inmate may be restricted from rebutting -- or even knowing of -- adverse comments in reports seen by the Board. The Board in many instances need not issue any reasons for denial of parole or clues on what the prisoner should do to increase his chances of making parole next time. These factors, plus the lack of standards regarding parole eligibility, make the parole process an extremely anxiety-provoking experience for many inmates.

The parole process just described centers around the theory that planning for release will enhance an inmate's ability to adjust to the community on release. The reader should be aware that some jurisdictions are experimenting with "shock parole," which is the antithesis to traditional parole theory. In "shock parole" an inmate is given a long sentence, then released without prior notice after a short time. The genesis of these programs is the research finding that

Florida prisoners released unexpectedly as a result of Gideon v. Wainright recidivated at a lower rate.

Release is conditioned on good behavior in the community. Thus, arrest for a new offense is grounds for revocation of parole and return to prison.

Other conditions of release typically:

- require the offender to report monthly
- require him to cooperate with his Parole Officer
- provide for monthly visits by the Parole Officer at the offender's home and work
- prohibit drinking and drugs
- prohibit consorting with "bad elements" and "known criminals" (which may include all of an offender's friends and many relatives; and may restrict participation in programs run by ex-offenders)
- prohibit living with a person of the opposite sex unless married to the person
- stipulate prior Parole Officer approval for:
 - moving out of the jurisdiction
 - changing one's job situation
 - marriage
 - obtaining a driver's license
 - making any other significant change in status

A Parole Officer has the authority to "violate" a parolee for failure to comply with these rules -- a technical violation as opposed to revocation of parole for re-arrest (direct violation).

Some Parole Officers view their job as a policing function, a view buttressed by the fact that they may be permitted to carry guns and make arrests.

Others view theirs as mainly a social work and counselling role. Still others are ambivalent towards these somewhat contradictory views of their roles.

If an offender has been rearrested or "violated," he is entitled to a parole revocation hearing in front of a judge before he can be returned to prison. The hearing is to determine whether there are sufficient grounds for return to prison. The parolee has the rights of notice as to the grounds alleged, counsel, confrontation by witnesses, cross-examination, production of his own witnesses, and a ruling specifying the grounds for revocation. Return to prison may not be required, even if a violation is established. When an adequate showing of a crime exists, revocations are infrequently contested.

A parolee released four years before expiration of his maximum sentence and on parole for three years receives "credit for street time" in some jurisdictions, and thus would have to serve only one year if parole is revoked. In others, he must serve the entire four years remaining.

On return to prison, a defendant will typically appear before the Parole Board for a determination of when he may again be considered for release.

4.5 Probation

In broad terms, probation is like parole. The only major difference (aside from the types of offenders involved) is that probation involves supervised and conditional release into the community immediately after sentencing, while parole follows incarceration. Procedures for supervision, imposition and enforcement of release conditions, and revocation following re-arrest or "technical violations" vary only in detail.

This distinction is sometimes difficult to keep in mind, especially because of differences in terminology and in procedures. Parole may be

supervised by a Probation Department, or vice-versa. Some criminal justice experts have used the two terms interchangeably. Statutes in some jurisdictions do not make this distinction clear. But the use of the term probation to indicate supervised community release after sentencing and parole to refer to post-prison release is standard in corrections, and we will use that terminology here.

Probation is granted by a judge at sentencing. It may follow imposition and suspension of a prison or jail sentence, which a probationer must serve if probation is revoked. (Where no suspended sentence is involved, a probationer whose probation is revoked is brought before the judge for resentencing.) A specific term of probation is imposed, generally ranging from one to five years as specified by statute. Conditions are also imposed similar to those imposed for parole. But it is generally (but by no means universally) true that conditions specifically tailored to the offender are imposed more often in probation than in parole. Thus, an offender may be required to make restitution to the victim, or participate in a particular program, or attend drunk-driving school, or whatever.

A jurisdiction may have two probation agencies, a county probation department serving misdemeanants and a probation unit of a State Parole Department for felons.

Revocation of probation may be for commission of a new crime ("direct violation") or for violation of any of the other conditions of probation ("technical violation"). In the latter case, the probationer may be referred to as having been "violated." A hearing is held to determine whether probation should be revoked, at which time the probationer is entitled to counsel, written notice of the charges, confront and cross-examine witnesses, present his own witnesses, and a ruling stating the grounds for the judge's decision.

If grounds for revocation have been established at the hearing, the judge will determine whether to send the defendant to prison, return him to probation under the original terms, or try him in a new program. While each case is assessed on its own merits, probationers are not infrequently given a second chance in the community -- especially if theirs is a technical violation. This is less true in parole revocation proceedings.

While the purpose of this chapter has been to provide a primer on the mechanics of the criminal justice system, it also should have suggested some obvious points at which CETA programs could provide services to offenders. These suggestions by no means exhaust the universe. To cite but three more examples:

- The existence of pre-trial intervention programs can widen the area for negotiation at plea bargaining. Successful participation in a pre-trial program or the availability of rehabilitative programs after trial may have a significant impact on the prosecutor's decision to accept a plea to a lesser offense or to refrain from arguing for incarceration at sentencing.
- Information provided by a rehabilitation program may figure importantly in a pre-sentence investigation report making a favorable recommendation for probation. A program which has developed procedures for providing information regarding its participants to the pre-sentence investigating officer can materially help the court in deciding on probation, allowing the defendant to continue in his rehabilitative program instead of going to prison.
- At sentencing, the availability of rehabilitative programs both in the community and in penal institutions is an important factor a sentencing judge considers. Participation by an offender in such a program at the pre-sentence stage will also often weigh heavily in this decisional process. If a rehabilitative program is available in the community, and more importantly if it has been

successfully utilized by other offenders, a court is often far more apt to impose a non-incarcerating sentence.

The next chapter will describe in more detail how programs can be structured to function smoothly when interposed at any of these points.

Chapter IV - Manpower Programs for Offenders

A. INTRODUCTION

This chapter is divided into three parts. The first part discusses certain unique characteristics of manpower services for offenders. It will not attempt to be a complete discussion of each type of service. However, some of the issues discussed may have relevance for serving non-offenders, as well. The second part attempts to familiarize you with some of the special problems and potentials of programs which draw clients from each of the different stages of the criminal justice system. The third part provides some examples of actual programs. But the organization used in the last two sections is certainly not intended to suggest that your program should apply serve clients at one stage of the criminal justice process. You may decide to serve incarcerated clients, detainees and sentenced prisoners alike. Your community program may serve offenders on bail, persons released to the third-party custody of the program, clients from community corrections facilities, probationers and parolees. Indeed, while each project listed in the third part of this chapter is used as an example of intervention at one specific point in the system, most of them serve offenders at more than one stage in the criminal justice system.

One reason for arranging the program descriptions and examples according to the point at which they intervene in the criminal justice system is simply to provide an orderly framework for their presentation. But an equally important reason is that this form of organization highlights the particular problems arising from the need to work in close cooperation with criminal justice system agencies. Intervention at each stage raises issues which are not present should you choose to intervene at a different stage. And programs must be tailored with these considerations in mind.

The general discussion of manpower services for offenders, which follows, cuts across all stages of the criminal justice system.

B. MANPOWER SERVICES FOR OFFENDERS

1.0. CLIENT ASSESSMENT

Client assessment in a manpower program is designed to aid the program operator and the client to determine what specific services the client needs to get and keep a job. Assessment of offenders presents some special problems.

First, the criminal justice system's view of the offender -- as a first offender or "repeater" a misdemeanor or felon; a pre-trial detainee or a parolee--is of little use to a manpower program in determining which job related service to offer an individual. Number of offenses, types of crimes for which the offender has been charged or convicted and status in the criminal justice system won't tell you much about the offender's attitudes towards himself and work, his educational and skill level, his previous work history, or his present interests and abilities. Nevertheless, the criminal justice system's view of the offender is still quite important. For example, a prosecutor or a Parole Board will normally be less willing to allow you to serve a repeated offender presently accused or convicted of a violent crime than a first offender, charged or convicted of a "white-collar" crime -- even though you may be able to do more for the violent offender than the "white-collar" criminal. Employers may be willing to hire first-offenders but reluctant to hire "two or three-time losers." As you develop and operate your program, you will probably discover that these categories are not useful in predicting success in your program or on the job. You may want to collect this information in order to convince criminal justice personnel and employers that they should consider other factors as well, when they calculate risks.

Second, the traditional manpower devices for assessing clients' aptitudes and interests may not take you far enough in understanding an offender's sense of self-confidence, the likelihood that he will benefit from your program or the likelihood that he will refrain from future criminal activity. These issues and others are important in assessing a client's needs and deciding whether and what kind of services to provide him. A great deal more work has to be done in the development of classification schemes to determine what kinds of programs, conducted by what kinds of workers, in what kinds of settings are best for what kinds of offenders. Some work on the classification of delinquent youths has been done by the Community Treatment Project of the California Youth Authority. The Experimental Manpower Laboratory for Corrections, Rehabilitation Research Foundation, Elmore, Alabama (Draper Project) has developed a scale to predict post-release criminal behavior and recidivism among adult offenders. While these examples represent useful steps towards improved assessment of offender needs, much more work is needed in this important field.

Third, many offenders will enroll in manpower or other rehabilitative programs for reasons other than the acquisition of a skill or education or even a job. As indicated in Chapter III, a program may be the best available way for an offender to avoid a trial or incarceration, or to impress a Parole Board and gain an early release from prison. This motivation is understandable and legitimate (just as other CETA clients may see a training program primarily as a source of income rather than an opportunity to learn a skill.) During assessment and subsequently in counselling, these motivations should be respected and dealt with overtly rather than ignored. However, the motivation

to enter a program is different from the motivation to succeed. The difficult challenge to program staff is to develop and encourage the offender's sense of self-confidence which will motivate him to succeed so that everyone --offenders and program staff-- are not just "going through the motions."

One way to expand your client assessment capability is to use ex-offenders to perform this function. Hiring ex-offenders is no panacea. However, some may be able to help you and the client to identify a "hustle" and to develop a motivation to succeed in the program. (The issue of use of ex-offender staff is discussed in Chapter VI).

Fourth, much of the data which your program staff will want to use to develop an assessment of an offender's manpower needs may not be accurate or necessarily useful. Records of criminal history rarely reflect the true crime committed. They record the crime for which the offender was convicted, which frequently is a reduced charge resulting from a plea-bargain. Similarly, reports of pre-sentence investigations, parole readiness investigations and institutional adjustment reports will probably be incomplete. They also may reflect individual biases and institutional perspectives. Some programs have chosen to look forward to the offender's future, rather than focus on his past.

"...ignore their past and they'll begin to forget it. Every day for years they have been reminded by correctional counselors, judges, parole boards, peers and family of their past. When someone suddenly takes an interest in their future it serves to generate the confidence and enthusiasm so essential to successful job-finding." *

* Transitions to Freedom, by the people at Transitions to Freedom, Inc., 1251 Second Ave., San Francisco, California, 45.

Fifth, and finally, the objective of client assessment ought not to be to develop as complete an inventory of the offenders needs as possible and a correspondingly complete list of services to meet those needs. As indicated above in Chapter II, many offenders, especially those just released from prison have been denied the opportunity to think and act for themselves. Offender rehabilitation, and indeed all manpower programs, should be aimed at developing a sense of self-confidence and independence in their clients. Therefore, client assessments and the employability development plans which result from assessments should realistically reflect those services which the program will provide and those things which the offender can do for himself. Plans developed should gradually and continuously shift the responsibility from the program to the offender himself. In this way, dependency can be reduced and independence and self-reliance increased.

2.0. ORIENTATION TO THE PROGRAM

This section will only address orientation to the manpower program rather than orientation to the job-market or "world of work." The point to be made here is that program staff should carefully avoid false promises or mistaken impressions about what will result from satisfactory participation in your program. Too often, overzealous recruitment staff or overanxious offenders may assume that satisfactory or even exemplary performance will lead to a dismissal of the charges in a pre-trial diversion program, granting of parole by a Parole Board or reclassification to a minimum security facility by a classification committee in a prison when no such action is in fact guaranteed. The precise commitment of the program and the relevant criminal justice officials must be clearly spelled out to program participants at the outset. Whenever possible, satisfactory participation in a program should be tied to diversion or release (these are described below in this chapter in the sections on diversion and Mutual Agreement Programming.) However, participants must be

clearly aware of the distinction between promises and possibilities.

3.0. COUNSELLING

An offender has more on his mind than his manpower problems. His first concern is getting or keeping his freedom. A person in a pre-trial program is concerned with his court case. An inmate in an institution is concerned with getting out. A probationer or a parolee is concerned with avoiding revocation. Counsellors in offender programs must therefore understand the criminal justice system and the system-related problems which offenders share.

But counsellors have more to do than help an offender to get or keep his freedom. They must play a key role in helping an offender to change his attitudes about himself and about work. The offender's history of failures, lack of self-confidence and alienation from society are tremendous obstacles that won't be overcome by skills training or basic education alone. Counselling must provide the necessary support so that offenders may develop a sense of self-worth and independence. However, this function should not be compartmentalized. The burden should not fall on counsellors alone. Instructors for skills training and education, as well as other program staff should be selected and trained to transmit to offenders a sense of pride -- in their work and in themselves. The best way to do this is by example.

The primary objective of counselling for incarcerated offenders should be to strip away the fantasies and illusions which many prisoners develop about the "outside," in order to prepare them for the harsh realities many will confront after release. "Reality therapy," and other techniques which focus on the inmates' present and future problems have often proved to be useful.

The primary objective of counselling for offenders in the community should be the development of independence and the sense that he can accomplish a good deal on his own. However, this statement should immediately be qualified in two ways. First, the brutal realities of a depressed economy coupled with restrictions on ex-offender employment make "independent accomplishment," in terms of getting and keeping a job, an extremely unrealistic expectation. Second, independence ought not to be confused with isolation or alienation. The support derived from participation in a group or family is often essential for offenders and others to survive in contemporary society.

In fact, many groups devoted to penal reform or social change have had success with offenders--possibly because they provide a code of behavior, rigorously enforced from within by other group members.. Codes of behavior enforced by the group are more effective than externally imposed requirements. These groups also give participants a sense of belonging and support, derived from group participation. When groups have a purpose, such as penal reform, they may also provide a constructive outlet for anger, which has been built up inside many offenders. The apparent success of the Black Muslims with many prisoners may be attributable to these factors. They combine group participation, a rigorous code of behavior, enforced from within with an outlet for anger (the "Devil") and a purpose (serving Allah). Some no-nonsense ex-offender self-help groups devoted to penal reform such as the Fortune Society in New York have also successfully combined these factors.

4.0. EDUCATION AND TRAINING

As already indicated, clients in correctional settings may be motivated to enter education or training programs for a variety of reasons which are only secondarily related to acquisition of a skill or advancement of educational level. They know that participation in these programs often signifies an effort to "go straight;" it is considered "good behavior" by prison officials, judges,

and parole and probation officers. Clients might aim to be granted parole, or have charges against them dismissed. Prisoners also enter programs to avoid idleness or a distasteful work detail.

It is important that program staff accept the validity of these motivations and encourage achievement accordingly. Programs should hire trainers and teachers who view their jobs as opportunities to affect attitudinal and behavioral change as well as to teach an academic or vocational skill. Training and education programs should aim to help offenders develop a sense of self-worth, pride, and satisfaction in their work. Program staff should be individuals whose own attitudes toward their work are a positive example for clients.

Training programs should aim to be as much like real work situations as possible. Working hours should be regular and of standard length. Standards of quantity and quality of work should be set to reflect those in regular employment situations. (The difficulties of achieving this in institutional work assignments are discussed below in section 4.3 of this chapter.)

Training and education programs specifically for offenders should be designed with an understanding of any statutory or administrative barriers which might hamper or prevent eventual job placement in the occupation for which offenders are trained. The need for professional licensing, fidelity bonding, or union membership should be anticipated. Programs for offenders should work for the elimination or overcoming of these barriers.

Unfortunately, the jobs for which these barriers exist are most often those jobs which offer status, high wages, security, and opportunities for advancement. Thus, removal of barriers is essential if programs are to prepare ex-offenders for meaningful employment. Needless to say, it is useless and wasteful to train an ex-offender to drive a truck if the state does not issue drivers' licenses to felons.

5.0. JOB DEVELOPMENT

Job development efforts should be devoted to eliminating the barriers discussed above as well as to finding jobs for individuals. (This is discussed in detail in Chapter V). Involving private sector employers in the early stages of program development and in the ongoing operations of the project will enhance job development efforts. Employers can be organized to form a Business Advisory Council to shape training programs and participate in job readiness sessions which deal with issues such as resume preparation and job interviews. This involvement helps employers to see offenders as individuals who can perform on a job rather than as a stigmatized group. Moreover, these employers can help to change the attitudes of others by their example and by their influence in groups such as chambers of commerce and small businessmen's associations.

C. MANPOWER INTERVENTION IN THE CRIMINAL JUSTICE PROCESS

This section will present in broad outline some descriptions of manpower offender programs. These descriptions are arranged according to the stage in the criminal justice system at which the program draws its clientele -- not because offenders at a particular stage of the processing necessarily have different manpower needs from those at other stages, but because at different stages, different criminal justice agencies have control over the offender. In order for programs to operate effectively CETA Prime Sponsors must develop close working relationships with these different agencies.

While there is some broad validity to the generalization that the more serious offenders are the ones most likely to travel the entire route through the criminal justice system, culminating in prison and parole, wherever you intervene in the criminal justice system you will probably find yourself working with a clientele requiring the same full range of manpower services described earlier in this chapter. Thus, these program descriptions will not dwell at length on the services offered. The programs we describe have encountered unique service needs, which we will mention but the reader should bear in mind that more frequently these problems arise from the clients' status in the criminal justice system, rather than from differences in manpower needs.

The point on cooperation with the criminal justice system bears elaboration. Cooperation entails much more than a letter of endorsement attached to your proposal. It involves specific formal and informal arrangements with all levels in each of the criminal justice agencies with which you work, and aims at avoiding the frustrating day-to-day problems which can hamper a program so severely that it comes to a complete standstill. Although the point may appear to be stated in the extreme, it is seconded by program directors who have spent their days trying to gain access to telephones and interview space in prisons

and battling criminal justice staff who want program clients elsewhere at all the wrong times, and spend their evenings reading broadsides fired by agency heads. One purpose of this chapter is to alert you to some typical problems which can and should be avoided by prior agreements with criminal justice agencies. be avoided by prior agreements with criminal justice agencies.

It is important to reach agreement with all relevant criminal justice agencies. Once you have tentatively decided at which criminal justice stage intervention is most appropriate, we urge you to reread the relevant section of Chapter III to identify the agencies involved at that stage. This chapter will specify other agencies whose cooperation should be sought. Bear in mind that your community may be served by a number of police departments, two tiers of court systems, competing or overlapping diversion programs, city and state probation offices, or a county jail and state prison system.

It will be helpful for you to obtain a guide when you begin to explore this unfamiliar territory. Advice from the staff of one or two criminal justice agencies early in the planning process will expedite the process.

Your working relationship with criminal justice agencies will involve staff at all levels. Their cooperation and support should be actively solicited, both during the planning stage and throughout the life of the project. For example, endorsement of a police planning department or Community Liaison Division will be insufficient if the Chief is not also behind the project. Since individual line officers will carry out a Police Department policy of cooperation with a project, a way to elicit their full support and cooperation is essential. A directive from the Administrative Judge outlining criteria for diversion of defendants means little if the individual judges do not thoroughly understand and use this alternative, or if influential judges announce their opposition. Endorsement by a corrections department at the state capital may not be persuasive to a warden who has not been consulted about the particular problems of his institution. Guards alienated by a project's staff may be slow

in producing prisoners as required whether or not you have the full support of the Corrections Commissioner and Warden.

In soliciting the cooperation of an agency head, it may be useful to secure an advocate from within the agency. This need not be someone from the planning staff or mid-level management. A group of guards who have donated their leisure time to inmate recreational programs, a court clerk who has assumed an informal liaison role with diversion programs, and police officers active in the Police Athletic League (PAL) or Police Benevolent Association have all proved to be as persuasive with their supervisors as they are with their colleagues.

Efforts to secure and maintain the cooperation of criminal justice agencies do not end once a program is under way. One should not overlook the importance of maintaining the program's credibility. Some agencies may be initially reluctant to endorse a CETA manpower program because of misgivings about the program's ability to offer a superior rehabilitative alternative to the traditional criminal justice process, their awareness of community opposition to release of offenders into the community, or differences of opinion with other criminal justice agencies. This reluctance can ferment into active opposition if credibility is not developed and maintained.

One important factor in maintaining this credibility is the fulfillment of promises made to criminal justice agencies. If a project has agreed to report to the court noncooperation by a defendant, it should not accede to the temptation to give an absent or otherwise noncooperating client extra time to "work things out." If a program assures a court or Parole Board that certain support services will be offered a client, it is that program's obligation to insure that adequate services are provided.

Program assessment plays a significant role in a program's credibility. A program that regularly advises all possible criminal justice agencies and the community on the number of clients served and the successes obtained can get

needed support, (especially if it is candid) in seeking criminal justice agencies' assistance in solving its problems. This point is made here to emphasize the message of Chapter VII.

Program Descriptions

As mentioned earlier, the following program descriptions are organized to reflect the sequence of the stages of the criminal justice system described in Chapter III. Within each program description we will outline:

- Program purpose
- Sponsoring agencies
- Cooperation required
- Suggested operating procedures
- Special considerations

1.0 ARREST ALTERNATIVES

• Program Purpose - Increasingly, police departments are formalizing the exercise of their discretion on whether or not to arrest an individual by use of programs offering alternatives to arrest. Alcoholics are taken to treatment centers. Neighborhood disputes are resolved in informal Police Department "Desk Sergeant hearings" or formal arbitration and mediation programs. Juveniles may appear before a "community forum" or be counseled by an aide of the Police Department's Youth Bureau. Probation departments may informally "adjust" juvenile arrest cases in lieu of filing delinquency charges. All these programs serve clients who have manpower needs.

One way in which a CETA Prime Sponsor can intervene at this stage of the criminal justice process is to encourage manpower programs, especially those already dealing with offenders, to develop strategies for extending their services to persons in arrest alternative programs. Individuals whom the arrest

alternative program had identified as needing manpower services could then be referred to the appropriate manpower service.

Sponsors may also elect to develop or expand alternatives to arrest programs to serve additional categories of offenders.

- Sponsoring agencies - While already existing CETA-sponsored programs are obvious choices for a prime sponsor's efforts to extend services to offenders at this stage, other community manpower sources should also be considered. They might include community college or vocational education programs, the state Employment Service office, an ex-offender self-help group, or other community-based organizations.

- Cooperation required - The immediate aim of this strategy is to link manpower programs with arrest alternative programs. This will involve orienting everyone in the alternative program who decides what to do with an offender. The orientation should focus on the services offered by the manpower program and the types of individuals who could best benefit from these services. The cooperative agreement with the alternative program should specify in detail the two programs' respective responsibilities.

Police department cooperation is essential. In the planning stages, the support of the police chief and head of any Community Relations unit should be obtained. But the initial decisions whether to refer clients to the alternative programs are generally made by individual arresting officers. Thus one objective of your efforts to solicit department-head support should be to have these officials issue policy directives encouraging officers to consider this alternative and outlining the procedures to be followed. Effective implementation at the precinct-level will require a specific program for orienting line officers as well as a strategy to continually encourage them to use this alternative. Cooperation of a policeman's benevolent association (PBA) or PAL program may help to develop support among the ranks.

In a broader sense, community support is also involved. In many localities, police departments are devoting much effort to promoting better relations between themselves and the community. Community support of a program such as a community forum for resolution of juvenile delinquency matters may be effective in persuading a police department to incorporate the program into its policies on the use of alternatives to arrest. Community opposition can effectively prevent the possibility of program intervention at the arrest stage. Approval of the prosecutor and Administrative Judge of the criminal court, endorsement of the local bar and business associations, and the interest of prominent community leaders can help a program gain the necessary community support.

- Suggested operating procedures - The process for considering whether to offer manpower services to an offender at this point in the criminal process begins when an officer elects to refer a person to a program offering an alternative to arrest. This decision may be made by the officer on the scene or at the stationhouse.

After the police decide to refer, the program must decide whether to accept the person. Therefore, written agreements are desirable, and the agreements developed between programs and police must include specific criteria for referral and acceptance. Satisfactory program progress in an alternative to arrest program results in a decision by the police to not file charges, and conversely, unsatisfactory performance may result in a delayed filing of charges. Therefore, agreements between programs and police must also include specific procedures and criteria for decisions about positive and negative terminations.

- Special considerations - The concept behind use of these alternatives to arrest is the same as that behind the diversion programs described below in the pre-trial section of this chapter. Offenders are given a chance, early in the criminal justice process, to satisfactorily participate in a rehabilitative

program and thereby avoid further criminal proceedings. The difference is that in pre-trial diversion programs, criminal charges are first filed and then held in abeyance pending satisfactory participation in the diversion program. In alternative to arrest programs, even the filing of criminal charges is potentially avoided.

Individuals confronted by police officers are generally willing to participate in alternative programs which avoid arrest and further contact with the criminal justice system. Officers frequently turn them over to the program with no more than an admonition that if they are caught in criminal activity again they will be dealt with more harshly. But especially when there is the possibility that the present incident could result in criminal proceedings, the program should insure that the client is entering the program voluntarily and that the threat of prosecution is not used unfairly to pressure a reluctant client into program participation.

2.0. PRE-TRIAL INTERVENTION PROGRAMS

There are three types of intervention programs available during the pre-trial stage. These are: diversion program, release program, and programs for pre-trial detainees.

2.1. DIVERSION* PROGRAMS

• Program purpose - Pre-trial diversion programs offer a defendant a rehabilitative alternative to the criminal justice system. He is given the option of program participation with the understanding that if he performs successfully for a period of time typically ranging from three to six months and commits no further crimes in the interim, the charges against him will be dismissed. His involvement in the criminal justice system ends. In this

*The American Bar Association Commission on Correctional Facilities and Services uses the term "pre-trial intervention" to refer to projects which divert offenders. Since program intervention to serve clients awaiting trial does not necessarily result in diversion and dismissal of charges, we prefer the more specific term "diversion."

respect, pre-trial diversion programs are like arrest alternative programs. They differ from the other pre-trial intervention programs in this section, which serve clients while they continue in the criminal justice system. Pre-trial release programs, described below, enable offenders to be released from jail pending trials. Pre -trial programs for detainees serve offenders while they are in jail, awaiting trial. DOL sponsored pre-trial programs modeled after the Manhattan Court Employment Project and Project Crossroads fall into the diversion category.

To the defendant, pre-trial diversion programs offer a way of avoiding the stigma of criminal conviction. They also assist in fashioning a life which, it is hoped, will be free of future criminal involvement. To a court and criminal justice system, they also represent an economical method of reducing backlogs and concentrating their resources on the serious criminal offender. However, because diversion programs impose fewer restrictions on defendants than do the other forms of pre-trial intervention described in this chapter, they may be more likely than other programs to become the visible target of community opposition to a criminal justice system perceived as "too soft on criminals."

- Sponsoring agencies - Diversion programs offering a comprehensive range of manpower services may be organized and sponsored by independent non-profit corporations, community groups such as an active bar association, or an ex-offender self-help organization. An existing manpower program for offenders could also add a diversion component. A diversion program could be added to a Pre-Trial Services Agency whether it operates as an independent organization, arm of the court, or branch of a probation department. Diversion programs have also been sponsored by prosecutors' office, Public Defenders, and probation departments.

- Cooperation necessary - Since it is a judge who must consent to a defendant's entering a program and eventually sign the order dismissing charges

against successfully diverted defendants, the support of the judiciary is essential. The procedures by which the court will grant permission for a defendant to enter a program, and the criteria for satisfactory termination, must be spelled out in detail. The program should consult with the judiciary to insure that the articulated criteria for program eligibility and completion are mutually acceptable. The understanding between the court and the program should spell out the program's obligations on what to report to the court, when to report it, and the procedures to be followed. Plans to have non-lawyer program representatives make court appearances require judicial approval.

Cooperation and support of the prosecutor's office, the defense, the bar, and Public Defender are also required. Like the judges, they should be consulted on entrance and termination criteria and reporting requirements. When a prosecutor elects to monitor the progress of individual defendants in the diversion program, the respective responsibilities of the prosecutor and program staff should be clarified.

In some jurisdictions, the judge or prosecutor will wish to advise the victim or arresting officer of plans to divert the defendant and solicit their views on the subject. Restitution may be imposed as a condition of program participation. Diversion program staff may assist in explaining the program to victim and officers. The program's responsibilities with regard to restitution should be clarified with the judge and prosecutor.

The same community may have a number of diversion and pre-trial release programs. These programs should coordinate entrance criteria and services to be offered to prevent wasteful duplication of efforts or competition for clients. They should arrange to consider clients sequentially rather than simultaneously and to exchange information about clients. Because diversion programs end or suspend a client's obligations to the criminal justice system and offer the promise of avoiding a criminal record, it may be wise to work out a protocol in which a client is considered for diversion before pre-trial

release.

If clients are to be interviewed in detention, arrangements for private interview space and the orderly production of candidates must be worked out with staff on the detention facility.

- Suggested operating procedures - Potentially eligible clients are identified through review of the records of the court, of the prosecutor, or of the police. This may be done by project personnel or staff of the agency whose records are consulted. Referring agencies should be given written criteria and instructed on procedures for referring clients to the project. Project staff interview defendants and explain the program's requirements. Intake and assessment is usually conducted for a one week period. If the defendant is eligible and gives his consent, project staff will recommend diversion to the judge at a court hearing. At the end of the period specified, the program reports the defendant's progress to the court. The judge then has the option of dismissing the case, holding the charges in abeyance while the defendant continues in the program for an additional period, or reinstituting the original criminal prosecution.

- Special considerations - Because criminal justice agencies may be initially reluctant to return offenders to the community, it may be expedient for a program to restrict its services to first-offender misdemeanants committing property crimes until it is able to demonstrate that other defendants can also benefit from the program and present no undue risk to the community. Experience has shown that a client's success in your program depends much more on his individual circumstances than on his status in the criminal justice system (first offender, second offender, felon, misdemeanor, etc.). This suggests rather strongly that once a program is under way, it should be willing to extend its services to defendants perceived as more serious offenders.

Experience also indicates that the earlier a defendant enters a diversion program, the more benefit he is able to derive and the more cost savings a court,

detention facility and other criminal justice agencies can realize. Ideally, a program should be in contact with a defendant early enough to be in a position to recommend diversion at initial appearance.

In some jurisdictions, a defendant is required to enter a guilty plea before entering a diversion program. The intent of this requirement is to save the court and prosecutor the risk and expense of producing witnesses after a six-month or one-year lapse of time. The fear is that during this period, a strong case could evaporate. Because pre-diversion plea requirements place the defendant in the uncomfortable position of having to waive important constitutional rights (see discussion of guilty pleas in Chapter III), in order to participate in the program, Department of Labor policy bars the funding of any diversion programs requiring a defendant to enter a guilty plea as a condition of participation.

Because defendants have common needs whether they are in a diversion program or a release program, a diversion program should consider offering its services to defendants on ROR, bail or supervised pre-trial release. These programs are described in the following section.

2.2. SUPERVISED RELEASE PROGRAMS

• Program Purpose - If a defendant is not eligible for a diversion program and gives insufficient assurance to a judge that he will appear in court as required if granted ROR, money bail conditions are imposed which may be beyond the grasp of indigent defendants. Supervised release programs (including third-party custody programs) operate on the premise that at least some of these defendants, if they are placed under more stringent conditions of supervision can be returned to the community pending trial without an undue risk that they will abscond. Unlike diversion, supervised release does not remove defendants from further prosecution of the criminal case. But it does remove them from overcrowded jails. Besides, a good record of participation

in a manpower program can favorably influence the decisions made later in a defendant's criminal case. A judge may be persuaded against imposing a prison sentence. A prosecutor may be more inclined to offer a favorable plea bargain. Or both may entertain a motion by defense counsel to dismiss the case in the interests of justice. In other respects, supervised release programs are very similar to diversion programs. The comments in that section of this chapter apply to supervised release programs as well.

- Sponsoring Agencies - Offender manpower services may be offered through the auspices of a pre-trial services agency functioning as an arm of the court, probation department, or county corrections department. The mandate of such an agency is to supervise defendants while on pre-trial release and refer them to a wide array of programs offering drug, alcohol, manpower, education, counseling, psychiatry, and other services. The referral or coordination function could be also be under the sponsorship of a bar association, businessmen's group, Community Action Agency, or church group. Alternatively, a manpower program offering direct services could be equipped to petition the court for third-party custody of defendants and to undertake the responsibility for insuring their appearance in court.

- Cooperation required - Supervised release programs are similar to diversion programs, and all the cooperative arrangements mentioned in the discussion of diversion programs must be made for supervised release and third-party custody programs as well.

In addition, supervised release programs must work out with the court, prosecution and defense, and programs the responsibilities of each agency in the supervision of the defendant. How often is the defendant to report? To whom? How frequently must the supervising agency be in contact with the

defendant? Does it rest with the supervising agency or the program providing the services to report the disappearance of a defendant?

• Suggested operating procedures - Client contact begins when program staff go to the detention facilities to interview defendants who have not been able to post bail or obtain release through ROR or diversion. Potential candidates can be identified from court, ROR agency or detention facility records. A defendant who consents to the terms of his supervision while released and appears to be able to benefit from the program is offered this option at a court hearing. Typical conditions imposed by a judge include requirements that a defendant remain in the jurisdiction, contact the supervised release program or third-party custodian within 24 hours and every week thereafter, and participate in a specified rehabilitation program. Breach of any one of these conditions may result in return to jail, and the organization or individual responsible for the defendant is required to report any such breaches to court immediately. Some programs have investigative staffs which attempt to locate absconding defendants. A supervised release program's responsibilities end when a defendant's case is disposed of, but the defendant frequently continues in the rehabilitative program as a condition of his sentence.

• Special considerations - The reader is referred to the "Special Considerations" portion of the discussion of diversion programs (2.1), above.

But clients in this program may still be convicted. This creates several service needs not present in diversion programs. For example:

- It is riskier to put a defendant in a lengthy program While in many cases a client can continue as a condition of sentence, this is not guaranteed.
- To keep convicted clients in programs, project staff should be prepared to appear in court at sentencing and urge this course on the judge.
- Program staff should work more closely with defense counsel than is required in diversion programs.

2.3. MANPOWER SERVICES FOR DETAINEES

- Program purpose - Detainees can be offered a full range of manpower services; basic, remedial and advanced education; job training and other services. Because, however, defendants' stays are of uncertain duration and facilities are not as elaborate, only recently has there been a concentrated effort to adopt a range of services in jails parallel to those available in prisons.

- Sponsoring agencies - Service programs for detainees have been sponsored by jails themselves and by a number of government and private entities. Local government agencies such as education departments, drug agencies and vocational rehabilitation offices may be appropriate. Private companies, unions, private service agencies, community and offender organizations and volunteer groups have also run programs.

- Cooperation required - Full cooperation of the detention facility is a prime requisite for program success. This includes all levels of staff, in both planning and operation. When the institution reflects the traditional division between "custodial" staff in charge of security and "program" staff with responsibility for recreational programs and social services, the cooperation of both is required. Custodial staff, even if their involvement is only to grant program staff admission to the facility, should receive a full explanation of the program. Program staff must be sufficiently familiar with institutional procedures and the rationale behind them to accommodate the program to handle interruptions for inmate counts, meals and court appearances. They should not take lightly the custodial

staff's concern about institutional security.

A number of programs may make competing demands on the limited time available to inmates and the limited facilities in the institution. Communication between these programs should be encouraged.

* Special considerations - Because of the uncertain length of detainees' stays, programs designed in short-term, self-contained units are appropriate. If possible, the program should make any arrangements necessary to enable a detainee to continue in similar programs in the community after his release from detention. Indeed, such arrangements can justify consideration of programs not designed in short term modules.

3.0 THE ROLE OF MANPOWER PROGRAMS IN SENTENCING

This manual presents no examples of programs with an exclusive and specific focus on the sentencing process. This does not mean, however, that manpower programs have no role in sentencing. As mentioned earlier, successful participation in a manpower program while awaiting trial can influence a judge after conviction to forego imposition of a prison sentence. Several projects have demonstrated that judges presented with a specific program of rehabilitation are less likely to impose prison sentences than those presented with a general recommendation for a non-institutional sentence. Pre-trial release programs can and should provide relevant information regarding an offender to defense counsel, the prosecutor, and any probation department charged with conducting pre-sentence investigations. Of course, a defendant's consent must be obtained before any information can be released. A judge can-- and should--be informed of a defendant's progress by letter, or better yet, by a personal appearance at sentencing. Strategy should be worked out with defense counsel.

4.0 POST-SENTENCE

This section will begin with descriptions of four manpower programs for confined offenders. Each represents a component of a four-pronged strategy: assessment of inmates' needs, examination of the appropriateness of a facility's existing programs, the design of new programs to fill manpower service gaps, and preparation of inmates for release. These are followed by descriptions of two approaches towards offering manpower services to partially-confined offenders. One approach offers work/study/training release to institutional inmates, and the other employs community-based residential facilities as an alternative to more secure incarceration. Programs serving non-confined offenders include those providing a full range of manpower programs tailored to the needs of offenders, and those which create supported work environments. The chapter concludes with strategies for offering needed financial assistance to inmates and technical services to manpower programs.

A. PROGRAMS FOR CONFINED OFFENDERS

4.1 ASSESSMENT OF INMATE NEEDS

- Program purpose - On entering a correctional institution, a new inmate is usually routed through a formal intake and classification system which attempts to match inmate needs to prison services. A classification committee composed of custodial, program, training, education, prison industry, medical, and religious personnel will assign the inmates to living quarters, work assignments and rehabilitative programs. Since the success of manpower programs depends on adequate and accurate assessment of clients' needs, institutional manpower programs have contributed to the improvement of these classification procedures. Manpower experts review diagnostic methods currently in use and suggest ways of improving tests, interviews and other diagnostic techniques. They also review the appropriateness of the criteria used for admission to specific programs and make suggestions on the composition and functions of the classification committee itself.

- Sponsoring agencies - Such programs have been undertaken by governmental and private manpower or educational agencies.

- Cooperation required - Institutional support for a program of this type includes the cooperation not only of the Classification Committee, but all levels of custodial and program staff. Support from the Warden and the Corrections department's central office is also important.

Because a major purpose of these programs is to prepare an inmate for parole, the cooperation of the paroling authority should also be sought.

Involvement of private corporations, unions, and other potential employers will enable the classification system to incorporate employment criteria into the selection of prisoners for training or work programs.

- Suggested operating procedures - It should come as no surprise that corrections officials have developed no magic answers for the classification of inmates and design of institutional programs which prevent recidivism. Program staff may want to approach this task from the manpower perspective, tailoring methods of identifying disadvantaged CETA client's needs to institutional limitations and the particular needs of prisoners. The discussion of assessment in the first part of this chapter maybe helpful in this regard.

Plans devised for defendants should take into account an inmate's anticipated release date. This is not only to insure proper coordination between the institutional program and the job on the outside, but also to reduce inmate anxiety about what is required to obtain release and when it may be expected. In response, some correctional facilities have adopted Mutual Agreement Programming (MAP). The individual inmate, correctional staff and paroling authority agree in advance to the conditions which must be met for the individual to be paroled on a certain date. This agreement is usually in the form of a contract, legally binding on all three parties. The agreement includes specifically defined objectives or goals which must be met by the offender to fulfill his responsibility under the contract.

The goals are usually in the areas of education, skill training, work assignment and institutional discipline. The goals are set and agreed to by all three parties to the contract. They may be modified for cause at a later date. A definite parole date is set in the contract. If the inmate satisfactorily fulfills the terms of the contract, he is paroled on that date.

Even without MAP, it is still possible (and always necessary) to correlate programs with earliest possible release date. It works to the detriment of program goals for the inmate to finish a program of skill training months or years before he will be allowed to exercise the skill.

- Special considerations - Modification of classification systems must take into account the availability or nonavailability of program alternatives in the institution. Accordingly, we urge this as a first step in efforts to tailor prison programs to offender manpower needs. One should also be willing to examine the relevance of existing prison programs, devising methods for filling gaps in service needs, and developing strategies to prepare the offender for release into the community. Not coincidentally, these are the subjects of the next three sections of this chapter.

There must be agreement that as often as is practical, an individual will be assigned to living quarters, work assignments and programs which address his needs, not those of the institutions. Everyone agrees in principle, but reasonable men may differ on the practicalities.

4.2 ANALYSIS OF INSTITUTIONAL PROGRAMS AND WORK ASSIGNMENTS

- Program purpose - The goal of this undertaking is to insure that prison programs will adequately prepare inmates for job opportunities on the outside. This involves an in-depth review and evaluation of vocational education programs, prison industries and other prison programs. It also should explore the possibility of turning prison maintenance and other work assignments into on-the-job training opportunities specifically geared to

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work examination. Ideally, the examination should consider work performed by inmates, by institutional staff and work not performed at all, with a view towards restructuring or creating assignments which make sense as training experiences. Equipment used and skills taught may be altered to reflect technological advances on the outside. Conditions should be structured to present environments similar to real work situations. Performance standards and work incentives should be reviewed.

- Sponsoring agencies - Such programs can be sponsored by private businesses and unions, either individually or in consortia. Existing public or private offender manpower programs can also undertake efforts in this area.

- Cooperation required - The types of institutional support outlined in the description of offender assessment programs in the last section should also be involved here. Prison industry and prison maintenance staffs are particularly important, but the others should not be overlooked.

Involvement of private businesses, potential government employers and unions will help to insure that institutional programs comport to current industrial standards. They may even be able to offer ideas on adding training in the equipment or procedures used by a particular firm or office, in anticipation of recurrent job openings.

- Special considerations - Any survey of institutional programs must take into account budgetary constraints, limitations on staff available to either operate such programs or provide adequate security measures, and other realistic limitations required for the operation of the facility. It may prove necessary to formulate interim as well as long range goals.

It may also be necessary to develop programs for training the trainers. Such programs for the institutional staff providing the training and supervision of inmates can be made more effective through involvement of representatives

from unions and private industry.

Even if a corrections department is the program sponsor, it may be wise to use "outside experts" for their objectivity and their fresh insights alike.

4.3 COMPREHENSIVE MANPOWER SERVICES FOR INMATES

- Program purpose - These programs seek to offer a full range of manpower services to prisoners, in an attempt to make incarceration a positive rather than a negative experience and prepare the inmate to cope in a socially-acceptable manner with "the outside." Program components may center around education, vocational training, counseling, prison industries and prison maintenance assignments. But all too typically, programs have offered only one or two of these components -- and then only to a select portion of the population.

- Sponsoring agencies - The most obvious sponsor for an institutional program is the corrections department itself. But programs or program components have also been sponsored by other governmental agencies (including special state-wide school districts organized to meet the particular needs of prisoners juvenile delinquents, mental patients and other institutionalized people as well as to qualify for federal assistance), public and private colleges, companies, unions, community and volunteer groups and organizations of ex-offenders.

- Cooperation required - The last two program descriptions have elaborated on the full meaning of "institutional support" in a correctional institution. One should not make the mistake of underestimating the amount of assistance that can be obtained by cultivating the support of the "custodial staff" -- or lost by disdain toward the people who deliver the inmates to your program.

Cooperation should extend to the Parole Board. They should be informed of the content -- and the value -- of your program. You should also be prepared to submit reports or appear before the Board on behalf of inmates. Where possible, MAP agreements described above should be attached to the provision of these services.

- Suggested operating procedures - Programs should reflect in the institutional mirror the full range of services available in the non-institutional setting. The following paragraphs suggest only some of the many possibilities.

Education programs have ranged from remediation and individual tutorial through high school equivalency to college and post-graduate courses. In some institutions, it is possible to earn a college degree while in confinement. The American Association of Community and Junior Colleges (1 Dupont Circle, Washington, D. C.) is promoting such programs. Educational courses also include English as a second language and vocationally connected courses such as draftsmanship.

Training programs range from the traditional beauty culture and barbering (sometimes despite statutes prohibiting licensure of felons in these occupations) through computer programming and sophisticated electronics courses. They are sometimes linked to employment upon release.

Although many prison industries use out-moded equipment and production techniques to produce such items as license plates and prison clothing, some prison industries provide training in a useable skill. Some examples are computer centers, printing shops, auto repair centers and furniture manufacturing plants. These activities normally serve state and local government needs and are therefore sometimes referred to as "state-use industries."

Prison maintenance may also provide opportunities. In addition to building maintenance (plumbing, carpentry, electrical repair, bricklaying and other trades) such activities as dental and medical care and eyeglass lens-grinding for inmates, food service, libraries, clerical and administrative jobs should be explored.

- Special considerations. Compared to other components of the criminal justice system, prisons represent a uniquely "closed" society. This report cannot offer an adequate description of the setting in which institutional programs operate. Visit a prison -- fully aware of the natural tendency to display accomplishments and disguise problems.

Practices in many prisons have been changing in the past few years, largely as a result of the introduction of a variety of programs for inmates. Yet in most prisons, the underlying attitudes have remained much the same. Prisons are places where we lock people up and try to rehabilitate them. These two activities are seen by many as fundamentally contradictory. This tension between security and "rehabilitation," which exists in prisons, results from society's ambivalence about what to do with criminals. But most prisons are more concerned with security than they are with rehabilitation. Almost all activities in prisons are influenced by concern for security. The degree of concern will vary from institution to institution. Prime sponsors introducing programs in prisons should be aware of these concerns. For example, depending on the institution, the presence of one or more prison guards at all times may be required in the area where the program functions. However, a sufficient number of guards may not always be available. Tools and work materials which are perceived as a threat to security must be watched. Some may not be allowed. Inmate "counts" at regular

intervals may interrupt programs. Logistical and security problems inherent in "movement" of inmates to and from workplaces, cells, meals, and the like may delay access of your staff to the institution or dictate less than optimum scheduling of program activities.

Other institutional practices frequently serve to encourage bad work habits or otherwise serve to impede manpower programs. Concerns for "security" dictate a life in most prisons which denies the inmate the opportunity to think and act for himself. Such decisions as who may be on an inmate's list of "authorized" mail correspondents, what personal belongings he may keep, and when he may shower are often governed by institutional regulations. Many, but not all, institutional staff are frequently (and often correctly) cynical and suspicious about a program's ability to "rehabilitate" inmates. But staff attitudes, positive or negative, towards programs and towards inmates, set the mood and tone within which your programs must function. They will also influence the kind and degree of cooperation which institutional staff will lend to a program.

In some institutions a lack of programs or other methods to occupy inmates' time constructively results in "featherbedding" - the assignment of three men to every task. Productivity standards and work incentives may be required to make a prison work situation more closely resemble the "real world."

Use of productivity standards and work incentives in institutional programs is intended to acquaint inmates with "real world" work environments in which an honest day's work is expected for an honest day's pay. Institutional programs should be fully cognizant of the importance of keeping their half of the bargain.

Similarly, programs will present a more realistic work environment if promotion to foreman, and then to supervisor, can be offered the best workers.

Stealing and graft practiced by some inmates -- tolerated and sometimes practiced by some institutional staff -- occur more often than most correctional authorities would like to admit.

Most prisons are quite crowded. Space for offices, training, classrooms, individual and group counselling sessions and other program needs may be at a premium and difficult to obtain.

Efforts of programs to develop among inmates manpower skills, a sense of self-confidence, a pride in oneself and pride in one's work must confront these realities of prison life. This is a difficult and never-ending task. But it can be done. Institutional regulations adversely affecting the operation of your program should be examined with the warden or other appropriate authority to determine their relevance to promoting security. At the outset, support among some institutional staff should be identified and developed. Counselling and other techniques for attitudinal development should be carefully integrated into the other elements of your program. Teachers, trainers and work supervisors should realize their role as greater than merely providing education or skills training. They should be capable of helping inmates to develop a sense of pride in their work and themselves.

4.4 PRE-RELEASE ORIENTATION

- Program purpose. Pre-release orientation programs are designed to assist the individual in his transition from confinement to the community. They often include intensive individual and group reality-based counseling to prepare an inmate for dealing with the range of problems he will encounter upon release. Pre-release programs begin anywhere from one to six months before release. In some instances, more limited work sampling (brief job trials), counseling, job development and placement services are provided. programs are usually concerned with assisting the individual to develop

techniques for securing employment: resume writing, reading want ads, and interviewing skills. They sometimes bring employers to the institution to interview inmates for jobs and to help with applications and resumes. Often volunteer groups set up "buddy systems" which link up a person from the outside, in some cases an ex-offender, with an inmate. The volunteer acts as a community liaison for the inmate while providing emotional support and help in finding a job. Many programs employ inmates to provide some services. Where the individual is eligible for a pre-release furlough, such programs sometimes assist in the preparation of a furlough plan.

- Sponsoring agencies. In addition to correctional institutions, sponsors could include inmate and ex-inmate groups, public and private manpower agencies, offender aid programs, private corporations, community agencies and volunteer projects.

- Cooperation needed. In addition to all the forms of institutional support identified earlier, a pre-release program requires the cooperation of both the parole staff recommending release and the parole board making this decision.

- Suggested operating procedures. Pre-release programs should operate in facilities which are separate from the rest of the institution. This will help to establish a way of life more closely akin to the outside. Release lists for parolees, inmates whose maximum sentence is expiring or those on conditional release are prepared for the Parole Board or the Department of Corrections. These lists should be obtained early enough to identify eligible inmates and to allow them at least 4-6 weeks in the program.

Pre-release programs should focus on the solution of practical problems

confronting inmates immediately upon their return to the community, and on the more traditional job-readiness and job-development services. For example, many inmates lose their Social Security cards and don't remember their numbers. (These can be obtained prior to release from local Social Security Offices.) Expired drivers licenses can be renewed. These passports of American society are not needed just to secure and hold a job, inmates are frequently "picked-up" for vagrancy immediately after their release because they have no means of identification. Housing, financial assistance, money management, medical care, family and legal problems will probably have to be addressed. Public transportation route and schedule information in the communities to which inmates return should be provided. Up-to-date and frequently revised booklets of services available in the community - with names and phone numbers should be provided.

Programs based in the community will probably find it necessary to "outstation" staff in the prison. Programs should be geared towards gradually increasing the inmate's willingness and ability to act on his own.

B. PROGRAMS FOR PARTIALLY CONFINED OFFENDERS

4.5 WORK/STUDY/TRAINING RELEASE

- Program purpose. These programs seek to lessen the negative impact of confinement on an inmate by permitting him to leave the institution to work or attend an educational or training program. They have the advantage that the work situation or program is not subject to many of the types of institutional limitations described above in the section on prison programs. They also provide an easier transition into the community. Working inmates on release accumulate earnings to give themselves a better start on release than is provided by \$20 or \$50 "gate money".

- Sponsoring agencies. Release programs may be sponsored by the correctional department, or by the organization which provides or coordinates the service

program. The latter may include the Parole Department which will eventually supervise the inmates on parole, privately-run community residential centers, private corporations, unions, public or private manpower agencies, schools, and colleges.

- Cooperation required. Legislation is generally required to authorize work/study/training programs. Ongoing support of key legislators is therefore valuable. Full cooperation from all levels of the Corrections Department must be secured.

The support and understanding of the communities into which the inmates are released should be actively solicited. This should include working closely with employers or teachers, and fellow employees or students. Employers and other persons responsible for released defendants should be informed of the conditions under which the inmate is released, and apprised that scheduling and logistical problems may be expected. The question of potential hostility of co-workers must be faced. This includes specific decisions on what, or how much, to tell them about the inmate's status.

Program efforts to encourage clients to assume responsibility for their own actions will be enhanced if prison officials and local police departments permit staff and clients to resolve minor disciplinary problems.

- Suggested operating procedures. Eligibility requirements will be broadly specified in the legislation authorizing work/study/training release. More specific guidelines should be formulated, and the institutional staff who recommend inmates for release should receive appropriate orientation. Careful screening of work-release applicants is particularly important since "failures" are frequently picked up by the press and/or hostile legislators. While no screening can be fool-proof, careful procedures are an important part of a program's answer in the event of an incident involving a releasee.

On the other hand, some risk is necessary. If a project is unwilling to extend work-release status to anyone who could commit a new crime, it will soon be out of clients. A program which can document a favorable cost/benefit ratio (compared to prison care) and a recidivism rate no higher than that of other inmates upon release should be able to survive publicity arising from one or two conspicuous "failures".

Inmates in the program may be housed in a large, secure facility, or they may be transferred to a smaller, less secure facility in or closer to the community. The facility may be run either by the Corrections Department or by some other organization. Since large, maximum-security institutions are generally inconvenient to community programs and jobs, transfer to community facilities must be considered. Further, it is incongruous to deem an inmate to be a good risk for daytime release, yet maintain that maximum-security facilities are required at night. Where inmates are housed in such facilities, however, it may be necessary for security reasons to segregate releasees from the rest of the population. Wardens are concerned about contraband which may be obtained during the day and sold or given to other prisoners later.

Because the "dual life" of prison and release creates strains on the inmate undergoing a transition into the community through work release, special counselling components are usually necessary in these programs.

Individuals earning money on work release are generally required to reimburse the residential facility up to a specified maximum, for room and board. Some programs also require the participants to support their families, either by direct payment or by reimbursing the welfare department.

• Special considerations. Transportation and logistical problems should be anticipated. These problems arise inside the institution as well as in getting prisoners to and from the community programs. Early breakfasts, special "count" procedures, procedures for transferring the inmate to the front

gate every day, and searches on return to the prison each night may be required. Special buses and/or cars, drivers and back-up drivers are needed. Staggered starting and quitting times for releasees may be necessary.

If work release programs are developed in conjunction with institutions which are located in rural areas, jobs available in these areas may not correspond to jobs in the urban areas to which most inmates return. Care should be taken to identify and to develop work-release jobs which provide work experience which will be useful in urban labor markets.

In most instances, those work release slots which are developed are filled continuously by different inmates. In some instances, however, inmates on work release keep their jobs after they are released from prison. This should not result in one less inmate on work release; instead, a new work/release position should be developed.

The value of work/study/training release is enhanced if it is closely linked to manpower programs inside the institution.

4.6 COMMUNITY-BASED RESIDENTIAL FACILITIES

- Program purpose. These programs offer an alternative to more traditional maximum security institutions. They are generally small (five to forty residents), close to community jobs and programs, and more informal on the issue of security. A defendant may be sentenced directly to the facility in lieu of prison (thus, "halfway-in house"), or in anticipation of an inmate's release ("halfway-out house"). The facilities may also house parolees or others just leaving a correctional facility. They may also house inmates on work/study/training release.

Community residences have been located in buildings used solely for the center or in part of resident hotels or YM and YWCA's. Some residences have been in parts of college dormitories in conjunction with educational programs. Programs vary greatly in terms of types of offenders served, agencies from which referrals are made, and types of services offered. There are residences for offenders from a particular correction system, federal, state or local. Some only handle women or youthful offenders. Some are only for drug addicts or alcoholics. Most of the privately run residences will accept offenders from any correction system with a wide range of criminal histories.

Most community residential programs anticipate short stays of approximately three months. Clients tend to stay in drug treatment centers up to a year longer.

Some programs have vocational counsellors, job developers and case workers on staff. Others refer to community agencies for those services. Some programs have their own drug and alcohol programs. Some form of counselling is always provided, ranging from referrals only to full supportive services including case work with the offender's family. Most programs provide some type of financial assistance, whether it be from special grants, an arrangement with the local public assistance agency, or loans from a revolving fund with contributions from residents.

- Sponsoring agencies. These programs may be sponsored by a corrections or parole agency, government or private manpower agencies, or virtually any of the private organizations or groups mentioned in earlier program descriptions.

- Cooperation required. The most important form of cooperation - and the most difficult to secure - is that of the community. Program planners and managers alike must respond to a community's fear of "letting murderers and rapists" into their neighborhood. Involving the host neighborhood in the early stages of planning the program alleviates some of these problems. Some community residence centers have found it expedient to make a highly-visible neighborhood improvement program their first order of business. And, this "community outreach" or public relations effort should continue throughout the life of the program. This may include sensitizing participants on the potential impact of boisterous behavior, unconventional dress and fraternization.

The local police department should be apprised of the program, and specific procedures for handling minor incidents involving residents may be expedient.

It is also important that the residence staff be aware and take full

advantage of all community resources needed by their residents, from rehabilitation programs to the public library to cultural events. The center should coordinate its program services with other similar residences and offender aid organizations so as to achieve a pooling of resources.

When the resident is under the supervision of a correction, parole, or probation agency, it is important to have close working cooperation between the supervising officer and a program staff. Whenever possible, the center staff should have a part in setting the non-statutory limitations placed on the resident by the supervising agency. Agreement should also be reached -- beforehand -- on what breaches of conduct (if any) can be handled by the project without involving the supervising officer.

- Suggested operating procedures. The most pressing problem facing an ex-inmate adjusting to a new role in the community is economic. The inmate needs a job -- for the money and for the self-esteem. Thus, job development is a crucial part of any residence center program. Too often the emphasis is on urging the offender to accept any form of employment rather than doing bona fide job development and career counselling. Too often the offender is simply left on his own in finding employment. An integral part of any community residential center must be a professional, trained job development unit. If the center is too small to warrant such a unit of its own, or if it is in a locality where there are other job development programs for offenders, then firm relationships should be established for referral of residents. If this is the program route chosen, it will still be necessary to have residence staff monitoring the referrals.

C. SERVICES FOR NON-CONFINED OFFENDERS.

4.7 COMPREHENSIVE SERVICES FOR EX-OFFENDERS

- Program purpose. These programs seek to provide a wide range of vocational assessment, training, job development, education and supportive

counselling services to non-confined offenders. Any or all of these services are provided together or in part by a wide range of public or private agencies. The offender may be on probation or parole, serving a sentence of conditional release or released after serving his maximum prison sentence.

- Sponsoring agencies. Sponsors have included probation and parole departments, employment service, public and private manpower agencies, offender aid agencies, offender self-help groups, public and private colleges and universities, public and private welfare agencies, community organizations and volunteer groups.

- Cooperation required. For offenders on probation and parole, department support and the cooperation of each client's supervising probation or parole officer is required. In developing a comprehensive service-delivery network, all government and private groups identified as potential sponsors should be consulted.

- Suggested operating procedures. More than any other area of offender manpower, provision of services in the community suffers from an almost total lack of comprehensive planning, systematic identification of client needs, identification and coordination of all existing services, insufficient staffing within any one agency to meet the needs of the clients of that agency, lack of training of staff and non-existent evaluation of services provided. Thus, it is especially important that any program development in this area must be preceded by a survey and evaluation of all services available in the locality and a survey of the needs of the clients to be served. After such surveys are made, duplication and gaps in service can be identified and comprehensive planning can begin.

Programs should contain or have access to a staff-training component or such training should be provided by one community agency. Training topics

should include, as a minimum, the problems to be encountered in this client population, suggested ways of meeting those problems, how to identify all other services available in the community such as health care, day care for children, education and emergency financial needs and how to do job development. The need for supportive counselling should not be ignored. There should be a formal structure for ongoing monitoring and evaluation. Involvement of the private sector should be encouraged wherever possible.

4.8 SUPPORTED WORK

- Program purpose. These programs work with those offenders and other disadvantaged CETA clients who have a low probability of initial success in a normal work situation. They provide a work environment in which responsibility and job stress factors are gradually increased until they resemble the "typical" job milieu. Productivity is gradually increased, as are expectations of compliance with rules on absenteeism, punctuality and performance on the job.

Some programs have intensive counselling components, Others have found that support from crew chiefs and crew members is a better way to help the offender with problems which are not work-related and assist him in meeting the gradually increasing levels of stress. The goal of the program is to place in normal employment those offenders who make satisfactory progress in the program.

- Sponsoring agencies. Public or private manpower agencies and private corporations sponsor supported work programs.

- Cooperation required. If the offender is still under the control of a probation, corrections or parole agency, the cooperation of the administrative heads of those agencies as well as the officers actually providing supervision should be obtained. Municipal agencies can provide job sites, and the welfare department can provide needed financial assistance.

As much as possible, the ultimate employers of the offenders who successfully move through a supported work program should be involved in the planning

of the project. This will facilitate both the identification of the supported work opportunities and the ultimate placement of program graduates in jobs.

- Suggested operating procedures. Participants in supported work are usually organized in small crews of 5-6 members each, directed by a crew chief, who is also an ex-offender. Crew members are encouraged to provide mutual support to each other. Careful and regular feedback on performance is provided by the crew chief. Different stages of performance should be developed. Entrance criteria should be set to take into consideration an individual's past work history, past involvement in and lack of success with other training, counselling and employment programs. In dealing with drug addicts and alcoholics, past or present involvement with treatment programs is a factor to be considered. A strong counselling component is a key factor in the operation of these programs. However, it should be recognized that counselling involvement should decrease as the individual progresses through the program, so that the end result is a normal work situation with a minimum of counselling. Increasingly difficult levels of job performance must be identified and an appropriate job structure designed. Completion of the program, must result in a placement in a normal job situation.

4.9 FINANCIAL ASSISTANCE

- Program purpose. These programs assist the offender between his release and the time he receives his first paycheck. Most states provide a modest amount of "gate money" to prisoners on release from prison. However, the amount is inadequate to tide him over until his first payday -- which may be two or three weeks after he begins working. Many programs now make provision for loans or grants to be paid to participants. Sometimes these

payments are through arrangements with public assistance. A few programs are using the unemployment insurance structure to make payments.

- Sponsoring agencies. Any public or private agency which is sponsoring any offender program -- counselling, training, education, job development -- will also probably be sponsoring some form of financial assistance. In addition, public welfare offices have established special programs to facilitate payments to offenders.

- Cooperation required. Since welfare plays an important role in the pre-employment financial assistance for offenders, agreements should be reached with the administrative head of the public assistance program. Guidelines should be established and thoroughly explained to staff. Payments can be made directly to individual offenders, or through manpower programs. Any project providing financial aid through unemployment insurance would need the cooperation and involvement of U. I.

- Suggested operating procedure. The beginning and duration of financial assistance should be coordinated with the realistic needs of the offender. Assistance should begin immediately after release and last until the individual has received his first check. All programs which deal with offenders will probably find it necessary to provide some type of financial assistance, even if only for carfare and lunch money. If financial assistance is being provided by an agency different from the one which is providing training, procedures of both should be coordinated so that the individual does not lose valuable program time in working out his money problems.

5.0 INDIRECT SERVICES

- Program purposes. Even if a CETA prime sponsor is successful in his efforts to launch a comprehensive program of manpower services for offenders, his responsibility toward this special target group does not end.

There is much a prime sponsor can do to aid individual projects. A sponsor can provide such technical assistance, staff support, coordination of programs, research and innovative program development. Indeed, these services can be provided to the private employment sector as well as to manpower projects. Corporations and unions have been recruited to provide assessment and training of inmates within institutions. Other support efforts have included recruiting, organizing and providing staff support to private corporations consortia for the training and employment of offenders; working with private sector training programs within institutions to identify problems and suggest operational adjustments; conducting research on the characteristics and needs of specific offender groups in specific localities; developing a technique for collecting and analyzing all labor market information for a specific locality; circulating employment opportunities bulletins to all offender job development agencies in that locality. Perhaps the most important service that a sponsor can provide is advocacy of the removal of restrictions on offender employment, which is the subject of Chapter V.

- Sponsoring agencies. Many of these services can be provided with the prime sponsor's staff expertise or by private industry.

- Cooperation required. The planning and implementation of such programs should include the administrative heads of all private and public agencies providing services to offenders, so that technical assistance priorities in research and program development can be established.

- Suggested operating procedures. Depending on the locality, it may be more appropriate to have one agency provide all of the needed indirect services. If such services are not centralized, it becomes imperative to have close cooperation and coordination among those agencies which are fulfilling this technical assistance role. Such a program should not duplicate services already provided by other offender programs. Rather, it should be involved in those

activities which other agencies cannot themselves provide either because of budgetary restraints or lack of technical expertise. Such an agency could carry out the important but difficult task of educating the private sector on offender needs, encouraging them to remove unnecessary restrictions and hire qualified offenders.

D. PROGRAM EXAMPLES

Following are descriptions of specific ongoing manpower projects for offenders. They are arranged, as is the preceding section of this chapter, according to the criminal justice system flow chart described in Chapter III. However, many of the projects serve offenders at more than one point in the system. The individuals and agencies who operate these programs have experienced some of the difficulties which you will experience in implementing offender manpower programs. Because of their experience, these people are a valuable resource for you. Call or write to them. If they are unable to answer your questions, they can probably refer you to someone who can. This list is not exhaustive; there are many good programs which are not included. However, we feel the programs listed below are good examples of the various types of services which can be provided at various points, from arrest through release, in the criminal justice system.

Program Example: Alternative to Arrest

Title: Sacramento Citation - Diversion Program

Sponsor: Sacramento Police Department

Funding: Police Foundation; City of Sacramento

Contact: Diversion Officer
Youth Services Division
Sacramento Police Department
813 6th Street
Sacramento, California 95814
(916) 449-4745

This program serves individuals over eighteen who are arrested on minor drug charges and have no previous arrest or conviction history. If the arresting officer feels that the individual meets the diversion eligibility criteria, a citation is issued requiring the individual to report to the diversion officer the next working day. If the diversion officer and the potential client agree that the program is appropriate, the individual waives his right to immediate arraignment and speedy trial and agrees to report to the program regularly for 30 days. Counseling and referral services are provided to the participant. If the client meets all program obligations, charges are dropped and no record is made of the arrest; if not, charges are forwarded to the district attorney for prosecution.

Program Example: Pre-Trial Diversion - Prosecutorial Screening

Title: Citizens Probation Authority of Genessee County

Sponsor: County Board of Commissioners

Funding: County; CETA funds

Contact: Director
Citizens Probation Authority
210 W. 5th Street
Flint, Michigan 48503
(313) 766-8536

This is a pre-trial diversion program serving men and women who are referred at the discretion of the prosecutor. The decision to refer the defendant to the program is made before the filing of formal charges.

To be accepted into the program the offender must be: at least 17 years old; a resident of Genessee County; and arrested for a nonviolent felony. Program eligibility is generally limited to first offenders; those with a history of "anti-social" behavior are not allowed to enter the program.

Each individual referred to the program is assigned a counselor who works with the client to develop a realistic treatment plan for a period of up to one year. Clients work, go to school, receive counseling and/or attend vocational training classes. The treatment plan is drawn up as a formal contract and signed by the offender, his counselor, and a prosecutor-designate. If the client follows through with the plan, program administrators recommend to the prosecutor that he dismiss the case and expunge the client's criminal record.

The program provides individual and group counseling as well as referrals to other community agencies such as mental health facilities or alcohol or drug treatment programs.

Program Example: Pre-Trial Diversion

Title: Project Crossroads

Sponsor: Superior Court of Washington, D.C.

Funding: Superior Court

Contact: National Pretrial Intervention Service Center
American Bar Association
1705 DeSales Street, N.W.
Washington, D.C.
(202) 659-9697

Project Crossroads began operations in Washington, D.C. in January, 1968, under the auspices of the National Committee for Children and Youth, with funds from the U.S. Labor Department. The program is now funded by the court, and has a staff of 11.

The program is open to first offender misdemeanants, 18 to 45 years of age, with no drug involvement. At the discretion of the U.S. attorney, certain felons are also allowed to join the program.

Project Crossroads offers eligible defendants intensive services in one of three areas: counseling, (individual or group), education, or job placement. Each client participates in one phase during his 90-day term in the program. Program staff recommend to the judge that charges be dropped if the offender successfully completes his participation in the program.

Program Example: Pre-Trial Intervention - Diversion

Title: Pre-Trial Diversion Services Project, Inc.

Sponsor: Private, nonprofit corporation

Funding: LEAA; Jackson County

Contact: Director
Pre-Trial Diversion Services
1212 McGee Street
Suite 206
Kansas City, Missouri 64106
(816) 471-2685

Clients are referred to this program by prosecutors or by private attorneys before formal charges are filed (deferred prosecution); after formal charges are filed, but before a preliminary hearing (charges dropped pending successful completion of program); or after a preliminary hearing (the case is left on an inactive docket until the program is successfully completed when the case is dismissed).

Defendants eligible for the program are those arrested for non-violent felonies (95 per cent) or misdemeanors; who are 17 to 35 years of age of either sex; have lived within the metropolitan area for a year; are not drug addicts or alcoholics; have no case pending out of Jackson County; and preferably are first offenders or have not served previous sentences of over six months.

Clients participate in the program for 90 to 180 days. Individual and group counseling is generally run on a reality therapy or transactional analysis model. All releasees are required to attend group therapy for five weeks after program completion. During the last two months of participation, the program requires that clients be employed full or part-time, be going to school, or be in vocational training, or a combination

of these.

The program operates with a staff of 7; counseling is provided by para-professionals. A full-time staff member serves as a job developer working closely with the state employment service. There is a job bank computer in the program's office; the program has links to other supportive services in the community.

Program Example: Pre-Trial Intervention - Bail

Title: Des Moines (Iowa) Community Corrections Project

Sponsor: Polk County Department of County Services

Funding: County

Contact: Director
Department of Court Services
610 College Avenue
Des Moines, Iowa 50314
(515) 283-0426

In 1970, the Iowa Council of The National Council on Crime and Delinquency (NCCD) obtained funding from the Model Cities Agency, Law Enforcement Assistance Administration, and Iowa Division of Social Services to operate a supervised bail release program for detainees who could not post bail or qualify for the ROR (release on own recognizance) program.

Upon court acceptance of a project recommendation, the detainee is released to the project. In addition to reporting to the program daily, the individual may be required to participate in personal, family or group counseling. Clients are referred to a variety of public and private agencies for employment assistance, child care training, drug or alcoholism treatment, psychiatric diagnosis and treatment, medical treatment and remedial education. High school equivalency and community college courses are also available.

During its first two years of operation, the program served 300 detainees. There was no significant difference between the behavior of this "high-risk" group and that of individuals released on regular money bail. Ninety-eight percent of each group appeared for trial; both had the same rate of arrest on new charges during the release period (17.5%). The project saved the local government \$135,000 in one year (its annual operating cost is \$144,000) and obviated the need for a new jail.

Program Example: Pre-Trial Intervention - Bail

Title: D.C. Bail Agency

Sponsor: Washington, D.C. Court

Funding: City

Contact: D.C. Bail Agency
601 Indiana Avenue, N.W.
Washington, D.C. 20004
(202) 727-2911

Like most bail agencies, the D.C. Bail Agency interviews all arrestees and makes recommendations to the Court for ROR and supervised release. A staff of 63 interviews 27,000 arrestees and supervises 10,000 releasees per year. However, this program also provides some direct services to releasees. It provides vocational counselling and job development with the assistance of a computerized job bank. In addition, clients are referred to public and private agencies for additional services such as training, remedial education, medical, psychiatric, drug addiction and alcoholism treatment.

Program Example: Confinement - Jail Social Services

Title: Inmate Services Program

Sponsor: Washtenaw County Sheriff's Department

Funding: LEAA grant

Contact: Inmate Services Program, Director
216 East Huron
Ann Arbor, Michigan 48108
(313) 662-5661

Counseling; education; vocational guidance; job development and placement; and medical assistance are provided by this program to detainees and misdemeanants serving sentences up to one year in the county jail. Every person processed in the county jail is interviewed by program staff who eliminate from possible participation those whose sentences will be too short to supply them with services. Individuals who will be in the jail for a minimum of eight weeks, while awaiting trial or serving sentence, have special programs designed to fit their needs.

Professional counselors provide continuing individual and group counseling to inmates and their families. An education coordinator provides testing and counseling to determine academic deficiencies. Classes leading to high school equivalency degrees, as well as drug and alcohol education classes, are offered in portable classrooms located in the jail compound. A vocational counselor administers testing to inmates to determine employment skill levels. This staff person also contacts employers to develop jobs for those on work release or on parole. Follow-up by the coordinator after placing clients in jobs is continuous throughout the period of supervision.

The program also offers dental, optical, and medical assistance to detainees and other inmates at University of Michigan facilities through the sponsorship of the local Lions Club.

The total cost of the program will be assumed by the county when LEAA funding expires.

(The program also embraces an Inmate Residential Center in Ypsilanti which houses about 15 men under the control of a director and two counselors. The men eligible for referral to the residential center are always low-security risks near the end of sentence. They are almost always employed before release to the center.)

Program Example: Confinement - Vocational Training

Title: Honeywell Computer Programming

Sponsor: Massachusetts Correctional Institutions and Honeywell Information Systems

Funding: Honeywell; Massachusetts Correctional Institutions

Contact: Group Manager
Honeywell Information Systems, Inc.
60 Walnut Street
Wellesley, Massachusetts 02181
(617) 237-4100

This project is administered by inmates. It provides courses of varying length in fundamentals of data processing, computer logic, computer programming, systems design and analysis, keypunch and teletyping. Courses are taught by inmate instructors, who must make a commitment to assume teaching responsibilities after they complete the basic courses. Advanced courses in FORTRAN and other languages are taught by Honeywell volunteers. Advanced inmates perform computer work for other state agencies.

Honeywell contributes computer equipment training materials, and tests for screening of applicants and certification of graduates. It does not provide placement services.

Program Example: Confinement - Vocational Training

Title: Non-Profit Corporation for Offender Manpower Programs

Sponsor: Private Concerns, Inc. (PCI)

Funding: LEAA; private foundation

Contact: President
Private Concerns, Inc.
477 Madison Avenue
New York, New York 10022
(212) 644-1630

PCI works to involve the private sector in training and employing the offender through identification, design, implementation and evaluation of a series of program models, each of which tests the validity of a specific means through which employers can train and hire. Each program is tailored to the functions of the criminal justice system and the individual characteristics of the offender and each has some potential for replicability. Private sector employers are offered professional managerial assistance to encourage them to become involved in offender manpower programs. Among specific projects currently being undertaken by PCI are the following:

1. Chase Manhattan Bank training program: PCI provides program management for the clerical training program at the Bedford Hills Correctional Facility for Women. In this program, 25 women are trained by Chase Manhattan training personnel in shorthand, typing and clerical skills. The length of the training is closely correlated with release date. Upon successful completion of the training program, the women are employed by the bank.

2. Labor Management Information System: All available labor market information is analyzed to identify the probability of obtaining specific jobs in specific industries and geographic areas. Periodic bulletins on

employment opportunities in skilled, semi-skilled and unskilled occupations are published by the program. These include descriptions of tasks to be performed, training and experience required (if any), special requirements (e.g., driver's license), limitations for offenders, and lists of employers when available. Bulletins are circulated to all public and private agencies which provide job development services for offenders.

3. Bulova Work-release Training Program: PCI provides program assistance for a State program through which work-release inmates are trained by Bulova Institute in the occupations of precision technician, watch repair, and watch manufacturing. Length of training is correlated with release date. Employment is provided for all those who satisfactorily complete the program.

In addition, PCI packages private employer training consortia, arranges for unions to evaluate appropriate prison industries and institute training programs, assesses vocational needs of offenders in specific institutions, and operates its own job development unit.

Program Example: Confinement - Prison Industries and Prison Maintenance

Title: Prison Industries and Prison Maintenance

Sponsor: Department of Corrections

Funding: Individual states

Four examples of prison industries and prison maintenance assignments which provide on-the-job training are described below:

1. At the Optical Mechanics Shop at Wallkill Correctional Facility (NY) inmates are trained to grind and polish lenses to prescription specifications, assemble the lenses in frames, and fit and adjust the frames to the customer. Eye glasses are produced for the inmates of the New York State corrections system.

Contact: Director of Education
Box 6
Wallkill Correctional Facility
Wallkill, New York 12589
(914) 895-2021

2. The Dental Laboratory at the NJ State Prison at Rahway provides training in the construction of dental prosthesis for residents of state institutions. Participation in a high school equivalency program is required to meet the apprenticeship qualifications.

Contact: Chief Dental Laboratory Technologist
New Jersey State Prison
Lock Bag R
Rahway, New Jersey 07065
(201) 388-2060

3. The Radiologic Technology Training at the California Rehabilitation Center at Corona trains inmates in x-ray technology. Inmates work in the institution hospital and participants who complete training are eligible for certification.

Contact: California Rehabilitation Center
Box 841
Corona, California 91720
(714) 737-2683

4. At the Youth Correctional Institute at Bordentown, NJ inmates are trained in the maintenance of an oil-fired high pressure boiler which provides heat and hot water for two institutions. Supplemental courses are offered to prepare trainees for the examinations for state licensing as a Black Seal Fireman.

Contact: Supervisor of Education Program
Youth Correctional Institute
Box 500
Bordentown, New Jersey 08505
(609) 298-0500

Program Example: Confinement - Pre-release

Title: Pre-release Orientation Program

Sponsor: New York State Department of Correction

Funding: Same

Contact: Deputy Superintendent for Programs
Greenhaven Correctional Facility
Stormville, New York 12582
(914) 226-2711

The idea for a series of pre-release orientation seminars came from an inmate group called the "Think Tank." The program, which supplements the efforts of prison counselors, consists of bringing in from the community (New York City, which is 65 miles away) people who may be of assistance to inmates upon release. The program is open to inmates 90 days before parole or completion of sentence and is run on a voluntary basis. Thus far, 80 percent of those eligible have chosen to participate in the seminars.

A representative of the New York State Employment Service devotes four days each week to the program. Others who come into the prison to speak include representatives of social agencies, Veterans Administration, mental health centers, drug programs, consumer groups, family counseling services, residential centers, educational institutions, the National Alliance of Businessmen, and field parole officers.

The regular staff consists of six inmate counselor clerks, all with high school diplomas, and one state-paid corrections counselor. These individuals develop and maintain liaison with outside groups. During the 90-days which precede release, an inmate attends one or two sessions each week.

Program Example: Partial Confinement - Work/Education Release

Title: Work Education Release Program

Sponsor: Division of Adult Corrections

Funding: LEAA

Contact: State Supervisor/Work Education Release
38 Todds Lane
Wilmington, Del. 19802
(302) 764-1225

The Division of Adult Corrections administers its work release program in three locations: All are minimum security residences inside the confines of maximum security prisons (one for women). To be eligible for program participation inmates must be within two years of sentence termination or approaching parole. Program counselors and institution staff screen applicants and accept those with favorable employment and behavior while in jail.

The residential center in Wilmington has 50 work releasees; one house for men, another for women. Inmates pay \$20 a week for room and board and work out arrangements which provide that part of their pay checks go for family support. In the Wilmington center, releasees can receive counseling and referral to supportive services, such as drug or alcohol programs.

Eight men at the residential center are veterans using their GI Bill benefits to attend Delaware Community College. Others take advantage, on a part-time basis, of remedial courses offered by the college.

Releasees use public transportation, bus service provided by some of the factories where they work and private transportation by family members.

Program staff seek to develop jobs through personal contact with employers, linking their efforts to those of the National Alliance of

Businessmen, and the state's employment service, and through publicity in the media (news coverage, not a separate advertising campaign.)

Program Example: Partial Confinement - Work Release

Title: Pioneer Cooperative Affiliation

Sponsor: Private, non-profit corporation

Funding: Contracts with private business firms; producer of its own product line; per client contract with city and county; contracts with Justice Department and Federal Bureau of Prisons

Contact: Executive Director
703 8th Street
Seattle, Washington 98104
(206) 722-2993

Pioneer Cooperative Affiliation operates a variety of programs for state work releasees; male and female parolees; federal pre-releasees; offenders having completed sentence; and probationers. The Affiliation has had a contract for five years to serve work releasees from state and federal institutions. Supervision is provided by the Affiliation although parole officers are on call 24 hours a day. A specific provision of state law provides that inmates who are 90 days from parole or a year from the end of sentence are eligible for work release to the Affiliation's residential centers.

Work releasees can take advantage of the Affiliation's capacity to provide training and assess skill levels, educational ability, and attitudes. The Affiliation runs a sheltered workshop which manufactures its own lines of products and produces products for private firms, such as Boeing.

Work releasees generally spend 30 days to 15 months at the centers from which they return to the community. Work releasees who need the support of the sheltered workshop situation may find employment there.

Program Example: Partial Confinement - Work Release

Title: Rehabilitation Services

Sponsor: Department of Corrections

Funding: State; room and board paid by work releasees

Contact: Director
Division of Rehabilitative Services
Department of Corrections
11th Floor
First American Center
Nashville, Tennessee 27238
(615) 741-2762

This state-wide work release program was set up in July, 1970. It currently has a staff of 72, and serves 400 clients. The program was initially established to serve first offenders, but now also serves second offenders, and those who have committed capital offenses if they are first or second-time offenders and are in the last year of incarceration.

Within the restrictions of state law, potential participants are screened by a classification committee at state prisons which determines whether the offender has thus far made productive use of his time in prison. Those accepted are sent to residential centers in Nashville, Memphis, Knoxville, or Chattanooga. The Nashville center provides facilities for women.

The program employs job developers who work closely with the employment service and contact friends of offenders who may be willing to give them jobs. It is not required that a participant have a job before he is released into one of the four centers.

Many of the men are on educational release, using GI Bill benefits or other assistance to attend college or remedial courses. All of the centers offer high school equivalency course preparation, and at one center attendance at such courses for those who need them is mandatory.

In calendar year 1974, 350 work releasees earned \$1,386,000. The money was deposited in a trust fund. From the fund the state withdrew \$410,000 for room and board, paid out \$85,000 to the dependents of work releasees; and deducted \$200,000 for taxes and social security. Counselors at the centers work with each releasee to determine how much of his earnings will go for family support, and how much he will need for incidental expenses. On an average maintaining a man or woman in these residential work release centers costs \$5 a day compared to a \$12 to \$18 a day cost in state prisons.

Men and women can be placed in work release 12 months prior to expiration of sentence or parole date. The average stay in the centers is nine months, and there is a 25 per cent attrition rate for "bad conduct".

Program Example: Community-Based Mutual Agreement Programming

Title: Mutual Agreement Programming

Sponsor: Department of Public Safety and Correctional Services

Funding: State; LEAA

Contact: MAP Coordinator
Community Correction Taskforce
2100 Guilford Avenue
Room 114
Baltimore, Maryland 21218
(301) 383-2212

National Programming of MAP is
under the auspices of:
The American Correctional Association
4321 Hartwick Road
L-208
College Park, Maryland 20740
Attn: Leon Leiberg
(301) 864-1070

This program operates at four half-way houses in the state, three in Baltimore and one in Montgomery County, adjacent to Washington, D.C.

The program is open to potential parolees who have been classified as minimum security risks by state prison officials. As releasees enter the half-way houses, they enter negotiations with an assigned counselor. Each counselor has a caseload of five clients. The counselor and resident draw up a contract which obligates the resident to meet certain responsibilities. If the client fulfills the requirements of his contract, he is paroled on the date specified in the contract.

Releasees agree in their contracts, which are freely negotiated, to meet with counselors a specified number of times each week, to enter job training, to observe half-way house rules, or to attend classes. The contract is also binding on service agencies which agree to assist the releasee.

Since the program began in September 1974, 50 releasees have signed agreements. Seventy-five percent of these have successfully completed the terms of their contracts. Others have had their release status revoked because of contract violation.

Program Example: Partial Confinement - Community Based Residential Facilities

Title: Allston Wilkes Society

Sponsor: Private, nonprofit corporation

Funding: A United Way Agency that also supports itself through membership fees

Contact: Executive Director
2215 Devine Street
Columbia, South Carolina
(803) 799-2490

The Allston Wilkes Society is a largely volunteer organization with 20 chapters throughout the state. A staff of 36 works out of headquarters in Columbia, South Carolina. There is a field staff of 7.

The Society maintains half-way houses at Columbia, Charleston, and Greenville. Each half-way house has a manager, full-time counselor, and cook. Residents are required to observe curfews, pay \$4 a day to defray program expenses, and attend a group therapy session each week. Each of the residents is placed in a job, and house staff refer residents to outside drug, alcohol, vocational, or educational programs.

Residents, who may be pre-releasees, releasees, parolees, or probationers, must agree to stay in the house for 45 days. Each house has a capacity of 14 residents.

If a resident finds steady employment in Columbia, Charleston, or Greenville, the society pays relocation expenses when necessary.

Program Example: Partial Confinement - Community Based, Residential,
Non-residential Facilities

Title: Talbert House, Inc.

Sponsor: A private, nonprofit corporation

Funding: Foundation grant, the Community Chest, the state welfare department
CETA, the state's general revenue, the National Institute of Drug
Abuse

Contact: Executive Director
2525 Victory Parkway
Cincinnati, Ohio 45206
(513) 221-3250

Talbert House, Inc., is the funding and administrative umbrella agency for seven community based programs: two half-way houses for men; one for women; an adult therapeutic community for drug addicts; a treatment program for youth; a 24 hour hot line and crisis center; and an employment component. Talbert House, run by a board of trustees, receives clients from every point in the criminal justice system after sentence.

The employment component is operated with CETA money and has a staff of five. Close working relations are maintained with the National Alliance of Businessmen and the Urban League. The employment component provides a wide range of services including vocational testing and preparation for high school equivalency diplomas. Through an arrangement with the city board of education, two teachers come to Talbert House three nights each week to prepare clients for high school equivalency tests.

Funds are also available to contract for training. Those placed in training, and not receiving other income, are eligible for stipends from Talbert House ranging as high as \$64 a week for the duration of training. Money is available to buy tools when necessary.

Clients participate in at least one counselling session each week for the term of their sentence or until they and their counselors agree to discontinue counseling.

Program Example: Partial Confinement-Community Based Residential Facilities

Title: Massachusetts Half-Way Houses, Inc. (MHHI)

Sponsor: Private, non-profit corporation

Funding: LEAA, state parole board, private contributions

Contact: Executive Director
307 Huntington Ave.
Boston, Mass.
(617) 261-1864

MHHI presently operates three halfway houses (one specifically for ex-addicts) for adult male ex-offenders leaving federal, state, and county correctional institutions on parole and pre-release status. Clients participate in these programs for approximately 90 days, during which time they are involved in individual and group counseling, finding employment or enrolling in vocational or academic training, and reestablishing family and social ties in the community. In addition, MHHI runs a five-bed short term (2-4 weeks) program providing residential, counseling, and referral services.

MHHI also operates several non-residential projects including: a program providing counseling, financial assistance (for food, transportation, shelter, and clothing), and service referrals; a drop-in center offering recreational activities and service referrals; and the first federal credit union ever chartered specifically to serve ex-offenders.

Program Example: Non-Confinement - Probation

Title: Probation Employment and Guidance Program

Sponsor: Rochester University

Funding: LEAA

Contact: Program Coordinator
Probation Employment and Guidance Program
Monroe County Probation Department
Rochester, New York
(716) 428-2378

This program serves individuals over 18 years of age who are referred by their probation officers. All probationers are eligible, with the exception of those with medical or psychiatric problems serious enough to render them incapable of working regularly.

Upon referral, applicants are interviewed and given vocational tests. They meet with a sub-committee of the Employment and Guidance Council, a volunteer group of 30 businessmen, educators, and hospital administrators with control over their institutions' personnel and hiring policies. Industrial psychologists are also represented on the Council. The sub-committee discusses with participants all problems which might affect their employability, e.g., motivation, realistic nature of aspirations, and availability of employment in chosen occupations. The sub-committee suggests ways in which the client might proceed.

The probationer then meets with the project's Community Liaison Officer to plan to implement the sub-committee's recommendation. This may include education, training, and/or job referral. The Community Liaison Officer continues to work with the client and the probation officer to provide necessary support and follow-up services.

Program Example: Non-Confinement - Probation

Title: Volunteer Probation Counselor Program

Sponsor: Lincoln/Lancaster Municipal Court

Funding: City

Contact: Court Psychologist
Municipal Probation Office
Old City Hall
92 O Street
Lincoln, Nebraska 68508
(402) 473-6391

Through this program, high-risk misdemeanants between 16-25 years old are supervised and counseled on a regular basis. Clients have an average of 7.3 prior arrests. Counselors are volunteers from the community who are screened and trained carefully, by professional program staff. A volunteer counselor is matched to the probationer for his whole term, and meets with him weekly. During times of crisis for the client, they might meet more frequently.

Data gathered by the court psychologist indicates that high-risk offenders assigned to this program committed significantly fewer additional offenses (about 50 percent fewer) than did the comparable group of high-risk offenders who did not participate in the program.

Program Example: Non-Confinement - Parole

Title: Parolee Employment Program

Sponsor: City of Chicago

Funding: LEAA

Contact: Parole Employment Program
City of Chicago
City Hall - 121 LaSalle
Chicago, Illinois 60602
(312) 744-4948

This program hires and trains 100 parolees per year for full-time jobs in various Chicago city government departments. These include the Department of Streets and Sanitation, Department of Human Resources, Commission for the Rehabilitation of Persons, and Board of Health. Screening and final selection of employees is handled by the participating department and the Civil Service Commission.

Program Example: Non-Confinement - Supported Work

Title: Wildcat Service Corporation

Sponsor: VERA Institute

Funding: Diversion of Welfare Funds, CETA, LEAA

Contact: Director
Wildcat Service Corporation
237 5th Avenue
New York, New York 10017
(212) 949-8600

Wildcat Corporation was established in 1972 and now employs 1,700 line staff and 200 administrative staff. The project maintains offices in Manhattan, the Bronx, and Brooklyn.

Wildcat was originally started to assist alcoholics. Its clients are now primarily ex-addicts and ex-offenders. Seventy-seven percent of the workers are on methadone maintenance; 23 percent are sent from drug free programs. Program participants, prior to joining Wildcat, have been unemployed for at least six months. Sixty-two percent are black; 88 percent are male; average age is 28; average number of arrests is 8; and the average number of convictions at 4.

Work releasees from state and city institutions; post-releasees from city jails; parolees from city and state institutions; and offenders no longer under supervision are referred to the program. Referral and entrance into the program requires the approval of the supervising agency. Intake interviews by Wildcat counselors assess the man or woman's work attitude, and vocational testing assesses skill level. Each client is assigned a counselor.

Each client is assigned to a work crew, made up of other offenders, and supervised by another offender who serves as crew chief. The starting salary

is \$95 per week. During an average nine-month stay weekly salaries rise to \$115.

Clients are rated weekly by foremen, supervisors, and work chiefs on punctuality, relations with fellow workers, neatness, initiative, follow through with instructions, and ability to take constructive criticism. Clients who need supportive services, such as those provided by a mental health clinic, are referred to appropriate agencies.

The program has found that when clients remain in Wildcat for an extended length of time, they assume increased responsibility, raise their skill levels, and are less likely to recidivate.

There is a job development section in Wildcat which works closely with the state's employment service and the National Alliance of Businessmen. Almost all of Wildcat's contracts are with the City of New York.

Program Example: Non-Confinement - Supported Work

Title: Supported Work

Sponsor: A major Northeast Bank

Funding: Self

Contact: Director
Wildcat Service Corporation
237 5th Avenue
New York, New York 10017
(212) 949-8600

A major Northeastern bank hired 13 offenders as check encoder trainees after identifying a skill the bank needed for which individuals could be trained in groups. Trainees were screened for Federal Deposit Insurance Corporation (FDIC) limitations and arrangements for bonding were made with the USDOL bonding program. Wildcat Corporation established procedures with the bank for referrals, prescreening, and counseling. Orientation sessions were held for bank employees in that particular unit, the director of personnel, and the senior vice president in charge. Within six months of the inception of training, supportive counseling had been withdrawn, and the trainees were working at the bank at the jobs for which they had been trained. Since that time, promotions have moved program participants throughout the bank, and one individual is a teller.

Program Example: Non-Confinement - Supported Work

Title: Supported Work

Sponsor: Manpower Demonstration Research Corporation

Funding: Departments of Labor; Health, Education, and Welfare; Housing and Urban Development; Justice (LEAA); and the Ford Foundation

Contact: Manpower Demonstration Research Corporation
200 East 42nd Street
New York, New York 10017
(212) 557-1050

Supported work projects, under the aegis of MDRC, are presently being established on the city level in Philadelphia; San Francisco; Newark; Oakland; Chicago; Hartford; St. Louis; Fon-du-lac, Wis.; Atlanta; and Jersey City; and on the state level in Washington, West Virginia, and Massachusetts. These demonstration projects will follow the example of the Wildcat Program in New York City run by the VERA Institute where offenders perform various jobs on city projects.

The Jersey City demonstration project will focus on training the offenders as skilled building rehabilitation workers. The Jersey City project participants will progress from maintenance responsibilities to working on simple rehabilitation problems to working on highly complex rehabilitation projects.

In Chicago, the contracts for the supported work are being made with private employers.

Program Example: Non-Confinement - Financial Assistance

Title: Unemployment Insurance

Sponsor: Unemployment Insurance Division

Funding: Washington State

Contact: Washington State Employment Security Department
P.O. Box 1895
Takoma, Washington 98401
(206) 593-2434

By special act of the legislature, offenders coming out of prison with no personal funds other than gate money, can immediately receive unemployment compensation. The program, available to parolees, provides two 12-week periods of payment. Payments are \$55 a week.

Program Example: Non-Confinement - Offender Self-Help

Title: Fortune Society

Sponsor: Nonprofit Corporation

Funding: New York City Criminal Justice Coordination Council, CETA, private contributions, and speaking fees

Contact: Fortune Society
29 East 22nd Street
New York, New York 10010
(212) 677-4600

The primary purpose of this offender self-help group is to publicize the problems of offenders and the problems in the administration of jails and prisons. Begun in 1967, the program has a staff of 15, almost all of whom are ex-inmates.

The Society publishes a monthly newsletter, with a national circulation of 25,000. It also provides speakers to groups who are interested in problems in the criminal justice system. Honoraria from these speaking engagements are returned to the Society.

In addition, the Society provides direct help to offenders through counseling, job placement, and referral to training. Individual counseling is provided to ex-inmates by ex-inmates. The Society's job development section develops jobs through direct contacts with employers and through liason with the state employment service and National Alliance of Businessmen. A recent grant of CETA funds enables the Society to refer offenders to 15-week vocational training courses in occupations such as drafting, printing, data processing, and secretarial skills.

Volunteers who work at the Society provide one-to-one tutoring in courses leading to a high school equivalency diploma.

Chapter V: Barriers to Employment and How to Overcome Them

A. Introduction

A person emerging from the criminal justice system, depending on his offense and the place he goes to live, may find himself barred by law from voting, driving a car, or holding certain public or private jobs, because of his "record." He is almost certain to find himself answering questions on employment applications for both public and private sector jobs that relate to arrest or conviction, questions that frequently have no bearing on his ability to do the job in question. The offender wants to blend back into the community. The community, in ways direct and subtle, wants the offender set apart.

The crucial payoff in delivering manpower services to offenders is a job. A job, with decent pay, a chance for advancement, and one that enhances a feeling of individual worth, may well be the most important factor in encouraging successful community adjustment. But making offenders job-ready will have little meaning if employment opportunities are arbitrarily denied them. Regrettably, a variety of hindrances, in law, administration, hiring practice, and custom, regularly and systematically close the doors of meaningful employment to those who may have only briefly come under the jurisdiction of the criminal justice system.

These barriers create a "Catch-22" situation, in which the society emphasizes work-readiness and a job as a sign of rehabilitation while it overlooks the overt and hidden obstacles that actively deny or discriminate against offenders in the job market.

The effect, of course, hardens the cynicism with which offenders themselves view the "helping hand" of society. While intensified efforts are underway to provide manpower and other services to offenders, the continued

existence of these barriers only underscores society's ambivalence towards the corrections process as simultaneously rehabilitative and punitive.

There is no complete resolution of this ambivalence. On the one hand there is an almost universally accepted notion of the need for offender rehabilitation, and on the other hand, there are valid considerations of public safety. In their determination to provide for the public safety, legislatures have drawn up codes that frequently move beyond the boundaries of valid and reasonable considerations. The residue is a system of laws, regulations, and procedures that unfairly rob an offender of a chance to a job, which is his badge of effective rehabilitation.

It is necessary that the sponsors of manpower programs for offenders take some look at the range of barriers to employment facing offenders and undertake corrective action. The options for action will depend on what an analysis uncovers. But there is no dispute that preparing an offender for a job is only one of the goals of offender manpower programs; another must be to give him or her a fighting, if not equal chance, along with non-offenders for available jobs.

The dimensions of this problem should not be underestimated. It has been calculated that 30 million Americans have records of arrest and/or conviction.

In this light, overcoming barriers to offender employment is an essential complement to job development and placement activities of manpower programs. This connection is even more crucial during times of high unemployment.

During periods of high joblessness, the clients of many CETA programs are likely to suffer. Offenders, who are on the outer fringe of the labor market, are likely to suffer more than any others through discrimination

unless program sponsors pay as close attention to having a job ready for an offender as readying an offender for a job.

Coinciding with efforts to provide manpower services to offenders over the past decade have been efforts designed to strip away the myths and misunderstandings with which the public regards offenders. These falsehoods are the source of most, if not all, of the legal barriers and attitudes that block or inhibit offender employment. The Department of Labor has encouraged and allied itself with a variety of non-governmental groups that have sought the elimination of such barriers through direct action and through educating the community, and particularly employers, to the realities of offender employment.

Many of these groups have long-standing reputations in their communities and good working relationships with officials in the criminal justice system. Prime sponsors incorporating these groups into their efforts may well facilitate access to and cooperation with criminal justice officials and with the community. The activities of these groups are described in this chapter.

B. Legal and Administrative Barriers

The most obvious barriers hindering offender employment are the legal and administrative obstacles set up by legislatures, civil service commissions, and other hiring authorities. There has been a concentrated effort on the part of the American Bar Association to identify and attack these legal barriers.

The ABA has surveyed state codes to pinpoint the number and language of licensing and general state hiring procedures that adversely affect offenders.

Of all the legal barriers to offender employment, licensing and bonding procedures are the most flagrant, both in terms of arbitrary denial (where qualifications for the job have nothing to do with the offense of the job seeker) and in terms of the breadth of application. These procedures also

represent a large degree of government intrusion into private sector hiring decisions.

Nationwide there are well over 4,000 occupational licences required by state and other jurisdictions. These occupations are conservatively estimated to employ more than 7 million people. Barbers, podiatrists, dental hygienists, dry cleaners, harbor pilots, mechanics, real estate salesmen, warehousemen and others require licenses.

A number of states in the last few years have amended licensing language so that offenders are no longer automatically barred from many--but not all--licensed occupations. In the remaining states, similar restrictions remain unchallenged. There is reason for prime sponsors to encourage efforts at modifying discriminatory laws and regulations.

A wide range of local groups have pressed for and are continuing to seek changes in codes that restrict offender employment in licensed occupations. It would be reasonable for prime sponsors to avail themselves of the expertise of these groups, particularly state chapters of the American Bar Association.

In those jurisdictions where it has been active, the bar is an extremely important resource for prime sponsors. The bar represents a group of key decision makers whose cooperation and support of manpower programs for offenders will be crucial. Judges, prosecutors, legislators, and other public officials can influence and lead public opinion in support of program intervention in the criminal justice system, and in the removal of barriers.

C. Imprecise Terms

Less conspicuous than discriminatory laws, but more pervasive in fact and in effect, are the uses on employment applications of ambiguous terms, "good moral character," "notorious conduct," or "moral turpitude," that frequently serve as the basis for excluding offenders from licensed and other jobs. In addition, employment applications in both the public and private

sectors very frequently fail to make distinctions between arrest and conviction or among offenses, leading to undifferentiated discrimination towards all offenders.

The ambiguity and imprecision of these terms reflect a deep lack of understanding on the part of employers and legislators about who, for what reasons, and for how long people come under the control of the criminal justice system.

Few employers flatly bar offenders from employment. Employers say that applicants guilty of "notorious" or "disgraceful" conduct or found to have arrest or conviction records may be barred from employment (30 million Americans have arrest records). There are virtually no standards for determining what constitutes "notorious" conduct. Only infrequently do job applications make distinctions between arrest and conviction or among offenses.

Trying to refine the terminology in hiring applications by working with legislators, civil service commissions, and other hiring authorities might well be a worthwhile goal of program sponsors. As it stands now, numerous hiring applications serve to weed-out offenders arbitrarily from job competition.

D. What Has Been Done?

Generally, the courts, and the Equal Employment Opportunity Commission, have held that an offender's past record is relevant only insofar as it touches on the applicant's suitability for the job for which he is applying. The basis for this determination has usually been that offenders as a class have been barred from certain occupations, and are, therefore, denied due process and equal protection. Courts have not abandoned or denied the right and obligation of local jurisdictions to concern themselves with the public interest, and hence, enforce certain hiring standards. They have held,

however, that blanket employment denial to offenders tramples on individual rights. Such denial has little relation to public safety.

In addition to the courts, a number of different avenues have already been opened to modify law, employment applications, and hiring procedures.

The Governor of Maine has issued an executive order to state agencies directing them to give former offenders equal consideration with others for government employment.

The Attorney General in Maryland has issued an opinion letter advising licensing agencies that they must judge offenders' fitness for licenses according to their fitness for the job in question.

Hawaii has become the first state to pass a law prohibiting discrimination against ex-convicts in private employment. The provision was tacked on as an amendment to the state's Fair Employment Practice law, and makes personnel decisions based on criminal records as illegal as sex or race discrimination.

Legislatures in a dozen states have enacted laws to restrict access on the part of employers and others to arrest records. Employers, by cozy relationship with the police, or by statute, frequently have easy access to such records. (More than half the states have proclaimed a public right of inspection of public documents without proof of special interest or purpose.)

The U. S. Department of Labor has set up a Federal Bonding Program to provide bonding assistance to offenders whose prospective employers require it. Standard insurance company practice excludes those who have committed any "fraudulent or dishonest act" from such coverage. The Federal Bonding Program was created as a means by which the Department of Labor could overcome this obstacle and offer fidelity bonding coverage to qualified job applicants who could not otherwise obtain it due to criminal records, credit problems and similar difficulties.

Offenders can receive bonding at any one of the 2,400 local offices of the Employment Service. The default rate on the bonds has been less than 2 percent even though the majority of the 6,000 who have been bonded under the program are not first offenders.

The examples just cited give some idea of the range of corrective actions that have been taken to amend state statutes and hiring procedures that discriminate against offender employment. Prime Sponsors may find it useful to pursue one or more of these as a way of enlightening the legal community to the effect of outmoded restrictions and thereby opening job opportunities.

However, reviewing and changing laws and policies may have little effect unless hiring applications are modified. In some important respects, the federal government's hiring applications reflect changes in policy that Prime Sponsors may wish government and private hiring authorities to copy.

The U. S. Civil Service Commission has made important progress in four major areas:

- (1) There is no automatic bar to Federal employment, with the exception of treason and a few other specific offenses.
This stands in contrast to innumerable states whose statutes flatly bar all offenders or offenders guilty of committing certain crimes from obtaining licenses or public employment;
- (2) There is no reference to arrest on the new Federal civil service application form. Frequently, the applications of public and private employers ask if an applicant has been arrested. An affirmative answer may trigger a negative reaction, which results in denial of employment. The reasonably relevant questions, which appear on Federal civil service forms, are about conviction, not arrest;

- (3) Juvenile offenses, (committed before an applicant's 21st birthday and finally adjudicated in juvenile court) are, by instruction, to be omitted from federal civil service application forms. This stands in contrast to countless public and private employment applications that simply ask for information on conviction. This safeguard is necessary because many--employers and employees alike--do not realize that an adjudication of delinquency is not a conviction. Eliciting information on juvenile offenses, even if only by failure to include a warning on the application, runs directly counter to the intent of state statutes adopted to buffer youthful offenders from employment discrimination and to prevent criminal stigmatization from youthful offenses.
- (4) An eight-point checklist to determine applicant suitability has been adopted by the U. S. Civil Service Commission. The points on the checklist are:
- nature and seriousness of the offense;
 - circumstances under which it occurred;
 - age of person when he committed the offense;
 - whether the offense was an isolated or repeated violation;
 - social conditions which may have contributed to the offense;
 - any evidence of rehabilitation demonstrated by good conduct in prison or in the community, or both; counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs;
 - the recommendation of persons who have or have had the applicant under their supervision;

- the kind of position for which the person is applying.*

This final point, the suitability checklist, is critical. The root problem of so much discrimination against offenders in the employment market is that almost no attempt is made to differentiate among offenders. to understand the person, the circumstances that propelled him to his offense, or his subsequent attempt to adjust successfully to the community.

Offenders are lumped together, in public mind and myth, and stamped unwholesome. They are victimized by prejudice as are others, but they are seen as more dangerous because they have broken the law. The more frightening stigma attached to those who have committed violent offenses rubs off on other offenders.

The questions constantly recur -- "How do you know if an offender is suitable for a particular job?" The Federal Civil Service Commission, by applying its eight-point criteria, attempts to treat offenders as individuals instead of as a category. Information on numbers and types of offenses is not enough. Suitability is decided on a case-by-case basis, rather than on the basis of prejudice.

E. Underlying Attitudes

The legal and administrative barriers discussed above stem from an underlying prejudice towards offenders that results in unwarranted licensing and bonding restrictions, and the use of ambiguous and imprecise terms on employment applications. While these restrictions are visible on paper, the underlying attitude of prejudice is not. Program sponsors may well find it necessary to develop ways to attack the problem of attitude as a legiti-

*U.S. Civil Service Commission, Federal Personnel Manual.

mate component of their job development activities. Changes in attitude will promote changes in the law, and hiring procedures, and open job opportunities.

Again, a number of community groups, most with national headquarters are currently at work "sensitizing" employers, unions, legislators and the community at large to the need for the removal of employment barriers to offenders. Prime sponsors may well consider the services of such organizations as a useful adjunct to their overall job development effort.

It has become apparent to most of these groups that opening up job opportunities requires attitudinal changes on the part of employers. Job development and placement goes hand-in-hand with educating employers, and the community at large, to the need for measuring employment suitability on an individual basis.

Encouraging and deepening that understanding on the part of employers, and the community at large, has been accomplished through a variety of educational approaches.

Visits to prisons on the part of employers and union leaders, speaking to community groups, and media advertising campaigns are all ways to broaden community understanding and support of offender programs.

Prime sponsors might target educational efforts at selected community groups such as personnel associations, boards or trade, volunteer organizations, trade associations, church groups, public interest lobbies, unions, fraternal societies or chambers of commerce.

Governors' conferences (under the auspices of the National Alliance of Businessmen) have brought together the heads of major companies and labor unions. Speakers have included private sector employers who have hired

offenders, and local labor leaders who have eased the admission of offenders into union ranks. Correctional officials have outlined the need for closer cooperation between penal institutions, where training goes on, and businesses with identifiable manpower needs. These and other speakers who describe the special manpower needs of offenders have stressed the link between reduced joblessness and reduced criminality.

A number of groups are sponsoring small seminars between employers and corrections officials to encourage employer participation in designing training programs enabling training to match more closely labor market needs. Under the umbrella of its Manpower Services Council, a Prime Sponsor might well wish to organize employer advisory committees to fashion training curricula for offender programs.

Individually or under collective arrangements, sympathetic employers might supply training equipment and trainers inside institutions or in their own factories.

These are examples of ways to increase the participation of the business community in rehabilitation programs. It is clear that employer activity in offender manpower programs will greatly facilitate the Prime Sponsors' tasks of job development and placement.

The large number and wide variety of non-government groups active in penal reform and helping offenders are a natural resource for Prime Sponsors because in a variety of ways they help ease the transition of the offender back into the community.

One of the ways they do this is by attacking the barriers in law, administration, hiring procedure, and attitude that deny or hinder free access of offenders into the employment market.

Manpower programs, to succeed, must place offenders in jobs. In order to find jobs, barriers have to be removed. In order to remove barriers, attitudes of employers and in the community have to be changed. Manpower sponsors can usefully include groups that are already working on these problems in their overall planning and programming.

F. Available Assistance

Some of the groups with national headquarters and/or chapters around the country that are working on overcoming barriers to offender employment are in the list below. The list is by no means exhaustive, but it does give some idea of the scope of available organizational assistance.

The National Alliance of Businessmen (NAB): Partnership of government (funds) and business (loaned executives) established to encourage private sector hiring of disadvantaged. Mission broadened, by Presidential mandate, to help offenders find jobs. Thousands of major firms are participants. There are 132 local "metro" offices throughout the country. NAB has sponsored governors' conferences, seminars, pledge campaigns for hiring of offenders. Each year the NAB prepares a national advertising campaign for its client groups. The array of advertising material about offenders, readily available to prime sponsors, includes TV spots, radio scripts and car cards that are displayed on buses, subways, etc. Material available through local offices or from national headquarters at 1730 K Street, N.W., Washington, D. C. 20006. Attention: Director, Ex-Offender Program, 202 254-7108.

Human Resources Development Institute (HRDI): The community service arm of the AFL-CIO, with 50 offices throughout the country. HRDI works through local labor councils to develop jobs and place offenders and others. Encourages and sponsors visits of union leaders to prisons and other rehabilitation centers. Helps offenders to join unions. Encourages accreditation of relevant

prison work experiences to apprenticeship requirements. Headquartered at the AFL-CIO Building at 815 16th Street, N. W., Washington, D.C. 20006. 202-637-5000.

U. 'S. JayCees; Nationwide community service organization with 7,000 chapters, 400 of which are in detention centers, jails, or prisons. Computer capability for storing information about employers receptive to hiring offenders and rooming houses that will board without charge until the offender has a job. Its Criminal Justice Program and national headquarters are situated in Tulsa. Write: Program Manager for Criminal Justice Program, U.S. JayCees, P.O. Box 7, Tulsa Okla. 918 584-2481, ext. 63.

American Bar Association (ABA): Major professional association of the nation's lawyers. Under a U.S. Labor Department contract, the ABA has been in the forefront of the effort to remove offender employment restrictions. It has pinpointed the legal barriers to offender employment and has lobbied, primarily through its state chapters, for modification. The ABA has also studied the advisability of institutionalizing pre-trial intervention as part of the criminal justice system, and the costs of maintaining the criminal justice and corrections systems. A wide variety of extremely useful pamphlets, studies, and surveys are available on request from Washington headquarters at 1705 DeSales Street, N.W. Washington, D.C. 20036, 202 659-1330.

National Council on Crime and Delinquency (NCCD): A national organization that evolved from an association of corrections officials. Primary concern is in research and experimental program intervention in the corrections stage of the criminal justice system. The Council has five regional service centers, and 15 state offices. Heavily funded by foundations, and LEAA. Extensive catalogue of literature on all facets of the criminal justice system and facets

of rehabilitation available through the library at national office:
Continental Plaza, 411 Hackensaack Avenue, Hackensaack, New Jersey 07601,
201 488-0400.

American Correctional Association (ACA): The major national organization of professionals in the corrections field with a membership of 10,000 and affiliation with 37 related groups. The thrust of the ACA's efforts is to professionalize the field of corrections through promoting standards for accreditation and influencing policy changes. Sponsor of workshops and seminars throughout the country. Participant in and contractor for numerous government grants, particularly from LEAA. Contract with Labor Department to develop and implement Mutual Agreement Programming, (described in Chapter IV). Surveys, research documents, publications list available from national office at 4321 Hartwick Road, L-208, College Park, Maryland 20740, 301 864-1070.

National Association for the Advancement of Colored People (NAACP): The largest and most well-known of the nation's civil rights organizations with 1,442 chapters and branches and 400,000 members nationwide. Chapters in New York, Cleveland, Flint, Detroit, Louisville are currently sponsoring Project Rebound which provides job placement and educational assistance to ex-offenders. Similar projects are planned for Atlanta, Durham, and Houston. The New York project, which was the experimental model for other cities, is currently receiving CETA funds. Other cities' funding is through LEAA. The Legal Defense Fund of the NAACP is planning a series of court challenges to statutes that bar offenders from certain jobs. Further information is available through national headquarters at 1790 Broadway, New York, New York. Attention: Executive Director, 212 245-2100.

Chamber of Commerce: The nation's largest organization of businessmen, with

2,700 local chambers, 47 state chambers, and 47,000 business firm memberships. The national headquarters in Washington has published a pamphlet -- "Mobilizing Citizen Power to Modernize Corrections." More ehan 2,000,000 of these pamphlets have been printed and distributed. A number of local chambers sponsor job development and placement programs for offenders coming out of jails or prisons. Some of these programs are run with LEAA support.

Chapter VI: Program Planning and Development

A. Why Plan?

Adequate planning of an offender manpower program can make an important contribution towards the eventual success of the project. The most obvious reason for this is that people reviewing a grant application will search it for evidence of proper planning. But there are other reasons as well.

Planning will enable you to tailor a manpower program to the particular needs and problems of your community. This manual suggests a wide range of alternative approaches to offender manpower programs which have been successful in some jurisdictions. The task you face now is to select a program feasible for your community, taking into consideration:

- offender needs
- the employment market
- constraints imposed by or within the criminal justice system
- the attitudes of criminal justice officials
- the attitudes of the community.

Planning also allows you to anticipate problems. Some problems are inevitable when one begins a new project. But many of these problems may be anticipated and worked out in advance, at substantially less risk to program operation. Inadequate planning leaves a project director in the position of constantly fighting brushfires. Adequate planning can put him in a position to act, not react.

Planning also provides a firm base for assessment of the project. Clear articulation of project goals and strategies provides a foundation on which to build a sound evaluation. It also enables the project director to document

project success for local, state and Federal funding and policy-making officials. This becomes useful when one faces the inevitable task of justifying the expenditure of resources involved. It also assists the project director to make a persuasive case for any needed additional funding.

Perhaps the most important assessment facilitated by planning is the project director's periodic assessment of project operations -- a process which allows him to keep one step ahead of possible problems. The Manpower Program Planning Guide for CETA Prime Sponsors urges the use of "performance standards" for this process. Significant variations from these "performance standards" do not indicate areas of program "failure", but merely highlight areas for further inquiry. It may be that further investigation reveals that minor modifications in the program will cure the problem, or that the "performance standard" itself is unrealistic and needs to be modified.

Adequate procedures for periodic assessment of a program are important to the success of all projects, but this is especially true when manpower specialists begin working in the criminal justice system. Offender manpower programs need the cooperation of both the offenders and the criminal justice agencies; and if the program director has no procedures for spotting potential problems before they become serious, the program can lose the credibility upon which this cooperation rests. A judge who knows that a pre-trial release program is not keeping track of its clients will hesitate to refer future defendants to the program.

There are many approaches one can take to planning. The one taken in this chapter follows the strategy described in the Department of Labor's Manpower Program Planning Guide for CETA Prime Sponsors, since this is the planning guide most familiar to readers of this manual.

The Planning Guide outlines a detailed 19-step planning process, which represents a substantial investment of time and resources in resolving detail after detail even before a program can begin operation. Working out these details is worthwhile. If these problems are resolved in the planning stage rather than as the project is beginning, they will be less likely to interfere with project success.

B. Purpose of This Chapter

The purpose of this chapter is not to belabor the message of the Planning Guide. We assume the reader has read that guide, and has done or is about to complete the manpower planning efforts described in that Guide. Help with particular planning problems is contained in other DOL CETA guides:

A New Approach to Manpower

Program Activities and Services Guide

Organization and Staffing Guide

Fiscal Activities Guide

Management Information Systems Guide

Program Assessment Guide

Community Based Organizations Guide

Rather, this chapter will seek to pinpoint problems unique to offender manpower programs planned in conjunction with criminal justice agencies. It will go into considerably more detail on "strategic planning" (Planning Guide Steps 1 - 6), than on "operational planning" (Steps 7 - 19), simply because details of operational procedures can vary so widely from program to program and jurisdiction to jurisdiction. The program descriptions in Chapter IV offer clues as to the types of operational problems typically encountered in the various types of offender manpower programs.

C. Strategic Planning

Step 1 Define project purpose.

According to the Planning Guide, this should be a very general statement of intentions. Especially in developing programs in conjunction with criminal justice agencies, it is wise to postpone policy decisions such as whether to elect a pre-trial diversion program or prison program until after the "area analysis" conducted as Step 2 of the planning process. This avoids the waste of effort which occurs when one plans a particular type of program only to find that it is simply not feasible in your community, or that it would be opposed by one of the criminal justice agencies whose cooperation is essential. While a few such "false starts" are inevitable, too many of them can impair your working relationships with criminal justice agencies.

Examples of the types of general statements of project purpose called for in Step 1 could include:

"To aid the rehabilitation of offenders through a comprehensive program of manpower training, supportive services, job development and placement."

"To enhance the employability and self-esteem of economically disadvantaged unemployed and underemployed offenders through a comprehensive array of manpower, educational and supportive service programs."

These statements do not and shall not reflect decisions on whether to serve felons, misdemeanants, first-offenders, juveniles, arrestees or parolees.

Step 2 Develop area analysis.

The purpose of this planning effort is to devise a feasible program suited to the particular needs and problems of your community. It requires a delicate balancing of the interests of offenders, criminal justice agencies and the community. Thus, the task of "area analysis" should not be limited to the collection and analysis of numbers describing the scope of the problem, but

should also include an assessment of attitudes in the criminal justice system and the community. Descriptive data gleaned from conversations with a broad range of people actively involved in the criminal justice system (including offenders) often gives a better perspective on what types of programs are feasible than can be gained by statistical analysis alone. The "hard" data may indicate that the program most urgently needed is a pre-trial diversion program -- but without the full cooperation of the judiciary and prosecutor such a program is not feasible.

Collection of descriptive data through interviews also provides the planner with his first opportunity to marshal support for his program from within the criminal justice system -- an opportunity that should not be missed. Working in cooperation with one or more criminal justice agencies can provide you with valuable insights into the operation of the criminal justice system in your community. These people can also provide you with access to helpful contacts in other criminal justice agencies.

It helps to be aware of some of the problems frequently encountered in collecting data within the criminal justice system. Much of the data is gathered for the purposes of the police department, court, correction department or other agencies collecting the data. One should not expect it to reveal educational levels, employment status and history, or other information directly relevant to manpower planning.

Further, the statistics kept by the various criminal justice agencies may not be compatible. For example, one defendant caught and accused of robbery may be referred in police records as three "arrest cases," in court dockets as two indictments containing eight separate charges and in corrections records as one inmate.

Further problems arise from the fact that the criminal justice system

represents a "winnowing process." Not all arrestees are formally charged with crimes by the prosecutor, and relatively few draw long prison sentences. Thus, data on arrestees or bail agency clients may tell you little of the situation faced by prisoners or parolees.

With these problems in mind, we offer these suggestions:

- Incomplete data from several sources can yield a more complete picture.
- It is useful and insightful to gather and compare the same data from two or more sources. The "truth" may lie somewhere in between.
- Even where "hard" data is available, impressions of experienced criminal justice personnel provide insights and clues which should not be ignored.
- One should not be reluctant to ask people for names of people to contact in other agencies.

We add one further caveat: as you complete later stages of planning you will learn progressively more about the needs of offenders and the administration of criminal justice in your community. It would be wise, then, to review periodically your "area analysis" and revise it in light of this new information.

What follows is a listing of sources of information for the "area analysis." This list is suggestive, not exhaustive. The Planning Guide lists the sub-steps of Step 2 as:

- 2a.- population analysis
- 2b.- labor market analysis
- 2c.- community services analysis.

To which we add:

- 2d.- criminal justice system analysis.

Step 2a Population analysis.

Employment problems found by offenders have been discussed in Chapters II and V above. Generally, offenders are in a worse position than the minority groups from which many of them come. This discrepancy widens when one draws clientele for programs from later points of intervention in the criminal justice system. Data on inmates should be gathered and compared to that developed earlier in analyzing the general manpower situation in your community, in order to document these differences between offenders and other CETA clients.

But bear in mind, that while the data thus gathered may identify the poverty, educational handicaps and "undesirability" (in some employers' eyes) of offenders, these statistics can give but an abstract outline of the very real and tangible problems faced by offenders -- and of the problems one will encounter in working with offenders.

Information on offenders' problems can be obtained from criminal justice agencies, criminal justice planning agencies, correctional reform groups, and special reports on offenders and corrections problems. These sources can also tell you of services available to offenders (see Step 2c, below) and assist you in identifying offenders' needs (Step 3, below).

First, criminal justice agencies. Police departments (community relations offices, crime analysis units, juvenile delinquency or juvenile aid squads especially) may yield useful data if one is careful to observe the protocol on gaining access to this information. Court records may contain demographic data beyond the number of offenders and the disposition of cases, but one may have to consider pulling a sample of case files and manually selecting the information. Juvenile records are generally better for demographic data, but one must respect juvenile court judges' legitimate concern for the confidentiality of even summary records. Sheriffs' offices and city corrections departments

(jails), state corrections departments (prisons), probation and parole departments frequently have research and planning or R and D units which have gathered relevant data. Some Public Defender and Legal Aid Society offices have social service units ("Offender Rehabilitation Division," "Alternative Program," "Corrections Counselors") which have insights and information. Parole Board staffs and prison officials should not be overlooked. Some courts, corrections departments and prosecutors' offices issue annual reports. Bail, "Release-on-Recognizance," Pre-Trial Services and diversion agencies or projects in your community should also be polled for information.

Criminal justice planning agencies created under the auspices of the Law Enforcement Assistance Administration should be consulted. Every state has a State Planning Agency ("SPA", "Law and Justice Planning Office," "Crime Control Planning Board") which is required to prepare an annual criminal justice plan. These may provide good descriptions of the criminal justice system, data on offender characteristics and needs, and descriptions of programs and services available for offenders. These agencies also have more specific information (e.g. progress and evaluation reports, names of people to contact) on all LEAA-funded offender programs. Ask for the "corrections specialist" and "courts specialist." Most states also have regional and urban criminal justice planning boards ("Regional Crime Control Planning Board", "Criminal Justice Coordinating Council") some of which prepare annual criminal justice plans for their jurisdictions.

Many locales have ex-offender organizations (e.g. Fortune Society, Delancey Street, Synanon) and correctional reform groups (e.g. Urban League, Junior League and Jaycees chapters). These organizations go under a wide variety of names, and may prove difficult to locate. A good place to begin the hunt might

be to ask the local Public Defender or ACLU Chapter. The National Prison Project of the ACLU (Suite 1031, 1346 Connecticut Ave., N.W.; Washington, D.C. 20036) has a state-by-state list of prisoners' rights groups, ex-offender organizations and church and community groups helping prisoners. The BASICS Project of the American Bar Association Commission on Correctional Facilities and Services (1705 De Sales St., N.W., Washington, D.C. 20036) maintains a list of state bar associations with corrections projects. There may be a Prisoners' Rights Project near you, located in a Public Defender Agency, law school or chapter of ACLU or the Lawyers' Committee for Civil Rights Under Law. Some correctional facilities have citizen advisory boards or prison "ombudsman" programs. Church and community groups may sponsor pre-trial release or diversion projects, minister to inmates or serve offenders and their families. They may have good information.

Special reports and surveys may have relevant data. National surveys listed in the bibliography (e.g. Bureau of Census' Persons in Institutions; LEAA's National Jail Survey and Sourcebook of Criminal Justice Statistics). The National Criminal Justice Reference Service (955 L'Enfant Plaza, Washington, D.C.) has a repository of studies which they will search for you. They will send single copies of many LEAA and government reports for free. Criminal justice project reports are available from LEAA (if LEAA-funded), and are abstracted in National Council on Crime and Delinquency, Crime and Delinquency Literature (quarterly). State legislative committees or commissions (e.g. judiciary, corrections or public safety committees) may have issued special reports on corrections or offenders.

As you have probably gathered in reviewing this list of sources of information, your inquiry into inmate needs will put you into contact with a large and diverse group of people concerned about offender problems. The

initial planning stage is an ideal time, too, to poll these people to determine whether they are willing to offer offenders services or lend other forms of support to your project. Those people who become involved in the earliest stages of planning on your project may feel a stronger commitment toward it.

Step 2b Labor market analysis.

The most salient difference between the labor market for offenders and for other CETA clients is the large number of statutory, administrative and de facto restrictions on offenders' employability (discussed above in Chapter V). The American Bar Association Clearinghouse on Offender Employment Restrictions (1705 De Sales St., N.W., Washington, D.C. 20036) may have information on statutes and regulations in your state. Organizations working against these restrictions on the state and local level (e.g. bar association committees; chapters of the National Alliance of Businessmen, Chamber of Commerce, Junior League, Urban Coalition and Jaycees; correctional reform groups mentioned under Step 2b, above) can tell you about formal and de facto restrictions.

These groups should also be considered in any efforts to remove these restrictions. They can outline strategies for reform, identify employers (especially those who sit on the boards of the organizations you contact) most willing to hire offenders, and lend support in approaching employers about hiring offenders. They can also assist you in forming a Business Advisory Committee or Task Force focusing on offender problems in connection with your CETA Advisory Committee.

Step 2c Community services analysis.

This encompasses a survey of governmental and private organizations offering services to offenders. Some of these agencies and organizations may already

be working with you (e.g. Vocational Rehabilitation, the Employment Service, Vocational Education and NIMH funded projects). They are an ideal place to start. But one should not assume that all such agencies or projects are anxious to serve offenders. Each should be contacted. Some (e.g. community colleges offering prison education projects) may already have offender projects or special units or procedures to deal with offenders' problems. Others can be persuaded to adopt such special programs or procedures. But others may be most reluctant to enter this realm.

Existing offender programs (some of which are identified in Step 2a, above) may be uniquely suited to meet offenders' needs for manpower-related support services. LEAA-funded projects can be located through criminal justice planning agencies (see Step 2a, above). Other offender services can be located through the corrections, probation and parole departments which draw upon their services regularly. Many of these offices have catalogs of social services available in the community. But these lists may become outdated quickly, and contain only general information on admission criteria, services offered, and the quality of these services. Virtually every probation and parole office has smaller lists (formal or informal) of the agencies they call on most regularly. Some of these departments have units specially charged with the duty of locating and encouraging the start of service programs for offenders.

Voluntary social services agencies frequently coordinate activities and exchange client information through private or government-sponsored clearinghouses ("United Way Clearinghouse," "Information and Referral Service," "Ombudsman Office") which maintain lists of services available in the community.

Step 2d Criminal justice system analysis.

Written information on the criminal justice system in your community can be gleaned from state and regional criminal justice planning agency annual plans, annual reports of criminal justice agencies and the public information booklets prepared by some courts', prosecutors' and police departments' community relations or public information offices. Some League of Women Voters, Junior League, and other public service organization chapters have also prepared informational booklets.

But much of your understanding of the criminal justice system will probably come from interviews with criminal justice agency officials. One starting point might be to have someone review the very generalized flow-chart in Chapter 3 of this manual and make changes to reflect the practices in your jurisdiction. The process of educating yourself about the criminal justice system will be expedited if you work with one or more criminal justice agencies or planning offices in developing your program. We repeat once more -- but never too frequently -- that these people can inform you about who are the key decision-makers in the criminal justice community and who will lend support to your program.

Step 3 Define needs.

The point was made in Chapter II that offenders will require a broad range of support services as well as employment or training services. You may want to use that chapter as a check-list to insure that you have included all the needs of offenders in your jurisdiction. The people contacted in your Step 2 area analysis will also have identified offenders' needs and gaps in existing services. We urge you to compose as complete a list as possible at this stage -- it can always be trimmed, if need be, when you establish

priorities in Step 4. Paucity of CETA funds should not limit one's list of needs, since other agencies or volunteer organizations may serve these needs once they are identified.

Another important source of information on offenders' needs is colleagues who have begun offender programs in other communities--including the programs described in Chapter IV. They can also give you practical advice on the types of problems encountered in beginning offender programs.

Step 4 Establish priorities.

As stressed in the Program Planning Guide, the priorities appropriate for your community should be dictated by the needs identified in Steps 2 and 3. They will differ from community to community. But in establishing priorities in offender programs, one should examine the need to rearrange priorities in order to gain support for your program from appropriate criminal justice agencies.

Step 5 Inventory and assess current programming effect.

The discussion of community services under Step 2c, above, is relevant here as well. This step is merely a more intensive examination of the quality and range of services rendered by organizations identified in Step 2c.

Step 6 Establish goals.

The Guide suggests separate goals in the realms of administration, management and activities and services. The development of close working relationships with appropriate criminal justice agencies should be articulated as a goal of offender manpower programs. Operational goals should evince recognition of the broad range of support services that offenders need. One may also want to

include community-education goals, such as:

- developing and implementing strategies for challenging restrictions on offender employability
- encouraging employers to hire offenders
- encouraging social service agencies to extend their services specifically to offenders.

D. Operational Planning

Problems to be expected in operational planning for offender programs will vary greatly, depending on the type of program you select during the "strategic planning" process. Typical operational problems encountered in offender manpower programs are listed in the program descriptions contained in Chapter IV. These should be addressed in the operational planning process.

Problems in the operation of offender manpower programs stem most frequently from breakdowns in liaison with criminal justice agencies whose cooperation is needed, or from inadequate response to the attitudes and problems of offenders.

Many potential coordination problems can be addressed by involving necessary criminal justice agencies in operational planning (even if only to critique your plans) and developing specific and detailed interagency agreements. Input from criminal justice agencies should be actively solicited, especially in:

- Step 7. Set Initial Objectives.
- Step 8. Design Initial Participant Service System.
- Step 10. Identify and Describe Necessary Administrative and Management Support Services.
- Step 11. Design Initial Organization and Staffing Plan.
- Step 13. Develop Initial Work Statements.

- Step 16. Develop Final Detailed Operational Plan.
- Step 17. Prepare CETA Grant Application and Submit It for Review.

We add one caveat to the Planning Guide's discussion of costing out manpower programs. Per-client cost of your CETA offender program should be compared not only to the cost of CETA programs, but to the per-client cost of other correctional programs as well. Chapter VII discusses sources of information on cost-benefit analysis in corrections.

E. A Special Note: Ex-Offender Staff

One method of making CETA offender programs more responsive to offender's particular needs is to use offenders in the program. Indeed, it is awkward for a program which promotes the employability of offenders not to consider the unique perspectives offenders can bring to the program.

Indeed, offenders frequently bring unique skills to a project. Offenders who have experienced the process for themselves may be more sensitive to clients' needs and problems. They may be better able to relate to clients than more formally-trained middle-class counsellors. Ex-offenders successfully filling positions of responsibility in a project may serve as role models or examples for clients. And, offenders can offer valuable insights on matters of project policy and operations.

But offenders are not an unmixed blessing. A prior criminal record is no substitute for the ability to do the job. Some offenders successful or fortunate enough to secure white-collar jobs on a project are disdainful towards their less fortunate counsellees. Offenders who would be holding respectable managerial positions but for a white collar crime may be in a better position than hardened ghetto graduates to gain serious as well as sympathetic attention from the business community. Placing an offender in a highly visible position in

a project may diminish rather than enhance project credibility, if the offender is unable to perform the job effectively or relate to clients. In short, as with anyone else, offenders' skills must be carefully matched to job requirements.

Offenders can fill a variety of roles in a project. Properly screened and trained offenders can make effective counsellors and outreach workers, just as ex-offenders and community-based staff without formal educational credentials serve as paraprofessional parole aides and correctional counsellors. While many offenders may not have the natural proclivities or exposure to the business world to function well as job developers (despite unique client counselling skills), others can be very persuasive with businessmen. Both offenders with counselling skills and those with job development talents can and should contribute their insights and perspectives to policy-making, perhaps as members of the project's Advisory Board.

But offenders are no more exempt than any other class of employee from the need for good personnel practices. Adequate training and supervision must be provided. Project staff, should have job stability and promotional opportunities with career prospects.

In training, a long series of classroom lectures may prove inadequate, or even counter-productive. Instead, it would be useful to provide a brief orientation and role-playing exercises initially, and give project staff the opportunity to work with real problems as quickly as possible. This can be accomplished by spending half of each day in closely-supervised project work, and the other half in critiques of this work, lectures, and other training efforts. In time, this evolves into the supervisory process of periodic spot-checks and joint review of one or two of each employee's cases. Strategies for teaching counselling, fact-gathering, negotiation and "persuasive skills"

to community paralegals may provide training ideas. The bibliography at the end of this Guide lists references on training paralegals in poverty law (National Paralegal Institute) and criminal justice (Blackstone Associates). The National Center on Volunteerism (Boulder, Colorado) also has training materials which may be relevant.

Supervision procedures must take into account the possibility of bad work habits engendered by the prison environment. Due to a lack of programmatic and other constructive diversions, prisons encourage inmates to stretch each small task to fill the time. Inmates may learn to play the system, in order to accomplish as little as possible. Every step of every daily task is clearly spelled out, and the ability to make job-related decisions may be weakened or lost.

Offenders may also require support in meeting their outstanding obligations. Time should be allowed for court appearances, probation officer visits or methadone clinic appointments, without making the employee feel that these obligations impose on the project. Project managers can further assist offender employees by writing letters, or even appearing in court on the employee's behalf. These duties are as important to staff morale as health plans or company picnics.

Job security presents problems in projects with short-term funding commitments, even if the project director is fairly sure that the grant will be renewed. But good projects have disintegrated badly when barely underway, because project managers could not assure some form of job permanency to the employees. Similarly, employees are motivated to give more to the project when they see paths of career advancement. (The alternative is that better employees will soon find higher-paying jobs or civil service jobs with articulated career

ladders.) Of course, these problems are by no means unique to offenders. But offenders may be more sensitive to the insecurities generated when these issues are given inadequate attention.

Chapter VII: Program Assessment

A. Introduction

This chapter presents a brief overview of some of the unique aspects of assessing a CETA program for offenders. It elaborates on the general approach to assessing CETA programs spelled out in the CETA Program Assessment Guide.

Assessment is closely related to planning. It involves comparing a project's progress to the original objectives set forth in planning, and provides the input for later planning efforts. Therefore, Chapter VI of this Guide and the Manpower Program Planning Guide should both be viewed as required reading. And, since much of the basic data used in program assessment comes from management and fiscal records, we will also refer to the systems outlined in the Management Information Systems Guide and the Fiscal Activities Guide.

There are several reasons why this elaboration is necessary. First, prior chapters have stressed the unique problems of offenders and the necessity of developing close cooperation with the criminal justice system. This chapter continues that theme, discussing program assessment from the perspective of the work which has been done in evaluation of corrections and criminal justice system programs. This perspective should be borne in mind, since assessments documenting project success will be as valuable to criminal justice agencies as they are to manpower specialists. A second reason is that one of the standard measures of performance in offender programs is reduced recidivism -- the commission of new criminal offenses by prior offenders. Assessors of manpower programs should be aware of some of the pitfalls and problems of measur-

ing recidivism encountered by their colleagues in corrections.

It is not the purpose of this chapter to urge you to assess your program. You are already doing that every time you submit a Quarterly Progress Report and compare it to the last one, or speculate on the abilities of your Intake Unit supervisor. Our purpose is to try to give you a framework for an orderly process of assessment which answers all relevant questions about the project, and provide some suggestions for tools and techniques helpful in this analysis.

The term "assessment" encompasses a broad spectrum of techniques.

- o Monitoring entails comparing project activities to the objectives, standards, guidelines, specifications, goals and commitments and plans developed earlier. Thus, achievements will be compared to the Program Planning Summary ("PPS") and Budget Information Summary ("BIS").
- o Evaluation is a comparative process that addressed the what, the how and the why of a particular program result. Evaluation typically asks: is it good? how good? how much better? It also tends to focus on impact -- that is, outcomes, or results. But, it may also involve examining the process by which a result was achieved -- how well is the project operating? Was the staff training adequate? Are there deficiencies in organization or supervision? Do the records and management information system provide you with the information you need for management and planning? Do counseling techniques fulfill their purposes, or do the approaches used alienate clients? Evaluation may simply involve evaluative judgments. Or it may involve complex evaluation research techniques as well.
- o Evaluation research is that aspect of evaluation which uses scientific techniques (e.g., the social science experimental vs. control group research design, or computerized mathematical models used in operations research) to establish that a particular project or course of action caused a particular result. The more rigorous evaluations -- those that ask "why" -- will usually employ the controlled experiment design or other advanced techniques to get an answer.

No one of these assessment techniques will prove adequate in answering all the questions addressed in a program assessment. Typically, evaluation or evaluation research is used in an attempt to provide better information on outcomes and program impact than can be gained through monitoring procedures.

Monitoring devices and the informed judgments of program staff, criminal justice personnel with whom you work, and visitors are the usual sources of information on examining "process," or how the project is running. One of the most important aspects of the planning phase of a project will be the selection of the assessment technique or approach to use for each topic of assessment.

An assessment system need not be elaborate. Indeed, one common pitfall is to err on the side of gathering too much data. Filling out forms takes the time and taxes the nerves of program staff. Some project directors, unsure of the route they will take in assessment, decide to gather as much data as they feel may be relevant later. The result is that at assessment time, there is a lot of data which will never be used, and the data he finally decides he needs is not there.

Another frequent mistake is the use of a needlessly sophisticated or complicated research design. This consumes valuable assessment resources which might be better spent on examining a broader range of questions. And it generally results in needlessly complicated assessment problems. This chapter makes the assumption that there is not the time, money or resources to set up a thorough and rigorous system for all program assessment needs. Instead, we will suggest more rudimentary strategies which, if done methodically and well, will yield a significant amount of useful information. The emphasis will be on making some assessment regarding all aspects of project operation, rather than using more sophisticated and elaborate techniques to answer a limited number of questions.

But elaborate or not, a program assessment system must be well-planned. Proper planning can prevent collecting excess or inappropriate data. While this chapter will discuss operational details, its emphasis is on the planning of an assessment system. This is merely to reiterate the necessity of ade-

quate planning.

B. Why assess?

Program assessment requires time, money and painstaking attention to detail -- all of which may be in short supply in new projects. Why, then, should anything more than the minimum required to generate federal reports be undertaken? Because, to the project director, it is an investment in identifying and resolving problems early, paying dividends in the form of avoiding much more serious consequences if these problems are overlooked. It permits you to examine project effectiveness (getting results) and project efficiency (conserving resources). It permits you to document the contribution your project makes to the improved effectiveness and efficiency of the criminal justice system in your community -- and to your community itself. Your program assessment, coupled with that of other programs undertaking similar efforts with alternative strategies, enables us all to learn a little more about what works in this perplexing area.

Improved Program Operation

Program assessment enables project managers to make decisions more effectively, by providing the relevant information. These decisions will be made whether or not there is an adequate program assessment. But the results of evaluation research, follow-up information on clients and other outcome measures, cost-effectiveness analysis, intensive case studies of a small sample of project cases, periodic review of selected cases as part of supervision of project staff, critical assessment of operations by staff and supervisors, and the intuitive feelings of project directors all contribute to this decision-making process. Program assessment procedures provide a method of capturing this information and applying it to the decisions to be

made. This process is especially important in problem-identification. Assessment can highlight potential problem areas for project managers at an early enough time so that many can be resolved expediently -- and before involvement by the criminal justice community and the press make them harder to resolve.

Improved Policy Making

Program assessment also permits manpower and criminal justice policy makers to identify effective and efficient programs and strategies. Process analysis identifies better methods of project operation. Outcome measures provide the necessary information on what is effective. Comparison of costs and benefits (as in the cost-effectiveness measures described in the Program Assessment Guide) permits rational decisions on how to obtain the most results for the dollar.

Improved Understanding

This process of identifying better programs and strategies, and bringing a higher degree of "rationalization" to the criminal justice and manpower service delivery systems may, hopefully, also lead to better understanding of what actually works. Project operators need not re-invent the wheel if they can exchange information on innovative strategies and techniques.

C. Planning for Assessment

Hopefully, the reader has been properly imbued with the importance of planning program assessment procedures. Poorly conceived or poorly planned assessment designs are a waste of time and effort -- and they deny project managers access to valuable management and planning information.

Good planning is no guarantee of a problem-free assessment, but it will save you headaches later on and it will help you insure that your assessment is useful.

The planning process should include;

- Defining targets of the assessment, restating project objectives in assessable terms
- Determining which criteria will be used in measuring progress towards these objectives
- Determining what measurement techniques will be used
- Establishing procedures for the systematic and rigorous collection of data and procedures for monitoring the data collection process
- Analyzing and interpreting the data
- Implementing the recommendations arising from the assessment

Each of these subjects is discussed in more detail below.

D. Targets of Assessment

The first step in assessment is defining the project goals and objectives which are to be assessed. The objectives (Step 7) and Program Plan (Program Planning and Budget Information Summaries - Step 16) specified during the planning process outlined in the Planning Guide should provide a sound start. But this is only a start. Inevitably, you will find it necessary to revise your objectives and Program Plan in order to make them assessable.

These program objectives will suggest many possible targets for your program assessment. Discussion of some factors to be considered in choosing which of these are appropriate will be reserved for the next section. But whatever targets are selected, they should reflect a concern about project process and project impact on clients, on the criminal justice system, and on the community. The following lists of targets may offer a useful framework for this selection process:

1) Process-related

- Organization and administrative structure
- Staffing: number and duties of staff, qualifications, appropriateness of recruitment and selection

- Training
 - Supervision and leadership
 - Personnel policies: promotion and career possibilities, incentives, morale, initiative
 - Records and management information system, paper flow
 - Fiscal controls
 - Client "flow", smoothness of operation
 - Type, quality and frequency of services offered
- 2) Client-related
- Recidivism reduction; averting reincarceration or "return to the system"
 - Improvement of clients' economic status
 - Better social adjustment; law-observance (see recidivism); social acceptance; goal attainment; role as a citizen and family member
- 3) Criminal Justice System-related
- System effectiveness: crime reduction through deterrence of defendants and potential defendants
 - System efficiency: smoothness of operation, less waste of resources
 - System coordination: reduction in interagency problems
 - Social efficiency: favorable benefit/cost ratios as contrasted to criminal justice alternatives and programs in other agencies
- 4) Community-related
- Community change: removal of offender employment barriers, increased willingness to hire offenders
 - Community economic benefit: reduced welfare costs, increased tax base, reduced costs of crime

The choice of appropriate targets for your assessment will depend, of course, on the nature and objectives of the project. But it also depends on a number of practical constraints. Project managers are well aware of difficulties in obtaining data, lack of fiscal and other resources for assessment, and the resistance of staff to filling out endless forms and reports.

But we reiterate the point that the purposes of assessment are to provide for better management and better policy-making, as well as to contribute generally to our understanding. Thus, the assessment should address the concerns of the project manager and policy-makers in the manpower and criminal justice areas, rather than having an exclusive focus on one or two questions of most concern to the assessment team. The concerns of the judges, corrections officials, prosecutors or other criminal justice people with which you work should be actively solicited.

E. Choosing Appropriate Assessment Criteria

Assessment implies comparison. This may be comparison between groups, over time, or between concepts and operating conditions. Thus, an important aspect of planning an assessment strategy is the selection of criteria against which one can measure progress. Criteria are required for each of the project objectives which is selected to be a target of your program assessment. But assessment also implies measurement. Thus, criteria must also be tailored to the means which will be used to measure project achievements, and to the availability of data. These are the subjects of later sections of this chapter. This section will discuss potential sources for these criteria, and highlight some of the problems connected with recidivism, and cost-benefit criteria.

But first, a few words about criteria selection as part of the assessment planning process. This chapter discusses sequentially problems in identifying targets of assessment, selecting criteria, devising means of measuring progress towards these criteria, and gathering appropriate data. But resolving issues in these four realms of concern is rarely an orderly, sequential process. Problems of selecting criteria will lead to modification of the list of targets of your assessment. Inadequacy or inappropriateness of some measuring techniques will suggest revision in the criteria used. And, inevitable limitations in the availability and adequacy of data will dictate further modification. Thus, selection

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of targets, criteria, and measurement techniques must be considered as preliminary, and reviewed in the light of later planning, until you are satisfied that issues in all four of these realms of concern are resolved adequately. But the assessment which recognizes these interrelationships will be better received and more useful than one that is forced to modify strategy in midstream.

Your assessment will also be more readily accepted, and have more impact on the formulation of policy, if criteria for judging project achievements are specified in advance of the assessment. These criteria should be clearly understood -- and accepted -- by the criminal justice agencies, local government policy makers and your own staff who will be asked to accept and use the assessment. Thus, we suggest that you actively solicit their opinions before making final decisions on criteria to be used.

F. Sources of Criteria

Perhaps the most obvious sources of criteria, for measuring project process and project impact alike, are your project's Program Planning Summary and Budget Information Summary. Project monitoring will provide the usual means of comparing program accomplishments to these criteria.

Other process and impact criteria will be embodied in your agreements with the criminal justice agencies with which you work. These could include comparing project operations with agreements on procedures to be followed, or monitoring the application of criteria for acceptance into the program and for terminating clients.

But these operating plans and protocols are by no means the only source of criteria for measuring project process or impact.

In process analysis, project operations and procedures are compared to conceptions of "ideal process." This ideal implies successful movement towards personal goals, workload goals, staff development goals, optimum operating procedures and the like. Criteria which help define this "ideal"

may be established through flow charts or computer or manual stimulation models. Or, they may reflect the informed but subjective judgment of experts.

Two of the most significant and most frequently used criteria for measuring the impact of projects are recidivism and the relation of costs incurred to benefits received. Each will be discussed later. Other means of assessing client improvement could include changes in client attitudes (measured through tests or structured interviews), acquisition or upgrading of job skills, job attainment or upgrading, and increased earnings. The Program Assessment Guide proposes some measures for client improvement.

Cost-effectiveness -- the relation of achievements or benefits to expenditures -- also speaks to the issue of project impact on the criminal justice system. Criteria for assessing criminal justice system change can be developed by comparing actual criminal justice system operation to "ideals" defined through systems analysis. Other criteria are contained in published standards on criminal justice, such as the standards promulgated recently by the National Advisory Commission on Criminal Justice Standards and Goals and American Bar Association Project on Standards for Criminal Justice. Similar standards in corrections have been promulgated by the American Correctional Association and other organizations.

G. Recidivism Criteria

Perhaps the most significant "impact" criterion for projects working with offenders is client "rehabilitation" as measured by reduced recidivism. Criteria may be specified by number of arrests, charges made at arrest, time from program entry or program completion until arrest, conviction, and disposition made at sentencing (e.g., fine, probation, prison for X years). Unfortunately, none of these criteria are accurate measures of repeat offenses by clients. And none is accepted universally, or even very widely, as a

"standard" measure. Furthermore, the data may be incomplete or unavailable. It may not be valid. That is, it may not reflect every arrest or conviction. It probably is not reliable, as a measure of illegal activity by clients. (The best source of information would be the client himself -- but self-reporting by clients might be an unreliable measure of offenses actually committed.) Not everyone arrested has committed an offense. Thus, while arrest is the first official sign of an offense by a client, arrest figures may well inflate client recidivism. Conviction data, however, would exclude offenders who are given a second chance at diversion or have their cases dismissed in the interests of justice. And, given delays in both the trial process and the processing of court data, conviction records may not be available for many months after arrest data.

The LEAA-sponsored National Advisory Commission on Criminal Justice Standards and Goals (Corrections volume, Standard 15.5, at page 528) makes the following recommendations on measuring recidivism:

Recidivism is measured by (1) criminal acts that resulted in conviction by a court, when committed by individuals, who are under correctional supervision or who have been released from correctional supervision within the previous three years, and by (2) technical violations of probation or parole in which a sentencing or paroling authority took action that resulted in an adverse change in the offender's legal status.

Technical violations should be maintained separately from data on reconvictions. Also, recidivism should be reported in a manner to discern patterns of change. At a minimum, statistical tables should be prepared every six months during the three year follow-up period, showing the number of recidivists. Discriminations by age, offense, length of sentence, and disposition should be provided.

For projects with a low assessment budget and a need to make information available to policy makers expeditiously, we recommend the following criteria for measuring recidivism:

- Arrest (a convenient but tentative criterion)
- Charge at arrest. This data is easily gathered with arrest data, and gives a more accurate reflection of recidivism seriousness.
- Time from program entry or program completion until arrest. This information is also easily available from arrest data. The amount of time a client is able to function in society until his re-arrest is viewed as a measure of his commitment to general social norms.
- (Time and resources permitting) Conviction (yes-no) and sentence. The latter may be broken down into the following categories for easy tabulation:
 - Fine
 - Suspended sentence or unsupervised release
 - Probation
 - Community residence (e.g., halfway house)
 - Jail (for less than one year)
 - Prison (for more than one year)

H. Cost- Effectiveness or Cost/Benefit Criteria

Valuable measures of project success can be made by comparing project costs to benefits. Some measures are outlined in the discussion of cost-effectiveness in the Program Assessment Guide. The term cost-benefit is becoming increasingly common. This measure is often expressed as a benefit/cost ratio, e.g., 2:1 or 4:1. A desired outcome is for the ration of benefits to costs to exceed 1:1, or unity.

Project costs are typically the expenditure for the program, and for maintenance of the offender if a residential program is involved. But there are no standard definitions on what constitutes costs, or rules for apportioning cost to a project. Thus, one project may rent space, and another be donated quarters and free access to a Xerox machine. One may have its own administrative, personnel and accounting staff, while another operates within a court system which absorbs these costs. There is also a question as to whether costs of evaluation are properly charged to a project. Resolution of this and other issues should not hinge on the mere fact that the items are included in a subcontractor's budget.

Instead, given the unsettled state of the art in cost-effectiveness analysis, we suggest the following rules of thumb:

- All possible cost items should be discussed, and a rationale advanced for their inclusion or exclusion.
- The method of calculating each cost should also be shown.
- When costs such as administrative costs must be allocated between project components, the rationale for the allocation (e.g., by relative staff size, caseload size, or whatever) should be shown.
- Start-up and one-time costs should generally be excluded. Thus, a continuing evaluation by a research staff would be included, but the cost of a non-recurring study would be excluded.
- One accepted test for deciding whether to include or exclude a cost is a determination of whether the expense would remain if the project were removed.
- The distinction between "average" cost and "incremental" cost must be borne in mind. Thus, for example, the cost per inmate in a prison may be \$16 a day in a facility holding 1,000 prisoners. But removal of 20 inmates will not reduce the expense of running the institution by \$320 per day. The actual amount of savings -- for example food not consumed and clothing not provided -- may only be a small proportion of the "average" cost per inmate.
- Cost reductions become real, not hypothetical, only when population reduction becomes sufficient -- either actually or as projected -- to permit closing a wing or cellblock, eliminating a caseload, (and caseworker) reducing staff, or avoiding further construction. Economists use the term "marginal cost" to refer to this point, where continuation or expansion of a staff or facility is of marginal utility.
- The history of neglect of corrections offers a myriad of examples of facilities which may be badly needed -- and projected -- but never built. Cost savings calculated on projections of future expansion are thus less "hard" than actual reductions in staff and facilities.

Benefits gained from a manpower program may include:

- Reduced costs to the criminal justice system through diversion or supervised pretrial release of the defendant.
- Reduced costs of future crime (determined from recidivism data), including costs of arrest, judicial procedures, incarceration, and support of dependents while the client is imprisoned.
- Increased job retention
- Increased earnings

But all project benefits can not be reduced to dollars and cents. Pretrial release of defendants leads to a better quality of custody for the remaining detainees. Diversion leads to a higher quality of deliberated justice in the remaining cases. Improved earnings and self-esteem lead to a better quality of life for clients. But these improvements in quality can not be measured in dollars.

Benefits are related to reduced recidivism, but this relationship is indirect. Thus, lower recidivism usually means lower future criminal justice system costs -- but not necessarily improved job skills or job upgrading. Benefits from improved earnings usually, but not necessarily, indicate a reduction in recidivism. Both recidivism and benefit-cost analysis are important, and information on both should be made available to project managers and policy makers.

I. Choosing Appropriate Assessment Techniques

Once project objectives to be assessed are selected, and appropriate criteria established, the next task is to determine which assessment techniques are appropriate. Assessment of project impact usually includes measurement through experimental or quasi-experimental designs, or before/after comparisons. Project process can be analyzed through monitoring, systems analysis, operations research, and the like. The latter two also can be used

to assess the impact of the project on the criminal justice system, as opposed to its impact on individual clients. No one technique will be appropriate for all the questions to be answered in program assessment. Instead, one must determine which technique or techniques to use in measuring progress towards each objective.

Experimental research designs provide the most certain knowledge about a project's impact, but they require more resources and the greatest amount of operational cooperation. They also require stable, well-structured operational settings. The technique involves establishing a pool of "eligibles" and random assignment of clients into an experimental group and a control group not receiving project services. It is a wise idea to compare demographic characteristics (e.g., age, sex, race, prior criminal record, employment status, addiction) of the two groups to insure that the randomization process has resulted in two equal groups. Rigorous client follow-up is required. Comparison between the two groups can be made on many criteria, including recidivism, improvement of clients' attitudes and economic status, cost benefits, and the like. But obtaining follow-up results may involve a long time delay, and the experiment may not address all of the policy makers' concerns. Thus, these "pure" research designs would be inappropriate where policy makers require information quickly on a large number of administrative concerns.

Quasi-experimental designs differ from experimental ones in that subjects are not assigned to the two groups at random. Project client achievements are examined against a "comparison" group of similar persons, rather than a "control group." It is essential, then, that one compare demographic characteristics of the two groups to insure their similarity. Otherwise, the measurement may be invalid. When experimental clients volunteer to join the program they are self-selected rather than randomly selected. An assessment of this

nature is quasi-experimental. Moreover, it is a weak form of quasi-experiment, since volunteering for the project may well bespeak a motivation not present on the other group. Special care is required accepting or in interpreting findings in such cases.

Before/after studies (longitudinal, or time-series studies) are less effective than experimental or quasi-experimental designs in establishing that the project caused a particular impact on clients or on the criminal justice system. Client status is measured before entry into the program, during program participation and after completing the program. But no comparison is made to a control or comparison group.

Techniques for process assessment may involve monitoring, operations research and systems analysis. Monitoring, as mentioned, involves comparison of project progress to the Program Plan (Program Plan and Budget Information Summaries) and other project goals and objectives. It permits one to determine whether project resources are being used as planned, and to identify problem areas. Basic data is provided through the management information system and fiscal reports. But the assessment should not be limited to this. Quick, judgmental assessments can be made from observation, interviews, record review, and special studies to select additional data in a problem area. This process is enhanced if periodic, systematic monitoring is done, using established procedures, checklists and forms for observation and record review. One useful strategy is to compare your project's structure, function and "flow" with that of one or more similar programs. Visiting another project, or having someone from another project tour yours will generally provide the host and the visitor with new ideas.

One important problem-spotting tool in monitoring is the business management technique of "exception reporting." This involves specification of

an acceptable amount of deviation from project objectives, for example, a minimum of 15 and maximum of 25 new clients in a week when the Program Plan calls for 20. The management information system is geared to pinpointing deviations beyond this range. The "warning light" procedure described in the Management Information System Guide is an example of an exception-reporting system. Deviation sufficient to turn on a warning light does not necessarily mean that there is a problem with the project. A low number of new clients in the diversion program may only reflect an abnormally low number of police arrests that week. But it does suggest that it would be prudent to try and determine the reason for the deviation. The inquiry alone may be sufficient to resolve some problems. In a large urban misdemeanor court the presiding judge instituted procedures to have a list of every case which had been pending for 30 days. This list was sent regularly to each judge, the prosecutor and jailer. Shortly thereafter, the number of long-pending cases reduced dramatically.

Operations research focuses on description and analysis of an ongoing system, such as the system for progressing a client through a project or the system for processing papers and records, to optimize or make best use of processes, people, resources and materials on hand. Systems analysis is more broad in that it analyzes alternative means of achieving objectives, based on assessments of performance, costs, and risks involved with each alternative. Computer simulation models of the criminal justice system have been developed which involve complex and sophisticated mathematical techniques. But more rudimentary forms of analysis may prove just as valuable. A paralegal in a prosecutor's office spent an afternoon with a legal pad, drafting a flow chart of the office's paperwork system. The flowchart identified points where

paperwork could be lost and pinpointed inefficient procedures -- and suggested a simpler procedure which resulted in the freeing of two of the office's six secretaries for other duties. A flowchart of client activities, showing the numbers and percentages of clients proceeding from each step in the process to the next (a "branching flowchart") can also provide useful information.

A branching flowchart can be a helpful tool in experimenting with possible project changes. One can change one's assumptions about the percentage of clients moving from Step A to Step B, and immediately see the consequences to Steps C, D, E and so on. This is the principle behind simulation models. Complex computer simulation models have been developed, which involve complex mathematical formulae, repeated calculations and manipulation of large amounts of data. Much simpler manual simulation models can be helpful to even the smallest of projects.

A word should also be added about the use of computers. Usually, they are used in larger criminal justice systems. But there may be means available, at little cost, to use computers in your project. Many city or county governments have computers, but are unable to use all available computer time. One District Attorney in a two-attorney office had difficulty keeping track of the cases pending before 60 magistrates. Using borrowed computer time and limited consultant services, he was able to install a sound computerized case record and case-tracking system for under \$3,000.

J. Choosing the Assessment Team

The choice of a team to carry out your assessment plan depends on the size of the effort, its duration, and the assessment design itself. Administrative and operations staff will provide much of the information, and helpful analysis, through the management information system. Administrative staff

may monitor the entire assessment, if they take their role seriously. Especially in experimental methods of assessment, this requires expertise, care and commitment. An agency with no staff capable of carrying out more difficult assessment tasks will have to seek outside assistance from university faculty, private non-profit or profit organizations, or other "outside" consultants.

"In-house" staff understand the project's objectives and operations better, and are frequently better at working with administrative and planning staff in using the results of the assessment. Use of in-house staff is generally less costly, and in not a few cases they perform better work than the "outsiders."

Outside consultants, on the other hand, often bring more expertise to the job. This is especially important when complicated assessment questions are addressed or complex and sophisticated techniques called for. Their familiarity with similar projects and problems may bring refreshing insight to the task. They also can be brought in for special projects and assignments, then released when that task is done. But project decision-makers should be aware that the consultants may not leave behind for project benefit more than a proportion of what they have learned. Not everything they learn will necessarily be included in their report.

K. Data Collection and Analysis

Adequate data collection and analysis are crucial to the program assessment effort, for the simple reason that if the proper data is not gathered or is gathered in a slipshod fashion, or the analysis poorly done, the assessment will not have been worth all the time and effort involved.

Assessment Guide

In data collection, the Program Assessment Guide recommends having

clerical staff prepare weekly or monthly data summaries on worksheets, to be combined later for quarterly and other reports. That Guide also suggests reconciling data gathered from two different sources, to insure accuracy. Regular procedures for spot-checking data accuracy should also be considered.

Offender data may present unique problems. Restricted access to arrest, court and crime data is not uncommon. Police records may not be open to inspection, or may require elaborate clearance procedures. Court dispositions of arrest cases may not be reflected in arrest files for months or years. Some court data may not be available because of law or court rules, especially in juvenile cases where the records are generally under court seal.

A long follow-up period may be required for accurate recidivism data. There are two reasons for this. First, as a general rule, one can expect that about half of the eventual client recidivism will occur in the first year. This leaves much for the second and third years. The second reason is "erosion" of project impact on the client. Results visible during and immediately after project participation may disappear within two or three years, and this may occur at different rates for different projects.

The forms displayed in the Management Information Systems Guide would have to be modified to be appropriate for assessing offender projects. The following additions to the client intake and client change forms may prove useful:

- Arrest date
- Arrest charge
- Police identification number (usually a photo identification number used to access arrest records in city, statewide and FBI files)
- Court docket or identification number
- Information or indictment number for felonies, usually a different number than the one given the case for initial appearance and pre-

liminary hearing in the lower court

- Prior criminal record (arrest, charge, disposition, date)
- Pending cases, warrants and detainers (the latter representing outstanding criminal charges in another jurisdiction)

The client termination form should reflect your specific criteria for termination. The follow-up form will have to be revised to reflect the recidivism criteria selected for program assessment.

Problems in data analysis typically arise in attempts to establish that a correlation between program participation and client outcome indicates that the program caused the change. It may well be impossible to establish that there could be no other possible explanation for client success, although tests of statistical significance performed on data gathered in a sound experimental design may approximate this. The problem is in selecting and examining, out of all the possible explanations for a given outcome, all the explanations which are likely or probable. This is often a difficult task, which requires an understanding of project operations and of the criminal justice system. It should not be left to a research staff or outside consultant to do in isolation. It may be wise to seek the input of policy makers, criminal justice agencies, project staff and perhaps clients in reviewing possible interpretations.

It is sometimes difficult to determine whether it was the project or other factors which affected a client. Some drug and manpower project directors report that a client may have to fail in a program three or four times before he is sufficiently motivated to succeed. This success is not entirely attributable to the last program. Youthful first offenders may be sufficiently deterred from future crime from their brief exposure to the criminal

justice system -- whether or not they participated in a diversion program. Some correctional authorities point to a "burnout phenomenon" -- that violent offenders may naturally turn to committing property crimes or settle down to a crime-free life as they reach middle age.

Or, there may be a "masking" effect in operation when one examines project impact. In one psychological counseling program, the data revealed an unspectacular and statistically insignificant improvement in the clients. On closer examination, it was discovered that the clients could be divided into two groups. One group showed dramatic benefit, and the other showed an equally dramatic turn for the worse.

The project could also be affected by such external factors as changes in criminal justice policies, a worsening job market, or reluctance to admit clients into a diversion program following a murder committed by a work releasee.

L. Conclusion: Better Utilization of Assessment Results

Program assessment is a valuable tool to project managers and policy makers, which can and should lead to better planning and decision-making. But this is not always the case, and the reasons for this may provide a summary of the points covered in this chapter. For a variety of reasons, the assessment, evaluation or research undertaking may not yield relevant, useful information. The assessment may be poorly designed or reflect inadequate planning. Sophisticated methodological designs may fall apart because of inappropriate criteria, unavailable data or sloppy data collection. It may provide an elaborate testing of one hypothesis, leaving unanswered many of the policy makers' other legitimate inquiries about the project's operation. Or, the analysis may show a surprising naivete about project operations and the criminal justice system. Or, the results may be obtained too late to be of use to those making

re-funding decisions. Administrators, on the other hand, may not see the value or utility of the assessment. They may overlook the policy implications of the results obtained, or may perceive the assessment as a threat. Or, they may simply not provide the necessary input to insure that the assessment plan will succeed. We hope that this chapter has given you some clues on how to avoid these pitfalls.

APPENDIX A
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IV. Program Descriptions

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Descriptions of the Manhattan Bail Project, Manhattan Summons Project, Manhattan Bowery Project, Bronx Sentencing Project, Neighborhood Youth Diversion Program and Manhattan Court Employment Project.

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Covers eligibility requirements, screening and entry; counseling services; locating employment, training and educational opportunities, terminations, recidivism - program evaluation of nine manpower-based pretrial intervention projects of United States Department of Labor, Manpower Administration.

Boston Court Resources Project, The Selection and Training of Advocates and Screeners for a Pre-Trial Diversion Program. Boston, Massachusetts,

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Holahan, John F., A Benefit-Cost Analysis of Project Crossroads. Washington, D.C.: National Committee for Children and Youth, December 1970.

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"Study measured accuracy of knowledge about and positive attitude toward Manpower Development Training and Rehabilitation Research Foundation treatment philosophy, practices, and results before and after intervention. Subjects included MDT trainees, non-trainees, and prison and RRF staff. All groups showed gains in positive attitude after intervention. Description of method, findings, and samples of intervention materials included."

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"Sets forth, briefly, the case for behavior modification as the technology capable of solving many of the problems the field of corrections faces today. Distinguishes and makes a case for "behavioral" diagnosis as opposed to "medical model" diagnosis. Gives examples of the application of behavior modification in a variety of correctional settings . . . An overview of the work of the EMLC at Draper Correctional Center, Elmore, Alabama, where behavior modification techniques are being applied to a number of correctional problems."

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"Reports the findings of a 1972 survey of the departments of corrections of all 50 states, the District of Columbia, and the Federal Bureau of Prisons. Includes information on hiring policies, number of ex-offenders employed at that time, salary ranges for these employees, selection criteria used, and quality of ex-offender performance on the job. Notes that while most agencies reported that they had discontinued blanket prohibitions barring the hiring of ex-offenders, the total number of ex-offenders employed by these agencies was quite small."

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"A technical manual designed to train personnel to use programmed instruction in adult basic education programs, particularly for the disadvantaged."

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"Investigates the extent of the use of study-release as an alternative and/or supplement to the academic and vocational programs presently operating within American correctional institutions. Summarizes the results of a 1972 survey of correctional agencies in all 50 states, the District of Columbia, and the Federal Bureau of Prisons. Includes information on the number of agencies operating study-release programs, restrictions placed on participation, number of inmates participating, educational areas encompassed, and abscondence rates."

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Vera Institute of Justice, Wildcat: The First Two Years, Summary of the Second Annual Research Report on Supported Work. New York, New York, 1974.

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A description of various states' practices concerning gate money, prisoner's earnings, savings, work release, and other factors which determine a prisoner's financial condition at the time of release.

Operation Pathfinder: Shaping Work Behavior of Ex-Offender and Other Disadvantaged People Using Social Reinforcement Technique, Final Report. Los Angeles: Mentec Corporation, April 1972.

Behavior modification technique applicable to juvenile parolees and other hard-core disadvantaged on the job.

Transitions to Freedom. San Francisco, California: Transitions to Freedom, Inc., (415) 731-1115.

Transitions to Freedom, Inc. is a private nonprofit California corporation with civic and government sponsors whose aim has been to open up the job market for ex-inmates and to improve their chances of obtaining jobs through counseling, job placement, and skill training. The guide, Transitions to Freedom, is a cookbook of tips on how to go about setting up a similar program. The guide gives suggestions on funding, organization, job development, job counseling, and vocational training, as well as the need to continually work with established agencies and authorities. The guide includes a thorough reentry pamphlet for the San Francisco area, called "An Ex-Prisoner Survival Packet."

V. The Community's Barriers to Employment

Expanding Government Job Opportunities for Ex-Offenders. Washington, D.C.: American Bar Association, National Clearinghouse on Offender Employment Restrictions, 1973.

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Removing Offender Employment Restrictions. Second Edition. Washington, D.C.: American Bar Association, National Clearinghouse on Offender Employment Restrictions, 1973.

Scheur, Ivan H., Guidelines and Standards for the Use of Volunteers in Correctional Programs. Washington, D.C.: National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, Department of Justice, 1972.

VI. Program Planning and Development

A Reading Program Resource Manual for Adult Basic Education. Washington, D.C.: American Bar Association, Clearinghouse for Offender Literary Programs, January 1974.

Description of 80 programs compiled expressly for ABE teachers and administrators involved in correctional institutions. Includes commercial programs, community programs funded by Office of Education's Right to Read Branch, and Volunteer Tutoring Programs. Gives program scope, purpose, format, remediation, cost, etc.

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An excellent handbook to provide criminal justice administrators with with background information and operational guidelines on job placement and training of offenders and ex-offenders. The handbook describes major types of manpower programs for helping offenders and offers guidelines on how to operate such programs.

VII Program Assessment

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VIII Examples of Other Sources of Information

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Criminal Justice Newsletter, published by the National Council on Crime and Delinquency, Continental Plaza, 411 Hackensack Avenue, Hackensack, New Jersey 07601. A biweekly report on significant developments for leaders in criminal justice administrations.

Federal Probation, quarterly journal published by the Administration Office of the United States Court in cooperation with the Department of Justice's Bureau of Prisons in Washington, D.C.

National Criminal Justice Reference Service: A clearinghouse of information on studies, reports, and books concerning the criminal justice system. Washington, D.C., United States Department of Justice, Law Enforcement Assistance Administration.

Offender Employment Review, bimonthly, American Bar Association National Clearinghouse on Offender Employment Restrictions.

Soundings on Youth, published by the National Council on Crime and Delinquency from its Tucson office: NCCD National Center for Youth Development, 36 N. Tucson Blvd., Tucson, Arizona 85716.

Fortune News, published monthly by the Fortune Society, an ex-prisoner self-help group in New York City. Articles by and about prisoners from all over the country. Focuses on prison conditions, prisoner's rights, prisoners' aid groups and success stories about former prisoners who have made it.



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