

NATIONAL INSTITUTE OF MENTAL HEALTH

# Graduated Release

1580051



CRIME AND DELINQUENCY TOPICS:

A Monograph Series

## Graduated Release

National Institute of Mental Health  
Center for Studies of Crime and Delinquency  
5600 Fishers Lane  
Rockville, Maryland 20852

1971

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Public Health Service Publication No. 2128

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## Foreword

This monograph is one of a series of literature reviews and evaluative discussions on current topics of significance in the area of crime and delinquency. These monographs are designed to inform program administrators, policy makers, and other interested persons about significant findings to date which may be useful in the development and improvement of programs in the crime and delinquency area, and about research gaps and needs.

Development of this series has been sponsored by the Center for Studies of Crime and Delinquency of the National Institute of Mental Health. The Crime and Delinquency Topics monographs were prepared by the National Council on Crime and Delinquency under a contract from the National Institute of Mental Health. This monograph, *Graduated Release*, was prepared by Eugene Dolechal, Assistant Director, Information Center, NCCD, and Gilbert Geis, Consultant.

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## I. Introduction

Various kinds of endeavors are found in corrections which attempt to cushion the impact of transition for an inmate between incarceration and community living. Such programs are not dissimilar in motif from those used with tunnel workers who do day-long construction work in caissons far underground. These workers—so-called “sand hogs”—must go through an exacting process of readjustment in decompression chambers if they are to adjust satisfactorily to normal air conditions at ground level. Otherwise, they may suffer aeroembolism (“the bends”), an excruciating torment resulting from the release of nitrogen bubbles into the blood. So, too, in corrections the assumption prevails that unless an inmate can be satisfactorily decompressed he is apt rather quickly to manifest the criminal equivalent of “the bends,” a kind of environmental malaise that is likely to result in renewed criminal activity.

Programs of “graduated release” are designed to reduce the severity of impact of an abrupt transition between two divergent and possibly antagonistic climates. Prisons tend to represent, in Erving Goffman's words, “total institutions,” settings in which an inmate finds himself in a condition of heavy dependency, with basic decisions made for him by others. His needs for food, for medical and dental care, for companionship, and for shelter, among many others, tend to be thoroughly scheduled and carefully supervised. He need not bear fully the consequences of inept decisions that he may make. Nor will his failures or inadequacies produce the kinds of deprivations and distress likely to attend them in the outside community. Failure to work satisfactorily—by free-market standards—will not result in the inmate being fired from the job nor in a failure to secure satisfactory food or lodging.

The culture shock that may accompany abrupt release into the community from institutional life can be lessened in a number of ways, some of which are used today by various prisons, others of which remain in blueprint. The most common approach involves a specified period of orientation to which inmates are exposed prior to their release. Such pre-release programs often include transfer to living areas where more relaxed regulations prevail. They may involve as well the appearance before the inmates of representatives of the outside community, who convey information about the labor market, about techniques for applying for jobs, about criminal registration ordinances, and about the kinds of parole requirements to which the inmates are likely to be exposed. There has been no

standard approach to such programs, and extremely few attempts to determine their importance and impact. They operate under the not unreasonable (though possibly incorrect) assumption that any preparation for release is better than none, and in general they attempt, in a rather haphazard manner, to provide the kinds of information that inmates express an interest in and which correctional personnel believe will be of value to them.

Pre-release programs have been supplemented in the past decade by a number of work-furlough programs, which allow inmates to work at jobs during the day in adjacent communities and then return at night and for weekends to the correctional institution. Such programs are believed to enable the inmate to more nearly experience conditions which will prevail on his release, and yet to retain a certain superimposed security and control. Counseling may be used in such programs to deal with a job problem encountered by an inmate; had the inmate been totally unsupervised, such a problem might have gone unaddressed.

Halfway houses of various kinds have also been introduced as correctional arrangements designed to ease the inmate's transition from institution to community. Such houses are designed to meet the need of a released inmate for companionship and to supply him with adequate food and shelter while he struggles to establish an employment base in the community and a social base with his family and friends. The assumption is that the halfway house provides a sanctuary to which the inmate may retreat in the face of setbacks which might otherwise, were he on his own, have thrown him into erratic and perhaps criminal behavior.

## II. Pre-release Programs

There is convincing evidence that the periods immediately before and immediately after release from an institution stand as particularly critical times in an inmate's life. Occasional bravado notwithstanding, most inmates keenly appreciate the fact that they have failed in the past to remain within legal boundaries and that the same or similar conditions that led them to prison in the first place may catapult them back into custody. If nothing else, their incarceration brings into question their adequacy as criminals, that is, the quality of their skill and intelligence, and their ability to evade capture in the future. For those inmates who desire to remain law abiding, the power of that commitment to withstand social and psychological erosion creates nagging doubts.

It is often said that the entire period of imprisonment should be geared toward preparation for release, since an overwhelming percentage of inmates will again face community existence and its risks. The difficulties with this principle inhere in the fact that institutional life, at least at this time, is unable to proceed very satisfactorily by imitating free-world existence. For one thing, public demands insist that a prison impose certain restrictions and deprivations upon inmates—things such as the absence of free-market wage structures and heterosexual experience. For another, public demands insist that a reasonably satisfactory level of existence be maintained for prisoners, so that the kinds of deprivations ensuant upon free-world failure cannot be duplicated within an institution. Probably most fundamental is the fact that it is easier and safer to run an institution along authoritarian rather than permissive lines. Prison inmates represent a congregate group of persons whose previous actions suggest the potentiality of explosive danger and management difficulties. The inmates do not prefer to be where they are, and it is anticipated that they will tend to resist pressure to make them conform to standards other than those they choose for themselves unless strong controls are exercised. Daniel Glaser has noted that in both Federal and State prisons much more care is taken with orientation sessions, to prepare inmates for the role they are expected to play in the institution, than with pre-release classes.<sup>1</sup> It is, after all, the institution's problem if inmates fail to abide by internal rules; the correctional authorities must suffer his behavior following the orientation period. It is somebody

<sup>1</sup> Glaser, Daniel. *The Effectiveness of a Prison and Parole System*. Indianapolis: Bobbs-Merrill Co., 1964. pp. 406-407.

else's problem, however, if he does not adjust to the rules that exist outside the institution.

There are no definitive guidelines for the operation of a pre-release program and it may be necessary that such programs be tailored individually to the prison settings in which they are to operate and to the clientele they are intended to serve. At the California Institution for Men in Chino, the pre-release course, described by Norman Holt and Rudy Renteria, is said to have been established in accord with suggestions appearing in the literature on the subject. Its agenda includes discussion of the following matters:

Orientation; Conditions of Parole; How To Get a Job; Educational Opportunities; Welfare Department Assistance; Setting Up a Parole Placement; Wardrobe Tips; Motor Vehicle Operation; How To Keep a Job; How To Fail on Parole; Problems Faced by Parolee/Agent; Tips on Buying a Car; Budgeting and Borrowing; Legal Problems; Release Anxieties; Law Unique to Parolee; Union Management; Purpose/Function of Law; Salvation Army Program; How Staff Sees Inmates as They Go to Parole; How To Succeed on Parole; Family Responsibilities; Social Security; Summary/Conclusion.<sup>2</sup>

Another inventory, aimed at indicating more general principles to be followed in pre-release programs, was established by the Sam Houston Institute of Contemporary Corrections after a nationwide survey of correctional facilities. It is noteworthy that the list is something of a *mélange* of general points of advice, very specific suggestions, and further items whose definitions are not altogether certain. Thus, for example, the idea that a pre-release program should have "realistic" goals may indicate in some measure what a program should not do—for instance, prepare releasees for careers in politics—but offers little concrete help regarding the nature of "realistic" goals. Nonetheless, the rules themselves offer a helpful point of departure for systematic approaches to pre-release:

- (1) Pre-release preparation should begin as early as possible in the sentence, and inmates should know in advance the purpose and intention of the program.
- (2) Reliance must be placed upon a sound program and not upon the use of special privileges as an enticement to participate.
- (3) The program should be organized with realistic goals in mind and should be part of the total treatment process.
- (4) The counseling program should be geared toward deal-

<sup>2</sup>Holt, Norman, and Renteria, Rudy. Pre-release program evaluation: some implications of negative findings. *Federal Probation*. 33(2):40-45, 1968.

ing with the immediate problems of adjustment rather than with underlying personality problems. (5) Participants should be carefully selected by the staff on an individual basis rather than according to predetermined arbitrary standards. (6) Employee-employer rather than custodian-inmate relationships should exist between the staff and the inmates. (7) Every effort should be made to enlist the support and participation of the community, and family contact should be encouraged. (8) Whenever possible, work-release should be included. The center itself should be minimum security and should encourage personal responsibility. If pre-release programs are to be made a part of the treatment process, there should be some provision for determining their effectiveness.<sup>3</sup>

It cannot be said that the preceding rules are not of value. For an institution inaugurating a new program it is of utmost importance that personnel be able to discover as quickly as possible what the experiences of others have been. The difficulty with the inventory lies in the absence of reliable information concerning the importance and the efficacy of each of the suggested program elements and of all of them together. It is obvious that some programs work better than others, and that some program ingredients are more important than others. But at this moment we have no idea regarding such matters and no sense of what is essential, what is merely advisory, and what is superfluous. How important, for instance, is an atmosphere of employee-employer relationships in a pre-release program? How vital is work-release as an adjunct to a pre-release program? Will there be an additional ten percent recidivism without such a combined effort? Answers to such questions are vitally required before it can be said with assurance that pre-release preparation should be an essential element of all institutional programs and before it can be specified what characteristics such programs ought to include.

The Sam Houston Institute, in its review of the literature, concluded that pre-release programs are effective, though no hard data are offered to support this claim. Our search of the literature casts doubt on the idea that such reliable data are currently to be found. It is a long step from intuitive ideas to statistically sound conclusions, and an equally long step from inspiring individual case histories to statistically selected cohorts.

There are a number of statements which provide impressionistic accounts of "intangible" but "practical" consequences of pre-release

<sup>3</sup>Sam Houston State College. Institute of Contemporary Corrections and the Behavioral sciences. A review of pre-release programs. Huntsville, Tex., 1968. 110 pp. (*Criminal Justice Monograph*, Vol. 1, No. 2.)



programs.<sup>4</sup> A former director of the Training Institution in Central Ohio maintains that institutional morale had been improved through the use of a pre-release program, certainly not an unlikely result. The specifics of such morale building, however, require rather intensive and careful examination. It is possible, for instance, that a pre-release program may improve the morale of those involved with it, but cast a pall over the remainder of the institutional population and staff because of aroused jealousy regarding the extra privileges now accorded the pre-release group members. It is also perfectly possible that improved morale has little, if anything, to do with improved performance following release. The flat statement that one pre-release program sliced recidivism from 34 percent to 10 percent requires further substantiation before it can be regarded uncritically.<sup>5</sup>

A more systematic probe of some elements of pre-release found that the "typical" inmate was principally interested in finding a job and having sufficient money to sustain himself before his first paychecks. Inmates answering a questionnaire 90 days before their release said that their most immediate post-release interest was to "settle down and stay out of trouble." Responses to a questionnaire given the inmates following their release indicated that they thought that the pre-release program had been useful, primarily in terms of the advice that had been given them. Few critical comments were offered in regard to the pre-release program, a result which the surveyor wisely saw as a possible function of the fact that his respondents were at the time under supervision and had little to gain and something to lose were they to berate the pre-release operation.<sup>6</sup> Equally wisely, the author notes that he could not determine with any assurance which of so many factors figured into the performance of released inmates:

We do not know to what extent post-release adjustment is the result of institutional training and experience, pre-release preparation, supervision by the probation officer, acceptance by and encouragement from the family, a break in finding the right job, or any combination of a host of other variables.<sup>7</sup>

In a second study, covering five pre-release courses, each of which lasted for about five weeks, the results were also inconclusive. Participants in the courses were tested both before and following pre-release instruction in regard to a number of items. Fourteen

<sup>4</sup> Catalano, Anthony. A pre-release program for juveniles in a medium security institution. *Federation Probation*, 31(4):41-45, 1967.

<sup>5</sup> Clark, J. E. The Texas prerelease program. *Federal Probation*, 30(4):53-58, 1966.

<sup>6</sup> Boller, J. E. Preparing prisoners for their return to the community. *Federal Probation*, 30(2):43-50, 1966.

<sup>7</sup> *Id.*, p. 48.

percent were found to report a more positive attitude toward parole agents, and 14 percent were believed to have developed more favorable attitudes about budgeting money (though 78 percent indicated no change in this category). Sixty-nine percent said that they thought the pre-release course had been worthwhile, 19 percent did not like it, and 12 percent offered no opinion. On most items, the post-questionnaires showed little change over initial responses. It was believed that poor motivation among the inmates accounted for the poor results on the questionnaires. The inmates appeared to be anxious about some pressing individual problem and not about general matters. Looking back, the researchers concluded that the pre-release programs had sought to meet the needs of inmates as a group, rather than the needs of individual inmates; in so doing, it had met the needs of no one in particular.<sup>8</sup> Stung by their own results, the researchers generalized them, correctly, to a belief that there is inadequate information now available about the effectiveness of pre-release and about the proper programming of such courses. It was noted that:

If there is any lesson to be learned from our data, it is that one must avoid getting overly committed and bogged down with traditional pre-release programs. The subject matter's utility and effectiveness should be under constant review.<sup>9</sup>

The rather bleak conclusion of the last-noted research probe seems premature. It hardly appears warranted to suggest that pre-release programs be locked into a preordained formula when there exists no trustworthy information concerning the inadequacies of present formulas or the possible superiority of alternative approaches. The unhappy results of the reported experiment might have sprung from the insensitivity of the measuring instrument employed and not from the failings of the program itself. Requesting responses from inmates on a wide number of general issues in a pre- and post-test fashion is certainly not apt to discriminate very meaningfully among deep-set beliefs and attitudes. It is even debatable whether it is important to have produced the changes in attitudes which were deemed desirable by the persons constructing the questionnaires. It is perfectly easy to elicit preferred questionnaire responses by incessant drilling and training in the responses sought. Such results do not, however, provide much insight into their relationship to possible success or failure following the completion of the pre-release course. For this end, questionnaires might be employed to ascertain the kinds of responses related to recidivism. Then the pre-release program could be geared toward reinforcing those attitudes demonstrated to be valuable in post-institutional adjustment.

<sup>8</sup> *Op. cit.*, *supra* note 2.

<sup>9</sup> *Id.*, p. 45.

Perhaps, even more usefully, clear-cut attempts ought to be made to determine the impact of pre-release programs by randomizing the intake into such programs so that equivalent samples of inmates are exposed to or withheld from participation in their curriculum. Operating such programs at different sites, and varying these sites, would help to eliminate contaminating effects that might intrude into the experimental design (that is, inmates arbitrarily rejected from the program for experimental design purposes might develop a hostility that they would otherwise not have). From such an approach, we would be able to move nearer to some understanding of the dynamics of pre-release courses and their importance in correctional programing.

### III. Work Release

Imprisonment represents most fundamentally a deprivation of freedom, imposed on a person for violation of criminal statutes. Secondary kinds of disabilities also accompany incarceration, disabilities suffered not only by the offender and those who might have been dependent upon him, but also by the society at large. The inmate's family is, of course, deprived of a member who might have offered it support and affectional ties. The society is deprived of a citizen, who could have contributed to its productivity, entered into its political life, paid taxes, and otherwise functioned in a manner that would benefit other citizens. Maintenance of correctional institutions and welfare support of some inmates' families drain resources from the society that might otherwise have been employed to improve the lives of all.

For most prisoners, incarceration is a temporary matter. It is therefore of vital importance that whatever steps possible be undertaken to ascertain that, following their release, they are better able to avoid return to the institution.

It is for these reasons, among others, that programs of graduated release have come into being, designed to render institutional existence more nearly like that in the outside world, while, at the same time, not unduly endangering the lives or property of those who might be preyed upon by offenders. Under work release programs, heads of families can support their dependents rather than forcing the families to resort to welfare funds, thus enabling both the families and the inmates to develop a sense of pride and accomplishment rather than to live with feelings of guilt and shame. The dangers of "prisonization"—that is, the toll exacted by unremitting exposure to an anti-social convict code—are diminished under work release programs, since inmates are withdrawn from the prison culture for long periods of time.<sup>10</sup> In addition, inmates are apt to become involved more realistically in the labor market, though they remain protected from the more devastating consequences of what might have been their prior inability to work well and steadily.

It has been noted by Serapio Zalba that work release programs are particularly suitable for persons whose previous behavior indicated a need for external controls combined with a need for developing and practicing new social roles in the outside world. Work

<sup>10</sup> For a discussion of the psychological effects of imprisonment, see: Ball, Richard A. Why punishment fails. *American Journal of Correction*, 31(1):19-21, 1968.



release programs, Zalba maintains, make a therapeutic contribution by providing needed institutional controls in tandem with opportunities to engage in accepted social roles in a free society. For this reason, he suggests, they are to be preferred to unsupervised existence for selected violators and to total immersion in institutional life and its impact for other violators.<sup>11</sup>

The pioneering work release statute, restricted to misdemeanants, was Wisconsin's Huber Law, enacted in 1913, but the work release movement failed to attract much support for a long period of time. Prior to 1950, only four states—Wisconsin, Nebraska, West Virginia, and Hawaii—had provisions for work release programs. In 1957, North Carolina enacted the most comprehensive work release program up to that time. Under its provisions, a man could hold a job for up to 60 hours a week, with eligibility for work release status determined either by the sentencing judge or by a review board. In a 1965 investigation of the first eight years of work release in North Carolina, it was found that some 1,046 prisoners had participated in the program. No crimes of violence had been committed by the men while in work release status, although 16 percent had to be removed from the program, primarily because of either drinking or visiting wives or girl friends while away from the institution.<sup>12</sup> By 1966, 29 jurisdictions, made up of 27 States, the Federal Government, and the District of Columbia, had authorized work release, and by 1968, this number had increased to 40. Of greater importance is the extension of work release, originally applied to local short-term offenders, to inmates from State institutions. States which have enacted legislation authorizing work release to local institutions are increasingly being urged to grant the same authority to State correction departments.

A nationwide survey of work release completed in 1968 provides a detailed analysis of its operation in 22 jurisdictions. Included in the survey is material regarding the objectives of the programs, the purposes for which work release may be granted, eligibility requirements, administrative arrangements, use of earnings, kinds of employment included, and staffing patterns.<sup>13</sup> The survey details the experiences of Wisconsin, North Carolina, Minnesota, and California, States which had had extensive experience with work release programs.

The survey of work release also focuses upon issues about whose resolution different jurisdictions disagree. Most respondents, for

<sup>11</sup> Zalba, Serapio R. Work release—a two-pronged effort. *Crime and Delinquency*, 13(4):506-512, 1969.

<sup>12</sup> *New York Times*, August 18, 1965.

<sup>13</sup> Bachman, David. *Work Release Programs for Adult Felons in the United States: A Descriptive Study*. Tallahassee, Florida Division of Corrections, 1968. 100 pp. (Research Monograph No. 3)

instance, indicated that they prefer to have inmates on work release status quartered separately from the regular inmate population, but some believed that it was not of particular importance where the work release men were housed. Resolution of this issue by research probes could be of particular use in determining whether funds need be allocated for additional quarters or whether present arrangements make no discernible difference in the success of a work release program.<sup>14</sup>

Escape is one of the major items usually of concern to administrators of work release operations. Escape rates provide some measure of annoyance and expense and perhaps of potential harm to the public and, in terms of publicity, to the program itself. The best information on the subject is supplied by Zalba, who notes that the rate of absconding varies from one percent to 12 percent among programs in Wisconsin and in three California counties.<sup>15</sup>

Some data on another key item appear in a study by the Parole and Community Services Division of the California Department of Corrections which indicate that after one year there is a lower prison return rate among work furlough inmates (12.3 percent) compared to the statewide felon return rate of 21 percent.<sup>16</sup> The difficulty with this study is formidable, however, since the work furlough population represented a better risk group of inmates. Some compensation for this fact might have been had—or can be had in future studies—by use of parole prediction tables which would calculate the general likelihood of recidivism among the target population rather than comparing that population to the entire felon group. It would also be interesting to attempt to learn what particular aspects of the work release program appear to make it succeed (if, indeed, it is proven to be successful in terms of recidivism). Such information could be secured by longitudinal surveys of the inmates as they go through the program and close monitoring of their experiences afterwards.

Another study, suffering from essentially the same methodological flaws as that in California, also reports a lower recidivism rate for work release subjects than for their non-participatory counterparts. In Bucks County Prison in Pennsylvania, only eight percent of a work release group had committed new offenses 18 months after their release, compared to 15 percent of the group which had not taken part in the work release program. Unfortunately, detailed comparison of the characteristics of the two groups shows considerable variation in their makeup, and it is this variation rather than the program which might have accounted for its presumed success.

<sup>14</sup> *Id.*, p. 66.

<sup>15</sup> *Op. cit.*, *supra* note 2.

<sup>16</sup> California. Corrections Department. Parole and Community Service Division. *Work Furlough Programs*. Sacramento, 1968. 11 pp.

The work release group was made up of older individuals, and included more nonwhite, more married, and more skilled workers, and persons who had served longer periods of time than the control group members. The findings of the study, perhaps with somewhat more hope than fact, were interpreted as indicating that work release could be a correctional alternative that did not increase the risk of crime to the community.<sup>17</sup> It is perhaps worth noting that, even had the experiment been more elegant in its design and operation, the conclusion would have gone somewhat beyond the tolerance of the data at hand. It is perfectly possible, for instance, that inauguration of work release programs tends to cast a more benign glow over the correctional apparatus and decreases the element of fear which is alleged to keep some potential offenders from committing crimes. If so, it is possible that work release, being less feared, also acts as less of a general deterrent, and therefore actually encourages crime. Such a conclusion does not seem likely; it is put on record only to indicate that the effectiveness of work release cannot readily be generalized beyond the statement that it offers (or does not offer) protection of a certain amount against depredations by the persons admitted to the work release program itself.

The most sophisticated investigation to date of work release program effectiveness was reported from the District of Columbia in 1969. Researchers examined records for 281 persons who had been part of the work release program from the time of its inauguration in April 1966 through the end of July 1967. Systematic followups were made of the records of the program participants, 156 of whom were felony offenders and 125 misdemeanants.

Among the 156 felons, a total of 50 (32 percent) had absconded or had their participation in work release revoked. These men became part of the general jail population for an average of 4.9 additional months before they were released into the community. Twelve months after the release of the 156 felons, some 26 percent had returned to the District of Columbia jail. The remaining 74 percent were defined as "successes."

Among the 125 misdemeanants, 36 (29 percent) absconded or were revoked while on work release status. Their 12-month failure rate came to 24 percent, essentially the same as for the felons.

The 76 percent success rate of the felony group was less than the 85 percent success rate for the 432 felony offenders released from the D. C. Reformatory in 1965, comparing the two groups after a period of one year on release. The relative failure of the work release group is interpreted as a function of the fact that those in work release tended to be drawn to a greater extent from high-risk inmate

categories.<sup>18</sup> The D. C. researchers are understandably hesitant about making any special claims for work release on the basis of their findings:

No clear-cut evidence is as yet available as to whether the program is a success, either in the sense of bringing about significant reductions in recidivism or in being "cost effective." . . . The Department of Corrections has been unable to say up to this time whether the community is better off for the maintenance of the program.<sup>19</sup>

The notably reserved note in the report of the District of Columbia research team on work release stands in rather sharp contrast to the professional support for work release programs throughout the United States.<sup>20</sup> A national survey found considerable agreement as to overall objectives of such programs, which were assumed to (1) ease the transition from prison to community; (2) place the offender on a job he may retain; (3) help support the inmate; (4) help support his dependents; (5) help determine his readiness for parole; and (6) preserve family and community ties. There was also a belief that such programs might enhance an inmate's feeling of self-worth and develop self-confidence and responsibility, while building good work habits under supervised and structured conditions.<sup>21</sup>

It goes without saying that few of these assumptions are supported by acceptable research conclusions, and none of the consequences can as yet be claimed to be unachievable through regular placement on parole and probation. In fact, one of the more surprising gaps in the literature on work release surrounds the issue of exploitation. Historically, prison inmates have typically been used as a source of cheap labor for persons with political or other kinds of influence within the correctional apparatus. Work release is notably susceptible to perversion from the purpose of rehabilitation to ends such as cost-cutting within an institution.

Other variations in work release practices also need investigation. Some States exclude life-teners from eligibility, while others report satisfactory results with such inmates. It would seem to be important that diverse jurisdictions report systematically on the results of their experiences with various kinds of work release arrangements. Policy makers inevitably will have to interpret such reports in terms of their own situations, so that a jurisdiction with intense political pressure against "privileges" (for work release is so defined by

<sup>18</sup> District of Columbia, Corrections Department: In-program and post-release performance of work-release inmates: a preliminary assessment of the work release program, by Stuart Adams and Joseph B. Dellinger. Washington, D.C., 1969. 23 pp. (Research Report No. 13)

<sup>19</sup> *Ibid.*

<sup>20</sup> *Op. cit.*, *supra* note 2, p. 506.

<sup>21</sup> *Op. cit.*, *supra* note 4, p. 46.

<sup>17</sup> Newman, Charles L., and Bialen, Thomas R. *Work Release: An Alternative in Correctional Handling*. University Park, Pa.: Pennsylvania State University, 1968. 17 pp.

many commentators) being accorded certain kinds of inmates will have to take this into account in formulating its particular program. But without an empirical framework, policy decisions often become crude pieces of guesswork. It needs to be noted, in this connection, that the issue of detainers is one of the more pressing unresolved questions surrounding work release. Some States allow inmates to use work release earnings to pay off detainers, while others categorically exclude inmates with detainers from eligibility for work release. A pool of information about the performance of men with detainers on work release would make decisions on this matter considerably better informed.

To gain further information on the impact of work release programs, particularly as they effect recidivism, controlled experiments would appear to be necessary. Such experiments would randomly assign inmates eligible for release to control and experimental groups. Comparisons of outcomes between such groups—and comparisons of outcomes among sub-groups within each category—could provide important information regarding the effectiveness of work release. The costs of such a program should be studied and measured in terms of such items as welfare expenses saved, additional prison maintenance cost to replace labor involved in work release, recidivism savings, and similar items which bear upon the programs.

There are a number of studies of work release which concentrate upon some of the more readily measurable aspects of its operation. It should be noted that there remain a large number of matters which have not been adequately investigated to date. We would like to know, for instance, the response of the public to work release, its impact upon employers, its relationship to sentencing and parole practices, its effect upon prison morale, and a plethora of other questions that should be incorporated into sophisticated, in-depth evaluations of work release programs.

A humanistic ethic would conclude that work release can be defended on the ground that, all things being equal, some freedom is better than no freedom. Studies of work release, however, have not responded with adequacy to fundamental questions, some of which have been indicated above. They also have never adequately addressed the question of why it is that, if a man is trusted to leave jail, go to his place of work, return to jail in the evening, turn in his earnings to pay for his upkeep, support his family, pay his fines, and accumulate savings, he cannot be trusted to do all these things under probation or parole supervision. It may be that the added control of institutional quarters provides precisely the ingredient necessary to impress upon him the reality of his predicament and insure a greater chance of reform. This has not, however, been demonstrated to date.

## IV. Halfway Houses

The halfway house—a place in colonial times where the weary traveler on a long journey might pause for rest and refreshment—has been incorporated into corrections for essentially similar restorative purposes, that is, to allow an offender or potential offender some respite from pressures and strain. The facilities have been defined in the following manner:

A halfway house . . . is a temporary residence facility for released offenders, located in the community and offering various programs assisting the re-entry of the individual into a society which has systematically excluded him. The halfway house serves to assist the released offender in successfully accomplishing the transition from the highly regimented and artificial environment of prison life to the world of daily decision-making, competition, and responsible, acceptable social conformity and interaction.<sup>22</sup>

In 1896, the Volunteers of America, under the leadership of Maud Booth, opened Hope Hall, a residence in New York for men released from the New York State prison at Ossining. Prisoner Aid Societies throughout the United States, affiliated either with churches or with other humanitarian associations, have operated small residences for homeless ex-offenders for more than a century. These facilities are founded on the assumption that shelter and concern for his well-being must be accorded an ex-inmate if he is successfully to make the transition from institutional life to community self-sufficiency.

Governmental agencies began to implement halfway house programs during the past decade, a movement given considerable impetus in 1967 by one of the major recommendations of the President's Commission on Law Enforcement and Administration of Justice which blueprinted the kind of correctional facility it saw necessary for the future:

The development of an entirely new kind of correctional institution located close to a population center, maintaining close relations with schools, employers, and universities—housing as few as 50 in each; serving as the center for various kinds of community programs and as a port of re-entry

<sup>22</sup> Task Force report, *Ecumenical Forum on the Released Offender*, Philadelphia, November 1969. p. 6.

to the community for those offenders who have been exiled for a time to the penitentiary.<sup>23</sup>

Two cognate research findings underlay the Commission's stress on the need of intermediate facilities: (1) that the rate of recidivism is higher during the period immediately following release, and (2) that motivation to success is strongest at the moment of release. Some supportive aid was thus seen as required at the time of release in order to strengthen the ex-inmate's resolve and to protect him against quick failure.

In the field of correction, halfway houses exist for various types of offenders: probationers (who are "halfway in" prison); parolees; and offenders released upon expiration of their sentence. Houses may be categorized as short-term, medium-term, and long-term. There are also halfway houses for offenders still under sentence of imprisonment, facilities usually called "pre-release guidance centers."

Numerous blueprints and reports now exist which provide resource material for agencies contemplating the establishment of halfway houses or concerned with comparing their experiences with those elsewhere.<sup>24</sup> The U.S. Bureau of Prisons has issued a manual devoted to the community residential centers which results from its experiences with such facilities.<sup>25</sup> There are also guidelines concerned with space requirements and programing in halfway houses;<sup>26</sup> a directory of halfway houses in the United States and Canada;<sup>27</sup> a suggested guide for applications for funds for halfway houses;<sup>28</sup> a newsletter reviewing developments in the halfway house field;<sup>29</sup> and an organization, the International Halfway House Association, affiliated with the American Correctional Association, which serves as a center for the exchange of ideas on halfway house programs and techniques.

Further information on halfway houses can be found in a review of their history and treatment approaches by the Reverend J. T. L. James.<sup>30</sup> Reverend James distinguishes three types of sponsors of halfway houses—the church, the government, and the community—

<sup>23</sup> President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: Corrections*. Washington, D.C.: U.S. Government Printing Office, 1967. p. 1.

<sup>24</sup> Two examples are: University of Cincinnati, *Rehabilitation of the Adult Felon in the Cincinnati Area: Report of the Talbert House Planning Project*. Cincinnati, 1968. 80 pp.; and Jones, Edward Louis, *New Hope Center: A Proposal for a Post-Release Rehabilitation Program for Offenders*. Seattle, 1967. 99 pp.

<sup>25</sup> U.S. Prisons Bureau, *The Residential Center: Corrections in the Community*. Washington, D.C., 1968. 26 pp.

<sup>26</sup> Florida, Youth Services Division, *Space Requirements and Pointers for Halfway Houses*. Tallahassee, 1969.

<sup>27</sup> International Halfway House Association, *Directory of Community Resources*. Belmont, Calif., 1968. 27 pp.

<sup>28</sup> International Halfway House Association, *Suggested Guide for Application of Funds for Halfway Houses*. Chicago, 1969.

<sup>29</sup> International Halfway House Association, *Newsletter*. Chicago, Ill.

<sup>30</sup> James, J. T. L. The halfway house movement. *Canadian Journal of Corrections*, 10(4):562-574, 1968.

but points out that distinctions among the operations of these groups cannot be sharply drawn. In terms of support of halfway houses, for instance, public and private agencies, industry, unions, and government frequently are joint contributors to a single operation.

The cost of halfway houses, Reverend James points out, tends to be high. "Apart from capital costs," he notes, "operating budgets of several Canadian and United States houses accommodating between 12 and 21 men range from a low of \$16,500 to a high of \$85,000 per year. Many sources must be tapped to raise such sums."

There is some uncertainty whether the cost of keeping a man in a halfway house is less or greater than that involved in retaining him in prison. Institutional costs are variously given at from \$4.50 to \$8 per man per day. Reports indicate that the cost of operating halfway houses may run from less than \$3 to more than \$7 per man per day. The fundamental question of cost would apparently be tied to the effectiveness of alternative dispositions. If halfway houses prove to reduce the rate of recidivism, then their costs could be justified by the ultimate savings to the community. To justify their use, however, merely on the basis of the fact that they may be less expensive than prison seems both inaccurate, at least in many instances, and beside the point.

Involved in the issue of expense is the question of the financial responsibility of persons residing in halfway houses for their own room and board. Most houses, according to their reports, charge residents about \$2 to \$3 daily. The difficulty here is that many men cannot afford this amount until they have acquired work. To accumulate bills against them often appears to convey a sense of despair to them; in short order, they are far in arrears and employment will only serve to get them even again. On the other hand, without such obligations, they may be inclined to regard the halfway house as a convenient social base and make what are at best only half-hearted efforts to secure work.<sup>31</sup>

According to the Federal Bureau of Prisons the most egregious error associated with the operation of halfway houses is the assumption on the part of their managers that the residents will be so grateful for the chance to be in the community that they automatically will become responsible, productive, and law-abiding citizens.<sup>32</sup> For some persons, this is precisely what does occur; but for others the halfway house may represent merely another barrier thrust in their way toward total freedom, and they may resent its intrusion. It must constantly be remembered that a halfway house puts into close association a number of persons with prior involve-

<sup>31</sup> *Id.*, p. 567.

<sup>32</sup> *Op. cit.*, *supra* note 4.

ment in criminal behavior. Without a satisfactory program, it is just as possible, perhaps more possible, that the committed criminal element will influence those concerned with law-abiding behavior, rather than the contrary.

Basic programing for halfway houses, it is believed, should be built around job placement, counseling, placement in satisfactory residential situations, and the constructive use of furlough opportunities.<sup>33</sup> Precisely how these elements are to be achieved is a matter of some dispute, however. As Reverend James notes:

Some administrators see their work as a continuation of the treatment begun in the institution; they may describe their houses as "community residential treatment centers." Others repudiate the concept of "treatment" in a clinical sense, contending that the inmate has been subjected to professional treatment before in various forms and it has proven ineffective. Thus they offer simply (in the best sense of the word) as natural and home-like an environment as possible. Both types of houses could be termed "therapeutic communities," one involving professionally trained persons in that community, the other comprising only persons occupying the role and status of family members.<sup>34</sup>

A review of halfway houses indicates clearly the diverse kinds of programs under which such facilities are operated.<sup>35</sup> The U.S. Bureau of Prisons, for instance, concentrated upon juvenile and youthful male offenders in the four Pre-release Guidance Centers which it established in 1961. These youngsters had been granted parole with effective dates set ahead 90 to 120 days. The program concentrated on employment problems, schooling or special training, and the provision of counseling and supplementary professional help which might be required by a given resident. Other halfway houses concentrate on one or several very specific objectives and cater to particular kinds of offenders (such as drug addicts) or particular kinds of persons (such as those regarded as highly dependent).

Halfway houses and other transitional institutions have often been financed as demonstration projects, with the expectation that empirical results will provide a basis for altered kinds of use of the facility. It is difficult, however, to generalize from the findings reported to date. For one thing, the populations concerned are very disparate; for another, the programs, including the length of stay and the number of persons involved, tend to vary considerably. In

<sup>33</sup> *Op. cit.*, *supra* note 4.

<sup>34</sup> *Op. cit.*, *supra* note 9, p. 568.

<sup>35</sup> Weber, J. Robert. *Report of the Juvenile Institutions Project*. New York: National Council on Crime and Delinquency, 1966. 273 pp.

addition, many halfway houses make no attempt to measure their impact, going along on the commonsense (but not necessarily accurate) assumption that any endeavor undertaken with good intentions is bound to produce good results.

Those results in which we might place credence indicate that halfway houses to date have produced either inconclusive results or results running contrary to professional expectations. One report, examining the first four years of Federal Pre-release Guidance Centers, found 38 percent recidivism for a 1962 group and 30 percent for a 1969 group. The control group, however, had a failure rate of 32 percent. Base expectancy failure for the entire population was 42 percent.<sup>36</sup> These figures suggest that halfway houses may be particularly effective for selected individuals. The unanswered question at the moment concerns *which* kinds of individuals may best be served by such facilities. There is also a cognate question which asks for differentiation among offenders who (1) will succeed either with or without exposure to halfway house living; (2) will succeed only with exposure to halfway house living; and (3) will not succeed with or without halfway house living. In short, the need is to achieve the maximum results with halfway houses by focusing on the most effective kind of programs for the most susceptible clientele.

An additional research probe, concentrating on a 3-year halfway house program in East Los Angeles for parole narcotics addicts, suggests strongly that undifferentiated admission to residential facilities for such persons is not apt to produce success. Both control and experimental groups showed almost exactly the same rate of failure.<sup>37</sup> In this experiment, the random assignment of cases to the halfway house was believed to have created a particular antagonism to whatever therapeutic efforts were attempted; men so assigned regarded their residence as a piece of bad luck. In addition, once narcotics found their way into the residence, men who presumably might otherwise have avoided re-addiction by placing some distance between themselves and drug traffic succumbed to the ready availability of heroin. Finally, the East Los Angeles project indicated some of the experimental design difficulties involved in measuring the impact of a halfway house. Among other things, the very nature of their residence in the facility allowed for more intensive surveillance of the men, probably accounting in part for some of the revocations for acts that might otherwise have gone unnoticed. Such an outcome may be viewed as providing additional protection to the community, but it also distorts the "purity" of

<sup>36</sup> Correctional Research Associates. *Treating Youth Offenders in the Community*. Conducted by Albert J. Reiss. Washington, D.C., 1966. 154 pp.

<sup>37</sup> Gels, Gilbert. *The East Los Angeles Halfway House for Narcotic Addicts*. Sacramento: Institute for the Study of Crime and Delinquency, 1966. 401 pp.



research conclusions. A followup study in the East Los Angeles Halfway House, completed in 1967, five years after the facility had opened, found evidence of the presence of a fully-developed subculture equivalent to that in prisons.<sup>38</sup>

An evaluative report on the Southmore House in Houston, Texas, another facility designed to serve narcotic addicts, is typical in the ambivalence of its findings. It was claimed, on the one hand, that Southmore House was relatively successful in keeping the addict in the community and in fostering a normative orientation. This second feature was said to be reflected in a higher employment rate and a lower re-arrest rate among the experimental group. On the other hand, it was found that the program was unsuccessful in decreasing drug use.<sup>39</sup> The researchers suggest that the program was able to bring the addict to reject his previous environment and was able to destroy to some extent what were regarded as undesirable defenses. It was not able, however, to inculcate a positive attitude toward socially approved goals. For this reason, the residents' experiences increased feelings of self-estrangement, having been deprived of former defenses but not having been provided with newer purposes and rationales.

An explanatory thesis, such as that which developed from the Southmore House experiment, may serve as a guide for future planning, aimed at overcoming presumed gaps in the service being provided. Nonetheless, *in terms of the hard issue of recidivism of experimental groups as contrasted to control groups, halfway house residents, so far as we have been able to discover to date, might just as well have been placed directly on parole.*

This is not to say that halfway houses do not possess a potential for statistically-demonstrated success. There are some programs which make claims of such a success, though information concerning their evaluative designs and figures concerning their outcomes are not as sophisticated as those reported above. St. Leonard's House, a residential treatment center for released offenders in Windsor, Ontario, notes a recidivism rate of only 27 percent of its population,<sup>40</sup> and Crofton House in San Diego reports a preliminary finding on its work with misdemeanants that the program was "more effective than a jail term."<sup>41</sup> Other facilities believe that they have been able to pinpoint crucial flaws during the initial

<sup>38</sup> *East Los Angeles Halfway House: Statistical Follow-Up Study*. Principal investigator: Donald Miller, 541 South Spring Street, Los Angeles, Calif. 90013. (Current Project P-611 in Information Center files.)

<sup>39</sup> Kaplan, Howard B., and Meyerowitz, Joseph H. Evaluation of a halfway house: integrated community approach in the rehabilitation of narcotic addicts. *International Journal of the Addictions*, 4(1):65-76, 1969.

<sup>40</sup> Libby, T. N. The residential center for released prisoners. *Canadian Journal of Corrections*, 10(2):406-408, 1968.

<sup>41</sup> Kirby, Bernard C. Crofton House: an experiment with a county halfway house. *Federal Probation*, 33(1):53-58, 1969.

phases of their work and will now be able to proceed more effectively. Thus, Topper House in Los Angeles notes that its inconclusive results appear to be the product of inadequate staffing and poor selectivity regarding admissions.<sup>42</sup> Similar shortcomings were believed to have undercut the program in the Part-Way Home Program of the California Youth Authority, though some success was achieved by this program in securing employment for Authority wards.<sup>43</sup>

In addition, a 1968 report of the Parole and Community Division of the California Department of Corrections suggests that the Division's halfway house program is paying dividends. The program involves three centers, one serving male felons in the Bay Area and two serving the civil commitment narcotics program in the Los Angeles area. All persons are eligible for placement in the Division's facilities, but it suggested that they best serve the needs of persons requiring a structured, supportive program of community re-entry, persons without strong community ties, and those requiring special employment assistance and supportive counseling. The halfway houses have also been used for intermediary placement for persons manifesting adjustment difficulties within the community. In this manner, they allow removal of a person from community pressures without necessitating jail experience or return to prison. The halfway houses have also become focal points for work by community action groups, such as trade advisory committees and self-help organizations, such as Alcoholics Anonymous.<sup>44</sup>

Though the halfway house movement in the United States is obviously gaining considerable momentum and beginning to develop diversified operations and to provide a wide variety of services, basic questions concerned with the role and usefulness of halfway houses remain unanswered. More must be learned about the types of offenders who can best benefit from the various types of programs, and about the kinds of residential population balances best designed to produce optimum results. We do not know whether it is desirable, for instance, to mix persons with records as narcotic addicts with individuals showing other criminal patterns. It is possible that it might be desirable to mingle within a halfway house graduate social science and social service students, persons who could per-

<sup>42</sup> *Topper House, An Experimental Design in Correctional Halfway Houses*. Correspondent: Louis Fiskind, 1891 Effie Street, Los Angeles, Calif. 90026. (Current Project P-1191 in Information Center files.)

<sup>43</sup> *Assessment of the Part-Way Home Program of the California Youth Authority Division of Parole*. Principal investigator: Bertram M. Johnson, Jr., California Youth Authority, Division of Research, State Office Building No. 1, Sacramento, Calif. 95814. (Current Project P-432 in Information Center files.)

<sup>44</sup> California. Parole and Community Services Division. *Community correctional centers*. Sacramento, 1969. 29 pp.

haps provide role-models and linkage qualities to the major community that otherwise would be absent.

There is no reliable information either concerning the length of time best suited for halfway house living, or, more tellingly, the best length of time for persons with various kinds of extramural strengths and deficits—the married and the unmarried, the employed and the unemployed. It has also been suggested by J. Robert Weber that compulsory placement of persons into halfway houses may be self-defeating if perceived by the subject as merely an extension of “time to be served.”<sup>45</sup> This perception may undercut whatever positive value the program could otherwise have offered.

Experimental work with halfway houses also leaves much to be desired. It is extraordinarily difficult to pinpoint those elements of any situation which have contributed to its success or failure. It may be the quality of the personnel, the type of program, the kinds of persons being served. It could be the location of the facility or the state of the employment market on the outside. Nonetheless, it would appear essential that halfway house programs, given the present state of the art, make strenuous attempts to delineate those characteristics they possess and to report the consequences of their efforts. There is always the problem of withholding services randomly from persons deemed to be able to benefit from them. For corrections, this problem is complicated by the fact that there is a charge to do as much as possible to provide protection to the community. Despite these restrictions, it seems reasonable to ask that halfway house efforts, since there are always more persons “needing” the services than can be served, use some experimental procedure to randomize their intake and compare the consequences of their work on those whom they serve and those who are given the usual kinds of assistance.

It seems likely that when the data are finally in, halfway houses will have been found to provide a useful, but limited service to the work of corrections. The U.S. Bureau of Prisons has observed in this connection that:

Community residential centers, in themselves and with or without other program innovations, will solve only a few of the many problems besetting corrections. . . . The real hope for greater effectiveness lies in systems planning.<sup>46</sup>

<sup>45</sup> *Op. cit.*, *supra* note 14, p. 186.

<sup>46</sup> *Op. cit.*, *supra* note 4, p. 24.

## V. Conclusions

This review of programs designed to ease the transition from prison to free community has highlighted two major items:

(1) With minor reservations, the majority of agencies administering the programs report that graduated release is beneficial to the offender and to society and should be expanded; and

(2) The more rigorous the methodology used with research and experiments undertaken in regard to pre-release, work release, and halfway houses, the more ambivalent or negative are the findings regarding the efficacy of such programs.

It took the Western nations two centuries to realize that penitentiaries do not make penitent; a generation to appreciate that corrections do not correct. Future analysis of graduated release programs may also point to the painful conclusion that well-intentioned efforts were misguided and that more efficient methods of achieving the same or superior ends are available or can be instituted. On the other hand, graduated release has produced some side effects not generally considered when reviewing its programs: As judges have become aware of the practicality of releasing offenders under supervision, they have placed larger numbers directly on probation rather than committing them to correctional institutions. For this reason, at least one work release program reports that it is facing a decrease in prospects, a paradoxical measure of its success.<sup>47</sup>

There seems to be no question but that partial release is better than no release at all. It is better for the offender if only because it allows him greater freedom—a high value in a democratic society—without further harming persons who have a call on society's regard for their protection. It helps the society, too, for, by democratic standards, any increase in a freedom represents a social gain, a benefit for all citizens.

Theoretically, graduated release also offers an opportunity to undercut what are now seen as the more devastating consequences of incarceration. A review of studies on the effectiveness of correctional programs has noted, for instance, that:

It is difficult to escape the conclusion that the act of incarcerating a person at all will impair whatever potential he has for a crime-free future adjustment, and that regardless of which “treatments” are administered while he is im-

<sup>47</sup> Zalba, Serapio. Work release—a two-pronged effort. *Crime and Delinquency*, 13(4): 512, 1967.



prisoned, the longer he is kept there, the more deteriorated and recidivistic he will become.<sup>48</sup>

"The authoritarian system [of a prison]," another writer points out, "reduces inmates to a state of irresponsibility from which it is foolish to suppose they will emerge as responsible, rehabilitated citizens."<sup>49</sup>

Graduated release, therefore, may work against some of the more destructive elements seemingly inherent in total imprisonment regimens. It would appear, however, that a fundamental item must be kept constantly in mind before graduated release will be able to take its proper place in the roster of correctional responses to law-breaking: that it is essential that graduated release not be unnecessarily used as a further restriction upon an individual who by reasonable standards can be deemed ready for greater freedom.

There is no need to repeat at length the many warnings that emerge from the research studies previously reviewed. They tell with undeniable clarity that the original hopes for graduated release programs cannot be realized by a mere inauguration of such programs, but that the efforts require a constant refinement and reordering in the wake of hard data derived from sophisticated evaluation.

Beyond this, it is difficult to predict the course that graduated release will take in future years. There is the danger, noted above, that graduated release programs will increasingly be employed to further punish individuals rather than to reinvigorate their chances for law-abiding behavior. There is the danger that graduated release will become *fashionable rather than effective*, that it will assume its place in the weaponry of corrections not because of demonstrated value but because it represents something being done, a thing to which administrators can point with the pride resulting from sponsorship of a new effort. These considerations aside, it appears likely that the growing call for community-based corrections and the growing demand for reliable demonstration of success will combine to make graduated release an integral part of any decent correctional endeavor, and that in time we will come to understand what form programs should take, who they ought to serve, how they can best be operated, and what consequences are likely to result from what kinds of arrangements. With this information in hand, policy-makers will be able to employ graduated release in a manner which could realize the promise that prompted its original sponsorship.

<sup>48</sup> Robison, James, and Smith, Gerald. The effectiveness of correctional programs. (To be published in *Crime and Delinquency*, 1970.)

<sup>49</sup> Burns, Henry. A miniature totalitarian state: maximum security prison. *Canadian Journal of Corrections*, 11(3):153-164, 1969.

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