Chapter 9
Community Corrections and Intermediate Sanctions

Chapter Objectives
• Define the concepts of community corrections and intermediate sanctions.
• Discuss the circumstances leading to the development of intermediate sanctions.
• List the common goals for intermediate sanctions.
• Describe the major types of intermediate sanctions available today.
• Discuss the findings from available research on ISP, electronic monitoring and boot camps.
• Summarize the major conclusions that have been drawn from the available research on intermediate sanctions.
• Discuss four strategies for improving intermediate sanctions.

Introduction
• “Get tough” policies contributed to an unprecedented growth in the United States’ prison population between 1970 and 1980.
• Most prisons were operating beyond their stated capacity.
• Overcrowding contributed to increases in violence and to litigation by prisoners claiming that the crowded conditions violated their constitutionally protected right against cruel and unusual punishment.
• Federal and state governments began looking for alternatives to prison in tough new community corrections programs.
  o alternatives to incarceration
  o intermediate sanctions
• These programs were well received by the public, politicians, and practitioners.
  o shared the rhetoric of punishment but offered to accomplish crime control at reduced cost

History & Current Status of Community Corrections & Intermediate Sanctions
Probation
• Community Corrections
  o agencies/programs at local, state, or federal level
  o responsible for the punishment/management of adult offenders
  o range of programs
    ▪ regular probation
    ▪ intensive supervision parole
    ▪ some local jails
  o traditional forms
    ▪ probation
    ▪ parole
  o Community Corrections Act
    ▪ legislation providing structure
      □ generate
      □ coordinate
Intermediate Sanctions

- continuum between traditional probation and traditional incarceration
  - stand alone sanction
  - condition of probation supervision
  - sanction for probation/parole violations
- administered within the community
  - federal probation and parole agencies
  - state probation and parole agencies
  - local probation and parole agencies
- common goals
  - divert offenders from prison
  - save money
  - provide judges with sanctioning options proportionate to the crime
  - enhance public safety
  - increased surveillance and control
  - promote rehabilitation and reintegration
- programs
  - economic sanctions
  - community service
  - intensive supervision probation/parole
  - home confinement/electronic monitoring
  - day reporting centers
  - boot camps
  - halfway houses
- continuum of sanctions
  - least restrictive - regular probation
  - most restrictive - prison

Types of Intermediate Sanctions

Economic Sanctions

- Types
  - restitution
    - compensate victims for losses
    - deter future involvement in crime
    - have a positive, but modest, effect on recidivism
  - supervision fees
    - used to cover cost of supervision
      - electronic monitoring
      - drug testing
      - treatment
    - generated revenue for probation and parole agencies
    - put back into correctional services that directly benefit offenders
      - substance abuse treatment
- life skills training
  - fines
    - monetary penalties
    - condition of probation
    - traditionally reserved for traffic/noncriminal law violations
    - day fines
      - means-based
      - lower cost of punishment
      - achieve equity
      - enhance severity of punishment
      - expand range of offenders for whom fines are used
      - enhance collection rates
- Controversy
  - potential to violate offenders’ constitutional right to equal protection
  - potential for harsher forms of punishment if can’t pay
  - response to violations when nonpayment is related to offenders’ economic status

Community Service
- Offenders are required to provide free labor to a public or nonprofit agency within the community.
- It is used as a stand-alone sanction or as a condition of probation.
- It has traditionally been used with low risk and/or misdemeanor offenders.
- It is closely aligned with the restorative justice philosophy which suggests that an important goal for criminal sanctions is to repair the harm to the community that was caused by the crime.
- Advantages
  - community gains benefit of free labor for financially strained public service organizations
  - satisfies the public’s demand for punishment
  - enhances community safety as result of structure and supervision provided
  - offender learns responsibility and new job skills
  - offender has opportunity to develop positive community ties
  - potentially reduce offender’s risk of recidivism
    - teach attitudes and skills conducive to prosocial behavior
    - expose to positive role models within the community

Intensive Supervision probation/Parole
- ISP is the most common form of intermediate sanction in the United States.
- Offenders on ISP are seen up to five times a week through a combination of office and field visits.
- ISP programs, in general, are designed to be more incapacitative than rehabilitative.
- ISP programs are also designed to deter offenders from future crime through an increased threat of detection and sanctions for non-compliance.
- Today, most ISP programs target high risk offenders for participation and include many elements.
  - frequent contact with offenders
  - smaller caseloads
- curfews, house arrest or electronic monitoring
- drug and alcohol testing
- performance of community service work
- graduate sanctions in response to violations
- treatment and other interventions
- required employment, employment seeking activities or schooling

Home Confinement/Electronic Monitoring

- Both are designed to incapacitate offenders by restricting them to their homes for specified periods of time.

**Home Confinement**
- allowed to leave their homes at pre-approved times
  - look for employment
  - go to work
  - participate in treatment programs
- conducted manually by probation or parole officers
  - home visits
  - telephone calls

**Electronic Monitoring**
- passive system
  - random telephone calls generated from pre-programmed machine to offenders’ homes to verify their presence
    - coded wristlet
    - anklet verification
    - voice verification
- active system
  - emission of constant signal from miniaturized transmitter
    - strapped to offender’s ankle/wrist
    - receiver placed in offender’s home
    - receiver dials central computer
    - violation is recorded
  - field monitoring devices
    - drive-by units
    - portable receiver carried by supervising officer
    - transmitter worn by offender
    - helpful in verifying attendance at treatment and work
  - GPS
    - satellites and mapping technologies
    - track actual movements of offender in “real time”
- challenges
  - interference with the signal
  - tampering with the wristlets/anklets
  - false positives (signal alerting officials of a violation when one has not occurred)
  - false negatives (the failure of the equipment to alert officials of a violation)

- identity verification techniques
- used with EM equipment to ensure it’s the offender who is responding to random calls and pages
  - voice verification
  - transmission devices
    - send images of fingerprints
    - send images of faces

Day Reporting Centers
- DRCs are often referred to as “one-stop shops” for offenders who live at home and are required to report to the center on a daily basis.
- The most common model of DRCs serves both treatment and surveillance functions.
- During the day, offenders participate in a variety of services.
  - individual and group counseling
  - substance abuse treatment
  - life skills training
  - literacy training
  - job skills training
  - GED preparation classes
- At night, offenders are monitored through various surveillance strategies.
  - random telephone calls
  - drug testing
  - curfews
  - field visits
  - electronic monitoring

Boot Camps/Shock Incarceration
- They have a strong focus on discipline and an association with the powerful cultural tradition of military boot camps.
- They garnered strong political support that led to their proliferation across the nation.
- Nonviolent, first time offenders are the primary target population.
- They range from 90-180 days in length.
- They have distinguishing elements.
  - military drills and ceremony
  - physical training
  - strict discipline
  - hard labor
- Controversy
  - instills discipline and respect for authority
  - saves money due to shorter sentences
  - potential for abuse of inmates
  - military regimentation itself does little to reduce recidivism

Halfway Houses
- These are non-secure, community-based residential facilities for probationers or parolees.
- They provide a structured setting that gives offenders the opportunity to gain some stability in their lives.
- They require residents to maintain employment during their stay and to assume responsibility for cooking and caring for the residence.
• The types of services provided by a halfway house are varied.
  o in-house services
  o community services
  o job readiness
  o life skills training
  o cognitive skills training
  o drug and alcohol abuse
  o employment
• Communities resist having halfway houses in their neighborhood.
  o expose them to a greater risk of crime
  o reduce their property value

Summary of Research on Intermediate Sanctions
No Significant Reductions in Recidivism Have Been Achieved
• The results of evaluations clearly indicate that intermediate sanctions, in their present form, have no significant impact on offender recidivism as measured by new arrests, technical violations, and a return to prison.
• A comparison of arrest rates shows that offenders in the more control-oriented intermediate sanction programs have similar or higher rates of arrest than offenders in traditional sanctioning options.
• ISP, EM, and DRCs appear to drive up the rate of technical violations among participants.
• The response to technical violations is far more stringent and offenders are much more likely to be revoked for technical violations than are offenders in traditional options.

Increased Rates of Technical Violations
• It is speculated that the high expectations placed on offenders and the multiple conditions of their probation create a situation in which the likelihood of their success is low.
• The higher level of surveillance naturally contributes to increased detection of both technical and law violations.
• What is still unknown is whether or not technical violations are truly proxies for future criminal behavior that would threaten the public safety.

No Significant Diversionary Impact
• A critical review of the research conducted on intermediate sanctions to date suggests that they are not relieving prison crowding because of net widening and high revocations rates.
• Judges are sometimes reluctant to place higher risk offenders in new programs that are likely to be closely scrutinized.
• This caution leads them to pull from low risk populations essentially increasing the level punishment and supervision received by offenders rather than decreasing it as originally intended.

More Expensive Than Originally Thought
• The daily cost of even the most expensive community-based sanction is less expensive than the daily cost of incarceration.
• Net widening limits the extent of cost savings.
• If offenders fail and are ultimately incarcerated, taxpayers have to pay for the cost of the intermediate sanction, expenses associated with the revocation process, and the cost of incarceration making these sanctions more expensive than originally thought.

Provide an Intermediate Form of Punishment
• They appear to provide an intermediate form of punishment that is proportionate to the crime.
• Having a variety of sanctioning options at their disposal provides prosecutors with more bargaining chips during plea negotiations.
• It enables judges to better match the sentence to the seriousness of the crime, and allows judges to tailor the punishment to the offender’s situation.
• It is also beneficial for community corrections agencies who must respond to violations of probation and parole.

Stronger Treatment Components May Enhance Effectiveness
• To garner public and political support for intermediate sanctions, agencies emphasize the development of “prison-like” controls within the community and minimize the focus on treatment and services.
• The research suggests that participation in treatment as part of an intermediate sanction program leads to reductions in recidivism.

Future Directions for Intermediate Sanctions
Agreeing on Goals
• The goals of intermediate sanction programs are often conflicting.
• The more stringently they impose punitive conditions, the more likely they are to exacerbate prison crowding and to approach the costs of imprisonment.
• Differentiating short and long-term goals reflects the importance of both in-program crime control and long-term behavioral change and clarifies what the program can be expected to accomplish within specified time frames.

Avoid Net Widening
• Defining, identifying and selecting the target population for participation in intermediate sanctions is one of the most problematic areas of program development.
• To avoid net widening, agencies should use a reliable risk/need assessment instrument and place offenders in the least intrusive sanctioning option that is needed to ensure public safety.
• Offenders with a low risk of recidivism can be placed under minimal probation supervision, while offenders with moderate to high risk of recidivism can be placed on ISP or EM.

Revisit the Near Exclusive Focus on Surveillance and Control
• Considering the research findings that suggest correlations between participation in rehabilitative programs and recidivism reduction, it may be more important to provide intensive assistance and services that address those needs most strongly related to the offender’s criminal behavior.
• A more proactive approach is the identification of, and intervention with offenders’ needs as a means of promoting behavioral change.
• A multifaceted approach to offender intervention is congruent with public opinion polls revealing that, in addition to punishment, citizens view rehabilitation as an important correctional goal.

Allocate Sufficient Resources
• Probation and parole populations have grown at a faster rate than prison populations, yet the budget has not kept pace.
• This inadequate level of funding is contributing to high caseloads, a lack of program integrity, and a lack of offender services, all of which impede any meaningful programming capable of reducing recidivism.
• Policy makers should allocate a sufficient level of resources to allow programs to be implemented as designed.
• They should provide a sufficient level of treatment to an increasingly serious probation and parole caseload.

Impact of Intermediate Sanctions on Corrections
• Because of intermediate sanctions, a lot has been learned about what does not work in reducing offender recidivism.
• Increasingly, through this and other work, more also is being learned about what does work.
• Agencies are beginning to recognize the importance of a balanced approach to supervision.
• This includes a strong treatment component, enhancing the chance that intermediate sanctions will become a valued entity within the corrections continuum.