# Chapter 1

**An Overview of Community Corrections: Goals and Evidence-Based Practices**

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**Learning Objectives**

1. Define corrections and its purpose.
2. Explain the role of corrections at each of the three main decision points.
3. Analyze the theories behind correctional goals of punishment and rehabilitation.
4. Explain the importance of evidence-based practices to evaluating effectiveness and achieving correctional goals.

# Key Terms

**Community corrections**: Any sanctions in which offenders serve all or a portion of their entire sentence in the community.

**Post-adjudication**: A defendant has either pled guilty or has been found guilty by a judge or jury.

**Pre-adjudication**: Supervision or treatment occurs in the community before the finding of guilt.

**Probation**: The release of a convicted offender under conditions imposed by the court for a specified period during which the court retains authority to modify the conditions or to resentence the officer if he or she violates the conditions.

**Indeterminate sentencing**: Under indeterminate sentencing models, judges provide a range of time for punishment, and parole boards decide when offenders are rehabilitated and ready for release on parole.

**Determinate sentencing**: A sentencing philosophy that focuses on consistency for the crime committed, specifying by statute or sentencing guidelines an exact amount or narrow range of time to be served in prison or in the community, which mandates the minimum amount of time before the offender is eligible (if at all) for release. Also known as a presumptive, fixed, or mandatory sentence.

**Bail:** A monetary payment deposited with the court to ensure the return of an offender.

**Pretrial supervision**: A form of correctional supervision of an offender who has not yet been convicted.

**Intermediate sanctions:** Graduated sanctions that provide rewards for positive behavior with gradually less supervision when offenders achieve and maintain desired program outcomes.

**Prisoner reentry**: Any activity or program conducted to prepare ex-convicts to return to safely to the community and to live as law-abiding citizens.

**Prerelease program:** A minimum-security institutional setting for imprisoned offenders who have already dome some time in prison and are nearing release.

**Parole:** The discretionary release of an offender before the expiration of his or her sentence under conditions established by the paroling authority.

**Specific deterrence theory**: An offender on community supervision will refrain from committing technical violations and/or new crimes if, after considering the costs and benefits, the consequences for misbehavior are certain and severe enough that the sanctions outweigh the benefits.

**Rehabilitation:** A primary goal of the corrections system, and the process in which offenders are exposed to treatment programs and skills training in order to change their thinking processes and behaviors.

**Risk/need/responsivity (RNR):** A theory of rehabilitation that suggests focusing on treating high-risk offenders, matching correctional interventions with criminogenic needs, and implementing treatment according to offenders’ learning styles and personal characteristics.

**Criminogenic needs:** Problems, habits, or deficits that are directly related to an individual’s involvement in criminal behavior.

**Restorative justice:** Various sentencing philosophies and practices that emphasize the offender taking responsibility to repair the harm done to the victim and to the surrounding community.

Includes forms of victim offender mediation, reparation panels, circle sentencing, and monetary sanctions.

**Participation process model:** An integrated theory of community supervision that suggests that offender compliance and active participation, along with officer supervision strategies of communication, casework, and leverage, are necessary to achieve offender accountability, offender risk/need reduction, and public safety. Change is mediated by offender motivation, parental/significant other support, and officer–client relationship quality.

**Evidence-based practices (EBP)**: Correctional programs and techniques that have been shown through systematically evaluated research studies to be the most effective with offenders.

**Net widening**: Using stiffer punishment or excessive control for offenders who would have ordinarily been sentenced to a lesser sanction.

**Recidivism:** The repetition of or return to criminal behavior, variously defined in one of three ways: rearrest, reconviction, or reincarceration.

# Chapter Outline

# *Correlated to PowerPoints*

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1. **The Correctional Dilemma**

**Learning Objective 1:**  **Define corrections and its purpose.**

* 1. In the United States, nearly seven million people—equivalent to about 3% of the total adult population—are currently under some form of adult supervision.
  2. Over the last 30 years, the number of convicted misdemeanants and felons in the correctional system has steadily increased as a result of tougher control policies; however, in 2009, the state prison population decreased slightly for the first time in 40 years.
  3. Federal prisoners are the only increase in the prison population.
  4. This text focuses on community corrections, which include any sanctions where the offenders serve a portion of or their entire sentence in the community. Most community corrections are post-adjudication; however, some are pre-adjudication.
  5. The most common form of community supervision is probation. Probation is defined as: the release of a convicted offender under conditions imposed by the court for a specified period of time

during which the court retains authority to modify the conditions or to resentence the offender if he or she violates the conditions.

* 1. The individual sanctions within the continuum may be combined into many alternatives, which may be applied to different offenders to achieve individualized results.
  2. The American Probation and Parole (APPA) is an international body created to help bridge these alternatives. The APPA serves to educate and train members and develop standards for the discipline.
  3. As of 2016, there were 3.78 million offenders on probation, over 870,000 on parole, a total community corrections population of 4.6 million.
  4. There are considerably more male and female offenders under community supervision than those incarcerated in jail and prison.
  5. The correctional system carries out the order of the courts, but the variance in the rate per 100,000 people is derived from a number of factors including the following:
     1. Sentencing laws
     2. Police discretion
     3. Rate of release
     4. Each agency’s policies

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| **See Assignment 1** |

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# Indeterminate Sentencing

* 1. Indeterminate sentencing was the primary sentencing philosophy over other sentencing practices from the 1930s to the mid-1970s.
  2. Under the indeterminate sentencing model, judges decided who went to prison and the parole boards decided when offenders were rehabilitated and ready for release on parole.
  3. The model allowed parole to be used as a backdoor prison population control device and offenders who did not go to prison were likely to be placed on probation with limited usage of intermediate options.
  4. Public support for indeterminate sentencing declined in the 1970s, as people questioned whether prison rehabilitation worked and whether parole boards could accurately determine when offenders could be safely released.
  5. The lack of confidence in indeterminate sentencing peaked in 1974 with the findings by Robert Martinson that rehabilitative efforts at that time did not have an appreciable effect on recidivism. Martinson’s findings were poorly stated, resulting in methodological criticisms leading to him recanting his findings. Subsequent findings were reported by Lipton, Martinson, & Wilks (1975), which concluded that recidivism was still not being satisfactorily reduced by corrections although some programs had shown modest success.
  6. In addition to the concerns about rehabilitation, indeterminate sentences were problematic in that they were structured with no ending date of sentence. This led to some offenders spending many more years than warranted by their crimes and some offenders being released too early.

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| **What If Scenario**  What if you were a judge? Would you prefer indeterminate sentencing? |

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# Origins of Determinate Sentencing

* 1. In the 1970s, liberal groups called for a repeal of all indeterminate sentencing laws so that offenders convicted of similar crimes would serve roughly equal prison terms (von Hirsch, 1976).
  2. The American Friends Service Committee recommended that sentences be categorized according to severity of crime bases on (1) the harm done by an offense and (2) an offender’s culpability.
  3. Fogel (1979) developed another model of determinate sentencing and has come to be known as the “father of determinate sentencing.” As early as 1970, he worked for a narrowing of sentencing and parole discretion. He advocated abolishing parole boards and the use of “flat-time” sentencing for each class of felony.
  4. In 1975, Maine became the first state to return to determinate sentencing where the minimum and maximum sentence range is predefined and release is determined by legislative statute (Forst, 1995).
  5. The range of determinate sentences is determined primarily by legislated statutes and sentencing guidelines and is based on current and prior offenses instead of the offender’s amenability to rehabilitation.
  6. Determinate sentencing practices increase the prosecutor’s control and power and decrease that of the judge. Examples of determinate sentencing include mandatory minimums, truth in sentencing, three strikes laws, and sentencing guidelines.
  7. Mandatory minimum sentencing laws were adopted by all states for some crimes, such as those involving violence, or repeat offenders.
  8. Sentencing guidelines are typically a matrix for the judge based on the offender’s prior criminal record and the current conviction. Some guidelines are voluntary and others are mandatory, and the most controversial ones are at the federal level.
  9. Federal parole was abolished, and prisoners are now allowed one year of mandatory release.
  10. The federal guidelines have been continually revised and now allow for judges to consider more mitigating and aggravating circumstances to adjust the sentence.

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| **Class Discussion/Activity**  Do you think determinate sentencing is fair? Why? |

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| **Media Tool**  Watch the video Jail Keeper Says Three Strikes Law Fails to Reduce Crime at <http://www.youtube.com/watch?v=a8qdV2rzL1k>   * CBS news reports on the effectiveness of the three strikes law on crime rates. * Discussion: Ask students to discuss the impact of the three strikes law on crime rates. Discuss the sentencing goals behind the three strikes law and whether they are being accomplished. Are there alternative policies that may reduce crime more effectively? |

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# The Paradox

* 1. Correctional policy is a paradox between economic constraints on what we can afford and shifts in the tide of public perception (what is important to vocal constituents and public interest groups).
  2. Maruna and King (2008, p. 338) notes a shift away from expert-driven penal policy to one based “more explicitly by symbolic and expressive concerns…[and] emotionalization of public discourse about the law.”
  3. The perception of public opinion may be lacking in validity due to simplistic measures and the biased, sensationalized view of the criminal justice system reported by the media.

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| **Class Discussion/Activity**  Ask students to discuss the differences between indeterminate and determinate sentencing. How do the underlying philosophies differ and what is the impact on the corrections system? |

# Public Opinion About Community Corrections

1. Recent national opinion polls have indicated that the most well-known alternatives to incarceration known by the general public are probation, house arrest, and electronic monitoring.
2. The majority of adults believed that alternatives to prison were appropriate for nonviolent offenders and/or when a theft was worth less than $400.
3. Nearly half (45%) of all people thought that probation and rehabilitation are likely to reduce recidivism over prison/jail for nonserious offenders (Hartney & Marchionna, 2009).
4. A majority of citizens supported prisons emphasizing rehabilitations such as housing assistance, mental health, and job training (Sundt, Vanderhoff, Shaver, & Lazzeroni, 2012).
5. Proposed strategies to increase the level of support for community corrections include appealing to the public on an emotional level. Maruna and King (2008) noted that emotions such as compassion and forgiveness can be equally as powerful as alternatives to prison as individuals and communities heal.
6. Experts also suggest that the media should present a broader view of the issues and not just the atypical cases.
7. Public opinion research on sentencing preferences demonstrated higher validity when the public was given diverse sentencing options and adequate information, such as program descriptions and detailed information about an offense or an offender.

# Prison is Expensive

* 1. Corrections’ budgets are almost completely driven by tax dollars.
  2. In response to the fiscal crisis in the United States, correctional administrators have considered the following options:
     1. housing units within a prison or closing existing prisons altogether
     2. Decriminalizing lower level nonviolent and/or drug felony offenses down to Class A misdemeanors
     3. Repealing mandatory minimums
     4. Using more graduated sanctions in the community
     5. Increasing parole rates
     6. Changing probation and parole policies for responding to violations and/or denying requests to incarcerate for anything but new crimes
     7. Closing off existing
  3. Probation and parole agencies received about 21 cents of every correctional dollar spent to supervise more than 70% of all people under correctional supervision.
  4. Table 1.3 shows that in the federal system and a sampling of states with moderate living costs.
  5. Incarceration is significantly more expensive than community corrections. For example, probationers subsidize annual cost with monthly fees on a sliding scale ranging between

$40 and $80.

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| **What If Scenario**  What if you were a legislator? How would you balance determinate sentencing with the desire to keep the tax burden low? |

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| **Media Tool**  Watch the video Problems with the Criminal Justice System.  <https://www.youtube.com/watch?v=1qY8IeeFV_Y>  Do you agree with the arguments made in this segment regarding sentencing? What counterarguments exist? Does the video advocate for determinate or indeterminate sentencing? |

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# The Role of Corrections at Three Major Decision Points

**Learning Objective 2: Explain the role of corrections at each of three main decision points.**

* 1. The three main decision points in the corrections system are guided by formal written laws, codes, and statutes, and also by informal discretion.
  2. Discretion is a form of subjective decision making that begins when a victim or witness decides whether to report a crime to the police.
  3. Some argue that discretion plays a more important role than formal law.

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# Pretrial and the Bail Decision

* 1. After arrest, prosecutor office decides whether to charge the suspect with a After a charge is filed, a judge/magistrate/other official determines whether the defendant is requesting appointed counsel and whether he or she is eligible for release from jail.
  2. Most defendants are released on their own recognizance with the promise to appear at their next court date.
  3. Some defendants must secure their next appearance with bail, however, which is a monetary payment deposited with the court to ensure their return.
  4. Many times, especially in the federal system, the defendant is released on pretrial supervision, which is a form of correctional supervision of a defendant that has not been convicted.
  5. Pretrial supervision has four functions: (1) accounts for a defendant’s whereabouts to keep the community safe; (2) allows a defendant to prepare for upcoming court appearances; (3) allows a defendant to continue working and supporting dependents; and

(4) keeps bed space in a jail available for defendants who may not be eligible for release.

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# Sentencing Decision

* 1. The vast majority of offenders who commit a crime can be appropriately punished in ways that do not warrant imprisonment. These front-end sanctions are referred to as intermediate sanctions and offer a wide range of supervision levels that can be closely adapted to fit the circumstances of the crime and the offender.
  2. Intermediate sanctions offer graduated levels of supervision and provide rewards for positive behavior with gradually less supervision when offenders achieve and maintain desired program outcomes.
  3. A full range of sentencing options gives judges greater latitude to select punishments that closely fit the circumstances of the crime and the offender.

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# Reentry Decision

* 1. The term community reintegration was introduced by the President’s Commission on Law Enforcement and Administration of Justice (1967) and noted that reintegration is likely to be furthered much more readily by working with offenders in the community than by incarceration.
  2. Approximately 95%–97% of prisoners incarcerated today will one day leave prison and rejoin the larger society.
  3. Prisoner reentry is any activity or program “conducted to prepare ex-convicts to return safely to the community and to live as law abiding citizens” (Petersilia, 2003, p.3).
  4. A prerelease program is a minimum security institutional setting for imprisoned offenders who have already done some time in prison and are nearing release.
  5. Parole is the discretionary release of an offender before the expiration of his or her sentence under conditions established by the paroling authority.

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| **See Assignment 2** |

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# Theories Behind Community Correctional Goals

**Learning Objective 3: Analyze the theories behind correctional goals of punishment and rehabilitation.**

* 1. There are a wide range of criminological theories that intend to explain why people commit crime, for example, biological determinants, psychological factors, rational choice, lack of conventional bonds to society, social learning, associating with criminal peers, lack of opportunities, breakdown of social norms, and reaction to societal labels.
  2. Community corrections attempts to punish offenders while at the same time providing protection to the public.

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| **See Assignment 3** |

# Protecting the Public Through Specific Deterrence

* 1. Most offenders have shown that they cannot easily conform to the norms of society.
  2. One goal is to help offenders conform to behavioral expectation while keeping public safety in mind.
  3. Specific deterrence attempts to keep supervised offenders from falling back into old habits and letting offenders know in advance what the consequences will be for their actions.
  4. Offenders will refrain from committing technical violation or new crimes when they are aware of the certain and severe consequences.
  5. According to Pogarsky (2007),offenders tend to refrain from committing crimes when they perceive a strong likelihood of getting caught along with the certainty and severity of revocation.

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| **What If Scenario**  What if you were a police chief? How would you protect the public? |

# Rehabilitation Through Risk/Need/Responsivity

* 1. A second goal of community corrections programs is rehabilitation.
  2. Some inadequacies of offenders that link to their criminal behaviors are drug or alcohol addiction, lack of emotional control, inadequate education or vocational training, lack of parenting skills, and mental illness or developmental disability.
  3. Risk/Need/Responsivity (RNR) is proposed by Andrews, Bonta, and Hoge in 1990. It suggests that rehabilitation efforts are most effective when they focus on treating high- risk offenders, and when they match correctional interventions with criminogenic needs, which are the problems directly associated to criminal behavior.
  4. To reduce recidivism, RNR suggests that (1) therapy is most useful when addressing the unique leaning styles and characteristics of offenders; and (2) cognitive-behavioral treatment should be used for a long enough duration (three to nine months).
  5. Two reasons for offering rehabilitation in a community setting are (1) prison is less than ideal for treatment and (2) community-based programs are not tax based; they are subsidized by offenders.

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| **Class Discussion/Activity**  Is rehabilitation possible for all criminals? |

# Healing the Victim and Community Through Restorative Justice

* 1. A philosophy of justice that emerged in the 1970s.
  2. Addressing victims’ needs, through restorative justice or community justice.
  3. Preventing future criminal behavior through rehabilitation, community reentry, and compassion.
     1. Restorative or community justice: the philosophy and sanction of allowing the offender to remain in the community with the responsibility of restoring the victim’s losses.
     2. The offender is not publicly shamed or humiliated, but must repair the damage through community services, provide victim restitution, and participate in victim impact panels and other educational programs.
     3. It is most effective for nonviolent crimes committed by juveniles or first-time adult felony offenders.

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| **What If Scenario**  What if you were a victim of crime? Would restorative justice be something you would be interested in? |

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| **Media Tool**  After watching this video, "Meet the Judge Who Went Viral For His Creative Punishments,"answer the question below.  <https://www.youtube.com/watch?v=pZSTu98-Cus>  Do you agree with the judge’s approach to sentencing? What philosophy do you think he practices? |

# An Integrated Theory of Community Supervision: The Participation Process Model

* 1. Craig Schwalbe (2012) developed an integrated theory called “participation process theory” to explain how probation works.
  2. The theory assumes that offender compliance and active participation are integral to the offender’s own success on community supervision.
  3. Second, the theory suggests that the three goals of community supervision are offender accountability, offender risk/need reduction, and public safety.
  4. Third, probation and parole officers use strategies such as communication, casework, and leverage to achieve goals.
  5. Schwalbe believes that the theory is still a work in progress.

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# Evidence-Based Practices in Community Corrections

**Learning Objective 4: Explain the importance of evidence-based practices to evaluating effectiveness and achieving correctional goals.**

* 1. Evidence-based practices (EBP) is using current best practices or interventions for which there is consistent and solid scientific evidence showing that they work to meet the intended outcomes and being open to periodic measurement, evaluation, and dissemination of practices and interventions.
  2. EPB is not based on intuition, speculation, anecdotal evidence, or tradition. Rather, it is grounded in empirical data and research in studying what works. The idea behind EPB is that agencies should use only the most successful programs that are effective in changing offender behavior.

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| **Class Discussion/Activity**  What are the underlying assumptions behind evidence-based practices? |

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| **See Assignment 4** |

# Evaluating Effectiveness

* 1. To measure both the process of going through a program and the impact a program has after the participants depart, it is necessary to conduct and report empirical research in a way that makes sense to the average citizen.
  2. Problems in studying the effects of various programs include the difficulty of selecting random treatment and control groups due to sentencing guidelines and the unwillingness of judges to assign offenders to control groups.
  3. Many offenders are sentenced to multiple treatment programs and it is difficult to isolate the effects of one treatment from another.
  4. It is also difficult to determine if the offenders in treatment programs were diverted from prison or probation. To the extent that the offender is receiving a more strict sanction than he or she would have received had the intermediate sanction not been available then we are widening the net of social controls. This is called net widening and usually results in a cost increase instead of cost savings.

# Outcome Measures in Evaluation

* 1. There are various measures used to evaluate effectiveness. The most common measure of effectiveness is recidivism, which may be defined as the repetition of or return to criminal behavior as measured by rearrest, reconviction, or reincarceration.
  2. Measures of effectiveness other than recidivism may include restitution collected, fines and fees collected, number of offenders employed, number of community service hours completed, number of drug- or alcohol-free days, and number of probationers enrolled in school.
  3. The reduction of institutional overcrowding achieved through the use of community corrections programs and the concurrent cost savings are also viable measures of effectiveness.

# Summary

* 1. Community corrections provide many options for offenders who do not pose a serious threat to the community.
  2. Community-based corrections seek to sanction offenders through punishment while attempting to improve individual life circumstances. The three important components in changing offenders’ behaviors are reintegration, rehabilitation, and restorative justice.
  3. Community corrections also ease overcrowding in jails and prisons.
  4. Indeterminate sentencing and determinate sentencing are the two main sentencing philosophies that most states have implemented.
  5. Corrections play a role at three major decision points: pretrial and bail, sentencing, and reentry.The participation process model suggests that offender compliance and active participation along with officer supervision are necessary to achieve offender accountability, offender risk/need reduction, and public safety.
  6. Providing a range of community-based sanctions rewards positive behavior and punishes negative behavior.
  7. Evidence-based practices offer steps to further professionalize and transform the image of community-based corrections.
  8. The effectiveness of community supervision program depends on how recidivism is defined and how long after supervision it is measured, how other outcome variables are measured during supervision, whether there is comparison group, how the groups are selected, and whether net widening has occurred.

# Assignments

1. Write a one-page report on community corrections. How would you define it? What is the purpose of community corrections? What are its strengths and weaknesses? To measure the effectiveness of community corrections, are there any other outcome measures (other than those discussed) that could be used? (LO 1)
2. Other than those mentioned in the book, what other factors may have contributed to growth in the correctional system? Explain the role of corrections at each of three main decision points. (LO 2)
3. What does a *continuum of sanctions* mean in the sentencing process? If you were a judge, explain how you would apply this continuum. Research the ways that local courts apply this continuum and share with the class. (LO 3)
4. Will evidence-based practices be just another passing fad? Contact the local police department in your hometown and ask them what they think. Write a one-page report to share with the class. (LO 4)

# Suggested Websites

National Center on Institutions and Alternatives [www.ncianet.org](http://www.ncianet.org/)

The Corrections Connection [www.corrections.com](http://www.corrections.com/)

Fortune Society [www.fortunesociety.org](http://www.fortunesociety.org/)

Videos/Podcasts

Adult Community Corrections: Monroe County – Part 1 <http://www.youtube.com/watch?v=HJnHy9BFKhk>

Adult Community Correction: Monroe County – Part 2 [http://www.youtube.com/watch?v=w5pIo9P9o5o&feature=related](http://www.youtube.com/watch?v=w5pIo9P9o5o&amp;feature=related)

Evidence-Based Practices in Community Corrections – DC Public Safety (2009) <http://www.corrections.com/system/podcast/file/114/CSOSA78.mp3>

# Case Study Exercises

**Case A: Looking Further into the APPA**

The APPA is an international organization that provides education and training for community corrections practitioners and supervisors. The APPA establishes standards in all areas of community supervision, including restitution, electronic monitoring, pretrial, conditional early release, and issues related to prisons. Go to [http://www.appa-net.org](http://www.appa-net.org/) and click on *About APPA* and then on *Where we stand.* This area shows position statements, resolutions, and position papers. Research three different topics and the position the APPA has taken on these issues.

Report your findings to the legislator and discuss whether they are politically feasible in today’s economic climate.

# Case B: Researching Other Community Corrections Advocacy Groups

The APPA is only one of several organizations that serve a similar purpose for community corrections advocacy. Other organizations include the following:

* + American Correctional Association (http://www.aca.org)
  + National Association of Pretrial Services Agencies ([http://www.napsa.org/)](http://www.napsa.org/)%3B)
  + International Community Correctional Association (http://www.iccaweb.org)
  + International Association of Reentry (<http://www.iarreentry.org/)>

Look up one of the four organizations above and compare and contrast it to the APPA from Case

A. Which organization—the APPA or another organization—would you most likely recommend to the legislator for its practicality in its approach to the problem, and why?