

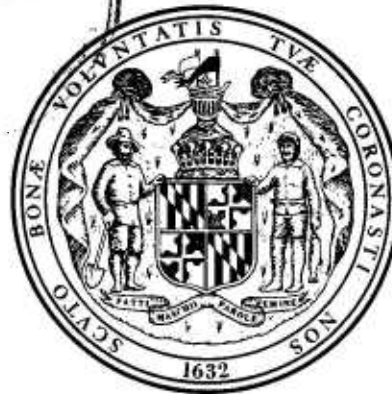
GOVERNOR'S TASK FORCE

ON

ALTERNATIVE SANCTIONS

TO INCARCERATION

FINAL REPORT



The Honorable Joseph A. Ciotola
Chairman
Administrative Judge, District Court,
Baltimore City, Retired

Nancy J. Nowak
Staff Director
Governor's Office of Justice
Administration

The Honorable Howard S. Chasanow
Maryland Court of Appeals

Benjamin R. Civiletti, Esquire
Venable, Baetjer & Howard

David S. Cordish, Esquire
The Cordish Company

Hal Donofrio
Richardson, Myers & Donofrio

Belle Vee B. Gentry
Eboné

Anthony T. Hawkins
Rouse Corporation

Alan P. Hoblitzell, Jr.
Ryland Group, Inc.

Peter P. Lejins, Ph.D.
University of Maryland

Kent W. Mason
Montgomery County Pre-Release
Center

Ellen McDaniel, M.D.
Physician

George Phelps, Jr.
Phelps Protection System

Secretary Bishop L. Robinson
Department of Public Safety and
Correctional Services

George L. Russell, Jr., Esquire
Piper & Marbury

Byron Moore Sedgwick
Newspaper Columnist

Mark K. Shriver
CHOICE

The Honorable Stuart O. Simms
State's Attorney, Baltimore City

George Everett Surgeon
Anne Arundel Careers Center

William Donald Schaefer, Governor

March, 1992

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Maryland. Governor's Task
Force on Alternative
Governor's Task Force on
Alternative Sanctions to

STATE OF MARYLAND
EXECUTIVE DEPARTMENT

WILLIAM DONALD SCHAEFER
GOVERNOR



GOVERNOR'S OFFICE OF JUSTICE ASSISTANCE

OFFICE OF THE GOVERNOR
301 WEST PRESTON STREET 15TH FLOOR
BALTIMORE, MARYLAND 21201
(301) 225-1834

NANCY J. NOWAK
EXECUTIVE DIRECTOR

March 4, 1992

The Honorable William Donald Schaefer
Governor
State House
Annapolis, MD 21401



Dear Governor Schaefer:

It is with great pleasure that I transmit to you the Final Report of the Governor's Alternative Sanctions to Incarceration Task Force. Thank you for the honor of presiding as chair over the deliberations concerning these critically important issues confronting our criminal justice system.

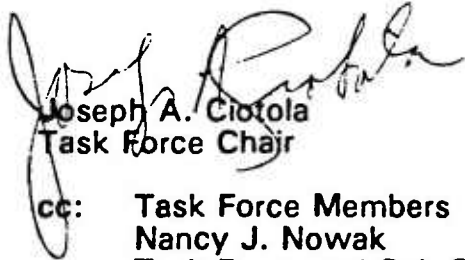
By copy of this letter, I wish to extend my thanks to the members of the Task Force for their input and hard work. I must also note the invaluable efforts of staff provided by the Department of Public Safety and Correctional Services as well as the Montgomery County Department of Correction and Rehabilitation.

The leadership and comprehensive support work provided by Nancy Nowak and the staff of the Governor's Office of Justice Administration (GOJA) made possible the completion of the Task Force charge. The extensive research and technical writing performed by GOJA gave a framework for discussions and helped synthesize our thinking.

I believe that the Task Force report represents an excellent beginning towards the development of a system of alternative sanctions to incarceration in Maryland. It is my understanding that there is already considerable interest within the legislature in this regard.

Thank you again for the opportunity to be of assistance in addressing some of the major issues confronting the criminal justice system in our great State.

Sincerely,


Joseph A. Ciotola
Task Force Chair

cc: Task Force Members
Nancy J. Nowak
Task Force and Sub-Committee Staff

STATE OF MARYLAND
EXECUTIVE DEPARTMENT

WILLIAM DONALD SCHAEFER
GOVERNOR



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NANCY J. NOWAK
EXECUTIVE DIRECTOR

March 4, 1992

The Honorable William Donald Schaefer
Governor
State House
Annapolis, Maryland 21401

Dear Governor Schaefer:

On behalf of the Governor's Task Force on Alternative Sanctions to Incarceration and Staff, I am pleased to submit the final report, an adjunct to the briefing document presented to you in December, 1991. This report marks an initial step towards unraveling an exceedingly complex problem for the State of Maryland and the Nation.

Through some twelve (12) formal sessions, the Task Force conducted a comprehensive examination of intermediate sanctions to incarceration which entailed the review of literature as well as current programs, both nationally and internationally. Discussions and the resultant proposals were aligned to the parameters of cost containment.

The essence of the Task Force's findings are embodied in the fifteen (15) recommendations which set forth an aggressive short term and long range agenda. These propositions are further delineated by the accompanying chart which details the respective key elements.

Criminal justice professionals have long asserted that building more penal facilities will never provide the panacea to the escalating problem. As crime rates escalate and correctional populations burgeon, it is critical that responsible government respond by identifying viable cost efficient effective approaches to manage offenders. Thus, it is incumbent that we, in Maryland, develop to the fullest, a broad range of alternatives in conjunction with a series of graduated sanctions which will ensure the maintenance of quality of life in our State.

Although the Task Force has completed the initial mandates of your charge, these efforts should continue. The findings and proposed solutions, most assuredly are preliminary, barely scratching the surface of what must be an ongoing commitment to examine the issues and uncover viable solutions to the criminal justice crisis in Maryland.

Sincerely,

A handwritten signature in cursive script, reading "Nancy J. Nowak", followed by a horizontal line.

Nancy J. Nowak
Executive Director
Staff Director

Governor's Task Force on Alternative Sanctions to Incarceration

Enclosure

RECOMMENDATIONS	RATIONALE	FISCAL IMPACT	LEGISLATION NEEDED	RESPONSIBLE AGENCIES
1. Maryland must develop a comprehensive statewide plan for the administration of criminal justice to address the immediate and long range issues confronting the system.	Maryland must develop a multi-year plan to address the management of increasing offender population amidst scarce resources.	None	No	The Governor's Office of Justice Administration (GOJA) Advisory Board; GOJA Staff; Department of Public Safety and Correctional Services; local correctional agencies; the Judiciary; the Legislature.
2. Maryland's criminal justice system should be analyzed to discern the extent of delays inherent, and strategies should be identified and improve criminal case processing and management.	In order to alleviate court backlogs, new methods for cooperative resolution of case processing delays must be identified and developed.	Yes, offset by the pursuit of new fiscal resources and long term cost savings through improved efficiency.	No	The Board; GOJA; Administrative Office of the Courts; the Office of the Public Defender; State Attorneys' Offices; pretrial release services programs.
3. Public support for intermediate sanctions must be garnered for successful implementation of innovative correctional alternatives.	Public forums must be convened in order to insure input regarding concerns, expectations, and proposals of Maryland's citizens regarding criminal justice strategies.	Minimal. State agencies and foundation funding will provide necessary resources.	No	GOJA; the Board; the University of Maryland (College Park), Governor's Drug and Alcohol Abuse Commission; Department of Public Safety and Correctional Services; Maryland Bar Association.
4. Community service as an individual sanction or among multiple sanctions should be increased. Mechanisms to strengthen programs of court-ordered community service in Maryland must be implemented. The Community Service Council of Maryland should be established to provide statewide leadership and coordination for programs of court-ordered community service.	Expanded use of community service for non-violent offenders and their diversion from supervised probation is a more appropriate policy. Creation of Community Service Council will strengthen the program statewide. Immunity from civil liability must be enacted for community service worksites.	None.	Yes (HB623)	The Board; GOJA; Office of the Attorney General; Administrative Office of the Courts; Governor's Community Service Council; Department of Public Safety and Correctional Services; State's Attorneys' Offices; pretrial release services agencies; individual agencies responsible for administering community service programs.
5. Pretrial release services programs should be established throughout Maryland consistent with the findings of the <u>Statewide Pretrial Detention and Release Needs Assessment</u> .	Pretrial release programs are an effective mechanism for the reduction of overcrowding in local detention centers.	Estimated cost for funding 15 programs is \$7.2 million.	Yes (HB624, HB625). Note: Bail Reform & Administrative Fees	The Board; GOJA; Department of Public Safety and Correctional Services; Administrative Office of the Courts; pretrial services programs; local county governments.
6. The Maryland Department of Public Safety and Correctional Services, through the Division of Parole and Probation, should develop a home detention program for technical parole and mandatory supervision violators.	The program will provide a mechanism to deliver swift response to parole violators and defer non-violent technical violators to home confinement rather than to State institutions.	1st Year, \$45,550; 2nd Year, \$177,700; 3rd, 4th & 5th Years, \$255,500. Note: User fees offset major program costs.	Yes (HB628)	Department of Public Safety and Correctional Services: Division of Parole and Probation, Division of Correction, and Parole Commission.
7. The Maryland Parole Commission must have broader flexibility in consideration of offenders sentenced for multiple convictions involving parolable and non-parolable offenses.	Sequence of sentencing multiple charges on court commitment documents effects the Parole Commission's calculation of parole eligibility.	Cost benefits through alleviating DOC prison bedspace.	Yes (HB1090)	The Department of Public Safety and Correctional Services: Maryland Parole Commission; the Administrative Office of the Courts.

RECOMMENDATIONS	RATIONALE	FISCAL IMPACT	LEGISLATION NEEDED	RESPONSIBLE AGENCIES
8. The Department of Public Safety and Correctional Services should implement a day reporting center(s) which targets specific populations.	The day reporting center will provide a needed level of intermediate level of custody and programming for a range of offenders.	Cost savings.	No.	Department of Public Safety and Correctional Services: Division of Parole and Probation, Maryland Parole Commission, Division of Correction, and Division of Pretrial Detention and Services; Department of Employment and Economic Development; Department of Human Resources; Department of Health and Mental Hygiene.
9. The Maryland Parole Commission and the Division of Parole and Probation should develop the Day Work Service assignments for non-violent parolees.	Placement of non-violent parolees will provide a useful expansion of "community service" to assist reintegration of specific offenders.	None. Potential workload impact on the Division of Parole and Probation.	No.	Department of Public Safety and Correctional Services: Maryland Parole Commission and Division of Parole and Probation; Department of Employment and Economic Development; Department of Health and Mental Hygiene; Department of Human Resource; various State agencies which will provide worksites.
10. An audit of bail bond forfeiture practices in Maryland should be conducted.	Audit of uncollected bail bond forfeitures in other jurisdictions have resulted in the collection of significant levels of funds.	Undetermined, forecast collection of significant forfeited bail moneys.	No.	Administrative Office of the Courts; Department of Budget and Fiscal Planning.
11. State and local criminal justice agencies should be staffed with grants management and resource development specialists.	The capability for full-time pursuit of alternative funding must be developed.	None.	No.	GOJA staff; State agencies; local units of government; University of Maryland, College Park.
12. The Offices of the State's Attorney, in each jurisdiction throughout Maryland, should design and implement structured pretrial diversion and post-adjudicatory programs.	Increased pretrial diversion and post-adjudicatory options will significantly reduce burgeoning court dockets and correctional facilities.	Offset by pursuit of federal funds.	No.	Offices of State's Attorney; Office of the Public Defender; the Judiciary; GOJA; Department of Public Safety and Correctional Services; State and local Bar Associations; Department of Health and Mental Hygiene; Governor's Drug and Alcohol Abuse Commission.
13. The Maryland General Assembly during the 1993 Session should consider passage of "The Maryland Comprehensive Correctional Alternatives Act of 1993."	Funding for the establishment for the funding of local, innovative alternative correctional programs must be developed.	Via reallocation of existing State public safety funding.	Yes. 1993 Session of the General Assembly.	The Board; GOJA; the Department of Public Safety and Correctional Services; local correctional departments.
14. The application of financial sanctions by the Maryland Judiciary should be examined and expanded.	Fines are revenue producing criminal justice sanctions. Those paying fines fulfilling a "debt to society" rather than draining existing resources.	An increase over the \$2.2 million in fines collected in District Court for criminal cases in FY91.	Pending review of statutory ceilings and the development of "day fine" concept.	The Board; Administrative Office of the Courts Department of Public Safety and Correctional Services: Division of Parole and Probation.
15. Maryland must develop a comprehensive statewide plan for the administration of juvenile justice to address the immediate and long range issues confronting the system.	It is incumbent on government officials and law-makers to ensure that our young people, Maryland's rising adult populous, are provided with the best possible services available and that the cycle of criminality is interrupted at the earliest possible point in time.	None.	No.	The Board through its Sub-Committee: Juvenil Justice Advisory Council; Governor's Office of Justice Administration; Department of Juvenil Services; Judiciary; law enforcement agencies Office of the Public Defender, State's Attorney's Offices; Governor's Drug and Alcohol Abuse Commission; Department of Health and Mental Hygiene; Maryland State Department of Education; Department of Human Resources;

**GOVERNOR'S TASK FORCE ON
ALTERNATIVE SANCTIONS TO INCARCERATION**

COMPENDIUM OF RECOMMENDATIONS

SHORT RANGE TASK FORCE GOALS

- RECOMMENDATION #1.** *Maryland must develop a comprehensive statewide plan for the administration of criminal justice to address the immediate and long range issues confronting the system.*
- RECOMMENDATION #2.** *Maryland's criminal justice system should be analyzed to discern the extent of delays inherent, and strategies should be identified and improve criminal case processing and management.*
- RECOMMENDATION #3.** *Public support for intermediate sanctions must be garnered for successful implementation of innovative correctional alternatives.*
- RECOMMENDATION #4.** *Community service as an individual sanction or among multiple sanctions should be increased. Mechanisms to strengthen programs of court-ordered community service in Maryland must be implemented. The Community Service Council of Maryland should be established to provide statewide leadership and coordination for programs of court-ordered community service.*
- RECOMMENDATION #5.** *Pretrial release services programs should be established throughout Maryland consistent with the findings of the Statewide Pretrial Detention and Release Needs Assessment.*
- RECOMMENDATION #6.** *The Maryland Department of Public Safety and Correctional Services, through the Division of Parole and Probation, should develop a home detention program for technical parole and mandatory supervision violators.*
- RECOMMENDATION #7.** *The Maryland Parole Commission must have broader flexibility in consideration of offenders sentenced for multiple convictions involving parolable and non-parolable offenses.*
- RECOMMENDATION #8.** *The Department of Public Safety and Correctional Services should implement a day reporting center(s) which targets specific populations.*

- RECOMMENDATION #9.** *The Maryland Parole Commission and the Division of Parole and Probation should develop the Day Work Service assignments for non-violent parolees.*
- RECOMMENDATION #10.** *An audit of bail bond forfeiture practices in Maryland should be conducted.*
- RECOMMENDATION #11.** *State and local criminal justice agencies should be staffed with grants management and resource development specialists.*
- RECOMMENDATION #12.** *The Offices of the State's Attorney, in each jurisdiction throughout Maryland, should design and implement structured pretrial diversion and post-adjudicatory programs.*

LONG RANGE TASK FORCE GOALS:

- RECOMMENDATION #13.** *The Maryland General Assembly during the 1993 Session should consider passage of "The Maryland Comprehensive Correctional Alternatives Act of 1993."*
- RECOMMENDATION #14.** *The application of financial sanctions by the Maryland Judiciary should be examined and expanded.*
- RECOMMENDATION #15.** *Maryland must develop a comprehensive statewide plan for the administration of juvenile justice to address the immediate and long range issues confronting the system.*

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PROCESS

In recognition of the magnitude of the charge of Governor William Donald Schaefer, staff conducted comprehensive research in an attempt to educate committee members on these complex issues. Libraries of information authored by academicians, practitioners, and criminal justice experts, as well as governmental officials were culled, analyzed, and forwarded to the Governor's Task Force on Alternatives to Incarceration members prior to the initial meeting on September 16, 1991. With the designated duration of the discussion to span only three and a half (3½) months, it was critical that participants be equipped to immediately focus on the scope of the problem in both the nation as well as the State.

Chairperson Ciotola and Staff Director Nowak conferred in mid-August, 1991 to design a viable structure in which the committee could meet the mandates set forth by Governor Schaefer. Accordingly, the Task Force met every other week for a total of eight (8) sessions of some two (2) to two and a half (2½) hours each. Every agenda was replete with literature review, a showcase of current national and Maryland initiatives, and guest experts in the field.

Staff not only conducted tireless research and prepared briefings, but responded to special interest issues at the request of individual members. Staff facilitated panel discussions and identified innovative approaches to the implementation of specific sanctions. Accordingly, three (3) fundamental inquiries have been pursued:

1. Have intermediate sanctions materially affected prison overcrowding?
2. Are intermediate sanctions a cost-saving alternative to incarceration?
3. Do intermediate sanctions programs effectively control offenders in order to protect public safety?

Given the enormity of the subject area, participants readily concurred that the discussions regarding intermediate sanctions needed to continue well into 1992 and beyond. Moreover, the membership rejected the recommendation of precipitous, wholesale solutions, at this

junction. Rather, Maryland will be best served with a comprehensive systemic approach which examines the process starting at the "pre-arrest" stage through post-parole and probation, and beyond. An approach which offers less would serve to yet again "band-aid" the very troubled system.

Thus, the report herein constitutes preliminary findings solely, designating viable legislative initiatives which may stand as cornerstones for a broader, more encompassing measure for the 1993 Session of the Maryland General Assembly.

PART I: OVERVIEW OF THE PROBLEM**INTRODUCTION**

In August, 1991, Governor William Donald Schaefer, gravely concerned about the escalating jail and prison populations throughout the State of Maryland, established the Governor's Task Force on Alternative Sanctions to Incarceration (hereinafter the "Task Force"). The mission of the Task Force was directed towards the examination of the offender population specifically to identify elements within that population which may be more appropriately managed in non-traditional settings. In this regard, it has been the responsibility of the Task Force to recommend innovative approaches to develop a series of graduated community-based sanctions which will assist in controlling the escalating cost of corrections, ensure public safety, and maintain or enhance the quality of life of the citizens of Maryland.

Specifically, Governor Schaefer issued the following charge:

1. Recommend how public and private sector organizations, including private businesses, can become involved in pre-release service programs, probation and community service programs, and reintegration and support programs, as partners with government.
2. Recommend how community service programs can be made more useful and effective as a punishment, as a deterrent, as a restitution facilitator, and as a rehabilitator.
3. Recommend how community based, graduated sanctions, including graduated incarceration, can be made more useful and effective as a punishment, as a deterrent, as restitution, and as a rehabilitator.
4. Explore and recommend innovative programs operating in other jurisdictions in and outside of Maryland and the United States.

5. Review and evaluate literature and research findings on alternative non-traditional correctional programs. (Appendix A)

This preliminary report represents the concerted efforts of the Task Force, as well as the staff and leadership of the Governor's Office of Justice Administration (GOJA), which has utilized volunteer and intern resources to meet the myriad objectives.

THE SCOPE OF THE PROBLEM: THE NATIONAL PERSPECTIVE

Throughout the nation, all components of the criminal justice system have been excessively taxed due to the burgeoning offender population. Prison overcrowding has reached unprecedented proportions. The incessant building of physical plants to house inmates has continued to drain economic resources. Nationally, from 1980 to 1988, prison populations have risen ninety percent (90%) while direct expenditures for correctional initiatives have risen 46.7%.¹ Subsequently, most jurisdictions have been forced to seek viable alternatives to incarceration, programs which weigh the delicate balance of population control and public safety.

Such innovative approaches, acknowledged as "intermediate sanctions," are intended to serve as graduated levels of sanctioning, which fall between traditional incarceration and non-institutional supervision. Although diverse in nature, intermediate sanctions are typically depicted as less costly alternatives to incarceration. However, these sanctions are equally or more effective than traditional probation in managing greater numbers of offenders in the local community.

A position paper of the National Committee on Community Corrections issued September, 1991, states that the time for debate, consensus, and action in the design of a national model for probation and parole systems in the community corrections arena is long overdue. The query is thus posed, "Are there conditions under which the public can realistically expect offenders to be supervised in the community in a manner that reduces unwarranted

¹United States General Accounting Office, Intermediate Sanctions: Their Impacts on Prison Crowding, Costs, and Recidivism are Still Unclear. Report to the Chairman, Select Committee on Narcotics Abuse and Control, House of Representatives: September, 1990.

harm or are prisons society's only rational choice?"²

Today over forty (40) states are under Federal court orders to reduce prison overcrowding. Department of Justice figures reveal that in calendar year 1990, prison populations increased by 80,000 to 1.23 million - a 780,000 increase in prisons and 450,000 in jails. At this rate, some experts estimate that by the year 2053, one (1) of every two (2) Americans will reside in a penal institution. The additional 2.5 million offenders now assigned to community supervision are expanding at a rate of thirteen percent (13%) annually. Concurrently, to accommodate such growth, some 2,000 new jail beds would have to open each week, at an average cost of \$50,000 per bed; construction would approximate \$100,000 million per week. In five (5) years, the corrections obligation could easily double the current national debt. These financial figures notwithstanding, the query remains "are we moving in the right direction with current policies?"³

These very questions have the attention of governors and decision-makers throughout the nation. In a September 1991 publication of the National Institute of Justice, Governor Michael N. Castle describes the successful process utilized by the State of Delaware in developing an array of intermediate sanctions through garnering the necessary, broad-based support for implementation. (Appendix D) Compelling data was cited by Governor Castle:

- Nationwide, about one (1) in fifty (50) persons is under the control of correctional authorities.
- In the last decade, national per capita expenditures grew twenty-one percent (21%), but correctional expenditures grew sixty-five percent (65%).
- The Nation's prison population essentially doubled during the 1980's to more than 600,000 people. When the jail population is included in this

²United States General Accounting Office, Intermediate Sanctions: Their Impacts on Prison Crowding, Costs, and Recidivism are Still Unclear. Report to the Chairman, Select Committee on Narcotics Abuse and Control, House of Representatives: September, 1990.

³Al Hell, Criminal Justice Overview in Reference to Jail Crowding. September 1, 1991: Prince George's County, Maryland.

figure, the total escalates to one (1) million people behind bars.

- The growth of America's prison population is over ten (10) times that of the general population.
- According to a report presented by the National Conference of State Legislators, prison construction costs nationwide in 1987 averaged \$42,000 per bed, and costs in some states were as high as \$110,000 per bed.

Delaware's position reflects the statement "... we cannot build our way out of our current prison crisis, but we can manage and control our prison growth, and maintain the integrity of the criminal justice system. By carefully developing sensible sentencing policies and a wide range of sanctions, and implementing an aggressive public education initiative, we have held offenders accountable to the public and the legal system and have held ourselves accountable to the public." Governor Castle also asserts that it is essential to develop an array of sanctions which is effective for the local offender population, flexible enough to be responsive to the needs of specialized offender populations, and sensitive to local resource limitations and public concerns.⁴

While millions of dollars have been spent on prison construction in the 1980's, criminal justice experts concede that this approach has not addressed the genesis of the crime problem. Nevertheless, during this spend and build frenzy, the concomitant investment in the provision of community resources and supervision has not been absent; although, criminal justice policy makers are increasingly concerned about the political and pragmatic ramifications of assigning more offenders to community-based supervision.

THE DATA: NATIONAL AND MARYLAND CORRECTIONS POPULATIONS

Throughout the country, the 1970's and 1980's reflected enormous growth in crime which deleteriously impacted all components of the criminal justice system. The pervasive

⁴Charles B. DeWitt, *Alternative Sentencing: Selling It to the Public*. NCJ 129875 (1991).

intrusion of narcotic substances upon the American society contributed more significantly than any other single factor as the major driving force. In response, the government reacted with the promulgation of stringent policies recognizing aggressive interdiction and incapacitation as a necessary intervention to the escalating crime problem. Accordingly, federal and state law makers enacted legislation to increase the severity of sanctions particularly against drug-related offenders with harsher, mandatory sentences. The development of these new safeguards was an attempt to maintain social order continually threatened by the drug trade. The lack of recognition of the magnitude of the drug crisis and the attendant dearth of consistent, cohesive policy in prevention, intervention, and interdiction provided the framework for the apparent criminal justice gridlock which has emerged in the 1990's.

A monograph issued by the National Institute of Corrections and the Robert J. Kutak Foundation quantifies the problem in the late 1980's:

By the end of 1987, more than 3.4 million adults were under some form of correctional supervision. Nearly two-thirds (64.8 percent) of these offenders were on probation, and an additional 10.5 percent were under parole supervision. Of the remaining offenders, 16.2 percent were sentenced to prison and 8.5 percent were serving jail sentences. A November 1988 Bureau of Justice Statistics (BJS) Bulletin reported that between 1983 and 1987 the overall adult correctional population increased by 39.8 percent, from 2,475,100 inmates to 3,460,960 inmates. Despite the enormous increments in prison and jail capacity, the correctional *system* simply has not been able to respond to the demand for incapacitation.⁵

Courts throughout the United States reaction to this problem was highlighted in a report from the National Prison Project (1988), which indicated that:

- Entire state prison systems were accountable to the provisions of state and federal court order (or consent decree) in ten (10) jurisdictions.

⁵James M. Byrne, Arthur J. Lurigio, and Christopher Baird, *The Effectiveness of the New Intensive Supervision Programs*. Research in Corrections: September, 1989.

- At least one major institution was under court order (or consent decree) in thirty (30) jurisdictions.
- The prison system was under court order and cited for contempt in six (6) jurisdictions.
- Special masters, monitors, or mediators have been appointed to deal with the crowding problem in twenty (20) jurisdictions.
- There is pending litigation in eight (8) jurisdictions.
- The parole and probation populations grew even faster (by 47 and 41.6 percent, respectively) than the prison and jail population (32.6 and 32.7 percent) between 1983 and 1987, yet the funding has not increased for probation and parole, thus creating a serious crowding problem in these agencies as well.
- It is in this context that intensified, surveillance-oriented, community corrections programs have emerged in recent years as a response to both the demand for alternatives to crowded institutions and the *need* for more control over offenders who are supervised in community settings.⁶

The following data indicate the increases experienced by parole, probation, local jails, and prisons from 1980 to 1988 both nationally and in Maryland:

⁶James M. Byrne, Arthur J. Lurigio, and Christopher Baird, *The Effectiveness of the New Intensive Supervision Programs*. Research in Corrections: September, 1989.

National Corrections Population (1980 vs 1988).⁷

	1980	1988	% CHANGE
PAROLE	220,438	407,977	+ 85 %
PROBATION	1,118,097	2,356,483	+ 111 %
LOCAL JAILS	163,994	343,569	+ 110 %
PRISONS	329,821	627,588	+ 90 %

Maryland's Corrections Population (1980 vs 1988).⁸

	1980	1988	% CHANGE
PAROLE	6,000	8,000	+ 29 %
PROBATION	43,800	84,400	+ 93 %
LOCAL JAILS	3,100	7,300	+ 135 %
DIV. OF CORRECTION and PATUXENT	8,300	13,800	+ 66 %

As previously noted, the population of America's prisons grew by 90% between 1980 and 1988. In Maryland, prison populations rose 66% during this time period and local jail populations rose 110%. Probation populations increased some 111% nationally, and 93% in Maryland, during that same time.

⁷U.S. Department of Justice, Bureau of Justice Statistics, Historical Corrections Statistics in the United States, 1850-1984.

U.S. Department of Justice, Federal Bureau of Investigation, Uniform Crime Reports: Crime in the United States, 1980 and 1988.

U.S. Department of Commerce, Bureau of Census, Statistical Abstract of the United States, 1989.

U.S. Department of Justice, Bureau of Justice Statistics, Census of Local Jails, 1988.

U.S. Department of Justice, Bureau of Justice Statistics, Prisoners in 1989.

U.S. Department of Justice, Bureau of Justice Statistics, Sourcebook of Criminal Justice Statistics, 1988.

⁸Maryland Division of Correction, December 1991.

Emulating the national situation, correctional populations in Maryland mirror other jurisdictions of like size and complexion over the decade. Clearly, there have been dramatic increases in the burden on Maryland's criminal justice agencies throughout the 1980's.

Maryland's Corrections Population (1980-1990).⁹

	1980	1990	% CHANGE
PAROLE	6,000	9,700	+ 62 %
PROBATION	43,800	91,500	+ 109 %
LOCAL JAILS	3,100	8,800	+ 184 %
DIV. OF CORRECTION and PATUXENT	8,300	17,100	+ 106 %

DEVELOPMENT OF INTERMEDIATE SANCTIONS

Crippled by the fiscal burden of prison construction and operational costs, a wide variety of alternative sanctions to incarceration have emerged. Spanning the broad spectrum from front-end diversion to back-end control measures, current programmatic approaches include, but are not necessarily limited to:

- Administrative Caseload Supervision
- Community Correctional Center Placement
- Community Service Orders
- Curfew Conditions
- Day Reporting Centers
- Day Treatment Centers
- Diversion
- Drug Testing

⁹Maryland Division of Correction, December, 1991.

- Fines
- Home Confinement with Electronic Monitoring
- Intensive Supervision
- Mental Health Treatment
- Probation Before Verdict
- Regular Supervision
- Residential Inpatient Treatment
- Restitution
- Shock Incarceration
- Substance Abuse Counseling
- Technical Violations Center
- Unsupervised Probation

PROGRAMMATIC DESCRIPTIONS: COMMONLY ADOPTED SANCTIONS

BOOT CAMP/SHOCK INCARCERATION PROGRAMS

Shock Incarceration (SI) programs, popularly known as "boot camps", are one of the most publicized intermediate sanction programs and have been implemented in twenty-one (21) jurisdictions. Many states are currently contemplating the establishment of such initiatives for juveniles.¹⁰

Programs vary in size, duration, location, source of entry (as a result of court order or through classification), and in the level of post-program supervision. According to program philosophy, educational and vocational skills training services are offered in various programs. The duration of programs are relatively brief - most, three (3) to four (4) months - and are designed primarily for offenders who have not yet served time in a state prison. All existing projects are modeled after military boot camps, stressing strict protocols, discipline, obedience, regimentation, drill, physical conditioning, and usually manual labor. The prevailing themes focus on self-discipline, teamwork, and self-respect. Program participants are housed separately from the general prison population, although the physical

¹⁰National Institute of Justice Reports, Boot Camp Programs Grow in Number and Scope. N.I.J. Reports: November/December, 1990, No. 222.

plants may be located within the general population of inmates.

Generally, shock incarceration includes the following program elements:

- (1) considered an alternative to a longer term in prison;
- (2) a boot camp atmosphere, with strict rules of discipline;
- (3) offenders participate in military drills and physical training; and
- (4) offenders in the program are separated from other prison inmates.¹¹

Unquestionably, shock incarceration programs have been developed as an alternative to longer prison terms for young, first-time felony offenders convicted of non-violent crimes.

Boot camp methodology, as with other intermediate sanction programs, may directly reduce traditional prison bedspace if the following conditions are met:

- There is a sufficient number of eligible inmates recommended for the program.
- There is a large enough number of offenders completing the program.
- There is a true reduction in the length of time offenders spend in prison, quickly moving through the correctional process.
- Offender participants are drawn from those who normally would be incarcerated rather than those who normally would be sentenced to probation.

Conversely, crowding may be reduced indirectly when offenders, either through rehabilitation or deterrence, commit fewer crimes upon release and are subsequently not reincarcerated. A second factor thought to be a prerequisite to program success is the voluntary nature of participation. Thus, the experience becomes more meaningful and its tenets longer lasting.

While physical conditioning is a constant, shock incarceration programs vary in their emphasis on treatment, education, counseling, or vocational training. If a primary program goal is rehabilitation or habilitation of offenders, daily activities will be structured around

¹¹National Institute of Justice Reports, Boot Camp Programs Grow in Number and Scope. N.I.J. Reports: November/December, 1990, No. 222.

mandatory group therapy and one-on-one intervention techniques.

Shock incarceration emphasizes discipline, oriented toward the military ideal with similar outcomes anticipated in the development of positive attitudes toward authority and re-orientation towards life through the infusion of coping mechanisms.

Generally, public opinion about the boot camp approach is supportive. Both governmental decision-makers and the citizens regard this para-military programming of offenders as a much preferred expenditure of tax dollars. The methodology is such that the punitive correctional ideal is personified. However, data has yet to conclusively substantiate real advantages over other approaches in terms of cost, effectiveness, behavioral change, and recidivism. Moreover, some correction officials are concerned about the programs due to the potential for physical and emotional abuse.

In that regard, criminologists and correctional practitioners fear that SI programs may only temporarily change offenders' attitudes and goal orientation. Programs which are configured within a mandatory after-care component may be more successful transitioning graduates of shock incarceration to the community, maintaining the lessons learned during the experience.

Given the novelty of these relatively nascent initiatives, long-term evaluative data is yet to be compiled. Nevertheless, at this juncture, most evaluations have demonstrated that gains are often short-term unless solid after-care services are provided.

Another concern addresses staff members' attitudes toward their duties and the attendant treatment of offenders which may become yet too punitive or corporal in nature. The location of the facility might have a major impact on these factors. Those who experience stress may be easily transferred to other posts especially if the program operates within the context of a larger facility.¹²

¹²Doris Layton MacKanzia, *Boot Camp Prisons: Components, Evaluations, and Empirical Issues*. Federal Probation: Septambar, 1990.

Doris Layton MacKanzia and Dale G. Parant, *Shock Incarceration and Prison Crowding in Louisiana*. *Journal of Criminal Justice*: Volume 19, No. 3, 1991.

SURVEY OF NATIONAL PROGRAMS

Fourteen (14) states have established boot camps. Exemplary by some, standard is the New York SI concept having initiated several camps throughout the state. The New York program is six (6) months in duration, focuses on strict discipline and rehabilitation activities (including drug treatment and education), and includes a comprehensive after-care program as part of post-release supervision. The intensive staff training component entails both initial and required in-service education. Louisiana's program also combines discipline with rehabilitation activities. Established within an existing prison, relatively low start-up costs were incurred. The characteristics of a sample of entrants from the Louisiana Shock Incarceration Program during a one (1) year period were examined. The statistics are demonstrative of most SI programs. On the average, the entrants were twenty-three (23) years old with 10.4 years of education. Sixty percent (60%) were minority, 31.7% of the offenders entered the program as probation violators, and the remaining entered with new offenses. The majority were serving sentences for theft (48.8%), drugs (25.5%), and burglary (16.1%), with the remaining 9.5% for other offenses. An examination of their records revealed that, on average, they had first been arrested (including juvenile arrests) at 19.5 years of age. Most had some criminal history prior to this conviction (85.2%), but a relatively small proportion (18.8%) had been incarcerated previously on a misdemeanor charge.¹³

Oklahoma's program emphasizes treatment, skill development and education juxtaposed with discipline and work. By contrast, the programs in Florida and Georgia emphasize the military regime of hard work and stringent discipline, minimizing programming and rehabilitation.

MARYLAND INITIATIVES

Already touted as a national model, Maryland's Herman L. Toulson Boot camp has been in operation since August, 1990. The Maryland Boot Camp Procedures Manual, published in 1990, delineates program goals and programming as follows:

¹³Doris Layton MacKenzie and Dale G. Parent, Shock Incarceration and Prison Crowding in Louisiana. *Journal of Criminal Justice*: Volume 19, No. 3, 1991.

"Boot camp program goals are to alleviate prison overcrowding by allowing selected inmates who are serving sentences of five (5) years or less to be released after completion of boot camp, to encourage inmates to become responsible and productive citizens, and to create a positive work environment for both inmates and correctional employees. Inmates are eligible to participate in the boot camp program if they are serving their first incarceration, less than twenty-six (26) years old, not serving a sentence for a violent crime, and serving a sentence of five (5) years or less. The boot camp program consists of three (3), eight (8) week phases in which inmates receive specialized, intensive, and rigorous training that is designed to develop self-control, character, orderliness, and efficiency. Inmates are required to participate in academic education, physical training, military drill, community meetings, an addiction program, and field activity."¹⁴ Note: Program guidelines have been recently expanded to include inmates up to thirty-two (32) years, female inmates, and some 643B offenses.

The project reflects emphasis on inmate abuse control, complaints, program inspection, medical procedures, inmate hygiene and grooming standards, inmate finances and pay, inmate property, telephone calls and visits, mail, urinalysis, recognition of platoon achievements, and military courtesy for inmates.

Integral to the six (6) month program are: academic education, counseling to improve the acceptance of community responsibilities, acceptance of personal responsibilities, development of a positive work ethic, development of positive self-esteem, courage to accept individual challenges, getting along with others, individual motivation, physical wellness, respect for authority, self-discipline, employment readiness, and substance abuse treatment.

The demographics of Maryland's boot camp are similar to those in its counterparts. Approximately eighty percent (80%) of the inmates are incarcerated for drug related offenses. Of these, a majority are for drug distribution charges.

¹⁴Maryland Division of Correction, Boot Camp Procedures Manual, Manual 300-1, August 6, 1990. Division of Correction.

As of December 31, 1991, there had been 328 graduates from the institutional phase of the program. The Division of Parole and Probation provides the most intensive level of community supervision possible in light of existing resources, specifically one (1) agent for every fifty (50) offenders. According to data supplied by the Division:

- 75% are responding satisfactorily to intensive parole supervision.
- 43% are gainfully employed.
- 32% are seeking job opportunities through the Department of Employment and Economic Development and locally based employment assistance programs.
- 3% are in academic or trade school programs.
- 6% have ended their supervision due to closure or expiration of sentence.
- 21% have had warrants issued, predominately for technical parole violations, and are currently delinquent.
- 15% remain delinquent awaiting hearings or are not yet in custody.
- 4% have been revoked for technical violations.
- 2% have been continued under supervision at parole hearings for technical violations.
- 1% have been revoked for new offense violations.

Community reintegration remains an outstanding issue. Since August 1991, there has been significant involvement by the community, through the leadership of Delegate Elijah Cummings, chairperson of the Governor's Committee to Study Black Males, assisting boot camp parolees returning to Baltimore City in the reintegration process. Some 190 (58%)

are supervised in Baltimore City. The second highest concentration, sixty-two (62) parolees (10%), are supervised in Prince George's County.

The numbers previously cited show a need to identify and implement intermediate sanctions for those boot camp parolees cited for technical violations (e.g. electronic home monitoring). Maryland was the fortunate recipient of an on-site technical assistance award from the National Institute of Corrections (NIC) and the National Institute of Justice (NIJ) on December 17 and 18, 1991 to address the following critical program areas: assess the existing boot camp components, design an enhanced after-care component, and develop an evaluation component for the entire program (including the institutional and parole phases).

COMMUNITY CORRECTIONS ACT LEGISLATION

Seventeen (17) states, beginning with Minnesota in 1973, have implemented community corrections legislation. Community corrections legislation is defined as:

A statewide mechanism through which funds are granted to local units of government to plan, develop, and deliver correctional sanctions and services at the local level. The overall purpose of this mechanism is to provide local sentencing options in lieu of imprisonment in state institutions.

By definition, community corrections legislation requires the state to continue its responsibility for housing serious offenders in state institutions while it allocates funds to communities to assist in the supervision of certain non-violent offenders at the local level.

According to the Community Corrections Act Technical Assistance Manual, there are several key elements that characterize most community corrections legislation. First of all, a clearly defined target group of prison bound offenders must be specifically identified as being appropriate for local sentencing alternatives. The importance of this element is that states identify the types of offenders who are currently in state institutions who, in the future, could be safely diverted into community alternatives. While the responsibility of handling prison bound offenders is being transferred to local communities, so is a subsidy to do so. Therefore, the local governments will receive the funds to develop local correctional

alternatives. The amount of funding will depend on the community's ability to reduce its commitments of target offenders to state institutions. This can either be accomplished through a system where the funding eligibility is reduced each quarter by the per diem costs of confinement for targeted offenders committed, or by a per head subsidy, where the subsidy is based on a set amount per offender diverted. The legislation must specify a formula for calculating subsidy amounts for each locality.

To be eligible for the subsidy, the community must establish a local advisory board that helps to guide the development of local correctional alternatives. The board is usually representative of law enforcement, the judiciary, prosecution, defense, probation, and the general community. This board has the flexibility to decide which services or sanctions are most suited to community needs. Communities can choose to use the local jail sentences for the diverted population or leave the jail out of their plans; they can choose residential (such as half-way houses) or non-residential programs (such as intensive probation); they can run the programs themselves or contract out to private agencies; they can focus on rehabilitation efforts or on local punishment of offenders. The advisory board in each locality is required to develop an annual comprehensive plan that details local correctional needs, proposed community corrections programs, and projected reductions of state commitments. A new plan is submitted each year for approval before the subsidy can be released, however, the locality must comply with its approved plan during the year or risk losing the current subsidy.

Community corrections legislation generally encourages, rather than requires, participation by local units in government. Also, participation can be terminated at any time. The legislation must specify strict restrictions on the use of subsidy funds. Localities' comprehensive plans must prohibit funds from being used for local jail construction, or ongoing local corrections expenditures. The subsidy can only be used for new correctional alternatives.

SURVEY OF NATIONAL INITIATIVES

Evaluations indicate that Community Corrections Act legislation can be credited with reducing commitments to both juvenile and adult institutions. For example, in 1981,

Oregon estimated \$16 million in savings by operating community corrections programs rather than incarcerating the targeted offender population. In 1982, Virginia estimated an annualized cost avoidance of \$865,000. More recent study results from these and other states are currently being developed by the American Correctional Association.

The most recent states to enact community corrections legislation were Texas and Michigan (in 1988). All states enacting such legislation have done so only through exhaustive analysis and planning over a period of several years.¹⁵

MARYLAND INITIATIVES

Future Maryland initiatives in this regard are discussed in Task Force Recommendation #13.

COMMUNITY SERVICE

Community service sentences were formalized in the United States by judges in Alameda County, California in 1966. Originally, community service programs in this country addressed the dilemma of the female offender who was too impoverished to pay a fine and was likely to be sentenced to jail. While incarceration imposed a hardship on an offender's family, community service orders broadened the court's available penalties, extracted punishment from the offenders, lightened the suffering visited upon innocent families, avoided the cost to the public of imprisonment, and produced valuable services to the community at large. As Alameda County's judges gained experience with this new sentencing option, the program was broadened to include male offenders, juveniles, and more serious offenders.

Community service sentencing today is active in most parts of this country. As of 1990, approximately 724 community service programs operate across the country with some 257,000 offenders performing over 18.5 million hours of community service annually.¹⁶

¹⁵Petrick D. McMenus and Lynn Zeller Bercley, Community Corrections Act Technical Manual, The American Correctional Association.

¹⁶ Alternative Sentences Newsletter, National Community Service Sentencing Association, Summer, 1990.

SURVEY OF NATIONAL PROGRAMS

Since the inception of community service programs, most jurisdictions have had difficulty in adequately funding staff to administer these programs. Only within the last decade has community service been viewed as a viable sentencing alternative supported by some albeit scant state resources directed to these initiatives. For example, the State of Washington's 1984 Sentencing Reform Act implemented formal community service programs by authorizing community service as an alternative to up to thirty (30) days in jail.¹⁷

South Carolina's Omnibus Criminal Justice Improvement Act of 1986 created a package of sentencing options including public service employment programs.

Although community service has been available as a sentencing option through both formal and informal programs in Texas since the late 1970's, state money only became available to programs in 1989 with the passage of the Criminal Justice Omnibus Reform legislation which created a grant program targeted to "innovative community based alternatives to jail and prison."

Driving under the influence of alcohol is a criminal offense in which the offenders are frequently sentenced to community service. Program funding accompanied drunk driving legislation in New Jersey in 1982 and North Carolina in 1983. Both states now use community service extensively for other offenses as well.

Across the country, community service programs are housed in a wide variety of parent agencies. Child-care agencies, half-way houses, counselling services, and county personnel departments host programs, as well as the most traditional probation departments, community correction agencies, and non-profit volunteer centers. State agencies in charge of community service are most often executive branches of government, e.g. department of corrections, public safety, or criminal justice entities. The two (2) exceptions, Hawaii and New Jersey, are based in judicial agencies. The Hawaiian programs are a part of the judiciary known as The Program Services Offices "which are designed to promote citizen

¹⁷ Alternative Sentences Newsletter, National Community Service Sentencing Association, Summer, 1990.

awareness and involvement within the judicial system statewide." Parallel programs include volunteers and public service to courts, foster-parenting programs, and juvenile monetary restitution programs.¹⁸

The Probation Division, an agency within the New Jersey Administrative Office of the Courts, oversees the state's community service programs. As a result, system users perceive that program standards and sentencing guidelines issued to lower court judges are viewed as more credible than recommendations issued by executive branch agencies.¹⁹

Many states have provided grant programs or direct funding for community service activities; nevertheless, the budgets are totally disparate. In 1989, the State of Texas began a grant program to encourage the development of community service programs. In 1988, Oklahoma began to allocate funds towards the development of local community service initiatives. As of 1990, Georgia has a \$1,737,747 budget for forty-five (45) community service coordinators, part-time work crew supervisors, and administrative support from the Division of Probation's central office in Atlanta, which amounts to a cost of \$84 per offender. North Carolina allocates approximately \$5 million for community service in thirty-four (34) counties. South Carolina spends nearly \$400,000 for staff salaries in thirteen (13) of its largest counties. Comparatively, the State of New York allotted approximately \$2 million to thirty-eight (38) community service programs during 1990.²⁰

While the role of state agencies in the administration of community service programs is expanding in many parts of the country, signs of decline are imminent in some states, due primarily to the budget crisis. For instance, New Jersey has slowly weaned local programs away from state assistance. With few exceptions, counties have supplemented state funds with local resources so that state funds are absorbing only 14% of total program costs.²¹

¹⁸Alternative Sentences Newsletter, National Community Service Sentencing Association, Summer, 1990.

¹⁹Ibid.

²⁰Ibid.

²¹Ibid.

On the international level, community service sanctions are regarded as preserving the general preventive and deterrent effect of punitive sanctions as a replacement to a prison sentence. As in the United States, the success of this effort depends largely on the quality of program staff and the level of counselling and supervision available to the offenders referred to community service programs. Among the prevalent issues which have been identified in international forums are the needs to strengthen probationary services to provide additional supervision in the enforcement of the community service sentence.

Most daring are initiatives in England and Wales where community service programs are used as sanctions for any offense punishable by imprisonment. Most courts reserve the use of a community service order for serious or recidivating offenders. The minimum number of hours ordered for a community service sentence is forty (40) hours. In the case of a person under the age of sixteen (16), the maximum number ordered is 120 hours; for a person age seventeen (17) or over, no more than 240 hours may be ordered. Community service is an integral part of the probation system in England and Wales. Accordingly, courts have the maximum discretion to use the community service order in respect to a wide range of offenses differing in gravity and in different circumstances.²²

In Holland, community service orders are designed to reduce the number of short-term prison sentences (short-term being defined as "up to six (6) months"), as one solution to the prison overcrowding problem. Community service orders are exercised as appropriate only for offenders who would otherwise be incarcerated for six (6) months or less, with a maximum of 240 hours to be served within a period of six (6) months; community service for juveniles must contain both educational aspects and punitive aspects.²³

In France, community service was established by law in 1984 to obviate short-term imprisonment and facility overcrowding. Community service is only used in cases where the offender has no prior convictions for offenses with punishment which exceed imprisonment of four (4) months within five (5) years preceding the crime in question. There is no legal provision defining the relationship between the number of hours of

²²International Penal and Penitentiary Foundation, *Community Service as an Alternative to the Prison Sentence*. Proceedings of the Meeting of Coimbra, Portugal: September, 1986.

²³*Ibid.*

community service and amount of other sanctions such as fines or imprisonment. Therefore, the courts have great discretionary power in assigning the magnitude of sentence.²⁴

In Denmark, the majority of community service cases replace short sentences of about six (6) to eight (8) months of imprisonment. The minimum and maximum number of hours are forty (40) to 200, usually carried out during the evenings or weekends. Community service is usually offered to younger offenders who have committed offenses against property.²⁵

In Germany, community service plays a very important role in the juvenile justice system; a high proportion of sentences of community service is used against juvenile offenders. Persons on whom a fine has been imposed and are unable to pay this fine by reason of debts, unemployment, maintenance obligations, etc. may redeem the fine by performing community service. If an individual has been sentenced to a fine and does not pay it, the offender is subject to imprisonment. No provisions have been made for a limit to the amount, that is, to the duration of community service nor for the redemption of fines by community service.²⁶

In many jurisdictions, victim restitution and community service result from an understanding among all parties - judge, prosecutor, offender, and victim - that criminal charges will be dropped once restitution is paid or community service is completed. This practice is consequently not a sentencing alternative but a procedure for diverting the defendant at an early stage from further prosecution. Critics, particularly defense counselors, are troubled by such pretrial diversion practices because prosecutors often obtain sentences from persons who, in many instances, might not have been found guilty. Therefore, some feel that the preferred procedure is to limit restitution or community service obligations to post-conviction remedies.

Correctional practitioners continue to operate in a quandary, unable to reach consensus

²⁴International Penal and Penitentiary Foundation, Community Service as an Alternative to the Prison Sentence. Proceedings of the Meeting of Coimbra, Portugal: September, 1986.

²⁵Ibid.

²⁶Ibid.

regarding the preferred sentencing options. Should they try to develop community service orders, residential treatment programs, intensive supervision, electronic monitoring, bail guidelines, conditional release under supervision, or some other set of programs? In many cases, the difficulty encountered is related to failure when adequately assessing the purposes incarceration now serves within the context of the goals of decision-makers.²⁷

MARYLAND INITIATIVES

Approximately, 20,000 adult offenders are mandated by the Maryland judiciary each year to perform a court-specified amount of unpaid work for public and non-profit agencies in each of the twenty-four (24) geopolitical subdivisions. Pursuant to the enabling language, the Division of Parole and Probation is required (under Article 27, Section 726A) to provide an annual report to the Administrative Office of the Courts regarding statewide community service by adult offenders. The criminal justice statute, enacted in 1979 and amended in 1988, prohibits the placement of offenders with any history of violent crimes (as defined in Article 27, Section 643B) in community service assignments.

The great majority of community service workers (about 80% of the statewide total) are assigned, screened, placed, and monitored by programs administered by agencies of local government. These jurisdictions include Baltimore City and the Counties of Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Kent, Montgomery, St. Mary's, Somerset, Washington, Wicomico, and Worcester. Absent local oversight, the Division of Parole and Probation must administer all necessary program activities. Thus, the Division of Parole and Probation administers the community service efforts in Allegany, Caroline, Dorchester, Garrett, Howard, Prince George's, Queen Anne's, and Talbot Counties.²⁸

In an attempt to coordinate community services in Maryland, the Alternative Sanctions Network was established as an organization of representatives from community service programs across the State of Maryland. Since its inception in 1980, the Network provides

²⁷International Panel and Penitentiary Foundation, *Community Service as an Alternative to the Prison Sentence*. Proceedings of the Meeting of Coimbra, Portugal: September, 1986.

²⁸Department of Public Safety and Correctional Services, *Eleventh Annual Community Service Programs Report, Fiscal Year 1990*. Division of Probation and Parola.

an important, ongoing forum for discussion, as well as a clearinghouse for printed material and films related to community service. Active participation in the Network is maintained at this time primarily by programs in the Central Maryland, Southern Maryland, and Western Maryland regions with representation by the Division of Parole and Probation. The philosophy and general purpose of the Alternative Sanctions Network is stated in its by-law as follows:

"The purpose of the Alternative Sanctions Network is to facilitate and maintain a mechanism for the exchange of programmatic philosophies, plans and practices regarding alternative sanction options. A major focus is the development and enhancement of community service programs as a viable criminal justice sanction. The Network is committed to researching, evaluating and promoting other sanctions which serve to relieve problems of institutional overcrowding."

Members of the Executive Board of the Alternative Sanctions Network have expressed a need for more consistent coordination and leadership at the statewide level as well as structured liaison with the Office of the Governor.

DAY REPORTING CENTERS

Established in the United Kingdom in 1974, day reporting centers (DRC) were "aimed at diverting from custody the older, persistent offenders whose offending seemed to stem from social inadequacy and subjecting them to a course of intensive, structured training." After researching and visiting programs in England and disseminating the concept among criminal justice experts in this country, the Crime and Justice Foundation of Boston, Massachusetts, introduced an adapted version into the United States.²⁹

In 1986, the Foundation worked with the Hampden County Sheriff's Department (Springfield, Massachusetts) to establish the first day reporting center which was designed to be used as an early release option for sentenced inmates. As of June 1990, there were fourteen (14) day reporting centers in existence in six (6) states (Connecticut, New Jersey,

²⁹Dale G. Parent, Day Reporting Centers for Criminal Offenders - A Descriptive Analysis of Existing Programs. Issues and Practices in Criminal Justice, 1990.

New Mexico, Massachusetts, Minnesota, and Wisconsin) and one (1) in Canada (Toronto, Ontario). While program elements vary, offenders must physically report to the individual center on a daily basis, provide a schedule of their planned activities, and must participate in designated programs, services, and activities provided by the center or other community agencies. Offenders must report to the center by telephone throughout the day, with random telephone checks by staff both during the day and following curfew.

A National Institute of Justice (NIJ) survey recently found that in some existing programs offenders must contact the reporting center an average of sixty (60) times per week and, in all but one, take random drug tests. Sanctions for drug violations vary - Massachusetts' program officials in Boston and Springfield return offenders to the House of Corrections for their first positive drug test, while those in Bridgeport increase counseling and order more frequent testing, but revoke only chronic cases. Failure to report or participate in the program is a violation for which conditional release or community supervision may be revoked. Participation in the DRC may be a condition of probation in some instances, or may be imposed as a sanction for probation violators as a penalty short of re-incarceration. In some jurisdictions, it is also used as a step-down from a parole half-way house, or conversely as a form of supervised pretrial release. Many DRC's simultaneously serve a mixed population consisting of probationers, parolees, and other individuals under some level of criminal justice supervision.

There is considerable variety in the size of DRC's and the extent to which services are offered in-house at a single, physical site or brokered through existing community agencies. To the extent that the concept involves myriad geographic locations, larger client bases are more easily handled.

Some supporters believe day reporting centers play an important role in revitalizing probation services. In Cook County (Chicago), Illinois, and New York City, probation departments are restructuring service delivery systems using a refined version of the "neighborhood probation" concept popular in the late 1960's. Under this approach, probation would be decentralized into numerous neighborhood offices located in home communities. The probation departments would be co-located with other public and private community service agencies - welfare, health, employment, etc. This would produce a

series of neighborhood-based multi-service centers, easily accessible not only to persons on probation, but to any citizen who needed the services of those agencies. Some of the probation clients (probably those who posed the greatest risk and/or had the greatest needs) would be placed on day reporting. The proximity to other social services would enhance probation's case management efforts, in which offenders' needs would be assessed, appropriate referrals to agencies would be made, and monitoring would be done to assure that offenders indeed obtained the services required.

ELECTRONIC MONITORING

Electronic monitoring, which became increasingly popular during the 1980's, is employed as both an individual as well as a multi-faceted sanction. According to surveys conducted by the U.S. Department of Justice, national statistics have revealed that in 1987, 826 offenders in twenty-one (21) states were being monitored, and within a year, that figure had tripled to 2,277 offenders in thirty-two (32) states; by 1989, the count was estimated at 7,200 offenders in at least thirty-seven (37) jurisdictions.³⁰

Technological advances have improved targeting of participants creating levels of sophistication in technique. Commercially available monitoring equipment acquires information about the offender's presence in or absence from the monitored location and transmits it by telephone line to a computer at a central location accessible to staff. Numerous advances and refinements have been incorporated in the system, including visual verification through the transmission of a snapshot activated by the person answering the telephone and various continual surveillance mechanisms. Some technologies include alcohol sensors which assess the offender's sobriety during checkpoints.

Nevertheless, current devices have a number of limitations: durability is difficult to assess, they are not truly tamper-proof, environmental and other external factors may affect reliability, and their use must be restricted to individuals with telephone access. While capital intensive, such efforts are cost effective compared to other alternatives. Further, monitoring programs may be tailored to offer multiple levels and degrees of control

³⁰National Institute of Justice Reports, Use of Electronic Monitoring in the United States: 1989. Update N.I.J. Reports: November/December, 1990, No. 222.

configured to the offenders' needs.³¹

SURVEY OF NATIONAL PROGRAMS

The use of electronic monitoring has continued to rise for the third consecutive year. While the numbers are still very small relative to the incarcerated population, the total has tripled each year between 1986 and 1989.

Estimated Daily Monitored Population in the United States, 1986-1989.³²

1986	95
1987	826
1988	2,277
1989	6,490

In 1987, three (3) out of four (4) persons monitored were probationers. In 1989, the proportion was down to one (1) out of four (4). The 1989 results suggest that monitoring is being used with a much broader range of offenders as the technology is refined and as correctional programs become more confident of their abilities to manage the technology. There appears to be considerable movement toward the use of monitoring as a follow-up to incarceration and multi-sanctioned community correction supervision.³³

It is critical that monitoring initiatives maintain credibility in order to deter violations by clients and thus, protect the public. Obviously, it is easy to invariably jail those who fail to successfully sustain the conditions of their sentence. Yet with jails crowded, this solution may be difficult to achieve. Consequently, programs are generally flexible in how they respond to rule violations: some programs may intensify office reporting requirements, impose stricter curfews, increase community service hours, provide for temporary detention in a residential facility other than prison, or remove the violator from the program to

³¹National Institute of Justice Reports, Use of Electronic Monitoring in the United States: 1989. Update N.I.J. Reports: November/December, 1990, No. 222.

³²Ibid.

³³Ibid.

incarceration.³⁴

Routine substance abuse testing, especially on-site testing, is thought to work in concert with electronic monitoring to produce more impact on offender behavior than the effects of the two (2) techniques used independently.

More than two-thirds of home-monitoring programs charge fees. The fees are often high enough to pay for the lease of the monitoring equipment.

Most monitoring programs require that offenders be employed, have telephones, and have fixed residence. In that regard, critics say that electronic monitoring discriminates against offenders who are poor.

In 1987, the mean age of a monitored individual was 30.4 years; in 1988 it was 30.3, and in 1989, the mean age decreased to 29.1 years. The most significant changes appear in the seventeen (17) and younger age groups, which rose from 2.0% and 2.9% of the monitored populations for 1987 and 1988, respectively, to 5.9% in 1989. The proportion of women has not changed significantly over the past three (3) years, fluctuating from 10.2% in 1987 to 10.4% in 1989. When age and gender are taken together, the data show that monitoring use is increasing disproportionately with young offenders, particularly young female offenders.³⁵ Nevertheless, demographically, today's offenders on electronic monitoring are likely to have committed more serious offenses than those of previous years typifying the evolutionary changes in the community supervised offenders. Although still relatively few in number, the proportion of offenders who have committed violent crimes (crimes against person) nearly doubled between 1987 and 1989, from 5.6% to 11.8%. Both program reports and administrators say there is a point beyond which monitoring becomes counter-productive, somewhere between sixty (60) and 120 days is "about as much as anyone can take" of monitoring.³⁶

³⁴National Institute of Justice Reports, Use of Electronic Monitoring in the United States: 1989. Update N.I.J. Reports: November/December, 1990, No. 222.

³⁵Ibid.

³⁶Ibid.

The odds of successful termination gradually increased with the duration of monitoring, even to periods beyond a year. A common assumption of monitoring administrators is that one can judge, within the first few days of monitoring, whether a person is going to make a successful adjustment to the sanction.

Electronic monitoring, as a correctional technique, yet is so novel that the criminal justice system has only now begun to respond to the legal implications. The legal and constitutional challenges anticipated by scholars have not yet materialized; there is no apparent legal or constitutional objection to the use of electronic monitoring, at this time.

Nationally, growth of the home detention population is continuing at a rapid pace. Correctional planners, entrepreneurs, and legislators are attempting to forecast the potential numbers of offenders assigned to these programs. In fact, experts estimate that the number of participants will range from 25,000 to 1,000,000. Those guessing at the high end may ignore monitoring's cost and labor intensity in comparison to other non-incarcerative sanctions. Although per diem equipment costs are but a small fraction of the per diem costs to incarcerate an offender, other costs prevail, including costs to process the information generated by the equipment and to provide community supervision.³⁷

MARYLAND INITIATIVES

In Maryland, the electronic monitoring programs vary in size and, somewhat, in methodology. In Baltimore County, the "Home Detention" program has a population capacity of 100, albeit usually underutilized due to insufficient offenders meeting the placement criteria. Staffed by six (6) personnel, the effort joins electronic monitoring with more intense supervision. The program charges a participant \$40.00 per week plus \$20.00 per week for equipment security deposit, returned upon successful program completion. The \$40.00 per week fee is directed to the County general fund.

The candidates for the program must have a minimum sentence of fifteen (15) days, and must not have committed a violent crime nor have any history associated with drug

³⁷National Institute of Justice Reports, Use of Electronic Monitoring in the United States: 1989. Update N.I.J. Reports: November/December, 1990, No. 222.

distribution. The maximum stay on the program is 180 days. For those offenders on work release programs, permission to leave the home is granted for purposes of employment only. Otherwise, offenders must remain at home twenty-four (24) hours per day and are closely monitored accordingly.

FINES

Throughout the United States, fines are more widely used than many recognize. Well over a billion dollars in fines are collected in criminal courts each year. This form of punishment is used in some form by virtually all American courts, ranging from its rare use as the sole sanction for a felony in general jurisdiction courts to its regular use either alone or combined with other, often noncustodial sanctions in courts of limited jurisdiction.³⁸

An example of innovative use of fines is reflected in the Delaware experience. In 1985, Pierre S. du Pont IV, then Governor of Delaware, described the tremendous pressure exerted on state resources by corrections policy. As Governor, he developed a "more flexible and effective sentencing structure" for his state, which incarcerates more people per capita than all but two (2) other states. One of the key elements of that plan was extensive utilization of fines as a basic criminal penalty.

In essence, Delaware was the forefather of the "day fine" in the United States. In the past, fines have been perceived as a more lenient sanction due to the failure on the part of authorities to emphasize their collection and inequities built into the fine system itself. The introduction of the "day-fine" concept brought a fair schedule to the assignment of fines. Under the "day-fine" system, the number of days reflects the severity of the crime and the seriousness of the offender's prior record. The dollar amount is determined by factoring the number of days with the offender's economic resources, which include income from salary and other assets.³⁹

³⁸Pierre S. du Pont IV, *Expanding Sentencing Options: A Governor's Perspective*. National Institute of Justice, Research in Brief: January 1985.

³⁹*Ibid.*

If two (2) offenders with similar prior records (and considered low-risk to public safety) were convicted of crimes of equal gravity, they each would be assessed a "five (5) day fine." If one earned only minimum wage (currently \$4.25 an hour), that offender would be fined \$170. If the other earned ten (10) times as much, the fine would be \$1,700. If both failed to pay the fine, each would be incarcerated the same number of days; i.e. five (5).

By exploring such methodology, the European courts have effectuated fines as serious penalties, severe enough to constitute real punishment and more deterrent effects. The National Swedish Council for Crime Prevention reports the extension of the day fine system in Sweden over the years since its introduction to more serious offenses, previously punished by imprisonment. Many thousands of offenders each year are punished by day fines in Sweden. Their enforcement mechanism is such that only about forty (40) persons per year are imprisoned for willful nonpayment. According to a recent survey of American judges, the majority of the judges felt that a day fine system could work in America and that many of them indicated a willingness to explore its application.

An obvious advantage of fine enforcement is the resultant revenues to the justice system, contrasting the cost of incarceration which drains tax resources. In fact, those paying fines are literally paying a debt to society, rather than contributing to existing burdens on state resources. Fines can be combined with other penalties tailored to each offender.

HOUSE ARREST

Although a somewhat harsher sanction than intensive supervision, house arrest is quite similar to Intensive Supervision Parole and Probation (ISP). The principal difference lies in the greater degree of control and surveillance imposed on offenders in house arrest programs. In ISP programs, the offender is afforded relative freedom of movement. House arrest programs only allow the offender to leave the residence for specific purposes approved by the court or supervising officer (for example, employment or medical treatment).

SURVEY OF NATIONAL PROGRAMS

The Florida Community Control Program (FCCP) clearly distinguishes between Intensive Supervision Probation or Parole (ISP) and house arrest programs. Implemented in 1983, this statewide, front-end program serves approximately 6,500 offenders. FCCP was conceived as a method for safely supervising non-violent albeit prison-bound offenders in the community.

Criteria for placement in the Florida program are incorporated in Florida's sentencing guidelines, relegating to the courts a pivotal role in the placement of offenders into supervision ranges. If an offender falls within a certain range on the guidelines scale of sentencing severity (determined by current offense characteristics and criminal history), the judge has the option of sentencing the offender to twelve (12) to thirty (30) months in prison or FCCP. Additional options may become available as a result of the presence of aggravating or mitigating circumstances or "judicial overrides." (In Florida's sentencing guidelines, a judge may override the presumptive sentence called for by the guidelines.)

The house arrest component in FCCP requires the offender to remain confined to his or her residence except for employment, participation in community service work, or approved self-improvement programs. The offender may be required to make restitution, pay supervisory fees (\$30 a month), be further monitored electronically, and maintain a daily activity log for review by the supervisor. Agents are limited to a maximum caseload of twenty (20) offenders with a required minimum of twenty-eight (28) contacts (field, phone, and office) per month per offender. Offenders may be required to spend up to two (2) years in FCCP. Those who successfully complete the program may be placed on regular probation or granted unconditional release. Those who fail are generally revoked and incarcerated.⁴⁰

House arrest programs span the spectrum from minor sanctions such as curfews to totally restricting the offender's freedom through limited activities approved by the court. Many programs monitor compliance using electronic equipment. Most programs utilize telephone

⁴⁰United States General Accounting Office, *Intermediate Sanctions: Their Impacts on Prison Crowding, Costs, and Recidivism are Still Unclear*. Report to the Chairman, Select Committee on Narcotics Abuse and Control, House of Representatives: September, 1990.

contacts and random home visits. Approximately twenty-eight (28) states operate formal intensive probation supervision programs, with house arrest being the most stringent. All programs attempt to identify low-risk candidates using formal screening mechanisms or simply excluding those convicted of certain crimes. House arrest, less costly than traditional incarceration, allows offenders to contribute to the well being and support of themselves and their families, thus minimizing the social and psychological costs of incarceration.

Evaluative data from some jurisdictions is persuasive. For instance, in Oklahoma, a favorable long-term assessment of house arrest showed that forty-four (44) persons convicted out of 2,667 placed on house arrest recidivated, representing less than two percent (2%) failure rate. In comparison, previous department studies showed reincarceration recidivism rates of more than ten percent (10%) after one (1) year. Offenders with burglary, larceny, forgery, unauthorized auto use, and escape charges fared worse than the overall rate, while offenders with DUI, drug, robbery, and assault charges fared better. Success on house arrest increased with age and decreased with higher security levels from which offenders were referred. Ninety percent (90%) of first year participants had not been reincarcerated after a year and a half after completing house arrest. House arrestees did no better or worse than offenders discharged without participating in house arrest, but Oklahoma's costs for house arrestee supervision were \$1,400 per year, compared to \$12,000 per year for housing inmates in community treatment centers.⁴¹

Criminologists remain generally undecided on the efficacy of house arrest. Several issues remain unresolved, and concerns center on whether house arrest will be used for people unlikely to have been sentenced to prison, whether surveillance will replace rehabilitation, whether public safety will be compromised, and whether the program will discriminate against young, poor, and minorities. To date, however, house arrest appears to have promise as yet another measure of relief to burgeoning prison populations.

Generally, public support of the various house arrest programs has been positive because

⁴¹Joan Petersilia, House Arrest: Crime File Study Guide. NCJ 104559 (1986).

offenders pay restitution, pay the state to offset the cost of supervision, and work to support dependents and families. There have been concerns expressed, however, that such programs require probation officers to function more like police officers and that there is the potential for de-emphasizing rehabilitation. Additionally, there is the possibility that house arrest may result in net-widening.

The growing use of home confinement raises issues regarding the nature and extent of social control and the possibility of unintended consequences. Judges and probation departments must carefully configure the conditions of house arrest to ensure that the constitutional rights of the offender are minimally intruded, serving both the rehabilitative and retributive goals of this intermediate level sanction.

INTENSIVE SUPERVISION PROBATION OR PAROLE (ISP)

The popular concept of Intensive Supervision Probation or Parole (ISP) varies considerably across and within jurisdictions. Under a panoply of guises, ISP programs target a specific population of offenders for more intense levels of supervision and surveillance. To further ensure accountability, increased surveillance is typically coupled with other conditions of probation or parole, including curfews, restitution, community service work, drug and alcohol testing, substance abuse treatment, and an employment or educational requirement.

ISP allows for an increased number of contacts between supervisor and offender, collateral contacts with employers, more frequent alcohol and drug testing, and closer monitoring of participation in treatment services. Such offenders are required to spend a minimum time in the program before being either released from supervision or, more typically, released to a period of regular probation or parole supervision.

SURVEY OF NATIONAL PROGRAMS

Exemplary efforts in this approach have been noted in several states including Colorado, New Jersey, Georgia, and California. The Colorado program, initiated in 1984, currently serves over 350 offenders in five (5) judicial districts. The program targets offenders who would otherwise be imprisoned for minor or mid-range felonies, incarcerable as defined by

Colorado sentencing guidelines.⁴²

Offenders enter the Colorado program through direct sentence, probation revocation, or an amended sentence (the initial prison sentence is modified to ISP). During the course of pre-sentence investigations, offenders are identified, referred to a screening committee which reviews the case, and possibly recommends such placement to the sentencing judge. Reflective of most ISP programs throughout the nation, Colorado's program has differing levels of supervision and requires participants to adhere to numerous requirements, including a minimum of eight (8) face-to-face contacts a month. ISP mandates four (4) times the minimum number of contacts required for offenders placed in Colorado's maximum supervision regular probation. In order to allow for this enhanced level of supervision, ISP case-loads are held to a maximum of twenty-five (25) offenders to one (1) staff member.

Offenders are reviewed at least once every three (3) months to assess progress in the program. Failure to comply with program conditions may result in revocation proceedings and placement in prison, jail, or another community program. Successful completion of the program results in the offender's transfer to maximum supervision regular probation.⁴³

The prevailing mission of ISP is the provision of a cost-effective sentencing option that satisfies punishment, public safety, and treatment objectives. Objectives include surveillance and control strategies matched to the risk and needs of offenders; expanded treatment resources; and requirements for offender employment, community service, restitution, and abstinence from drugs. Critical program components include the offender's needs assessment in order to determine suitability for ISP; political, organizational, and community support; a program design statement; offender selection criteria; and revocation policy. Integral components to program success include staff training, supervision method, monitoring, and evaluation design.

⁴²United States General Accounting Office, *Intermediate Sanctions: Their Impacts on Prison Crowding, Costs, and Recidivism are Still Unclear*. Report to the Chairman, Select Committee on Narcotics Abuse and Control, House of Representatives: September, 1990.

⁴³*Ibid.*

MARYLAND INITIATIVES

In Baltimore City, the Division of Parole and Probation established the Intensive Supervision Program for high-risk drug offenders in a federal Anti-Drug Abuse grant of \$600,000. Those funds employ ten (10) agents who supervise some 500 high-risk drug offenders who are monitored by multiple contacts and drug testing at least seven (7) times per month.

The Division of Parole and Probation reports approximately sixty percent (60%) of the parolees are substance abusers testing positive for drugs, resulting in a higher volume of warrant activities. Early intervention and detection are important factors in the performance of this grant program.⁴⁴ Division of Parole and Probation staff have noted that limited Peace Officer status is an essential element for future program success, providing the capability for immediate action on violations of parole supervision guidelines.

At the local level, the Montgomery County Community Accountability, Reintegration, and Treatment Program (C.A.R.T.) is an excellent example of intensive supervision with substance abuse monitoring. The program is a direct alternative to jail for some, and in other cases, the final stage of the pre-release process.

Offenders are closely monitored during the phase of transitional release back into the community while participating in a structured treatment program designed to address the underlying causes of criminal behavior and the development of coping skills. Offenders live in their homes in the community with a supportive significant other, who is also involved in the treatment process.

C.A.R.T. monitoring and supervision consist of:

- Daily caseworker contact - Participants or person involved with them (employers, counselors, sponsors, etc.) will be contacted daily either in person or by phone.
- Verification of participant activities - Staff verifies attendance in work,

⁴⁴Division of Parole and Probation, Intensive Supervision for High-Risk Drug Offenders, Federal Grant Data, December, 1991.

community service, counseling, leisure activities, etc.

- **Alcohol testing** - This is done three (3) times daily through the electronic monitoring unit in the participant's home. Random tests are also done by staff at other times.
- **Drug testing** - Participants typically submit urine samples three (3) times per week. This is increased or decreased depending on program performance and treatment needs.
- **Supervision of participant by sponsor** - Sponsors are involved in the treatment process and work with staff to ensure that participants adhere to their schedules. Sponsors are an integral part of the support the participants need in order to remain focused on using the program productively.
- **Electronic monitoring at home** - When the participant is scheduled to be at home, the monitoring unit provides staff with documentation of the time the individual is there and results of alcohol tests.

The C.A.R.T. treatment components are:

- **Employment** - Provides work adjustment and career counseling. All participants are either employed or full-time school/training
- **Counseling** - Goal-directed counseling. Caseworkers meet weekly with participants and families/sponsors
- **Life Styles Seminars** - Classes teaching communication skills, money management, lifestyles, relationships, etc.
- **Substance Abuse** - Education and recovery groups to focus on addiction, recovery, and relapse prevention

- **Twelve (12) Step Meetings** - Attendance at anonymous meetings is required and involvement in social aspects of fellowship is encouraged
- **Community Service** - Program participants are placed in positive activities which support the community

Since C.A.R.T. is out-patient methodology, the costs associated with a twenty-four (24) hour-a-day institution are obviated. C.A.R.T. participants pay program fees for the electronic monitoring equipment. Program fees are assessed on a sliding scale and range from a minimum of \$140 to a maximum of \$420. Participants continue to support their families, pay taxes, pay restitution, and fees for treatment services in the community. Participants are also contributing to the community through community service work. While in the C.A.R.T. program, offenders are taxpayers rather than tax users.⁴⁵

PRETRIAL RELEASE SERVICES

Throughout the nation, experience has demonstrated that early intervention or "front-end" processing benefits the entire criminal justice system. Moreover, the delivery of quality pretrial services practices substantially impacts release rates and levels of pretrial incarceration, while maintaining the safety of the community and integrity of the court process. Initiated in the early 1970's, pretrial release measures have long been recognized as extremely effective mechanisms for population management.

Pretrial programs have been forced to respond to the dynamics of the nature and extent of crime in the 1980's and, now early 1990's. As aggressive law enforcement techniques have produced voluminous drug related arrest, jail populations have escalated commensurately. Pretrial services agencies have fulfilled critical voids, assisting in jail population management, and allotting the resources to establish viable, credible alternatives to detention.

Historically, pretrial release programs have been acknowledged as facilitators in

⁴⁵Montgomery County Department of Correction and Rehabilitation, Community Accountability and Treatment Services Program Annual Report FY91, Division of Community Corrections, September, 1991.

release/detention decisions, as well as monitors of those defendants who present minimum danger to the community upon release. However, as criminal justice resources become increasingly scarce, the system must utilize, through pretrial agencies, effective assessment mechanisms to accurately identify arrestees, who with supervision and graduated sanctions, may be released without jeopardizing the safety of the community.⁴⁶

MARYLAND INITIATIVES

Within the State, several jurisdictions, including Prince George's and Montgomery Counties and Baltimore City, have implemented pretrial service units. The Montgomery County Pre-Trial Services Unit (PTSU) services both basic population categories: pretrial detainees and post-trial (sentenced) populations. The latter is assessed for medical status and security levels for placement in the Detention Center. The pretrial population is similarly assessed albeit with bond recommendations. As mandated by Maryland law, a defendant committed to a detention center in default of posting bond is required a bond review hearing within twenty-four (24) hours or next court session. The Pre-Trial Services Unit is responsible for assessing a defendant's community stability (home, employment, etc.), substance abuse patterns, and previous criminal history in order to formulate a recommendation to a judicial officer concerning suitability for release and conditions thereof.

Although the Montgomery County Unit was established as recently as October 1990, the program impacts on the community and the local criminal justice system in a number of ways:

- Improves the system's ability to set bonds by providing comprehensive and verified information for a more informed judicial decision.
- Along with providing verified information, PTSU enforces court ordered stipulations for supervision imposed on releases into the community.
- Acting as a "gatekeeper," PTSU assists in managing pretrial detainees by recommending those suitable for pretrial release.
- Through supervision, more defendants are appearing for court as required.

⁴⁶Pratril Interdepartmental Task Force, Program Design and Implementation Plan for Baltimore City Pretrial Release Services Division, February 15, 1991.

- Through PTSU supervision and referral to community resources which can address the defendant's pressing needs, fewer defendants are re-arrested.
- Informs criminal justice entities with verified data to assess trends and needed services.

Through the Montgomery County Pre-Trial Services Unit's endeavors, it is anticipated that jail bed savings will grow from at least 70 beds in FY91 to over 100 beds in FY96. Per county forecasts, the estimated cost savings for FY96, based on an annual net cost for pretrial services of under \$1.5 million, would result in a new correctional center operational cost avoidance of \$2.5 million, and a new correctional center capital cost avoidance of \$5.6 million, plus \$3.0 million debt service. Without PTSU supervision during this period, offenders would have consumed some 113,590 jail bed days in the Montgomery County Detention Center.⁴⁷

STATEWIDE PRETRIAL DETENTION AND RELEASE NEEDS ASSESSMENT

On November 5th and 6th, 1991, the Maryland Legislature received significant testimony and copies of a comprehensive consultant report regarding the issue of Statewide Pretrial Detention and Release Needs Assessment. Pursuant to the mandate of the 1991 Report of the Chairmen of the Senate Budget and Taxation Committee and the House Appropriations Committee, a study, commissioned by the Department of Public Safety and Correctional Services, was conducted by the Correctional Services Group, Inc. in conjunction with the Governor's Office of Justice Administration. The "Needs Assessment" reflects the culmination of several thousand hours of research, data collection, interviews, site visitation, analysis, and report writing. This labor-intensive effort represents the most comprehensive criminal justice system analysis ever undertaken in the State of Maryland, far superseding the original charge by the legislature. The report examines the entire criminal justice system, by agency, in each of the twenty-three (23) counties, excluding Baltimore City.

The critical findings of the report are, as follows:

⁴⁷Montgomery County Department of Correction and Rehabilitation Pre-Trial, Services Unit Annual Report FY91, Division of Community Corrections, September, 1991.

- Fifteen (15) counties demonstrate the need for established, single pretrial release services units. Justification exists for the continuation of the eight (8) existing county programs. [Anne Arundel, Baltimore, Dorchester, Montgomery, Prince George's, St. Mary's, Talbot, and Wicomico], as well as the creation of seven (7) new programs. [Allegany, Cecil, Charles, Frederick, Harford, Howard, and Worcester].
- The estimated costs for sufficiently funding the fifteen (15) programs is \$7.2 million for first year implementation, \$6.9 million for second year operation. This estimate appears to be rather low.
- The budget estimates for a complete pretrial release program are founded on rudimentary service delivery and assume phase-in hiring, drug monitoring, use of innovative offender payment schemes, and sufficient community based options.
- Costs will vary per county according to population, local resources, local criminal justice system philosophies, operations, and sanctioning.
- Both quantitative and qualitative data have revealed the major contributing factor to large pretrial detention populations, and impediments to criminal justice system functioning in general, is the pervasive delay in criminal case processing throughout Maryland. In utilizing American Bar Association (ABA) Standards as the nationally established barometers, no single jurisdiction is in compliance with arrest-disposition and/or filing-disposition timeframes as recommended by the ABA. Expedient movement through both District and Circuit Court systems thus, is impaired.
- Rather than wholesale implementation of pretrial release agencies throughout all counties, and incurring the attendant costs which are not viable in the current fiscal climate, a more prudent and conservative approach should be enacted. In fact, the numbers of pretrial defendants who feasibly might be released through reduction of processing delay is estimated to be greater than those who might

be released as a result of new pretrial intervention programs.

- The nature of the delay phenomenon is multi-fold. The most prominent variable is quite simply, the insidious lack of communication inherent among the essential criminal justice participants. Therefore, the resolution of the case processing obstacles will not only result in the savings in jail beds (and the building of such precious and exorbitant commodities), but will favorably impact on the efficiency and resource allocation of all criminal justice agencies. Case management would be significantly improved and streamlined throughout the system.
- State and local government must, in tandem, address the issues related to criminal case processing delays, thus eliminating those practices which contribute to unnecessary pretrial incarceration. The State's leadership role should be in oversight, coordination, technical assistance, and funding control. Each county should establish a local organizational structure to respond to generic criminal justice problems, specifically systemic processing delays, and changing crime patterns and activities. Such bodies should be tasked with the development of jail population plans which delineate short and long-term objectives.
- The state criminal justice leadership should promulgate definitive standards and timeframes for criminal case processing. Such standards may be set forth in The Maryland Rules of Court.
- State and local agencies must work in concert to develop innovative pretrial diversion and release options, introducing legislation if necessary to authorize such alternative sanctions. Aforementioned initiatives may include, but not be limited to: expanded use of criminal citations, prosecutorial diversion/probation, third party custodians, pretrial community service, and electronic monitoring.
- State leadership in adopting the myriad recommendations should be facilitated through an entity representative of all key criminal justice interests, specifically the Governor's Office of Justice Administration Advisory Board. This body,

through the Office's staff, can provide coordination and direct technical assistance to the local systems.

The study proffers these recommendations:

- Recommendation 1:** **The State Should Facilitate Development of Local Control of Growth of the Pretrial Detention Population.**
- Recommendation 2:** **The State Should Facilitate Revision of Inefficient Criminal Case Processing Practices That Contribute Unnecessarily to the Size of the Pretrial Jail Population.**
- Recommendation 3:** **The State Should Facilitate Development of Time Standards for Criminal Case Processing.**
- Recommendation 4:** **The State Should Facilitate Improvement of Case Management Practices in the Criminal Justice System.**
- Recommendation 5:** **To Facilitate a Common Language, Representatives of the Existing Pretrial Release Programs Should Work Together to Achieve Generally Acceptable Definitions of Program Concepts.**
- Recommendation 6:** **A Set of Selection Criteria Should Be Identified That Can Be Used in the Initial Assessment of Resource Needs.**
- Recommendation 7:** **The State Should Develop Suggested Program Planning Guidelines That Could Be Used by the Counties.**
- Recommendation 8:** **The State Should Assess the Capabilities of Parole and Probation to Provide Pretrial Release Services.**
- Recommendation 9:** **The State Should Evaluate Cost Reduction Options, Create Guidelines or Policy Where Needed, and Provide Information on the**

Findings to the Counties.

Recommendation 10: To Facilitate Continued Program Improvement, the State Should Require Counties Receiving State Funds for Pretrial Release Programs to Conduct Yearly Evaluations.

Recommendation 11: Funding for New or Enhanced Pretrial Release Programs Should be Linked to Existence of Demonstrated Success or Plans to Reduce Delay in Criminal Case Processing.

Recommendation 12: Funding of New or Enhanced Pretrial Release Programs Should Consider the Need for Development or Expansion of Community Resources.⁴⁸

⁴⁸Department of Public Safety and Correctional Services, Pretrial Detention And Release Needs Assessment, October, 1991.

PART II - SHORT AND LONG RANGE GOALS

OVERVIEW

The discussions and subsequent recommendations of the various sub-committees of the Task Force have been integrated as an action plan, identifying the next critical steps essential to meet the charge of Governor William Donald Schaefer. Moreover, these preliminary deliberations must continue and be recognized as priorities for the survival of the criminal justice system in Maryland.

Recommendations are proposed in two (2) phases: short range and long range initiatives. Respectively, short range initiatives will be immediately addressed during the next twelve (12) months. Long range endeavors constitute activities which will likely require either additional research, planning, and concept development, or an infusion of funds currently unavailable due to cost containment.

Although the membership has proffered several salient recommendations, the Task Force also recognizes that the Department of Public Safety and Correctional Services has designed programs which are near implementation. The Task Force supports these plans, urging the Secretary to proceed.

The Task Force has reviewed various studies and reports (e.g. the Russell Committee Reports) which address specific aspects in conjunction with jurisdictional needs. The Task Force fully endorses, in concept, the general findings and acknowledges the importance of embracing the entirety of these proposals into a comprehensive systemic approach for the improvement of the criminal justice process throughout the State.

SHORT RANGE TASK FORCE GOALS

RECOMMENDATION #1. ***Maryland must develop a comprehensive statewide plan for the administration of criminal justice to address the immediate and long range issues confronting the system.***

The Governor's Office of Justice Administration Advisory Board (hereinafter "the Board") shall continue examination into alternative sanctions to incarceration. Governor's Office of Justice Administration (GOJA) and the Board will develop a structure of sub-committees, complementing the membership with ad-hoc participants with expertise.

As delineated within the authorizing Executive Order, the responsibility for continuing and expanding discussions regarding the myriad issues and initiatives related to alternative sanctions to incarceration shall be a priority responsibility of the Governor's Advisory Board for Justice Administration. Augmenting the process of this broadly representative committee, public hearings should be scheduled to provide a forum for input and reaction by the citizenry throughout Maryland, which is a key element to the successful development of all initiatives related to alternative sanctions to incarceration. Such forums will not only ensure input but assess the tenor of opinion of the public acceptance for innovative approaches to criminal justice. GOJA, through the Board, will establish and coordinate necessary advisory groups to ensure continuity in staffing and specialized technical assistance regarding a wide range of criminal justice issues.

RATIONALE:

The survival of Maryland's criminal justice system is contingent upon the development of a multi-year plan which identifies strategies to address the management of burgeoning populations amidst the scarcity of resources. Such an action agenda should be equipped with short and long range objectives to be implemented on an annual basis. The broad representation of the State's criminal justice leadership on the Board, as well as the capability for the involvement of private business sector participation, constitute the appropriate body to formalize and continue the ongoing review of key issues on a statewide and permanent basis. Inasmuch as it was necessary for the Task Force to complete its work within a finite timeframe, the discussion must be continued and broadened regarding the many issues related to alternative sanctions to incarceration, incorporating the findings of other states as a part of Maryland's comprehensive planning process.

Moreover, enumerable study groups within Maryland have examined targeted problem areas.

Accordingly, deliberations of the Russell Committee of the Bar Association of Baltimore City have resulted in two (2) reports to Governor Schaefer. The system's response to the scourge of narcotics upon the State's largest urban jurisdiction has rendered the criminal justice agencies weakened, beleaguered by the enormity of caseloads and lack of adequate resources to meet the demands of the overburdened court dockets. The crisis in the City, as the primary contributor to the populations managed by the Division of Correction and the Division of Parole and Probation, must be addressed as the major element in any statewide approach for the development of an intermediate sanctions program.

The analysis of the Statewide Pretrial Detention and Release Needs Assessment and The Action Agenda Plan for Maryland State Prisons are fully endorsed. These documents must be included in the continued development of a viable approach to deal with the management of the increasing numbers of offenders within the present and future configuration of the criminal justice system.

Until the public, government officials, and law-makers condone correctional programs which divert from traditional methodology, such options will not be effectuated. Therefore, a mechanism to garner the response of Maryland's citizens regarding alternative sanctions to incarceration must be utilized. The involvement of the people in support of corrections programs, at the community and institutional levels, is critical for successful funding, implementation, and performance. It is incumbent upon all three (3) branches of government to, in concert, embrace these difficult issues. Therefore, the inclusion of the Judiciary and the Legislature must also be assured.

Utilizing the structure and membership of the Board, as well as expert participation solicited as needed, GOJA will take the lead in the establishment and oversight of select committees. Advisory groups will provide necessary inter-agency planning and coordination between and among the many State and local entities which must collaborate effectively with regard to alternative sanctions to incarceration and intermediate punishments. The coordination of this process is critical to the development of comprehensive and systemic criminal justice planning across the State of Maryland.

POPULATION TARGETED:

As directed by Governor Schaefer, the focus of the Board's responsibilities embrace the entirety of the criminal justice system, from arrest through incarceration to community supervision as well as diversion programs, at the State and local levels. Involved entities will include State and local correctional agencies, the Judiciary, the Legislature, and concerned members of the general public. Specific, prioritized focus will be placed upon pretrial release issues, community service programs, boot camp/after-care expansion and evaluation, and the development of intermediate punishments designed to provide viable alternatives to incarceration.

POTENTIAL IMPACT:

The Board, through the inclusiveness of the membership, is equipped with the necessary representation, capability, and responsibility to serve as Maryland's criminal justice roundtable. Issues related to alternative sanctions to incarceration will thus be fully integrated into any current or future systemic initiatives, whether state or local in origin or scope, as part of a comprehensive criminal justice plan for Maryland. Public input into the design of new criminal justice system strategies will provide focus for government leaders to ensure that the concerns and expectations of the citizenry are accommodated while addressing these difficult mandates.

As the Statewide Pretrial Detention and Release Needs Assessment report has been completed and submitted to the legislature, there must be an entity identified for follow-through with the report's recommendations regarding the extensive range of issues addressed. One of the major recommendations of the needs assessment report is that the Board and GOJA be charged with the further review of the issues and the development of an implementation plan for statewide technical assistance. As the result of response to this report by the Department of Public Safety and Correctional Services (DPSCS), the Department of Budget and Fiscal Planning (DBFP), the Legislature, and this Task Force, the designation of GOJA and the Board for this role are fully supported.

A philosophy of viewing State and local correctional systems as part of a larger, publicly

funded, systemic whole must be fostered and fully developed. The Action Agenda Plan for Maryland State Prisons must be reviewed and updated in light of the creation of the Pretrial Detention and Services Division in Baltimore City, the Statewide Pretrial Detention and Release Needs Assessment, and this report of the Governor's Task Force on Alternative Sanctions to Incarceration.

POLICY:

The mandate for the Board to serve this function is articulated within the Executive Order 01.01.1992.02 which authorizes the Governor's Office of Justice Administration (GOJA) and its Advisory Board. The deliberations initiated through the Governor's Alternative Sanctions to Incarceration Task Force will be continued under the aegis of the Board and GOJA.

LEGISLATION:

None required.

FISCAL IMPACT:

None.

AGENCIES RESPONSIBLE FOR IMPLEMENTATION:

The Board; GOJA Staff; Department of Public Safety and Correctional Services; local correctional agencies; the Judiciary; the Legislature.

RECOMMENDATION #2. Maryland's criminal justice system should be analyzed to discern the extent of delays inherent, and strategies should be identified and improve criminal case processing and management.

In an effort to alleviate the extensive backlogs experienced in Maryland's courts, particularly

in Baltimore City, new methods for cooperative resolution of case processing delays must be identified and developed. Innovative strategies should be employed to manage and appropriately deploy resources at all court levels across the State. Included in this process must be the design of strategies for improved, creative case management between and among the Judiciary, the Office of the Public Defender, and State's Attorney's Offices. State and local government must, in tandem, address the issues related to criminal case processing delays, eliminating those practices which contribute to unnecessary pretrial incarceration. The State's leadership role should be in oversight, coordination, technical assistance, and funding control. Each county should establish a local organizational structure to respond to generic criminal justice problems; specifically, systemic processing delays, changing crime patterns, and activities of criminal justice programs. Such bodies should be tasked with the development of jail population plans which delineate short and long term objectives.

RATIONALE:

The improvement of the methods and capabilities available to the courts for the resolution of cases will impact favorably toward the reduction of the population of pretrial detainees in Maryland's jails and detention facilities. Models for the expedited processing of criminal cases have been developed in various jurisdictions around the country. During the latter six (6) months of 1991, the Circuit Court of Baltimore City has worked closely with the Office of the Public Defender and the State's Attorney's Office in the establishment of an expedited case processing model for narcotics offenses. Data compiled by the State's Attorney's Office reflect a significant reduction in case processing time; i.e. the "NARCORP" Program (Narcotics Consolidation and Overall Reorganization Program) has combined several prosecution and court management techniques to address the huge increase in narcotics cases and, during the first quarter of full operation, the average time to trial for narcotics cases involved in the program has decreased from 146 days to 119 days (a decrease of 18%). In addition, the close working relationship that has developed among the Circuit Court and staff of the Public Defender and State's Attorney increases the capability of the system to focus on adjudication of the most appropriate cases with better trial preparation. The outcome is the better administration of justice with reduced time necessary for case processing. Such management methodology has been implemented

nationally with enormous success, with particular benefits to urban jurisdictions. These processes, referred to as "vertical prosecution" or "differentiated case management" have been promoted by the U.S. Department of Justice which has allocated federal grant dollars for the funding of nascent projects, as well as providing technical assistance through American University to efforts across the country.

Both quantitative and qualitative data have revealed the major contributing factor to large pretrial detention populations, and impediments to criminal justice system functioning in general, is the pervasive delay in criminal case processing throughout Maryland. In utilizing American Bar Association (ABA) Standards as the nationally established barometers, no single jurisdiction is in compliance with arrest-disposition and/or filing-disposition timeframes as recommended by the ABA. Expedient movement through both District and Circuit Court systems is thus impaired.

Rather than wholesale implementation of pretrial release agencies throughout all counties, and incurring the attendant costs which are not viable in the current fiscal climate, a more prudent and conservative approach should be enacted. In fact, the numbers of pretrial defendants who feasibly might be released through reduction of processing delay is estimated to be greater than those who might be released as a result of new pretrial intervention programs.

POPULATION TARGETED:

Initially, given the preponderance of drug involved defendants, concentration on narcotics related cases for dedicated special processing tracks would result in significant time and cost savings.

POTENTIAL IMPACT:

Efficiency will be improved as evidenced by the cooperative case management process initiated in Baltimore City, which has demonstrated a significant reduction in the time necessary to resolve drug trafficking cases.

The nature of the delay phenomenon is multifold. The most prominent variable is quite simply, the insidious lack of communication inherent among the essential criminal justice participants. Therefore, the resolution of the case processing obstacles will not only result in the savings of jail beds (and the building of such precious and exorbitant commodities), but will favorably impact on the efficiency and resource allocation of all criminal justice agencies. Case management would be significantly improved and streamlined throughout the system.

POLICY:

Most assuredly, all elements of the criminal justice system are critical to the proper functioning as well as unencumbered case flow. Close cooperation and coordination between traditionally adversarial entities, i.e. the State's Attorney and the Public Defender, will result in the more timely and effective administration of justice. Enhanced communication between these agencies will emphasize and further ensure commitment to these initiatives.

The State criminal justice leadership should promulgate definitive standards and timeframes for criminal case processing. Such standards may be set forth in the Maryland Rules of Court.

LEGISLATION:

None required.

FISCAL IMPACT:

Initial outlays may be required to seed such initiatives. Nevertheless, long term cost savings will be enjoyed through systemwide impact. The pursuit of new fiscal resources shall be an integral factor in the development and expansion of improved prosecutorial and judicial case management models. The project in Baltimore City was launched with the assistance of the Governor's Office of Justice Administration through the infusion of federal funds from the Governor's Drug and Alcohol Abuse Commission.

AGENCIES RESPONSIBLE FOR IMPLEMENTATION:

The Board; GOJA; Administrative Office of the Courts; the Office of the Public Defender; State's Attorneys' Offices; pretrial release services programs.

RECOMMENDATION #3. Public support for intermediate sanctions must be garnered for successful implementation of innovative correctional alternatives.

Public forums and focus groups must be convened in order to assure input regarding the concerns, expectations, and proposals of Maryland citizens regarding criminal justice strategies. A mechanism must be developed to determine broad-based public sentiment regarding the viability of any suggested alternative sanctions to incarceration.

RATIONALE:

The dilemma faced by policy makers in obtaining community acceptance for intermediate sanctions are at the forefront of any conversations regarding crime and justice. Sensitive both politically and publicly, decision-makers are confronted with difficult resolves.

Pressure exerted by the public, who expects protection at any expense, is relentless. "Protection from criminals" defined by the greater citizenry means prisons engulfed by perimeter security fences and wire. Anything less stringent tends to invoke fear. The community is vociferously united in the resistance of bearing any additional responsibilities of the criminal justice process.

Nevertheless, the key to the criminal justice dilemma in overcrowded facilities, the emerging gridlock in caseflow, and scarcity of resources may reside with the citizenry of Maryland. Opinions about the penalties rendered to persons convicted of crime continue to support traditional incarceration. Nevertheless, while the impact of economic despair disallows continuation of massive prison construction, the public is reluctant to support tax increases to underwrite the costs.

Attitudes have been reinforced over the decades as crime has increasingly become more prevalent and violent. Accordingly, it has been difficult to challenge such efforts to dispute the attitudes have been progressed unsuccessfully. However, across the country and in Europe, many alternative programs have been embraced and implemented, despite public resistance. Change must occur, to end arcane and ill conceived concepts which perpetuate the position that incarceration is the sole answer to management of law-breaking individuals.

Crime and public safety are prominent concerns in the mind of every Marylander. Residents of this State feel diminishing confidence in the ability of criminal justice agencies to address the level of criminal activity in our communities and on city streets. Moreover, the public believes that drug use and related activity is escalating, and that the system is not deterring crime, but may be, in fact, contributing to the crime problem. The lack of widespread education of the citizenry leads only to impasse. Public sentiment is reflected in the lawmakers and government officials policy and decision making.

Education is integral to change. The public must be convinced that viable options exist without threatening the quality of life.

POPULATION TARGETED:

Citizens of the State of Maryland.

POTENTIAL IMPACT:

A study which assesses public support and tolerance for intermediate sanctions and alternative sentencing will result in valuable information for decision-making by the General Assembly and the Administration in the design and support of innovative approaches in managing offender populations. The results of public hearings conducted by the Governor's Drug and Alcohol Abuse Commission regarding drugs and violent crime, information gleaned from the 1991 hearings by the Maryland Victims of Crime Board, and the Governor's

Summit on Violent Crime are initial data sources in this process.

POLICY:

In light of the level of concern among the citizenry regarding crime and justice issues, responsible government requires the inclusion of all three (3) branches to carefully assess public needs, ideas, and attitudes. The Administration should be joined by the Judiciary and General Assembly so that Maryland might proceed in the development of sensible policies and standards which support an array of sanctions. Only through such an approach can consensus be attained, and cost effective planning and management of the correctional system be achieved.

LEGISLATION:

None required.

FISCAL IMPACT:

In new of current budget constraints, public hearings will not require significant fiscal expenditures, but will be effectuated through staff participation. Some costs may be incurred in conducting public opinion polls and coalescing focus groups. The University of Maryland and the Maryland Bar Association will be approached for assistance in this effort. Foundation funds will be pursued, as such resources have been successfully sought for similar endeavors in other jurisdictions.

AGENCIES RESPONSIBLE FOR IMPLEMENTATION:

GOJA; the Board; the University of Maryland (College Park); Governor's Drug and Alcohol Abuse Commission; Department of Public Safety and Correctional Services; Maryland Bar Association.

RECOMMENDATION #4. ***Community service as an individual sanction or among multiple sanctions should be increased. Mechanisms to strengthen programs of court-ordered community service in Maryland must be implemented. The Community Service Council of Maryland should be established to provide statewide leadership and coordination for programs of court-ordered community service.***

The use of community service should be expanded as an individual sentence which would provide a level of offender accountability and criminal sanction which will satisfy the public's desire for visible and meaningful restitution. Moreover, State's Attorneys must consider community service as a diversionary measure at the pretrial level.

The issues of program and worksite liability have long been areas of concern for program practitioners both locally and nationally. The measures necessary for the resolution of these concerns, e.g. "civil immunity from liability" legislation and policy development, will be facilitated by GOJA.

A Governor's Community Service Council should be created to heighten the stature, as well as foster the expansion and effective utilization of the sanction of community service as a viable correctional option. The membership of the Council would embrace a private-public partnership to foster growth in the program across the State.

RATIONALE:

Probation caseloads are overburdened by offenders who are not deemed by the Judiciary as requiring incarceration and for whom probation supervision represents too costly an alternative. Such cases are appropriate for unsupervised probation, but are currently often assigned to the Division of Parole and Probation for the sole purpose of obtaining record checks and monitoring the occurrence of new arrests. The expanded use of community service as a single sanction for such offenders, and their subsequent diversion from supervised probation, would be a more appropriate public policy in light of the critically limited resources available for incarceration and community supervision. The Task Force

believes that the capabilities of community service programs should be expanded to hold offenders accountable for completion of work assignments and, through record checks and automatic arrest notification systems, to provide the courts with the pertinent information. The Task Force further believes that this and other methods should be developed to satisfy the needs of the Courts while assuring that the limited resources of the Division of Parole and Probation are maximized for better supervision of offenders who represent greater public safety risks. Community service should also be used more frequently in combination with other measures as part of a graduated system of sanctions.

Community service program administrators have raised significant concerns in two (2) major areas regarding the impact of liability issues upon worksites:

- 1) The negative impact liability concerns have had in the recruitment of new community service worksites (i.e. "providers"). There has been unwillingness on the part of many local government agencies, charitable institutions, and public and private nonprofit organizations to participate in the program by providing work projects.
- 2) There has been an increasing number of towns and municipalities that previously participated by providing worksites for the community service program which now have withdrawn that participation as a result of liability concerns.

Loss of worksites, coupled with difficulties in recruitment of new providers, represents a serious threat to the strength and stability of court-ordered community service in Maryland.

As a result of analyses of community service initiatives across the State as well as through discussions with the leadership of those programs, there is an identified need to strengthen the linkages between community service programs and State and local government. Currently, other than the informal forum of the Alternative Sanctions Network, no definitive structure exists to provide direction or coordination among the twenty-four (24) jurisdictions of Maryland. The creation of a Council would also improve the benefits provided to the citizenry, through the involvement of appropriate State and local officials in dialogue and planning with community service worksite agencies and the courts, and through private

sector input regarding program performance and outcomes. The establishment of a Governor's Community Service Council, as a sub-committee of the Board and in an advisory capacity to the Governor, would be a major stabilizing and strengthening factor for programs involved with community service by offenders in Maryland. It is anticipated that the council would mirror the relationship between the Governor's Office on Volunteerism and the Governor's Volunteer Council. Membership on the Governor's Community Service Council should include, but not necessarily be limited to: Executive Director, Governor's Office of Justice Administration; Chief Administrative Judge, District Court of Maryland; Chief Administrative Judge, Maryland Circuit Court; Secretary, Department of Public Safety and Correctional Services; Secretary, Department of Juvenile Services; Secretary, Department of Human Resources; Director, Governor's Office on Volunteerism; The Attorney General; The State Treasurer; President, The State's Attorney's Association; The Public Defender; President, Maryland Association of Counties; President, Maryland Municipal League; Secretary, Department of Health and Mental Hygiene; Secretary, Department of Transportation; Secretary, Department of Natural Resources; President, Maryland Correctional Administrators Association; two (2) representatives of the Alternative Sanctions Network; two (2) representatives of charitable or private, non-profit organizations which serve as worksites.

POPULATION TARGETED:

Offenders assigned to community service and placed on probation for the purpose of providing criminal record checks to the courts; candidates for State's Attorneys diversionary programs. Note: Approximately 20,000 adult offenders are ordered by the Judiciary to perform community service each year.

POTENTIAL IMPACT:

The use of community service as a single sentence would free the overburdened probation supervision resources to better address higher risk probationers and therefore provide more effective alternative sanctions to incarceration.

The protection offered by qualified immunity from civil liability will alleviate the constant

threat of diminished sites for work assignment. It is anticipated that there will be a significant increase in the number of agencies willing to serve as worksites.

With improved communication and exchange of ideas among the involved agencies, the benefit of the thousands of hours provided each year by offenders performing community service will be enhanced and made more visible to the public.

As issues arise which adversely affect program performance, the Council, through its membership, will have readily available the expertise and authority to facilitate necessary change.

POLICY:

Formal written guidance must be issued by the Office of the Attorney General to clarify the specific liability protections afforded to community service programs under local and State tort claims acts. Similar advisory should be provided upon enactment of HB623.

State's Attorneys' Offices should assist in the design and establishment of pretrial community service programs. Such initiatives may be configured as third-party supervision, a facet of pretrial release services supervision, or as a diversion from incarceration. Pretrial community services assignments may be delegated to the appropriate agency in each county which manages the community services program, in lieu of formal pretrial services where available.

The Governor's Community Service Council, as a sub-committee of the Board, would function in an advisory capacity to the Governor. Relationships consistent with those which exist between the Governor's Office on Volunteerism and the Volunteer Council will be established.

LEGISLATION:

None required.

FISCAL IMPACT:

During the 1992 Session of the Maryland General Assembly, legislation (HB623) has been introduced regarding qualified immunity from civil liability for those public agencies, charitable organizations, and private non-profit institutions which provide community service worksites. (If enacted, the new provisions will be added to Courts and Judicial Proceedings Article, Section 5-399.6.)

No increased costs or direct fiscal gains are implicit with the passage of HB623; however, the significant contribution of the hundreds of thousands of hours of community service performed by offenders will continue to benefit Maryland's citizens. The statutory protection will enable the program to expand to new worksites, translating to appreciation of fiscal benefit.

At present, based on FY90 and FY91 expenditures, the annual statewide operational cost for community service programs is approximately \$800,000. The total amount of administrative fees collected by locally run programs across the State is estimated to be \$450,000. Court ordered community service completed by offenders in FY90 is valued in excess of \$3.1 million (based on the minimum wage rates). Currently, the estimated cost benefit of community service programs for the citizens of Maryland is \$2.75 million. With the passage of HB623, the annual fiscal benefits enjoyed from court ordered community service should increase significantly.

The creation of the Community Service Council will incur no new fiscal expenditures.

AGENCIES RESPONSIBLE FOR IMPLEMENTATION:

The Board; GOJA; Office of the Attorney General; Administrative Office of the Courts; Governor's Community Service Council; Department of Public Safety and Correctional Services; State's Attorneys' Offices; pretrial release services agencies; individual agencies responsible for administering community service programs.

RECOMMENDATION #5. *Pretrial release services programs should be established throughout Maryland consistent with the findings of the Statewide Pretrial Detention and Release Needs Assessment.*

Maryland must aggressively pursue the establishment and expansion of initiatives to expedite "front end" processing in at least fifteen (15) jurisdictions throughout the State. The delivery of quality pretrial services substantially impacts release rates, reducing levels of pretrial incarceration while maintaining the safety of the community and integrity of the court process.

RATIONALE:

Criminologists, as well as criminal justice practitioners, have long touted the efficacy of pretrial release programs as one of the most effective mechanisms in the reduction of overcrowding within local detention centers. In conjunction, comprehensive pretrial programs which include screening, location checking, ensuring crime free behavior, FTA (Failure To Appear) risk reduction, improving coping behavior, and periodic program evaluation components benefit the offenders and taxpayers alike. These defendants, who otherwise would occupy a precious jail bed, properly screened and supervised cannot only remain employed, but also adhere to court imposed conditions to address behavioral/medical problems through imposition of pretrial sanctions.

The composition of the correctional populations at the Baltimore City Detention Center and the jails in each of the twenty-three (23) counties is clearly weighted toward pretrial detainees.

Information compiled by the Maryland Commission on Correctional Standards reveals during FY90 the City Jail experienced an average daily population of 2,998, with an average of 2,349 or seventy-eight percent (78%) of those offenders awaiting trial.

Historically, pretrial release programs have been acknowledged as facilitators in release/detention decisions, and monitors of those defendants who present minimum danger to the community upon release. However, as criminal justice resources today are more

scarce, the system must utilize, through pretrial agencies, effective assessment mechanisms to accurately identify arrestees, who with supervision and graduated sanctions, may be released without jeopardizing the safety of the community.

As cited in the Statewide Pretrial Detention and Release Needs Assessment (October 1991), pretrial release programs are one of the most effective means of reducing overcrowding within local jails and detention centers while managing arrestee populations.

"The current overcrowding in Maryland's jails will require significant outlay of capital funds unless alternatives can be found to reduce the detention population. Since about 65% of the jail population consists of pretrial defendants, the focus on alternatives to pretrial detention would be a logical starting point for problem solution."

The benefits of front-end case processing through the avoidance of additional costs associated with processing incarcerated defendants will reduce the length of stay in local correctional facilities through "...improving bonding practices, providing programs for releasing defendants under pretrial supervision, and improving the speed in which cases are processed through the criminal justice system."

POPULATION TARGETED:

Defendants who have been released by the court to a third party surety, or who have posted a bond, or who have been released on personal recognizance with the condition of pretrial release services supervision.

POTENTIAL IMPACT:

Pretrial programs have been forced to respond to the dynamics of the nature and extent of crime in the 1980's and, now early 1990's. Pretrial services agencies have fulfilled critical voids, assisting in jail population management and allotting the resources to establish viable, credible alternatives to detention.

Through the pretrial investigation and interview processes, extensive important information is generated about the defendant, information which will assist the criminal justice system as the offender progresses through the stages of adjudication. Bail determinations will be developed with extensive background data resulting in the best possible informed bail decisions made by judicial officers. If the ultimate disposition dictates incarceration and/or community supervision (probation), the information gathered at the "front-end" eliminates unnecessary duplication of effort, reducing timeframes, particularly in the preparation of pre-sentence reports.

Yet, despite more than three (3) decades of bail reform, statistics continue to demonstrate that more than fifty percent (50%) of those persons incarcerated in the United States are awaiting adjudication. Moreover, data compiled throughout the country also reflect that greater numbers of individuals are detained prior to trial than subsequently are confined after conviction. Nevertheless, responsible reform does not advocate that all pretrial defendants should be released.

Moreover, despite the disparity in the programmatic elements and resource allocation, government leaders attribute pretrial intervention techniques as vital in population management and fluid system flow, acknowledging that the demise of these programs result in crushing the criminal justice system in these respective jurisdictions. Additionally, all such counties would experience an immediate need for new detention beds.

A mechanism to offset the costs of pretrial release services programs is easily created through the collection of administrative fees from those defendants released on personal recognizance who are court-ordered for pretrial supervision, as well as the retention of certain percentages of cash bail bonds posted with the court. Such fiscal resources would be available to expand or eventually, create pretrial release services programs across the State facilitating release of detainees from local detention centers, increase court appearance rates, and increase arrest-free rates on defendants awaiting trial. Moreover, through the accountability provided by pretrial supervision, defendants may be referred, and ultimately perhaps deferred to treatment and/or training and educational programs in an effort to improve coping skills development. Success by the offender at the pretrial stage will demonstrate progress, willingness to meet the mandates of the court, and, as a result,

may be less likely to receive a sentence of incarceration. Additionally, such pretrial intervention generally facilitates earlier disposition of the case, alleviating burden on the courts' dockets.

POLICY:

State leadership in adopting the myriad recommendations should be facilitated through an entity representative of all key criminal justice interests, specifically the Governor's Office of Justice Administration Advisory Board. This body, through the Office's staff, can provide coordination and direct technical assistance to the local systems.

State and local agencies must work in concert to develop innovative pretrial diversions and release options, introducing legislation if necessary to authorize such alternative sanctions. Aforementioned initiatives may include, but not be limited to: expanded use of criminal citations, prosecutorial diversion/probation, third party custodians, pretrial community service, and electronic monitoring as integral criteria of pretrial supervision.

With respect to funding, upon enactment of the necessary legislation, policies must be promulgated through the Comptroller's Office and with the clerks of the courts to deposit funds in the State's general fund or that of the respective jurisdictions. Local units of government must, in concert, prioritize the establishment of pretrial services agencies as critical county criminal justice systems.

LEGISLATION:

During the 1992 Session of the Maryland General Assembly, legislation has been introduced by the Task Force as HB624 (Retention of a Percentage of Cash Bail Bonds Posted) and HB625 (Pretrial Release Administrative Fee). These legislative initiatives will repeal and re-enact, with amendments, Article 27, Section 616.5; and enact, as a new statute, Article 27, Section 638.5.

FISCAL IMPACT:

Given current fiscal constraints, there are insufficient monetary resources available at State or local levels to implement or augment pretrial release programs. A mechanism for the funding of new and existing pretrial release programs must be developed. Legislation has been submitted which would authorize the collection of a percentage of cash bail bond deposits for return to the State's general fund (HB624) and the collection of an administrative fee from defendants assigned to pretrial supervision, with those fees returned to the general fund of the jurisdiction administering the pretrial release services program (HB625).

The estimated costs for sufficiently funding fifteen (15) programs is \$7.2 million for first year implementation, \$6.9 million for second year operation. This estimate appears to be rather low.

The budget estimates for a complete pretrial release program are founded on rudimentary service delivery, and assume phase-in hiring, drug monitoring, use of innovative offender payment schemes, and sufficient community based options.

Costs will vary per county according to population, local resources, local criminal justice system philosophies, operations, and sanctioning.

According to estimates provided by administrators of pretrial release programs throughout the State, the potential revenues garnered through the enactment of a \$35 administrative fee paid by defendants assigned to pretrial supervision would be in excess of \$235,000 during FY93. (A detailed chart regarding the fiscal impact of HB625 is included as Appendix G.)

After all conditions of a bail bond have been satisfied and the defendant has been discharged from all obligations related to the reason the cash bond was posted, the clerk of the court will retain twenty percent (20%) of the deposited money if the amount deposited was less than the full penalty amount; or two percent (2%) of the deposited amount if the full penalty amount was deposited. HB624 has been introduced to effectuate these

measures. The Circuit and District Courts have advised the House Judiciary Committee that it appears there will be no additional operating expenses incurred by the courts as the result of the enactment of the legislation. Estimates regarding the amount of fees collected through enactment of HB624 are \$40,000 in the District Court system and \$56,000 to \$560,000 at the Circuit Court level.

The District Court estimates that \$15 million is collected on bonds placed by individuals each year. This amount does not include the amount proffered through third party surety. As of November, 1991, the District Court initiated new procedures which will allow for more comprehensive tracking of bond amounts collected.

AGENCIES RESPONSIBLE FOR IMPLEMENTATION:

The Board; GOJA; Department of Public Safety and Correctional Services; Administrative Office of the Courts; pretrial services programs; local county governments.

RECOMMENDATION #6. *The Maryland Department of Public Safety and Correctional Services, through the Division of Parole and Probation, should develop a home detention program for technical parole and mandatory supervision violators.*

Legislation should be enacted to authorize the Division of Parole and Probation to establish a home detention program fortified by limited peace officer status for designated employees assigned to that program. Such authority will ensure enhanced offender accountability and expedient response by the criminal justice system.

RATIONALE:

In an effort to deal with a growing number of serious offenders, the Parole Commission is imposing an increasing number of special behavioral conditions on parole releases. With increased special conditions, the likelihood for non-compliance and disciplinary hearings increases as well. Since parole revocations impact on prison admissions, consideration must be given to providing the Parole Commission with intermediate sanctions to reduce the

reliance on traditional incarceration for disciplining parolees. A home detention program, coupled with limited peace officer authority for those Division of Parole and Probation employees assigned to the program, provides such a mechanism to deliver swift responses to violators without prolonging the process and timeframe awaiting attention by law enforcement.

The use of intermediate punishments to supplement traditional incarceration in the management of parole violators provides the Parole Commission with options not currently accessible. The range of punishment available in Maryland is currently limited to traditional incarceration or continuation under supervision with new conditions which remain minimally effective. The Department of Public Safety and Correctional Services has therefore introduced legislation (HB628) which, if enacted, will create new sanctions for parole violators who might otherwise be sentenced to a term of incarceration either in a Division of Correction institution or a local correctional facility.

POPULATION TARGETED:

Parolees or mandatory supervisees found guilty of violating conditions of release which do not include the commission of a crime of violence, as defined under Article 27, Section 643B of the Annotated Code of Maryland. "Technical" violators constitute large percentages of parole revocations which ultimately result in re-incarceration, and further contribute to increased prison intakes as well as overcrowding. Frequently, the offender's failure to comply with conditions of parole reflects irresponsible behavior rather than an actual threat to public safety.

POTENTIAL IMPACT:

Home detention, fortified by Division of Parole and Probation staff with limited peace officer status, will augment the capabilities of the Department of Public Safety and Correctional Services in addressing the ongoing prison overcrowding situation. The home detention legislation (HB628) authorizes the Division of Parole and Probation to administer a home detention program for parolees and mandatory supervisees as an intermediate sanction. The bill further authorizes limited peace officer powers to specific employees identified by the

Director. The latter very critical provision will allow such employees to execute warrants for the retaking of potential parole and mandatory supervision violators. Thus, the existing level of intensive supervision will be complemented by increased attention and surveillance of those offenders who may be on the verge of relapse but may be maintained in the community with electronic monitoring. The Division of Parole and Probation will designate twenty (20) employees in the first year and ten (10) employees per year over the next three (3) years until fifty (50) employees have been duly trained.

POLICY:

In lieu of imprisonment as the primary tool to punish breaches of parole/mandatory supervision, several options would be available to the Parole Commission to be applied; graduated in the following order from least to most restrictive:

- **Standard Parole Supervision** - For some offenders, the fear of return to prison sufficiently motivates these individuals to change their future behaviors. If applicable, new conditions of supervision relating to appropriate therapy, treatment or urinalysis may be applied to the terms of standard parole.
- **Intensive Parole Supervision** - Intensive parole supervision represents yet a stricter sanction, monitoring the parolee's behavior through multiple face-to-face contacts and a higher level of condition compliance surveillance. If pertinent, new conditions of supervision relating to treatment needs may be added in an effort to harshen the elements of compliance without revoking community supervision.
- **Home Detention** - Home detention is designed to restrict parolees to their homes when not working or otherwise attending approved or mandated activities outside the home. The Division of Parole and Probation, through the employment of electronic monitoring devices and face-to-face contacts, would exercise more stringent control of offenders by significantly restricting their freedom and providing a high level of behavior control.

- **State and Local Jail Incarceration** - Revocation of parole and the reimposition of a term of incarceration to a local jail or state prison facility represents the harshest sanction available to the Parole Commission for disciplining problem offenders. This sanction provides the greatest deterrent to non-compliance and should be utilized when parolees represent a clear danger to the community or, through repeated actions, require disciplinary action beyond intermediate sanctions.

LEGISLATION:

During the 1992 Session of the Maryland General Assembly, the Department of Public Safety and Correctional Services has introduced authorizing legislation; i.e. HB628. The proposed bill would repeal and re-enact, with amendments, Article 41, Section 4-511; add to Article 41, Section 4-511A; repeal and re-enact, with amendments, Article 41, Section 4-601 and Section 4-602; and add to Article 41, Section 4-602A and Section 4-602B.

FISCAL IMPACT:

The comparative costs of managing offenders in a home detention program offers a considerable savings over the costs of traditional incarceration in the Division of Correction. During the first year, this initiative would target 100 offenders, to be expanded up to a maintenance level of 350 offenders in the second year through the fifth year.

Estimated supervision fees for the electronic monitoring program are expected to generate resources equivalent to approximately eighty-eight percent (88%) of total allocated through General Funds. The net costs of the program are as follows: First Year, \$45,550; Second Year, \$177,700; Third Year, \$255,500; Fourth Year, \$255,500; and Fifth Year, \$255,500.

AGENCIES RESPONSIBLE FOR IMPLEMENTATION:

Department of Public Safety and Correctional Services: Division of Parole and Probation, Division of Correction, and Parole Commission.

RECOMMENDATION #7. ***The Maryland Parole Commission must have broader flexibility in consideration of offenders sentenced for multiple convictions involving parolable and non-parolable offenses.***

Legislation should be enacted to allow the Parole Commission to consider offenders sentenced to serve multiple terms of imprisonment as parole eligible after a period of incarceration equal to the non-parolable portion of the sentence has been served.

RATIONALE:

The stated sequence of sentencing per charge on court commitment documents effects the manner in the Maryland Parole Commission may calculate parole eligibility. Albeit a technical "loophole," this obstacle has impaired the movement and ultimately the release of numerous offenders who may have been otherwise released on parole. Moreover, the impact of this statutory anomaly, Annotated Code of Maryland, Article 41, Section 4-516, has resulted in the analysis of cases where offenders convicted of identical offenses, are evaluated disparately.

Per advisement by the Maryland Office of the Attorney General, a non-parolable sentence imposed consecutively to a parolable sentence has the effect of rendering the entire sentence non-parolable. Accordingly, the Parole Commission is unable to consider such offenders eligible for release via parole. For example, if an offender is convicted of robbery with a deadly weapon (parolable) and use of a handgun in the commission of a crime of violence (non-parolable), the court could impose a twenty (20) year sentence on the robbery to run consecutively with a five (5) year non-parolable sentence related to the handgun conviction; the offender is not eligible for parole at all. The entire twenty-five (25) year sentence must be served, for the offender cannot be paroled from the twenty (20) year sentence to the non-parolable five (5) year sentence.

POPULATION TARGETED:

Those offenders sentenced for multiple convictions where there are both parolable and non-parolable offenses involved. The exact number of persons remaining incarcerated, currently

ineligible for such parole consideration, is unquantified. Nevertheless, it is the perception of the Division of Correction and Parole Commission that such flexibility in policy will result in expedient release of volumes of offenders.

POTENTIAL IMPACT:

If the court orders non-parolable sentences to be served first, consecutive or concurrent parolable sentences remain parolable. For example, if in the scenario cited above, the court imposed a sentence of five (5) years without the eligibility for parole for the handgun conviction and a consecutive twenty year (20) sentence for the robbery with a deadly weapon (a total sentence of twenty-five years), the offender would receive initial consideration for parole in six and one-quarter (6¼) years. Existing law stipulates that the Parole Commission request an investigation regarding the advisability of parole after one quarter of the sentence for a parolable offense has been served. The sequencing of non-parolable and parolable sentences has an impact on whether an individual remains within the Division of Correction or can be released on parole, which results in a direct impact on overcrowding in the state prison system.

POLICY:

Absent the passage of HB1090, the Judiciary should be encouraged to state on the commitment orders that the non-parolable sentences are first served in cases which involve multiple convictions with parolable and non-parolable offenses.

LEGISLATION:

During the 1992 Session of the Maryland General Assembly, legislation (HB1090) has been introduced which would provide the necessary flexibility for the Parole Commission by repealing and re-enacting, with amendments, Article 41 (Governor - Executive and Administrative Departments), Section 4-516 of the Annotated Code of Maryland.

FISCAL IMPACT:

With the passage of HB1090, the parole and subsequent release of large numbers of offenders from Division of Correction institutions may be effectuated, resulting in cost benefits to the system and alleviating bedspace.

AGENCIES RESPONSIBLE FOR IMPLEMENTATION:

The Department of Public Safety and Correctional Services: Maryland Parole Commission; the Administrative Office of the Courts.

RECOMMENDATION #8. ***The Department of Public Safety and Correctional Services should implement a day reporting center(s) which targets specific populations.***

The Department of Public Safety and Correctional Services should develop the day reporting center concept as an established departmental program involving the Division of Parole and Probation, the Division of Correction, and the Division of Pretrial Detention and Services. Such methodology would include program elements which may be located at multiple geographic sites. The establishment of such an initiative would offer less restrictive yet accountable measures to manage those offenders who will benefit from community based services, as well as those individuals whose classification status does not dictate traditional incarceration.

RATIONALE:

As conceived by the Department of Public Safety and Correctional Services, the day reporting center would include aspects of intensive supervision, home detention, and comprehensive treatment for targeted and/or special needs populations. Participation by the offenders would entail an assignment of three (3) to six (6) months allowing sufficient time to provide program services, necessary intervention, and to remediate issues related to transitioning offenders to the community, e.g. treatment. This initiative is designed to "phase" offenders back through a series of lesser restrictive sanctions while under public

safety supervision. With creatively constructed sentences, offenders could be sentenced to day reporting centers with varying durations coupled with varying criteria. The level and methodology of supervision is appropriate for various classes of offenders. The comparative per diem costs between day reporting and incarceration are self-qualifying.

POPULATION TARGETED:

"Special needs" populations should be targeted as the Department's pilot project. This program concept has relative applicability to all correctional populations. However, offenders with special needs are appropriately at greater risk of recidivism, due primarily to the lack of attention in addressing the causal factors surrounding their law-breaking behaviors.

The Day Reporting Center would service select offenders who have demonstrated a history of chronic problems or need for services, as follows:

- Female offenders.
- Geriatric offenders.
- Graduates of the Herman L. Toulson Boot Camp.
- Chronically addicted persons as defined by repeated relapse to addictive illness.
- Chronically mentally ill.
- Developmentally disabled.
- Physically handicapped.
- Sex offenders.
- Youthful offenders.
- Non-violent offenders sentenced to five (5) years or less.
- Technical parole/probation violators.

Ultimately, these populations should be prioritized as integral components to be considered for day reporting classification. However, at this juncture, in an effort to launch the day reporting concept, the Department of Public Safety and Correctional Services has identified four (4) populations for the first pilot initiative:

- 1) **Chronic misdemeanants serving short term sentences at the Baltimore City Detention Center whose repeated offenses do not pose a significant threat to public safety but are afflicted with chronic addiction, mental illness, or other health problems. Most periods of confinement are generally less than six (6) months.**

During 1990, the Baltimore City Jail (Baltimore City Detention Center) received 24,000 commitments. Among the composition of this population are significant numbers who might be targeted for the day reporting center:

Narcotics	4,295	(20.3%)
Public nuisance	585	(2.4%)
Sex offense	387	(1.6%)
Traffic	938	(3.9%)

- 2) **Those individuals who are in the custody of the Commissioner of Correction, have served a significant portion of their sentence, and may benefit from early release to the community by virtue of the consolidation of services available in the Day Reporting Center. Presently, there are 2,000 inmates in the Division of Correction with sentences of five (5) years or less who have served more than fifty percent (50%) of that sentence.**
- 3) **First time incarcerated offenders in the state correctional system with some prior criminal history where the instant offense is non-violent as defined under Article 27, Section 643B. There are approximately 2,000 inmates serving their first incarceration in the Division of Correction that have sentences of less than five (5) years. More than one-half of these inmates are incarcerated for non-violent and non-drug offenses, while the remainder were incarcerated for probation violations.**
- 4) **Those individuals who are in technical violation of their parole/mandatory supervision status and may benefit from this intermediate sanction rather than returning to incarceration. Assignment to the Day Reporting Center will be**

rendered by the Division of Parole and Probation for those offenders. Offenders whose conditional release has been revoked may subsequently be identified by the Division of Correction as eligible for reassignment to the Day Reporting Center. During FY91, there were 1,575 (warrant) revocation hearings (1,092 Parole and 483 Mandatory Supervision). Technical violations constitute approximately forty percent (40%) of the total pool of (warrant) revocation hearings. Additionally, 576 (subpoena) revocation hearings are scheduled annually. Therefore, a pool of approximately 1,200 inmates could be diverted from re-incarceration.

POTENTIAL IMPACT:

The short term impact of this sanction would:

- Retard the growth of commitments to correctional facilities by diverting to an appropriate community alternative many of those offenders who would otherwise enter or resume periods of incarceration.
- Require the initial investment of sufficient staff to develop program policies and procedures, to establish criteria for program admission, to identify appropriate populations for placement, and to classify those individuals into program activities.
- Require a significant amount of staff effort to develop the logistical and contractual arrangements for this multi-disciplinary, merged model. Agreements must be forged that will define the roles of the DPSCS and community based human service delivery agencies to establish day reporting sites.

The long term impact of this sanction would:

- Reduce the number of inmates maintained in correctional institutions to the degree that sufficient appropriate candidates are available, selected, and entered into this program.

- Provide for the ability to impact on dysfunctional community adjustment by assisting the offender in the community who is not a significant threat to public safety in the development and execution of a plan for pro-social adjustment.

POLICY:

The Department of Public Safety and Correctional Services shall develop a program to establish a Day Reporting Center. The Center shall function as a multi-agency, intra-, and inter-departmental effort to provide a level of custody supervision and care that does not presently exist. Subsequently, all necessary policy and procedure shall be promulgated by the Department and involved Divisions. Inter-agency agreements will be established to govern operations involving the Department of Public Safety and Correctional Services and other State and local government agencies.

LEGISLATION:

During the 1992 Session of the Maryland General Assembly, legislation has been introduced to provide the Division of Parole and Probation with authority to establish a home detention program, fortified by limited peace officer authority for certain employees designated by the Director. This measure will provide a critical component of a day reporting center capability. (Refer to Recommendation #6)

FISCAL IMPACT:

The day reporting center as an alternative sanction to incarceration is a multi-variate and multidefinitional concept. A study conducted by the National Institute of Justice found the per diem rates reported from those centers ranged from a low of \$7.27 per day to a high of \$52.42 per day. The models ranged from residential to intensive parole/probation supervision offices. Some centers provided specialized services while others did not.

Cost estimates per diem generated by State of Maryland agencies for institutional and community custody are as follows:

Correctional Beds	\$ 55.00 per day
Pre-Release Beds	\$ 41.00 per day
Estimated Day Reporting Slots	\$ 13.00 per day
(Based on Wisconsin differential percentage)	

It is estimated that the daily cost savings of a day treatment center would be \$28.00 per day over pre-release if the fixed costs of the pre-release bed could be reduced to \$0.00 and the offender could be maintained in the community in a day reporting center.

AGENCIES RESPONSIBLE FOR IMPLEMENTATION:

Department of Public Safety and Correctional Services: Division of Parole and Probation, Maryland Parole Commission, Division of Correction, and Division of Pretrial Detention and Services; Department of Employment and Economic Development; Department of Human Resources; Department of Health and Mental Hygiene.

RECOMMENDATION #9. The Maryland Parole Commission and the Division of Parole and Probation should develop the Day Work Service assignments for non-violent parolees.

The Maryland Parole Commission should consider the utilization of Day Work Service assignments within carefully controlled, predetermined worksites for certain non-violent parolees. This concept should be developed on a pilot basis initially in concert with the Division of Parole and Probation, with graduates of the Herman L. Toulson Boot Camp.

RATIONALE

Current program practice in Maryland does not characteristically include the assignment of parolees to community service work assignments, although there has been some carefully targeted use of this sanction by the Maryland Parole Commission during the latter part of 1991 with offenders paroled from the Herman L. Toulson Boot Camp. The assignment of parolees to community service was not included in the original intent and authority of the

enabling legislation of 1979, codified as Article 27, Section 726A of the Annotated Code of Maryland. Regardless of the Parole Commission's authority to impose such release conditions, the agencies assuring the proper placement and providing worksites for court-ordered community service do not currently have the protections offered by the enabling legislation when parolees are ordered into these programs. Such agencies are unable to accept the responsibility for inclusion of parolees into their programs.

The placement of Boot Camp parolees with no history of violent crime, i.e. no 643B offenses, provides a useful expansion of the "community service" concept, to be known as Day Work Service, as a controlled mechanism for community reintegration of certain offenders. However, the legislative and public policy implications, and the impact upon existing court-ordered community service programs, will require careful analysis and discussion. Specifically, existing Maryland law excludes the placement of parolees into community service programs, which operate under Article 27, Section 726A. The more appropriate strategy would be assignment of these non-643B Boot Camp parolees to a specified quantity of Day Work Service at predetermined community-based worksites; e.g. State Police Barracks, DOC Institutions, or, if the necessary agreements can be developed, local law enforcement and correctional agencies. The impact of this measure upon the Division of Parole and Probation must be carefully weighed as the concept is developed.

POPULATION TARGETED:

The initial population should be graduates of the Herman L. Toulson Boot Camp. The assignment of these carefully selected parolees with no history of 643B offenses to perform unpaid day work at predetermined, specially developed worksites will enable the expansion of this sanction as a visible means of social restitution. The additional sanctions of work assignments will hopefully enhance transition services of criminal justice agencies charged with assuring offender accountability and employment skills development.

POLICY:

Maryland Parole Commission policy regarding "community service" by parolees (e.g. as part of the boot camp after-care program) needs to be reviewed in light of the worksite and

placement issues attendant to Article 27, Section 726A.

LEGISLATION:

None required, pending the policy review as cited above.

FISCAL IMPACT:

Workload impact upon the Division of Parole and Probation will need careful evaluation and monitoring. Issues related to worksite development training and supervision responsibilities, as well as offender screening and placement must be addressed as to the impact upon program performance and agency workloads.

AGENCIES RESPONSIBLE FOR IMPLEMENTATION:

Department of Public Safety and Correctional Services: Maryland Parole Commission and Division of Parole and Probation; Department of Employment and Economic Development; Department of Health and Mental Hygiene; Department of Human Resource; various State agencies which will provide worksites.

RECOMMENDATION #10.

An audit of bail bond forfeiture practices in Maryland should be conducted.

The Department of Budget and Fiscal Planning and the Administrative Office of the Courts shall conduct an audit regarding bail bond forfeitures in the State of Maryland. As part of the audit process, a determination will be made as to the necessary remedies to address any weaknesses in the collection of bail bond forfeitures.

RATIONALE:

Currently, audits of bail bond forfeitures and collections are being conducted in several states. Preliminary results indicate significant forfeiture amounts that have heretofore gone uncollected. There also needs to be a review regarding the application of forfeiture

amounts across the State as well as the regulation and impact of timeframes allowable for the return of forfeitures, which is presently up to ten (10) years in Maryland.

POPULATION TARGETED:

Defendants who have been released to a third party surety who have represented themselves by posting a bond, and have subsequently failed to satisfy their court commitment.

POTENTIAL IMPACT:

In the event that such a population representing outstanding collectibles exist in Maryland, as has occurred in other states, outstanding forfeitures can be immediately called upon for collection.

Long term impacts would be the more timely collection of non- refundable revenue and more consistent application of forfeiture allowances.

POLICY:

Revision to Maryland Rules of Procedure; Chapter 700; Rule 4-216 and Rule 4-217.

LEGISLATION:

None required, pending findings of the audit.

FISCAL IMPACT:

An audit is currently underway in Washington, D.C. Preliminary findings indicate hundreds of thousands of dollars uncollected in bond forfeitures. Houston is currently in the process of collecting an estimated \$70 - \$100 million in delinquent bail forfeitures.

A preliminary review of the number of bail bonds posted in Maryland District Courts

(exclusive of Montgomery County) during November and December of 1991 yielded the following data (two month totals are shown):

870 Cash Bonds (paid by the individual, family, or friends)

3026 Corporate Bonds (paid by bonding agency supported by insurance)

1536 Property Bonds (paid by bonding agency with property as surety)

251 Percentage Bonds (paid by the individual, family, or friends)

Although the dollar amount for bail bonds posted last year is not readily available, the amount of bail bond forfeitures collected during FY91 was \$1,449,862. The best available estimates are that approximately \$12 to \$15 million are posted annually by individuals as bail bond in the District Court system.

AGENCIES RESPONSIBLE FOR IMPLEMENTATION:

Administrative Office of the Courts; Department of Budget and Fiscal Planning.

RECOMMENDATION #11.

State and local criminal justice agencies should be staffed with grants management and resource development specialists.

The capability for the full time pursuit of alternative sources of funding must be developed. Staff equipped with expertise in resource development and grantsmanship must be assigned to pursue and obtain funding from all possible avenues, in both public and private sectors.

RATIONALE:

Criminal justice system resources are continually strained, even in periods of economic prosperity. The increasing flow of offenders into the system and the attendant expansion of staff agency operations, and physical plants cost Marylanders billions of dollars annually.

At present, and in the foreseeable future, fiscal climates cannot support the demands of juvenile and criminal justice agencies, ranging from law enforcement through all facets of correctional supervision. Cost containment measures at both the State and local level have dictated severe reductions in levels of service delivery, devastating entire programs. Ironically, most of those endeavors ravaged by the current economic crisis are initiatives which support sanctions other than traditional custodial confinement. Treatment oriented programming even within institutions has been decimated, due to competition with security needs for the same dollars.

POPULATION TARGETED:

The results of this initiative will benefit juvenile and criminal justice programs administered by State and local agencies.

POTENTIAL IMPACT:

Several hundreds of thousands, in fact, millions of dollars remain undiscovered. With a comprehensive strategy to pursue sources external to the State and local general funds, all federal, foundation, and corporate grant givers will be examined, and tapped.

POLICY:

In difficult fiscal times, resource development is integral to survival. Each unit of government should invest the salary of one (or more) staff persons assigned to pursue and successfully obtain external funding.

LEGISLATION:

None required.

FISCAL IMPACT:

The devotion of salaries may require additional initial outlays. However, agencies should be

encouraged to cultivate such expertise among the composition of current staff through training. Consequently, the return on the investment of such salaried personnel should be returned many times over.

AGENCIES RESPONSIBLE FOR IMPLEMENTATION:

GOJA staff; State agencies; local units of government; University of Maryland, College Park.

RECOMMENDATION #12.

The Offices of the State's Attorney, in each jurisdiction throughout Maryland, should design and implement structured pretrial and post-adjudicatory programs.

State's Attorney's Offices, in conjunction with the Office of the Public Defender, the Judiciary, the Private Bar, the Department of Public Safety and Correctional Services, and other agencies responsible for providing appropriate treatment, counseling and supervision, should evaluate existing post-trial treatment, programs and other alternative sentencing options as well as pretrial diversion options. With coordination by the Governor's Office of Justice Administration, this effort should be aimed at the development of plans and proposals for effective treatment of arrested and convicted drug and alcohol abusers so as to reduce recidivism rates and, consistent with the public safety, most effectively utilized limited incarceration resources. If planned in conjunction with model "Fast Track" or other court management techniques, the result of this effort should be the production of a policy statement and a model for prosecution and sentencing for consideration by the Legislature and the Judiciary.

RATIONALE:

Court systems throughout the nation are attempting to cope with increasing levels of criminal litigation. According to the Bureau of Justice Assistance (BJA), over 12 million criminal cases were filed in 1989, which represented an increase of over sixty percent (60%) from criminal cases filed in 1984. Many of these cases are drug cases, resulting from increased enforcement of drug violations. Between 1984 and 1989, the number of drug cases increased by sixty-seven (67%) in the U.S. District Court. BJA also reports that

a special study of large general jurisdiction trial courts shows the drug related cases increased by fifty-six percent (56%) in seventeen (17) cities between 1983 and 1987. Despite increases in criminal case filings, resources available to state courts nationally have remained static or diminished.

Over the past several years, special emphasis at the national level has been given to increasing the management capacity of courts to handle increased case filings. Court delay techniques, such as differentiated case management and expedited management of drug cases, have proven successful by increasing the disposition rates and addressing backlogs. The Narcotics Consolidation and Overall Reorganization Program (NARCORP), an initiative of the Office of the State's Attorney for Baltimore City, is an excellent example of such an approach. During the first quarter of full operation, the average time to trial for narcotics cases involved in NARCORP has decreased from 146 days to 119 days, a decrease of eighteen percent (18%). (Refer to Recommendation #2 for further discussion.)

Innovative program models exist in other states which address the influx of drug arrestees into the criminal justice system by focusing the resources of the prosecutor, the public defender, the court, substance abuse assessment and treatment professionals, and community supervision staff (both pretrial and post-adjudicatory) in a coordinated fashion. For example, the Drug Court in Dade County, Florida works through the centralized booking facility to assure the completion of a full substance abuse assessment (including urinalysis) on incoming arrestees in order to determine whether the case may be appropriate for the Drug Court. Representatives of the prosecution and defense cooperate in working toward the most effective and just outcome of the case. The Judiciary utilizes court-assigned treatment staff, strict urinalysis, and return appearances before the Bench to monitor appropriate cases which have been diverted from traditional probation or incarceration. A key element in the success in the Dade County approach is the full involvement and strong leadership from the Judiciary, bringing the necessary program elements together.

Another "Fast Track" approach operates in Chicago where a judge, in cooperation with the prosecution and defense, utilizes staff from the TASC Program (Treatment Alternatives to Street Crime), community substance abuse treatment, and probation to expedite case processing and provide treatment diversion from incarceration. A thorough substance abuse

assessment (including urinalysis) by TASC results in immediate recommendation to the court regarding treatment readiness and appropriateness for diversion.

Maryland's criminal justice system has developed some cooperative strategies, such as NARCORP, but there is a need to develop new and expanded initiatives throughout the State if the system is to retain any possibility of dealing with the ever burgeoning population of drug arrestees. There must also be a sharing of the benefits of knowledge and experience regarding effective diversionary approaches among all of Maryland's criminal justice agencies.

POPULATION TARGETED:

Non-violent arrestees for incarcerable drug offenses.

POTENTIAL IMPACT:

The appropriate diversion of targeted offenders from traditional probation or incarceration will help to assure that the precious and overburdened resources of probation and incarceration can be more effectively focused upon more serious, violent offenders. If developed in concert with case dedicated court management techniques, the resultant program, policies, and procedures should offer a successful model for prosecution and sentencing.

The severely limited resources of the substance abuse treatment system in Maryland will require expansion in order to assure the capability for additional service delivery within the criminal justice system.

POLICY:

As the common link between law enforcement authorities, the Judiciary, and the Department of Public Safety and Correctional Services, the Offices of the State's Attorneys are strategically positioned to take the lead role, in concert with other agencies, in the establishment of a model prosecution, court management, and alternative sentencing

structure, which together with diversionary programs, would reduce court backlogs, recidivism, and contribute to the reduction of the market for illegal controlled dangerous substances. Traditional relationships between prosecution and defense have evolved into a more integrated approach in those jurisdictions successfully implementing such strategies. Such an approach, however, requires the leadership of the Judiciary and the support of the Legislature. The cooperative efforts of prosecution, defense, and other agencies in Maryland should produce concrete proposals for the consideration of the Judiciary and the Legislature.

LEGISLATION:

There may be a need to introduce legislation to provide broader judicial authority for appropriate sentencing and pretrial diversion of targeted defendants.

FISCAL IMPACT:

The resources necessary to effectuate diversionary programs must be sought through the pursuit of federal grants and a review of any resources made available through expedited case management strategies in the courts.

Provision within the model for better control coordination and utilization of existing treatment slots, in conjunction with the establishment of a viable needs-assessment source to ensure that such utilization is proper, may reduce long range costs as it has in other jurisdictions.

AGENCIES RESPONSIBLE FOR IMPLEMENTATION:

Offices of State's Attorney; Office of the Public Defender; the Judiciary; GOJA; Department of Public Safety and Correctional Services; Department of Health and Mental Hygiene; local Bar Associations; Maryland Bar Association; State's Attorneys' Association; Governor's Drug and Alcohol Abuse Commission.

LONG RANGE TASK FORCE GOALS**RECOMMENDATION #13.**

The Maryland General Assembly during the 1993 Session should consider passage of "The Maryland Comprehensive Correctional Alternatives Act of 1993."

Building upon the experience of other states, the development of a funding strategy and draft legislation must be accomplished for introduction to the 1993 Session of the Maryland Legislature. Such an approach will improve planning and resource allocation throughout the entire criminal justice system.

RATIONALE:

The Maryland Comprehensive Alternatives Act (hereinafter "the Act") legislation has been implemented in approximately seventeen (17) states. Evaluations of the changes that have occurred as a result of the Act conducted in Minnesota, Oregon, and Virginia have shown that community corrections legislation is working. The implementation of such an act in Maryland would create a mechanism to allocate funding from the state to local correctional programs to retain offenders locally. The overall purpose of this mechanism is to provide community/locally based sentencing options in lieu of incarcerating offenders in state institutions. The Act would require local units of government to establish a local advisory board to guide the development and expansion of community-based correctional alternatives. The advisory board has the flexibility to determine which services or sanctions are most suited to the community's needs. Expanded programs may include probation services, alcohol and drug counseling, court-ordered community service programs, restitution orders, employment assistance, and mental health services. Communities can choose to utilize residential programs, such as a half-way house, or conversely, to use non-residential programs, such as intensive probation. The tolerance of the public assists in gearing the menu of options.

The Act would require each advisory board to develop an annual comprehensive plan that details local correctional needs, proposed community corrections programs, and projected reductions in the state commitments. A Community Corrections Legislation Act

implemented in Maryland would be responsible for holding down commitments to state institutions and for reducing the commitments to local jails.

Many of the tenets of such legislation, especially structural, are recommended in the Statewide Pretrial Detention and Release Needs Assessment.

POPULATION TARGETED:

The statewide offender population would be affected. The development of the Act would include an exploration of statutory amendments to allow for the application of appropriate intermediate punishments for certain offenders such as expanded use of community service and graduated levels of probation. Included would be a review and analysis of the sentences of incarcerated offenders within local jails and detention centers to determine whether there are significant groups of locally incarcerated offenders which would constitute acceptable candidates for an alternative sanction in lieu of local detention. There would be a continued analysis of more cost effective approaches to the management of specific populations; e.g. female offenders, mentally ill offenders, substance abusers, geriatric offenders, and developmentally disabled offenders.

POTENTIAL IMPACT:

Community corrections legislation generally requires the state to continue its responsibility for housing serious offenders in state institutions while it allocates funds to communities to deal with certain non-violent offenders at the local level. The net effect is a lowering of state correctional institutional populations.

POLICY:

Due to budgetary constraints in Maryland and restrictions against the reallocation of capital funds, this concept will require extensive study over the next year in order to develop a complete plan and identify possible sources of funding.

LEGISLATION:

Introduction of a new Maryland Community Corrections Act in January, 1993. (Appendix E)

FISCAL IMPACT:

Positive results have also been achieved in Oregon and Virginia. In 1981, Oregon estimated \$16 million in savings by operating community corrections programs rather than incarcerating the targeted offender population. In 1982, Virginia estimated an annualized cost avoidance of \$865,000.

It is anticipated that \$13 million in State and/or federal funding will be required to initiate a Maryland Comprehensive Alternatives Act in FY94. Nevertheless, the longer term cost savings should supersede the \$13 million many times over.

AGENCIES RESPONSIBLE FOR IMPLEMENTATION:

The Board; GOJA; the Department of Public Safety and Correctional Services; local corrections departments.

RECOMMENDATION #14.

The application of financial sanctions by the Maryland Judiciary should be examined and expanded.

The Board, in concert with the Administrative Office of the Courts and Department of Public Safety and Correctional Services through the Division of Parole and Probation, shall continue to explore the expanded use and enforcement of financial sanctions. The Judiciary should expand the current practices of ordering restitution where statutorily permitted and the Division of Parole and Probation should develop strategies to improve the rate of satisfactory compliance with restitution orders. Maryland should develop policy encouraging a more extensive use of restitution and fines and the establishment of the day fine program. The Judiciary should assist in the development of the "day fine" concept.

RATIONALE:

The use of monetary fines is a philosophy integral to the criminal justice system. In FY90, according to the National Institute of Justice, over \$1 billion was collected in fines nationally. As one of the few sanctions which emanates directly from the Bench, the concept of monetary retribution has a number of positive aspects:

- Adjustments to a level appropriate to the individual circumstances of the offender and to the seriousness of the crime;
- Community based, consequently, does not destroy the essential economic and social ties of the offender;
- Relatively inexpensive to administer, relying on existing governmental agencies and procedures already in place;
- Financially self-sustaining and, unlike incarceration, maybe revenue producing;
- Possibly effective punishment and deterrent for offenders who have committed crimes of varying levels of severity;
- Direct correlation between sanction and property-related crime and crimes driven by economic gain;
- Easily combined with other sanctions.

In 1973, the Task Force on Corrections of the National Advisory Commission on Criminal Justice Standards and Goals found that "properly employed, the fine is less drastic, far less costly to the public, and perhaps more effective than imprisonment" for the non-violent offender population.

Until very recently, this recommendation has gone largely unheeded due to lack of agreement regarding the proper administration of fines. However, with jail and prison

populations and probation caseloads steadily rising, fines are gaining renewed attention.

In 1989, of the total number (52,785) of new parole and probation cases in Maryland, only 11,329 involved orders for monetary payments (fines, court costs, and restitution). Of these 11,329, only 6,125 cases included orders for restitution to victims. Restitution was ordered by the courts in only eleven percent (11%) of the total cases. The actual amount of restitution ultimately collected by the Division of Parole and Probation for 1989 was a relatively small percent of the total ordered. Thus current restitution orders too frequently neither impact the offender or benefit the victim. Clearly, since only twenty-one percent (21%) of the total number of Maryland parole and probation cases in 1989 were ordered to pay fines, the use of the fine as a punitive sanction must be expanded.

According to a recent national study of judicial attitudes toward fines, judges of both limited and general jurisdictions are much more favorably inclined toward the fine as a punishment in theory than in practice. This philosophy, however, must change. Whether one thinks of punishment in retributive or deterrent terms, the fine can be used as punishment either ordered as a sole sanction or in addition to another alternative. According to Morris and Tonry (1990), judges must be provided with information regarding the convicted offender's financial circumstance in terms of net worth, income, and obligations to dependents.

The success of increased use of fiscal sanctions is contingent upon effective enforcement. An effective system of collecting the fines must be established for tracing late payments promptly and pursuing violators immediately, and returning offenders to the courts in those cases of delinquency.

The day fine concept, a Scandinavian innovation used most frequently in Western Europe, is only now beginning to receive serious attention as a correctional sanction in the United States. Essentially, the day fine is designed to enable a sentencing judge to impose a punishment commensurate with the seriousness of the offense through evaluation of the offender's prior record and economic circumstances.

With respect to day fines, the amount of the fine is set in two (2) stages. First, the number of "units of punishment" is established, taking into account the seriousness of the

offense and information regarding the offender's prior record. Second, the monetary value of each unit of punishment is set dependent on the financial condition of the offender. For example, although two (2) offenders may be sentenced to the same number of units for the offense, the more affluent offender would be sentenced to a larger monetary amount per punishment unit than the less affluent offender. In the event of a default in payment of the fine, the resulting sanction for each would be the same.

The day fine concept also addresses criticisms of "traditional" monetary fines as a lenient punishment because of the failure of the criminal justice system to emphasize collection and because of economic inequalities. The day fine system, however, lends equity to the issue. The number of day fine units reflects the offense, while the dollar amount reflects the financial condition of the offender.

Fines, quite simply, are revenue producing; actual funds are brought into the justice system, in contrast with the cost of incarceration. In fact, those paying fines are literally "paying a debt to society," rather than contributing to existing burdens on State and local resources. Fines are easily coupled with other penalties to meet the objective of justice applicable to each specific offender.

POPULATION TARGETED:

The expanded use of fines would include more serious probationers as well as parolees found guilty of offenses which do not include the commission of a crime of violence as defined under Article 27, Section 643B of the Annotated Code of Maryland.

POTENTIAL IMPACT:

The potential short term impact of expanded use of fines and the development of the day fine concept would be the realization of a greater number of bench dispositions utilizing this sanction. Mechanisms need to be in place to ensure adequate enforcement and proper collection of the fines. It is also a strong recommendation that, in the event of a default, the offender serve the remaining time in a day reporting center, alleviating jail or prison bed-space. Greater use of fines, with aggressive enforcement, would add considerable

revenues to State and local government.

POLICY:

The Judiciary should take a lead role for the promulgation and implementation of policies with respect to financial sanctions with the Administrative Office of the Courts assuming primary responsibility for establishment, enforcement, processing, record keeping, statistical reporting, data collection, and evaluation. Strong linkages will be necessary with correctional agencies, specially in the matters of default and offender accountability. The Division of Parole and Probation, in concert with the Judiciary, should develop firm procedures and strategies to increase the rate of payment when restitution is ordered.

LEGISLATION:

Statutory ceilings for fines must be reviewed and appropriately be lifted to allow imposition of larger fines. Statutory restrictions on the use of fines as a sole sanction for specific offenses should be removed. Legislation, particularly involving the day fine program, should address "dollars-to-days" conversion rates to ensure that offenders having similar prior records serve essentially similar jail terms in the event of default. Legislation may be necessary to ensure auditing by the appropriate fiscal authority, i.e. the Office of the Comptroller.

FISCAL IMPACT:

During FY91, the total amount of fines collected by the District Court in criminal cases was approximately \$2.2 million. Consideration should be given to the dedication of a function within the Administrative Office of the Courts to manage the collection of restitution and fines. Staffing would be contingent on the expected use of the sanctions, volume of offenders, tracking needs, and enforcement methodology.

AGENCIES RESPONSIBLE FOR IMPLEMENTATION:

The Board; Administrative Office of the Courts; Department of Public Safety and Correctional Services: Division of Parole and Probation.

RECOMMENDATION #15. ***Maryland must develop a comprehensive statewide plan for the administration of juvenile justice to address the immediate and long range issues confronting the system.***

The deliberations relative to alternative sanctions and system wide planning and coordination must be expanded to include the juvenile justice system.

RATIONALE:

A comprehensive analysis of juvenile justice system in Maryland should be conducted. The most recent report of the Russell Committee of the Bar Association of Baltimore City (January, 1992) addressed the critical problems confronting Maryland's juvenile justice system in the State's highest crime area. Baltimore City, in fact, ranks sixth in violent crime among urban centers of comparable size.

Nevertheless, the status of the juvenile justice system in Baltimore City reflects the problems, activities, and lack of resources which on a smaller scale are reflected in most of Maryland's twenty-four (24) geopolitical subdivisions.

Criminality clearly does not emerge upon an individual's passage into adulthood. Well substantiated data confirms that those persons adjudicated as adults for the first time have engaged in prolific juvenile delinquency. In fact, those behaviors are well-entrenched; the patterns and responsive actions are well developed. Absent sufficient resources to provide a "holistic" approach to address the voluminous needs of these young offenders, sufficient positive intervention will not occur. Simply, delinquents will graduate into the school of serious, chronic adult criminals, continuing to compound the overcrowding in State and local correctional facilities.

It is incumbent on government officials and law-makers to ensure that our young people, Maryland's rising adult populous, are provided with the best possible services available and that the cycle of criminality is interrupted at the earliest possible point in time.

POPULATION TARGETED:

All components of the juvenile justice system throughout the State.

POTENTIAL IMPACT:

Studies conducted through the Statewide Pretrial Detention and Release Needs Assessment and the Governor's Task Force on Alternative Sanctions to Incarceration, have examined the elements and case flow within the criminal justice system. In a similar vein, the juvenile justice system will benefit from comprehensive review, and the development of an action plan to address the exigent needs as well as long term agenda.

POLICY:

The GOJA's Advisory Board through the Juvenile Justice Advisory Council should establish such an analysis as a priority.

LEGISLATION:

None required.

FISCAL IMPACT:

The analysis may be conducted under the auspice of the GOJA Board, Juvenile Justice Advisory Council, in close coordination with the Department of Juvenile Services and the courts, obviating any additional costs.

AGENCIES RESPONSIBLE FOR IMPLEMENTATION:

The Board through its Sub-Committee: Juvenile Justice Advisory Council; Governor's Office of Justice Administration; Department of Juvenile Services; Judiciary; law enforcement agencies; Office of the Public Defender, State's Attorneys' Offices; Governor's Drug and Alcohol Abuse Commission; Department of Health and Mental Hygiene; Maryland State Department of Education; Department of Human Resources; Office of Children, Youth and Families.

PART III - COMPENDIUM OF PROPOSED SUB-COMMITTEE RECOMMENDATIONS

The following are the verbatim recommendations of the four (4) Sub-Committees proposed to the Task Force in order to reduce the overcrowding in State and local prisons and jails, to reduce the necessity for major capital expenditures in facility construction while ensuring public safety. (Appendix B)

Pretrial Intervention Sub-Committee

- **Continuation of eight (8) existing county pretrial programs and the creation of seven (7) new programs. (Allegany, Cecil, Charles, Frederick, Harford, Howard, and Worcester).**
- **Funding for pretrial service agencies will be provided by the assessment of an administrative fee of fifty percent (50%) deducted from the Court collection of a ten percent (10%) deposit bail option upon a guilty finding. A \$5.00 processing fee would be assessed upon a not guilty finding.**
- **Audit the bail bond forfeiture process to ensure forfeitures are current and consistently applied statewide. (Houston, Texas is currently in the process of collecting \$70 to \$100 million in delinquent bail forfeitures.)**

Special Needs Population Sub-Committee

- **Create a day reporting center in Department of Public Safety and Correctional Services as an intermediate sanction for offenders charged with technical violations of parole and for select offenders who have special needs. (Mentally ill, developmentally disabled, elderly, etc.)**

Post Adjudication Sub-Committee

- **Over the next year, develop a comprehensive plan to create an Office of Community Corrections to give grants to local corrections programs that are**

designed to result in decreased commitments to state prisons and local jails. Establish a State Community Corrections Board to develop criteria and guidelines for local governments and establish local Community Corrections Advisory Boards.

- Increase the use of split sentences for selected offenders by using brief periods of incarceration (less than 1 year) followed by a period of supervised probation.
- Allow Division Of Correction inmates who have not had violent crimes within the last ten (10) years and are within six (6) months of a release date to be eligible for work release.
- Increase the use of home detention by expanding the selection criteria for the program.
- Encourage the use of community service by providing immunity from liability for groups and employers that agree to accept certain classes of offenders.
- Expand the use of community service as a stand-alone, pre-adjudication measure.
- Permit the use of community service with certain violent criminals (i.e. auto manslaughter).
- Grant parole and probation agents arrest powers when an offender is violating the terms of their parole or probation.
- Allow parole and probation agents to increase supervision of the offender by adding home detention and day reporting to the conditions of their parole or probation when warranted.
- Encourage a more extensive use of fines and raise the fines for certain offenses when appropriate.

Community Reintegration Sub-Committee

- **Create a Metropolitan Transitional Service Center within the Department of Public Safety and Correctional Services to provide inmates with educational services and pre-release programming before their release. This facility would be located at the Maryland Penitentiary.**

SPECIAL ACKNOWLEDGEMENTS

Special gratitude must be acknowledged for their assistance in our research to the National Center on Institutions and Alternatives and its Executive Director, Mr. Herbert Hoelter, and Dr. Peter P. Lejins, Professor Emeritus, Institute of Criminal Justice and Criminology of the University of Maryland, for his generous contribution to our library of research material.

Governor's Office of Justice Administration

Nancy J. Nowak, Executive Director
Stephen A. Bocian, Deputy Director
Angela Gover, Student Intern
Hilary Y. Hammerman, Special Assistant
Robert L. Peregoff, Volunteer

Guest Speakers at Task Force Meetings

Jeff Clewer, Director, Cecil County Detention Center
George Haggerty, Director, Law Enforcement, Cecil County
Herbert J. Hoelter, National Center on Institutions and Alternatives
Katherine M. Jones, Division of Parole and Probation
William Martin, Montgomery County Pretrial Release Program
Linda Parrott, Baltimore City Community Services Program
Jane Sachs, Montgomery County Pre-Release Center
John Savage, National Center on Institutions and Alternatives
Henry L. Templeton, Director, Division of Parole and Probation
Donna Tisdale, Alternative Sentencing Program, Sheriff's Office, Frederick County
Maurice Ward, Montgomery County Alternative Community Service
Sue Wiant, Montgomery County Community Accountability & Treatment Program

Task Force Sub-Committee Staff

Katherine M. Jones, Division of Parole and Probation
William Martin, Montgomery County Pretrial Release Program
Robert T. McFaul, Division of Parole and Probation
Jane Sachs, Montgomery County Pre-Release Center
Anthony Swetz, Jr., Ph.D., Division of Correction
Maurice Ward, Montgomery County Alternative Community Service

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The Honorable Joseph A. Ciotola
Chairman
Administrative Judge, District Court,
Baltimore City, Retired

Nancy J. Nowak
Staff Director
Governor's Office of Justice
Administration

The Honorable Howard S. Chasanow
Maryland Court of Appeals

Benjamin R. Civiletti, Esquire
Venable, Baetjer & Howard

David S. Cordish, Esquire
The Cordish Company

Hal Donofrio
Richardson, Myers & Donofrio

Belle Vee B. Gentry
Eboné

Anthony T. Hawkins
Rouse Corporation

Alan P. Hoblitzell, Jr.
Ryland Group, Inc.

Peter P. Lejins, Ph.D.
University of Maryland

Kent W. Mason
Montgomery County Pre-Release
Center

Ellen McDaniel, M.D.
Physician

George Phelps, Jr.
Phelps Protection System

Secretary Bishop L. Robinson
Department of Public Safety and
Correctional Services

George L. Russell, Jr., Esquire
Piper & Marbury

Byron Moore Sedgwick
Newspaper Columnist

Mark K. Shriver
CHOICE

The Honorable Stuart O. Simms
State's Attorney, Baltimore City

George Everett Surgeon
Anne Arundel Careers Center

GOVERNOR'S TASK FORCE

ON

ALTERNATIVE SANCTIONS

TO INCARCERATION

APPENDIX



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Maryland. Governor's Task
Force on Alternative
Governor's Task Force on
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APPENDIX

A

***Charge Letter
Governor's Task Force on Alternatives Sanctions to Incarceration***



STATE OF MARYLAND
OFFICE OF THE GOVERNOR

WILLIAM DONALD SCHAEFER
GOVERNOR

August 5, 1991

The Honorable Howard S. Chasanow
Maryland Court of Appeals
Court House
Box 399
Upper Marlboro, Maryland 20773

Dear Judge Chasanow:

Over the past decades, the number of persons incarcerated in Maryland has risen steadily and dramatically, necessitating a significant increase in the proportion of State and county budgets allocated for new cell space and operating costs of correctional and detention facilities. At a time when the demand on governmental resources by other quality-of-life needs is also great, it is imperative that every dollar spent on incarceration be stretched for its full and best value. Although massive incarceration may serve as a useful instrument of incapacitation and punishment, the ever-rising crime rate suggests it has limited effect as a deterrent to crime. Given the low deterrent value and escalating cost of incarceration, it is evident that we must continue to explore innovative alternatives which are consistent with public safety.

Programs have been implemented for community service, electronic home monitoring and intensive supervision of high-risk offenders. These programs need to be reviewed and, if necessary, adjusted for greater utility. New avenues for participation by private citizens and businesses must be explored in order to assure that all of Maryland's great resources may be enlisted in the solution to our problem.

My grave concern for these issues has compelled me to establish a Task Force on Alternative Sanctions to Incarceration. The mission of this group is to recommend and report on the most effective means of managing appropriate criminal offenders outside of prison and detention center walls, while at the same time protecting the safety of the citizens of Maryland. I am very pleased to appoint you a member of the Task Force, and look forward to the benefit of your contributions to the work of this group. Specifically, I am requesting that the Task Force undertake the following:

1. Recommend how public and private sector organizations, including private businesses, can become involved in pre-release service programs, probation and community service programs, and re-integration and support programs, as partners with government.
2. Recommend how community service programs can be made more useful and effective as a punishment, as a deterrent, as restitution and as a rehabilitator.
3. Recommend how community-based, graduated sanctions, including graduated incarceration, can be made more useful and effective as a punishment, as a deterrent, as restitution and as a rehabilitator.
4. Explore and recommend innovative programs operating in other jurisdictions in and outside of Maryland and the United States.
5. Review and evaluate literature and research findings on alternative, non-traditional correctional programs.

I have asked Judge Joseph A. Ciotola to serve as Chairperson of the Task Force. Staffing will be provided by my Office of Justice Assistance and the Department of Public Safety and Correctional Services. You should expect to hear shortly concerning a first meeting. I would like a report of your findings on or before December 31, 1991. The report should include programmatic, organizational, fiscal and legislative recommendations.

Thank you for agreeing to serve and lend your assistance to this effort. The issue before the Task Force is not new, but our circumstances and our capacity to deal with the dilemma of space and costs have, in my estimation, reached acute proportions. I hope you will be bold in your thinking, while at the same time practical in your examination of alternatives.

Sincerely,

Governor

APPENDIX

B

***Sub-Committee Reports
Governor's Task Force on Alternatives to Incarceration***

**GOVERNOR'S TASK FORCE ON
ALTERNATIVES TO INCARCERATION**

SUB-COMMITTEE ON PRETRIAL INTERVENTION

The Sub-Committee on Pretrial Intervention, co-chaired by Kent Mason and Ellen McDaniell, include Benjamin Civiletti, Byron Sedgwick, Stuart Simms. Staff support was provided by William Martin of the Montgomery County Department of Correction and Rehabilitation, Community Corrections.

The Sub-Committee was charged with examining programs to expand pretrial and front-end diversion programs throughout the State of Maryland.

RECOMMENDATION #1:

Many states and local jurisdictions now provide a mechanism in order to collect revenue to be utilized for the purpose of funding pre-trial service agencies. We recommend that a program be developed to collect revenue that will be distributed through grants to jurisdictions, based upon populations, for the purpose of funding pre-trial service agencies.

Via:

- (1) The allowance for the collection, the Court, of a 10% deposit bail option in the case of a set monetary bail bond. A 10% deposit bail would be allowed, in all cases, as appropriate, unless deemed unacceptable and so stipulated by the Court.

Via:

- (2) The assessment of an administrative fee of 50% deducted from the Court collection of the 10% deposit bail option upon a guilty finding.

Via:

- (3) The assessment of an administrative processing fee of \$5.00 deducted from the Court collection of the 10% deposit bail option upon a not guilty adjudication.

Via:

- (4) The assessment of a \$20.00 administrative fee for the defendant upon the Court release of a defendant on a personal bond based on the recommendation of a pretrial agency (Texas).

Common Alternative:

- (5) As an option to #2 and #3 above, charge a 1% to 3% administrative fee on all bonds (last full bail fixed amount), no matter the bond source or case outcome.

RATIONALE:

After more than three decades of bail reform, statistics continue to show that over half of the persons incarcerated in America are awaiting adjudication of the charges against them. Further, it has been shown that more people are detained prior to trial than are confined following conviction. Responsible reform does not suggest that all defendants should be released. Fortunately, major inroads have been made to remedy the problems caused by traditional monetary pre-trial release practices. Notably, the establishment of pre-trial services agencies in virtually every major urban area and at all levels of government (federal, state, local), has done much to increase the use of more equitable forms of pre-trial release. Pre-trial service agencies provide the courts with verified information for a more informed judicial decision at the time of bond reviews. This assessment component is supported by a supervision component utilized to monitor defendants who have been released back into the community pending trial, thus ensuring compliance with release conditions. Tracking services provide a vital link with a defendant as a lower level monitoring service to provide court notifications

an associate contacts with a defendant.

The presumption that an accused is innocent until proven guilty is fundamental to due process. Pre-trial release is a vital concomitant to that presumption since otherwise to be imprisoned before trial would be punishment of an accused without any adjudication by a court.

The concept of bail, or release from confinement prior to trial, is hardly new. In medieval times, the courts permitted a third party to assume the custody of a defendant prior to trial. The result of the defendant's failure to appear for courts was that the third party was tried for the crime in the defendant's place. As the bail system evolved, the accused posted a money bond to guarantee his appearance at trial, which he forfeited if he did not appear. More recently, the Bail Reform Act of the 1960's incorporated the belief that detaining the poor because they were unable to post bond violated their right against excessive bail in all circumstance. In the Maryland Rules of Law, Rule 4-216 provides that "defendants charged with an offense for which the maximum penalty is neither death or life imprisonment, shall be released on their own recognizance", unless there is a determination that there is substantial risk that the defendant will not appear for trial. Nonetheless, neither release on recognizance, nor release on money bond ensures the protection of the community when defendants remain unsupervised in the community pending trial.

The need for Pre-Trial Services Agencies and the provision of a funding source are increasing concerns. More and more jurisdictions are finding the need to establish such agencies, but due to the declining fiscal picture are unable to do so. Such a situation allows for an increasing jail population and no affordable means to address the dilemma.

POPULATION TARGETED:

Confined individuals compose two groups: those offenders sentenced to confinement by the court for the purpose of punishment and rehabilitation and those defendant held pending trial or sentencing. It is the latter group which occupies the highest number of jail beds. Most urban jurisdictions offer the

services of a pre-trial service agency to screen and assess these defendants for release pending trial and many provide pre-trial supervision as a release option. Pre-trial service agencies provide the courts with verified information for more informed decision making at the time of bond reviews, provides for community supervision to clients pending trial, monitors defendant's compliance with court ordered release conditions thus ensuring that they remain arrest-free and appear for all required court hearings.

Pre-trial defendant populations consisting of 50% - 70% of those housed in local jurisdictions throughout Maryland. Fees collected under this article shall be deposited in the State Treasury to be used solely to defray expenses of the Pre-Trial Services Agencies in Baltimore city and Maryland counties to be distributed through a grant process.

POTENTIAL IMPACT:

Short term:

Immediate revenue collection. Allows for the offset of cost to Pre-Trial Service Agencies funding and associated systems.

Long term:

Allows for the implementation of Pre-Trial Service Agencies statewide, via expanded revenue source, in order to maximize release of pre-trial detainees from local detention center; increase court appearance rates, and increase arrest-free rates on defendants awaiting trials.

POLICY:

- o The Clerk of the Court in Maryland jurisdictions would have the authority to accept a 10% deposit bail option unless stipulated otherwise by the Court.

- o The Clerk of the Court in any Maryland jurisdiction would have the authority to assess an administrative fee of 50% deducted from the Court collection of the 10% deposit bail option upon a guilty finding.
- o The Clerk of the Court in any Maryland jurisdiction would have the authority to assess an administrative processing fee of \$5.00 deducted from the Court Collection of the 10% deposit bail option upon a not guilty verdict or no adjudication of the case.
- o The Clerk of the Court in any Maryland jurisdiction would have the authority to assess an administrative fee of \$20.00 upon the Court release of a defendant on personal bond based on the recommendations of a Pre-Trial Agency.

LEGISLATION:

Amendment to Annotated Code of Maryland
Article 27, Crime and Punishment
Amendment to Maryland Rules of Procedure
Chapter 700, Section 400

Revision to Maryland Rules of Procedure, Chapter 700
Rule 4-216
Rule 4-217

FISCAL NOTES:

A number of states have passed legislation authorizing the collection of fees from defendants who receive services from a pre-trial program. For instance, a Texas statute allows the court to impose a fee on those who have been release on personal recognizance as a result of a recommendation by the pre-trial services program to "defray expenses of the personal bond office". A Kentucky statute allows for the collection of fees that require a percentage deduction from the bail deposits. Illinois statute, most closely resembling bail statute of Maryland, allows for the court to accept 10% of the required bail and deducts an administrative fee

upon return of the deposit of the defendant. This is the typical procedure in most jurisdictions that have a ten percent (10%) deposit bail option. This practice was ruled constitutional in 1971 U.S. Supreme court case (Schilb v Kuebel).

Percentages deducted upon return, specificity of use for deductions, processing fees and system interactions differ somewhat from jurisdiction to jurisdiction; however, the intent of all is to take advantage of a system of revenue now overlooked in Maryland. The practice of returning some of the percentage bail submitted before release and in some jurisdictions all, if a dismissal is received, is by far an improvement to the justice system and provides revenues to support local pre-trial programs.

As indicated herein, this is by no means a new feature throughout the nation. It has been tried, tested and found to be Constitutional by the U.S. Supreme Court. Maryland's involvement is now timely and the implementation of fees would provide the much needed revenue to support pre-trial services.

RECOMMENDATION #2:

- o To audit the bail bond forfeiture process to ensure forfeitures are current and consistently applied statewide.
- o To review the bail bond forfeiture statutes to ensure consistency and applicability.

RATIONALE:

Currently, audits are being conducted in several states as to the bail bond forfeiture process and collection thereof. An audit is now underway in Washington, D.C. and preliminary results indicate hundreds of thousands of dollars uncollected in bond forfeitures. Houston, Texas is currently in the process of collecting an estimated \$70 - \$100 million in bail forfeitures in a delinquent status.

Rules and statutes have unresponsive timeframes allowing up to ten (10) years

whereby a forfeiture can be returned. Furthermore, inconsistent application of forfeiture amounts throughout the State could decidedly allow for the setting aside of a collectable to the enforcement of full collection. This disparity represents and inconsistent uncriterioned approach to regulation.

POPULATION TARGETED:

Those defendants who have been released to a third party surety or have represented themselves by posting a bond who have since failed to satisfy their court commitment, thus forfeiting bond.

POTENTIAL IMPACT:

Short term:

In the event that such a population representing outstanding collectibles exist in Maryland, as denoted by audits conducted in other jurisdictions, such outstanding forfeitures can be immediately called upon to be collected.

Long term:

More consistent collection of forfeitures producing a revenue impact by:

- o More timely collection of a non-refundable revenue
- o More consistent application of forfeiture allowances

POLICY:

Revision to Maryland Rules of Procedure; Chapter 700; Rule 4-216 and Rule 4-217.

LEGISLATION:

Revision to Maryland Rules of Procedure; Chapter 700

Rule 4-216

Rule 4-217

**Revision to Annotated Code of Maryland, Article 27, Crime and
Punishment**

FISCAL NOTE:

An audit is currently underway in Washington, D.C. Preliminary findings indicate hundreds of thousands of dollars uncollected in bond forfeitures. Houston is currently in the process of collecting an estimated \$70 - \$100 million in delinquent bail forfeitures.

A preliminary review of the number of bail bonds posted in Maryland District Courts (exclusive of Montgomery County) during November and December of 1991 yielded the following data (two month totals are shown):

870 Cash Bonds (paid by the individual, family, or friends)

3026 Corporate Bonds (paid by bonding agency supported by insurance)

1536 Property Bonds (paid by bonding agency with property as surety)

251 Percentage bonds (paid by the individual, family, or friends)

Although the dollar amount for bail bonds posted last year is not readily available, the amount of bail bond forfeitures collected during FY91 was \$1,449,862. The best available estimates are that approximately \$12 - \$15 million are posted annually by individuals as bail bond in the District Court system.

**GOVERNOR'S TASK FORCE ON
ALTERNATIVES TO INCARCERATION**

SUB-COMMITTEE ON SPECIAL NEEDS POPULATION

The Sub-Committee on Special Needs Population, co-chaired by Dr. Peter Lejins and Secretary Bishop Robinson, include David Cordish and George Phelps. Staff support was provided by the Department of Public Safety and Correctional Services (DPSCS).

The Sub-Committee was charged with the examining the many special populations throughout the State of Maryland and researching programs to adapt to their unique situations.

RECOMMENDATION #1:

This committee recommends the development of the Day Reporting Center as an established level of custody for the Commissioner of Correction, the Commissioner of Pre-Trial and Detention Services, and the Director of the Division of Parole and Probation. This concept would include aspects of intensive supervision, electronic monitoring, and comprehensive treatment for special needs populations. Participation at the Day Reporting Center would be from three (3) to six (6) months in duration. This period would allow sufficient time to provide program services and intervention and to remediate issues related to the offender's special needs while simultaneously providing public safety supervision.

This recommended level of custody would enable the Commissioners of Pre-Trial and Detention Services and Correction to provide public safety supervision on a daily basis in a non-institutional, community setting. Placement of targeted inmates could occur in lieu of incarceration.

The Director of the Division of Parole and Probation will possess an intermediate sanction as an alternative to reincarceration of offenders charged with technical violations of their parole/mandatory supervision release.

This level of custody would provide public safety with the ability to employ the necessary resources to combat those conditions that contribute to the onset of relapse and recidivism. Addiction, mental illness, chronic unemployment, and inadequate family or community support are most often cited as significant issues in the return of incarceration and continuance of criminal activity.

Major population centers of the state should be considered for development of this concept.

RATIONALE:

With the absolute certainty of increasing populations that are confined in the State of Maryland, the Day Reporting Center level of custody can provide special targeted populations with an alternative to incarceration. This approach would be multi-disciplinary in nature; combining certain aspects of intensive supervision with ancillary services. Substance abuse treatment, mental health services, education, job readiness and placement, housing, and health care needs are essential ingredients in the formula for successful community adjustment by this targeted, special needs population. When combined with intensive, daily supervision contact, and electronic monitoring where appropriate, this approach can produce an effective, cost efficient alternative to incarceration.

The Day Reporting Center is a program that requires the reorganization of existing services rather than the development of new resources. The strength of the day reporting concept is that a program can be developed which takes advantage of the most recent and promising strategies available to the field of community corrections. It can combine intensive supervision, needs assessment, rapid referral and verification, and support for continued participation in treatment as elements of the holistic habilitation process.

The Day Reporting Center can be sited in an existing non-correctional location. The site would allow for public safety personnel to meet with the offender, coordinate the brokerage of identified services, and serve as host facility for other program activities. Day Reporting Center participants would maintain incarcerated

status while functioning in a non-institutional setting. If empowered with a statutory authority similar to that of Home Detention staff, this program would have a capability to directly incarcerate offenders who violate the regulations of their conditional release.

POPULATION TARGETED:

This committee recommends that the Day Reporting Center be developed and targeted to a special needs population as a pilot project for the Department of Public Safety and Correctional Services. The committee acknowledges that this program concept has relative applicability to all correctional populations, however, the committee believes that inmates with special needs issues are at greater risk of recidivism precisely because of these special needs.

The committee is recommending that the Day Reporting Center select offenders who have demonstrated a history of chronic problems. The committee is suggesting that the following special needs populations be targeted for consideration:

1. Chronically addicted person as defined by repeated relapse to addictive illness;
2. Chronically mentally ill;
3. Developmentally disabled;
4. Physically handicapped;
5. Elderly;
6. Sex offenders;
7. Youthful offenders, and
8. Female offenders.

Ultimately, these populations must be prioritized as part of the selection criteria process. There are four (4) public safety populations that will be impacted by the development of the day reporting center.

The first population will consist of chronic misdemeanants at the Baltimore City Detention Center whose repeated offenses do not pose a significant threat to public safety but are often confounded with issues that relate to chronic addiction, mental illness, or other health problems. Most periods of confinement are generally less than six (6) months.

During calendar year 1990, there was in excess of 24,000 commitments to the Baltimore City Jail. In consideration of the wide range of special needs populations, a significant number of offenders could be diverted from this group. By way of example, some of the dominant charge statistics are as follows:

Narcotics	4,295	(20.3%)
Public nuisance	585	(2.4%)
Sex offense	387	(1.6%)
Traffic	938	(3.9%)

The second population will consist of those individuals who are in the custody of the Commissioner of Correction, have served a significant portion of their sentence, and may benefit from early release to the community by virtue of the consolidation of services available in the Day Reporting Center.

Presently, there are 2,000 inmates in the Division of Correction with sentences of five (5) years or less who have served more than 50% of that sentence.

The third population will be comprised of the first time incarcerated offenders in the State correctional system with some prior criminal history where the instant offense is non-violent as defined under Article 643B.

There are approximately 2,000 inmates in the Division that are serving their first incarceration that have sentences of less than five (5) years. More than one-half of these inmates are incarcerated for non-violent and non-drug offenses, while the remainder were incarcerated for probation.

The fourth population will include those individuals who are in technical violation of their parole/mandatory supervision status and may benefit from this intermediate sanction rather than returning to incarceration. Assignment to the Day Reporting Center will be made by the Division of Parole and Probation for those offenders. Offenders whose conditional release has been revoked may subsequently be identified by the Division of Correction as eligible for reassignment to the Day Reporting Center.

During FY91, there were 1,575 (warrant) revocation hearings (1,092 Parole and 483 Mandatory Supervision). Technical violations constitute approximately 40% of the total pool of (warrant) revocation hearings. Additionally, 576 (subpoena) revocation hearings are scheduled annually. Therefore, a pool of approximately 1,200 inmates could be diverted from re-incarceration.

POTENTIAL IMPACT:

A. Short Term Impact

1. The implementation of this program would retard the growth of commitments to correctional facilities by diverting to an appropriate community alternative many of those offenders who would otherwise enter or resume periods of incarceration.
2. The implementation of this program would require the initial investment of staff sufficient to develop program policies and procedures, to establish criteria for program admission, to identify appropriate populations for placement and to classify those individuals into program activities.

3. The adoption of this program would require a significant amount of staff effort to develop the logistical and contractual arrangements for this multi-disciplinary, merged model. Agreements must be forged that will define the roles of the DPSCS and community based human service delivery agencies to establish day reporting sites.

B. Long Term Impact

1. The Day Reporting Center program will reduce the number of inmates maintained in correctional institutions to the degree that appropriate candidates can be selected and entered into this program.
2. By establishing this level of custody and care, the program will provide for the ability to impact on dysfunctional community adjustment by assisting the offender in the community who is not a significant threat to public safety in the development and execution of a plan for pro-social adjustment.

POLICY:

The Department of Public Safety and Correctional Services shall develop a program to establish a Day Reporting Center. The Center shall function as a multi-agency, interdepartmental effort to provide a level of custody supervision and care that does not presently exist. Subsequently, all necessary appropriate policy and procedure shall be promulgated by the Department and involve Divisions. Inter-agency agreements will be established to govern operations involving the Department of Public Safety and Correctional Services and other state and local government agencies.

LEGISLATION:

The Department of Public Safety and Correctional Services shall develop and submit legislation to the Governor's office to provide the statutory authority for the Commissioners of Corrections, Pre-Trial and Detention Services, and the Director of the Division of Parole and Probation to establish a level of security

designated as Day Reporting. That legislative proposal should review the feasibility of amendment to the present home detention unit legislation to provide this level of security. The Department shall also submit legislation to assign peace officer status for designated employees of Day Reporting to provide appropriate retake authority.

FISCAL NOTE:

The DRC as an alternative sanction to incarceration is a multi-variate and multi-definitional concept. Dale G. Parent (1990) analyzed twelve (12) Day Reporting Centers in an National Institute of Justice (NIJ) funded study. The per diem rates reported from those centers ranged from a low of \$7.27 per day to a high of \$52.42 per day. Those models described ranged from residential to intensive parole/probation supervision offices. Some centers provided specialized services while others did not.

Of particular emphasis in that study was the concept of the continuing fixed costs of the institutional setting in the savings associated with vacating a bed as opposed to the construction cost savings of new beds by the diversion of the offenders to Day Reporting. Mr. Parent suggests that the Day Reporting Center needs to be an alternative that impacts on a sufficient population to reduced fixed costs or capital costs. He provides data to indicate that merely vacating beds without associated fixed costs could ultimately cost more than they save.

The cost analysis of this fiscal note has been generated on estimated data within the State of Maryland as compared with those of State of Wisconsin. The Wisconsin model most closely resembles the vision of the continuity and care that has been articulated by the Maryland Secretary of Public Safety and Correctional Services.

The following fiscal estimates are based on the best estimates of the agencies involved. On a national level, the assessment of the Day Reporting Center, as a concept, is a relatively new initiative. The analysis of cost savings are underdeveloped due of the lack of hard data with the respect to implementation of programs within the United States.

Cost estimates per diem for the Wisconsin model that are cited in the literature by Mr. Parent are as follows:

Correctional Beds	\$ 45.00 per day
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Cost estimates per diem generated by State of Maryland agencies for institutional and community custody are as follows:

Correctional Beds	\$ 55.00 per day
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(Based on Wisconsin differential percentage)	

It is estimated that the daily cost savings of a Day Treatment Center would be \$28.00 per day over Pre-release if the fixed costs of the pre-release bed could be reduced to \$0.00 and the offender could be maintained in the community in a Day Reporting Center.

**GOVERNOR'S TASK FORCE ON
ALTERNATIVES TO INCARCERATION**

SUB-COMMITTEE ON POST-ADJUDICATION

The Sub-Committee on Post-Adjudication, chaired by the Honorable Howard S. Chasanow, included Belle Gentry, Mark Shriver, and George Surgeon. Staff support was provided by Maurice S. Ward and Jane S. Sachs of the Montgomery County Department of Correction and Rehabilitation and by Katherine Jones of the State Division of Parole and Probation. Fiscal notes on Day Reporting Centers was provided by Dr. Anthony Swetz, Jr. of the Division of Correction and Robert T. McFaul of the Division of Parole and Probation. As a result of their staff work for the Special Needs Population Sub-Committee.

The sub-committee was charged with examining the myriad of community based sentencing options, highlighting expanded probation supervision, community service, work release, day reporting centers, home detention and graduated offender accountability. Accordingly, the sub-committee divided the subject into eight (8) recommendations:

1. The Use of Split Sentences
2. Work Release
3. Home Detention
4. Day Reporting Programs
5. Community Service Programs
6. Peace Officer Status
7. Informal Modification of the Terms of Parole/Probation
8. Fines/Day Fines

The following are the recommendations of the sub-committee in these eight (8) categories:

RECOMMENDATION #1:

We recommend the wider use of the split sentence for selected offenders, i.e., the use of brief periods of incarceration (up to one year) to be followed by a period of supervised probation. The sentencing court would make the determination as to the periods of time involved.

RATIONALE:

A brief period of prison reality provided by incarceration would inevitably elicit specific deterrent qualities by producing a disincentive for further criminal activity leading to reincarceration. The incarceration aspect of punishment would provide a general deterrence in that it exhibits tangible evidence of punishment and satisfies the general public's demand for visible retribution. The offenders involved in the use of split sentences would be those, who on the basis of their crimes or their past record would have typically received more severe punishment than probation, but less severity than the current typical period of incarceration.

POPULATION TARGETED:

The potential population targeted by alternative sentencing devices would typically be youthful offenders (between 17 and 31 years of age) who would be experiencing their first period of incarceration and would include offenders who would have previously been sentenced to periods of incarceration of up to five (5) years. Over one-half are serving sentences for non-violent and non-drug related offenses with the remainder incarcerated for probations violations. A true reduction in the length of time offenders spend in prison as offenders, is drawn from those who would normally be incarcerated as opposed to those who would normally receive probation.

This diversion from longer incarceration terms would lead to providing more eligible candidates for the "Boot Camp" programs. Offenders who complete a period of shock incarceration may be less likely to become re-involved in criminal behavior, which in turn would lead to fewer convictions and consequently, fewer inmates in State prisons.

LEGISLATION:

Amended or proposed new legislation would be necessary to mandate the courts to develop criteria for defining the guidelines determining the candidates for diversion into programs involving split sentencing.

FISCAL NOTE:

Evaluation of both the Florida and New York programs have determined that although the cost of the programs is slightly higher than the cost of regular prison incarceration, the shorter period of incarceration results in significant savings. In Florida the savings were \$1.1 million and in New York the estimate was a savings of \$5.1 million for the first 321 inmates. It would appear that monetarily, considerable savings would accrue.

RECOMMENDATION #2:

Work release facilities should be developed in Maryland to provide each jurisdiction's criminal justice system with an alternative between probation supervision and long term confinement by providing highly structured work release/pre-release programs for offenders who will soon be returned to the community. Discharging offenders back into communities with employment, housing, sustenance and a greater capacity to cope with the underlying causes of their criminal behavior is the goal. A comprehensive work release/pre-release program would use a holistic approach that addresses the offender with a bio-psychosocial model.

This type of program would focus on these key elements:

1. Restrictive screening - no risk of violence, no escape risk, etc.
2. Contracting- specific goals and strategies setting expectations.
3. Employment and/or life skills training.
4. Education - using community resources.
5. Counseling - Individual and group, focusing on substance

abuse/relapse prevention issues.

RATIONALE:

At some point in time, all offenders will be released back into society. The members of the community expect that offenders be prepared for the responsibility of community life prior to release. If we are to have any impact on the "revolving door syndrome" of today's judicial system, we must offer opportunities for offenders to break the patterns of negative/addictive behaviors.

Work release is an important element in the corrections process, but generally should be limited to offenders appropriate to the programs. Restrictive screening criteria must be established and used in the selection of candidates for work release programs.

POPULATION TARGETED:

The target population for work release programs is incarcerated non-violent offenders or offenders within six (6) months of a potential release date. Screening criteria needs to be established by each jurisdiction. We recommend amendments to statutes to allow offenders who have not committed violent crimes within the past ten (10) years as well as other offenders within six (6) months of release to be considered eligible for the programs. Legislation should also be enacted that fees be part of these programs, but that local jurisdictions should establish their own formulae for reimbursement.

POTENTIAL IMPACT:

The short term impact of work release centers in local jurisdictions would be the alleviation jail and prison bed space with the construction and staffing of these facilities. In the long term however, the impact would be to reduce the amount of recidivism and to increase the involvement of offenders in the community. The community in return assists their own offenders back into the community with persons able to contribute towards their own upkeep and thus be less likely to continue with criminal behavior.

POLICY:

The State Division of Correction should activate a system of automatic referral and contracting with locals for front-end and back-end services. Jurisdictions which do not have work release programs should be encouraged to develop them, possibly with incentives from the State to do so.

FISCAL NOTE:

Low security work release facilities are less costly to the State than incarceration since the construction, design and manning costs are substantially reduced. Additionally, the offender can aid in the support of his/her dependents in the community and honor court ordered restitution to the crime victims.

RECOMMENDATION #3:

Electronically monitored community detention, or home detention, is recommended as an option available for local sentencing as a step-down from local work release and as a "halfway back-in" option for the Division of Parole and Probation. Electronically monitored community detention offers a controlled living environment and punitive sanctions for illegal behavior while allowing the offender to remain at home continuing a community role as well as working and supporting dependents.

RATIONALE:

An important concept of an electronically monitored community detention program is the utilization of "electronics" as one of the "tools" of supervision. A comprehensive program would also employ community resources to assist the offender in making needed lifestyle changes. The rationale behind home detention is that it offers another step in sentencing and programming without utilizing traditional incarceration. By not removing the offender from home and environment, the community need not support his/her dependents nor reintegrate the offender at a later date. The cost of this program would be offset by fees

charged to the offender thus greatly reducing the cost to the community.

POTENTIAL IMPACT:

The short term impact of this program would initially alleviate the recurring cycle revoking parole and probation violators to incarceration and would offer parole and probation agents an alternative to provide the community and the offender more serious consequences than simple community supervision and less severe than incarceration.

The longer term effects of home detention would be the increased community safety and protection, the use of community resources by the offender, the deterrence to violation of supervision, and the smooth transition into the community for the offender.

LEGISLATION:

Legislation should be enacted in order to assist implementation by local jurisdictions to establish home detention programs. Additional legislation will be needed mandating that home detention participants defray the cost of their supervision (fees to be set by the jurisdictions with available waivers) and incentive plans for employers who hire work release or home detention offenders (i.e., tax credits). Such legislative ordinances have been enacted in some counties, such as Harford and Prince George's County.

FISCAL NOTE:

According to Technical Assistance Report prepared by the Bureau of Justice Assistance in February, 1989, " Feasibility of Using Electronic Monitoring as an Alternative to Conventional Incarceration in Maryland." The cost of supervisory staff and equipment to operate the type of electronic monitoring program suitable for Maryland is about \$12.00 per day per offender. Predicated on prison operating cost of \$34.00 per day per offender, an electronic monitoring program would provide a cost saving of \$22.00 per day per inmate. This constitutes an annual cost saving, or cost avoidance for 1500 diversions, of \$12,045,000. At

the "back end" the use of electronic monitoring could reduce prison population and may also reduce the number of pre-release centers by serving the functions they perform at much lower cost. These figures do not address additional cost savings that may result in the reduction of future needs for prison construction.

RECOMMENDATION #4:

The Maryland Department of Public Safety and Correctional Services would establish Day Reporting Centers (DRC). Through the DRC's, parole and probation offenders would access resources for substance abuse, housing, employment, and intermediate sanctions such as home detention, electronic monitoring and urine testing would be available. DRC's would be located in urban-suburban areas with access to public transportation.

RATIONALE:

As prison and jail populations increase in Maryland, the DRC could provide an intermediate sanction for offenders who violate their conditions of traditional parole and probation. Intervention to place controls on offender behavior can be achieved through DRC's and combinations of electronic monitoring, urine testing, and community service. Offenders who are in technical violation of a probationary status may benefit from assignment to a DRC as opposed to revoking them to incarceration.

POTENTIAL IMPACT:

One of the short term effects resulting from DRC's would be a decrease in court orders/commitments to correctional facilities as selected offenders would be remanded to a DRC. Another would be the need for staff to develop policy and procedures, to operate the center, to establish criteria for program admission, and to establish linkage with community based resources and treatment centers.

The long term effects, an ultimate goals, would be the reduced cost for incarceration for selected categories of offenders and through the access of such skills as job readiness, literacy and education, employment and counseling,

offenders will ultimately become productive, tax paying members of the community.

POLICY:

The Maryland Department of Public Safety and Correctional Services shall develop programs, policies and procedures establishing DRC's. Brokerage of services will be necessary for this concept to succeed and accordingly, inter-agency agreements and memoranda of understanding will need to be promulgated with community treatment organizations and referral agencies. Selection criteria for offender admission needs also to be developed by DPSCS.

LEGISLATION:

The DRC program must be developed through legislation mandating the DPSCS the authority to establish a level of security known as Day Reporting and amendments to existing home detention and work release legislation to include the provisions of transfers and retake authority from the DOC and local adult detention facilities.

FISCAL NOTE:

The DRC as an alternative sanction to incarceration is a multi-variate and multi-definitional concept. Dale G. Parent (1990) analyzed twelve (12) Day Reporting Centers in an NIJ funded study. The per diem rates reported from those centers ranged from a low of \$7.27 per day to a high of \$52.42 per day. Those models described ranged from residential to intensive parole/probation supervision offices. Some centers provided specialized services while others did not.

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percentage)

It is estimated that the daily cost savings of a Day Treatment Center would be \$28.00 per day over Pre-release if the fixed costs of the pre-release bed could be reduced to \$0.00 and the offender could be maintained in the community in a Day Reporting Center.

RECOMMENDATION #5:

Community Service would be performed at two (2) points in the criminal justice system as it currently stands:

1. At the point of pretrial diversion
2. As a condition or adjunct to probation

Community service is an excellent option both as diversion and as a sentencing option. At the pretrial stage, community service affords the Office of the State's Attorney an opportunity to divert less serious offenders to correctional programs thus allowing greater concentration of resources to more serious cases. The result is gleaned through the enhancement of public safety and identifying offenders who need less serious sanctions.

RATIONALE:

Community service is consistent with many community correctional aims: it strives to meet community needs by having offenders contribute their time, talents or skills to productive community service projects or public welfare needs; it builds offender self-esteem and embodies a restorative ethic of justice in that it focuses on direct involvement of the offender and the community; it focuses on the repair of a societal injury; it recognizes a debt owed by the offender to the community and the offense is understood in its whole context: morally, socially, economically and politically.

POPULATION TARGETED:

Community service should be targeted to an offender population that does not have a history of violent crime or psycho-sexual disorders. Offenders who are employed and have at least an eighth grade education are preferable. Property related offenses are preferable to offenses that involve serious personal mayhem or injury to victims, though there are legitimate exceptions to this offense class, such as vehicular manslaughter or a domestic crime involving passion. Substance abuse history and prior criminal involvement should not summarily exclude

offenders from participating in community service.

POTENTIAL IMPACT:

The short term impact of community service will be immediately realized in a dramatic increase in offender case loads at the point of diversion since heretofore such cases may have nolle prossed, stotted, or proceeded to trial. A substantial reduction in less serious cases will be realized by the courts, especially at the District Court level. Prosecutorial cost and costs associated with police over-time in the prosecution of trials will be reduced. The community and/or government will benefit immediately from countless hours of volunteer person power.

The long term impact of community service will be manifested throughout the degree of confidence which the criminal justice system may have in the efficacy of community service programs, such as adequate offender monitoring, placement supervision, reporting, and reduction in court case-loads.

Successful efforts with less serious offenders/offenses for community service should augur well for further use with offenders charged with more serious crimes, use of offender "work crews" selected from jail "week-ender" populations, and a greater use of offender community service by juvenile populations.

The implementing agency for community service programs should be correctional agencies established locally. Criteria for case screening, offender selection, community placement and case follow-up should be accomplished through a correctional agency. The responsibility for implementing community service programs should rest with a specific, identifiable program with a correctional mandate. Offender community service is qualitatively different than community service emanating from volunteer bureaus, educational institutions, community action centers, etc.

POLICY:

Community service, while not generally used as an alternative to incarceration,

has some retributive effects. Through "sweat equity" and labor, offenders are required to perform activities, under supervision, which obviously they would not voluntarily perform. Coupled with probation, courts are equipped with mechanisms to hold the offender fully accountable if he/she defaults on the community services requirement through the violation of probation procedure. The courts may subsequently impose a more stringent sanction including incarceration. This serves to put "teeth" into a community service sanction either ignored or unfulfilled.

Community service is also a visible sanction that allows the public to observe a correctional sanction that provides much needed volunteer (unpaid) assistance to worthwhile public, philanthropic, and non-profit organizations.

LEGISLATION:

Legislation (under Article 27, Sec. 726A) should be amended to allow qualified immunity from liability for community service programs and worksites. Executive regulations should require that tax supported agencies avail themselves, where practicable, to the use of offender community service.

FISCAL NOTE:

Based on FY90 and FY91 estimates, the annual statewide administrative cost for community service programs is \$800,000. The total amount of administrative fees collected by locally run programs across the State is estimated to be \$450,000. The monetary value of the number of hours of community service work completed by offenders in FY90 is estimated to be over \$3.1 million (based on the minimum wage rates). The estimated cost benefit of community service programs for the citizens of Maryland is \$2.75 million.

RECOMMENDATION #6:

Limited law enforcement authority should be conferred upon parole and probation agents. This would give them the ability to make arrests where there are reasonable grounds to believe that an offender is violating the terms and

conditions of probation and would be a danger to themselves or to others if they were not taken into custody. Some agents would be authorized to serve retake and bench warrants for parole/probation violators. This would improve the system of accountability and supervision for high-risk probationers and parolees.

RATIONALE:

One of the major problems faced by parole and probation agents in Maryland is the enforcement of warrants for violations of parole and probation. Often these warrants are not served expeditiously or effectively by police agencies resulting in prolonged periods between violation, custody, and disposition. This situation undermines the credibility of parole and probation supervision in the mind of the public as well as the offender, while the conferring of peace officer status on agents would give real credibility to the control function of community criminal supervision. It would ensure that offenders for whom a retake or bench warrant had been issued were taken into custody as soon as possible.

For those categories of offenders who continue their criminal behavior patterns we need to develop community supervision strategies that emphasize surveillance and risk management. These offenders can be quickly returned to custody when the conditions of probation are violated. The assistance roles of parole and probation agents remain, but if public safety is at risk, peace officer status empowers agents to make arrests. As stated in the Governor's Drug and Alcohol Commission Report, notoriety is justifiable generated when a parolee is rearrested or convicted of a new offense. More aggressive supervision could prevent many of these new offenses occurring, but parole and probation agents currently lack the enforcement peace officer powers necessary to aggressively supervise high risk offenders. Selected agents, suitably empowered and suitably trained, can deter criminal conduct and assist police.

As the public, the community, begins to see parole and probation's ability to remove violators from the streets, there will be greater acceptance of the role of the Division of Parole and Probation as an alternative to incarceration and greater acceptance of alternative sanctions to incarceration that do not involve Division of Correction custody.

LEGISLATION:

Amended legislation must be sought giving agents powers of arrest/search and seizure to ensure that speedy detection and reporting of violations allow these agents to serve warrants and retake violators. The Department of Public Safety and Correctional Services should have regulatory powers and the responsibility for appropriate recruitment and training mechanisms for those agents selected.

FISCAL NOTE:

The number of commitments to correctional facilities would be reduced by restoring public confidence in the safety controls attendant to community supervision. This would result in the diversion of more offenders to community supervised probation and/or intermediate sanctions.

RECOMMENDATION #7:

Offenders who violate parole or probation will be moved by the Division of Parole and Probation through varying degrees of community sanctions in lieu of reincarceration, where appropriate. Agents would be able to increase supervision by adding or altering sanctions to the terms and conditions of release where there are reasonable grounds to believe that violations have occurred. This would be accomplished without formal revocation or violation proceedings, by securing court approval after written notice and opportunity to respond in writing are given to the offender.

RATIONALE:

The recommended program provides a non-incarcerating alternative sentencing/intermediate sanction for specific violators. The sanctions cannot be applied to everyone but are appropriate for certain technical violators and continuation on parole or probation after the commission of a technical violation would be a privilege.

POTENTIAL IMPACT:

The potential impacts of this program include increased community protection at a lower cost; the ability to access a larger number of services available to the offender in the community; reduce the influx of parole and probation violator within the local jails and the DOC.

LEGISLATION:

Legislation should be introduced that would give parole and probation agents the power to require additional intermediate sanctions for violators in lieu of reincarceration. The Division of Parole and Probation would promulgate policies, procedures and regulations to implement the imposition of increased sanctions where technical violations have occurred.

FISCAL NOTE:

During FY91 there were 11,158 warrants and 3,887 summonses issued for probation violation. Technical violations were 7,671, absconders account for 2,341 and new offense violations were 5,033. The recommended program would divert a number of these offenders by intervening prior to formal revocation proceedings, providing considerable savings in court costs and jail/prison bed space.

RECOMMENDATION #8:

The use of monetary fines should be expanded. This concept is well-rooted in the criminal justice system - in FY90, according to the National Institute of Criminal Justice, over \$1 billion was collected in fines. It is one of the few sanctions that emanate directly from the bench and has a number of positive aspects:

1. It can be adjusted to a level appropriate to the individual circumstances of the offender and to the seriousness of the crime.

2. It is community based and thus does not destroy the essential economic and social ties of the offender and can be combined with other sanctions.
3. It is relatively inexpensive to administer, relying on existing governmental agencies and procedures already in place.
4. It can be financially self-sustaining and unlike incarceration can produce revenue.
5. It can be an effective punishment and deterrent for offenders who have committed crimes of varying levels of severity and may also contribute, in some cases, towards rehabilitation.

The Day Fine concept, although a Scandinavian innovation used frequently in Western Europe, is only now beginning to receive serious attention as a correctional sanction in this country. Essentially, the day fine is designed to enable a sentencing judge to impose a punishment commensurate with the seriousness of the offense and the prior record of the offender, while at the same time taking into account the offender's economic circumstances.

In this system the amount of the fine is set in two (2) stages. First, the number of "units of punishment" is set, taking into account the seriousness of the offense and information regarding the offender's prior record. Second, the monetary value of each unit of punishment is set depending on the financial condition of the offender. For example, although two (2) offenders may be sentenced to the same number of units for the offense, the affluent offender would be sentenced to a larger amount per punishment unit than the less affluent offender. In the event of a default in payment of the fine, the sanction for each would be the same.

RATIONALE:

The day fine concept also addresses what many consider to be a criticism of "traditional" monetary fines; they are a lenient punishment because of the failure

of the criminal justice system to emphasize their collection and because of inequalities built into the fine itself. The day fine system, however brings equity to the issue: the number of day fine units reflects the offense and the dollar amount reflects the financial condition of the offender.

POTENTIAL IMPACT:

The potential short term impact of the day fine/fine concept would be in the realization of a greater number off bench dispositions utilizing this sanction. Mechanisms need to be in place to ensure adequate enforcement and proper collection of these fines. It is also a strong recommendation that, if in the event of a default, the offender serve the remaining time in a day reporting center, alleviating jail or prison bed-space. Greater use of the fine concept would also add considerable revenues to the State's coffers.

POLICY:

The lead role in implementing policy for this concept should be the judiciary. The Administrative Office of the Courts should take primary responsibility for establishment, enforcement, processing, recordkeeping, statistical reporting, data collection, and evaluation. Strong linkages should be developed with correctional agencies, specially in the matters of default and offender accountability.

LEGISLATION:

The State should enact legislation encouraging a more extensive use of fines and the establishment of the day fine program. Where statutory ceilings exist, they should be lifted to allow imposition of larger fines where appropriate. Statutory restrictions on the use of fines as a sole sanction for specific offenses should be removed. Legislation particularly involving the day fine program should address "dollars-to-days" conversion rates to ensure that offenders having similar prior records serve essentially similar jail terms in the event they default on fine payments. Legislation is needed to ensure an adequate auditing procedure with the appropriate fiscal authority, i.e., the Office of the Comptroller.

FISCAL NOTE:

An office of restitution and fines/day fines would need to be created within the Administrative Office of the Courts, whose staffing needs would be contingent on the expected use of the sanctions, volume of offenders, etc.

The District Courts of Maryland collected \$2.2 million in fines on criminal cases in FY91. The District Court fines were directed to the State's General Fund. The Circuit Courts collected \$3.1 million in FY91 which was distributed to the counties and Baltimore City.

**GOVERNOR'S TASK FORCE ON
ALTERNATIVES TO INCARCERATION**

SUB-COMMITTEE ON COMMUNITY REINTEGRATION

The Sub-Committee on Community Reintegration is co-chaired by George Russell and Alan Hoblitzell. Hal Donofrio and Anthony Hawkins were members of the sub-committee. Their charge was to focus on public relations, job development and employment, community outreach, aftercare, private sector involvement, housing, and mobilization of communities to care for their own populations. The sub-committee embraced the findings of the December 1988 report, Action Agenda Plan for Maryland State Prisons, hereinafter called "the Plan". The document is a product of The Joint Legislative/Executive Committee on Corrections Capital Planning.

The majority of staff work for this sub-committee final report was provided by Steve Bocian and Robert Peregoff of Governor's Office of Justice Assistance.

RECOMMENDED PROGRAM #1:

The Governor and the General Assembly should give the highest priority to the funding for the conversion of the Maryland Penitentiary and the establishment of the Metropolitan Transitional Services Center (MTSC).

RATIONALE:

The Department of Public Safety and Correctional Services (DPSCS), under the leadership of Secretary Bishop L. Robinson, has addressed the problem of the community re-integration of offenders. In the Plan it is observed that:

"One of the most critical points in the correctional process is an inmate's re-entry into the community. The complications that accompany such a transition can be dramatically assuaged by the controlled processing of offenders with adequate

supervision, education programming and support services." (The Plan, page I-5) The Plan further states that the Division of Correction (DOC) has developed the Metropolitan Transition Services Center (MTSC) to provide effective and necessary pre-release and educational services through an integrated team of Division of Parole and Probation, DOC, Parole Commission and external support services to the more than 3,000 inmates returning annually to the Baltimore City area. This fulfills a major goal of the DOC by placing effective pre-release programming and housing close to the point of return for the majority of inmates, i.e., Baltimore City. This will greatly improve the reintegration process.

It is proposed that the Maryland Penitentiary be converted to a transitional facility for inmates being returned to Baltimore City and the surrounding area. This conversion presents new and exciting opportunities to deliver needed educational services and pre-release programming. The Maryland Penitentiary is perfectly suited for the purposes and goals of the Metropolitan Transition Services Center since it is within the home community of the majority of inmates and its available space and location would facilitate the involvement of educational organizations as well as private industry in the delivery of skills training and related services.

The Metropolitan Transition Services Center will include addiction services, pre-release services, parole hearings and rehearings, release order processing, special parole and release conditioning, parole and probation agent access, intake services expansion, case management services expansion, education services and an Occupational Skills Training Center. A copy of the Metropolitan Transition Services Center section of the Plan is attached as Appendix F.

POPULATION TARGETED:

The flow into the MTSC will consist of those inmates transferred from the DOC's maintaining institutions and new inmates from the Maryland Reception, Diagnostic and Classification Center (MRDCC).

POTENTIAL IMPACT:

According to the Plan (December, 1988), the MTSC's 828 cells will serve

simultaneously 1,242 inmates, all of whom would be classified to minimum security status. With the expected turnover of program participants, at least 2,300 inmates will be served at the MTSC during a calendar year.

POLICY:

Although the legislature has approved funding for the removal of the South Wing of the Penitentiary, the construction of a 400 bed facility, and kitchen renovations, further movement on the Metropolitan Transition Services Center is on hold pending agreement and approval by the House and Senate funding committees. At issue is whether the South Wing will be demolished or renovated. Expenditures must commence on the approved funds by June 30, 1992, or an extension granted, or a new appropriation secured.

LEGISLATION:

None Required

FISCAL NOTE:

As noted under "POLICY" in this section, funding has been approved for certain capital expenses for the Metropolitan Transition Services Center. The most recent scaled back cost projection is \$17.5 million.

RECOMMENDED PROGRAM #2:

The Greater Baltimore Committee should establish a liaison with the Metropolitan Transition Services Center to assist in job placement.

RATIONALE:

The centerpiece of the MTSC is the Occupational Skills Training Center, a joint venture of the Department of Education and DPSCS, which will take full advantage of private sector contributions to the skills training classes. The Occupational Skills Training Center will serve as not only a training facility, but

also a type of job bank with direct employment opportunities for its graduates.

POPULATION TARGETED:

As stated in the Plan, the Metropolitan Transition Services Center "...presents a number of new and exciting opportunities to deliver needed educational services and pre-release programming - all from a centralized location in the home community of the majority of inmates. The MTSC is an integrated, multi-disciplinary facility that combines the expertise and programming of several agencies with the potential of heavy private sector involvement in the skills training of inmates. (The Plan, page IV-4)

POTENTIAL IMPACT:

The MTSC, along with providing more accessible and concentrated programming, is expected to: 1) reduce the number of mandatory release offenders; 2) reduce the number of releases from medium security; 3) increase the number of successful paroles. (The Plan, page IV-5)

POLICY:

The Greater Baltimore Committee should be identified as part of a community advisory group that it is recommended be established to assist the MTSC.

LEGISLATION:

None Required

FISCAL NOTE:

The provision or underwriting of necessary program services within the MTSC by the private sector will enhance the opportunities for successful parole reintegration and thus reduce recidivism and help to offset the attendant costs of incarceration.

RECOMMENDATION #3:

Work Release Counselors should be assigned to all minimum security facilities and jails.

RATIONALE:

As noted in the Plan on page I-3, "...the critical point of delivery of opportunities for preparation of re-entry into the community should occur at the pre-release phase of an inmate's term. The DOC must concentrate its resources at this phase of the correctional process with a more systemic and controlled community re-entry program."

POPULATION TARGETED:

Pre-release, minimum security inmates.

POTENTIAL IMPACT:

Improved coordination and linkages would be established to assist re-integration and community supervision.

POLICY:

The DOC would enter into co-operative agreements with local detention centers for placement of minimum security (pre-release) inmates "... for participation in community-oriented correctional programs" as authorized in Article 27, Section 690 (f), ACM.

LEGISLATION:

None Required.

FISCAL NOTE:

Estimated thirty (30) work release counselor positions at \$30,000 each equalling \$900,000.

RECOMMENDATION #4:

State Use Industries should be utilized for preparation of work oriented placement of inmates.

RATIONALE:

The basic mission of State Use Industries (SUI) is to: "... replicate a 'real world' working environment for inmates, including a production based wage system, nearly full-time employment, formal evaluation procedures as well as contemporary training and equipment." (The Plan, page III-4)

POPULATION TARGETED:

The mandate of the legislature is that the agency increase the number of inmates in the various shops and services. (The Plan, page III-4)

POTENTIAL IMPACT:

The increase in inmates' institutional employment experience and/or training will significantly enhance post-release employability.

LEGISLATION:

Review Article 27, Section 680 through 681M.

FISCAL NOTE:

The charge of SUI's enabling legislation is that the agency be financially self-supporting, generate revenue for its operation and capital investments, and

provide full-time work experience for the inmate population.

APPENDIX

C

***Meeting Minutes
Governor's Task Force on Alternatives to Incarceration Sub-Committee***

Alternative Sanctions to Incarceration
September 16, 1991
Minutes

Attendees

Members:

The Honorable Joseph A. Ciotola, Chairman
The Honorable Howard S. Chasanow, Maryland Court of Appeals
Mr. Alan P. Hoblitzell, Jr., Ryland Group, Inc.
Mr. Kent W. Mason, Director, Community Corrections, Montgomery
Co.
Bishop L. Robinson, Secretary, Department of Public Safety and
Correctional Services
Mr. Peter P. Lejins, Professor Emeritus, University of Maryland,
College Park
Mr. Anthony T. Hawkins, Group Vice President, Rouse Corporation
Mr. George E. Surgeon, Director, The Careers Center
The Honorable Stuart O. Simms, State's Attorney, Baltimore City
Mr. George Phelps, Jr., Phelps Protection System
George L. Russell, Jr., Esquire, Piper & Marbury
Ellen McDaniel, M.D.
Mr. Byron Moore Sedgwick
Ms. Belle Vee B. Gentry

Staff:

Mr. Stephen A. Bocian, Governor's Office of Justice Assistance
Mr. Robert Peregoff, Governor's Office of Justice Assistance
Ms. Maria Muffoletto, Governor's Office of Justice Assistance

Judge Ciotola

Judge Ciotola called the meeting to order. Welcoming the Task
Force members, and illuminating the charge from the Governor.
The Committee has convened to examine and recommend to the
Governor alternative sanctions to incarceration. Our purposes
must include service and protection to the public in a cost
effective and cost prudent manner, but ensure the maximization of
public safety. We must look at minimizing costs regarding the

operation of the criminal justice system within the totality of government. Judge Ciotola referenced, for instance, the State's \$1 million yearly maintenance costs for inmates on death row during the exhaustion of the entire appeals process. The Committee must focus on the entire criminal justice system rather than its individual components, if reform is to be effectuated.

Accordingly, the members responded with the following commentary:

Kent W. Mason

Accountability of offenders is critical in meeting the demands of the community. Aftercare is the key to success of the correctional process. Judge Ciotola concurred and further suggested that we review these existing programs which are structured to provide accountability and after care.

Judge Chasanow

We must identify alternatives which both the public and Legislature deem acceptable. Moreover, we should attempt to make corrections fiscally solvent by holding the offender responsible through payment for services. A fee schedule should be instituted early on within the Division of Correction, not only the division of Parole and Probation. An increase in the use of fines should be instituted; those who cannot afford to pay the fines should work in some kind of day center.

Secretary Bishop L. Robinson

The Committee needs to proceed with some caution, citing the complexion of the Maryland Correctional population. Of the total, 70% of the inmates are incarcerated for serious offenses such as Burglary, Rape, Robbery, Assault, Murder and Drug Trafficking. Some 30% are incarcerated for non-violent offenses, but many have prior histories of violent crime. Annually, Baltimore City contributes approximately 5,000 inmates to the Division of Correction Facilities. Due to that situation it is difficult to divert sufficient numbers of offenders to fill available slots in the home detention programs. Front-end diversion by reducing the in-take may be the most effective approach. One method may be through increasing paroles and as a result reducing the length of stay.

Kent W. Mason

It is shocking that in Maryland we are spending more money on corrections than we are on education. In Montgomery County several innovative initiatives are utilized to hold offenders accountable without incarceration. The IPSA (Intensive Probation for Substance Abusers) Program is an excellent example in which the offender must pay. The offender submits to urinalysis 2 times per week for 12 weeks and attends 4 counseling session. One police officer, the State's Attorney and 2 members of the Community Corrections staff are assigned to the program. To

date, the County has saved \$200,000/year just in policing. The offender is dropped from the program if he/she cannot complete it.

Another creative option is the use of 10% bail a Pre-trial Program. Instead of a bond going to a bondsman, it goes to the State. Presently, 7 states have implemented this pre-release procedure. CATS is another program that was mentioned a drug and alcohol treatment program, CATS employs electronic monitoring as an additional security tool, allowing more violent people to participate. 97% of the offenders assigned have completed it successfully. In Montgomery County, this program has reduced operational costs by 50%.

Secretary Bishop L. Robinson

The focus should be on the front end. (i.e. reduce the intake of new offenders). It is now time to implement a pre-trial home detention program as is underway in the City Detention Center. The 3 major variables which must be addressed to reduce the entrance of individuals into the correctional system is primarily unemployment, low education and substance abuse.

George Phelps

Community based organizations can play important roles in support of the criminal justice system. The Task Force should review victim restitution and drug treatment programs. In agreement

with Secretary Robinson, there is a need to focus on prevention efforts and front end alternatives.

Judge Ciotola

Mental hospitals have many empty beds. Why should people be brought into the criminal justice system if they are mentally ill? Perhaps, mandatory military assignment may be a viable.

Alan Hoblitzell

Employers want non-violent offenders who have basic skills such as reading and writing. However, offenders, must take a physical including a drug test, before being allowed to work. Lack of transportation to job sites may be prohibiting the accessibility and therefore the availability of employment. Transportation is provided within Baltimore City but is often lacking elsewhere.

Stuart Simms

Philosophical changes must occur. We need to come up with an approach which meets the demands and is acceptable to everyone.

Ellen McDaniel

It appears that the State wastes a tremendous amount of money on maintenance of the death penalty inmates, as well as the elements crucial to the appeals' process. "Life Without Parole" is more cost effective overall. Therefore, it seems more reasonable to

consider the abolition of the death penalty sentence.

Future Meetings

Judge Ciotola set forth the meeting schedule for the duration of the Task Force. Each meeting will be held in the evening of the following dates from 6:00 p.m. - 8:00 p.m. at 301 W. Preston Street, Conference Room #1, unless otherwise advised. Coffee, soda, and light snacks will be provided.

September 30, 1991

October 15, 1991 (Tuesday)

October 28, 1991

November 15, 1991 (Tuesday)

November 25, 1991 - Draft report due

December 9, 1991

Information regarding staff collection of documents

Next meeting presentations: Kent Mason and Peter Lejins

The Meeting was adjourned at 8:00 p.m.

Alternative Sanctions to Incarceration
September 30, 1991
Minutes

Attendees

Members:

The Honorable Joseph A. Ciotola, Chairman
The Honorable Howard S. Chasanow, Maryland Court of Appeals
Mr. Kent W. Mason, Director, Community Corrections, Montgomery
Co.
Dr. Peter P. Lejins, Professor Emeritus, University of Maryland,
College Park
Mr. George E. Surgeon, Director, The Careers Center
The Honorable Stuart O. Simms, State's Attorney, Baltimore City
Mr. George Phelps, Jr., Phelps Protection System
George L. Russell, Jr., Esquire, Piper & Marbury
Mr. Byron Moore Sedgwick
Ms. Belle Vee B. Gentry
Mr. Mark Shriver, Director, CHOICE

Staff:

Mr. Stephen A. Bocian, Governor's Office of Justice Assistance
Mr. Robert Peregoff, Governor's Office of Justice Assistance
Ms. Hilary Hammerman, Governor's Office of Justice Assistance

Guest Speakers

Ms. Jane Sachs, Montgomery County Pre-Release Center
Mr. Bill Martin, Montgomery County Pretrial Release Program
Ms. Sue Wiant, Montgomery County Community Accountability and
Treatment Program

Judge Ciotola

Judge Ciotola called the meeting to order at 6:10 p.m. He noted that an amended schedule of the meetings has been included in the evening's handouts. Please note these date changes. Such dates have been modified to allow for sufficient meetings in an effort to complete the final report draft.

The minutes for the meeting of September 16, 1991 have been distributed. The Task Force members reviewed and accepted the minutes as drafted.

STAFF REPORT:

Steve Bocian

We will be establishing subcommittees in four (4) major topical areas. These groups will be charged with writing specific pieces of the report to be drafted as outlined in the handout: "Alternative Sanctions to Incarceration Task Force Draft Report Format" (Attachment 1). The format is subject to change or suggestions by members. By way of explanation, "Recommended Programs" are those initiatives which the subcommittee deems meritorious for inclusion in the final report. Nevertheless, those concepts must be justified by rationale and impact statements which designate the offender population to be served. New or amended legislation and fiscal notes must be delineated. If there is need for further clarification during the committee deliberations, the staff should be contacted.

Judge Ciotola reminded the Task Force about the fiscal dilemma. In proposing any recommendations, monetary needs must be carefully reviewed and specified.

Nancy Nowak has discussed this critical issue with staff. In that new outlays will no longer be feasible, shifts in current resources should be incorporated into the report.

A subcommittee structure has been developed by Nancy Nowak and approved by Judge Ciotola (Attachment #2). A copy of the respective committees was distributed to the Task Force. The four (4) committees that are to be formed are: Pretrial Intervention, Custodial Programming, Post-Adjudication, and Community Re-Integration. Each subcommittee will be equipped with co-chairs, who are requested to provide staff assistance for the committee.

PRETRIAL INTERVENTION: Co-Chairs of Kent Mason and Dr. Ellen McDaniel. Members: Benjamin Civiletti, Byron Sedgwick, and Stuart Simms. Kent Mason has been requested to supply staff, including Bill Martin, Pre-Trial Director of Montgomery County. Primary area of focus will be Pretrial Release, Early Diversion Programs, and Innovations in Front-End Processing.

CUSTODIAL PROGRAMMING: Co-Chairs of Dr. Peter Lejins and Secretary Bishop Robinson. Members: David S. Cordish and George Phelps. DPSCS has been asked to assist with staff. The group will examine the cost effectiveness and success of programming within institutional confines.

POST-ADJUDICATION: Co-Chairs of Judge Chasanow and Marion Pines. Members: Belle Gentry, Mark Shriver and George Surgeon. Staff support will include Jane Sachs and Maury Ward, the Alternative Sanctions Network, and the Division of Parole and Probation.

COMMUNITY RE-INTEGRATION (PRE AND POST ADJUDICATION): Co-Chairs of Alan Hoblitzell and George Russell. Members: Hal Donofrio and Anthony Hawkins. Staff support will be requested from DPSCS as well as any staff the co-chairs feel may contribute, i.e. writing, research, etc. This committee will focus upon job development and employment, public relations, community outreach, aftercare, private sector involvement and housing for offenders who have been released from institutions.

A draft report committee was also appointed and charged with writing the first draft of the report. This group will be chaired by Staff Director Nancy Nowak and include Marion Pines, Allen Hoblitzell, Judge Chasanow, and Kent Mason. This assignment will be, by definition, time consuming. However, each subcommittee is responsible for submitting a report to the larger draft report committee.

PRESENTATIONS:

Kent Mason

Reference "The Pretrial Practitioner", Volume 1, Number 1, August 1991. (Attachment #4)

The implicit message is: we can do more with less with a systems approach. The presenters discussed the process which has been constructed to strengthen the local criminal justice system in Montgomery County. In particular, three (3) programs that Montgomery County has implemented have alleviated the costs of incarceration. An additional and very important component to Montgomery County plan is the "Preferential Pre-Release Program". This was not covered in tonight's presentation and tends to be very expensive program.

The programs discussed this evening may be implemented quickly with minimal outlay.

The Montgomery County "Alternative Needs Services and Interventional Programs" are specifically designed to divert offenders from traditional incarceration to save dollars. Tonight, Jane Sachs will present the Interventional Program which targets substance abusers.

Jane Sachs

Reference handout: "Montgomery County Intervention Program for Substance Abuse" and "Taxman, September, 1991, Criminal Justice Coordinating Commission". (Attachment #5)

The Intervention Program, a relatively new program, addresses the substance abusing offender. The program is designed as a substance abuse intervention strategy and diversion from prosecution for individuals arrested on drug possession charges. This program is aimed at those who are users, not those who are selling it. Many of the defendants voluntarily enroll in this program. Accordingly, the cause of action involves treatment and avoids the court system. Thus a savings is experienced by the court system, the State's Attorney's office, and the Public Defenders Office as fewer people will be utilizing their resources.

A "clean record" is a major criteria for participation. Stuart Simms questioned Judge Chasanow if the offender's "voluntary entry" into the program was an admission of guilt and punishment without due process of law. Ms. Sachs stated that this point was brought up to their local State's Attorney's office and found that this program did not violate any civil or constitutional rights of the clients.

Mark Shriver questioned if many who do go through this program would actually receive "Probation Before Judgement" (PBJ). It was stated that usually those in this program would not have this type of situation and this program would allow for the participant to have a clean record.

Mr. Phelps questioned if this program is funded with local dollars. This is not a private program, it is run by the local jurisdiction.

Another question raised was regarding funding. It was stated that this program is almost self-sufficient and staff efficient. The participants pay a sliding scale according to their ability to pay.

Bill Martin

Reference handout: "Montgomery County Department of Correction and Rehabilitation, Division of Community Corrections, Pre-Trial Services Unit, Annual Report FY91" (Attachment #6)

The mission of the recently created Pre-Trial Services Unit is to maximize the release of pre-trial defendants from detention while maintaining a high appearance rate for court hearings and no crimes while defendants are released in a pre-trial status. The program consists of two (2) categories: Pre-trial detainee population and Post-trial (sentenced) population.

Steve Bocian interjected that GOJA will be submitting immediately a Statewide Pretrial Needs Assessment Survey to Secretary Bishop Robinson that will be helpful to both the final report as well as analysis of the current pretrial programs, including Montgomery County.

A important element in the Pre-Trial Services unit is that there are both time and qualified personnel to do the quality research on each defendant. They have moved bond hearings from the previously scheduled 8:00 a.m. time slot to 3:00 p.m. This additional time, along with the communication network that has been created, has allowed the unit to fully investigate the individual. Sufficient timing ensures that the decision at bail hearing is a more informed judgement.

Another key element in the success of this program was the extensive tracking of the people in the program. They found if there is intense supervision, the appearance is significantly higher. Further savings are noted in court time and overtime payments to police officers.

Mr. Martin's presentation demonstrated a considerable savings. It was further questioned that this service also be self-sufficient. Judge Ciotola questioned if a service fee could be placed on the offenders to offset some of the pretrial supervision costs. It was questioned if a "fee" or surcharge could be attached to bail so as to pay for this program.

Sue Wiant

Reference handouts: "Montgomery County Department of Correction and Rehabilitation, Division of Community Corrections, Community Accountability and Treatment Services Program, Annual Report FY91" and "The C.A.T.S. Program, Community Accountability and Treatment Services".
(Attachment #7)

The mission of the CATS Program is to increase long term community protection by closely monitoring the transitional release of offenders back into the community, while providing structured treatment to address the underlying causes of criminal behavior.

Offenders are closely monitored during the phase of transitional release back into the community while participating in a treatment program designed to thwart the causal behavior. The majority of offenders suffer some type of substance abuse, and live in a community embracing "crime is an acceptable way of life" edict. This program has been designed to target these issues and to assist offenders in changing their lifestyles.

A key element to the short-term success of this program is close supervision. Five (5) counselors are employed in the CATS program, each call only 15 participants as their caseload. The caseload seems to be low, but each participant must have a family member/friend who will "sponsor" them and help effect their change. The caseworkers may just directly supervise 15 participants but may work with 150 people in relation to the participants. This close monitoring facilitates the change in lifestyle.

Dr. Peter P. Lejins

Reference handout: "Alternative Sanctions to Incarceration, Statement for the Task Force" by Dr. Peter P. Lejins, September 30, 1991. (Attachment #8)

Professor Lejins noted that control and prevention of criminal behavior through time has three basic methods, Punishment, Removal of the Causes of Criminal Behavior and Incapacitation of the Offender. These elements were explicitly outlined in his presentation.

Judge Chasanow requested that the tapes of the meetings be available, especially for the members who may miss a meeting. Staff will accommodate those who wish to listen to the tapes upon request.

Meeting was adjourned at 8:00 p.m.

Next meeting:

TUESDAY, OCTOBER 15, 1991; 6:00 - 8:00 P.M.
Governor's Conference Room
301 Preston Street, 15th Floor
Baltimore, Maryland 21201

ALTERNATIVE SANCTIONS TO INCARCERATION

TASK FORCE

October 15, 1991

Minutes

Attendees

Members:

The Honorable Joseph A. Ciotola, Chairman
The Honorable Howard S. Chasanow, Maryland Court of Appeals
Mr. Kent W. Mason, Director, Community Corrections,
Montgomery County
Dr. Peter Lejins, Professor Emeritus, University of Maryland,
College Park
The Honorable Stuart O. Simms, State's Attorney, Baltimore City
Dr. Ellen McDaniel
Secretary Bishop Robinson, Department of Public Safety and
Correctional Services

Staff:

Ms. Nancy J. Nowak, Governor's Office of Justice Assistance
Mr. Stephen A. Bocian, Governor's Office of Justice Assistance
Ms. Angela Gover, Governor's Office of Justice Assistance
Ms. Hilary Hammerman, Governor's Office of Justice Assistance

Guest Speakers:

Ms. Kathy Jones - Office of Program and Policy Development,
Division of Parole and Probation
Ms. Linda Parrot - Community Services Program, City of Baltimore
Ms. Donna Tisdale - Alternative Sentencing Program, Sheriff's
Office Frederick County Sheriff's Department
Mr. Maurice Ward - Alternative Community Service, Montgomery
County

Judge Ciotola

Judge Ciotola called the meeting to order at 6:25 p.m.. He noted the light turnout for the meeting caused due to the holiday scheduling. Nevertheless, several members have not attended meetings since its inception. Thus, Judge Ciotola will call individual members to discern the difficulties prohibiting their respective attendance.

The minutes for the meeting of September 30, 1991 were distributed, reviewed and accepted as drafted.

Staff Report:

Nancy Nowak, Staff Director, was introduced, unable to attend the previous two meetings due to illness and asked for comments. She listened to the tapes of the previous meetings and found the information and discussion insightful. Commenting on the minimal turnout, Ms. Nowak will assist Judge Ciotola in accommodating a conducive meeting schedule for the members.

Ms. Nowak summarized the Governor's charge letter reiterating the charge that the Task Force submit a report by December 31, 1991. Such a document will contain a description of the issue, the nature and extent, program status report in Maryland, and all recommendations as to viable alternative sanctions to incarceration. The mandate is ambitious given the short time frame and the broad scope and magnitude of the subject. Due to the aforementioned, the December report likely will be the first in a more complete study.

Ms. Nowak further commented on discussions, revealed in former meeting tapes in that this committee should take the opportunity to critically examine the entire philosophy of how the corrections business is conducted and address the issues anew, with an innovative approach. The recommendations and proposals proffered by the Task Force for viable alternative sanctions must be acceptable to the Governor and the criminal justice community, as well as the citizens of Maryland. The solutions or proposals should be within the constraints of the current, and immediate future budgetary constraints. Accordingly, the lack of resources will force this Task Force to look at new options and adopt new philosophies in the management of offenders, as well as what sanctions and/or combination of sanctions will meet the demands of public safety, retribution and restitution.

Ms. Nowak acknowledged the authorship of the committee topical areas and assignments, with the approval of Judge Ciotola. In that vein, Ms. Nowak reviewed the committee structure:

1. Pretrial Intervention Committee: The primary focus is early diversion programs and front end processing. The committee should consider pretrial community service and varied, creative pretrial sanctions as well combinations of sanctions, in an effort to divert offenders out of the system at the earliest possible stage. Co-Chairpersons Mr. Mason and Dr. McDaniel indicated that the group had not yet but will establish a meeting date after tonight's session.
2. Post-Adjudication Committee: The focus centers on revisiting parole and probation, options such as day-reporting centers, community service programs (and expansion thereof), community work-release centers, and different levels of offender accountability. The chairpersons of that committee

also have not convened a meeting at this date.

3. Custodial Programming Committee: The focus, as defined by Secretary Robinson, should encompass alternatives for special populations, e.g. substance abusers/addicts, mentally ill, handicapped, retarded, geriatric, sex offenders, first time youthful offenders and females. Special emphasis will include but not be limited to: drug and alcohol treatment in a custodial setting, the delivery of mental health services, education services, vocational and job readiness kinds of services while individuals are in custody, better preparing those individuals for successful reintegration into the community. Specifically, the group should review research in the use of intermediate sanctions with targeted populations. The question of how appropriate and cost effective it is to handle those individuals in a punitive, restrictive custodial setting such as 24-hour a day incarceration. Some jurisdictions throughout the country have adopted unique methodology in management and supervision of the specialized populations. GOJA staff has compiled great amount of research in this area which is available to this subcommittee.
4. Community Re-Integration Committee: This group constitutes a critical sub-committee. The focus is to look at both pre and post adjudication community transitioning. Importantly, the subcommittee should examine job development, employment, community outreach, aftercare, mobilization of communities to care for their own populations and private sector involvement. Private sector can assist in this area of providing housing, readiness of employment, providing the community outreach assisting the individuals upon release from a correctional setting.

Ms. Nowak requested that the chairpersons contact her directly if they incur difficulty in members' attendance at their respective committee meetings or further if they experience problems with staff cooperation.

5. Drafting Committee: The group will be responsible for assimilating the four sub-committee reports and then the development of the report document. This committee will be writing the introduction, forward and conclusion. A "nature and extent" segment or historical background of the issue will also be included. Since the report must reach the Governor by December 31, 1991 and the impending Christmas holidays, committee draft reports should be submitted by Friday, November 8, 1991. Consistent with Judge Ciotola's guidelines, the draft reports can then be copied and distributed to the Task Force for the meeting of Tuesday, November 12, 1991. The draft of the final report is due on November 26, 1991. Ms. Nowak requested that the

subcommittees follow the report format which was distributed at the last meeting. Such an approach will facilitate the writing of the report in a concise, organized fashion.

The sub-committees should prioritize their recommendations in numerical order. Also, the fiscal notes and source of funding must be attached. Shift in current resource allocation should be carefully analyzed as to more effective programmatic use or potential impact.

In submission of the subcommittee report, kindly include a computer diskette (5.25" or 3.5") which contains the text. The text should be in WordPerfect or ASCII format to allow for expedience of processing.

With respect to sub-committee #3, Secretary Robinson questioned whether the Custodial Committee should submit recommended programs as defined by "traditional" incarceration, or in an alternative program. Secretary Robinson would prefer to call sub-committee #3 "Alternatives to Incarceration for Specific Populations' in that options should be exercised before incarceration. Judge Chasanow questioned the viability of combining sub-committee #2 and #3 because to some extent, alternatives are needed for the judge to use as a sentence. For example, currently, if there is an offender with a mental health problem, that individual will likely be incarcerated, in lieu of any other recourse. Specialized treatment programs should be looked into as a referral program for that type of offender rather than incarceration. Dr. Lejins noted that once a person is in incarceration, it is very difficult to get him/her transferred to a non-correctional setting; Secretary Robinson concurred. Avoiding incarceration in the first place should be the mission unless the individual is a violent criminal. Many are not violent criminals.

Ms. Nowak mentioned the geriatric population. Secretary Robinson stated that there had been problems with that population but will not go into detail at this time. Again, Secretary Robinson suggested that the Task Force should look into special offender population groups, i.e. geriatric, mentally handicapped, etc. that can be diverted from the traditional incarceration provided. There are sufficient resources within the community and other service delivery systems to divert and treat these types of individuals.

Dr. Lejins indicated that in December of 1990, there was a conference regarding geriatric inmates. Mr. Bocian stated that he will look into getting the information from that conference.

Judge Ciotola did not object to the name change of the sub-committee if legislation which might be introduced to address these special populations. This would allow the judge guidelines

of action when such an individual appears.

Secretary Robinson requested that in addition to alternative sanctions, the report include non-traditional methods of incarceration, i.e. boot camps. Judge Ciotola suggested that in lieu of incarcerating first offenders, send these individuals to the boot camp for the work, supervision, and military discipline. The discussion turned to day-reporting centers currently under consideration by DPSCS. Judge Chasanow has day-reporting centers among the issues to be examined by sub-committee #2. He feels that day-reporting centers should be couched under the authority of the Division of Corrections. Judges, therefore will be more apt to utilize such an option, and have greater confidence in its accountability. Thus, if the individual violates the day reporting program, that person might be administratively transferred into a more secure prison setting, immediately sanctioned, versus the lengthy, cumbersome violation of probation procedures. Secretary Robinson has regarded day-reporting centers as an integral element of probation and/or parole. Judge Chasanow questioned why it could not be a unit within corrections. Judge Chasanow feels that home detention programs should not be part of probation. As an element of probation, it is a more intensive form of probation which increased the probation caseload rather than decreasing the caseload of the Department of Corrections. If it were part of DOC, the program might be perceived differently by the public as well as the judges. Secretary Robinson questioned where the individual might reside, would it be a person's home, a day-reporting program or in a DOC facility? Judge Chasanow answered that he assumes that these offenders will be housed at home, in home-detention. Secretary Robinson stated the supervision required for at home-detention is community supervision and not supervision within a custodial setting. The DOC now requires that DOC have physical custody of individuals who are incarcerated in a correctional setting or institution. Judge Chasanow questioned how people are handled in a home setting. Sec. Robinson answered that home-detention law is an extension of work-release program. Therefore, the DOC has custody over these individuals, although they are housed in private residences. The day-reporting centers could be modelled similarly, commented Judge Chasanow. Judge Chasanow further commented that proposed legislation should have the individual sentenced to a day-reporting center which would then be under the auspices of DOC. The residents would be regarded similarly being confined within an institution of confinement. Mr. Simms stated that would be an interesting provision and would need to be looked at fully. Home detention statute, at this juncture, gives DOC custody per Judge Chasanow. Day-reporting centers might be statutorily authorized as part of DOC, resulting in the judges directly sentencing more individuals to day-reporting than to home-detention.

Judge Ciotola recommended that the Task Force devise with

programs that are founded on no additional dollars. As a result, we may have to shift personnel and obligations. Members should keep fiscal constraints upon the system in mind when developing recommendations.

Judge Chasanow stated that the day-reporting centers and home-detention can be a significant cost reduction. Judges will place incarceratable offenders into the program. If it is a modified form of probation, a judge may place an offender who would normally go into regular probation into this program. Taking someone out of prison and placing them in a day-reporting center, will be a tremendous savings. Per Judge Chasanow, judges will be willing to experiment with this new line of sentencing if you call it incarceration; they will not experiment if you term it extensive supervision and call it probation.

Angela Gover, a graduate student intern for GOJA, will be researching day-reporting centers as they are utilized in Massachusetts, as well as the most current literature on these and other innovative programs across the country and Europe.

Mr. Simms requested a "sketch" of the individuals in the detention centers, especially in the Baltimore City detention centers. He would like percentages and composition of those currently housed in incarceration settings. For example, Mr. Simms would like to know what is the percentage of people incarcerated with \$75,000 bails, drug addicted population, prior records, etc.

Secretary Robinson stated they Department of Corrections is experiencing difficulty in filling slots in the boot camp and home detention as inadequate members qualify. The characteristics of most inmates are those of multiple offenders, many times with a violent past. These people would not be candidates for some programs offered. Only approximately 5% of the population that first time offenders, do not have impending warrants, and do not have violent crime histories.

Mr. Mason stated that in Montgomery County, judges would prefer placing individuals in the pre-release, CATS, program for they are assured that the individuals will have more intensive supervision. If there is failure, the offenders can be transferred to jail without going back to the judge. The CATS program is truly a pre-release program without a facility. The success in the program is to keep individuals involved in meaningful activity as many hours a day as possible. Family and friends assist in success therein.

Ms. Simms requested again a description of the complexion of the inmate population. He would also like a map of the state with counties and numbers and types of programs per the respective counties. He would like to know how many offenders are entered

in the programs, especially those in community service programs, by type of program.

Mr. Mason made the point that there needs to be a criteria for the classification of people for programs. The state is plagued "violent" offenders. This criteria would be developed for judges so that they can place individuals in the proper programs. Mr. Mason stated that many offenders are placed in incarceration, then let out to the community without any true reintegration process, in the hope that these persons will not commit another offense. Reintegration is a long, progressive process, which is why so many of the new programs have standards for first time, non-violent criminals. Mr. Simms stated this would be major change in approach. Judge Chasanow also stated that there must be a change of definition of "violent" crimes. This will help those programs that are not filled, alleviating overcrowded facilities. We must review the authorizing legislation. Secretary Robinson will provide the draft legislation which would expand, but with narrow definitions, those who are eligible for home detention.

Dr. Lejins noted that community service has a specific meaning of sentencing. Ms. Nowak noted that the discussion was community service as one of the options that we now have, and the exploring of that as a more viable alternative and that it be expanded in its present form. There may be needed some legislative change to have this expanded. She mentioned that the Governor specifically requested the Task Force to look into community service.

Community Service Programs

Kathy Jones

Kathy Jones works in the Office of Program and Policy Development, Division of Parole and Probation. For fiscal year 1991, 21,00 referrals for community service were recorded. This office provides oversight for the counties by the State. Last year, 955,00 people were assigned community service., 655,00 hours were completed by 14,428 people successfully completing the program. By using minimum wage for the calculation, over \$2.78 million dollars of service was preformed for the community. The bulk of the community service is for local, state, and federal government agencies as well as non-profit organizations. Obviously, the largest programs are administered in the larger population areas. However, the number of adults performing community service is dwindling due to a number of factors, especially, the inadequate staffing resources among the counties's programs.

Linda Parrot

The community service division in Baltimore City has been in

operation since 1980, providing a service to judges for an alternative to incarceration. This department has been affected by both budgetary and staffing cuts. Because of the complexion of the population, they find more serious offenders than that in many counties. She has found that many are drug related cases and have drug problems. Ms. Parrot stated that expansion of the program to accept broader categories of offenders is viable.

Judge Chasanow questioned that in Baltimore City, the drop-out rate is 40% whereas the state average is 10%. There are little statistical numbers available of the types of offenders who fail. Ms. Parrot suggested that those who do not have a skill, are unemployed, black males ages between 16 through 24, with a drug background are those who tend to have high rates of failure.

Ms. Nowak suggested that community service might be augmented with another criteria of sanctions program, such as drug treatment, counseling, Alcoholics Anonymous or other self-help type of groups. Ms. Tisdale interjected that many times, a judge will use other various programs, but will overload that person, thus setting them up to fail.

Donna Tisdale

Ms. Tisdale is the director of the community service program in Frederick County, within the Sheriff's Department. Under this authority, the agency can conduct a full background check on the individuals placed in that program. Accordingly, they will try to match the client, and background, with the job assignment. Many times, the community service turns into unsupervised probation. Due to the major interstate intersections, they are experiencing more drug related crimes in Frederick County. They have found that there are many that are unemployed, do not want to work, with no skills and have trouble attending schedules.

They are finding troubles matching up suitable candidates with those agencies that are willing to provide job assignments and take responsibility. Frederick County, being a large land mass area, has clients having trouble attaining transportation to their assignments.

Judge Chasanow questioned how insurance liability was handled. Those working in the local county governments are not covered in workers's compensation, and those in non-profit groups have minimal or inadequate insurance. Ms. Jones mentioned that LGIT is no longer covering individuals who work with or under community service programs. This could be detrimental to programs; however, discussions have been initiated.

Maurice Ward

Mr. Ward conducts the community service program of Montgomery

County, operational since 1977. In the past calendar year, the unit has placed 1,700 clients. The community service program works as both as pretrial diversion program as well as a post adjudication program; 65% of the program are pretrial diversion and 35% are sentenced. State's Attorney's diverts offenders to this program, thus playing a key role in diversion or prosecution.

A preliminary study of a person who successfully complete community service is one that is employed, has at least a 12th grade education, access to transportation, and misdemeanants or property classed types of offenses.

Montgomery County is unique in the excellent transportation system. They also work with juvenile offenders, with populations nearing 400-500 clients.

The charge of community service can be integrated into public and private sector. The latter concept is intriguing. In the area of private sector, the enabling legislation has been prohibitive in using the private sector. The private sector could be cultivated through networking, as in a Chamber of Commerce or a merchants area.

Mr. Mason posed the question of how you make community service a deterrent to committing crime and make a rehabilitator. To make it a rehabilitator, add requirements and sanctions; for example, drug urine testing and education component. The area of restitution is not standard throughout the state. In different areas, it is administrated differently.

Dr. Lejins questioned the extent of incapacitation implicit in community service programs. Mr. Ward answered to Dr. Lejins that community service is not an effective method of incapacitation given the non-restrictive nature of the sanction. He wondered if a mix of different sanctions, such as weekend shock incarceration with community service would be more effective with a select population.

Discussion of Community Service

A broader discussion ensued regarding community service programs. The community service programs should not be categorized; each program is different, for each is unique to its population. The programs are modelled to the complexion and needs of the local population. Ms. Parrot suggested that the private sector can be used in education of the clients especially job skill training and future placement. Judge Chasanow warned that many groups, such as unions, may be strongly opposed to such an approach.

Dr. McDaniel noted that the community at large must commit to the community service program. Embracing such programs by the

communities would add to the long term stability for the offenders. Many offenders are fortunate enough to be supported by family, but many do it without any offender support networks.

Ms. Jones warned that community service programs do come with a cost. Throughout the state, it costs an average \$75 per person for each community service placement.

Ms. Jones added that in many jurisdictions, the judge will sentence to probation with the condition of community service for there are no other means to supervise the individual. On unsupervised probation, the sanctions can be enforced; the community service program will usually initiate the warrant process. Many judges place those on probation and community service so that there is additional monitoring of the offender. Through Maryland, 80% of adults placed in community service are placed and monitored by locally administered agencies.

Compendium of Handouts:

The following materials were distributed at the meeting:

1. Agenda, October 15, 1991
2. "Community Service by Offenders", Briefing Papers
3. U.S. Department of Justice, Drugs and Crime Facts, 1990
4. Baltimore City Public Schools, "Graduate Profile", September 1990
5. U.S. Department of Justice, Fees for Probation Services
6. GBC Report, "Job Skills Task Force, Identifying Basic Entry Job Skills", February, 1986
7. "Boot Camps", October 1991, Corrections Today
8. "Boot Camp Survey" by Doris L. MacKenzie, Ph.D. and Claire C. Souryal, October 1991, Corrections Today
9. "Community Service as an Alternative to Incarceration"
10. "Community Service as a Penal Sanction in the United States", Report by Peter P. Lejins

The meeting was adjourned at 8:15 p.m. The next scheduled Task Force meeting is Monday, October 28, 1991 at 6:00 p.m.

ALTERNATIVE SANCTIONS TO INCARCERATION

TASK FORCE

October 28, 1991

Minutes

Attendees

Members:

The Honorable Joseph A. Ciotola, Chairman
Mr. Kent W. Mason, Director, Community Corrections,
Montgomery County
Dr. Peter Lejins, Professor Emeritus, University of Maryland,
College Park
Dr. Ellen McDaniel
Secretary Bishop Robinson, Department of Public Safety and
Correctional Services
Mr. George L. Russell, Jr., Piper & Marbury
Mr. Hal Donofrio, President, Richardson, Myers & Donofrio, Inc.
Mr. David S. Cordish, The Cordish Company
Mr. George G. Surgeon, Director, The Careers Center
Mr. Mark K. Shriver, CHOICE
Mr. George Phelps, Jr., Phelps Protection System
Mr. Byron Sedgwick
Mr. Ben Civiletti, Venable, Baetjer and Howard

Staff:

Ms. Nancy J. Nowak, Governor's Office of Justice Assistance
Mr. Stephen A. Bocian, Governor's Office of Justice Assistance
Ms. Hilary Hammerman, Governor's Office of Justice Assistance

Guest Speakers:

Mr. Herbert J. Hoelter, President and Co-Founder, National Center
on Institutions and Alternatives (NCIA)
Mr. John Savage, National Center on Institutions and Alternatives

Judge Ciotola

Judge Ciotola called the meeting to order at 6:08 p.m. The minutes for the meeting of October 15, 1991 were distributed, reviewed and accepted as drafted.

Judge Ciotola and Ms. Nowak reminded the membership that sub-committee draft reports are due to the Governor's Office of Justice Assistance office by Friday, November 8, 1991. This will allow distribution of the draft reports to the entire Task Force at the November 12, 1991 meeting. At that meeting, the reports

will be reviewed by the Task Force for any discussion, comments, and prioritization.

Dr. Lejins spoke regarding the Canadian Corrections Chief's success in decreasing the incarcerated population of Canada by 10%. Data has demonstrated that the incidence of crime has not risen. Dr. Lejins referenced a report as well as the possibility of inviting the Canadian Chief to address a future Task Force meeting.

Dr. Lejins brought to our attention an article written in the Washington Post by Eugene Lockman regarding the popular view of incarcerating all persons who commit crime, a perspective shared by some, including the Federal government. The article quoted statistics demonstrating an obvious corollary: that crime decreases as the number of persons incarcerated increases. Ms. Nowak will reproduce and distribute the article to the Task Force.

Ms. Nowak acknowledged and summarized the three articles in the hand-out package. Then, she introduced the evening's speaker.

Herbert Hoelter, President and Co-Founder, National Center on Institutions and Alternatives

I. Background

Mr. Hoelter initially provided a brief history regarding himself and The National Center on Institutions and Alternatives (NCIA) headquartered in Alexandria, Virginia. The organization was founded in 1977, with the express mission to assist jurisdictions, government officials as well as the private sector with problems facing the criminal justice system. He described a myriad of programs with which NCIA has been involved since its establishment conducting studies, research, writing sample legislation, as well as operating security and community supervision programs throughout the country.

II. Regarding Alternative Sanctions

Mr. Hoelter revealed the recently published "Dow Jones Index of Crime" for the first six (6) months of the year. Data indicated that crime increased by two (2) percent, yet new admission to correctional facilities increased by ten (10) percent. However, the credibility of the data is questionable, as there is "pick-and-choose" data for criminal justice information. An example was the article mentioned by Dr. Lejins. The referenced article was not written by someone with a criminal justice system history, but by a writer for Reader's Digest. The article was written with gross national data with no mention of regional trends. Contradicting those assumptions are trends in the

Northeast which reflect lower crime rates commensurate with less incarceration rates; perhaps, a stabilizing situation is appearing. In addition, the monies for criminal justice research and data has gone down in the past years.

Mr. Hoelter stated that the crime rate is not complicated. He outlined what many define as the "Problem Statement," with the following elements:

1. Offenders' cohorts usually fall between ages 12-16 through 26-30. Youthful offenders constitute a significant proportion of the total correctional population.
2. Most are either unemployed or underemployed.
3. Poor caucasians, blacks and hispanics constitute a large percentage of the incarcerated population. The hispanic population in the country and criminal justice system will soon outrank any other group.
4. Most persons have a personal or family history involved in correctional or social services programs, usually appearing during adolescence.
5. Due to public pressure and legislative response, there are many long and/or mandatory sentences placed on individuals. Voluminous increments in drug related sentences have rendered many medical and behavioral problems to the criminal justice system without the accompanying programs to meet their unique needs.
6. Most individuals have demonstrable alcohol and drug involvement.
7. Due to the increase in sentences imposed, those sentenced will be returning to the population sooner than expected.
8. Due to the nation's poor economic conditions, many incarcerated individuals will be released to a difficult economic environment in which to remain crime-free and be successful.
9. Many individuals come from "dysfunctional families" which cannot provide a positive support mechanism or role models.

Through his review of past meeting minutes, Mr. Hoelter concurred that many distinct target populations will be in need of special programs: geriatric, addicted, learning impaired, mentally disabled, and a growing juvenile population.

Mr. Hoelter described many Maryland-based initiatives in which the National Center on Institutions and Alternatives have been associated especially technical assistance for the Department of Juvenile Services including a "waiver" study to discern the cause and number of juvenile offenders advanced to the adult system, Hickey School placement program, and closure of the Montrose School.

Mr. Hoelter then delivered a detailed presentation from a document prepared especially for the Governor's Task Force (See NCIA package as distributed).

Discussion proceeded to the scope of the criminal justice definitions. Mr. Hoelter questioned what actually is a "violent" crime. A violent crime "is one that is reviewed on the evening news." Violent crime, according to our definition, has gone up five (5) percent, yet less than five (5) percent of violent crime victims require hospitalization, according to cross-comparison data.

Assessment of the current sentencing guidelines should be conducted with an eye toward revamping, with levels and equivalency tables.

A continuum of sanctions and programs must be developed. Not all programs work, but government and communities should identify what programs are available, and what combinations will work for their jurisdiction and population.

In closing, Mr. Hoelter emphasized several key points. The membership should initiate a population assessment in Maryland. In knowing the population, better recommendations can be made. Innovations and improvement in the criminal justice system has a price and it is not cheap. However, many potential fiscal solutions exist which may assist, such as a revenue sharing system in which the state transfer funds so that the community can control the programs which it needs and can administer.

He requested the Task Force to expand the debate. He suggested that the community be brought in, community leaders such as religious leaders, thus delegating the responsibility to local entities. He asked the Task Force to make their decisions on a personal level: to identify what they would want done with a family member or friend who became involved in the criminal justice system.

A question and answer period ensued. Mr. Cordish expressed confusion by the presentation in the area of the recommendations Mr. Hoelter had to this Task Force. Mr. Hoelter stated simply that greater supervision was needed at the local level; look at a range of sanctions, such as boot camps, to discover programs that work in the individual area. Value changes must transpire and

the public must be educated commensurately.

Mark Shriver interjected that a development of a continuum of care and supervision is needed in the adult system as well as with juveniles, as has been his experience with youthful offenders. Mr. Hoelter stated that there needs to be both rehabilitation and habilitation for these individuals. In California alone there are 30,000 parole violators in that state's Division of Corrections.

George Phelps questioned the role, if any, of the private sector in working with the criminal justice system; querying Mr. Hoelter's opinion of privatization. Mr. Hoelter answered that privatization is a reality and is very profitable. It is yet unknown if the private sector can provide cheaper or better services, but a market exists.

Ms. Nowak expressed agreement in community responsibility but acknowledged the difficulty in mobilizing such a response. What methodology might be employed to stimulate community involvement? Mr. Hoelter stated that community action is sometimes difficult to initiate, but thrives on momentum. As an example, a North Carolina community allocated \$15,000 to an organization to print shirts and stand on street corners in protestation of drugs and violence; the data has revealed the crime rate has gone down, thus this may be a good example of positive community involvement.

George Russell: "The Russell Report"

Mr. Russell summarized the report which was drafted in July of 1990 by The Bar Association Of Baltimore City to examine the magnitude of the pervasive problems throughout the criminal justice system in Baltimore City. Moreover, statistics in the Report clearly demonstrate that Baltimore City experiences more profound, intense problems than that of the any other single jurisdiction in the State of Maryland. As a result, some 44% of prosecutions occurred in Baltimore City and 50% of the prison population is from Baltimore City.

The conditions are exacerbated due to the lack of sufficient funding, especially for the State's Attorney and the courts. A domino effect can be seen in the court systems of Baltimore City: police are arresting more suspects, the judges have more mandatory sentences, more incarcerations, more parolees. The burdens are enormously costly. There is no money for seven (7) more judges indicated by the report as necessary, the Public Defender's Office continually has its budget cut, and a myriad of other fiscal problems. The city is in a gridlock; if the criminal justice system in Baltimore City collapses, then the system statewide will crumble within short order.

Mr. Russell enumerated the major recommendations and proposed solutions as delineated with the report text.

Clearly, Baltimore City presents a unique problem which deleteriously impacts the entire state. It is essential that the recommendations are seriously considered and expediently acted upon. Mr. Russell's committee will be convening during November to review the status of the report's proposal and a current assessment of the city, as opposed to 18 months ago.

Kent Mason responded to Herb Hoelter's suggestion regarding a survey of those who are in the criminal justice system, by residents' zip code. He stated that in 1971, he conducted a similar study by randomly selecting people to quantify costs for one person as he/she progressed throughout the criminal justice system. The study found the cost to be \$121,000; this amount is more likely tripled when converted to 1991 dollars.

The time is long overdue but an opportunity is presented now with the impetus of Task Force focus to concentrate on addressing causes and needs of the offender population. Mr. Mason stated the needs are never dealt with; the time has come for people to expand their programs from just building and warehousing people. The Task Force should examine the viability of diverting capital dollars previously earmarked for building correctional facilities to intermediate or alternative sanctions which are better poised for success. This approach has been adopted in Michigan where a separate division has been statutorily established to implement and monitor alternative programs.

Mr. Russell observed that, with the advent of current mandatory sentencing, there are more people incarcerated. Accordingly, legislation is needed to restore judicial discretion. Cases need to be handled individually, address needs of each offender, not with wholesale broad justice as currently done.

Secretary Robinson expressed concern regarding any moratorium on prison building. One approach cannot halt immediately and another take its place; there needs to be a place for violators to be placed during the time of creation of alternative programs. Mr. Shriver stated that there should be a reassessment of the population and that an effort should be made for new programs to be attempted. Although not all programs will be 100% successful, an aggressive effort should be made to work with alternative programs.

Secretary Robinson made the point that alternative sanctions and traditional sanctions have the same success rate. Many alternative sanctions however, are less costly than traditional "bricks and mortar" incarceration. Yet, the public must be made aware and educated of these changes to make the programs work. That, in fact, is our biggest challenge.

Mr. Phelps reiterated that the general public does not know enough regarding the criminal justice system. There is much intelligence data readily available yet myths perpetuate. Decision-makers refuse to allow any new or daring programs to be initiated.

Judge Ciotola used the example of Baltimore City and the OAR which has assisted those who were unable to post bail. He stated alternative solutions to problems can and must be found. It is incumbent upon the Task Force to identify solutions which are cost-effective, striving to rehabilitate, albeit bold and brave.

Compendium of Meeting Handouts:

1. Presentation package prepared by the National Center on Institutions and Alternatives
2. Commentary to the United Nations Standard Minimum Rules for Non-custodial Measures (The "Tokyo Rules"), distributed by Dr. Peter Lejins
3. Information provided by Judge Howard Chasanow regarding activities in Prince George's County
4. Research conducted by Ms. Angela Gover, GOJA intern, in the areas of electronic monitoring, day reporting centers and boot camp programs.

The meeting was adjourned at 7:55 p.m. The next meeting of the Alternative Sanctions to Incarceration is Tuesday, November 12, 1991.

REMINDER:

Subcommittee Reports are due by Friday, November 8, 1991 to Staff Director Nancy Nowak. FAX (410) 333-5924.

ALTERNATIVE SANCTIONS TO INCARCERATION

TASK FORCE

November 12, 1991

Minutes

Attendees

Members:

The Honorable Joseph A. Ciotola, Chairman
Mr. Ben Civiletti, Venable, Baetjer and Howard
Mr. Hal Donofrio, President, Richardson, Myers & Donofrio, Inc.
Dr. Peter Lejins, Professor Emeritus, University of Maryland,
College Park
Mr. Kent W. Mason, Director, Community Corrections,
Montgomery County
Dr. Ellen McDaniel
Mr. George Phelps, Jr., Phelps Protection System
Secretary Bishop Robinson, Department of Public Safety and
Correctional Services
Mr. George L. Russell, Jr., Piper & Marbury
The Honorable Stuart O. Simms, State's Attorney, Baltimore City
Mr. George G. Surgeon, Director, The Careers Center

Staff:

Ms. Nancy J. Nowak, Governor's Office of Justice Assistance
Ms. Angela Gover, Governor's Office of Justice Assistance
Ms. Hilary Hammerman, Governor's Office of Justice Assistance
Mr. Robert Peregoff, Governor's Office of Justice Assistance

Guest Speakers:

Ms. Jane Sachs, Montgomery County Pre-Release Center
Mr. Henry L. Templeton, Director, Division of Parole and
Probation

Guest:

Amanda Stakem, Governor's Legislative Office

Judge Ciotola

Judge Ciotola called the meeting to order at 6:05 p.m. The minutes for the meeting of October 28, 1991 were distributed, reviewed and accepted.

Judge Ciotola, with regret, announced the resignation of Marion Pines. She found herself unable to participate in the Task Force

due to conflicting obligations. Judge Ciotola expressed thanks to her for her consideration.

At the meeting, information was distributed for review and discussion at the next meeting. Data from the State of Michigan regarding their legislation mandating the transfer of capital funds earmarked for jail bed construction to the establishment of an agency devoted to alternative sanctions to incarceration. Members were requested to read the literature for a round-table discussion at the next meeting. In addition, Mr. Russell's subcommittee will be presenting a draft of their report.

With these minutes, the recommendations/excerpts from the "Pretrial Detention and Release Needs Assessment" will be distributed so that these recommendations too can be included in the report by the Task Force. Additionally, Secretary Robinson distributed information regarding by Project L.I.F.E. sponsored by The East Baltimore Community Corporation. Dr. Lejins brought three (3) comprehensive monographs from The International Penal and Penitentiary Foundation dealing with community service and alternative sanctions.

Ms. Nowak commented that much information has been distributed to the membership during the three (3) month duration of the Task Force but this is a topic that can be studied for years with exhaustive amounts of literature. Ms. Nowak reiterated Judge Ciotola's suggestion that we review the literature so that a well informed discussion will take place as opposed to a monolithic one. These discussions will be used to form the report to the Governor for use in formation of recommended legislation for the State of Maryland.

Secretary Robinson provided statistics and characteristics of the Division Of Correction population in Maryland. The numbers show a dramatic increase throughout the years. The inmate characteristics show that a vast majority are those with major offenses and are not treated before release. This re-emphasized Secretary Robinson's point that individuals be "cut off at the pass" to reduce population intake. There are large numbers of people incarcerated under the age of 25; a significant number of those are sentenced to ten (10) or more years. The numbers presented do not include those incarcerated at the Baltimore City Detention Center.

Currently, there are 21,600 inmates under the custody of the Department of Public Safety and Correctional Services, including those in the Baltimore City Detention Center. The intake numbers have grown steadily throughout the year. During Fiscal Year 1991, there were 11,000 intakes and 9,100 releases; in the first four (4) months of Fiscal Year 1992, 3,800 intakes and 3,400 releases. The current projection of intakes is approximately 100 per month, equating to 1,200 per year.

Mr. Donofrio commented that the statistics show those who are incarcerated are mostly charged with violent crimes and are in their proper place. The ones that are incarcerated are truly "bad" people. Mr. Russell stated that one should look at those incarcerated for murder, armed robbery, and other vicious crimes, for these are the offenders who should not be let out of jails. In addition, many courts and sheriff's offices have outstanding warrants which have not been served which would indicate that there are many more offenders than the numbers show. For example, the sheriff's office has 5,000 failure to appear warrants and Judge Kaplan has a backlog of 2,300 felony court cases.

Mr. Russell noted that assault, drug offenses, and robberies are a large part of the incarcerated population. Secretary Robinson stated that these offenses are counted under the heading of violent crimes.

Again, Secretary Robinson urged that a solution be found in the front-end of the process, rather than incarcerating the individual. He also noted that sex offenders have a higher rate of recidivism than other crimes. Ms. Nowak stated that drug abuse is being reported in a relatively high number of incidents which could be a misnomer; usually that type of crime is accompanied by a more serious offense. It is found that 80% of all cases are related to a drug offense.

Mr. Donofrio remarked that there is a relatively small number of incarcerated offenders that the general public would feel safe being released. Secretary Robinson stated that the referenced population has in fact been on probation a number of times. Mr. Russell stated that many times, there are people who commit offenses, yet plea bargain for sentences of probation for many years. In many of those cases, the individual will violate probation and will then be in court again. Currently, Baltimore City is experiencing gridlock within the court and is seriously underfunded. Secretary Robinson stated that fiscal relief is needed and if none is to come soon, the entire State system will become gridlocked as is Baltimore City, and now Prince George's County.

Mr. Russell stated that the judges are working as hard as possible and that per Secretary Robinson's statistics, the judges are incarcerating the proper people even though some in the legislature think that the judges are not working up to their potential. Maryland is ranked fifth in the nation for the number of offenders incarcerated per capita.

Judge Ciotola stated that Baltimore City is now destroying misdemeanor warrants due to the inability to process them. If the case involves parking or moving violations, it is placed in suspension; once that person is found by the MVA, the case is

taken back to the city courts which in effect becomes a large circle. He restated Secretary Robinson's position that this must stop before trial except for the hardcore criminal. Judge Ciotola questioned if the hardcore offender could be placed into the community on work release and pay a certain amount. He does not want those incarcerated to become too comfortable at the State's expense.

Ms. Nowak questioned Mr. Russell whether his committee will be looking at the financial impact of some of the recommendations such as the shutdown of the community service program, and the affects to the courts of Baltimore City. Mr. Russell replied in the affirmative and that the legislature is friendly and responsive to the needs of the committee and its suggestions.

The problems demonstrated by Secretary Robinson's statistics show that this problem is a statewide problem, not just in the major metropolitan areas.

Henry L. Templeton

Mr. Templeton stated he had the chance to meet with Judge Chasanow a few weeks ago. Recognizing the role that Judge Chasanow has on this committee and the task before him, it was requested that Mr. Templeton address the Task Force regarding parole and probation and its past and its future.

Mr. Templeton distributed statistics showing the numbers of offenders by type of supervision by the Division of Parole and Probation. The first chart shows DDMP, Drinking Driver Monitoring Program, which are the DUI and DWI cases. As indicated for Fiscal Year 1989-1991, it is one of the most rapidly growing crime in Maryland. Little over a year and a half ago, the division encouraged judges to use DDMP as a disposition for the appropriate offenders as opposed to traditional probation. This would assist twofold: first, maintaining a goal of abstinence would need more frequent supervision than that of traditional probation; secondly, targeting the population that is in need of these services.

Due to the population's growth, the department moved approximately 16 files and cases out of what was then Criminal Supervision into DDMP. The program has currently 104 allocated monitor positions, ideally to see these people on a once-a-week basis. Due to budgetary constraints, only 77 positions are filled. The population is seen weekly, every other week, and another handful as infrequent as monthly. The origins of the cases come from three main sources: the court (mainly the District Court), MVA Medical Advisory Board, and MVA Hearing Officers.

The table shows a more graphic view for Fiscal Year 1989

statistics. It shows a total caseload of a little over 119,000 individuals in the areas of probation, DDMP, parolees, mandatory supervisees, and those in the interstate contact (people being supervised for other jurisdictions). A steady increase is shown in all areas of supervision through 1989 and 1990, and again through 1991, where the current level is 132,000. Projections suggest that the DDMP population will be leveling off. If it does not remain the same, it will be hard to maintain current level of supervision. The level of supervision is below national standards. It is important that all groups, including the Task Force, understand The Division of Parole and Probation's mission so that uniform recommendations can be made.

The Division of Parole and Probation, as of November 13, will have drastically shifted its staff resources. The reasons are twofold: first, spreading the resources throughout the State to utilize manpower to the fullest, making the assumption that the fiscal difficulties will last only 12 to 18 months. Secondly, there has been a change in the handling of the caseload. The changes consist of placing more offenders into the intensive caseloads; intensive caseload assignment was one agent per 75 cases and the non-intensive caseloads assignment was 175 cases per agent. The national average for intensive is 1 agent for 23; the national average for regular caseload is 1 to 115. By definition, the division is far below the national average. Nevertheless, because it was felt that the integrity of the system was literally at stake and a semblance of a basic parole and probation system had to be maintained, it is necessary for the division to lower the number of those supervised per agent. He stated that they have "robbed Peter to pay Paul"; taking away the assets of one area and placing them in another.

The administrative caseload, those who are less risky cases and have worked their way through a higher level of supervision for a minimum of one year, are 20 percent of the total population. The division is currently only doing record checks for administrative supervision. The division is only able to place emphasis on those who, by definition, are the highest risk-groups, mandatory supervisees, unable to satisfy the parole commission, unable to make a reasonable adjustment from the institution, and those who have been incarcerated and spent time in an institution.

75% of every disposition in this state results in probationer. This population has increased 68% over the last 10 years. While there is prison overcrowding, a parallel is found in the probationary population. Currently, those with 643 type cases, or those who are violent, sex offenses or drugs in their background, now get probation routinely whereas five (5) years ago, that same person would be placed in prison or local jails.

The priorities are very clear: judges must maintain the beds in prisons for those most risky. Again, the division must oversee high-risk cases, maintaining them for at least one (1) year. Other than record checks, the division is unable to see that 20% of the population in the administrative category due to budgetary constraints. Supervisors are also taking caseloads.

A question was raised regarding the salary of a probation agent. The starting salary is \$17,000 per year, one of the lowest in the nation. The starting salary for a federal probation officer is \$28,000 which is the level highest in the State system. Due to the disparity in salary, a newly trained parole agent will find employment with the Federal government due to the increase in pay.

Trying to hold true to the public safety mandate, the division is attempting to pass several initiatives and legislature for the General Assembly. One such initiative would permit limited peace officer status which will allow the empowerment to make arrests, execute warrants, all in the furtherance of public safety.

Mr. Templeton sees as a vital alternative sanction a form of home detention in terms of parole and probation. A candidate for this type of program is a person who is a violator, repeatedly in violation of probation, with the only disposition remaining in jail or a state institution. Mr. Templeton hopes to offer the judges an option that is less costly but nevertheless more stringent than tradition probation in the form of home detention coupled with electronic monitoring. Mr. Templeton found through an informal survey that judges would accept home detention with electronic monitoring with the contingency that there be instant arrest at time of violation.

In addition, this would allow more attention to the area of surveillance and supervision of high-risk drug offenders. Employees currently work during daylight hours, this is inappropriate in some parts of the state. Agents are unable to protect themselves; the law enforcement community is sensitive to their needs and support peace officer status as a viable option.

Mr. Templeton feels that day reporting centers could be part of a range of options available. In Montgomery County, they have such an arrangement where individuals can attain all types of counseling for specific needs. There are many ongoing programs that this committee can look into for support.

An area of consideration that has been looked into previously is split sentencing; an increased use of this option can be a useful tool for the courts. The Council of Circuit Judges studied the use of split-sentences and indicated that the law allowed for its implementation at the end of incarceration or the end of parole; the judge takes upon themselves to express that language.

Legislation would ease implementation of this action rather than relying solely on policy. It already exists only if the judge expressly states that programs are to begin at the end of incarceration or parole.

Mr. Mason questioned the ratio of supervisory personnel to those who are being administratively supervised. Mr. Templeton stated that there are 1,000 cases per person; their only assignment is record checks. Again, the division's commitment is to supervise those who are at high-risk while being less stringent on those who are less dangerous.

It was questioned as to the division's ability to place a hierarchy for those on administrative supervision. In order to maintain public safety, any drug case, by definition is a violent offense and will be placed in the intensive supervision category. After a satisfactory period of 18 months or 2 years in intensive supervision, that person is then placed in administrative supervision. Again, this is an injustice to the system, but must allow others who are even more risky to be supervised.

Mr. Donofrio stated that, according to his recollection of a previous meeting, parole/probation does not effect recidivism. If this is true, then why even have a monitoring system? It was questioned if true supervision can exist by seeing someone once every three weeks. He is questioned why supervision is even used due to the invention of electronic monitoring and/or telemonic fingerprinting. Mr. Templeton re-emphasized the statistic that 75% of every disposition is a probation disposition. Also, over half of the population have multiple probation; the only reason they are not in prison is that prison space does not exist. The reason that it is not abolished is because a more dangerous environment can exist, public safety and opinion would be placed in jeopardy. Parole and Probation has reasonable control over an individual, yet the division can not guarantee a person will not recidivate.

Secretary Robinson stated that recidivism rate has remained the same in the areas of parole and probation no matter the resources placed into it and probably will continue to do so. Mr. Templeton concurred in the area of parole more than in probation cases. The State of Illinois has abolished parole. Mr. Templeton can appreciate the argument for probation, but he does not feel the argument in the area of parole.

Mr. Phelps suggested that a core of volunteer probation officers be used and become a good use of resources. This had been attempted previously, and would like to see it be used again. Mr. Templeton stated that there is a great role for volunteers, but difficult, for 75% of all disposition are probation cases. The today's profile of a typical probationer is: a person who has had three (3) probation dispositions before, never been

incarcerated, have drug addiction and/or drug trafficking in their history, are violent, illiterate, and clearly a public risk. A skilled person has problems involving themselves in a person's life, it would be more so difficult for a partially trained volunteer to be placed.

Dr. Lejins stated that parole, probation, and other programs outside of incarceration, supervision, in theory, are good measures and work. He is upset that states have abolished parole, for when done properly, it can be an asset. Yet, with the burdens of today, he understands why this can occur. He stated that without proper funding, probation and parole become a farce. The cases should be limited to a manageable number to be effective.

Judge Ciotola requested that the Task Force come up with solutions that will lower the numbers of individuals needing to be placed in parole and probation; those people should be placed in a form of alternative sanctions. He made the suggestion that those who have DWI or other substance abuse type infractions be mandated to a treatment program. Many times, insurance companies will pay for those types of programs; if poor, they can be placed in a program at State's expense. In the area of spousal abuse, there is a program, The House of Ruth, helping with counselling, for both abused and abuser, and other necessary services. Judge Ciotola agreed with Dr. Lejins that until a better system is initiated, parole and probation is here to stay.

Judge Ciotola stated that 60,000 individuals come through the District Court every year and only less than 1% is found guilty and go to jail, the rest will go into probation or another program. Judge Ciotola pondered that there should be a program that would help those in the front-end, rather than treating the individual when there is trouble. He made the point that a class of criminals is being born and trained everyday in those city streets. He stated a solution could be offered by lengthening the school hour or even conducting school throughout the summer so to get offenders off the street and into something constructive. There is a need for effective programs so that some responsibilities be taken away from the judges through legislature.

Mr. Simms stated that many of the topics brought up by Judge Ciotola are in the draft report. Community service as a diversionary option is acceptable. Parole and probation has been discussed and debated before and will be done so for some time. Without the necessary fiscal resources to come up a new solution, the only option left is what is done currently. At an appropriate time, other recommendations can be studied and made.

Constituents in the outlying counties many times are not

concerned about the problems of the metropolitan areas. The Task Force should state recommendations in such a way that are not offensive and those measures that can provide relief where it will be needed the most: the metropolitan Baltimore area, central Maryland, and Prince George's County.

Subcommittee Reports:

Pre-Trial Intervention Committee

Kent Mason presented an overview of the draft report. Please refer to the report for specific recommendations. Members were requested to be prepared with comments and recommendations for the next meeting.

The committee recommended that greater supervision of the individual will lower the number of those who fail to appear in court. In addition, an assessment function should be created so that individuals can be assigned to the proper programs.

An area highlighted was the option of charging fees based on the bail amount set. If the individual is found guilty, then 50% of posted bail would be collected as administrative fees. Another option is that there be a 1%-3% administrative fee to all bonds. These fees would go directly into paying for pretrial services. Another highlighted area deals with a person who is found not guilty. If a person is found not guilty, that person should receive all the administrative fees or should a minimal processing fee be attached? Most were in agreement that if one is found not guilty, then no fees should be collected.

Mr. Civiletti questioned how the above idea would affect bailbondsmen. The group concurred that this would greatly impede their business for it would take away the profit margin. Mr. Mason stated that the ABA and other groups have proposed eliminating many of the rules concerning bails. The bailbondsmen industry will and have lobbied hard against any such changes.

Secretary Robinson stated that the fiscal notes should include the amounts of projected revenue, anticipated dollars, and follow through those projections in the next three (3) to five (5) years.

Post Adjudication Subcommittee

Jane Sachs presented an overview of the draft report. Please refer to the report for specific recommendations. Members were requested to be prepared with comments and recommendations for the next meeting.

Seven topics were addressed: increase use of split sentences, peace officer status for parole and probation agents, informal

modification of terms of parole and probation, day reporting centers, home detention, work release, and day fines and fines.

Ms. Nowak requested that the fiscal notes be discussed in more detail at the next meeting. Ms. Nowak questioned who would be responsible for the fine collection. The report states that the administration of the court would be responsible for the collection, an area already burdened with work and may not be the best suitable to do collections.

Mr. Simms stated that in the area of split sentences, there should be a target population in which criteria is developed to allow judges an alternative method in sentencing. If the judges give long sentences with the split sentence, then this could compound already existing problems. A limit must be placed when using split sentencing.

Alternative Sanctions For Special Needs Population

Secretary Robinson presented an overview of the draft report. Please refer to the report for specific recommendations. Members were request to be prepared with comments and recommendations for the next meeting.

A major thrust of his recommendations was a day reporting center model: one location providing many needed services. The target would be those in pre-trial services. This would decrease the numbers in community supervision.

There is a difficulty in finding employment for ex-offenders. Due to the lack of jobs, he is hoping to amend home detention to ease the restriction employment as criteria to be placed in the program. The East Baltimore Community Corp. could be used as part of the program locating it on the second and third floor of the Jail Use Building. The cost of service programs would be \$8.50 per person.

Secretary Robinson stated that there has to be an easing of criteria for some programs. Each program is vying for the same offender, thus many programs go unfilled. Mr. Civiletti questioned how many ex-offenders are now employed by the State. Secretary Robinson stated that there are very few for many job descriptions mandate that ex-offenders be excluded. It is difficult to attain employment due to their criminal history.

Judge Ciotola questioned the work done by prisoners to deduct time from their sentences. Secretary Robinson stated that few are working due to budget cuts, in addition, there is a maximum number of days that are allowed to be earned.

Again, with these programs, the Task Force must convince many lawmakers, including Senator Baker, that successful programs are

available other than to build prisons. The prevailing popular message is that prisons should be built, yet many jurisdictions do not want those prisons placed in their area.

Mr. Simms questioned the needs of special populations. He questioned if legislature would allow funds for those other than non-violent, first time offenders. It was questioned if there could be a short-term place, 30-45 days, to leave an environment that will cause the behavior. This could be useful in the area of many drug arrests for a majority of drug arrests are those in the lower part of the hierarchy; these individuals demand more time and space and are repeat offenders. The time spent away may have an affect on them.

A consensus was found in the area of changing the criteria for home detention. Type 643 offense are excluded from home detention. Additionally, legislation should be passed so that parole and probation agents have peace officer status.

Judge Ciotola suggested that there be a foster-type program for adults. Secretary Robinson stated that Springfield Hospital currently houses five boot camp graduates who do general maintenance services for the hospital. This has been a quiet, albeit successful program.

Judge Ciotola questioned if Spring Grove could be used as a facility for the needed services and have insurance companies pay for those services. Secretary Robinson questioned why the Department of Health and Mental Hygiene could not work with the prison population who are mentally ill; this is not currently done. Ms. Nowak that this topic has been addressed before, and the Department of Health and Mental Hygiene feel this is not their area to address. There is a growing increase in mentally ill in the incarcerated population. A request to the Legislature was rejected regarding a jail for the special needs population such as geriatrics and AIDS-infected individuals.

Mr. Russell will present the Custodial Programming Committee report at the next meeting.

Compendium of Handouts:

The following materials were distributed at the meeting:

1. The Michigan Community Corrections Act
2. Draft Report of the Post Adjudication Subcommittee
3. Draft Report of Pre-Trial Intervention Subcommittee
4. Draft Report of Committee on Alternative Sanctions for Special Needs Population
5. The Corrections Crisis: A Call for Action by John J. Curtin, Jr.
6. A letter to Judge Ciotola regarding the programs of Second

- Genesis, Inc.
7. Information provided by George Phelps regarding One Step Further, Inc.
 8. Data provided by Department of Public Safety and Correctional Services of the incarcerated population
 9. Data provided by the Division of Parole and Probation of those under their supervision
 10. The Sanctions in the Field of Economic Criminal Law, Community Service as an Alternative to the Prison Sentence, and The Elaboration of Standard Minimum Rules for Non-Institutional Treatment by the International Penal and Penitentiary Foundation
 11. Included with minutes: Information regarding The East Baltimore Community, Corp. provided by Secretary Robinson
 12. Included with minutes Recommendations/excerpts from the "Pretrial Detention and Release Needs Assessment"

The meeting was adjourned at 8:00 p.m. The next scheduled Task Force meeting is Monday, November 25, 1991 at 6:00 p.m.

ALTERNATIVE SANCTIONS TO INCARCERATION

TASK FORCE

November 25, 1991

Minutes

Attendees

Members:

The Honorable Joseph A. Ciotola, Chairman
The Honorable Howard S. Chasanow, Maryland Court of Appeals
Mr. Hal Donofrio, President, Richardson, Myers & Donofrio, Inc.
Dr. Peter Lejins, Professor Emeritus, University of Maryland,
College Park
Mr. George Phelps, Jr., Phelps Protection System
Mr. George L. Russell, Jr., Piper & Marbury
Mr. Byron Sedgwick
Mr. Mark K. Shriver, CHOICE
The Honorable Stuart O. Simms, State's Attorney, Baltimore City
Mr. George G. Surgeon, Director, The Careers Center

Staff:

Ms. Nancy J. Nowak, Governor's Office of Justice Assistance
Mr. Stephen A. Bocian, Governor's Office of Justice Assistance
Ms. Hilary Hammerman, Governor's Office of Justice Assistance

Guest Speakers:

Mr. Jeff Clewer, Director, Cecil County Detention Center
Mr. George Haggerty, Director, Law Enforcement, Cecil County

Guest:

Amanda Stakem, Governor's Legislative Office

Judge Ciotola

Judge Ciotola called the meeting to order at 6:05 p.m. The minutes for the meeting of October 12, 1991 were distributed, reviewed and accepted.

George L. Russell, Jr.: Community Re-Integration Committee

Mr. Russell gave a brief overview of the report prepared by the Community Re-Integration Committee. This report is an abridged synopsis of The Action Plan for Maryland State Prisons that was prepared last year by the Department of Public Safety and Correctional Services (DPSCS). Unable to meet with his committee

as a whole, Mr. Russell was the sole author of the report.

The recommendation to create a transitional services center at the Maryland Penitentiary in Baltimore City. The location of the center is Baltimore City, which statistically contributes 51% of the incarcerated population statewide. This could be a pilot program for the state; Prince George's County will soon be in need for such a program.

Mr. Russell recommended that the legislature should give the highest priority to funding for the recommendation of converting the Maryland Penitentiary into the Metropolitan Transitional Services Center. Also recommended was that work-release counselors should be assigned to all minimum security facilities or jails. This was not part of the report prepared by DPSCS.

Judge Chasanow questioned if the report defined any classifications for those eligible for the program. Mr. Russell stated that there would be no classification program; those exiting the DOC would be placed in this program. This would effect a majority of the jailed population of Baltimore City.

Ms. Nowak requested if there are any fiscal notes with Mr. Russell's report. Mr. Russell was unaware of the fiscal notes of the original DPSCS plan. Last year, the legislature deferred this program due to its high cost. A suggestion was for a reallocation of funds so that this program could be started. Again, Mr. Russell stated that this proposal should be given its highest priority for its vocational and education training that is an integral part of the program.

Mr. Phelps questioned if there was any plan for community and/or volunteer groups to help with this center. Mr. Russell stated that the Baltimore City government, especially the Department of Education, should participate in the center. To this date, the Greater Baltimore Committee has not endorsed this program.

Ms. Nowak noted that the Task Force's draft report does not yet incorporate any participation from community-based programs or the private sector. This sub-committee should explore ways in which the community and business could participate in this project. Those members of the private sector were urged to brainstorm for ideas. The Task Force should find out whether the private sector is receptive to alternative sanctions or if the private sector chooses not to participate. Mr. Russell offered to speak with Bob Kellor of the Division of Correction and with the Department of Education for ideas to infuse into this project.

Mr. Phelps stated that there are many dedicated people involved in the community; there should be a way to tap into these community organizations. He asserted that this Task Force could

somehow listen to the tone of the people and not that of the government.

Judge Chasanow made the point that the presentation of a new program must be placed in a positive light so that the community is more receptive. Both the community and media must introduce this program as an asset, not a program merely to place more offenders on the street.

Stephen Bocian

At the November 12th meeting, information was distributed regarding legislation passed in Michigan for alternative sanction programs. Mr. Bocian presented a brief overview of the plan. Michigan and fifteen (15) other states have some sort of community corrections, many basing their programs on Michigan's legislation.

Michigan has allocated \$22 million, once earmarked for jail construction, to the establishment of an Office of Community Corrections. Seventy-seven (77) Michigan counties participate in the program. The program contains a statewide board as well as local community boards; legislation stipulates membership of the board contain community participants, treatment counselors, prosecutors and others who can give informed suggestions to their respective boards.

This program and legislation can be used a basis and mechanism for the Task Force's report.

Judge Ciotola

The Staff of the Governor's Office of Justice Assistance (GOJA) will write the report. Judge Ciotola requested a motion to approve GOJA writing the report; motion passed.

To allow for the Staff to complete the report, the meeting for December 9th has been cancelled. The next meeting of the Task Force is scheduled for **December 19, 1991** at 6:00 p.m. at the Governor's Conference Room, 301 West Preston Street, Baltimore, Maryland.

On December 12th, a copy of the report will be sent to each member for their review and suggestions. If one is unable to attend the next meeting, please fax the comments to GOJA at (410) 333-5924.

Nancy Nowak

Ms. Nowak spoke of the Pre-Trial Needs Assessment Report, a report commissioned by DPSCS and administered by GOJA. The legislature has been receptive to the report and its

recommendations. Judge Ciotola requested a motion to approve that this report be part of the Task Force's report; motion passed.

Jeff Clewer and George Haggerty: Cecil County C.A.R.C.

C.A.R.C. (Community Adult Rehabilitation Center) is acknowledged by the many county's Department of Corrections as a well run program with many highlights.

Cecil County in the late 1970's had the situation of and old jail and a burgeoning detention center. Sheriff Jack DeWitt took advantage of legislation that would allow 100% funding of construction and operation of the center.

C.A.R.C. has been very successful. The program enjoys the support of the community. A citizen advisory board has been instrumental in the education of the community; local support is an important component in the success of C.A.R.C.

The facility is located on the outskirts of Elkton as part of a law enforcement complex. The capacity is 64 beds; 56 male, 8 female. Originally constructed for 32; bunk beds allowed the facility to double its capacity. The average length of stay for an individual is six (6) to seven (7) months.

The eligibility requirements for C.A.R.C. placement is: Cecil County residency, a sentence of 91 days to three (3) years, and passage of a "test" based on a forty (40) point scale relating to criminal history, background, employment, family support and other scales of measure. Most participants are referrals directly from the courts involving first time offenses of contempt, DUI, DWI, minor drug charges, domestic cases, and vehicle violations. Others reach C.A.R.C. via the DOC system; if the person is within six (6) months to parole, this will acclimate the individual with the community and employment. Only six (6) people since 1984 have been transferred from DOC to C.A.R.C.

Much of the success of the program is the involvement of the community. The community, especially private sector, will recruit individuals placed into the program and give them the opportunity for employment. The program gives the individual an incentive to find employment or they will be reclassified to a higher-security facility. At the inception of the program, Cecil County had to recruit employers to accept this program.

The C.A.R.C. participant is a working, tax-paying part of the community. In addition, those monies earned at the place of employment is used to pay court imposed fines and fees to participate in the program. The charge is a sliding scale of \$9 - \$13 per day to offset costs of the program. The State of

Maryland is paying \$32 per bed minus the reimbursement of the participant. The payment has shifted the burden of cost to the participant, not the community government.

C.A.R.C. incorporates rehabilitation, educational, and vocational programs for the individuals to participate in. There is daily alcohol testing, and random drug testing of the participants.

Mr. Simms questioned the number of personnel needed to staff the C.A.R.C. program. Mr. Haggerty stated there is a total staff of twenty (20), which is made up of fourteen (14) correctional staff, and the balance is treatment counselors, program staff, clerical and administrative staff.

Ms. Nowak requested the recidivism rates for C.A.R.C. participants. Mr. Clewer stated that recidivism rate is 30%, yet noted that tracking was started two (2) years ago and includes both C.A.R.C. and work-release program. It was noted that since 1984, only one (1) person has committed a felony after completing the program.

Mr. Russell requested a racial breakdown of the C.A.R.C. program. Mr. Haggerty stated participants are 90% Caucasian, 8-9% Black, and balance is Hispanic. In the Detention Center makeup is 50% Caucasian, 50% Black.

Mr. Phelps questioned if outside community groups were used in treatment. C.A.R.C. takes advantage of many community-based programs such as drug and alcohol rehabilitation programs, prison ministry, parenting and domestic counseling skills, life skills and arts programs. The community is an instrumental component in the success of the program.

Mr. Clewer will be sending an Annual Report to the Task Force for perusal.

Compendium of Handouts:

The following materials were distributed at the meeting:

1. Draft report of Community Re-Integration Subcommittee
2. Draft report based on the information garnered from Michigan's community-based corrections programs.
3. Major recommendations and critical findings from the "Maryland Pretrial Release Needs Assessment."
4. Letter to Mr. Civiletti from Mr. Parris N. Glendening, County Executive of Prince George's County, regarding the county's alternative sanctions.

The meeting was adjourned at 7:40 p.m. Next meeting: Thursday, December 19, 1991, 6:00 p.m. - 8:00 p.m.

APPENDIX

D

Alternative Sentencing: Selling It to the Public
National Institute of Justice



NATIONAL INSTITUTE OF JUSTICE

Research in Action

Charles B. DeWitt, Director

September 1991

Alternative Sentencing: Selling It to the Public

by Michael N. Castle

Intermediate sanctions and the problem of obtaining community acceptance for them are subjects that have come to the fore in today's policy discussions concerning prison crowding, crime, and justice.

Any Governor, mayor, or county executive can tell you that these remain politically and publicly sensitive issues. People expect government to protect them. They do not want government proposing programs that put unrehabilitated criminals back into their communities. The pressure they can bring to bear against these programs is difficult to overcome.

People too often assume that public protection means prison, and that anything less than complete incarceration for all criminals will endanger public safety. Such an attitude is understandable, and that, perhaps, is why we have been so slow to challenge and to abandon the delusion that "out of sight, out of mind" will make our world safer.

Successful intermediate sanctions programs have been adopted in many communities, despite the burden of public

resistance. But accomplishing change means putting an end to the old-fashioned and inaccurate concept that criminal justice means prisons and *only* prisons.

Delaware has managed this. And because prison crowding is a problem that every State must muster its resources to overcome, I urge you to look from a new point of view as we consider what can be done to help any State solve it.

Public officials have been known to blame their predecessors for the difficult situations they inherit. I am fortunate that my predecessor left me the groundwork for managing our State's prison population. Governor du Pont led the effort to reform sentencing practices and attitudes in Delaware.¹ Serving as Lieutenant Governor and now as Governor, I learned critical lessons about the need for intermediate sanctions, and how to gain public support for them.

Before examining some of the benefits to be derived from implementing a program of intermediate sanctions, let's look at some facts.

- Nationwide, about 1 in 50 persons is under the control of correctional authorities.

- In the last decade, national per capita expenditures grew 21 percent, but corrections expenditures grew 65 percent.

- The Nation's prison population essentially doubled during the 1980's to more

than 600,000 people. If you include the jail population, that's a million people behind bars.

- The growth of America's prison population is over 10 times that of the general population.

The average person may be quite alarmed by these statistics and will wonder how government is handling these large increases in prison population. It may appear that our prisons are bursting at the seams, and that this could cause dangerous criminals to be allowed back on the streets.

What's more, prison construction costs nationwide in 1987 averaged \$42,000 per bed, according to a report by the National Conference of State Legislators; costs in some States were as high as \$110,000 per bed.

This is enough to give any Governor, judge, warden, or police officer pause. But consider this issue as a typical consumer, someone who is struggling to balance a checkbook and make ends meet. Think about how your dentist, your auto mechanic, or your child's teacher would react if you told them how much money is being taken out of their pockets to build prison beds and take care of criminals.

Michael N. Castle is Governor of Delaware. This article is adapted from his address to the 1990 Intermediate Punishments Conference, sponsored by the National Institute of Justice, in Arlington, Virginia. Michael Castle became Governor of Delaware in 1985 after 4 years as Lieutenant Governor.

¹ Pierre S. du Pont IV was completing his second term as Governor of Delaware when he wrote, for NIJ's *Research in Brief* series, "Expanding Sentencing Options: A Governor's Perspective" (1984).

The average person in Delaware annually pays \$1,000 in State personal income tax. It would take the total State tax collected from 15 Delaware residents to pay for just 1 prisoner for only 1 year. Tell people that and you not only get their attention and anger, but you get their interest in perhaps doing things differently.

Many taxpayers do not know that they pay a substantial price for the very prisons they demand, while policymakers do but have taken this knowledge for granted. We cannot afford this attitude any longer. We must look at things from the public's point of view so we can understand its concerns and address them effectively. It is our obligation to help stem the demand for prisons and long sentences for every convicted offender, by educating the public about the alternatives. Skeptics may doubt that we can change public opinion dramatically in this area. Fortunately, facts and experience prove the skeptic wrong.

I believe the public will not only permit but will support intermediate sanctions. A case in point: When the Edna McConnell Clark Foundation asked hundreds of Alabama residents how they would sentence 20 convicted offenders, virtually all thought prison appropriate. After some explanation of costs and alternatives, the same people "resentenced" most of these cases to intermediate sanctions. This demonstrates that an educated public will support alternative sanctions.

Convincing people alternatives exist

Once you open people's minds to the "prison-only" problem, you must convince them that viable alternatives do exist that still protect their personal safety. Never lose sight of the fact that this is a very personal and human issue. Show people that there are programs nationwide where violent or habitual felons are assured prison beds only because many of the nuisance shoplifters, technical probation violators, or petty thieves are being punished in other meaningful ways.

Make the public understand that dangerous criminals will still be put in prison; that intermediate sanctions are necessary to reintegrate offenders so they have a better chance of becoming successful citizens and not continuing lives of crime. Communities should not be allowed to place the entire burden of reform on the correctional system. If we can provide useful and effective alternatives without costly incarceration, we all benefit.

Several States have helped pave the path for public acceptance of intermediate sanctions by successfully implementing and developing alternative programs that have convinced people to abandon the "prisons-only" concept. But in order to convince people, you must show them that there are programs that do, in fact, work. Here are a few programs that you are probably already aware of, which may even be replicated in your own State. Consider them as an average person would.

- In New York, there are several community residences that provide housing and life services for women released early from prison so they can reestablish their families and begin their reintegration into society.
- A county in Arizona uses the day-fine sanction for nonviolent felons, a program modeled after one in New York and linked to the offender's ability to pay.
- There are various Intensive Probation Supervision Sanctions around the Nation. Many are modeled on the first such program, which was established in Georgia. Figures from New Jersey's program show that while 30 percent of those undergoing intensive supervision have been returned to prison for violations, only 2 percent of those who successfully completed probation have been convicted of new indictable offenses.

To the average person who has taken the first step and realized there is a problem both with overcrowding and cost, these examples can be very comforting. But you cannot sell intermediate sanctions based on cost savings

alone, or on a few programs that work. It is your responsibility to go even further in gaining public acceptance.

Creating a consensus for change

Prisons will always play a role in the criminal justice system, but they cannot continue to play the central role that they have in the past.

In Delaware, we are working to expand one of our current men's facilities by 460 beds, and to build a replacement for our women's facility. We are, in fact, under Federal court order to ease crowding at our present women's prison. And while I am displeased at having to put additional beds into our system, the situation would be much worse if we did not have an alternative sentencing program in place.

Several years ago, Delaware embarked on a program designed to ensure punishment commensurate with the severity of the offense, and with due regard for resource availability and cost. The effort we made was twofold: To change our correctional system, and to change public opinion and attitudes. But before you can implement an awareness campaign, you must join with key groups to determine exactly what your philosophy will be. In Delaware we began with a broad survey of the situation in order to reach agreement that the status quo was not working, and we were able to use this information to build a consensus for change.

Our breakthrough came when we concluded that the solution was not putting more offenders in larger prisons, but that the structure of our system was inadequate. We wanted to sentence smarter, not just tougher. And it did not make sense to have such a gross dichotomy—offenders either in prison or out on the street under general probation. Instead, we envisioned a five-level continuum of punishment.

Having accepted that a restructuring was necessary, we turned to the issue of philosophy of sentencing. Although we

agreed that a new structure for sentencing was in order, one which included a continuum of punishments, we had not yet agreed on a philosophy to determine what kinds of offenders would qualify for what levels.

With general agreement regarding the severity of punishment, we advocated, in priority order:

- Removing the violent offender from the community.
- Restoring the victim to his preoffense status.
- Rehabilitating the offender.

By providing programs of supervision to nonviolent property offenders, we would reserve more of our limited and costly prison facilities for robbers, drug dealers, and others who assault or prey on our population.

To accomplish these goals, we began our work by establishing, by legislative act, a Sentencing Accountability Commission (SENTAC). It served as a forum for our target publics to study intermediate sanctions, debate them, and search for specific programs to create. But its express purpose was to devise a workable program to gain control of prison population problems, and not simply to *reduce* the prison population.

With representation from all facets of criminal justice, the Commission developed a defined continuum of sanctions, based on the degree of supervision and control that needed to be exercised over each offender. We then went directly to our public opinion leaders—legislators on criminal justice committees, prominent judges, and others—and educated them, answered their questions, and made them a part of the process.

During this process we were able to hear concerns in a controlled environment and prepare the case for the general public. And by making the leaders part of the process, we gained some of our strongest and most effective advocates.



Michael N. Castle,
Governor of Delaware

The result was a continuum comprising five levels of increasingly restrictive sanctions as well as cost-control mechanisms. As a dynamic and fluid system, it allows offenders either to earn their way out of prison by good behavior and conformity with the rules, or to work their way further into the system by repeated nonconformity or additional offenses.

- *Level V* is full incarceration with complete institutional control.
- *Level IV* is quasi-incarceration where a person is supervised for 9 to 23 hours per day in programs such as halfway houses, electronically monitored house arrest, and residential drug treatment.
- *Level III* is intensive supervision involving 1 to 8 hours a day of direct supervision, in which criminals are subject to curfew checks, employment checks, and close monitoring for attendance in treatment programs.
- *Level II* is "normal" field supervision with 0 to 1 hour of contact per day.
- *Level I* is the lowest level of supervision.

This structure allows us to view existing or future programs, punishments, or combinations of the two, in a broad and logical framework. Now let's look at these levels on a human scale to see how they work.

Joe has been convicted of unlawful sexual intercourse, has a prior history of violence and burglary, and is obviously a threat to public safety. Under our system he was sentenced to 6 years of full incarceration followed by 1 year at Level III and 2 years at Level II. Not only is Joe kept out of the community for a long period of time, he is gradually integrated back into society under careful supervision.

On the other hand, Jill was convicted of shoplifting and has one prior offense for misdemeanor theft. Obviously she does not pose the same threat to society that Joe did, so she was sentenced to 1 year of intensive supervision under Level III, with the additional conditions of paying court costs and fines, getting a job, and not entering the store where the crime occurred.

These stories illustrate how the continuum works to put Joe behind bars for a long time, but then ease him back into society, and how it works to punish Jill commensurate with the degree and nature of her less serious crime, while not requiring that she needlessly sit in prison and waste taxpayer money.

I should note at this point that while some administrative leeway is allowed by the Department of Corrections in the three lower levels of supervision, the offender is primarily under the control of the sentencing judge. This allows the judge latitude in structuring punishment that truly fits both the crime and the criminal.

Compliance with the standards by judges is not subject to appeal. Our experience during the first 2 years has been that the sentences fall within the presumptive range over 90 percent of the time and that the majority of non-compliant sentences are lower than standard levels.

Implicit in the use of alternatives is the need to create programs and offender slots. Before our five-level system became law, we invested time, energy, and funds to develop an intensive supervision unit. We now have over 700 Level III slots and over 500 Level IV slots for offenders.

One other aspect that we found to be of utmost importance was an intense effort to meet with and train everyone in the State judicial and correctional system on the definitions and use of the five-level system. It was essential to have a single contact point to which questions and problems could be directed.

Herein lies another human aspect of this issue. The people creating and implementing these programs must be the best in their fields and must possess the determination to see hurdles as opportunities and not unsolvable problems. In Delaware, we had dedicated professionals who made intermediate sanctions their highest priority; we had community groups willing to work hard; and we had State employees, including judges, who made the commitment we needed to see our efforts through good times and bad.

A key element of this accountability system is the cooperation between the executive, the legislative, and the judicial branches of State government. The administration must budget for the creation and continuation of the alternative programs as well as for corrections itself. The cooperation of the legislature was necessary in Delaware to codify the five-level system and to make changes in the statutory punishment limits for individual offenses.

The judiciary joined, cautiously at first and then enthusiastically, in the effort by establishing sentencing standards under administrative court order, in large part because the SENTAC legislation reserved to the judiciary the responsibility for establishing the sentencing standards.

People made the difference as we worked toward reaching a consensus for change. Through creation of mutually

agreed-upon philosophies that were both politically and publicly acceptable, we were able to develop this five-level continuum as Delaware's solution to the "prison-only" problem.

With a program supported by the three branches of government and key community groups, we were able to implement a public awareness strategy designed to mobilize public support for our new initiatives. The strategy's key components included use of the following:

- Reasonable expectations.
- Pilot programs.
- Program evaluations.
- Ongoing communications.

First we established reasonable expectations. To attain any degree of success you must initially establish realistic goals and avoid speculation about results. Creating false hopes will all but ensure failure. By spelling out goals that you ultimately achieve, you develop credibility for your efforts.

Second, we developed pilot programs or contracted with already established programs. Using an incremental approach that built on one small success after another, we generated a growing wave of public momentum that, for the first time, had the average person considering alternatives to prison.

Third, we evaluated programs not only to determine their effectiveness but to demonstrate careful planning and forethought, with complete consideration for the public's safety.

Fourth, and perhaps most important, is communicating results on an ongoing basis. It has been almost 3 years since our five-level continuum was enacted, yet I continue to look for opportunities to discuss our successes with the general public. SENTAC has been tremendously successful. But it would not have been feasible, let alone successful, if not for a carefully planned and executed public acceptance campaign, such as the one I have described.

Have we succeeded in any of the goals we set for ourselves? Has it made a difference to Delaware? And has the public accepted it? You probably know that for years our State has been close to the top of the list of States in the number of persons incarcerated per 100,000. In 1989, our number was 349 per 100,000. None of our neighbors has reached that level yet, but they are all getting closer.

What is important for our discussion today is that our *growth* rate appears to be slowing, even though we are subject to the same crime rate trends as our neighbors. Considering only the last 2 years, the incarceration rate in Delaware increased by only 5.8 percent. By comparison, Maryland's rate increased by 15.8 percent, Virginia's increased 22.4 percent, New Jersey's 22.3, New York's 25.8, and Pennsylvania's 31.6 percent. Over the last 5 years, Delaware is the only State I have named that can exhibit a consistent slowing in the growth rate.

We attribute this trend to the manner in which our judges and other members of the criminal justice community have embraced the five-level system and the way they have chosen to replace a historic predilection for imprisonment with a graduated use of sanctions. I believe this behavior is a direct result of mobilizing public input and support.

Can we put a price on our progress? The costs of our system in 1989 were studied by Kay Pranis of the Minnesota Citizens Council on Crime and Justice under a grant from the Edna McConnell Clark Foundation. We currently have over 700 persons in our intensive supervision program at an annual cost of approximately \$2,300 per offender. If only half of them are true diversions from jail, we still have a program savings of \$5.4 million per year. In this program and our home confinement and halfway house programs alone we can demonstrate a total savings of almost \$8 million annually.

Evaluating public acceptance is obviously much more subjective than measuring cost savings. But I can tell you

that none of our statistical successes would have been possible without a degree of public support and acceptance that we must continually nurture and cultivate.

We have not solved all the problems of crime in Delaware. But we do believe that with continued use of SENTAC to combine a system of sentencing standards with a graduated continuum of sanctions and supervisory programs, Delaware is well on the way to achieving an affordable means of planning for and managing a correctional system that is effective, acceptable, and accountable to the citizens of our State.

Conclusion

We cannot *build* our way out of our current prison crisis, but we *can* manage and control our prison growth, and maintain the integrity of the criminal justice system. By carefully developing sensible sentencing policies and a wide range of sanctions, and implementing an aggressive public education initiative, we have held offenders accountable to the public and the legal system

and have held ourselves accountable to the public.

SENTAC was given a clear charge to develop a plan for reform that included sentencing guidelines and a time deadline. Through long discussions and compromise, a workable system was developed and is now in place, proving that intermediate sanctions can work when interested parties and the general public are both a part of the process.

There is nothing magical about our five-level continuum. What is essential is to make available an array of sanctions that is effective for *your* particular offender population, flexible enough to be responsive to the needs of specialized offender populations, and sensitive to the resource limitations and public concerns in your jurisdiction.

Always remember that while this is an issue of public concern, it is within your power to make it an issue of public interest and support as well.

Remember that this is a human issue and not an institutional one.

Remember that it is people's perception of their personal safety as well as allocation of their hard-earned money that you must address.

Remember that change is not easy but is certainly achievable through consensus building.

And finally, remember that it is people, your community members, whom you must make your partners in solving and preventing future correction problems.

Points of view or opinions expressed in this publication are those of the author and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

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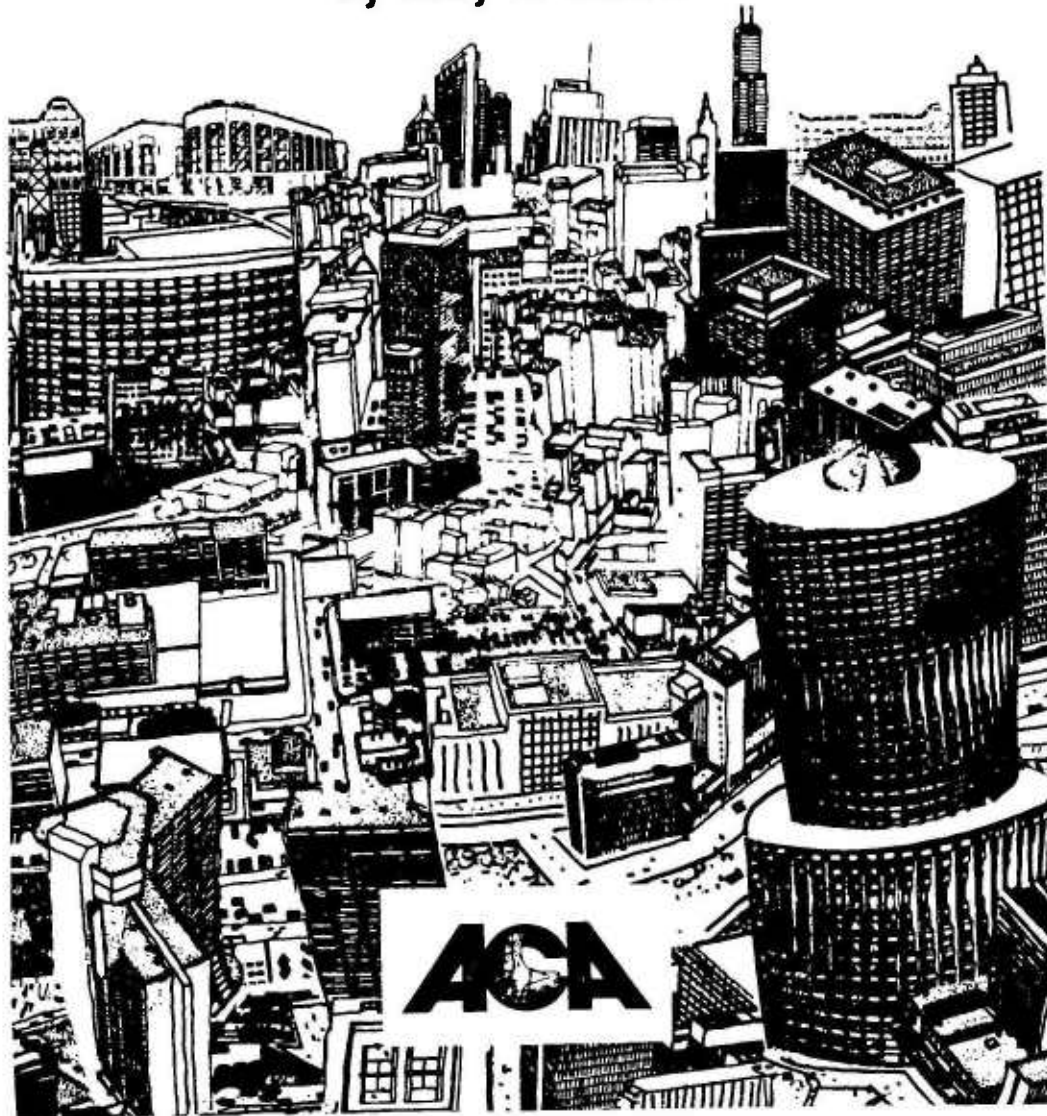
APPENDIX

E

Community Corrections Acts for State and Local Partnerships

Community Corrections Acts for State and Local Partnerships

by Mary K. Shilton



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**Helen G. Corrothers, President
James A. Gondles, Jr., Executive Director
Patricia L. Poupore, Director of Communications
and Publications
Elizabeth Watts, Publications Managing Editor
Linda R. Acorn, Associate Editor**

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**"Compendium of Community Corrections Legislation in the
United States" prepared by Sandy Pearce and John Madler,
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Mary K. Shilton

Foreword

It has been almost twenty years since Minnesota passed the first community corrections act in 1973. Even before passage of the Minnesota Act, correctional experts and politicians debated the merits of its precursor, the California Probation Subsidy Act. The California Act represented the first serious attempt to influence local action in corrections through state subsidization. The advantages and the shortcomings of community corrections legislation in the United States have been widely publicized. Yet there have been few efforts to compare the essential characteristics of these laws.

What are community corrections acts? The American Correctional Association Task Force on Community Corrections Legislation defined a community corrections act as: "a statewide mechanism included in legislation whereby funds are granted to local units of government and community agencies to develop and deliver front-end alternative sanctions in lieu of incarceration" (Huskey 1984). This definition has been broadened in many states to now include sanctions in lieu of jail. Unless otherwise indicated in the text, the term "community corrections" is used in this monograph to refer to programs in community corrections act states. There are a number of other states that have not passed comprehensive community corrections acts but have undertaken community corrections programs through executive action and existing agencies.

Community corrections acts have come of age in the 1990s. A model community corrections act is under consideration by the American Bar Association. The number of states adopting legislation is steadily increasing. Why this interest in a complex state law designed to affect a variety of agencies and tasks? Community corrections offers a mechanism for breaking the mindless cycle of locking up more and more people in jails and prisons without first applying intermediate punishments. Aside from potential social values of community corrections programs, economic values are often cited as well. If crime and sentencing factors are held constant, some argue that states can reduce corrections spending because the cost of community corrections

programs is less than prisons (National Committee on Community Corrections 1991). At a time when the United States' incarceration rate is among the highest in the world, states and local governments must carefully reassess their options and weigh the consequences.

The American Correctional Association has a long-standing commitment to improving corrections in this country; it began with prison reform issues in 1870. Its membership has steadily grown from prison administrators to an interdisciplinary group that includes members from each part of state and local correctional systems. The American Correctional Association has supported the development of community corrections programs for states and localities as part of a balanced approach to corrections. It has assisted in the development of professional education and standards for this discipline.

This booklet, which is directed to the attention of citizen advocates and decision makers concerned with the administration of justice, has been written to provide a comparison of how states and localities have implemented community corrections acts and programs. It is an update to ACA's 1983 publication on the subject and offers a comprehensive look at the lessons learned in the past decade.

This booklet points out the common and divergent characteristics of community corrections legislation in an attempt to present a range of options for states and localities. It does not describe community-based programs in states that have not adopted Community Corrections Acts.

Chapter I lists chronic problems confronting correctional systems and summarizes the impact of crime and sentencing patterns on incarcerative institutions and probation. It describes corrections acts as a response to pressures that influence the administration of state and local correctional programs in the United States.

Chapter II presents an analysis of common elements of state laws. The concept of community corrections is broad and can accommodate multiple goals and functions. States enacting such legislation have included various requirements in the legislation in order to influence correctional policy. As examples of this diversity, the common requirements of community corrections acts are outlined.

Chapter III summarizes what is required to implement an act. It lists typical steps to be taken in making the act work.

Chapter IV highlights the accomplishments of community corrections legislation. It presents an overview of the dynamic history of the acts and their benefits. Some barriers to successful programs are also noted.

Chapter V underscores the dynamic quality of community corrections acts. Maintaining the vitality of the legislation requires states and localities to continue to work together on a number of difficult issues.

An accompanying "Compendium of Community Corrections Legislation in the United States" reviews each participating state, highlighting the purposes, leadership, organizational structure, and administrative mechanism. This compendium offers specific information about the variations that exist in community corrections acts.

This booklet is not intended to offer a single model of community corrections for solving correctional problems. It suggests potential areas for state and local cooperative efforts to improve the administration of correctional programs in the United States.

James A. Gondles, Jr.
Executive Director
American Correctional Association

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Introduction

State correctional systems in the United States are unique among nations in their complexity and fragmented functions. Why should states want to pass community corrections legislation to further decentralize statewide corrections?

1. Most correctional functions are best performed in the area where the offender resides.
2. Community corrections acts offer a better way of handling responsibility for correctional programs through incentives for intergovernmental cooperation, public education, and local management of a range of sanctions.
3. Community corrections acts provide localities with an opportunity to engage citizens in the debate over correctional goals and in the allocation of scarce resources.

Community corrections acts emerged in the early 1970s as a reform movement directed toward rehabilitative programs. Since that time, at least eighteen states have passed community corrections acts. The motivations driving adoption of these acts are still relevant because these laws are flexible in meeting changed mandates.

What have community corrections acts accomplished? What community corrections acts do best is provide a forum to examine correctional policy, stimulate innovative solutions to problems, improve the administration of programs, and garner community support for them. Community corrections acts have improved professional standards. Some states credit them with providing a network for examining sentencing reforms. The list of measured benefits to the public, victims, offenders, and governments is growing.

States vary widely in how they have developed community corrections acts. This book highlights similarities and differences between state community corrections acts. Variations reflect different correctional philosophies, intergovernmental relations, resources, and politics of the states.

Despite wide differences, there is one common denominator: community corrections legislation shifts state funds and responsibility for correctional services from the states to localities, recognizing that localities can best manage policy and resources at the community level. The process of transferring funds and responsibilities to local governments requires a cooperative approach to management of correctional services. Cooperation cannot be achieved without a careful assessment of both state and local needs and a negotiated agreement between the parties. Local jurisdictions become involved in targeting resources to meet priorities. States become committed to assisting localities.

How can community corrections legislation help states and counties improve correctional services in the future? Community corrections acts have the potential to empower and mobilize communities to solve nagging problems of increasing numbers of nonviolent offenders. They provide a framework for systematically focusing correctional policy and resources, and they help improve systems planning and eliminate gaps in services. Once a community corrections act is operational, information can be gathered about the outcomes of correctional programs to better inform decision makers and the public. Thus, there are many reasons to consider developing and maintaining this legislation for solving problems within state correctional systems.

An earlier monograph, the *Community Corrections Act Technical Assistance Manual*, by Patrick D. McManus and Lynn Zeller Barclay, published by the American Correctional Association, provided the basis for this effort. The structure of this monograph closely follows the earlier publication with one major exception. Corrections in the United States is largely a shared responsibility of local and state governments. Community corrections acts are directed toward this joint responsibility. This booklet emphasizes the potential community interest in such laws.

I.

The Motivation and a Legislative Response

A Continuing Crisis In Corrections

Corrections in the 1990s is confronted by a host of complex problems that have stretched interagency relations to the breaking point. During the previous decade, the nation's prison population increased by almost 134 percent. As a result, in 1990 there were more than 1.2 million persons in U.S. prisons and jails. More than 670,000 persons were in state prisons. Another 408,000 were in local jails. This figure was exceeded by the number of persons on probation or parole during 1990. There were more than 2.5 million adults on probation in 1989, and 400,000 on parole (BJS 1990a).

These statistics resulted from unprecedented increases in the number of offenders entering the system. There were 4.1 million adults under correctional custody or supervision at the end of 1989 in the United States (BJS 1990a), one in every forty-six adults in this country. This represents since 1980 a population increase of 126 percent for probation, 107 percent for parole, and 114 percent for jails and prisons. Crowded jails, prisons, and probation and parole caseloads have increased costs and hampered corrections' ability to provide intended services. In 1991 more than \$16 billion was spent on correctional services at all levels of government. In nearly every state, counties are responsible for providing adequate jail funding, and states are responsible for prisons. Funding responsibility for probation and parole services vary (slightly over half are now state-funded and just under half are locally funded).

Correctional expenditures have become the second largest spending item in state and local budgets due to increased needs for housing. For every dollar spent on construction, the estimated operating costs are sixteen times the costs of construction over the life of the facility. Despite a nationwide effort to build and staff more prisons and jails, states and counties have not been able to keep up with the demand. Most prisons and jails are over capacity.

In 1990 at least 28 percent of all local jurisdictions were under court order to limit the number of persons confined. Most state and federal prisons were operating in excess of their rated capacity (BJS 1991a).

Lack of space is only part of the problem. Unsafe or inhumane conditions exist in many prisons and jails. It is estimated that thirty-seven states are under court order for failing to provide adequate conditions. When courts set standards for prison and jail conditions, they frequently note the role played by crowding. There is growing awareness that scarce prison and jail space should be reserved for violent and career offenders. There is also an increasing recognition that jails and prisons are not the only places where people can be punished. Noninstitutional programs are more appropriate in certain instances.

The Advisory Commission on Intergovernmental Relations (ACIR) recommended that state and local partnerships be directed to solve the jail crisis (1984). The high cost of prisons and jails and the public's reluctance to spend more for them is one reason for a closer look at what community corrections acts can do to respond to crime. The high cost of incarceration limits what can be spent on the balance of correctional programs. In 1987 it was estimated that the cost of building a medium security prison was more than \$61,000 per bed. Construction costs for jails were only slightly less than for prisons (Lauen 1990).

The most significant costs of an increasing rate of incarceration are the cumulative operating costs for prisons and jails. Operating costs vary with number of beds and security levels. According to one 1989 study, annual operating costs of prisons ranged from a low of \$19,575 per bed to a high of \$41,284 per bed. In addition to operational costs, there also are the opportunity costs of not funding other state or local projects.

Some argue that community corrections is a more cost-effective option. It costs \$46.54 per day to house a federal inmate and an average of \$54.79 per day to house a state inmate. These costs are compared with an average of \$31.47 per day for halfway houses and \$6.41 per day for home confinement with electronic monitoring (Way 1990). In Georgia, the cost of home confinement has been completely funded by offenders from supervision fees (Petersilia 1986).

Prisons and jails have been built in every state during the 1980s and should continue to be used to hold serious offenders who pose a threat to public safety. Although new facilities have been added, old ones are seldom closed. Population increases make it difficult to accommodate the capacity demand for prisons and jails. Two years after completion, new jails are often filled to capacity. Within five years they are 30 percent over capacity.

Increasingly, states and localities are motivated to adopt community corrections acts because of persistent jail and prison crowding problems. Community corrections acts are one part of a multifaceted strategy for helping address the prison and jail crowding crisis in a systematic way. One obvious method of alleviating the demand for construction is to reduce the number of people sent to jails and prisons. Community corrections states pay localities to provide a range of programs at reduced cost to the state. Such programs save institutional bed space for those inmates who constitute a threat to public safety or who require more intensive supervision than can be provided in noninstitutional programs.

Inadequate Funding

Efforts to handle the prison and jail crowding crisis are hampered by the rising costs of incarceration and supervision in the community, diminishing state and local revenues to support expanded programs, and interjurisdictional and interagency competition for scarce dollars.

Local governments take pride in their public safety, courts, and corrections services. However, in recent years capital expenditure projects have been limited. In 1991, the National Association of Counties (NACo) published results of a survey revealing the impact of budget shortfalls on counties (Zeldow and Gramp 1991). A majority of counties with populations over

1 million (52 percent) reported deficits. Counties with populations from 100,000 to 500,000 revealed a 39 percent rate of anticipated shortfalls. Many counties have cut back on capital expenditures such as jail construction and have made staff reductions across the board.

This situation is partly caused by the fact that federal assistance to counties declined by 73 percent from 1980 to 1986, requiring counties to provide additional monies for services for health care, crime, and drug problems. Nearly two-thirds of the counties increased their tax rates within the last three years. Six out of ten counties were not allowed to raise their property taxes, and many others reported state limits on sources of fees and taxes. NACo referred to these factors as a "structural fiscal gap." This gap has become one of the fundamental problems of running local government.

Fragmented Correctional Systems

The correctional crisis is an intergovernmental crisis that requires an intergovernmental response. The correctional system in the United States is not unified. It is divided into state, local, and federal services. Within each of these governmental levels are different functions and agencies. For example, probation may be administered by separate agencies housed within state and/or local governments and connected to the courts, corrections, or a separate agency.

More serious problems occur where multiple-agency services are needed for special needs populations such as the elderly, the infirm, or addicted offenders. For example, drug-addicted offenders or the mentally ill are often served by departments of mental health and substance abuse without input or coordination from corrections. Joint problem solving, local initiative, and interagency cooperation are required to provide effective services.

More than half the states have not yet designed a comprehensive strategy directed toward solving intergovernmental and interagency problems in corrections. Without a comprehensive strategy, fragmentation of the criminal justice system and competing state and local interests will continue to impede the development of effective correctional programs in communities.

The History

Community corrections legislation combines state subsidies and categorical grants to localities through a cooperative state/local administrative network. A *subsidy* is a transfer of money from the state to a locality. A *categorical grant* is an award of money to a local jurisdiction for a specified purpose. Community corrections acts are broader in scope than correctional subsidy programs or categorical grants. The additional elements include an administrative structure, comprehensive policy goals, program mandates, and the authority to carry them out.

Community corrections legislation attempts to relieve prison crowding, better manage correctional resources, and assure public safety by reintegrating offenders in the community. Many community corrections acts were designed to support programs stimulated by the Law Enforcement Assistance Administration during the 1970s. The first statewide legislation was adopted in California in 1966 as a probation subsidy. The need for community corrections reform was recognized in the Corrections Task Force of the President's Commission on Law Enforcement and the Administration of Justice in 1967. In 1973 Minnesota passed the first community corrections act.

The appeal for more humane, rehabilitative, and appropriate sanctions for nonviolent offenders gained momentum in the early 1970s as citizens, criminal justice professionals, and lawmakers recognized the need for offenders to have access to programs where they work and reside. Early programs emphasized treatment, work release, diversion, and decriminalization of certain offenses. Coalitions were formed that successfully lobbied for state legislation subsidizing community-based corrections.

During the 1980s, with a steady increase in the base number of incarcerated persons, the national mood toward offenders shifted away from rehabilitation toward punishment. The dynamics of community corrections reflected these trends as judges, elected officials, and citizens articulated a "get tough attitude." There were assertions that "nothing works" in rehabilitation. Community corrections programs began to emphasize punishment and offender accountability. Although less punitive programs remained part of the continuum of community corrections services, new programs addressed risk management, sanctions, drug testing, intensive probation, home confinement,

electronic monitoring, and other alternative forms of punishment.

A Cooperative Approach

At least eighteen states have recognized the need for an intergovernmental solution by adopting a community corrections act, and others are in the process of considering legislation. Community corrections acts are designed to empower local governments to plan and implement community-based programs. They are state funding mechanisms intended to assist local governments to better manage correctional resources. States provide assistance, technical support, and standards to assure program effectiveness.

Agencies must reach a consensus about what is to be attained before engaging in problem solving. Community corrections legislation creates a structure for identifying shared values at the state and community levels. Once values are identified, a contractual relationship develops between states and participating units of government. The nature of the contractual relationship depends in part on administrative procedures as well as the forces at work in the state.

Reciprocal Duties

Community corrections acts transfer funds from states to local units of government to support a range of sanctions to be provided in a community where an offender resides. The overall purpose of this mechanism is to increase local options for non-dangerous offenders ranging from pretrial services to postconviction sanctions.

States and localities enter into a partnership based on a commitment to address complex problems. States retain certain functions. Table A reveals that states' duties are almost uniform under community corrections acts and provide authority to perform the following tasks:

- provide technical assistance
- coordinate training
- contract with localities and nonprofit organizations for services
- monitor programs

TABLE A
Community Corrections Acts—Comparison of Administrative Requirements/States

STATE	RESPONSIBLE STATE DEPT.	STATE ADVISORY BOARD REQUIRED	STATE PLAN REQUIRED	STATE RESPONSIBILITIES								
				TECH. ASST.	TRAINING	CONTRACTING WITH LOCALITIES	MONITORING	SET RULES/ STANDARDS	APPLICATION PROCESS	PROVIDING PROGRAM INFORMATION	REVIEW PLANS/ PROGRAMS	HALT FUNDING NONCOMPLIANCE
ALABAMA	D.O.C.	NO	NO	YES	YES	YES	YES	YES	YES	YES	YES	
ARIZONA	ADMIN OFFICE OF THE COURT	NO	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES
COLORADO	***D.O.P.S.	NO	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES
CONNECTICUT	D.O.C.	NO	YES	YES	NO	YES	YES	YES	YES	YES	YES	
FLORIDA	D.O.C.	NO	NO	YES	YES	YES	YES	YES	YES	YES	YES	
INDIANA	D.O.C.	NO	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES
IOWA	D.O.C.	NO	NO	YES	YES	NO	YES	YES	YES	YES	YES	
KANSAS	D.O.C.	NO	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES
MICHIGAN	***O.C.C.	YES	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES
MINNESOTA	D.O.C.	NO	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES
MONTANA	****D.O.I.	NO	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES
NEW MEXICO	D.O.C.	YES	NO	YES	NO	NO	YES	YES	YES	YES	YES	YES
OHIO	D.O.C.	YES	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES
OREGON	D.O.C.	YES	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES
PENNSYLVANIA	*****P.C.C.D.	NO	NO	YES	YES	YES	YES	YES	YES	NO	YES	YES
TENNESSEE	D.O.C.	NO	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES
TEXAS	**D.O.C.J.	YES	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES
VIRGINIA	D.O.C.	YES	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES

D.O.C. DEPARTMENT OF CORRECTIONS
 **D.O.C.J. DEPARTMENT OF CRIMINAL JUSTICE
 ***D.O.P.S. DEPARTMENT OF PUBLIC SAFETY
 ****O.C.C. OFFICE OF COMMUNITY CORRECTIONS
 *****D.O.I. DEPARTMENT OF INSTITUTIONS
 *****P.C.C.D. PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

- publish rules and standards
- develop an application or planning process
- review application and plans
- conduct assessments and evaluations
- halt funding for noncompliance
- provide information to the public, decision makers, and professionals

Reciprocal duties include state duties of oversight and funding and local duties of developing and operating the programs. In most instances, counties provide correctional services. Some cities and multicounty areas are also designated as recipients. Several states permit nonprofit organizations to be direct recipients of assistance, particularly if counties do not participate.

Tables B and C indicate statutory requirements for local participation in community corrections acts. With some variations common local functions include the following:

- meeting specified plan or application requirements (e.g., public safety, data analysis, program analysis, application or plan submission, reduce commitments)
- observing funding restrictions (e.g., nonsupplantation, maintenance of effort, no construction funds)
- maintaining local advisory boards

Targeted Funding

Community corrections acts provide a mechanism for states and localities to compensate for the effects of two problems: (1) budget shortfalls and (2) imbalances in existing resource allocations.

Community corrections acts are designed to compensate for inadequate funding of local corrections by providing a budgeted state source of revenues. Some community corrections acts were enacted in response to a loss of federal and state funds under the Law Enforcement Assistance Administration (LEAA). Several states recognized the benefits derived from the LEAA grant program and continued correctional programs through a joint state and local subsidy.

Community corrections acts distribute state funds accord-

TABLE B

Community Corrections Acts—Comparison of Administrative Requirements/Localities

STATE	LOCAL UNIT PARTICIPATING				MANDATORY	PLAN APPLICATION REQUIREMENTS						FUNDING RESTRICTIONS			LOCAL BOARD REQUIRED? YES/NO
	COUNTY	CITY	COMBINATION	NONPROFIT		REDUCE COMMIT- MENTS	SAFETY	DATA ANALYSIS	PROGRAM ANALYSIS	EVALUATION	APPLICATION	NONSUPPLA- TION MAINTAINING SPENDING LEVEL	LIMITS ON CONSTRUCTION	REIMBURSE LOCAL ADMINISTRATION COSTS	
ALABAMA	YES	NO	YES	YES	NO	NO	NO	YES	YES	YES	YES	NO	NO	YES	YES
ARIZONA	YES	NO	NO	YES	NO	YES	YES	YES	YES	YES	YES	YES	JAILS	YES	NO**
COLORADO	YES	NO	YES/	YES	NO	NO	NO	NO	NO	NO	YES	NO	NO	YES	YES
CONNECTICUT		NO	NO	YES	NO	NO	NO	NO	NO	NO	YES	NO	NO	YES	NO
FLORIDA	YES	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES	NO	YES	YES
IOWA	NO	NO	-	NO	YES	NO	NO	NO	NO	NO	YES	NO	NO	YES	YES
INDIANA	YES	YES	YES	YES	NO	NO	NO	NO	YES	NO	YES	YES	JAILS	YES	YES
KANSAS	YES	NO	NO	NO	YES	YES	NO	YES	YES	YES	YES	YES	NO	YES	YES
MICHIGAN	YES	YES	YES	YES	NO	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES
MINNESOTA	YES	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES	NO	YES LIMIT 10%	YES
MONTANA	YES	YES	YES	YES	NO	YES	YES	NO	NO	NO	YES	NO	NO	YES	NO**
NEW MEXICO	YES	YES	YES	YES	NO	NO	NO	NO	NO	NO	YES	NO	NO	YES	NO
OHIO	YES	YES	NO	NO	NO	YES	NO	YES	YES	YES	YES	YES	YES	YES	YES
OREGON	YES	NO	NO	YES	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
PENNSYLVANIA	YES	NO	YES***	NO	NO	NO	YES	YES	YES	YES	YES	NO	YES	YES	YES
TENNESSEE	YES	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES	JAILS/PRISONS	YES	YES
TEXAS	YES	YES	YES	YES	NO	NO	NO	YES	YES	YES	YES	NO	NO	YES	YES
VIRGINIA	YES	YES	NO	NO	NO	NO	YES	YES	YES	YES	YES	NO	NO	YES	YES

* JUDICIAL DISTRICTS THROUGH COUNTIES

** STATEWIDE PROGRAM BY HEALTH SERVICE AREAS

*** LOCAL BOARD IS PERMITTED BUT NOT REQUIRED

**** COMBINED COUNTIES WITHIN A JUDICIAL DISTRICT

TABLE C
Community Corrections Legislation—Comparison of Resource Factors

STATES	LOCAL AID REQUIREMENTS					STATE FUNDED		
	PLANNING FUNDS	LOCAL MATCH	LOCAL MAINTENANCE OF EFFORT	CHARGEBACKS INCENTIVES	LOCAL FUNDING BASIS	STATEWIDE BUDGET	FISCAL YEAR	USER FEES FINES
ALABAMA	YES	NO	N/A	NO	N/A	N/A	N/A	YES
ARIZONA	YES	NO	NO	NO	BY APPLICATION	N/A	N/A	NO
COLORADO	YES	NO	NO	NO	FORMULA	\$13 MILLION	1989-1990	NO
CONNECTICUT	NO	YES	NO	NO	BY APPLICATION	N/A	N/A	N/A
FLORIDA	YES	NO	YES	NO	FORMULA	\$7.2 MILLION	1991	YES
INDIANA	YES	NO	YES	YES JUVENILES	FORMULA	\$11 MILLION	1990-1991	YES
IOWA	YES	NO	NO	NO	FORMULA	\$22 MILLION	1989-1990	YES
KANSAS	YES	NO	YES	NO	FORMULA	\$4.1 MILLION	1989-1990	NO
MICHIGAN	YES 30%	NO	YES	NO	FORMULA	\$19 MILLION	1990-1991	NO
MINNESOTA	YES	NO	YES	YES JUVENILES	FORMULA	\$21 MILLION	1989-1990	NO
MONTANA	NO	NO	NO	NO	BY APPLICATION	N/A	N/A	YES
NEW MEXICO	YES 10%	YES	YES	NO	BY APPLICATION	\$1.3 MILLION	1989-1990	NO
OHIO	YES 10%	NO	YES	NO	BY APPLICATION	\$15 MILLION	1990-1991	NO
OREGON	YES	NO	YES	NO	FORMULA	\$42 MILLION	1989-1990	YES
PENNSYLVANIA	YES	YES	YES	NO	FORMULA	NONE	1990-1991	NO
TENNESSEE	YES	NO	YES	NO	BY APPLICATION	\$5 MILLION	1990-1991	YES
TEXAS	YES	NO	NO	NO	FORMULA	\$50 MILLION	1990-1991	YES
VIRGINIA	YES	NO	NO	NO	FORMULA	\$10 MILLION	1989-1990	YES

Note: N/A = NOT AVAILABLE

ing to need for correctional services statewide. This compensates for shortfalls in regions that have few resources but high numbers of offenders. It provides a method for overcoming structural funding barriers at the county level.

An Organized System

Lack of planning and coordination of justice functions has been cited as a problem in jail population management and court delays. In Oregon a governor's task force report on the state's program noted that planning should be improved to coordinate supply and demand for prison and jail space. The report's authors further noted that "Careful long range planning is essential to successful criminal justice policy and to restoring citizen confidence in the state's criminal justice system" (Governor's Task Force on Corrections Planning 1988). Long- and short-term planning are a result of community corrections legislation.

Offender characteristics can rapidly change, but through community corrections acts, a lag in services can be avoided. For example, between 1986 and 1988 the number of persons convicted of felony drug trafficking in state courts increased by more than 50 percent (BJS 1990b). During the late 1980s and 1990s, this increase in drug-related offenders placed additional demands on corrections. Drug-abusing offenders are now filling prisons and jails (BJS 1991b). About four out of ten jail inmates report using drugs (BJS 1991c). An increase in the rate of drug abusing offenders has placed additional demands on corrections to provide drug treatment and mental health services (Cunniff and Shilton 1991).

Through the community corrections act planning process, solutions are developed to meet the needs of a specific prison- or jail-bound population. For example, drug abusing offenders require treatment in a community or confined setting. Will existing substance abuse and mental health resources suffice, or will new services be required? Programs should be targeted to serve the population during each phase of supervision from pretrial to parole.

Community corrections acts provide a comprehensive framework to identify multiple problems and to tailor solutions. Improved planning and cooperation among correctional agencies is a precondition to providing an increased range of criminal

sanctions for nonviolent offenders. Criminal justice services are coordinated among agencies represented on local community corrections boards. Planning assists in allocating more resources for difficult cases. (Resources can be either funding or other governmental services or facilities that can be brought to bear on the problem). Economies of scale and elimination of service duplication are benefits of improved planning.

Community corrections offers a structure for developing a wider range of intermediate sanctions for probationers involved in renewed criminal activity. These sanctions keep offenders under supervision in the community who would otherwise go to prison or jail. Supervising more offenders under probation in the community saves bed space, cuts costs, and meets offender needs.

The process for introducing intermediate sanctions to reduce reliance on prison has been extensively studied by the Center for Effective Public Policy. This effort has yielded a description of a policy-driven, data-informed process. To successfully implement intermediate sanctions, the following steps should be taken (McGarry 1990):

- provide an exact statement of why the jurisdiction needs intermediate sanctions
- articulate clear goals for sanctions
- create a range of sanctions driven by these goals
- collect and use information about the local correctional system

These steps have been further developed in a report by the Michigan Office of Community Corrections to outline the procedures necessary to accomplish them (1991). For example, the report recommends matching goals to populations by considering offender characteristics. Offenders are classified by whether they need prevention, early intervention, or diversion services. Characteristics of offenders are then used to develop eligibility criteria for program entry. Once the goals and eligible population are defined, services are developed to match needs. This is followed by an implementation strategy including:

- who will be responsible for determining policies
- what events must occur for the population to receive services

- to whom the services will be provided
- when and in what order events will occur in processing the cases (pretrial, postconviction, or probation)
- what the reasons are for this process and how they are met

The Michigan report notes that the complexity of implementing community corrections programs is one reason some have failed. Attention must be paid to the implementation process to build workable programs.

The following programs range from least intrusive to most intrusive sanctions:

Probation Services (generally rehabilitative) (least intrusive)

no conditions

probation with conditions and supervision

probation with treatment programs

probation with education programs

intensive probation with contacts

“split” sentencing with regular probation (short-term incarceration followed by probation)

intensive probation with drug/alcohol screening

intensive probation with split sentencing

Penalties, Restitution, and Fines (in conjunction with regular or intensive probation) (moderately intrusive)

victim restitution

community service

user fees

day fines

Monitoring

home confinement

electronic monitoring

drug/alcohol screening

day reporting centers with risk-control components

Residential Facilities (most intrusive)

work/education release centers

halfway houses

shock incarceration

jail and prison release centers

Community corrections acts provide a structure for monitoring program effectiveness and public safety. Aggregate risk analysis is a tool for classifying offenders, but it can be extended to secure compliance with sentences. Risk analysis is used to monitor offenders and to ensure conditions of release are met (O'Leary and Clear 1984).

Localities suffer the consequences of crime and eventually must take back most offenders with the hope that they will become productive, law-abiding citizens. Risk management issues are of mutual concern to correctional administrators and communities.

Community corrections acts provide an opportunity for public education and participation in correctional programs. Many citizens are not acquainted with the goals and functions of corrections. Public support for better funding of correctional programs is limited because offenders are perceived as less deserving than other groups. The result is often a reluctance to develop new community programs and adequately fund existing ones.

Professionals working in community corrections states report benefits from a network of service providers. Community corrections professionals have emerged as leaders in major state and national correctional organizations.

II.

Designing the Act

The Purposes

Community corrections acts are designed to transfer resources and funding to local governments to plan and implement decentralized corrections programs to better manage correctional resources. Increasingly the acts are intended to help relieve jail or prison crowding. The primary purpose is to create an administrative mechanism to support planning and coordination of locally operated corrections programs. By creating such a structure, community corrections acts institutionalize comprehensive planning and funding of corrections programs on a statewide basis. State laws are remarkably similar in goals but differ widely in implementation.

Goals are broad enough to permit localities to select options based on needs. Table D summarizes explicit statutory purposes set forth in community corrections acts. Among them are the following:

- offender accountability
- reducing institutional commitments
- developing offender supervision programs
- creating rehabilitative services
- broadening sentencing options
- planning and coordinating programs
- assuring public safety
- promoting cost effectiveness
- encouraging local involvement

All community corrections acts refer to program development in a community setting. Some states without community corrections acts have also adopted this goal through statewide

TABLE D
State Community Corrections Acts—Comparison of State Goals

COMMUNITY CORRECTIONS ACTS					PURPOSES/STATUTORY GOALS								
State	Title	Citation	Enacted	Revised	Offender Accountability	Reduce Institutional Commitments	Develop Programs	Create Rehabilitative Services	Broaden Sentencing Options	Planning/Coordination	Public Safety	Cost Effectiveness	Encourage Local Involvement
Alabama	Community Punishment and Correction Act	HBCA	1991		YES	YES	YES	YES	YES	YES	YES	YES	YES
Arizona	Community Punishment Act	41-1604.07	1988	1990	YES	YES	YES	YES	YES	YES	YES	YES	YES
Colorado	Community Correctional Facilities and Programs	CO Rev. Statutes 17-27-10	1874	1977 1979 1983	NO	NO	YES	YES	YES	YES	NO	NO	NO
Connecticut	Community Correction Services	CT General Statutes 18-101 (g)	1872	1979 1990 1992	NO	YES	YES	YES	NO	NO	NO	NO	NO
Florida	Community Partnership Act	FL Statutes 948.51	1991		YES	NO	YES	YES	YES	YES	YES	YES	YES
Indiana	Grants to Counties for Community Corrections	IN Code 11-12-2-1	1979	1981-1988	NO	YES	YES	YES	YES	YES	NO	NO	NO
Iowa	Community Based Correctional Program	IA Code 905.1	1877		NO	NO	YES	YES	YES	YES	NO	NO	NO
Kansas	Community Corrections Act	KS Statutes 75-52-50	1979	1980 1982 1989-1990	NO	YES	YES	YES	YES	NO	NO	NO	NO
Michigan	Community Correction Act	MI Laws 791-402	1988		YES	YES	YES	YES	YES	YES	YES	YES	YES
Minnesota	Community Corrections Act	MN Statutes Chapter 791 Sec 401.21	1871	1873 1977 1981-1983 1985-1988 1989	NO	YES	YES	YES	YES	YES	YES	YES	YES
Montana	Community Corrections Act	45-7-308, 46-18-201 MC	1991		YES	YES	YES	YES	YES	YES	YES	YES	YES
New Mexico	Adult Community Corrections Act	NM Statutes Sec 3-9-1	1983	1987-1988	YES	YES	YES	YES	NO	NO	YES	NO	NO
Ohio	Community Based Corrections	OH Rev Code Sec. 5149.30-37	1979	1990	NO	YES	YES	YES	NO	NO	NO	YES	NO
Oregon	Community Corrections Program Act	OR Statutes 423.500	1977	1979 1987 1989	NO	YES	YES	YES	YES	YES	YES	NO	YES
Pennsylvania	County Intermediate Punishment Act	Act No. 1980-193 61 PS sec 1101	1980		YES	NO	YES	YES	YES	NO	YES	YES	NO
Tennessee	TN Community Corrections Act	TN Code 40-36-101	1985	1987	YES	YES	YES	YES	YES	YES	YES	YES	YES
Texas	Community Justice Assistance	TX Statutes Art 42.13	1988		YES	NO	YES	NO	YES	NO	NO	YES	YES
Virginia	Community Diversion Incentive Act	Code of VA Sec 531-177	1990	1982 1983 1990	YES	YES	YES	YES	YES	YES	NO	YES	NO

corrections programs. In non-community corrections act states, it is rare to find shared state/local responsibility, comprehensive planning, and intensive program coordination.

Community corrections legislation increases options for punishing offenders. Offender accountability is implied in all statutes and is explicitly mentioned with references to "punishment" or "sanctions" in nine state laws. Legislation passed in Florida and Alabama in 1991, and in Texas in 1989, emphasizes punishment as a primary purpose of the legislation.

Community corrections acts offer a legislative framework for states to develop a wide range of sentencing options. While this goal is not always explicitly mentioned in the community corrections act, in many states it has been incorporated in program policies and priorities.

Caution should be used in relying primarily on community corrections acts to relieve prison and jail crowding. Although most states invoke this as a primary goal, community corrections acts are unlikely to solve prison and jail crowding problems without a comprehensive change in sentencing practices. The problem is often referred to as "widening the net," or filling up both jail beds and newly created community slots as well. Most community corrections acts are not designed to drastically change sentencing patterns, though they can divert nonviolent offenders to community programs. Community corrections acts can provide the impetus for carefully examining sentencing practices and developing methods for changing inappropriate sentencing of nonviolent offenders.

Despite this cautionary note, most community corrections legislation embraces reducing prison or jail commitments as a primary objective. At least fourteen state acts are directed to this end, and all community corrections states target their programs to decreasing the number of nonviolent offenders sent to prison. In Oregon and Virginia, evaluations have shown that commitments were controlled by community corrections act programs. However, in Oregon and Minnesota, an analysis of sentencing practices under community corrections acts prompted adoption of capacity-controlled sentencing guidelines. The adoption of these guidelines along with community corrections legislation represents an effort to provide both a systematic and a case-by-case method for reducing institutional commitments.

In its 1984 study of jails, the Advisory Commission on Intergovernmental Relations called on all states to adopt sentencing guidelines for both felony and serious misdemeanor offenders. Such guidelines should be based on legislatively predetermined population levels at the state and local levels.

All community corrections acts operate under the assumption that public safety is a primary objective. Six states have public safety standards or reporting requirements incorporated within the legislation; most include references to public safety.

In designing community corrections legislation, states consider what public safety requirements they should meet. Public safety concerns address the following questions:

1. Should there be an effort to monitor and evaluate program safety?
2. To whom will this information be reported?
3. What authority will be vested in the agency with respect to public safety issues?
4. Will states or localities develop public safety standards?
5. What risk factors are most important to control in meeting public safety needs?
6. Are there adequate interjurisdictional and interagency efforts to track cases and share information?

Design of community corrections acts includes provisions for supporting the coordination and monitoring of programs to be funded under the act. Recognizing the need for planning and interagency cooperation is a significant part of most community corrections acts. States that do not have community corrections acts often lack a vehicle to sustain long-term program development and evaluation.

Nearly half of the statutes mention cost effectiveness of programs. The issue of cost effectiveness depends on many factors that are difficult to quantify. It is generally agreed that most community corrections programs cost less per capita than incarceration; however, few programs have been evaluated to ascertain that the intended target group is being addressed. This area needs more research to fully document the effect of community corrections programs.

The Minnesota evaluation of community corrections indicates that additional costs can occur. Local detention, if used as part of a community corrections program, can increase costs, as

can local planning and administration. There is also a concern that community corrections will target a group of offenders who would have received unsupervised probation. These factors, together with use of community corrections programs for those who would have been assigned to probation, tend to increase costs unless carefully monitored.

The design of community corrections legislation encourages local involvement in establishing correctional programs. The extent to which this purpose is developed depends in part on the politics, traditions, and values of the state. More than half the states explicitly recognize this purpose. Nearly all authorize local units of government to appoint community corrections advisory boards and recognize the need for citizen participation in program development.

Local involvement is important for comprehensive planning for community corrections programs. Once there is local involvement, community leaders, judges, and state and local correctional professionals can identify common problems to be addressed by the program. When counties realize the extent of their stake in developing solutions to correctional problems, they will be motivated to develop locally based programs.

The Scope

Community corrections acts vary in scope. They can be broad and address the entire spectrum of correctional services from pretrial to parole. A few states, such as Oregon, Michigan, and Minnesota, have sweeping community corrections acts. Others limit the scope to a defined group of offenders, outside of other state agency correctional programs.

Program scope can be specified in the statute or left to the cognizant agency and localities to articulate. Most legislatures have enumerated a range of intended programs to guide the cognizant agency. Options range in scope among the following broad categories:

- pretrial supervision and diversion
- probation and conditional release in the community
- intermediate sanctions and sentencing alternatives
- detention in the community
- parole supervision

In some states, counties decide which programs meet their needs and have flexibility to fund the highest priority programs. In other states, such as Kansas and Virginia, the state agency takes a lead role in determining which program priorities will be funded. In return for providing additional funding to counties, states expect counties to send fewer offenders to state institutions.

Elements

Before implementing community corrections acts, states and localities must carefully consider the following elements:

Goals. Community corrections acts should specify goals, such as reducing prison and jail populations or increasing local involvement in criminal justice programming. (See Table D.)

Offender eligibility. A target population must be identified. (See Table E.) Once an eligible population is identified, agencies can intervene with those offenders to better manage or rehabilitate them. Although most states target nonviolent offenders, several have left this issue open. For example, Colorado, Michigan, and Montana allow community boards to control which offenders are accepted into local programs.

Transfer of funds. Community corrections acts authorize a transfer of funds to local governments and private agencies for specified programs. The intent to allocate funding to participating units of government is a necessary part of the legislation.

Accountability. Localities administering community corrections programs are often held accountable through various performance indicators. Many states are developing information systems to allow them to monitor caseloads for consistency with the goals of the legislation. The use of data to monitor performance provides states, localities, judges, and legislators concerned with sentencing practices with periodic information on program impact. States undertake detailed analyses of sentenced populations to assure the target population is served.

Chargebacks were introduced to reduce funds transferred to a jurisdiction if commitments to prisons exceed a set rate.

TABLE E**Community Corrections Acts—Comparison of Populations Served**

		TARGET POPULATIONS				
State	Enacted	Juvéniles	Adults	Misdemeanants	Felons	
					Violent	Nonviolent
Alabama	1991	YES	YES	YES	NO	YES
Arizona	1988	NO	YES	YES	YES	YES
Colorado	1974	NO	YES	YES	YES	YES
Connecticut	1972	NO	YES	YES	YES	YES
Florida	1974	NO	YES	YES	NO	YES
Indiana	1979	YES	YES	YES	NO	YES
Iowa	1977	NO	YES	YES	NO	YES
Kansas	1974	YES	YES	YES	YES	YES
Michigan	1988	NO	YES	YES	NO	YES
Minnesota	1971	YES	YES	YES	YES	YES
Montana	1991	NO	YES	NO	NO	YES
New Mexico	1983	NO	YES	NO	YES	YES
Ohio	1979	NO	YES	NO	NO	YES
Oregon	1977	NO	YES	NO	YES	YES
Pennsylvania	1990	NO	YES	YES	NO	YES
Tennessee	1985	NO	YES	NO	YES	YES
Texas	1989	NO	YES	YES	NO	YES
Virginia	1980	NO	YES	YES	NO	YES

Chargeback mechanisms focused on the rate of confinement of inmates to state institutions, as well as the services actually provided in the locality. Chargeback mechanisms represent an early effort to enforce the purposes of the legislation.

The chargeback issue points to a lingering concern about how to design community corrections programs that achieve set goals. Chargebacks are controversial. Some contend they are effective in reducing commitments. On the other hand, localities argue that commitment rates reflect crime rates and judicial sentencing patterns—two factors localities cannot control. Chargebacks impede local participation because counties do not want to become embroiled in funding disputes.

Chargebacks have been completely rejected for adult programs. Minnesota and Indiana still use them for juvenile programs as an enforcement mechanism to ensure that community corrections acts have the desired impact. In most cases, they have been replaced with program monitoring and evaluation requirements geared toward effectiveness. (See Table C.)

Planning requirements. One of the unique features of community corrections acts is a system of local and state planning to set priorities (Tables C and D). Local planning requirements are included to identify needs and programs to be given priority for funding and technical assistance. Most states require local planning. There is less attention to statewide planning requirements in most acts. Statewide boards are not required in many states.

The planning or application process varies widely. With the advent of computerized information and classification systems, participating localities can provide detailed statistical data to state agencies. They can offer information on the demographics and risk characteristics of offenders in jails and entering the state corrections system. This detailed local information compiled by states provides an aggregate description of statewide corrections. It can be used, in addition to program monitoring and evaluation, for resource allocation, appropriation justification, and policy guidance. Recent state laws such as Montana's require that aggregate information be reported to state oversight bodies or the legislature.

Allocation mechanisms. Many statutes specify an an-

nual allocation process. Others refer to a formula for calculating subsidy amounts as a way to divide the allocation among participants. Table C lists funding mechanisms. Most states consider local needs and available resources in calculating how the subsidy will be awarded to participants. The number of participating counties in some states is limited by allocation levels. In others, the funding formula is a source of tension between populated jurisdictions and rural areas. The allocation amount and distribution formula remain very difficult areas in community corrections administration.

Local participation. Local participation is primarily voluntary, although Kansas and Iowa mandate it. In states where local participation is voluntary, the state provides incentives for participation. Incentives must be substantial enough to outweigh the participation costs. In nonmandatory jurisdictions, recruiting and retaining counties hinge on negotiated agreements.

Participation can be phased, such as in Oregon, which has three optional participation levels. Localities can choose to provide their own probation and parole services or let the state perform this service. This graduated level of participation helps solve some of the problems between rural and metropolitan jurisdictions regarding subsidy levels and required services.

Funding restrictions. Restrictions on use of subsidy funds limit how localities can spend their monies. Limitations are an attempt to target funding for priority programs and assure compliance. In most states community corrections act funds have not been applied to build or renovate jails or detention centers. (See Table C.) In other states the funds cannot supplant existing local monies. Many states require localities to continue to fund correctional programs at existing levels (maintenance of effort) to receive additional community corrections funding. These limitations are designed to stimulate new or innovative programs for counties.

Counties argue that limitations discourage local participation and are sometimes inconsistent with a partnership strategy. Spending limitations withhold decision-making power from the counties. Power to control local correctional decisions

is one of the most important incentives for county participation (Orrick 1988).

Michigan and Virginia have opted to let participating units fund programs to improve services for jail-bound inmates. Although many other states permit misdemeanants to be included in programs, most have not yet made a priority for jailed populations. The Michigan strategy is unique and deserves credit. It is based on an assessment that many persons now detained in jail are not dangerous and can be effectively sentenced to community programs. By removing nondangerous persons from jails, Michigan will attempt to save existing jail space for more serious offenders now sent to prison. This strategy recognizes the effects of a growing misdemeanor population on correctional systems and the potential of jails for holding less serious felons.

III.

Implementing the Act

Forging a Consensus

The work of community corrections depends on the nature of the problems to be solved and how they are approached by the proponents. The first step is to develop consensus about the mission of community corrections. Developing consensus and a broad base of support leads to improved outcomes for community corrections.

In a study of the forces behind the unification of community corrections, Nelson, Cushman, and Harlow found that unresolved problems within communities were a central driving force for change (1980). However, because of divergent views on how to solve these nagging problems, the problems themselves can present barriers to change. Educating citizens about the possibilities for improving a situation becomes essential for implementing community corrections.

Despite the enormous contribution of this analysis, more is needed to understand how the forces at work in setting up community corrections programs can be harnessed to achieve specific objectives. Information is needed on how correctional problems are identified and whether there is strong support for community corrections within a locality. Education about corrections programs can affect these forces.

Locally Defining the Mission

States that involve localities in the goal-setting process establish a mechanism for managing competing pressures on corrections. As noted in a publication by the National Conference of State Legislators, states and localities burdened by financial costs of supervising offenders lack the ability to render dispassionate decisions (Rosenthal 1989). Cost considerations

are important but should not be the prime force in correctional decision making.

Citizens and counties should take the initiative in shaping community corrections from the grassroots level. The structure and management of programs stimulates local involvement. County and city priorities can be included in the list of statutory purposes for community corrections.

A community development approach has been suggested as a model for community corrections (Eynon 1989). This approach relies on organizing interested leaders to undertake programs to directly benefit the community. Once information on community needs becomes available, volunteers persuade local and state officials to undertake new programs. The impetus for community corrections comes from grassroots organizations, which start up programs using the department of corrections as a resource. Most state acts have not relied on a grassroots approach, but those that have done so experience less difficulty developing program roots.

The state can balance its objectives by setting funding priorities and negotiating shared objectives with localities. Mutual concerns must be significant enough to give both parties an incentive to form an ongoing partnership. Identifying mutual goals permits the development of a contractual relationship between a state and participating localities.

Linking the Mission to a Target Population

One of the objectives of community corrections acts is identifying the group of offenders to be served by its programs. Table E compares state target populations. Many states limit the program to nonviolent offenders or persons without a prior criminal history. An increasing number of states have amended their acts or guidelines to include jailed populations as well as prison-bound offenders. Some further limit intended population by listing priorities or programs to be funded.

Although most acts specify a target group of persons intended for community corrections programs, this is only the beginning of the process for selecting a population to be served. Sometimes the state targets a high-risk population to more effectively reduce inmates. The higher the risk taken, the greater the potential reduction in prison population. This must

be balanced against local goals. Localities may limit groups of offenders to be retained in their areas. Montana and Colorado empower localities to make their own decision on who will be accepted. This tension between state and localities is resolved by carefully analyzing risk characteristics of the proposed group and providing adequate offender monitoring.

A continuing question for community corrections is whether misdemeanants should be targeted for the program. Some argue that they are unnecessarily jailed because they are not dangerous and can be more appropriately punished in community supervision programs. Others note they are never prison-bound and in many jurisdictions have already been diverted from jails. Statistical profiles of jail populations are useful in resolving these issues. An analysis of prison and jail populations should refer to the following information:

- number of offenders incarcerated in jail or prison
- characteristics of incarcerated populations, including the number and percent of inmates who committed nonviolent offenses or are classified as high-risk
- length of the average sentence for violent crimes
- length of the average sentence for nonviolent crimes
- number and percent of inmates confined for parole revocations
- number and percent confined for probation revocation
- average number of years revoked offenders serve
- whether revoked offenders violated a probation condition or were revoked due to an arrest or subsequent conviction
- jurisdictional variations in prisons and jail confinement rates
- jail and prison capacities and current populations, as well as planned expansions
- an analysis of jail populations by felons/misdemeanants, pretrial, posttrial, and state inmates being held while awaiting prison or sentence

After conducting a population analysis, a second step is to specify the types of offenders to be removed from jails and prisons. This involves a policy assessment regarding which inmates pose little threat to public safety when supervised in

the community. This requires evaluating the characteristics of a given target group of offenders from other groups. For example, a group that is bound for probation may be first-time offenders charged with a single nonviolent offense and a history of full employment. On the other hand, prison-bound offenders may have a prior record, and may have committed more serious or multiple offenses. It can then be determined which types of services are appropriate. This process should be supported with data on the characteristics of various populations, their needs, and whether they can be targeted for prevention, early intervention, or diversion services. Judges and other public officials should be involved in making decisions about who can be safely released.

Once some agreement is reached regarding who poses little threat to safety, state agencies and localities need to develop risk management guidelines. These provide another method of managing risk for sentenced offenders in the community.

Other related target population issues are then resolved, such as whether jails or prison populations are given funding priority and whether legislation should address the need for assistance to both. Counties need to show substantial benefits from community corrections to justify participation. At the same time localities are seeking assistance, states are pressed to decrease prison populations. Without a reciprocal arrangement between a state and locality, either entity could be perceived by the other as "dumping" sentenced offenders.

One way to avoid complaints of "dumping" offenders is to develop a plan for intervention at each stage of the process, including pretrial diversion, sentencing, and postrelease supervision. For jailed populations, pretrial diversion programs offer substantial savings in case-processing and detention costs.

Re-examining Sentencing

Community corrections acts must be compatible with existing state sentencing laws. Some states have determinate or mandatory sentencing limiting the potential of increased sentencing options for a substantial number of offenders. For example, in New York state, a felon who is convicted of a second felony must be sent to prison. This sentencing requirement would limit community corrections to first-time felons in that state.

States such as Minnesota have reconciled sentencing laws with community corrections acts by passing sentencing guidelines legislation. Sentencing guidelines are one option designed to make sentencing practices compatible with state community corrections legislation. They re-examine available bed space and give priority to the most serious offenders.

Developing an Interagency Structure

Implementing an act requires consideration of the following issues regarding interagency involvement and structure:

- involvement of general purpose governments and their selected representatives at the state and local levels
- designation of a responsible state administrative agency
- specification of agency placement within or outside the department of corrections
- statement of the duties of the administrative agency
- indication of the relationship between community corrections and related agencies such as probation and parole
- specification of information and reporting requirements for the designated state agency or local agencies
- recognition of the responsibilities of state and local advisory boards
- selection of a state agency to receive and disburse funds

There is no set way to assign administrative responsibilities. The decisions will be based largely on local tradition, resources, and state laws. Whether it is a simple funding mechanism for local programs or a complex interagency network, the structure should be designed to achieve cooperation and consensus. Consensus takes time because actors must review proposals and develop policy in a group setting to ensure a wider sense of ownership of the program.

In every state except Michigan, Arizona, and Pennsylvania primary responsibility for administering the program is housed in the department of corrections. Although this approach has worked well in many jurisdictions, it does have some disadvantages. Michigan has determined that its agency will be

independent from the state corrections department. Unless it has a strong commitment to community corrections, a state department of corrections is more likely to give budgetary priority to institutional needs when funding shortfalls occur. On the other hand, placing community corrections outside of the state corrections department has the disadvantage of lack of coordination or possible competition with corrections.

Gaining Interagency Cooperation and Planning

Evaluations of successful community corrections programs reveal they work best when there is interagency involvement. For this reason most state acts require or encourage local advisory boards. Connecticut and New Mexico are exceptions to this requirement, as shown in Table B. The functions of local advisory boards vary widely by state. In some states boards are required to submit a plan for systemwide community corrections. In other states, local boards submit a less detailed application and are responsible for setting policies on which offenders will be retained in community corrections programs. In some states local boards have authority for program development in conjunction with the county. In others programs must fall within a list of state priorities in order to receive funding.

Some states also have statewide community corrections advisory boards as listed in Table A. State advisory boards provide a general forum for correctional policy. They represent a balanced approach to community corrections and are representative of local interests as well as professional criminal justice interests. Judges, citizens, sheriffs, county representatives, and other service providers are generally appointed to these boards.

The authority of the responsible state agency ranges from highly involved to minimally involved in local program decisions. In some states, such as Kansas or Virginia, the responsible agency can refuse to fund programs that are not consistent with their priorities. In other states the allocation is given to the counties, and they decide what programs to fund. In Oregon, state oversight varies with participation level selected by a county.

Members of local community corrections boards include representatives of local government, law enforcement, correc-

tions, prosecution, defense, the judiciary, and citizen groups. They bring with them their own views of what programs are needed in their communities. Boards require staff to research information needed for decisions. Local boards link parts of the justice system and the community.

Strengthening Local Responsibility

The state agency and participating localities achieve a balance in sharing responsibility. State concerns about local accountability and program outcomes will be satisfied by data collection and program monitoring. The state will need to reach consensus with localities on what results are to be expected and how data will be collected and interpreted. Localities should be involved in developing agreement on program accountability, goals, and outcomes.

Table F indicates how localities view benefits of participation. Benefits to units of government usually include greater control over programs for offenders. Counties need help developing programs to relieve jail crowding, offer drug treatment, and administer intermediate sanctions. Counties welcome the opportunity for better planning, coordinated management, and information systems as part of community corrections.

Part of the tension between states and localities revolves around two issues: who is accountable for results, and by whose goals the results are measured. These tensions can be overcome by detailed negotiations to establish common goals, acceptable measurements, and verifiable results. Negotiations should include the following concerns:

1. Are resources adequate?
2. Will program standards require additional expense?
3. Do counties have a say in developing programs, standards, and administrative requirements?
4. Will local responsibilities offer the potential for solving significant local problems in corrections?

Negotiations take time but can result in significant cost savings. If negotiations fail, mediation can be used to settle difficult issues.

Table F
Local Benefits and Costs for Participation

Benefits	Costs
1. Increased control over programs	1. Increased local workload
2. Leverage CCA programs \$ to support other county jail populations or misdemeanants	2. Locality may end up paying more for expanded services
3. Improved coordination between state and local programs	3. State planning and administration requirements result in increased red tape
4. Develop a local policy for sanctions and local probation/parole	4. State parole/probation will run fewer programs, ship out sooner to localities
5. Develop local autonomy/program	5. State attempts to divert \$ decrease local autonomy
6. Relief of state prison or jail crowding	6. State cases may fill local jails
7. State resources are targeted to mandated services	7. Reallocation of state resources may favor rural areas
8. State subsidy funds to localities	8. Will state subsidy be sufficient to provide for costs? Will it be geared to increased costs?
9. Local boards provide forum for problem solving/policy	9. State assistance may be important in problem solving, and state support may not be forthcoming

Providing Adequate Resources

Community corrections acts vary in impact on state and local budgets. Community corrections acts that rely heavily on punishments such as confinement and residential facilities tend to be more expensive than programs using nonresidential options. As the amount of contacts, supervision, or services increases per offender, so does the cost of the program. The financial impact will depend on the cost of supervision and the level of punishment to be required for appropriate sentencing. If crime and sentencing factors are held constant, some argue that states can reduce corrections spending because the cost of community programs is less than prisons (National Committee on Community Corrections 1991). Before states can realize savings, they must divert a large enough population to defer building a prison or to reduce the need to maintain an existing prison.

In contrast to potential state savings, community corrections acts are less likely to save counties money because

counties' additional responsibilities for services are seldom fully reimbursed by the state. There are increased administrative costs charged to localities, and increased use of jail sentences, through use of split sentencing, can occur in conjunction with a community corrections program. This sentencing to local jails instead of prison can increase local costs of participation. According to a study in Minnesota by the Department of Corrections and the Minnesota Association of Counties, at the outset of the program in 1979 the state supplied \$13.7 million and the counties contributed \$23.3 million toward community corrections. By 1990 the county contributions increased to \$71.9 million, while the state contributions increased only to \$20.9 million. In short, over a ten-year period, the county contributions equaled more than three times the state share, underscoring the importance of county government in the overall program.

Many community corrections act counties have elected to participate and invest more county dollars because of local support for programs. These counties prefer to provide supervision rather than have offenders eventually released into the community unassisted and unsupervised. Offenders are encouraged to earn wages, pay taxes and fines, and support their families. Although state reimbursement to the counties must be substantial if the program is to succeed, factors such as local pride and creativity also play a large role in county decisions to participate.

Providing a Fair Formula

There is no easy way to divide available funds, but simplicity and fairness should be stressed. State agencies lack the resources to meet all funding requests. State funding mechanisms tend to use offender-based data including needs and risk factors as well as systems and workload data to determine funding allocations. Some of these data elements can be audited.

One source of tension states must often resolve is how they can meet the needs of their metropolitan and suburban jurisdictions while also providing assistance to rural areas. The following points should be considered:

1. Subsidy allocations should be fair and based on need. Urban jurisdictions with high crime or incarceration rates and limited resources should be given adequate assistance.

2. Local payments should be adequate to accomplish important but limited goals.
3. Some factors that can be used to develop formulas are: prison/jail admissions, felony sentences, parole and probation populations, cost of living, population, percent of population between ages eighteen and twenty-six, tax basis, and other indications of need or risk.
4. The formula should be based on verifiable and comparable data from all jurisdictions.
5. The funding allocation should keep pace with inflation and population shifts. A cost-of-living adjustment should be provided.

Gradually Expanding Services

Implementing a community corrections program requires giving consideration as to whether services will be available at each step in the corrections process. Not all services need to be within the community corrections system. Some may be provided by other independent but related agencies. If these independent services exist, they need to be coordinated with community corrections.

The range of services forms a continuum. The continuum extends from those requiring the least amount of supervision to those requiring confinement in a work release or detention center. They include the following:

- pretrial diversion, citation release, and pretrial intervention
- intermediate sanctions such as intensive supervision probation, community service, restitution, and fines
- monitoring, home confinement, and day reporting centers
- detention centers, shock incarceration, temporary parole/probation revocation centers, split sentencing, preparole release, substance abuse, mental health, reintegration programs, work release, and education release

Each locality can select from programs on this continuum or develop new and innovative programs. Flexibility in program development is an essential part of community corrections acts.

IV.

The Results

Accomplishments

Although every community corrections act state has published reports, Oregon, Minnesota, Virginia, and Kansas have issued the most extensive evaluations. The Oregon and Minnesota evaluations concluded that community corrections acts were beneficial and that improvements could be made through both legislative and administrative actions.

A series of evaluations in Minnesota covered: quality of services, efficiency, effectiveness, sentencing impact, planning, and administration (Minnesota Department of Corrections 1981). The Minnesota evaluations found no adverse impact on public safety. There were substantial improvements in planning and administration. Although per capita costs of offender services were reduced under community corrections in Minnesota, overall program costs were higher due to increased administrative costs. The benefits to sentencing practices were less than expected in Minnesota. Consequently, sentencing guidelines were developed to further structure sentencing discretion. Interagency cooperation, planning, and resource management in Minnesota were improved under the legislation. New services were developed in some jurisdictions.

A Governor's Task Force on Correctional Planning reviewed the Oregon experience and affirmed the validity of the original purposes of the legislation and substantiated benefits to participating jurisdictions (1988). The Oregon program was found to be effective but needed improvement in targeting state prison populations. The report recommended eliminating the chargeback, revising the block grant to more accurately reflect workload and costs, and adopting parole and sentencing guidelines. Since 1988, Oregon has modified its program to

resolve a number of these problems. In 1989 Oregon adopted sentencing guidelines to further modify sentencing practices.

An evaluation of Kansas' community corrections act in 1987 indicated the program was moderately effective in retaining persons who would otherwise have been sentenced to prison. Recidivism was similar to those who were incarcerated. When compared with the cost of incarceration, the Kansas community corrections program revealed lower cost.

Examples of benefits in three states were summarized in a description of community corrections published by the Justice Fellowship (1988). The Justice Fellowship outlined the benefits noted in evaluations from Indiana (Gehm and Coates 1986), Virginia (Joint Legislative Audit Review Commission 1985), and Kansas (Kansas Department of Corrections 1986, 1987).

The following are some of the more tangible benefits of existing community corrections acts:

Victims

1. Victims were paid restitution by offenders. More than \$88,000 was paid in Virginia between 1981 and 1984. Victim restitution in Kansas exceeded \$361,000 in 1987.
2. Victim-offender reconciliation programs were part of community corrections programs in Indiana. In one Indiana county more than two-thirds of the cases were referred to this program.

Offenders

1. Kansas community corrections participants achieved a 95 percent employment rate in 1987.
2. Virginia offenders paid child support for their families while saving more than \$21,000 in welfare payments.
3. Indiana offenders were offered education and employment services such as GED classes.

Community

1. A wide range of sanctions were developed in Kansas to meet jurisdictional needs. These ranged from increased supervision to job-readiness training.
2. Community service performed by Virginia offenders was worth more than \$428,000. In Kansas, offenders

performed more than 21,000 hours of community service for governments and nonprofit agencies.

3. Supervision fees collected by Virginia totalled nearly \$55,000. Kansas collected more than \$250,000 in fees in 1987 to support administrative costs.
4. Kansas programs provided victim witness services to more than 6,100 victims of crime.
5. Supervision in community corrections programs meets public safety needs. Virginia and Minnesota reported that public safety was not endangered by the programs.

Government

1. Cost-effective supervision was provided in Kansas, where the annual cost per offender was less than \$1,500, compared with more than \$10,000 per offender in prison.
2. In Virginia, diversion of 142 offenders saved the state more than \$325,000 in supervision fees.
3. In Kansas it was estimated that more than \$30 million in prison and construction costs was saved by diverting 830 adults from prison.
4. The Virginia legislative study found improved planning among criminal justice system components through the community corrections program.
5. Economic losses due to offender unemployment and family disintegration were substantially reduced. In Virginia, offenders earned nearly \$1.5 million in wages between 1981 and 1984. The benefits for continued employment and tax revenues were estimated to be even higher in Kansas.

Community corrections has increased professionalization of correctional services as local, state, and national organizations have developed training and guidelines for the programs. Among these are pretrial services, halfway houses, residential programs, community service, offender restitution programs, and probation and parole agencies. Community corrections acts have made it possible for service providers to define their professional goals and enhance their performance in community corrections act states. In some states professional training and conferences have been funded by community corrections act grants.

Why is professional growth an important accomplishment of community corrections acts? Community corrections acts allow decision making to be locally based with input from correctional professionals. Correctional professionals will manage the system and provide services once it is implemented. The work of community corrections professionals is specialized, technical, and complex.

A recent survey in Delaware indicated that more than two-thirds of the state's residents were in favor of alternative punishments (Doble 1991). Most people favored middle-level sanctions involving work over regular probation or prison. Reports from community corrections act states note the benefits of local involvement in introducing intermediate punishment programs into a community. Many citizens understand the purpose of these programs and favor a wider range of intermediate punishments.

Obstacles

During the past twenty years, community corrections legislation has encountered a number of obstacles. These barriers are caused by a combination of the following factors:

- forces at work in the jurisdictions and counties
- administrative or interagency problems
- legal problems related to the legislation or sentencing laws
- resource allocation or availability

Once the source of the impediment is identified, a coalition forms between relevant actors to remove the barrier through appropriate action. Such coalitions include state and local decision makers, citizen groups, criminal justice professionals, and judges. Some of the barriers that have been noted include the following factors:

Funding Problems

Because of state budget shortfalls, community corrections legislation in some states has encountered difficulty in securing adequate appropriations. Other states report cutting back on programs or declining to fund new initiatives. More than half of

states surveyed in 1991 by the American Probation and Parole Association had experienced cutbacks in services (Reeves 1991).

There is a lag time of several years for implementation of local programs that are not already fully operational. Start-up delays can cause funding problems. New agencies with no track record for efficiency have a difficult time justifying their budgets. This can be remedied by a commitment in the statute to phased start-up funding for a new agency over a five-year period.

Few Studies of Results and Outcomes

After more than twenty years of community corrections, only a few states have published systematic evaluations describing what they have accomplished. The dearth of information about what works can be overcome by a concentrated effort to improve the quality of information about these programs.

Community corrections agencies need systems and case data to provide aggregate information on needs and cost to monitor their own functions. State legislatures, oversight agencies, and county boards are keenly interested in following the costs and learning the impact of such programs. There should be systematic reporting of services provided and problems encountered. Information can be used to develop minimal standards, to project whether there is a need for increased expenditures, and to determine whether the funding is targeting the intended group of offenders. Minimum standards for case management provide guidelines on the adequacy of correctional funding.

Unintended Sentencing Results

Although most community corrections acts have aimed to divert nonviolent offenders from prisons, this goal has been applied to a limited number of cases. Some state laws do not define the offender group to be targeted, leaving state agencies to grapple with this issue. If offender groups are not defined by statute, then study, rule making, education, and persuasion are necessary to carry out the program's intent (Pearce and Madler 1991).

Some programs operate outside of probation and are small due to limited funding or clients. There is a reluctance to develop programs to deal with more difficult offenders presenting cor-

rectional treatment needs such as drug-abuse or mental illness. Programs cannot possibly offset increased felony sentencing rates or enhanced punishments due to changes in state laws.

Offenders can be sentenced to jail as part of a community corrections sentence, causing jails to become crowded. Efforts can be made to prevent this result through judicial leadership and participation, sentencing guidelines, or administrative incentives. Community corrections programs increasingly have been used to serve jailed offenders as well as prison-bound offenders. Misdemeanants are not excluded in many statutes, although only a few states have concentrated on jail crowding issues. Michigan has taken the lead in making this a priority.

A third barrier occurs where more persons are sentenced to community corrections programs from a group who would have received unrestricted probation. This "widening of the net" may be due to the need for a wider range of options within probation, such as more intensive supervision. States such as Oregon and Minnesota have recognized this need and include probation as part of community corrections act programs.

Community corrections is not a solution to all sentencing and crowding problems. It introduces options for sentencing, but these need to be applied by judges. Community corrections requires judicial leadership and input for effective implementation. Judges are important members of advisory boards. If community corrections programs do not adequately reach an intended group of offenders, other mechanisms to reduce sentencing disparities should be considered such as capacity-driven sentencing guidelines.

Allocation Formula Disputes

Funding allocation criteria should be simple and verifiable. Allocation formulas should meet the basic needs of each participating jurisdiction. They provide funding based on needs for areas with high-risk populations. Workload and administrative costs are among the factors considered. If community corrections programs are intended to serve jail-bound as well as prison-bound groups, then jailed populations become part of the allocation formula.

A funding process should be open and well-documented to avoid controversy. Participating local units of government gain access to funding applications from other jurisdictions as well as basic information on what programs were funded.

Designating a State Agency

Finding an agency to house community corrections within a state can be a difficult task. The agency needs sufficient autonomy to do its job, yet it must be able to secure the cooperation of the department of corrections. Most agencies are within state departments of corrections. In Michigan, the legislature elected to make the office an independent agency autonomous from the department of corrections.

Program staff and stability are important to progress. Some states, such as Colorado, have had changes in designation of a state oversight agency to house community corrections. Whether the responsibility is assigned to the department of corrections, a criminal justice planning agency, or a separate department, implementors need to be certain related state agencies support the program.

Opposition to Administrative Requirements

Counties elect not to participate in community corrections programs if administrative requirements prove costly or difficult. For example, state data collection efforts fail if they require excessive amounts of information or data that is too costly to be retrieved. Efforts should be made to phase in reporting requirements over a long period of time. If counties are compensated for the additional costs to be incurred, they will be more willing to participate in the program. If they can meet administrative requirements, they will have more reason to participate.

Citizen Resistance

A new program placed in a neighborhood can face strong community resistance. Community corrections advisory boards provide a forum for considering details of the proposed program. Factual presentations augment an open decision-making process involving local officials, citizens, and neighborhood groups. Not all communities require public hearings, but such hearings offer a way to involve relevant groups and resolve concerns. Community control and support from civic leaders are important factors in overcoming resistance.

V.

Maintaining the Act's Vitality

Monitoring Program Effectiveness

Although community corrections acts have been in existence for more than twenty years, many questions about their effects remain. Some observers note that these acts' real potential remains undeveloped. The following are some still unanswered questions:

1. How do we know what works?
2. Will the legislation need to be revised periodically?
3. What methodology should be developed to support state and local efforts?
4. How can the state maintain its interests while encouraging local involvement?
5. How can information systems be used to better manage community corrections?
6. What are the prospects for improved professional services?
7. How can we continue to engage local support?

Many of these questions can be answered through the use of comparative data describing case outcomes and administrative costs.

Most states do not have data collection and analysis systems for cross-jurisdictional comparisons. Evaluations of community corrections have been generally favorable, but few have described case outcomes. Little documentation exists regarding increased economic productivity of offenders in community corrections. Likewise, there is little long-term data on what circumstances of supervision are more likely to reduce criminal

activity. Are some correctional treatment modalities more effective for certain types of offenders? These are but a few of the questions needing careful research.

Revising Legislation to Fit Needs

The lack of systematic information about program success makes improving community corrections legislation difficult. Despite the absence of empirical information about program impact, states have frequently revised their statutes. Revisions have included the following:

- decreasing reliance on chargebacks as incentives for compliance
- changing target populations to include jailed offenders, misdemeanants, or juveniles
- changing county participation from voluntary to mandatory
- introducing wording to encourage local involvement
- designating a state agency to oversee the program

In addition to revising the legislation, community corrections acts need to be monitored for outcomes consistent with goals. Few states require reporting back on statewide outcomes and progress toward goals.

Updating State and Local Agreements

The success of community corrections depends on reciprocal state and local agreements, which must keep pace with rapidly occurring changes in corrections. This contractual relationship extends to each phase of the implementation process—from information collection to monitoring requirements.

The negotiated agreement includes not only program development responsibility and priorities, but also feedback on whether the act accomplishes its goals. Decision makers, correctional officials, and the public need to know safety-record and cost information. The state and the counties jointly develop the capacity to gather information required for monitoring programs under the act. This shared task depends on the ability of localities to take on an increasing workload of monitoring, reporting, and evaluating.

Limit Funding Restrictions to Necessary Functions

Most community corrections acts contain restrictions on how localities can use the funds. Typical restrictions include jail renovation or building, nonsupplantation of funds, and maintenance of effort. State agencies go well beyond these limitations in developing application requirements, reporting requirements, program standards, and priorities.

Table B lists statutory variations in funding restrictions, and Table C lists local aid requirements. There are substantial variations in maintenance of effort, local match, and construction. Chargebacks are now limited to two state juvenile programs. Many of these restrictions have been routinely required for state criminal justice grants and are a holdover from similar restrictions under the Law Enforcement Assistance Act. Continued restrictions show a state reluctance to let localities control programs. Although some controls are necessary, states should exercise restraint in controlling programs designed to encourage local involvement.

Although restrictions are intended to ensure the act meets its goals, they may have the reverse effect. For example, a county under court order for inappropriate jail conditions will not be able to afford to participate in a community corrections program that will take county funds away from improving jail conditions.

State standards and guidelines are developed to assure the program does what was intended; however, guidelines may also restrict county authority to revise programs or meet additional needs. Given competing considerations, a balance between state monitoring and county discretion can be reached. This is most easily done if counties are given a role in formulating the guidelines through a statewide task force or through a peer-review process using other counties and correctional administrators. Such task forces are at work in Michigan, Oregon, and other states.

Using Data for Improved Results

Community corrections systems are designed for flexibility in identifying new needs and providing solutions. Routine infor-

mation is gathered to guide policy decisions at all levels of the program.

Programs must be designed to capture basic information, such as case characteristics, demographics, risk, and compliance rates. There also should be cost and systems information to analyze programs. Once this information is available, program personnel, local decision makers, and state corrections administrators will have a common reference for monitoring the programs.

Although data collection efforts may be uniform among jurisdictions, there will always be differing points of view in collecting and interpreting the data. State and local task forces can establish guidelines in this area. Data collection and use requires cooperation and consensus. Auditing data and confirming its validity are important tasks. Unless there is consensus on interpreting data, its use will be looked upon with suspicion. Therefore, mechanisms must exist for resolving conflicts related to interpretation and use. This should become part of an ongoing community corrections effort.

Data collection can become the first step in a multijurisdictional task to understand the outcomes of community corrections programs. The intent is not to collect a mass of aggregate data, but to retrieve information that can be used in guiding state and local policy decisions. In order to accomplish this, the data collection effort must be perceived as fair and reliable. The data should be easily and quickly retrievable. Aggregate data is directly related to statewide goals. Large numbers of variables should not be collected routinely; this can be expensive and will slow the process (Knapp 1991). Localities and the state agency must agree on the protocol for data collection and reporting requirements. After the data is collected, it should be audited for consistency. A task force or working group provides an ongoing structure for discussing the implications of the data for localities. If information indicates a program is not working, it should be reviewed immediately at the local level.

Engaging Local Support

One of the well-documented obstacles for implementing community corrections programs has been neighborhood resistance to program locations. Halfway houses and residential centers have been expensive to develop due to lengthy negotia-

tions and difficult zoning requirements. Those who have studied this phenomenon emphasize the need to work with community leaders to provide information at each stage of the process.

Community corrections programs are more easily set up with the participation of local advisors and sponsors. These sponsors help inform the public about the safety of local programs. They become advocates for new programs to meet local needs. They participate in discussions about neighborhood concerns and help establish guidelines for what types of cases can be accepted in local programs. There must be a mechanism for hearing their concerns and a commitment to providing information on the safety of the program. Public meetings and information should target the following:

- what punishments are considered and why they are punishments
- what risk management procedures will be used
- whether the risk management program will be effective
- how these programs will affect tax rates or local services
- what methods of monitoring programs will be used, and what the evaluation methods will be
- who will decide whether a program will continue
- how implementors plan to handle public concerns throughout the life of the program (Lindsay 1989)

Maintaining Local Boards

Local advisory boards provide a forum for engaging public support. There are two types of boards: those that are responsible for planning or developing an application under a community corrections act, and those that are advisory to public officials such as a chief probation officer or a state agency. Board members are elected officials and citizen representatives as well as judges and correctional professionals. Local boards operating under most community corrections acts are required to report to a county or regional entity. Their work focuses on upgrading their jurisdiction's ability to provide correctional supervision for nonviolent offenders outside of prison or jail by developing a range of sanctions.

Local boards perform a range of functions, including program development and planning, public education, program monitoring, setting eligibility standards, and coordinating service delivery. They provide a commitment of funding and/or other resources to the effort. They can garner assistance from other systems, such as mental health services. Advisory groups provide for renewed citizen interest and support in community corrections programs.

The Life Cycle of Community Corrections and Rejuvenation

Community corrections programs tend to have a "life cycle" with a predictable series of dynamics. A review of the history of early legislation in California, Minnesota, and Oregon reveals that there have been dynamic changes in these programs, some of which can be attributed to the dynamics of correctional reform.

Once a community corrections act is in place, citizen advocates and reform-minded decision makers tend to defer to correctional administrators, planners, and program directors. Planners and correctional professionals influence the "middle age" of community corrections more than the reformers who stimulated the original legislation. Community corrections legislation in mid-life tends to become limited by its own efforts to stabilize and institutionalize local correctional services. This is quite understandable given the complex task assigned to community corrections and the limited resources.

States with community corrections acts assure the vitality of the act with continued funding, an engaged citizenry, and committed counties. How can community corrections maintain its initial thrust to decentralize and improve citizen involvement? Two points are critical. First, systematic information must be provided to the public and decision makers based on real data and results. Second, local citizen boards must have access to this information for making policy recommendations to corrections professionals and counties. These boards form a link to citizens about local concerns, a forum for discussing new strategies, and a linkage with community values. Unless this process of public education continues to take place, community corrections will fail to accomplish one of its goals—providing locally based support.

Conclusion

The impetus for most community corrections acts stems from a legislative policy commitment to develop alternative sentencing options and to deinstitutionalize nondangerous incarcerated persons. This intent is incorporated in the language of the statutes governing community corrections. The real promise for community corrections acts is to provide better interagency cooperation, citizen education, and community management of correctional programs for sentenced offenders. The history of community corrections demonstrates its potential as a problem-solving tool of the 1990s.

Community corrections acts have a different impact on each state. Evaluations indicate the effectiveness of programs funded by community corrections acts. However, with the increasing problems confronting corrections, the driving need to provide adequate correctional services becomes a dominant factor in implementing programs. Improving community corrections acts depends on a close analysis of sentenced populations and their needs. Establishing a continuing connection with the community is an important factor for success. State legislation will be useful to the extent that it enables states and localities to become partners in corrections. These partnerships must be based on a better understanding of offender needs and services.

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Appendix

A Compendium of Community Corrections Legislation in the United States

Prepared by:

Sandy Pearce, Associate Director

John Madler, Research Associate

*North Carolina Sentencing and Policy Advisory
Commission*

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Alabama Community Punishment and Corrections Act

Purpose: In 1991, Alabama passed a voluntary Community Punishment and Corrections Act (CPCA). The purpose of the act is to provide alternatives to incarceration (jail and prison) in the community for nonviolent offenders. However, due to the state's financial condition, no funds were appropriated to implement the act.

Impetus/Leadership: The impetus for enacting the Community Punishment and Corrections Act was prison crowding. Leadership for enacting the CPCA came from the executive branch, specifically the Secretary of the Department of Corrections. The bill was originally introduced in 1990, but it failed to gain support in the legislature. Defense attorneys were concerned about liability clauses in the bill, and it died in committee. However, administration officials worked hard to build a consensus for supporting the bill, and it passed in 1991 with the

support of the County Commissioners Association, district attorneys, and defense attorneys.

Organizational Structure: In Alabama, the Department of Corrections administers adult institutions, work release centers, the Supervised Intensive Restitution Program, and jail inspections. The State Board of Pardons and Paroles grants paroles and provides a statewide system of adult felony probation and parole services. The Administrative Office of the Courts administers misdemeanor probation and parole services.

Administration: Alabama passed the Community Punishment and Corrections Act in July 1991, and it became effective 1 October 1991. The Department of Corrections has responsibility for administering the act; however, no funds were provided to administer or implement the act. State staff provide technical assistance to counties to apply for funds, to review and award contracts for grants, to monitor program performance, and to develop program standards.

Fundable Programs: Community Punishment and Corrections Act funds may be used to develop or expand the range of community punishments and services at the local level. Fundable programs include: day reporting, home detention, restitution programs, community service supervision, short-term residential treatment, individualized services that provide evaluation and treatment for special needs offenders, and substance abuse programs. Violent offenders are excluded from participation in CPCA programs.

Application Process: The Department of Corrections is required to develop and implement an application process for CPCA funds. In order to qualify for funds, judicial circuits or counties must form local community punishment and corrections planning boards and submit local plans. The state can contract with counties or with nonprofit entities to provide services prescribed by local plans.

Funding Formula/State Appropriations: No funding formula is specified in the legislation. In 1991, no funds were

appropriated to implement the Community Punishment and Corrections Act.

Arizona Community Punishment Program

Purpose: In 1988, Arizona passed the Community Punishment Program; however, they did not appropriate any funds for it during the first year. The original purpose of the program was to provide services to enhance probation. The legislature has since changed the primary emphasis to prison and jail diversion.

Any person for whom a presentence report is ordered or any person placed on supervised probation or intensive probation by a participating superior court is eligible to receive services offered in a community punishment program.

Impetus/Leadership: Representatives of the local community, Justice Fellowship, and some of the state's judges provided the impetus for the Community Punishment Program. Their goal was to discuss ways to develop and expand community-based treatment for adults on probation. More recently the legislature has taken the lead by mandating annual diversion goals.

Organizational Structure: The Department of Corrections administers adult institutions and parole services. The Board of Pardons and Paroles, which paroles adults, is an independent agency reporting to the governor. The Administrative Office of the Courts (AOC) administers adult and juvenile probation services and the Community Punishment Program. The AOC administers probation services through county probation offices.

Administration: The Administrative Office of the Courts administers the Community Punishment Program through its Adult Services Division. The division is responsible for administering the state funds and for prescribing the procedures, guidelines, forms, standards, and requirements. The guidelines are promulgated through judicial order rather than legislation. The division also monitors local programs through inspections and audits.

The central office consists of a small staff that approves plans submitted by the counties, makes appropriation requests

of the legislature, and distributes the funds to the county offices. The superior courts develop annual plans and funding requests, and contract with the local service providers. The court may, but is not required to, appoint a community punishment advisory committee to assess needs and make recommendations. The administrative budget is approximately \$150,000 per fiscal year.

Fundable Programs: Community Punishment Program funds can be used for a variety of programs depending on the needs of the community. Examples include treatment programs for sex offenders and for the chronically mentally ill, community residential programs, substance abuse counselors on the probation staff, drug intervention programs, substituting community service hours for jail days, work furlough programs, and electronic monitoring using visual telephones. The emphasis of each program, however, is to be on treatment or jail reduction.

Application Process: Superior courts, sometimes with recommendations from a community punishment advisory committee, develop annual program plans with funding requests. The plan should include defined goals and objectives for the program, data to be collected and retained for evaluation and review of the program, and program component priorities in case of insufficient funds. These plans are submitted to the central office. The central office reviews the plans and gives final approval, and makes the appropriation request. Participation is voluntary, and as of November 1991, six of fifteen counties participated.

Funding Formula/State Appropriation: Arizona does not currently use a funding formula. The intention is to allow counties to diversify services as needed in the community. The only restriction is that the program plan must meet division approval. The state appropriates \$2.5 million annually for the Community Punishment Program, \$10 million for intensive probation, and \$10 million for regular probation.

Colorado Community Corrections Act

Purpose: In 1974, Colorado passed the Community Corrections Act; however, no funds were appropriated that year.

The initial purpose of the act was to expand options for the courts and the criminal justice system to divert certain prison-bound offenders. The legislature has added the prevention of the expansion of the prison population as a purpose.

Originally the act targeted nonviolent felony offenders convicted of certain classes of offenses, which are primarily property offenses. Several years after the establishment of the act, the legislature added to the targeted population the transition of inmates prior to release to parole or as a condition of parole.

Impetus/Leadership: State legislators and locally elected officials provided the leadership for getting the Community Corrections Act passed. They were concerned with expanding the diversion options for the criminal justice system within the community, with managing populations that would otherwise be placed in secure facilities, and with increasing local control over correctional programs. The criminal justice system was very cooperative and welcomed the new options.

Organizational Structure: The Department of Corrections administers adult corrections. The Board of Parole is an independent agency which grants parole to adults, but the Division of Community Services in the Department of Corrections administers parole supervision. The Judicial Department administers adult and juvenile probation services. The Department of Public Safety (DPS) administers the Community Corrections Act programs.

Administration: The DPS administers the Community Corrections Act programs. The staff at the state level consists of six people. They contract with local boards to provide services, deal with the legislature and the governor, promulgate standards, perform audits in conjunction with local officials, and maintain a statewide database on all clients for evaluation purposes.

The local community corrections boards develop the service plans to submit to DPS, and they retain the final right to accept or reject offenders whom they feel they cannot properly serve.

Fundable Programs: Community Corrections Act funds may be used to fund almost any type of program; however, the DPS does have a list of minimum services the county is required to provide with CCA funds. These services may be residential, but they must provide drug testing, substance abuse and mental health treatment options, employment assistance, and family and financial counseling. Counties may also spend a portion of the funds for programs in jails. The boards are permitted to keep up to 5 percent of the state funds for administrative costs.

Application Process: To be eligible for Community Corrections Act funds, the county commissioners must create a community corrections board. The board may be advisory or functional, at the discretion of the county authorities. The board develops a plan for providing local services. The board submits the plan to the DPS, which has final approval over every plan. The department then contracts with the board to provide the services. The board contracts locally for the services.

Funding Formula/State Appropriation: Funding is based on an analysis of the caseload in the county. The legislature appropriates money to two funds: one for programs for inmates and one for programs for probationers. The Department of Public Safety then distributes the money from each fund to the counties based on the results of the analysis. Funds are distributed at the beginning of each quarter to the community corrections boards for them to disperse as necessary.

The Colorado legislature appropriates \$21 million annually for the Community Corrections Act programs.

Connecticut Community Corrections Services Act

Purpose: In 1980, Connecticut passed the Community Corrections Services Act. The purpose of the act is to provide noninstitutional community-based service programs for prison and jail inmates upon their release. The act targets paroled inmates only.

Impetus/Leadership: In 1971, a network of private sector criminal justice providers existed in Connecticut. The Department of Correction selected them because they already had

stability and stature, and developed them into an organized constituency to educate the public and the legislature on criminal justice system issues. They hoped to turn these issues into public policy issues to be discussed openly and rationally, rather than continuing to deal with them emotionally. The efforts of these private sector providers, with the support of the Department of Correction, resulted in the passing of the Community Corrections Services Act.

Organizational Structure: The Connecticut correctional system contains the Department of Correction, which administers adult institutions; the Department of Children and Youth Services, which administers juvenile institutions and aftercare services; and the Judicial Department, Family Division, which administers juvenile probation. The Department of Correction is divided into the Division of Institution Services, the Division of Community Services, the Division of Inmate Classification Services, the Division of Parole, and the Office of Adult Probation. The Parole Board is an autonomous agency with its members appointed by the governor. There is a Prison and Jail Overcrowding Commission which makes policy recommendations. As of 1 January 1991, the legislature created an Office of Alternative Sanctions in the Judicial Department. This office will gradually assume the pretrial and probation programs currently under the DOC. The entire system, including jails, is state-administered and state-funded.

Administration: The Division of Community Services within the Department of Correction administers the Community Corrections Services Act. The department is solely responsible for negotiating the independent contracts with the private sector providers, and monitoring and evaluating the programs and their impact.

Fundable Programs: Community Corrections Services funds can be used to cover the entire continuum of early release programs for offenders, both residential and nonresidential. The emphasis is on preparing the offender to reenter society, including such aspects as job placement, treatment, counseling, and housing.

Application Process: The state is divided into community corrections service areas, which correspond to health systems agency regions. The Department of Correction develops and revises annually a comprehensive state community correction plan for the delivery of services in the service areas. The community provides input, but there is no formal local advisory board.

Funding Formula/State Appropriation: Currently, the Department of Correction does not use a funding formula. The Department pays the money up-front annually on more than fifty private independent contracts. During this fiscal year, the department intends to examine the current contracts to determine how much it is paying for what services and thereby develop a formula for establishing the level of funds for each service area and for each service contract. This formula should include: (1) private sector match; (2) client population ratio; (3) nonclient criteria; (4) residential facility criteria; and (5) non-residential facility criteria.

In fiscal year 1990, the legislature appropriated \$15 million for Community Corrections Services and \$7 million for Alternative Sanctions.

Impact Evaluations: No one has performed a thorough evaluation, but limited studies have shown that the more intensive, primarily residential programs have been more beneficial to the parolees than the less intensive ones.

Florida Community Corrections Act

Purpose: In July 1991, Florida passed a voluntary Community Corrections Partnership Act (CCPA). The purpose of the act is to divert nonviolent offenders from the state prison system by punishing these offenders with community-based sanctions. The intent is to reserve the state prison system for offenders who are deemed most dangerous to the community. For counties that participate in the partnership, an additional purpose is to reduce the number of nonviolent misdemeanants committed to the county detention system. Counties are to use act resources for intermediate sanctions for prison-bound or jail-bound offenders.

Impetus/Leadership: The executive branch provided the impetus for the Community Corrections Partnership Act—specifically the governor's office. It took two years to pass the act. Staff from the governor's office worked closely with the Sheriffs' Association and the Association of County Commissioners to gain support for the bill in the legislature. The State of Florida had been committed to community-based sanctions for several years and the CCPA was an expansion of that philosophy.

Organizational Structure: The Florida Department of Corrections provides a decentralized correctional system for adult offenders. Institutional and felony probation and parole services are administered on a regional basis. Regional directors are responsible to the Secretary of the department. In addition to regular felony probation and parole supervision, the Department of Corrections administers a community control program (house arrest), intensive drug offender probation, a statewide pretrial intervention (release) program, and restitution centers.

The Department of Corrections is also responsible for monitoring local jails for adherence to state standards. The Probation and Parole Commission, an autonomous agency, is responsible for making decisions concerning the release of adults on parole.

Persons tried as adults for felony offenses and sentenced to one or more years are committed to the custody of the Department of Corrections. Persons tried and sentenced to less than one year serve their time in the county jail. Counties also administer probation services for misdemeanants.

Administration: The CCPA grant program is administered by Probation and Parole Services in the Department of Corrections. The Assistant Secretary for Programs manages implementation of the act. The act did not authorize additional administrative funds or new staff. The primary role of staff is to review and process community correctional plans and provide technical assistance in the development of plans. The department is responsible for developing and monitoring minimum standards, policies, and administrative rules for the statewide implementation of the act. The department must report annually to the governor and the legislature on the effectiveness of

participating counties in diverting nonviolent offenders from the state prison system.

Fundable Programs: Counties or groups of counties may request CCPA funds for:

- enhancement of county probation programs for jail-bound misdemeanants
- nonsecure residential drug treatment beds (360 statewide)
- construction and operation of a ninety-bed secure drug treatment facility
- construction and operation of a 256-bed work camp for prison-bound offenders (50 percent) and jail-bound offenders (50 percent)

The target group for residential facilities funded with CCPA monies is offenders who violate probation, parole, or community control (house arrest).

Application Process: Counties or groups of counties may compete to enter into a contract with the Department of Corrections for community corrections funds. In order to enter into a contract, a county must establish a correctional planning committee and must designate a county officer or agency to be responsible for administering community corrections funds received from the state. The county correctional planning committee must develop and implement a comprehensive five-year plan that includes descriptions of existing felony community corrections programs including restitution centers, a description of the new intermediate sanction to be provided, specific goals and objectives for reducing the number of commitments to the state prison system, evidence that net-widening will not occur, population descriptions of county-administered corrections programs for misdemeanants including detention facilities, descriptions of substance abuse treatment programs for offenders, an assessment of the need for additional programs, a projection of needs for the construction of county detention facilities and for diversionary programs, annual performance measures, and strategies for educating the public. The requests for contracts are to be reviewed by departmental staff,

and final decisions are to be made by the Secretary of the Department of Corrections.

Funding Formula/State Appropriation: The legislature made specific appropriations for each type of program to be provided under the CCPA. There is no generic county funding formula. The legislature shifted \$4.2 million from the Department of Corrections' community facilities budget to the non-secure residential drug treatment effort (360 beds statewide at \$32/day per diem). The legislature appropriated \$2.9 million for a ninety-bed secure drug treatment facility and a 256-bed work camp to be operated by the same county or group of counties. The legislature appropriated \$150,000 to enhance county-administered probation services by providing additional intermediate sanctions.

Indiana Community Corrections Act

Purpose: In 1979, Indiana passed the Community Corrections Act. The purpose of the act is to divert offenders from incarceration at the state level and to encourage counties to develop a coordinated local system. The act targets the least serious felony offenders, misdemeanants, and juveniles.

Impetus/Leadership: In 1972, the General Assembly passed the Probation Subsidy Law, which required the state to subsidize 50 percent of the operating costs of the local probation programs. This program was never funded. In 1979, the Penal Code Commission, the Indiana Lawyers' Commission, and several private agencies joined together to lobby for a community corrections act. They promoted it to the General Assembly as a way of reducing the prison population by keeping appropriate offenders within the community, and as a humane alternative to incarceration. Once the act was passed, the Department of Correction joined the lobbying for funding.

Organizational Structure: The Indiana Department of Correction has three divisions: Administration, Operations, and Programs and Community Services. The Parole Section is located in the Programs and Community Services Division, while probation is a county function.

Administration: The Community Corrections Act is administered by the Division of Programs and Community Services of the Department of Correction. There are two full-time employees in the central office in charge of community corrections programs. Currently, they perform some field visits for purposes of observation and evaluation, provide consultation and technical assistance to counties in the development of community corrections plans, and review and approve applications for state grants. Personnel from other sections perform the other functions, such as fiscal audits. The staff plans to develop processes for auditing procedures and establishing minimum standards.

Fundable Programs: Community Corrections Act funds may be used to fund residential programs, work release programs, electronic house arrest programs, community service restitution programs, victim-offender reconciliation programs, jail services programs, jail work crews, juvenile detention alternative programs, and any other programs approved by the department.

Application Process: Participation in the Community Corrections Act is voluntary. The process begins with the county executive resolving to establish a community corrections advisory board. A group of counties may also combine to establish one board. The advisory board formulates the community corrections plan and the application for financial aid. A community corrections plan must include a description of each program for which financial aid is sought; the purpose, objective, administrative structure, staffing, and duration of the program; and the amount of community involvement and client participation in the program. Administrative regulations require that the plan include current expenditures for local corrections, estimated use of probation, the number of "executed commitments" to the DOC within the past calendar year, and the "impact relationship" between the project and current correctional needs in the jurisdiction. The county executive must approve the plan. The Division of Programs and Community Services reviews and approves the plans and applications and disburses the state funds.

Funding Formula/State Appropriation: Indiana developed a very complex funding formula based on population, population between the ages of ten and thirty-four, and net value of taxable property divided by total population. Although the department has simplified the calculations, the formula appears to be loosely followed. The department places the emphasis on the quality of the proposal and the needs of the county. The funds are distributed to the contracting agency 25 percent up front, with the balance being given in monthly reimbursements through the county.

A participating county is "charged back" 75 percent of the average daily cost of confining a person when an eligible offender is confined in a state correctional facility.

The Indiana General Assembly appropriated \$15 million this biennium for community corrections programs.

Iowa Community Corrections Programs

Purpose: In 1973, Iowa passed legislation to create locally controlled community corrections programs. In 1977, the legislature adopted an organizational structure that mandated participation in the programs through judicial district organizations. The purpose of the community-based corrections system in Iowa is to provide nonincarceration sentencing options to the judiciary.

Impetus/Leadership: The impetus for enacting a system of community-based corrections programs in Iowa was two-fold. Criminal justice practitioners and legislators wanted to expand noninstitutional sanctions; they also wanted to move control of correctional programs from the state to local government.

Organizational Structure: The Iowa Department of Corrections is composed of the Division of Correctional Institutions, the Division of Community Correctional Services, the Division of Administration, and the Division of Prison Industries. The Board of Parole, an independent agency reporting to the governor, reviews adult felony cases in the state correctional facilities.

Administration: The Division of Community Correctional Services administers the community-based corrections pro-

gram through eight judicial districts. Iowa is unique in that the state provides oversight for probation and parole services through contracts with judicial district organizations but does not provide services. The eight regional organizations are public agencies (similar to area mental health programs in North Carolina) that have local governing boards of directors. Agency staff are hired by the local boards.

The state staff in the Division of Community Correctional Services includes a director, deputy director, administrative assistant, field training officer, and data processing clerk. The state has regulatory responsibility for community corrections programs including technical assistance, development guidelines, accreditation, and funding.

Fundable Programs: Each of the eight local community corrections organizations is required to provide the following services: pretrial services, which screen and supervise defendants released from jail prior to trial; presentence investigations, which provide information to judges for sentencing decisions; regular and intensive probation services; residential facilities for prison-bound offenders, which provide twenty-four-hour supervision for an average of four to six months; parole supervision; work release facilities for prison inmates; and DWI residential facilities, which provide a ninety-day treatment program. There is no eligibility criteria for participation in community corrections programs.

Application Process: There is no application process for community corrections programs in Iowa. Funding for community corrections programs is part of the state budget process. The Department of Corrections distributes funds allocated by the legislature for community corrections programs through purchase of service contracts with the eight regional organizations. There is no requirement for submission of a local community corrections plan.

Funding Formula: Funds are distributed to the regional organizations based on work-load formulas for field services and residential services. In FY90-91, the legislature authorized \$33 million for community corrections programs.

Kansas Community Corrections Act

Purpose: In 1978, Kansas passed a voluntary Community Corrections Act. The legislative intent of the act is to prevent the institutionalization of nonviolent offenders in state correctional institutions, though this is not clearly articulated in the statute. The mechanism for achieving this purpose is local correctional programs tailored to the needs of individual counties that contain at least one of two core services—intensive supervision or residential placement. In 1989, the Kansas legislature mandated participation of all counties in the Community Corrections Act.

Impetus/Leadership: The impetus for enacting a Community Corrections Act in Kansas came from the legislature. The legislature wanted to provide alternatives to both incarceration and to prison construction. The governor refused to sign the legislation and it became law without his signature.

Organizational Structure: The Department of Corrections administers adult institutions, community services, and parole services. The Supreme Court administers probation services.

Administration: The Community and Field Services Division of the Department of Corrections is responsible for oversight of community corrections programs. State staff provide technical assistance to counties, promulgate regulations, policies, and procedures, and audit program performance. In FY90, there were six staff involved in administering community corrections programs at the state level, with an administrative budget of \$183,955.

Fundable Programs: The Community Corrections Act authorizes funds to be spent for planning and implementing community correctional services including, but not limited to, intensive supervision programs, restitution programs, victim services programs, presentence investigations, house arrest, residential programs, and community corrections centers.

The target population for these programs is first- or second-time convicted felony property offenders. However, no class of felony crime is automatically excluded.

Application Process: In order to apply for Community Corrections Act funds, counties or groups of counties must form a local corrections advisory board. The board develops a comprehensive local corrections plan. The application for CCA funds requires a description of offender target populations, prison admissions for the community, local sentencing practices, local prosecution practices, local revocation rates, local service analysis, and community demographics. The applicant must project the number of offenders who will be diverted from institutions, outline monitoring criteria, and demonstrate the ability to adhere to state minimum standards for community corrections programs. Staff review applications and, after consulting the State Community Corrections Board, recommend funding levels to the Secretary of the Department of Corrections.

Funding Formula/State Appropriation: Initially the Kansas Community Corrections Act used a formula developed in Minnesota for dispersing funds and required a chargeback to counties for certain felons who were incarcerated in the state prison system. The formula was intended to equalize funding available to different localities on the basis of their overall population, relative ability to support local correctional services, and relative burden or need for such services. The formula compared a county's "ability to pay" to the state average on the basis of per capita income and per capita adjusted property valuation. It measured relative need for services according to how a county's crime rate per 1,000 population and the size of its population aged five to twenty-nine compared to averages for the state. The formula averaged these four factors, and then they were multiplied by an annual appropriation factor, usually \$5.00.

In 1989, the formula was amended and the chargeback was eliminated. The current funding formula is based on a per capita cost for each program service. For instance, in FY90, average per capita service costs were: adult intensive supervision, \$1,510 per slot; adult residential services center, \$42.85 per day or \$15,640 per bed slot; presentence services, \$134.00 per client served. In FY91, the legislature authorized approximately \$10 million for community corrections programs.

Evaluation of the Act: In 1987, Temple University conducted a study of the Kansas Community Corrections Act. The study produced the following preliminary findings: (1) The CCA programs did appear to have drawn the majority of clients from a prison-bound population; (2) The reoffending rates among community corrections clients were no higher and no lower than would be expected of offenders with similar characteristics who are incarcerated instead; and (3) Community corrections programs handle offenders at a lower cost than incarceration. The researchers recommended revising the funding formula and reviewing the use of chargebacks to counties.

Michigan Community Corrections Act

Purpose: In 1988, Michigan passed a voluntary Community Corrections Act (CCA). The purpose of the act is to reduce crowding in state prisons and local jails by placing nonviolent offenders in safe, highly structured community punishment programs that do not jeopardize public safety. The act gives communities opportunities to assume responsibility and greater control over correctional programs and services provided to offenders.

Impetus/Leadership: Michigan legislators first began to explore the development of a Community Corrections Act to ease prison and jail crowding in 1980. During 1984-1988, a series of meetings and statewide seminars were held and an ad hoc task force was established to acquaint key leaders with the benefits of community corrections and to build consensus. Establishing a CCA was controversial because of philosophical and political differences. The Michigan Association of Counties and the Michigan Commission on Crime and Delinquency assisted legislators in building a consensus for the CCA. In 1988, the Michigan state legislature passed the CCA as a mechanism for reducing prison construction expenditures and a means of appropriately punishing nonviolent offenders in the community.

Organizational Structure: Adult institutions and the Adult Parole Board come under the jurisdiction of the Department of Corrections. The Bureau of Field Services in the Department of Corrections administers adult parole and felony probation services. The Department of Corrections is also

responsible for monitoring local jails for adherence to state standards. The District Courts under the Supreme Court provide misdemeanor probation services. Misdemeanors serve active sentences in county jails.

Administration: The Office of Community Corrections administers the Community Corrections Act. It is an independent agency that is administratively housed in the Department of Corrections but does not report to the DOC in any way for policy matters. The office has a State Community Corrections Board appointed by the governor and confirmed by the senate. The Board provides oversight and policy authority for the office. This is a unique structure among the states that have CCAs.

There are fifteen staff in the Office of Community Corrections, including three grant coordinators who are assigned geographic areas of the state. The office provides technical assistance to counties or groups of counties in developing a local comprehensive corrections plan. In addition, the office reviews and approves local plans, enters into contractual agreements with local advisory boards for the operation of community corrections programs, monitors compliance with the agreements, and acts as an information clearinghouse. The annual administrative budget of the Office is approximately \$1 million.

Fundable Programs: Counties or groups of counties may request CCA funds for:

- technical assistance grants: funds to assist local units of government to establish Community Corrections Boards and comprehensive local community corrections plans
- community grants: operational funds for a wide variety of community corrections programs including presentence diagnostic evaluations, pretrial intervention programs to reduce the jail population, highly structured nonresidential programs such as house arrest and day reporting centers, and a variety of types of residential programs
- minimum security jail work camps that emphasize community service work

CCA funds can not be used to replace current spending by local units of government for community corrections programs, for capital construction, or to create services which can already be obtained at the local level.

The emphasis for funds during the first year of operation of the act (1990) was on technical assistance to assist with the creation of local community corrections boards and the development of comprehensive plans. As the plans are completed, local communities will assume responsibility for the award and management of contracts for services. The current focus of local plans is to improve appropriate use of jail facilities and free up jail beds through the increase of pretrial release options. In addition, residential programs for prison-bound offenders are frequently included in local plans.

Application Process: In order to apply for CCA funds, counties or groups of counties must form local Community Corrections Boards. The Board must submit a comprehensive community corrections plan to the Office of Community Corrections to be approved. The office provides technical assistance grants to assist in this process. The local plans are very date-intensive and require analysis of the local offender population. The plans must describe various offender programs and services: what is currently being done, what needs to be done, and where scarce resources should be directed to more effectively address local correctional problems and needs. The plan must describe a system for the development, implementation, and operation of community corrections programs and an explanation of how the state prison commitment rate for the county, or counties, will be reduced, and how the public safety will be maintained. The data analysis must include a basic description of jail use, detailing such areas as sentenced versus unsentenced inmates, sentenced felons versus sentenced misdemeanants, and the use of a jail classification system. The analysis must include a basic description of offenders sentenced to probation and prison and a review of the rate of commitment to the state corrections system from the county for the preceding three years.

Staff from the Office of Community Corrections initially review requests for CCA funds based on objective criteria. Staff

present recommendations to the State Community Corrections Board, which has final funding authority.

Funding Formula/State Appropriations: The legislature makes specific appropriations for various uses of Community Corrections Act funds. For FY92, the governor is asking for \$956,000 for technical assistance grants, \$13.5 million for Community Corrections Grants, \$9 million for residential programs and \$900,000 for minimum security jail work camps. CCA funds are distributed to local units of governments based on a formula. For technical assistance grants, the funding base for a single county is \$40,000 and \$15,000 for each additional county for a period of up to six months. For community corrections grants, the funding base is \$20,000 for a single county community corrections board and \$26,000 for each additional county. In addition to the base funding, counties are eligible for additional funds computed on the population of the county and the number of felony convictions.

Minnesota Community Corrections Act

Purpose: In 1973, Minnesota passed the Community Corrections Act. The act was proposed as a means of (1) providing more human services to offenders, and (2) reducing reliance on state institutions. The act targets a wide range of offenders: adult and juvenile, pretrial, postconviction, and postrelease. Counties tend to target their property offenders.

Impetus/Leadership: The community corrections movement began in one community when a group of local citizens and professionals joined together to discuss expanding local services to offenders. This resulted in the development of a residential unit as a local step between probation and prison. As more communities joined the movement, they pushed for a statewide act. The Department of Corrections joined in the effort as well. In 1973, the act was passed, and it began with three separate pilot programs.

Organizational Structure: The Department of Corrections is divided into two divisions: the Division of Institutional Services and the Division of Community Services. Counties under the Community Corrections Act assume the respon-

sibility of providing probation, parole, and supervised release services for both adults and juveniles. In the remaining counties, felony parole services are provided by the state while probation services and jails are administered by the county.

Administration: The Division of Community Services in the Department of Corrections administers the Community Corrections Act. The Department has final approval of each county's annual comprehensive plan and budget. The department submits that budget as part of its appropriate package. Departmental staff act primarily as liaisons between the counties and the department, and between the counties and other counties. The staff also promulgates rules and provides technical assistance to the local boards to aid in the development of their comprehensive plans.

Fundable Programs: Community Corrections Act funds may be used for any felony program—pretrial, supervised release, or parole. Because of the increased use of local jails under the act, a portion of the state funds may be used for programs in jails, but not for jail construction.

Application Process: The application process for Community Corrections Act funds begins with a single county or a group of counties forming a community advisory board. This board, representative of the local community, develops an annual comprehensive plan and budget for the development, implementation, and operation of the community-based programs. The plan should be based on the needs and expenses of the local community. A comprehensive plan should include the manner in which presentence and postsentence investigations and reports for the district and juvenile courts will be made; the manner in which conditional release services to the courts and persons under jurisdiction of the commissioner of corrections will be provided; a program for the detention, supervision, and treatment of persons under pretrial detention or under commitment; delivery of other correctional services; and proposals for new programs, which must demonstrate a need for the program, its purpose, objective, administrative structure, staffing pattern, staff training, financing, evaluation process, degree of community involvement, client participation, and duration of

the program. The board recommends this plan and budget to the board of county commissioners. Upon their approval, the plan is submitted to the Department of Corrections for final approval. During the process, the DOC reviews and revises the plan with the board members. The approved budget is submitted by the Department of Corrections as part of its appropriations request.

Funding Formula/State Appropriation: The funding equalization formula is based on the county's per capita income, net tax capacity, population at risk (age six through thirty years), and per capita correctional expenditures. The CCA funds are distributed on a quarterly basis. The legislature appropriated \$24 million this year for community corrections programs.

A participating county is "charged back" a sum equal to the per diem cost of confining a juvenile in a state correctional facility. For adults confined in a state correctional facility, the per diem cost is deducted from the county's subsidy.

Impact Evaluations: In 1981, the Department of Corrections and the Minnesota Crime Control Planning Board released a ten-volume evaluation of the Community Corrections Act. They found that during the first five years of the act there had been significant improvement in local corrections planning and administration in CCA areas. They noted growth in the range and quantity of local corrections programming, and also a modest increase in the number of adult felons and a more substantial increase in the number of adjudicated delinquents (the target populations) retained in the community.

However, not all of the purposes of the act were attained. Public protection may not have been jeopardized, but neither had it been increased. The study also found that the act was not necessarily cost-effective. Although more "target offenders" were retained in the community in most CCA areas, not enough offenders were diverted from prison to offset the added administrative costs of the CCA.

Montana Community Sentencing Act

Purpose: In 1991, Montana passed a voluntary Community Corrections Act (CCA). The purpose of the act is to divert nonviolent felony offenders from prison. However, no funds were

appropriated to implement the act. The act authorizes judges to order offenders into residential facilities for up to one year as a condition of a deferred or suspended sentence.

Impetus/Leadership: The impetus for the Community Corrections Act came from the legislature in response to prison crowding. The bill had been introduced previously but had not passed. Support was garnered from counties interested in operating residential diversion centers.

Organizational Structure: The Department of Corrections and Human Resources, renamed in 1991, administers adult institutions through the Institutions Section and felony probation and parole services through the Community Corrections Section.

Administration: The Community Corrections Act requires the Department of Corrections and Human Resources to develop administrative rules for community corrections programs with input from local communities. The department is authorized to contract with community corrections specialists to provide necessary technical assistance and training to judicial districts and corrections board.

Fundable Programs: Community Corrections Act funds, when appropriated, can be used only for residential diversion centers. Convicted nonviolent felony offenders are eligible for residential placement.

Funding Formula/State Appropriation: The legislature enacted the Community Corrections Act in 1991 but did not appropriate any funds to implement it. It is unclear, if funds are appropriated in the future, whether or not a funding formula will be used.

New Mexico Community Corrections Act

Purpose: In 1978, New Mexico passed a Community Corrections Act. The purpose of the act is to reduce the prison population. The act originally targeted both adult felons and adjudicated delinquents. In 1988, the Youth Authority was created and all juvenile community corrections programs were

transferred to it. Now the act targets adult convicted felons in three categories: reintegration, diversion, and parole.

Impetus/Leadership: The Corrections Department led the way for enacting a Community Corrections Act as a means of reducing prison crowding. The act did not have any real force behind it until a series of prison riots in the early 1980s demonstrated the need.

Organizational Structure: The Corrections Department is responsible for all adult institutions and adult probation and parole services. The Corrections Commission advises the Secretary of the Corrections Department and participates in the policy-making process of the department. The Probation and Parole Division of the Corrections Department supervises all adult probationers and parolees.

Administration: The Adult Community Corrections Section of the Probation and Parole Division administers the adult Community Corrections Act. Staff from the division perform regular program and fiscal monitoring and auditing.

The act uses three levels of panels. The first level is the State Community Corrections Advisory Panel. This panel consists of criminal justice and community representatives. It makes policy recommendations, sets goals, and reviews all applications for funds and recommends them to the secretary. The second level is the State Selection Panel. This panel consists of departmental representatives who make the final acceptance or rejection of bids for services, and who recommend nonviolent felons to local selection panels for acceptance or rejection. The third level is the Local Selection Panel. This panel consists of volunteers at the local program level who screen referrals to the local programs. This panel recommends to the programs whether to accept or reject the offender.

Fundable Programs: Community Corrections Program funds may be used for diversion, reintegration, and parole programs. Examples include victim restitution, community service, job development, intensive supervision, family counseling, substance abuse programming, volunteer services, and residen-

tial services. The current emphasis is on reintegration programs through prisons and jails.

Application Process: The Corrections Department accepts bids for contracts based on the needs of the service area. The Probation and Parole Division determines the areas for programs based on the number of felons returning to their community who can be serviced there.

Counties, municipalities, and nonprofit organizations may submit proposals. Some form of an advisory board which is representative of that community must be in place. A proposal should include a description of the agency offering the proposal; the problem being addressed; a description of the target population; a description of the geographic boundaries of the service area; a program description including the goal statement, service components, service delivery policies and procedures, and the organizational chart; a work plan showing how the program will be developed and evaluated; and an indication of the community support for the program.

Funding Formula/State Appropriation: New Mexico does not use a funding formula; bids are accepted based on the needs of the communities. The Corrections Department establishes the service contracts and pays them out of the annual appropriation from the legislature.

The amount appropriated by the state varies with the number of contracts per year. The state appropriated \$2.5 million for this fiscal year.

Ohio Community Corrections Subsidy Programs

Purpose: Ohio has implemented two community corrections subsidy programs: (1) a Community Corrections Act (CCA); and (2) the Community-Based Correctional Facilities and Programs Act (CBCFPA). The legislature enacted the Community Corrections Act in July 1979, and the Community-Based Correctional Facilities and Programs Act in April 1981. The purpose of both of these subsidy programs is to reduce the number of nondangerous offenders committed to state prisons and county jails by creating intensive correctional sanctions and services at the local level.

Impetus/Leadership: The impetus for enacting community corrections subsidy programs in Ohio was prison crowding. The legislature passed these subsidy programs in order to reduce commitments to the state prison system and to unify correctional services at the local level.

Organizational Structure: The Ohio Department of Rehabilitation and Correction administers adult state institutions and felony parole services. The Division of Parole and Community Services in the Department of Rehabilitation and Correction consists of the Adult Parole Authority, the Adult Parole Board, the Bureau of Community Services, and the Bureau of Adult Detention. The Adult Parole Authority may exercise general supervision over all probation officers in the state, including those in local probation departments. All parolees and certain probationers referred by the Court of Common Pleas on a contract basis are supervised by the Adult Parole Authority. In the remaining counties, probation services are provided by local probation departments. The Bureau of Community Services oversees the state's subsidy programs. The Bureau of Adult Detention administers the program to monitor and promote compliance with minimum standards for jails.

Administration: The Bureau of Community Services administers programs funded under the Community Corrections Act and the Community-Based Correctional Facilities and Programs Act. There are eleven staff at the state level to administer the community corrections subsidy programs with an annual administrative budget of approximately \$350,000. State staff provide technical assistance to counties to apply for subsidy funds, develop program standards, and audit standards compliance and program performance.

Fundable Programs: Funds under the Community Corrections Act may be used for local probation service, parole services, preventive or diversionary corrections programs, release-on-recognizance programs, and specialized treatment programs for alcoholic and narcotic-addicted offenders. Funds under the Community-Based Correctional Facilities and Programs Act may be used for intensive probation supervision services and for residential services.

Application Process: To receive a state community corrections subsidy, counties or groups of counties must form a local corrections planning board. The board must submit a comprehensive plan for correctional services that demonstrates unified correctional services at the local level, the number of offenders who will be diverted from state or local penal institutions, and an ability to meet minimum program standards.

Staff review applications and recommend funding for programs on the basis of demonstrated need and satisfaction of specified priorities. Priorities for funds are established annually by the Department of Rehabilitation and Correction with advice from the State Community Corrections Advisory Board.

Funding Formula/State Appropriations: Based on appropriations made by the General Assembly, a minimum subsidy award is established that is supplemented based on the population of each county. In FY89, the legislature authorized \$1,620,150 for Community Corrections Act Programs and \$4,223,989 for programs funded under the Community-Based Correctional Facilities and Programs Act.

Evaluation of the Community Corrections Subsidy Acts: In 1989, the National Council on Crime and Delinquency evaluated the impact of Ohio's community corrections programs on public safety and costs. The study found that offenders placed in Ohio's community corrections programs had:

- been sentenced for serious crimes
- possessed lengthy criminal histories
- higher levels of program needs than traditional felony probationers. Profiles of offenders in the Intensive Supervision Probation Program and in residential programs indicated characteristics similar to offenders sentenced to prison for Class 3 and 4 determinate sentences.

The researchers concluded that Ohio's community corrections programs and, in particular, the Intensive Supervision Probation and residential programs, do divert offenders from prison. They found that the Community Corrections Act Program had less impact on diverting offenders from prison but it

did, at a minimum, select the more serious cases typically placed on felony probation.

The study showed that rearrest rates for offenders placed in the Intensive Supervision Program and in residential facilities were well below a matched group of offenders sentenced to prison, and these programs produced a substantial savings in operational costs when compared to even short-term prison confinement. According to the researchers, these results indicated that carefully screened offenders can be diverted from prison to controlled community supervision without compromising the safety of the community.

Oregon Community Corrections Act

Purpose: In 1977, Oregon passed a voluntary Community Corrections Act (CCA). The purpose of the act is to provide sentencing alternatives and services for persons charged with criminal offenses.

Impetus/Leadership: The impetus for the Oregon Community Corrections Act came from the executive branch. In 1976, Governor Bob Straub's Task Force on Corrections proposed a new system of delivering community sanctions in Oregon. The task force recommended new legislation designed to "mobilize and facilitate a partnership of the best of both state and local services." In response to the task force's proposal, the 1977 legislature enacted the Community Corrections Act and provided state funds to enhance existing community programs and develop new sentencing alternatives to prison incarceration. By providing that each participating county be assessed a "payback" charge for each person sentenced for a class C felony, the legislature clearly implied that the control of the state's prison population was also a purpose of the CCA.

Organizational Structure: The Department of Corrections was created by the legislature in 1987. The department is responsible for the management and administration of adult corrections institutions, felony parole and probation services, and community corrections. The four branches are Administration and Planning, Community Services (probation and parole field services, community corrections programs), Inspections (jails), and Institutions (prisons). Historically, misdemeanor

probation has been a county-funded and administered program. Under the Community Corrections Act, counties can also opt to provide felony probation services. All misdemeanants and felons sentenced to less than one year serve their sentences in local jails.

Administration: The Community Services Branch in the Department of Corrections administers both field services (probation and parole) and community corrections programs through a decentralized regional system. Along with field service responsibilities, state staff provide technical assistance in planning and implementing local community corrections plans. They also monitor program performance. State agency staff include an administrator, an assistant director, an executive assistant, four division administrators, and two community supervision administrators.

There is a state Community Corrections Advisory Board that advises the assistant director for corrections regarding program standards and rules. The board reviews local community corrections plans and recommends funding to the assistant director. The board is composed of fifteen members appointed by the governor.

Fundable Programs: The Community Corrections Act authorizes funds for nonresidential and residential programs and services including: (1) structured community sanctions for offenders; (2) drug and alcohol programs for at-risk offenders; (3) reentry programs for offenders leaving institutions; (4) preadjudication programs for persons in the criminal justice system; and (5) other alternatives to incarceration.

Though not explicitly stated in the legislation, the focus of CCA funds from the state perspective is to reduce the number of class C felons committed to the state prison system. Until 1989, the legislation included a payback provision that required counties to pay the state for each class C felon committed to the state prison system. The payback provision was amended numerous times over a ten-year period and was eliminated after it appeared to be an ineffective disincentive.

Application Process: In order to apply for CCA funds, counties appoint local community corrections advisory boards

to plan correctional improvement and to determine how CCA funding should be spent. Counties submit applications demonstrating a need for the program, its purpose, objective, administrative structure, staffing, staff training, proposed budget evaluation process, degree of community involvement, client participation, and program duration. Applications are reviewed by the State Community Corrections Advisory Board and recommendations for funding are provided to the assistant director for Corrections.

Oregon has three options for participation in the CCA. Under Option I, counties get their full funding allocation, establish a community corrections board to draft the county's CCA plan, operate community programs and services funded with CCA funds, and take over responsibility for felony probation and parole from the DOC. Option I counties get the field services allocation for that county, which the DOC formerly used to operate felony probation and parole services. Thus, control of the field services allocation is the biggest incentive for counties to select Option I. Option II is the same, except (1) the county can contract with the DOC to continue to operate felony probation and parole, and (2) supervision fees are remitted to the DOC. In Option III counties, the DOC manages the community corrections process. The DOC's field services regional manager drafts a plan for use of CCA funds. He appoints a local advisory committee and asks them to comment on the plan. In addition, he sends a copy of the plan to the County Board of Commissioners, and gives them a chance to comment. Option III counties get 75 percent of the enhancement grant allocated to the county as well as 100 percent of the formula share of mental health and probation center funding. The state continues to operate felony probation and parole services.

Funding Formula/State Appropriations: Through the CCA, there are three pools of state aid for local community corrections programs: enhancement grants, mental health grants, and probation centers grants. Enhancement and mental health grants are allocated among counties using three equally weighted factors—each county's share of (1) the state's general population, (2) the population at risk (males and females between the ages of fifteen and twenty-nine), and (3) reported crimes, both misdemeanors and felonies. In the first biennium

after the act was adopted, four probation centers were funded under the CCA. Because total probation center funding has not increased appreciably, no additional probation centers have been established under the CCA.

Until 1989, there was a payback from counties to the state to discourage class C felony commitments. When it was eliminated the payback was \$3,000 per class C felony commitment to the state prison system. A ceiling limited the amount of payback each county was required to make over a two-year period. When the payback was in effect, the legislature had approved redistribution of these funds among participating counties that submitted approved supplemental plans. If a county lost \$100,000 in paybacks, it could expect to gain \$100,000 if its supplemental plan was accepted.

There has been a great deal of dissatisfaction over the formula for distributing CCA funds. Currently, the DOC is moving toward a workload formula for field services.

For FY91-93, the legislature appropriated \$18,951,380 to counties for community corrections (field services, enhancement programs, mental health services, and probation centers).

Evaluation of the Act: Evaluations conducted from the late 1970s until 1983 suggested that the Community Corrections Act reduced the number of class C felony commitments compared to sentencing patterns that existed before the act. In a 1985 evaluation, research showed that class C felony commitments had been reduced by 1 to 3 percent per year since the CCA was passed. The evaluation failed to find significant differences in reductions among counties in the different options. Research conducted in 1986 by the Oregon Criminal Justice Council indicated that Option I counties sentenced a significantly lower percentage of Class C felons to prison than did Option II or III counties.

The researcher estimated that during the 1981-1983 bienium, reduction in prison commitments due to the CCA produced a total savings of 1,272 person/years. At the time, it cost about \$14,264 to confine one inmate for a year. As a result, Carrow estimated that the CCA saved the state \$18,143,800 in direct costs of confinement. During that time, it cost about \$14,136,000 to fund CCA (not including field services). When adjusted for probation revocations, Carrow concluded that the

CCA cost about as much as it saved in reduced imprisonment costs.

Pennsylvania County Intermediate Punishment Act

Purpose: Pennsylvania enacted a County Intermediate Punishment Act in December 1990. The purpose of the act is to provide intermediate punishments for jail-bound offenders. The target population is nonviolent offenders who otherwise would be sentenced to county correctional facilities.

Impetus/Leadership: In response to prison crowding, Pennsylvania adopted revised sentencing guidelines in 1991. The guidelines were intended to reduce prison populations by shifting certain offenders to local jails. As a result, jails will become more crowded and the legislature enacted the County Intermediate Punishment Act to provide intermediate sanctions for jail-bound offenders.

Organizational Structure: The Department of Corrections operates state institutions for offenders, generally those sentenced to two years or more. County jails house offenders with active sentences of less than two years (generally). The State Board of Probation and Parole supervises offenders paroled from state institutions. County probation departments supervise misdemeanants and felons and parolees from local jails.

Administration: The Pennsylvania Commission on Crime and Delinquency administers the County Intermediate Punishment Act. The Commission is an independent agency that reports to the governor. Commission staff are responsible for reviewing local intermediate punishment plans, approving applications for funds, and developing and monitoring minimum program standards. The legislature did not appropriate any new funds to administer the act, so the Commission has absorbed this responsibility.

Fundable Programs: No state funds were appropriated to support the County Intermediate Punishment Act. A portion of the state's federal criminal justice grant money—Drug Con-

trol and Systems Improvement—was set aside to fund programs under the act. Fundable programs include (1) noncustodial programs that involve close supervision, but not housing, of the offender such as intensive supervision, victim restitution or mediation, alcohol or drug outpatient treatment, house arrest and electronic monitoring, psychiatric counseling, and community service, (2) residential inpatient drug and alcohol programs, (3) individualized services that evaluate and treat offenders, including psychological and medical services, education, vocational training, drug and alcohol screening and counseling, individual and family counseling and transportation subsidies, (4) partial confinement programs such as work release, work camps, and halfway facilities, and (5) alternatives to pretrial detention.

Application Process: In order to apply for Intermediate Punishment Act funds, counties or groups of counties must form a local board, which must submit a county intermediate punishment program plan to the Commission. Commission staff are available to provide technical assistance in the development of the plan. The plan must describe the number of nonviolent commitments to the county correctional facilities, population and existing conditions at the county correctional institution, local service capabilities, and involvement of the judiciary, criminal justice and correctional officials, and local government officials.

To apply for funds, counties must submit concept papers to the Commission on Crime and Delinquency. The concept paper must outline the proposed program, describe how it will affect on the county's correctional system, and describe evaluation strategies. Staff review the concept papers and recommend funding based on documentation of need.

Funding Formula/State Appropriation: There is no funding formula for programs funded under the County Intermediate Punishment Act. Grants are awarded on the basis of documentation of program services.

No state funds were appropriated to implement the County Intermediate Punishment Act. Instead, a portion of federal criminal justice funds administered under the Drug Control and Systems Improvement Grant Program was designated to sup-

port this new initiative. For FY91, \$2.5 million was designated for these programs. Programs are eligible for a maximum of three years of funding and require matching funds: 25 percent local cash match the first year; 50 percent the second year; and 75 percent the third year. Construction and renovation projects are not fundable.

Tennessee Community Corrections Act

Purpose: In 1984, Tennessee passed a voluntary Community Corrections Act (CCA). The purpose of the act is to establish statewide community-based alternatives to incarceration for selected nonviolent offenders. The act provides resources between probation and prison so that more prison space is available for violent offenders.

Impetus/Leadership: The impetus for the Tennessee Community Corrections Act came from the legislature and the executive branch. In 1982, the State of Tennessee was placed under federal court order to reduce prison crowding. In 1985, the governor appointed a new commissioner of the Department of Correction and called a special session of the legislature to deal with prison issues. Recognizing the need for alternative constructive punishment, and to help reduce prison crowding, the Tennessee General Assembly passed the Community Corrections Act.

Organizational Structure: The Department of Correction is composed of the Adult Institutions Section, the Division of Community Services Section, and the Board of Paroles. Felons serve active sentences in the state prison system and misdemeanants serve active time in local jails. The Community Service Section oversees probation services, the Community Corrections Act, and standards for local jails. The state administers felony probation while the counties administer misdemeanor probation.

Administration: The Division of Community Services in the Department of Correction administers the Community Corrections Act. There are seven staff who manage the CCA grant program. They provide technical assistance to counties in the development of local community corrections plans. They review

applications and make recommendations to the commissioner of Correction. Staff develop program standards and monitor compliance and program performance. In FY91, the legislature authorized \$375,000 for administration of the CCA.

Fundable Programs: Counties or groups of counties may request CCA funds for alternatives to incarceration in jail or prison. These alternatives include noncustodial community corrections options that involve close supervision but do not involve housing the offender in a jail or workhouse. Programs include short-term community residential treatment options, residential in-house drug and alcohol treatment, and individualized evaluation and treatment services.

Only nonviolent prison- or jail-bound felony offenders are eligible for community corrections programs. State agency staff have developed two targeting instruments to assure that appropriate offenders are served in CCA programs. The Offender Profile Index (OPI) is a grid that predicts whether the offender is prison-bound based on current offense and prior criminal history. The Profile Index predicts the probability of incarceration based on comparisons with characteristics of prison inmates.

Application Process: To qualify for CCA funding, a county or group of counties within a single judicial district must establish a local Community Corrections Advisory Board. The board must submit a local community corrections plan to the Department of Correction. Recommendations for funding are based on documentation of (1) the number of nonviolent felony commitments to the Department of Correction, (2) population and existing conditions at the local jail, (3) rate of felony commitments per 1,000, (4) population of the judicial district and percent of population between the ages of eighteen and twenty-nine, (5) availability of local correctional services, (6) sufficient local service capacity to support the community corrections programs, and (7) demonstrated involvement and support from the judiciary, local criminal justice/correctional officials, and local government in the development of the community corrections plan. Staff rate applications using objective criteria and make recommendations to the commissioner of Correction.

Funding Formula/State Appropriations: There is no specific funding formula for individual CCA programs. Each approved program receives funds based on workload measures for the services they are rendering to offenders. In FY 90-91, the legislature authorized \$5 million for Community Corrections Act Programs.

Texas Community Corrections Subsidy Programs

Purpose: In 1981, the State of Texas began subsidizing local community corrections programs by funding intensive supervision probation programs. In 1983, funds were authorized for restitution centers and court residential programs. Since then, an array of local community corrections programs have been added.

Impetus/Leadership: The impetus for subsidizing local community corrections programs in Texas was prison and jail crowding. The state has been under a federal lawsuit for a number of years, and the legislature authorized funds for community corrections programs in order to reduce commitments to state prisons and local jails.

Organizational Structure: The Texas Department of Criminal Justice has three divisions. The Institutional Division operates state institutions. The Pardons and Parole Division administers parole services for offenders released from the state prison system. The Community Justice Assistance Division established standards and provides funds for local community supervision and corrections departments. The 119 corrections departments are under the administration of the District Courts; probation officers are the employees of the courts. Local corrections departments are funded 50 percent by the state and 50 percent by counties.

Administration: Local community corrections subsidy programs are administered by the Community Justice Assistance Division of the Department of Criminal Justice. State staff provide technical assistance to counties to apply for subsidy funds, develop program standards, and audit standards compliance and program performance. In FY91, the legislature

authorized \$955,904 for administration of community corrections programs.

Fundable programs: State community corrections subsidies may be used for intermediate sanction programs including intensive supervision probation, electronic monitoring and house arrest, restitution programs, residential substance abuse facilities, court residential facilities, boot camps, community service programs, and day reporting centers. Funds are also provided statewide for pretrial release programs.

Application Process: In 1990, new requirements were added in order to receive subsidy funds for community corrections programs. Local corrections departments must form a local community justice council and must submit a community justice plan to the Community Justice Assistance Division. The plan must summarize existing services, describe new facilities or programs, describe the assessment process for placing offenders in the sanction, provide offender profiles of the target population, and outline an evaluation plan. There are separate pools of money for residential services, electronic monitoring, regular probation supervision, and a variety of intermediate sanction programs. Staff review applications and make funding recommendations based on funds available and the priority of the program in the jurisdiction's community justice plan. The Judicial Advisory Council, created in 1989, then reviews the applications and staff analysis before making its recommendations to the director of the Community Justice Assistance Division. The director presents recommendations to the Board of Criminal Justice for final approval.

Funding Formula/State Appropriations: Subsidies for probation supervision are allocated based on the number of officers supervising felony workloads. In 1990, the amount paid was \$43,200 per officer. State funding for supervising misdemeanants averaged 62 cents per offender per day. Funds for other community corrections programs are also allocated by a workload formula. In FY91, the legislature authorized \$62 million for probation supervision services, \$20 million for residential services, \$2 million for electronic monitoring, \$2.5 million for risk assessment, \$50 million for a variety of com-

munity corrections programs, and \$5 million for discretionary grants.

Virginia Community Diversion Incentive Act

Purpose: In 1980, Virginia passed a voluntary Community Diversion Incentive Act (CDIA). The purpose of the act is to develop, establish, and maintain community diversion programs from prison and jail for nonviolent offenders who require more than probation supervision but less than institutional custody. The act seeks to give communities greater flexibility and involvement in responding to crime problems.

Impetus/Leadership: The impetus for enacting the Community Diversion Incentive Act in 1980 was prison crowding. The legislature, responding to recommendations from the executive branch, decided to expand the use of community sanctions in order to divert offenders from state prisons. Because of concerns about the impact on jail crowding, the act was amended in 1982 to include diversion from local jails.

Organizational Structure: The Department of Corrections is composed of the Division of Adult Institutions, the Division of Adult Community Corrections, and the Division of Administration. The Division of Adult Institutions oversees the State prisons, which house sentenced felony offenders. The Division of Adult Community Corrections administers felony probation and parole services, the Community Diversion Incentive Act, and inspection of local jails for meeting minimum standards. Virginia is unique in that the state funds 90 percent of operating expenses for jails and reimburses counties for construction of local jails.

Administration: The Division of Adult Community Corrections administers the Community Diversion Incentive Act. Staff within the division administer both probation and parole services and the CDIA. There are four regional administrators and twelve area managers who oversee probation and parole services and CDIA programs. In FY91, the legislature authorized \$367,000 for administration of the CDIA.

Staff provide technical assistance to counties or private

providers who want to apply for CDIA funds. They review applications and make recommendations to the Secretary of the department. Staff provide oversight to the programs and monitor program performance.

Fundable Programs: The act authorizes CDIA funds to be spent for nonresidential and residential diversion programs and services. To date, all of the funds have been spent on intensive supervision programs. A variety of services are provided to offenders in these programs including, but not limited to, psychological testing and evaluation, counseling, basic education, vocational training, and residential placement. The only state-imposed service requirements are for case management, intensive supervision, and community service work. Offenders initially receive an active sentence; the CDIA program evaluates them for eligibility; they return to court, and the judge suspends the sentence if they voluntarily agree to intensive supervision. For offenders under intensive supervision, the CDIA Program may purchase other services including residential placement, counseling, and vocational training.

Application Process: In order to apply for CDIA funds, counties, cities, or groups of either must form local Community Corrections Resource Boards (CCRB). The CCRB applies for the grant funds and is responsible for operating, purchasing, or contracting for services approved in the application. Staff in the Division of Adult Community Corrections provide technical assistance in completing the grant application. Applications are reviewed competitively and are scored on (1) the experience and ability of staff to provide the programmatic services, (2) the adequacy of outlined programmatic services, (3) appropriateness and adequacy of policies and procedures, (4) financial condition of the agency as evidenced by an audit report, and (5) cost of providing the service. The applicant must specify the number of local misdemeanants, local felons, and state felons who will be diverted from jail and/or prison. The final funding decision is made by the director of the Department of Corrections.

Funding Formula/State Appropriations: Applicants request funds for core services and for offender services. The core service request can not exceed \$50,000. The offender ser-

vices budget is based on the number and type of offender who will be diverted from jail or prison: \$4,200 per state felon, \$700 per local felon, \$4,200 per parole-eligible misdemeanor, and \$300 for local misdemeanants. In FY91, the legislature authorized \$10 million for the Community Diversion Incentive Act programs.

Evaluation of the Act: In 1985, the Virginia Joint Legislative Audit and Review Commission (JLARC) conducted an evaluation of the Community Diversion Incentive Program. The findings indicated that the Program is beneficial to the state in that it reduces the number of inmates incarcerated in correctional institutions and saves the state money.

According to the evaluation, CDI programs appeared to target an appropriate population. This determination was based on three tests. The first revealed that most state felons, local felons, and misdemeanants receive sentences of incarceration prior to referral to CDI. The second indicated that the majority of offenders who are evaluated for CDI participation but rejected are subsequently incarcerated. The third indicated that a large number of state felon divertees statistically resemble the incarcerated population. The report noted that judicial discretion and varying sentencing practices and philosophies of judges make it difficult for the DOC to totally control the population in CDI and therefore the majority, but not all, of the clients in the program would have been incarcerated.

According to the findings, the CDI Program saved the state an estimated \$325,461 for FY84, though this may be a conservative estimate of the savings generated. To strengthen the cost-savings nature of the program, it was recommended that the director of the DOC undertake an intensive assessment of the CDI population in order to determine the types of offenders who should and should not be diverted.

The program had been operating a short period of time when the study was conducted, so recidivism and repeat offense rates of CDI divertees could not be comprehensively assessed. Of the offenders who had been successfully terminated from the program when the study was conducted, 3.9 percent had been convicted of a new offense. The report noted that the DOC needs to strengthen its recidivism tracking system in order to assess the impact of the program.

ACA Publications – A Practical Resource

● **Correctional Assessment, Casework, and Counseling** *Anthony Walsh, Ph.D.*

This text, written by a former practitioner, examines assessment and classification in community and institutional settings. Covers practical interviewing and counseling skills, including how to conduct productive interviews, adapt counseling theories to the special needs of community or institutional corrections, and how to supervise and help the alcoholic, drug addict, sex offender, schizophrenic, and mentally immature client.

● **Paroling Authorities: Recent History and Current Practice**

*Edward E. Rhine, William R. Smith, Ronald W. Jackson,
Peggy B. Burke, Roger Labelle*

The most comprehensive and current publication about parole in the United States. The work begins with a discussion of the history and changing philosophical context of parole. It addresses the complete spectrum of issues facing paroling authorities today including: jurisdiction, current political environment, discretionary parole release, post-release supervision, parole revocation, organizational variations of paroling authorities, prison crowding, and the future of parole.

● **Community-managed Corrections and Other Solutions to America's Prison Crisis**

Roger J. Lauen, Ph.D.

Correctional expenditures could soon be in direct competition with educational expenditures unless measures are taken to reduce the rate of incarceration. Lauen believes non-violent offenders should be placed in expanded community-based programs. He examines the social and political factors affecting crime and sentencing today. This complete text presents both practical and theoretical aspects of community-managed corrections. Lauen analyzes how we have arrived at the present predicament of massive crowding and presents a plan that will reduce incarceration and reduce correctional expenditures without increasing crime. Gain valuable information on alternatives such as early release, improving parole, deinstitutionalization of the mentally ill, new sentencing structures, and more from an author with seventeen years of practical experience.

● **The State of Corrections – Proceedings**

Stimulate discussion with this unique compilation of speeches and panel presentations addressing the most timely issues affecting corrections today. These proceedings, authored by correctional practitioners and noted leaders in their field, will provide you with varying perspectives on the latest developments in areas ranging from intermediate sanctions to the workforce crisis. Other topics include higher education within the institution, community service, drug treatment programs, treatment of the sex offender, and more. A top-notch resource for criminal justice students, practitioners, and libraries alike.

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About the Author

Mary K. Shilton, J.D., is assistant director at the National Association of Criminal Justice Planners in Washington, D.C., where she is responsible for conducting research on developments in criminal justice agencies and has participated in research and analysis of the National Judicial Reporting System's study of probation in 32 jurisdictions. In addition, as a member of the advisory board of the Alexandria Detention Center in Virginia, she has helped develop a volunteer female offender education program and has performed a variety of advisory functions on management issues for the jail. She received her juris doctor degree from the University of California's Hastings College of Law in 1974 and a master's degree in corrections, youth, and social policy from the University of Oregon in 1971.

APPENDIX

F

Section Four: Metropolitan Transition Services Center The Action Agenda Plan for Maryland State Prisons

Metropolitan Transition Services Center

Introduction

One of the most critical phases in the correctional process is an inmate's re-integration into the community. As discussed in Section III, the Case Management Process will assess an inmate's particular programming needs and identify a specific course of programs and services needed to make a successful transition from incarceration to independent living — a carefully planned, appropriate agenda of control and supervision, educational and vocational programming, and a multi-disciplinary group of support services. To take this process a step further, the DOC has developed the Metropolitan Transition Services Center (MTSC) to provide effective and necessary pre-release and educational services at the point most crucial to a successful re-integration. Because the pre-release needs of inmates are numerous and diverse, the Metropolitan Transition Services Center relies on a team approach which integrates not only the DOC but also the Division of Parole and Probation, the Parole Commission, MSDE and other external support services. The MTSC will also center on the Occupational Skills Training Center, which is planned to take full advantage of private sector involvement in skills training, job readiness and, ultimately, job placement.

As discussed in Section I, the MTSC will be located at the Maryland Penitentiary site, which is to be converted into a transition facility for inmates returning to Baltimore City and surrounding area. The facility's location in Baltimore is perfectly suited for the purposes and goals of the MTSC — it is within the home community of the majority of inmates committed to DOC institutions; it is close to major public and private educational and employment opportunities; and it provides valuable access to a full range of social services, health, substance abuse and mental health resources.

Background

Two important factors were considered in the MTSC's genesis. The first is the dramatic shift in inmate release patterns over the last few years. In 1981, for example, 51% of all releases from the DOC were paroles, only 13% were mandatory releases, and 36% were discharged by various other means (sentence reduction, commutations, deaths, et cetera). By contrast, in 1987, 56% of all discharges were mandatory releases, with only 32% paroled and 12% released by other means. In 1981, most inmates were released from the DOC's Pre-Release System. Today, most releases are from medium security institutions. Without a doubt, today's trend of releasing inmates from medium security directly to independent living, particularly without adequate preparation, is an illogical and counter-productive final step to the correctional process.

The second factor is the implementation of the new classification system. With this new, objective process, the DOC anticipates more inmates being placed in minimum security institutions and pre-release facilities. Previously, certain classifications of offenders have not been eligible for lesser security status. The new classification system allows any inmate who does not pose a threat to public safety access to minimum and pre-release security. Under such status, inmates are exposed to pre-release programming and services and, thus, increase their chances for a favorable parole hearing. Paroled offenders have longer periods of time under community supervision than do mandatory releases, additional time which is extremely beneficial for assuring that the offenders receive the control, support and guidance necessary to remain law-abiding.

Both of these factors (the shifting release patterns and the objective classification system) point to the necessity of the MTSC, where the DOC can improve its methods for assessing and

Action Agenda Plan for Maryland State Prisons Metropolitan Transition Services Center

addressing an inmate's individual risks and needs as well as expanding resources so services are delivered to the greatest number at the most appropriate time during incarceration.

Population Services and Inmate Admission Priority

The flow into the MTSC will consist of those inmates transferred from the DOC's maintaining institutions and new inmates from the Reception Diagnostic Classification Center (MRDCC). The MTSC's 828 cells will serve simultaneously 1,242 inmates, all of whom would be classified to minimum security status. With the expected turnover of program participants, at least 2,300 inmates will be served at the MTSC during a calendar year. The primary jurisdiction of referral will be those inmates sentenced by the criminal courts in Baltimore City (i.e., those inmates expected to return to the city); and, secondarily, those prisoners from Baltimore and Anne Arundel Counties.

Metropolitan Transition Services Center Offender Flow

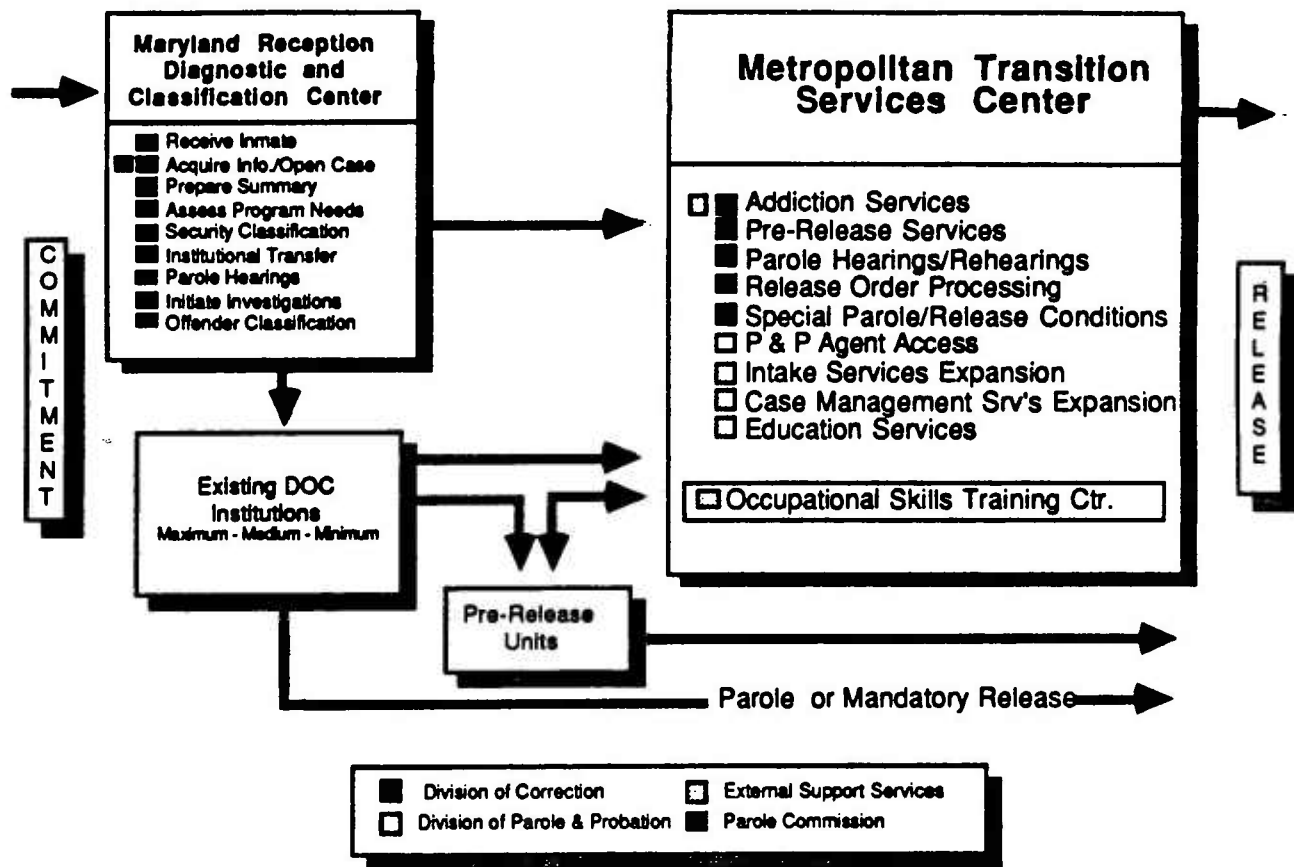


Figure 1.

Action Agenda Plan for Maryland State Prisons Metropolitan Transition Services Center

Because the number of eligible prisoners from the City is expected to fill the Center in its first months of operation, initial admission priorities have been established:

- Priority 1: inmates in "mandatory release" status with four months remaining on their sentence;
- Priority 2: short-sentenced inmates with 18 months or less to serve. These inmates must be in minimum security status and will be placed in the MTSC directly from MRDCC;
- Priority 3: medium security prisoners reclassified to minimum security and moved to the MTSC from the DOC's maintaining institutions.

At this time, the proportion of prisoners in each of the above categories cannot be anticipated. Before the implementation of the more objective classification system, approximately 95% of all inmates were classified upon commitment to medium security, with the remaining 5% distributed among the other classifications. This is, of course, expected to change; and, although it is too early to gauge the actual impact of the new system, initial data from the implementation in January 1988 through June 1988 show the following:

Initial Classification of DOC by Security Levels (January 1988 — June 1988)

Pre-release	5.8%
Minimum Security	26.2
Medium Security	65.0
Maximum Security	<u>30</u>
Total	100.0%

With the continued implementation of the objective classification system, the percentage of minimum security and pre-release status inmates is expected to increase, while the percentage of medium security inmates is expected to decrease.

It is expected that over time, and with the impact of the Case Management Process, the make-up of admission to the MTSC will shift. Eventually, residents of the MTSC may come from the following groups, which are listed in order of prevalence at the Center:

- Group 1: medium security inmates being reclassified to minimum security and moving to the MTSC from the DOC's maintaining institutions;
- Group 2: short-sentenced inmates with less than 18 months to serve. These prisoners must be in the minimum security status and will be placed in the MTSC directly from the MRDCC;
- Group 3: inmates in "mandatory release" status with four months remaining on their sentences.

The "mandatory release" inmates move to Group 3 as the Case Management Process yields more inmates who are programmed for admission to the MTSC as part of their overall program plan. In other words, the number of inmates in Group 3 drops after the initial thrust to reach these

Action Agenda Plan for Maryland State Prisons Metropolitan Transition Services Center

inmates at the start-up of the Center's operation. Of course, the make-up of the Center's population is speculative, and the Center's programming will be flexible enough to accommodate the population.

The new Pre-Release Unit for Women to be constructed in Baltimore City will include program space to accommodate the on-site activities of the transition services staff (both DOC and other agencies). The same program services will be provided to the women at PRUW as are provided the men at MTSC. The women in need of the services of the Occupational Skills Training Center will be transported there daily for classes.

Scheduling

An inmate's stay in the MTSC may range generally from four to eight months. There will, however, be those inmates who will be available only for shorter periods of time. As an example, the "mandatory release" status inmates will stay approximately four months and will participate in the transition services which meet their pre-release needs. There will be other inmates who will have less than twelve months available, and programs will be developed around their pre-release needs, as assessed and identified through the Case Management Process.

Programs

The program at the MTSC will emphasize an integration of services designed to meet the specific, identifiable needs of each resident. This multi-disciplinary approach to program planning will emphasize alcohol and drug abuse counseling and treatment, parole and probation supervision, social work services, educational programs, vocational training, job readiness services and job placement. Several State agencies (i.e., Division of Parole and Probation, Maryland Parole Commission, Department of Health and Mental Hygiene, Department of Human Resources, Department of Economic and Employment Development, Department of Education) will actively participate in the program planning and staffing of the MTSC.

Private Sector Task Force on Job Readiness. The DOC will develop a Private Sector Task Force on Job Readiness, comprised of representatives from local businesses, to solicit guidance on the basic requirements for job-ready employees. The Task Force would be advisory to the Job Readiness program and would provide feedback to the DOC on the effectiveness of the Skills Training program and job preparation efforts.

The Occupational Skills Training Center The centerpiece of the MTSC is the Occupational Skills Training Center (OSTC), a joint venture of the State Department of Education and Department of Public Safety and Correctional Services. Planned to take full advantage of private sector involvement in the skills training program, the OSTC will serve not only as a training facility but also as a source of referral for direct job placement of the program participants.

Conclusion

The Metropolitan Transition Services Center presents a number of new and exciting opportunities to deliver needed educational services and pre-release programming — all from a centralized location in the home community of the majority of inmates. The MTSC is an integrated, multi-disciplinary facility that combines the expertise and programming of several agencies with the potential of heavy private sector involvement in the skills training of inmates. The MTSC, along with providing more accessible and concentrated programming, is

Action Agenda Plan for Maryland State Prisons
Metropolitan Transition Services Center

expected to: 1) reduce the number of mandatory release offenders; 2) reduce the number of releases from medium security; 3) increase the total number of successful paroles.

APPENDIX

G

***Fiscal notes - HB625 - Pretrial Release Services - Fees
Prepared for House Judiciary Hearing, February 12, 1992***

FISCAL NOTES - HB625 - PRETRIAL RELEASE SERVICES - FEES
 Prepared for House Judiciary Hearing, February 12, 1992

<i>A</i> JURISDICTION	<i>B</i> # ASSIGNED 1991	<i>C</i> TOTAL FEES (B X \$35)	<i>D</i> % ABLE TO PAY	<i>E</i> PROJECTED # 1992	<i>F</i> PROJECTED \$'s (E x D x \$35)	<i>G</i> TOTAL \$'s (E X \$35)
ANNE ARUNDEL	1,588	\$ 55,580	25	2,250	\$19,688	\$ 78,750
BALTIMORE CITY	13,500	\$472,500	30	7,600	\$79,800	\$266,000
BALTIMORE	545	\$ 19,075	85	675	\$20,081	\$ 23,625
CECIL	n/a*	n/a*	75	350	\$ 9,188	\$ 12,250
DORCHESTER	54	\$ 1,890	50	90	\$ 1,575	\$ 3,150
MONTGOMERY	1,556	\$ 54,460	100	1,800	\$63,000	\$ 63,000
PRINCE GEORGE'S	1,864	\$ 65,240	90	1,200	\$37,800	\$ 42,000
ST. MARY'S	110	\$ 3,850	85	158	\$ 4,701	\$ 5,530
TALBOT	13	\$ 455	10	35	\$ 123	\$ 1,225
WICOMICO	45	\$ 1,575	35	60	\$ 735	\$ 2,100
TOTALS	1,945	\$674,625		14,218	\$236,691	\$497,630

* No 1991 Program
 Prepared by Governor's Office of Justice Administration