

Intermediate Sanction Options Help Alleviate Jail Overcrowding

Kevin Warwick

Nationwide, states and counties are wrestling with difficult issues in corrections. Our county jails are no exception. For more than two decades, jail inmate populations have skyrocketed. Increased drug and alcohol abuse, improved police detection and apprehension techniques, the public's desire for greater accountability, mandatory sentences, and other judicial mandates all have contributed to this increase, which has resulted in severe crowding in many jurisdictions across the country. Because of this crowding, as well as tighter corrections budgets, inmates are being released directly to the community.

These newly released offenders generally have little or no supervision, and are not being treated for the problems that brought them to jail in the first place. At the same time, governments are struggling to balance their budgets, forcing many hard cuts and a virtual halt on new jail construction. As a result, jail crowding is a real and continuous issue. Many jails risk judicial intervention and lawsuits, further complicating an already complex situation.

To address this dilemma, many jails have been forced to house inmates in neighboring counties, incurring excessive housing, transportation, and officer-related costs. Even more drastic measures are becoming more common. Jails are refusing to book arrestees and courts are mandating early release for inmates who have not completed their full sentence. All these methods come with potential risk and liability. The risk is created if the taxpayers perceive that the jail is no longer protecting the public from dangerous criminal offenders. The liability is created if a released offender commits new crimes, creating new victims in the community.

Corrections officials are asking themselves the following:

- How do I safely manage a growing inmate population in a time of shrinking budgets?
- How do I provide truly safe and effective alternatives to incarceration for jail inmates released to their communities?

- How do I impact consistent recidivism rates as high as 60 to 70 percent that drive the overcrowding problem?
- How do I solve these problems for today and tomorrow?

Intermediate Sanctions: Quick Fix or Real Solutions?

Experience has shown that all offenders do not need 24-hour-per-day detention to safely protect the community. Many local agencies are looking to intermediate or alternative sanctions programs as an answer to costly and sometimes unnecessary incarceration. These programs include day reporting centers, intensive supervision programs, and re-entry programs. When matched to an offender's risk profile, these programs may offer a way to safely return offenders to the community.

As their names imply, these programs provide for more intensive supervision of offenders than simple release into the community. Alternative sanctions programs provide frequent monitoring and intensive treatment services to pretrial releasees, sentenced misdemeanants, and probation violators. The monitoring and frequent contact these programs provide appear critical to their success. These programs may employ several interventions including, but not limited to, life skills groups, drug and alcohol testing, victim impact panels, and community supervision.

An element of these programs that is attractive to local officials and taxpayers is their cost-effectiveness. For a program to be cost-effective, it must target a population that would be jail-bound if not for the program, without compromising public safety. This requires that a program provide effective levels of supervision along with the appropriate treatment programming to assist the offender in living a crime-free lifestyle. The program must also provide *objective proof* that public safety is not compromised, and quick response when public safety appears to be compromised. Offenders that successfully complete these programs have been shown to have lower recidivism rates than offenders who have not, indicating

that successful programs can actually improve public safety in the long term.

Assessment and Program Eligibility Criteria

To provide for successful supervision and intervention, an alternative sanctions program must first provide an assessment that evaluates the offender's supervision needs, treatment needs, and his potential threat to public safety. The most widely used assessment instrument is the LSI-R (Level of Service Inventory-Revised), an objective tool developed over ten years ago by two Canadian experts to help predict parole and probation outcomes. The LSI-R provides a comprehensive assessment of offenders, and is used both as an initial evaluation tool and to measure improvement as offenders move through a program.

The agency must combine this with clear eligibility criteria for entrance into the program. To do so, the following questions must be answered:

- Does the offender present significant risk to the community? (nature of prior convictions, number of arrests, etc.)
- What level of supervision does the offender warrant?
- Does the offender have a reasonable chance of completing the program successfully?
- What types of treatment does this offender need to re-enter the community?
- What type of community supervision is needed to effectively manage this offender?
- Does the program have the capability of providing these services?

Agencies often look for quick fix or low-cost solutions to their problems rather than ask these more difficult questions. These questions need to be answered through a well-designed criminal justice plan, which reviews present system practices and evaluates the need for jail beds and community supervision programs. This process can provide a clear pathway to assess and improve the present use of resources.

Accountable Treatment Programming

One of the primary goals of any alternative sanctions program is to help offenders change their decision-making abilities, which in turn helps them avoid committing future crimes. This is achieved through close supervision and accountable treatment programming. Accountable treatment programming is specifically

designed for criminal offenders who are in denial of their need for assistance. This treatment, unlike traditional forms of behavior change models, demands that offenders demonstrate progress toward specific goals while participating in the program. Participants must also demonstrate they are actively using the new pro-social skills they are developing.

Any offender treatment programming must address the complex needs of the offender returning to the community. Such programs must be designed to break the entrenched criminal thinking patterns that most offenders possess. Offenders are generally lacking in education, job skills, and the ability to make sound decisions. Offenders may also have substance abuse, mental health, and anger management problems that need to be confronted. To be effective, programs must develop either on site services or a referral process with the existing community resources. The following types of programs should be included:

- Anger management
- Criminal thinking groups
- Cognitive restructuring
- Substance abuse treatment
- Mental health counseling
- Life skills training
- Basic education classes
- Vocational training/job placement services
- Gender specific programming

While many offenders need these types of services, they do not receive them when they are released directly into the community. Even offenders released into a community corrections program may only be offered minimal treatment services. Effective programs generally begin by offering more intensive services and supervision levels, which are reduced as the offender reaches certain milestones. In many programs, once the offender has completed the first phase of treatment he begins to work while attending evening classes through the program.

The supervision of offenders needs to be comprehensive and consistent to be effective. An effective supervision/monitoring component may include daily schedules and check-ins, drug and alcohol testing, community checks, and electronic/curfew monitoring.

Implementing a Program

The implementation process is critical to a successful program model. Whenever possible, a new program must

utilize the experience of those who have previously implemented these types of programs. Key steps to implementation include:

- Beginning with a specific target population in mind
- Keeping key stakeholders in the community informed as to the progress
- Ongoing review of other programs' successes and failures
- Involving the media for community support

By involving the media, the agency involves the community. For almost 20 years, I was involved in a program in Massachusetts that was the subject of over 100 positive articles. This not only helped alleviate community concern, but also continued to justify the program's existence. An informed public will better understand that effective community-based programs are a real deterrent to crime, and are actually 'tougher on crime' than releasing an offender straight into the community with no supervision.

Day Reporting Center

Often, an alternative sanctions program will fall under the description of a day reporting center. Key elements of a day reporting center are:

- **Clear eligibility criteria**---Programs must have clear definitions as to eligibility. This information should be disseminated to all key stakeholders.
- **A strong treatment component**---Day reporting centers typically offer substance abuse treatment, anger management, and cognitive restructuring classes.
- **Clear rules**---Offenders should be made aware of the expectations and the possible consequences for noncompliance prior to starting the program. The offenders should also be aware of the rewards for progressing through the program as expected. Contracts at the onset of a program are essential.
- **Accountability**---Offenders are held strictly accountable for their actions; there are immediate sanctions for prohibited behavior.
- **Job development/Life skills**---Day reporting centers offer opportunities for offenders to obtain gainful employment and achieve a high school diploma.

- **Regular check-in times**---Offenders are required to check into the center at regularly scheduled intervals.
- **Drug testing**---Random or scheduled drug and alcohol testing is a key element of these programs.
- **Community supervision**---Offenders must be held accountable while in the community. Staff members can do spot checks (in person or electronically) at places such as the home, work site, and community meetings such as AA and NA.
- **Daily itinerary sheets**---Itineraries outline all activities for each program participant.
- **Electronic monitoring/curfew monitoring**---This is to ensure that offenders are not out in the community late at night. Curfews reduce the potential for program violation and/or committing new offenses.
- **Collaboration**---A successful day reporting center must work in close collaboration with key stakeholders within the criminal justice system – parole, judiciary, probation, sheriffs' departments, and community service providers.

Alternative sanctions programs such as day reporting centers can benefit a local or state system by providing safe and effective treatment and supervision of offenders who would normally be incarcerated. Many programs that have been developed in the past have either failed to target an appropriate population or have not developed program models with a balanced treatment and supervision regimen for offenders. A properly designed program can serve to reduce recidivism rates and improve public safety in the long term.

Alternative Sanction Programs During a Budget Crunch

Many jurisdictions are dealing with significant cuts in their corrections' budgets. With these reductions in mind, present classification systems should be reviewed to determine if inmates could transition from facilities into an alternative program. By allowing offenders to serve all or part of their sentence in the community, jurisdictions can continue to safely supervise offenders while reducing costly institutional beds. In some instances, offenders pay for a portion of the treatment, which further reduces agency costs.

Alternative sanctions programs offer help during a time when budgets are shrinking and more inmates, having served longer periods of time, are being returned to

communities across the country. In communities where these programs have been implemented, they have proven to be safe and cost-effective alternatives to improving public safety while better managing corrections budgets.

BIO

Kevin Warwick worked for 20 years as the Assistant Superintendent of Community Corrections for the Hampden County Sheriff's Department in Massachusetts, where he designed and developed community corrections programs including reentry programs, a day reporting center, halfway houses, substance abuse programs, and an offender classification system. Today, Kevin provides technical assistance to state and local jurisdictions for the National Institute of Corrections (NIC), and is helping to develop reentry programs for BI Incorporated, a leading provider of supervision technologies as well as reentry and community corrections programs. Kevin can be reached at (413) 626-7597 or (303) 884-9138.

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