

CORRECTIONS IN THE COMMUNITY

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Dedication

This book is dedicated to the Latessa children:
Amy, Jennifer, Michael, and Allison.

Dad and Uncle Harry

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Writing a book requires a great deal of help and support. We realize that it is a cliché to say that it could not have been possible without the following people, but truer words were never spoken.

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EJL & HEA

Preface

Writing a book on a topic as broad and dynamic as community corrections is a very difficult task. The field is changing rapidly and, as a result, information and data are quickly outdated. We believe that we have pulled together some of the most recent and salient information available, however, we accept responsibility for any errors or shortcomings. There are several caveats we would like to make concerning this book.

First, as you will undoubtedly note, definitions of terms are often repeated in different chapters. This was done intentionally to aid students by reemphasizing important information.

Second, there are a great many charts and tables with data. Memorizing the numbers is not important, they change daily. What is important are the trends over time. We want students to see patterns of what is happening in community corrections.

Third, you will also become aware of our bias. We believe that we incarcerate too many of our citizens—that this is not good social policy, and that they can be supervised in the community without seriously jeopardizing public safety. But, as our good friend Frank Cullen often says, “we are liberal, not stupid.” We recognize that some offenders—those who are violent and would likely cause serious harm to others—belong in prison. We do not believe however, that all or even a majority of the million or so incarcerated fit that description.

Finally, there are many who believe that the ills confronting probation and parole are terminal. We do not believe that to be the case. While there is little doubt that the tasks confronting these correctional sanctions are daunting, we believe that the future of community corrections is bright and filled with promise.

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The Criminal Justice System

It is hard to identify the benefits inmates gain from prison, but the harm done there is readily seen. If you want to increase the crime problem, incite men to greater evil, and intensify criminal inclinations and proclivities, then lock violators up in prison for long periods, reduce their outside contacts, stigmatize them and block their lawful employment when released, all the while setting them at tutelage under the direction of more skilled and predatory criminals. I know of no better way to gain your ends than these.

—Harry Allen

Crime is everywhere, in all nations great and small and, in this nation, crime is a violation of criminal statutes passed by elected representatives. The statutes are enforced by a variety of social control agencies specifically designed to fulfill some desired social function. These agencies include law enforcement, prosecution, court, and post-adjudication components that include, among other major units, the probation and parole systems. These varied agencies and actions, along with their philosophical bases and objectives, are usually called the “criminal justice system.”

No one imposed this unique blend of agencies on the nation. We invented them ourselves and, if there is something amiss with an agency or mission, it can be changed. One fact about the American criminal justice system is that it is rapidly evolving and changing as a result of the volume of crime, emerging national priorities, available funding, and changing political ideologies. Behaviors thought particularly heinous in one epoch may become regulated, if not accepted, behavior in another. The Great Experiment of Prohibition attempted to protect our national character and youth, increase productivity, lessen collateral problems or idleness and wastrel-like behavior, and improve the moral fiber of those using alcohol, but is no longer a national crusade. As a re-

sult, earlier twentieth century law enforcement efforts lapsed into a phase of tax-collection, and controlled-substance, concerned only in large part with keeping alcohol out of the hands of youthful consumers. So it is with the current War on Drugs.

One component of the criminal justice system is corrections, earlier defined as “post-adjudication processing of convicted criminal offenders.” This definition, if it were ever adequate, probably best fits the correctional scene of the early twentieth century, when the major sentencing options available to sentencing courts were committing the offender to prison or granting probation. In fact, the study of post-adjudication processing of criminal law offenders was, until about 1969, commonly referred to as “penology.”

The field of corrections, like most of the justice system, has undergone rapid change in the last three decades. Programs have been developed to allow prosecutors to suspend prosecution of alleged malefactors provided they became and remained actively involved in seeking personal development and rehabilitation under the “deferred prosecution” program. Pretrial detention of accused law violators is now rare, due to the development of personal recognizance programs that re-

duced the importance of the bondsman in the pretrial portion of the system. In addition, the tools of technology have grown greatly in the last two decades, expanding probation supervision into conventional probation, intensive supervised probation, house arrest (with or without electronic monitoring), community service, and restitution programs. There are even probation variations that combine serving a sentence in jail before probation begins, and several probation programs that require a period of imprisonment prior to return to the community under probation supervision! These latter programs, incidentally, are part of the “intermediate sanctions” that have emerged in the last 20 years: offender control programs that fall somewhere between probation and imprisonment.

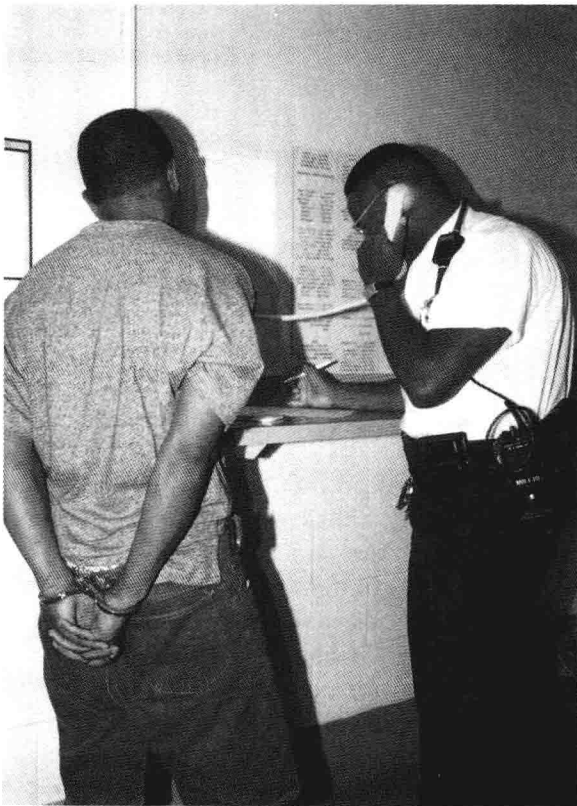


Photo 1.1
Booking in local jail. Photograph by Beth Sanders.

What has corrections become? How can we best define it at the present time? For us, corrections is the social control agency that provides societal protection by providing incarceration and community supervision and rehabilitation services to persons accused or convicted of criminal law violating behavior. This definition includes pretrial diversion programs as well as the more traditional probation and parole services. It also embraces intermediate sanctions as well as alternative early-release programs for inmates in prisons across the nation. In sum, corrections is social control of persons whose behavior has brought them to the attention of the justice system. The missions, objectives, procedures, and even principles of corrections have undergone such rapid change recently that we are forced to expand the traditional definition of corrections to include the most recent developments. In another two decades, our current definition may be thought as outdated as the earlier one. We hope to suggest the emerging dimensions as your reading progresses.

Corrections in the Community

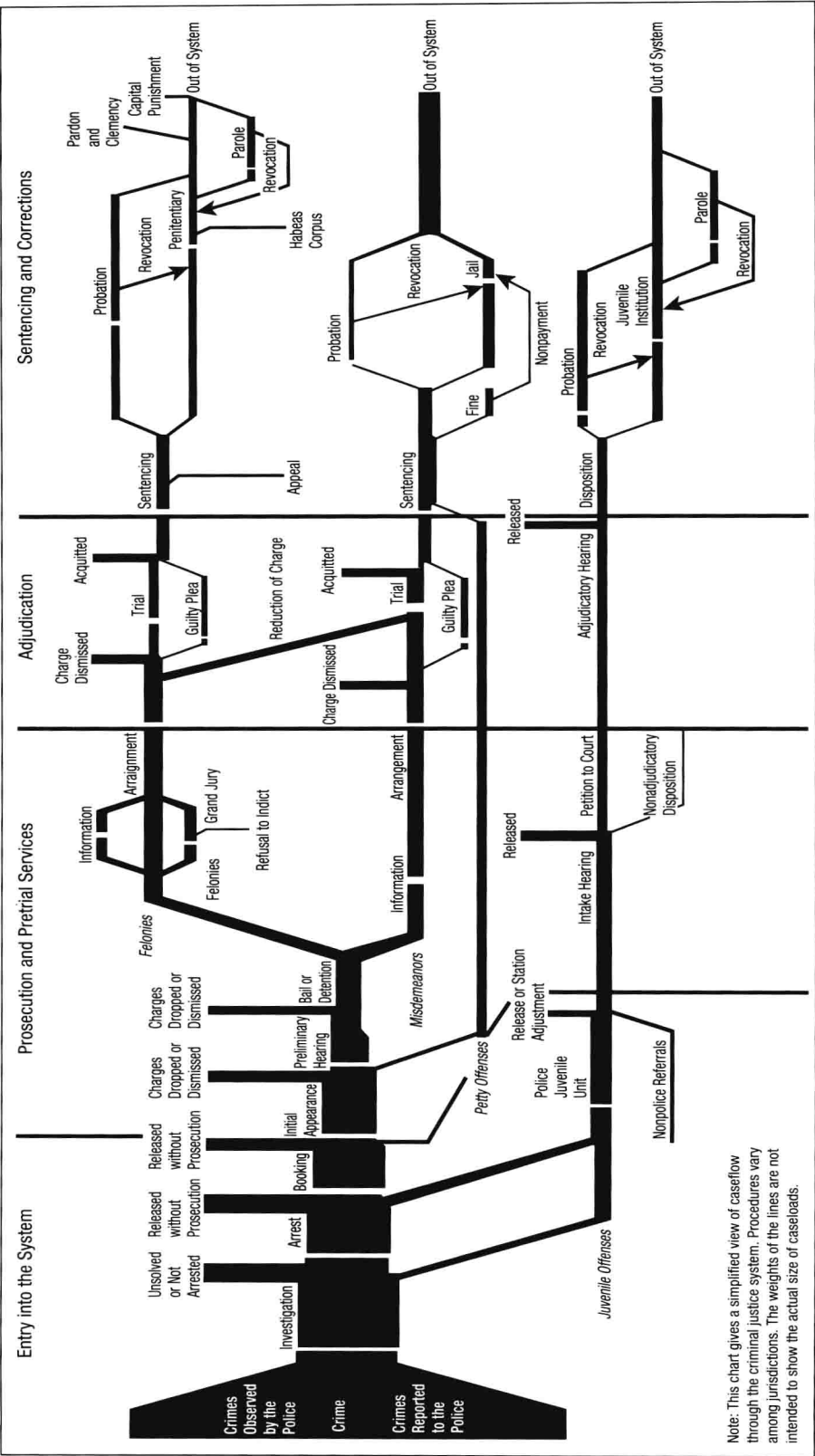
This textbook describes and explains corrections in the community, or “community corrections.” This term refers to numerous and diverse types of supervision, treatment, reintegration, control, and supportive programs for criminal law violators. Community corrections programs, as will be seen later, are designed for offenders at many levels of the juvenile and criminal justice systems. First, community corrections programs are found in the pre-adjudication level of the justice systems, and include diversion and pretrial release programs, as well as treatment programs provided by private sector agencies, particularly for juveniles (Latessa & Travis, 1991; Farrington, 1994; Tolan & Guerra, 1994).

As correctional clients move further into the justice system, community corrections programs have been developed and designed to minimize their further processing and penetration into the justice system. These pre-imprisonment programs include restitution, community services, active probation, intensive supervised probation, house arrest, and residential community facilities, such as halfway houses. (All these programs are described in detail in later chapters.) One assumption underlying the effort to minimize offender penetration into the justice system is that incarceration is less effective in reintegrating offenders and is unnecessarily expensive for the good attained. Another assumption is that community corrections is more humane, although there is some contemporary debate over whether corrections ought to be humane rather than harsh. Community corrections is no less effective in reducing recidivism than is the prison.

Community corrections continues after incarceration, (and in some cases is combined with incarceration)¹ and among the many programs found at this level are split sentences (jail followed by probation), shock

Figure 1.1

What is the Sequence of Events in the Criminal Justice System?



Source: Adapted from *The Challenge of Crime in a Free Society*. President's Commission on Law Enforcement and Administration of Justice, 1967.