



The NIC Information Center

**Current Issues in U.S. Corrections:
A Briefing Paper
for Congressman Fauntroy**

-Draft-

April 4, 1990

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under Contract 89KO6-DP-5 with the
U.S. Department of Justice,
National Institute of Corrections**

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Current Issues in U.S. Corrections

Note: Following this discussion is an appendix listing resources that may be requested from the NIC Information Center. Also attached are two full documents: *Status Report: The Courts and Prisons*, The National Prison Project, 1990, and *Overview of Substance Abuse Treatment Programs in Correctional Settings*, L.I.S.I., 1989.

Introduction

Corrections has recently become and will continue to be a major growth industry. Current and future theories reflect a blend of high-tech wizardry with notions of past philosophies regarding punishment and retribution.

Recent trends indicate that:

- Intermediate sanctions will continue to be used extensively as a means of social control.
- More prisons will be built as a response to crowding.
- Administrative policymakers will continue to develop more effective strategies for managing offender populations.
- New technological developments will continue to improve security and protect staff, inmates, and the public.
- Agencies will increasingly work to identify, manage, and treat special populations.
- Managers and administrators will become more effective and professional through increased training. There is a greater emphasis on agency standards and accreditation.
- The question of sentencing will continue to be examined as legislative bodies begin to understand the costs of corrections.

Resources will not necessarily keep pace with growth, which will force administrators to be more creative in programming and management. Despite these efforts, parole and probation caseloads will continue to be higher than is practical, and prisons will continue to be overcrowded. According to the National Prison Project, "[f]orty-one states (plus D.C., Puerto Rico, and the Virgin Islands) are under court order or consent decree to limit population and/or improve conditions in either the entire state system or major facilities. (Thirty-three states are under court order or consent decree for overcrowding and conditions while eight states are under court order or consent decree for

conditions only.) Only five states have never been involved in some type of litigation challenging overcrowding and/or conditions in their prisons." (*Status Report: The Courts and Prisons*, The National Prison Project, Washington, D.C., January, 1990.)

A second study indicates, "Not all prisons are overcrowded, but all overcrowded prisons are certainly crowded. The concept of overcrowding implies that the institution has not only exceeded its capacity (however that may be defined), but also has exceeded its crowdedness. Prison officials, researchers, the courts and others have defined overcrowding using a variety of criteria. Indicators of overcrowding have included:

- an excess of prisoners over the designed, rated or operating capacity of the prison;
- more prisoners confined in cells than they were originally designed to hold (double-celling, for example);
- prisoners confined in cells that have less than a prescribed number of square feet;
- long periods of time during which prisoners are restricted to cells that have less than a prescribed square footage;
- failure to meet professionally adopted or legislatively mandated space standards; or
- a combination of any of the aforementioned."

(*Management of Crowded Prisons*, Washington, D.C.: U.S. Department of Corrections, National Institute of Corrections, p. 7.)

Responses to the crisis of crowding include those trends listed previously, as well as the following:

- Legislatively mandated caps on prison populations.
- Court intervention ordering release of prisoners.
- Emergency release procedures based on population projections.
- Deferred adjudication and release-on-recognizance programs.
- Structured sentencing.

The following outline delineates some of the current issues in corrections. It does not capture all of recent corrections thinking, but does indicate some of the major directions practitioners and policymakers are taking.

I. Pre-Sentencing Issues

Mechanisms for reducing jail and prison crowding are grouped into two categories: "front door" options (prior to incarceration) and "back door" options (after incarceration). Pre-sentencing options are front door options that serve to keep the offender out of jail while he or she is awaiting adjudication. The most common form of pre-trial diversion is a release-on-recognizance (ROR) program. An ROR program can be helpful in reducing jail crowding if a significant proportion of pre-trial detainees cannot afford to post bail. Another common pre-sentence option is deferred adjudication for drunk drivers. In some locations, drunk drivers are diverted from jail to drunk driver treatment centers. After the offender successfully completes such a program and following a period of no additional arrests, charges can be dropped, thereby "unclogging" the system.

II. Structured Sentencing

Prison crowding, court orders, and public pressures have forced many states to rethink sentencing policy. Structured sentencing is a comprehensive approach to sentencing policy. The aim of structured sentencing is "to coordinate the durational and dispositional decisions of all actors in the criminal justice system, to fix sentencing clearly and uniformly, and to coordinate sentencing decisions with the full range of correctional resources. One of the most promising strategies to establish and implement statewide sentencing policy is to have a sentencing commission." (*A Legislator's Blueprint to Achieving Structured Sentencing*, National Conference of State Legislatures, 1989.) Structured sentencing often takes the form of guidelines and commissions. The aim behind sentencing commissions and sentencing guidelines is to make sentencing decisions more predictable, thereby managing and coordinating correctional resources more effectively.

III. Classification

The development of objective classification systems for community corrections, jails, and prisons has been a significant innovation in corrections over the last 10 years. The concept of

differentiating between various types of offenders and treating them differently based on both need and risk is important for corrections. It allows resources to go where they will do the most good. Classification allows the creation of special management caseloads and staff who can more effectively supervise and refer offenders to treatment, both in prisons and jails and in the community.

IV. Intermediate Sanctions

"Intermediate sanctions" is a new term generally used to refer to punishments more restrictive than probation or parole, but not as restrictive as incarceration. Intermediate sanctions are a blending of the philosophies of both surveillance and treatment. Treatment aspects are usually provided through brokered community resources.

A. Electronic Monitoring/House Arrest

Offenders under this type of sanction are confined to their homes except for necessary activities. They are generally allowed a certain amount of activity such as work, school, or religious services and are usually required to pay restitution, perform community service, and participate in counseling. Electronic monitoring programs are based on equipment provides an electronic check on offenders' whereabouts, while programs without electronic monitoring use staff to verify offenders' whereabouts.

B. Intensive Supervision Probation or Parole (ISP)

ISP differs from regular probation in that supervision surveillance and program support for offenders are greatly increased. Caseloads for supervising officers are smaller than regular caseloads.

C. Specialized Caseloads in Probation and Parole

Objective classification systems have allowed agencies to develop the capacity to effectively differentiate between the supervision needs of offenders they supervise. Specialized caseloads are a response to that differentiation. They allow a supervising probation or parole officer the opportunity to develop the specialized skills and experience needed to deal with the needs of unique offenders (e.g. sex offenders, the mentally retarded or mentally ill, and substance abusers).

D. Boot Camps/Shock Incarceration

"Shock incarceration, which first was implemented in 1983, has emerged as a new and popular correctional program. SI involves a short period of confinement, typically three

to six months, during which young offenders convicted of less serious, non-violent crimes, who have not been imprisoned before, are exposed to a demanding regimen of strict discipline, military-style drill and ceremony, physical exercise and physical labor. Some, but not all, SI programs also offer vocational training, education, and rehabilitative services." (*Shock Incarceration: An Overview of Existing Programs*, U.S. Department of Justice, National Institute of Justice, 1989, p. xi.)

E. Day Reporting Centers

Day reporting centers are non-residential centers to which offenders report on a regular basis as a condition of release or supervision in order to account for their whereabouts and to participate in programs, services, and activities. Staff provide or broker services that enhance the supervision conditions.

F. Economic Sanctions

For many offenders, economic sanctions can prove to be exceedingly effective. Varying forms of economic sanctions exist throughout the United States. These range from day fines, which are leveled in proportion to both offense and income, to restitution payments, which are made to a crime victims restitution fund.

G. Community Service

"A community service program places convicted offenders in unpaid positions with nonprofit or tax-supported agencies to perform a specified number of hours of work or service within a given time limit as a sentencing option or condition. The community service program is responsible for making appropriate placements, verifying offenders' progress toward or completion of required hours of service, issuing reminders or warnings and arranging for placement changes or other modifications, and submitting reports to the referring courts. The offenders required to participate in these programs have received a sentence called either a community service sentence or a community service order." (*Community Service by Offenders*, National Institute of Corrections, 1979.)

H. Residential Community Corrections

Under residential community corrections, offenders stay at a residential facility in the community where employment continues (or begins). Offenders make restitution payments and receive treatment. Surveillance is a significant part of community residential corrections and may include urine testing for substance abuse.

I. Victim-Offender Reconciliation Programs

The victim-offender reconciliation program (VORP) is a specialized form of conflict resolution. In a number of communities, dispute resolution programs exist which attempt to resolve civil conflicts. VORPs focus specifically on victim-offender conflict and include face-to-face encounters between victims and offenders. A trained facilitator serves as a neutral third party to regulate and facilitate a settlement or resolution that satisfies the need for restitution and reconciliation.

V. Jail

Changes in sentencing laws in the last ten years have not only increased jail populations but also have greatly increased length of jail stays for some types of offenses. These changes have led to an increase in the need for jail programming. Jail inmate programs may include education, religion, recreation, medical care, access to a law library, job training, commissary, and substance abuse treatment.

Significant in jail development in the last few years have been the standards and accreditation process and the concept of professional jail managers. Factors contributing to professionalization of the field include better MIS (management information systems) capabilities and development of jails as multiple-role facilities. Trends relating to this professionalization include objective classification and the "new generation," direct-supervision concept of inmate management.

A. Objective Classification

Historically, jails have used "subjective" models of offender classification. Such models tend to rely on informal criteria, leading to inconsistency and error in staff decisionmaking. Recent trends in litigation and overcrowding have led to the development of "objective" jail classification systems. Objective systems tend to rely heavily on a narrow set of well-defined legal and personal offender characteristics. These items are weighted using a well-structured instrument. Results are then used to assess an inmate's level of custody risk and/or program needs. (*Jail Classification System Development*, National Council on Crime and Delinquency and Correctional Services Group, 1989).

B. "New Generation"/Direct Supervision Jails

Direct supervision jails require continuous, direct personal interaction between correctional officers and inmates and puts them together face-to-face in the living unit. The operation and physical environment of direct supervision facilities are designed to

express the expectation of acceptable behavior by the inmates. Direct supervision jails have been found to reduce jail construction costs.

VI. Prison

Prisons seem to be caught up in the contrast between society's desire to "do something" with offenders while they're in prison and the lack of available resources to provide programming. There has been significant development in the area of management techniques and programming for special populations, such as substance abusers and sex offenders. However, the quantity of programming is almost always inadequate. Additionally, some states have emergency release acts which require release of prisoners when the prison population reaches a certain capacity. This can make meaningful programming and release preparations difficult. Prisons are adapting to the overcrowding situation by relying on greater use of technology to help them manage inmate populations.

VII. Parole

Parole agencies are experiencing heavy pressure to release inmates because of constitutional limits to crowding. Agencies also experience pressure not to release inmates because of risk. Objective classification and case management have become important tools to parole. The intermediate sanctions used in probation ("front-door" options) are also used in parole ("back-door" options).

A dilemma arises when agencies use more intensive surveillance measures to supervise higher-risk parolees: the result is more parole revocations and an exacerbation of the overcrowding problem. Some states have developed intermediate sanction programs, including community residential programs, specifically for offenders whose parole has been revoked.

Special Issue: Substance Abuse

Attached is a study which highlights substance abuse treatment programs (*Overview of Substance Abuse Treatment Programs in Correctional Settings*, L.I.S.I., 1989). This report identifies corrections agencies' efforts to address the supervision and treatment of offenders with substance abuse problems.

There are also many more resources available from the NIC Information Center on this issue and many others. A selected list of suggested resources further discussing the issues outlined in this paper follows..

Facts About Substance Abuse and Corrections

Federal:

- 31 percent increase in number of prisoners convicted of drug related crimes in 1986-1988
- 5 percent increase from same period in non-drug offenders
- 44 percent of the federal prison population were drug offenders in 1988
- 77 percent of offenders convicted in 1986, of federal drug charges were sentenced to incarceration
- Average sentence length for drug offenders was 61 months an increase of 33 percent over average length in 1980

(Source: U.S. Bureau of Justice Statistics, October 1988)

State:

- In 1986, 35 percent of State prison inmates reported that they were under the influence of drugs at the time they committed their current offense, compared with 32 percent in the 1979 survey.
- Almost 80 percent of inmates had used drugs at some time in their lives; 52 percent had used a major drug.
- A large majority of inmates (81 percent) were not daily users of a major drug in the month before the offense for which they were sentenced to prison. About one-seventh (13 percent) of inmates seem to fit the pattern of drug addicts who committed crimes for gain.
- Of state prisoners who were sentenced for robbery, burglary, larceny, or a drug offense, half were daily drug users, and about 40 percent were under the influence of an illegal drug at the time they committed the crime. These proportions were higher than those reported by inmates convicted of other crimes.
- The greater an offender's use of major drugs, the more prior convictions the inmate reported: less than 13 percent of those who had never used a major drug had six or more prior prior convictions, compared to nearly 30 percent of daily users of major drugs.
- Users of major drugs were substantially more likely than non-users to report that they received income from illegal activities during the time they were last free (48 percent vs. 10 percent).

- Twenty-eight percent of inmates reported a past drug dependency. The drugs most frequently mentioned were heroin (14 percent), cocaine (10 percent), and marijuana or hashish (9 percent).
- In February 1989, 12 billion dollars was allocated for drug related incarceration to confine 400,000 criminal "drug dependent and compulsory users in serious need of treatment."

(Source: U.S. Bureau of Justice Statistics, July 1988)

Facts about Corrections in Washington, D.C.

- During the District's 1989 fiscal year, 56 percent of adult offenders were arrested for drug related offenses. Sixty-six (66) percent of youthful offenders ages 18-22 were charged with drug related offenses.
- Forty (40) percent of the current offender population have committed drug-related offenses.
- Ninety-one (91) percent of the offender population report that they have used drugs and alcohol in the past.
- The prison population as of January 25, 1990, was 9,563. The system has a rated capacity of 7,780 based on single-bunked cells. The current operating capacity is 9,240, due to double-bunking implemented as a response to crowding.
- The average length of stay in the D.C. prison system is 3.4 years.
- Drug testing of offenders takes place on a random basis. Figures for December follow:

Jail population— 6.1 percent positive

Prison population— 1.0 percent positive
(down from an earlier average of 3 percent)

Halfway house population— 8.6 percent positive

- The percentage of inmates who have had their parole revoked as a result of drug use is not captured by the Paroling Authority.

(Source: Chris Becker, Special Assistant to the Director,
Washington, D.C., Department of Corrections.)

Appendix: Resources

The following resources may be requested from the NIC Information Center, except where other sources are noted.

I. Pre-Sentencing Issues

Everything You Always Wanted to Know About Supervised Release. Washington, D.C.: Pretrial Services Resource Center, 1988.

The Drunk Driver and Jail, Vols. 1-4. Washington, D.C.: U.S. Department of Transportation, ACA, 1985.

"Pretrial Release: Concepts, Issues, and Strategies for Improvement." *Research in Corrections* Volume 1, Issue 3. Washington, D.C.: U.S. Department of Justice, National Institute of Corrections, 1988.

II. Sentencing

Expanding Options for Criminal Sentencing. Santa Monica, California: The RAND Corporation, 1987.

The Principles of Guidelines for Sentencing: Methodological and Philosophical Issues in their Development. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 1981.

Sentencing Guidelines: Structuring Judicial Discretion. Washington, D.C.: Law Enforcement Assistance Administration, 1978.

Sentencing Reform Impacts. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 1987.

III. Classification

Classification in Probation and Parole: A Model Systems Approach. Madison, Wisconsin: Wisconsin Department of Corrections, 1978.

Jail Classification System Development: Objective Jail Classification Systems Users Manual. Study to be published by National Institute of Corrections; draft, 1989.

The NIC Model Case Management and Classification Project: A Case Study in Dissemination. Tacoma Park, MD: Cosmos Corp, Center for Effective Public Policy, 1989.

IV. Intermediate Sanctions

Between Prison and Probation: Intermediate Punishments in a Rational Sentencing System. Fairlawn, New Jersey: Oxford University Press, 1990.

Community Service by Offenders. Washington, D.C.: U.S. Department of Justice, National Institute of Corrections, 1979.

Crime Victim Restitution: An Analysis of Approaches. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 1987.

Day Reporting Centers: A Briefing Paper. Boston, Massachusetts: Crime and Justice Foundation, 1987.

Economic Sanctions in Community Corrections. Washington, D.C.: U.S. Department of Justice, National Institute of Corrections, 1988.

"The Effectiveness of the New Intensive Supervision Programs." *Research in Corrections* Volume 2, Issue 2. Washington, D.C.: U.S. Department of Justice, National Institute of Corrections, 1989.

Electronic Monitoring and Correctional Policy: The Technology and its Application. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 1987.

"Electronic Monitoring in Intensive Probation and Parole Programs." *BJA Monograph.* Washington, D.C.: U.S. Department of Justice, Bureau of Justice Assistance, 1989.

IARCA Journal, Volume III, No. 1, March 1990. Special edition on day reporting centers. International Association of Residential and Community Alternatives.

Improving the Use and Administration of Criminal Fines. New York: Vera Institute of Justice, 1987.

Shock Incarceration: An Overview of Existing Programs. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 1989.

"Tailoring Criminal Fines to the Financial Means of the Offender." *Judicature* Vol. 72, no. 1, June-July 1988, pp. 38-45.

Washington County 1989-91 Community Corrections Option Plan. Hillsboro, Oregon: Washington County Division of Community Corrections, 1989.

Victim Meets Offender: An Evaluation of Victim-Offender Reconciliation Programs. Valparaiso, Indiana: PACT Institute of Justice, 1985.

Victim Offender Mediation: Conflict Resolution and Restitution. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 1985.

V. Jails

A Comparison of "Direct" and "Indirect" Supervision Correctional Facilities. Washington, D.C.: U.S. Department of Justice, National Institute of Corrections, 1989.

The Development of Jail Industries. Alexandria, Virginia: Institute for Economic and Policy Studies, Inc., 1985.

"Direct Supervision Jails: Interviews with Administrators." *Corrections Information Series.* Boulder, Colorado: U.S. Department of Justice, National Institute of Corrections Information Center, 1987.

Jail Classification System Development: Objective Jail Classification Systems Users Manual. Study to be published by National Institute of Corrections; draft, 1989.

VI. Prisons

Adult Female Offenders and Institutional Programs—A State of the Art Analysis. Washington, D.C.: U.S. Department of Justice, National Institute of Corrections, 1984.

"Coping with Overcrowded Prisons." Revealed Preference of the Criminal Justice System During a Period of Workload Shedding, Report No. 1. Cambridge, Massachusetts: Public Systems Evaluations, Inc., 1984.

Correctional Education: A State of the Art Analysis. Washington, D.C.: U.S. Department of Justice, National Institute of Corrections, 1987.

Disruptive Maximum Security Inmate Management Guide. Washington, D.C.: U.S. Department of Justice, National Institute of Corrections, 1988.

Impact of Technology on Adult Correctional Institutions. Cincinnati, Ohio: University of Cincinnati Department of Criminal Justice, 1988.

In-Prison Programs for Drug-Involved Offenders. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 1989.

Management of Crowded Prisons. Washington, D.C.: U.S. Department of Justice, National Institute of Corrections, 1989.

Managing Long-Term Inmates: A Guide for the Correctional Administrator. Washington, D.C.: U.S. Department of Justice, National Institute of Corrections, 1985.

A Practitioner's Guide to Treating the Incarcerated Male Sex Offender: Breaking the Cycle of Abuse. Washington, D.C.: U.S. Department of Justice, National Institute of Corrections, 1988.

Prison Classification: A Model Systems Approach. Washington, D.C.: U.S. Department of Justice, National Institute of Corrections, 1982.

Source Book on the Mentally Disordered Prisoner. Washington, D.C.: U.S. Department of Justice, National Institute of Corrections, 1985.

"Unit Management." Corrections Information Series. Boulder, Colorado: U.S. Department of Justice, National Institute of Corrections Information Center, 1983.

Using Early Release to Relieve Overcrowding: A Dilemma in Public Policy. San Francisco, California: National Council on Crime and Delinquency, 1986.

VII. Parole

Current Issues in Parole Decisionmaking. Washington, D.C.: U.S. Department of Justice, National Institute of Corrections, 1988.

Structuring Parole Decisionmaking: Lessons from Technical Assistance in Nine States. Washington, D.C.: U.S. Department of Justice, National Institute of Corrections, 1987.

Additional Resources

"The Future of Corrections." *The Prison Journal* Vol. LXVII, No. 2, Fall-Winter 1987. Special issue. Published by the Pennsylvania Prison Society, Philadelphia, Pennsylvania.

"A Legislator's Blueprint to Achieving Structured Sentencing." *Criminal Justice Paper No. 6.* Denver, Colorado: National Conference of State Legislatures, 1989. [Copyrighted document; must be obtained directly from publisher.]

National Narcotics Intervention Project Strategy Briefs. Lexington, Kentucky: Council of State Governments, 1988.

Overview of Substance Abuse Treatment Programs in Correctional Settings, Boulder, Colorado: L.I.S.I., 1989.

"State Legislatures and Corrections Policies: An Overview." *Criminal Justice Paper No. 2.* Denver, Colorado: National Conference of State Legislatures, 1989. [Copyrighted document; must be obtained directly from publisher.]

Treatment Alternatives to Street Crime: TASC Programs. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Assistance, 1988.