**CHAPTER 9: INTERMEDIATE SANCTIONS AND COMMUNITY CORRECTIONS**

## LECTURE OUTLINE:

## The Case for Intermediate Sanctions.

## Unnecessary Imprisonment.

### Most sanctions imposed in the United States and in other Western democracies do not involve imprisonment.

### Probation is the most common sanction in the U.S.

### Prison as punishment is not very effective, yet it continues to dominate our thinking on punishment.

## Limitations of Probation: There is good reason to believe that probation is ineffective with serious offenders.

### Probation officer caseloads are too large for meaningful supervision.

### Because probation officers handle 100+ offenders at once, the average probationer gets maybe 15 minutes of contact a week.

### Such limited time may be insufficient to help the probationer achieve a lifestyle change.

### Intermediate sanctions can improve traditional probation supervision in two ways.

#### It can intensify supervision.

#### It can provide specialized programs better suited to an offender’s needs.

## Improvements in Justice: Judges complain that their sentencing choices are limited.

### The array of possible sanctions between these traditional probation or prison permits a judge to better match the sentence to the crime, especially when prison seems too harsh.

### Intermediate sanctions allows judges to tailor the punishment to the offender’s situation.

# The Continuum-of-Sanctions Concept.

## This concept incorporates a range of correctional management strategies that vary in intrusiveness and control (see Figure 9.2).

### For example, under the Delaware model, offenders are graded on the seriousness of the current offense and the perceived risk of a new offense.

## Advantages of this concept:

### Increased flexibility in the corrections system

### Greater responsiveness in management of individual offenders.

### Reduced costs.

### May be codified into law or operated as a practice agreed to by various agencies responsible for corrections.

# Problems with Intermediate Sanctions.

## Determining who should operate intermediate sanctions—probation, parole, institutional corrections, or new agencies (public and private).

## Selecting Offenders. Should it be based on the seriousness of the offense for the problems of the offender? In practice, both are considered, though intermediate sanctions programs must carefully consider what the stakes are—what the potential losses to victims and the system are should the offender fail (injury, negative publicity, public pressure, etc.).

### Assessing the risks involved.

## Widening the Net: Implementing intermediate sanctions has had consequences.

### Wider nets: reforms increase the proportion of people in society whose behavior is regulated or controlled by the state.

### Stronger nets: reforms augment the state’s capacity to control people by intensifying the state’s intervention powers.

### Different nets: reforms create new jurisdictional authority or transfers it from one agency or control system to another.

# Varieties of Intermediate Sanctions.

## Sanctions Administered Primarily by the Judiciary.

### Pretrial diversion: these typically target petty drug offenders.

### Fines: although more than a billion dollars in fines is collected annually in the United States, its use of fines pales in comparison to other Western countries.

### The United States makes little use of fines for crimes more serious than vehicle violations;

### To deal with concern that fines exact a heavier toll on the poor, Sweden and Germany use the “day fine” system, which bases the fine amount on the offender’s income.

### Forfeiture: A criminal sanction that had lain dormant since the American Revolution; the government seizes property derived from or used in criminal activity; no finding of guilt is necessary for the forfeiture.

### Community service and restitution: reparative alternatives that rest on the assumption that the offender can atone for their offense. With prisons overcrowded and judges searching for efficient sentencing options, interest in these sanctions has increased. Both assume that the offender can atone for his or her offense with a personal or financial contribution to the victim or society. The evidence is mixed as to the success of such programs, suggesting that simply implementing a program is no guarantee of success.

## Sanctions Administered in the Community.

## Probation-Day Reporting (treatment) Centers: Probationers in some jurisdictions realized they could disregard probation rules with relative impunity. Probation centers are residential facilities where persistent violators attend daylong intervention and treatment sessions, etc.

## Some states have created restitution centers where those behind in their restitution can go to catch up. So far, there is little research, but the research that exists suggests the rearrest rates are not any different than for traditional programs.

## Intensive supervision probation (ISP): targets offenders subject to incarceration and should help alleviate crowding. Because it involves strict and close supervision it responds to community pressures to control offenders. Early evaluations suggest ISP does reduce the rearrest rate. However, close supervision produces higher technical failure rates.

### Home confinement: Terms of incarceration are served in offender’s own home. Flexible – a variety of plans could be employed. Costs nothing to house the offender. Punishment is more visible to the community. Significant communities ties can be maintained. Goals of reintegration, deterrence, and financial responsibility are served simultaneously. Most offenders so placed resemble inmates more than probationers. Effectiveness wears off after a few months. Suited for low-risk offenders who have relatively stable residences.

### Electronic monitoring.

### Ordinarily combined with home confinement or as a condition of probation.

### The number of people being monitored is difficult to estimate because the equipment manufacturers consider this privileged information.

### Two basic types of monitoring devices exist:

##### Passive monitors respond only to inquiries.

##### Active devices continuously send signals.

#### Recently, GPS have become more feasible. These would provide 24-hour verification of the offender’s whereabouts.

## Sanctions Administered in Institutions and the Community.

### Shock incarceration: the offender is sentenced to a term in jail or prison, then after 30–90 days, the judge reduces the sentence. Critics argue it combines the undesirable aspects of both probation and imprisonment. Studies suggest no change in recidivism rates than otherwise expected.

### Boot camps: a variation on shock incarceration; offenders serve a short-term institutional sentence and are put through a physical regimen designed to develop discipline and respect for authority. Proponents argue that many young offenders get involved in crime because of a lack of self-respect and an inability to order their lives. However, studies show that only those that are carefully designed, target the right offenders, and provide rehabilitative services will show beneficial results. The research to date has not been promising in regards to the issue of success of boot camps.

# Making Intermediate Sanctions Work.

## Sentencing Issues: center around sentencing philosophy and practice. Most recently, greater emphasis has been placed on deserved punishment—similar offenses deserve similar punishment.

## ISP for one and a heavy fine for another might violate the equal punishment rationale of just desserts.

## For such sanctions to work, exchange rates consistent with the principle of interchangeability must be developed so that one can be substituted for or added to another.

## Different forms of intermediate sanctions must be calibrated to make them equivalent as punishments despite their differences. Because intermediate sanctions fall between imprisonment and probation, they could potentially increase the number of midrange severe punishments and thereby improve justice.

## Advocates of deserved punishment argue that it is not automatically evident how intermediate sanctions compare with either prison or probation in terms of severity, nor is it clear how they compare with each other.

### Some offenders seem to prefer prison over intermediate sanctions, but there are troubling racial distinctions in preferences. Hence, this may exacerbate the racial disparities evident in prisons.

## Selection of Offenders – intermediate sanctions must be reserved for appropriate offenders, but must be made available regardless of race, sex, or age. Because of the reluctance of judges to divert from prison, many intermediate sanctions are billed as alternatives to prison but actually serve as alternatives to probation, boot camps being an example.

### Probation alternatives have the same problem. Probation alternatives (probation enhancements) are intended for those high-risk offenders most in need of surveillance and control. However, conservative case selection usually finds them ineligible for the program. Therefore goals are not achieved. When prison alternatives are applied to non-prison cases, money is not saved. When probation enhancement programs are provided to low-risk offenders, they cannot reduce much crime.

### Problems of bias: Race, sex and age bias are of particular concern.

##### The concern is that white, middle-class offenders will receive less harsh treatment.

##### Alternative sanctions also tend to be designed for men, not women.

##### Solution is neither obvious nor uncontroversial.

#### Unless program administrators work hard to widen their program’s applicability, nonwhites will be more likely to remain incarcerated than receive alternative sanctions and will be more likely to have tougher supervision instead of regular probation.

## Using Surveillance and Control in Community Corrections.

## Most alternative sanctions have been created in a time when the focus was on “get tough on crime.” Most, therefore, emphasize toughness. In order to “sell” alternatives to incarceration, many intermediate sanctions use heightened surveillance and control.

### Surveillance helps treatment providers assess if the treatment is working. Some suggest that surveillance deters crime by making offenders less willing to commit crime (since they’re being watched) and by catching active criminals earlier sooner than later.

### Community corrections uses four general types of control strategies:

### Drugs.

### Antabuse—frequently given to alcohol abusers.

### Depo-Provera—sometimes called chemical castration.

### Thorazine and Clorpromazine—used for certain psychiatric problems that lead to violent behavior.

### Prozac, Zoloft, and Paxil—used for offenders who suffer from depression.

### Electronic controls.

* + - 1. Electronic monitoring

### Human surveillance.

* + - 1. Personal contact with subjects allows correctional workers to process things like body language, paralanguage, attitudes, odors, etc.

### Programmatic Controls.

### Most widely used techniques of surveillance and control.

### Example: drug testing

# The New Corrections Professional

## The advent of intermediate sanctions has changed the work world of the professional in corrections.

## There are three major shifts in the working environment of the correctional professional.

### Non-government organizations have emerged to administer community corrections programs.

### An increased emphasis on accountability has reduced individual discretion.

#### Professionals currently work within boundaries described as guidelines.

#### These specify policy options for different types of cases.

### Third, the relationship between the professional and the client has become less important than the principles of criminal justice that underlie that relationship.

### These three trends have had effects on correctional professionals.

## The professional is now more accountable.

## The professional is more oriented towards carrying out agency policy.

## This has implications for the motivation and training of staff.

## It also means the traditional three-way balance between offender, staff and bureaucracy has been shifted so that the latter is more important.

# Community Corrections Legislation

## The main thrust of community corrections legislation—to limit dependence on prisons—comprises three aims:

## To reduce the rate and number of people sentenced to prisons.

## To reduce tax revenues spent on corrections by transferring the costs and the funding to less-expensive local correctional facilities.

## To reduce prison populations.

## Have those aims been achieved? It is complicated.

# The Future of Intermediate Sanctions and Community Corrections

## Some way must be found to overcome the seemingly immutable tendency of the criminal justice system to resist placing offenders in less restrictive options and instead keep increasing the level of corrections.

## Community support for these programs must increase; too often citizens fear the offenders in their midst.

## The purposes of these sanctions must be clarified—no program can operate successfully for long if its goals are not clearly defined.

## LECTURE NOTES:

This chapter opens by making the case for intermediate sanctions. The authors construct their argument by exploring the necessity of prison; they recount the limits of probation, and introduce system-wide shortcomings when it comes to realizing justice. When teaching about the system’s deficiencies, it might be helpful to review the purpose of corrections. Have students reiterate what they identify as the primary goals of corrections.

When defining intermediate sanctions, understand the concept of continuum of sanctions. This chapter introduces a variety of intermediate sanctions. In reviewing this chapter addresses discretion and its role in corrections. The chapter also covers the principle of interchangeability. This idea speaks to how intermediate sanctions can be calibrated.

The continuum approach offers a simple way to illustrate the concept of intermediate sanctions; however, do not underestimate complications associated with such practices. Three areas of focus are: selecting agencies to administer the sanctions, selecting eligible offenders, and the unfortunate predicament of net widening. Data is not yet comprehensive enough to evaluate the effectiveness of intermediate sanctions, but the authors assert that despite problems, we should not abandon the practice. Rather, they discuss strategies that may help intermediate sanctions work more effectively. Relate the problems to the strategies.

Each new set of ideas and corresponding practices brings forth new directives, new challenges, and new procedures for correctional professionals. The world of corrections keeps changing. To better understand the sanctions learned, think about how these amendments and adjustments affect the role of the correctional professional.