

**Texas Department of Public Safety Highway
Patrol Troopers' Perceptions of the
Effectiveness of Intermediate Punishments**

By

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CHAPTER 1

Introduction

Some of the more significant problems facing government officials in this country today are in the state and national prison systems. The cost of maintaining prisoners has risen dramatically, and the prison population has exploded during the past two decades. This research project focuses on the viability of utilizing intermediate punishments as alternatives to incarceration.

Chapter 1 begins with a brief discussion of the evolution of punitive actions, or legal sanctions, by societies in general. The recent history of corrections in Texas will be discussed, along with a multitude of new problems encountered by the Institutional Division of the Texas Department of Criminal Justice ("TDCJ-ID"), formerly the Texas Department of Corrections ("TDC"). This discussion will include court mandates, rising costs and prison overcrowding. The research questions and the purpose of this research project will be stated. Finally, this chapter will include a brief summary of each of the remaining chapters.

History of Legal Sanctions

In all societies, certain acts, or groups of acts, have been universally forbidden throughout history. Such typically forbidden acts include murder, rape, kidnapping and treason. By contrast, most societies have encouraged behaviors such as

marrying, having children, growing food and other actions that benefit the common welfare (Allen and Simonsen, 1992).

The earliest remedy for wrongs done to one's person or property was simply to retaliate against the wrongdoer, such personal retaliation being accepted and encouraged by other members of primitive societies. This ancient concept of revenge has influenced the development of most legal systems, especially English criminal law, from which most American criminal law is derived (Allen and Simonsen 1992).

The practice of personal retaliation was later augmented by the "blood feud" in which the victim's family or tribe took revenge on the offender's family or tribe. Because this form of retaliation could easily escalate and result in an endless vendetta between the injured factions, some method of control had to be devised to make blood feuds less costly and damaging (Allen and Simonsen, 1992).

As tribal leaders, elders and kings came into power, they began to exert their authority by establishing an official system of fines and punishments. Wrongdoers could choose to stay away from the proceedings, but if they refused to abide by the imposed sentences, they were declared to be outside the law of the group, an outlaw. There is little doubt that outlawry, or exile, was the first punishment imposed by society, a consequence which heralded the beginning of criminal law as we now know it (Allen and Simonsen, 1992).

In the sixth century A.D., Emperor Justinian of Rome wrote his code of laws, one of the most ambitious early efforts to match a desirable amount of punishment to all possible crimes. Roman art of that period depicts the "scales of justice," a symbol demanding that the punishment match the crime. The Code of Justinian did not survive the fall of the Roman Empire but left the foundation upon which most of the western world's legal codes were built (Allen and Simonsen, 1992).

The Romans also had a primitive prison system consisting of dungeons underneath the city sewer system as early as 64 B.C. Prior to the latter part of the 18th century, however, prisons were normally used to detain offenders until the trial, at which time the offender was sentenced another form of punishment. Punishments typically utilized at that time included exile, corporal punishment, mutilation, branding, public humiliation, restitution and capital punishment (Clear and Cole, 1990).

Although the idea of the penitentiary had its origin with English reformers, the concept was first implemented on American soil. The penitentiary was perceived to be a place where criminal offenders would be isolated from the bad influences of society and of one another. Supporters believed that the prisoners would reflect on their misdeeds while engaged in productive labor. They would thus be reformed and able to re-enter the community as useful citizens. The

American example of a penitentiary attracted the world's attention, and that early model was copied in England and various other places in Europe (Clear and Cole, 1990).

During most of the last two centuries, the penitentiary has been a relatively inexpensive place to warehouse convicted criminals. Although the effectiveness of incarceration, in terms of reaching the goals of rehabilitation and deterrence, has long been questioned, at least offenders could be restrained for a substantial period of time. During the last two decades, however, court intervention has prompted a tremendous increase in the cost of housing and maintaining prisoners. Cost increases and resulting budget constraints have forced government agencies to consider other forms of intermediate punishment as alternatives to incarceration. In the next section of this chapter, changes in the operation of the TDCJ-ID over the last two decades will be examined.

Recent History of the Texas Prison System

Tremendous changes in the Texas prison system have occurred during the last two decades. The Texas prison population has grown from approximately 13,200 in 1970 (Ekland-Olson, 1986) to 49,608 in 1991 (TDCJ, 1991). The prison population growth is a nationwide trend. The national and state prison population grew from 329,821 in 1980 to 823,414 in 1991 (Snell and Morton, 1991).

Rogers (1989:21) attributes the prison population explosion to a wave of punitiveness by society, traceable to

the mid-1960s. Rogers reports that this wave of punitiveness has "merged as a punishment glacier, composed of the hard ice of fear, hardened further in the cold atmosphere of deterrence and vengeance." Other obvious reasons for the prison population growth are the growth of the general population and the increase in the number of prisoners per capita. The widespread use of illegal drugs has also led to a growth in the prison population. In 1988, 11.17 percent of all Texas state prison inmates were incarcerated for drug violations. Over one-half of all inmates were incarcerated for crimes involving theft of some type (TDC, 1988). A significant number of those crimes were committed to support the offender's drug habit. Allen and Simonsen (1992) suggest that the prison population increase is inversely related to the economy: the weaker the economy, the higher the prison population.

Court intervention has had a tremendous impact on most prison systems in the United States. The TDCJ-ID operated under a court-ordered consent decree during most of the 1980s (503 F. Supp. 1265). By the end of 1983, the prison systems in eight states had been declared unconstitutional; twenty-two had facilities operating under a court order or consent decree; and nine more were engaged in litigation (Rogers, 1989). By December 1985, only eight states had remained unencumbered by judicial intervention (Taggart, 1989).

The two main areas of court intervention have been inmate supervision and space requirements. Prior to court intervention in the Texas prison system, building tenders and turnkeys (other inmates) did most of the inmate supervision inside the prisons (Marquart and Crouch, 1985). The guard-to-inmate ratio was approximately 1:12. In 1988, after court intervention, the guard-to-inmate ratio was approximately 1:4 (TDC, 1988). At present, it takes approximately twice the space to house the same number of inmates that it took prior to court intervention (503 F. Supp. 1265). This space limitation in state prisons has caused several thousand inmates who have been sentenced to TDCJ-ID to remain in county jails, thus contributing to serious overcrowding problems in jails as well.

The cost of maintaining prisoners in the Texas prison system has skyrocketed from \$1,208 per inmate per year in 1972 to \$12,672 per inmate per year in 1989 (Boaz, 1989:1), and that cost does not include the cost of any new construction. The total budget for TDCJ for the 1992-93 biennium is \$2.94 billion with 51.84 percent, or \$1,522,334,904, budgeted for the Institutional Division and another 23.09 percent, or \$678,100,000, budgeted for new construction (TDCJ, 1991:51). A recently released study found the United States to be the world's number one jailer with 1.1 million inmates in jails and prisons in 1991 at an annual cost of \$20.3 billion to United States taxpayers (Ostrow, 1992:A5).

In spite of a vigorous prison construction program, Texas has been unable to keep up with the growing demand for prison space. In 1988, there were a total of 33,428 inmates released from Texas state prisons. Only 146 of those released had served their full sentence. On average, each prisoner served 22 percent of their time (TDC, 1988). Between 1985 and 1991, the median sentence imposed by juries had increased by 20 percent from five to six years. During that same time period, however, the median time served by prison inmates had decreased by 27 percent. The median percentage of sentences served fell from 33 percent in 1985 to 13 percent in 1991. The median time served fell from 15.5 months in 1985 to 11.2 months in 1991 (Banta, 1992). This trend of early releases can be attributed primarily to a lack of adequate prison space.

Recognizing the need for additional prison capacity, the Texas Legislature passed House Bill 93 in the last legislative session. This bill authorized TDCJ to expand prison facilities by an additional 13,300 beds. This bill also called for the creation of the Texas Punishment Standards Commission to make recommendations for completely revising the Texas Penal Code by December 1, 1992 (TDCJ, 1991).

Research Project Purpose

The issue of increasing the use of intermediate punishments as an alternative to incarceration is certainly timely. The news media frequently reports that violent crimes

have been committed by offenders recently released from prison after serving only a small portion of their sentences. Parole boards have been under increasing pressure to release prisoners early in order to prevent overcrowding and to make room for new prisoners. This early release program has had a negative impact on the safety of the citizens of Texas and other states.

The cost of operating the Texas prison system has risen dramatically over the past two decades. The Texas Board of Criminal Justice recently agreed to ask the Legislature for almost \$4 billion for its 1994-95 budget. Even at this high level of expenditure, it is impossible to keep most convicted offenders incarcerated for a substantial period of time.

The aforementioned conditions of rising costs and the overcrowded prison population indicate a strong need to examine the feasibility of increasing the utilization of intermediate punishments as alternatives to incarceration. Possibly there are intermediate punishments that are appropriate and effective as a method of handling certain non-violent offenders. If some non-violent offenders could be successfully diverted from the traditional sentence of incarceration, the resulting decrease in the prison population would allow the system to keep more dangerous offenders incarcerated for longer periods of time.

Another important consideration is the law enforcement community's perception of various intermediate punishments in

effectively reaching treatment goals. If law enforcement officers perceive the punishment for any given crime as being too lenient or too harsh, their morale and commitment to the job may be negatively affected.

The purpose of this research project is two-fold. The first is to identify, through a literature review, commonly recognized treatment goals and to identify and evaluate the most commonly utilized intermediate punishments in terms of reaching those goals. The second is to determine and describe the Austin District Texas Department of Public Safety ("DPS") Highway Patrol Troopers* perceptions of those intermediate punishments.

Chapter Summaries

This applied research project is organized into six chapters. These chapters will include a review of relevant literature, research setting, research methodology, research results and conclusions.

Chapter 2 - "Review of Relevant Literature"

In this chapter, the most widely recognized functions, or goals, of punishment or treatment will be determined. The most commonly utilized forms of intermediate punishment will be determined. Each intermediate punishment will be evaluated in terms of the cost involved and the probability of reaching each of the treatment goals. This chapter will culminate with a table (Table 2.1) comparing those evaluations.

Chapter 3 - "Research Setting"

This chapter will briefly discuss the history and the organizational structure of the Texas Department of Public Safety. Chapter 3 will discuss the Highway Patrol Service and some of the factors that have a negative impact on Highway Patrol Troopers' morale and motivation.

Chapter 4 - "Research Methodology"

This chapter will discuss the construction and pretesting of the survey instrument. Chapter 4 will describe the study population, along with the strengths and weaknesses of survey research. A discussion of why survey research was chosen for this project will conclude the chapter.

Chapter 5 - "Research Results"

Chapter 5 will summarize the results of the survey research and contrast those results with the results of the literature review. A mean score will be obtained for each intermediate punishment in terms of its effectiveness in reaching each of the treatment goals. Each intermediate punishment will then be ranked in each of the goal categories.

Chapter 6 - "Conclusions and Recommendations"

Chapter 6 presents the conclusions drawn from the literature review and the survey research. This chapter will conclude with recommendations for the future utilization of intermediate punishments.

CHAPTER 2

Review of Relevant Literature

The purpose of this literature review is three-fold. The first is to identify and define each of the most widely recognized goals or functions of punishment or treatment. The second is to identify and define the most commonly utilized intermediate punishments. The final purpose is to determine the cost of each intermediate punishment and to evaluate the effectiveness of each intermediate punishment in terms of reaching each of the treatment goals. This chapter will culminate with the development of Table 2.1 which will contain the results of the evaluation of each intermediate punishment as gleaned from the literature review. Table 2.1 will eventually be contrasted with a similar table that uses survey instrument data describing the DPS Troopers' perceptions of the effectiveness of each intermediate punishment in terms of reaching treatment goals.

Treatment Goals

According to Nettler (1978), there are six commonly recognized goals in the treatment of offenders: restraint, deterrence, rehabilitation, symbolic revival of unity, retribution and restitution. Clear and Cole (1990) indicate that punishment has been justified as serving four major goals: incapacitation (restraint), deterrence, rehabilitation and retribution. Allen and Simonsen (1992) report that

restitution is one of the earliest goals of punishment. The United States Department of Justice (1990) recognizes the goals of incapacitation, deterrence, rehabilitation, retribution and restitution in its publication "A Survey of Intermediate Sanctions."

This study will focus on the goals of restraint, deterrence, rehabilitation, retribution and restitution. These five goals will be used in evaluating the effectiveness of each of the intermediate punishments. Although Nettler (1978) recognizes symbolic revival of unity as a goal, he indicates that it is the least recognized and acknowledged one. Symbolic revival of unity is concerned with repairing the damage done to society's unity by the violation of its laws (Nettler, 1978). Very little literature exists on this subject; a study of the effectiveness of various offender treatments in reaching this goal would be difficult. Also, the validity of the goal of symbolic revival of unity in today's urban society is somewhat questionable.

Goal Definitions

Restraint, also referred to as incapacitation or confinement, is concerned with impeding the offender from the commission of further offenses. The focus is on making continued criminal activity impossible, with no implication of punishment or treatment (Lampe, 1985). Any policy that incarcerates or in some other way physically restricts the offender will have some incapacitation effect (Clear and Cole,

1990). That the criminal activities of many prisoners persist while in prison is common knowledge. Therefore, the restraint involved in incarceration may only transfer criminal activities rather than deter them (Krantz and Branham, 1991). For purposes of this study, restraint refers to impeding offenses against the general society.

Deterrence is concerned with influencing people to refrain from prohibited behavior (Lampe, 1985). A distinction is often made between individual or special deterrence and general deterrence (Reid, 1981; Andenaes, 1974). Special deterrence refers to controlling the future behavior of the offender (Lampe, 1985). Theoretically, it is the pain of punishment that conditions the individual to avoid criminal behavior in the future (Clear and Cole, 1990). General deterrence, however, refers to a deterrent effect on the general public caused by making an example out of the offender (Lampe, 1985). General deterrence thus requires that punishment be severe enough to have an impact and that the population may be certain that the sanction will be carried out. Examples must be numerous enough to remind people constantly of what lies ahead if they break the law (Clear and Cole, 1990).

Rehabilitation is aimed at change, not only in the offender's behavior, but ultimately in his heart, which will lead to prosocial rather than antisocial behavior. The goal of rehabilitation has a series of assumptions: first, that

people can change; second, that the legal system knows how to bring about such a change; third, that the system is capable of recognizing when the change has occurred; and fourth, that society will recognize and/or accept a rehabilitated past-offender (Lampe, 1985). Clear and Cole (1990) define rehabilitation as the process of restoring a convicted offender to a constructive place in society through some form of vocational, educational or therapeutic treatment.

Retribution, one of the oldest and most universal goals, is primarily concerned with justice. Based on a legal and moral philosophy, retribution holds that justice requires a balance between the perpetrated wrong and the penalty the wrongdoer is made to suffer (Lampe, 1985). This treatment goal is so important to the natural order of things that no practical purpose or consequence is needed. (Kant, 1979). Some social scientists, as well as non-scientists, have mistakenly referred to retribution as revenge (Carter, et al., 1975). "Revenge is the emotional impulse to wreak havoc on a person who has injured us. Revenge knows no balance The balancing principle of retribution distinguishes it from revenge. It seeks a punishment proportional to the wrong done." (Nettler, 1978). The goal of retribution assumes that there is a hierarchy for evil and that this hierarchy is, or can be, known and agreed upon (Lampe, 1985).

Restitution is one of the earliest goals of punishment (Allen and Simonsen, 1992). Restitution, as a goal, seeks the

restoration of things to their precrime state. Normally restoration consists of the offender making monetary restitution to the victim for the victim's losses. Restitution can in most cases be made for property crimes. That the goal of restitution can be reached in violent crimes, however, is doubtful. Hospital bills and lost income due to crime can be repaid, but the fear, pain and suffering caused the victim and his or her family cannot (Lampe, 1985).

Intermediate Punishments

No universally accepted definition for the term "intermediate punishment" exists. Morris and Tonry (1990) refer to intermediate punishment as being any punishment other than incarceration, probation, or a suspended sentence. Clear and Cole (1990) describe intermediate punishment as any punishment between probation and prison. Allen and Simonsen (1992) define intermediate punishment similarly to Clear and Cole. The Texas Intermediate Sanctions Bench Manual (1991) includes probation in its range of intermediate punishments. For purposes of this study, the term "intermediate punishment" will be defined as any punishment less severe than the traditional prison sentence.

A review of previous literature revealed twelve commonly utilized intermediate punishments: probation, shock probation, intensive supervision, house arrest, shock incarceration, community corrections, halfway houses, community service, suspended sentence, fines, restitution and parole. This

section will define and briefly discuss each of these intermediate punishments.

Intermediate Punishment Definitions

Probation had its origin in the work of John Augustus in the Boston Police Court in 1841, but it was not until the early part of the 20th century that it was widely used (Clear and Cole, 1990). At present, probation is one of the most commonly utilized intermediate punishments. On January 1, 1989, there were 2,386,427 adults on probation in this country. That same year 62 percent of convicted felons were placed on probation. The American Bar Association defines probation as:

[A] sentence not involving confinement which imposes conditions and retains authority in the sentencing court to modify the conditions of sentence or to resentence the offender if he/she violates the conditions. Such a sentence should not involve or require suspension of the imposition or execution of any other sentence. A sentence of probation should be treated as a final judgment for purposes of appeal and similar procedural purposes.

(Allen and Simonsen, 1992:195). Supervision of probationers is typically very lax (Morris and Tonry, 1990).

Shock probation is a split-sentence type of treatment beginning with a short period of time, usually about three months, in prison, followed by a period of time on probation. The rationale behind shock probation is that the offender will be shocked by the harsh reality of prison life and deterred from future involvement in crime without hindering his readjustment into society upon release (Vito, 1984). This

program is based upon a "special deterrence" model which was designed for a segment of offenders for whom probation was insufficient punishment but long-term imprisonment was unnecessary. Shock probation is the "last ditch" program of prison avoidance available to judges faced with the difficult decision of how best to protect the public while maximizing offender reintegration. Ohio passed a law permitting shock probation in 1965. This option is now available in at least thirteen other states (Allen and Simonsen, 1992).

Intensive supervision is a fairly new concept combining traditional probation with a high level of supervision. Daily probation officer contacts and electronic and/or urine monitoring may be required along with specialized counseling and/or treatment. Although this concept was experimented with in the 1960s, the movement did not begin until the mid-1980s (Clear and Hardyman, 1990). Pearson and Bibel (1986) report that New Jersey began using intensive supervision in 1983.

Intensive supervision programs have become increasingly popular. They offer many attractive strategies such as diverting offenders from prison, getting tough on crime, increasing control over marginal offenders, and lowering the overall cost of correctional supervision. Intensive supervision is simultaneously directed at diversion, punishment, control and cost management (Allen and Simonsen, 1992). The TDCJ has an intensive supervision program with

probation officer-to-probationer ratios ranging from 1:12 to 1:40 (TDCJ, 1991).

House arrest has recently evolved as an intermediate punishment. Georgia began its house arrest program in 1982 (Petersilia, 1986). Florida implemented a house arrest program in 1983 (Petersilia, 1988). By 1990, twenty states had implemented house arrest programs (Clear and Cole, 1990). The typical house arrest conditions involve curfew hours that allow the offender to work but require that he/she be restricted to their residence at all other times. This may be accomplished by voluntary compliance or electronic monitoring (Petersilia, et al., 1985). For many offenders, house arrest is a "last chance" to avoid being sent to prison (Allen and Sorensen, 1992). Although its popularity and utilization has increased, house arrest is still not widely used in comparison with incarceration or probation. Only about 25,000 offenders were sentenced to house arrest, nationwide, in 1990 (Clear and Cole, 1990).

Shock incarceration, commonly referred to as "boot camp," normally involves three to six months of military-style training in prison followed by a period of time on probation (Vito, 1984). shock incarceration sentences are usually given to young (age 17 to 24) first-time offenders whose initial crime seems to suggest a future of sustained criminality (Clear and Cole, 1990). Since 1983, this program has developed and expanded rapidly. By 1989, at least 22 states

including Texas had, or were in the process of, implementation of shock incarceration programs. An unknown number of county jails, including Travis County, have implemented this program (Allen and Simonsen, 1992).

Community corrections, also referred to as work release programs, are typically a minimum security facility located in the offender's community where inmates are allowed to leave the facility during work hours but are locked up at all other times. Counseling, therapy, job placement and educational opportunities are normally available (Travis County Criminal Justice Task Force, 1990). The idea of work release programs dates back at least as early as 1913 in Wisconsin (Clear and Cole, 1990).

One of the drawbacks to community corrections is the monetary consideration. Unless there is a state incentive reimbursement program, it costs the county rather than the state, and county officials will not often allow that. Some states, including Virginia, Indiana, Missouri and Minnesota, have implemented reimbursement incentives (Clear and Cole, 1990).

Halfway houses have been in existence for more than a century. Halfway houses were originally intended to serve as residences for homeless men released from prison, but have since been used for a number of purposes (Allen and Simonsen, 1992). Halfway houses are used to reintroduce inmates back into society after a period of time in prison. Inmates are

placed in halfway houses either prior to parole, while on parole, or while on parole only if problems arise. Counseling and therapy are normally available with varied levels of supervision (Donnelly and Forschner, 1984). In recent years, more attention has been given to halfway houses as the possible nuclei of community-based networks of residential centers with drug and alcohol-free living space (Allen and Simonsen, 1992).

Community service is defined as service for a civic organization. The organization normally has to be non-profit and non-discriminatory; furthermore, community service must serve some valid community need without serving the needs of the organization's members. There must be a job description, and a paid worker must not be displaced (U.S. Probation Division Report, 1989). Traditionally, community service has been used for non-serious offenders, those convicted of misdemeanors and municipal code violations. Two fairly recent reforms, however, have raised the possibility that community service may become utilized in more serious offenses as well. England passed legislation in 1967 making community service a legitimate penalty for all offenders. In the Bronx, New York, a program was implemented in 1972 allowing community service for repeat misdemeanor offenders (Clear and Cole, 1990).

Suspended sentence is one of the oldest intermediate punishments, preceding the development of probation. Suspended sentence occurs in two different forms: suspension

of the imposition of the sentence and suspension of the execution of the sentence (Empey, 1967). The suspended sentence does not require supervision and usually does not prescribe a specified set of goals for the offender to work toward. It is merely a form of quasi freedom that can be revoked (Allen and Simonsen, 1992). The suspended sentence is very commonly used, often in conjunction with probation.

Fines, long recognized as an intermediate punishment, are set by and paid to the court (Lampe, 1985). Fines are routinely imposed today for offenses ranging from traffic violations to felonies. Probably well over \$1 billion in fines are collected annually by courts across the United States. Used extensively in lower and higher courts, fines are rarely used as the sole punishment for crimes more serious than motor vehicle violations. In cases involving more serious violations, fines are typically used in conjunction with other sanctions such as probation and incarceration (Clear and Cole, 1990).

Restitution, in its simplest form, is repayment to a victim who has suffered some form of financial loss as a result of the offender's crime. In the middle ages, restitution was a common way to settle a criminal case. The offender was ordered to do the victim's work or give the victim money. The growth of the modern state meant that less attention was given to private arrangements between offender and victim, and greater attention was given to the wrong done

to the community by the offender. Fines went into the King's or public coffers rather than to the victim, and punishment was meted out by the government. Restitution has always been a part of the United States¹ criminal justice system, but a largely unpublicized one. Restitution has been administered through informal agreements between enforcement or court officials and offenders rather than formal court adjudication. Only during the past decade has this intermediate punishment been institutionalized in many areas. Restitution is usually carried out as one of the conditions of probation (Clear and Cole, 1990).

Parole is very similar to probation, involving various levels of supervision and provisions for revocation (Empey, 1967). The main difference is that parole is granted only after a certain portion of an incarceration sentence has been served, while probation is normally granted in lieu of incarceration. Parole is granted primarily for two reasons: first to release offenders from prison, and second to supervise offenders in the community (Martinson and Wilks, 1977). Parole evolved in the United States during the nineteenth century, but it was not until the 1920s that parole really caught on. By 1932, forty-four states and the national government had put this release mechanism into place. Parole is now very widely utilized in all states as an intermediate punishment (Clear and Cole, 1990). In some states, prisoners on parole account for 100 percent of the releases. The United

States parole population has grown by more than 254 percent since 1979. At the end of 1989, there were 456,797 offenders on parole in this country (Allen and Simonsen, 1992).

Intermediate Punishment Evaluations

Intermediate punishments are difficult to evaluate for several reasons. Normally there is no true control group. Offenders with similar characteristics and records can be compared in different punitive settings, but that does not account for the reason that some were given one punishment while others were given another. Also, intermediate punishments are often given in conjunction with one or more other intermediate punishments. If an intermediate punishment is successful (i.e., no repeat offenses), is it because the offender was deterred, or rehabilitated? This is a difficult question to answer. In the following section of this chapter, each intermediate punishment will be evaluated in terms of reaching each of the chosen treatment goals through information gleaned from previous literature.

Probation

Probation is a relatively inexpensive form of intermediate punishment. One study in Georgia revealed the average annual cost per probationer to be \$274 (Karacki, 1989:1-7). In another study, the annual cost per probationer was determined to be between \$300 and \$2,000 (Petersilia, 1986:52). Pearson (1988) also rates the cost of probation as low. Most states (more than 35 according to Morris and Tonry

(1990)) have begun to charge fees to their probationers, and many probation departments have been allowed to use those fees to support departmental programs. Cole and Clear (1990) estimates the cost range of traditional probation to be between \$300 and \$1,200 per probationer annually.

Lampe (1985) rates probation as minimally effective in terms of reaching the goal of restraint. Clear and Hardyman (1990) describe probation as having "little effective capacity to control the situation." Petersilia (1987) describes probation as ineffective with regard to incapacitation. Probation entails no incapacitation and only very superficial and periodic supervision of behavior (Lampe, 1985). Probation supervision is limited; however, there are conditions that probationers must comply with. Conditions such as remaining within the state unless approval to leave is obtained, maintaining employment and/or school attendance, and obeying all laws are at least minimally restrictive. According to Clear and Cole (1990), any policy that in some way physically restricts will have some incapacitative effect.

Probation is described as minimally effective as a deterrent (Lampe, 1985). If probation were used primarily for misdemeanor offenses, as originally intended, it might be more effective. However, as presently utilized, often in felony cases, probation is very ineffective in deterring repeat offenses (Petersilia, 1987). According to Clear and Cole (1990), the recidivism rate for probationers ranges from one-

fifth to one-third. Other studies, however, report a much higher recidivism rate for probationers. The results of the Rand study in California revealed that 65 percent of probationers were rearrested within forty months (Petersilia, et al., 1985).

Lampe (1985) rates probation as minimum to moderate in rehabilitative effectiveness. In another multi-state study on probation, the results indicated that offenders¹ behaviors cannot be changed unless their long-standing problems are addressed, and probation does not accomplish this task (Byrne, 1990). Probation is generally advocated as a way of rehabilitating first-time misdemeanor offenders (Clear and Cole, 1990).

Probation is often viewed by the public and the press as a "letting off" or a "slap on the wrist." Unfortunately, this impression may be accurate considering the caseloads of many probation officers (Morris and Tonry, 1990). With regard to retribution, Lampe (1985) rates probation as ineffective or only slightly effective.

Probation provides no goal attainment in reaching the goal of restitution. Probation does, however, allow that possibility if restitution is also part of the punishment by giving the offender an opportunity to work as opposed to being incarcerated (Lampe, 1985).

Shock Probation

The cost of shock probation was not found in previous literature but can be computed with a reasonable degree of accuracy. Allen and Simonsen (1992:211) report the average incarceration cost per offender to be \$25,000 annually. An assumed average cost of \$600 annually per probationer (based on figures derived from a review of previous literature) should be fairly accurate. By computing the cost of three months incarceration and nine months probation, an annual first-year per capita cost of \$6,700 is derived. The cost of any remaining treatment after the first year would be equal to the cost of probation.

Shock probation's effectiveness in reaching the goal of restraint should be rated as moderate. Restraint would be maximum during the three-month incarceration period and minimum during the probation period (Lampe, 1985).

The concept of shock probation was originally conceived with deterrence as a main objective. This concept overlooks the fact that fear of the unknown is generally greater than fear of the known (Lampe, 1985). According to Vito (1984), shock probation is not particularly defensible as a deterrent. Vito indicates that shock probation does have some potential, but only if used correctly. Vito warns against using shock probation as a "net widening" program. Vito's negative comments about shock probation are surprising, considering the fact that he reports a 10.4 percent recidivism rate from

Ohio's shock probation program and indicates the worst shock probation program recidivism rate to be 26 percent. Clear and Cole (1990) rate shock probation's deterrent effect as none, and report that shock probation sometimes increases misbehavior.

Clear and Cole (1990) report little or no difference in the performance of shock probationers, regular probationers and incarcerated offenders with regard to their reintegration into the community. No rating could be determined from the literature review with regard to retribution. In addition, shock probation does not address the goal of restitution.

Intensive Supervision

The estimates of cost for intensive supervision vary widely. Petersilia (1987:15) reports the annual cost per intensive supervision probationer to be \$1,600, while Karacki (1989:1-7) indicates an annual per capita cost of \$1,266. Pearson (1988:442) reports the annual cost of each offender on intensive supervision probation to be \$5,475. The cost varies with the closeness of supervision and whether or not electronic monitoring, counseling and treatment are required. Also, part of this cost is typically recovered through probation fees.

Intensive supervision, while not as restrictive as incarceration, is much more restrictive than traditional probation. Georgia's program requires up to five "face-to-face" probation officer contacts per week, a mandatory

curfew, mandatory employment, a weekly check of arrest records, and routine and unannounced drug and alcohol testing. New Jersey's intensive supervision program requires twenty probation officer contacts a month, a mandatory curfew with late night curfew checks, employment and vocational training. By contrast, the Massachusetts intensive supervision program was designed specifically to target high risk probationers. That program requires four face-to-face and six collateral (other than face-to-face) probation officer contacts per month, employment verification every fourteen days, and arrest record checks once a month (U. S. Department of Justice, 1990).

Petersilia (1987) reported that intensive supervision is more effective as a deterrent than incarceration or traditional probation. This assessment was made after Petersilia studied the recidivism rates of Georgia's and New Jersey's intensive supervision programs. Pearson (1988) described intensive supervision as being at least as effective, with regard to deterrence, as incarceration.

Clear and Cole (1990) indicate that rehabilitative programs can be grouped into four categories: psychological, behavioral, social and vocational. Intensive supervision, with its counseling, treatment and vocational requirements, is designed to work toward the goal of rehabilitation, while avoiding the negative aspects of the prison environment.

Intensive supervision probation has emerged as the most popular program to prevent prison overcrowding, maintaining

the appearance of being "tough on criminals" (Allen and Simonsen, 1992). Byrne (1990) indicates that intensive supervision is minimally effective in reaching the goal of retribution.

Like shock probation, intensive supervision does not address the goal of restitution. Intensive supervision does, however, leave the possibility of restitution open if restitution is included in the punishment package as it often is (Petersilia, 1987).

House Arrest

The cost of a house arrest program varies widely depending on the equipment that is used. Different types of electronic monitoring equipment increase the involved expenses by varying degrees. The results of one study in Florida revealed the cost range of house arrest to be between \$2,000 and \$8,500 per offender (Petersilia, 1986:52). Petersilia (1987:41) reports the cost of Oklahoma's house arrest program to be \$1,410 per offender annually. Another study by Petersilia (1988:2) revealed a cost range of \$1,500 to \$8,000. A large part of the cost of house arrest programs is recovered through fees charged to the offender. House arrest fees typically range from \$15 to \$200 per month for each offender, but in one program in California, the fees were as high as \$450 per month for each offender (Petersilia, 1987:35).

The restrictiveness of house arrest also varies widely with the type of monitoring used. If compliance is voluntary,

house arrest is minimally effective as a restraint, but electronic monitoring greatly increases the restrictiveness of this punishment (Petersilia, 1986). Ball and Lilly (1984) suggest that house arrest provides a more restrictive form of punishment which will guarantee that the public is protected against those who continue to endanger it.

Early reports indicate that house arrest is moderately effective as a deterrent. By 1987, Florida had sentenced approximately 20,000 offenders to its home confinement program. Only 22 percent of this group had their community control status revoked (14 percent for technical violations and 8 percent for criminal violations). This failure rate is respectable when compared to that of incarceration or traditional probation (Petersilia, 1987). House arrest was not specifically designed to meet the goal of rehabilitation. House arrest does not address any psychological, behavioral, social, or vocational needs (Clear and Cole, 1990). Human contact, an important aspect of rehabilitation, is lacking in the house arrest program (Petersilia, 1988).

Clear and Cole (1990) suggest that the public is likely to think that a punishment that permits a person to stay home, watch television, enjoy visits from friends and sleep in his/her own bed is no punishment at all. In spite of this public perception, Clear and Cole (1990) describe house arrest as being somewhat tougher than probation but less harsh than

incarceration. Ball and Lilly (1986) maintain that house arrest is often perceived as being too lenient.

House arrest does not provide any goal attainment in reaching the goal of restitution. House arrest does, however, allow for that possibility if restitution is included as part of the punishment, as restitution often is (Petersilia, 1987).

Shock Incarceration

The cost of shock incarceration varies with the levels of counseling, therapy and training during the period of incarceration. Also, the level of supervision during the probation period varies in different programs. After conducting a four-state study of shock incarceration, Parent (1989:16) reported an average first-year per capita cost of \$5,280. In another study, Karacki (1989:1-7) reported a per capita annual cost of \$2,586. Sechrest (1989:18) reported per capita annual costs ranging from \$3,523 in Georgia to \$9,000 in New York. Overall, the cost of shock incarceration is slightly higher than shock probation because of the high level of training during incarceration but is considerably less than the cost of traditional incarceration.

The typical period of incarceration in a shock incarceration sentence is approximately four months (Parent, 1989:21). Restraint would be maximum during that four-month time frame and minimum during the remainder of time spent on probation. The incarceration period is typically a little longer than in shock probation, making shock incarceration

slightly more effective than shock probation in reaching the goal of restraint.

There are conflicting reports of shock incarceration's effectiveness as a deterrent. Clear and Cole (1990) reported that very low recidivism rates were indicated by early follow-up studies. Allen and Simonsen (1992:156) reported a shock incarceration subject recidivism rate of less than one-third that of regular prison inmates in Oklahoma (16 percent versus 54 percent, respectively). Sechrest (1989:16), however, reported negative findings on the deterrent effect of shock incarceration, indicating that recidivism rates ranged from 39 percent to almost one-half. Sechrest believes that shock incarceration has no long-term deterrent effect. A study by the Florida Department of Corrections (1990) reported similar negative findings.

The Florida Department of Corrections study (1990) gives shock incarceration a minimal goal attainment rating with regard to rehabilitation. Sechrest (1989) also describes shock incarceration as ineffective in terms of rehabilitation. MacKenzie and Ballow (1989), however, report that early findings of a study in Louisiana indicate that shock incarceration programs are having a rehabilitative effect on offenders. The four components of a rehabilitative program -- vocational, psychological, behavioral and social (Clear and Cole, 1990) -- are at least partially addressed in shock incarceration programs. Typical programs include some

combination of education, life skills training, drug and alcohol treatment, reality therapy and relaxation therapy (Parent, 1989).

Shock incarceration programs are perceived by the media, the public, judges, prosecutors, legislators and law enforcement officials as meeting the need to "do something" about the crime problem (Sechrest, 1989). Clear and Cole (1990) reported that shock incarceration is very popular with the public. On a scale of 1 to 9 (with 9 indicating strong support), different groups of judges, law enforcement officials, legislators, prosecutors, parole boards, probation officers, parole officers and prison administrators gave shock incarceration ratings ranging from 6.0 to 7.9 (Parent, 1989). Shock incarceration fails to address the goal of restitution.

Community Corrections

The cost of community corrections is moderate when compared to the cost of incarceration. The per capita cost of incarceration ranges from approximately \$10,000 to \$50,000 in various states, with \$25,000 being the average (Allen and Simonsen, 1992:211). The Travis County Sheriff's office operates a community corrections program with an annual per capita cost of \$8,030 (Travis County community Justice Task Force, 1990:13). Petersilia (1987:48) reports an annual cost ranging from \$5,018 to \$7,938, depending on offender-generated revenue from Clackamas County, Oregon's community corrections program.

Community corrections programs are effective with regard to the goal of restraint. Offenders are released during work hours but are locked up at all other times (Travis County Community Justice Task Force, 1990). According to McGarry (1990), the effectiveness of community corrections in reaching the goal of restraint is just below that of incarceration.

Reports regarding the deterrent effect of community corrections are conflicting. The results of one study in California indicated a 29 percent failure rate, while another study in Massachusetts reported an 11 percent failure rate. One early study in the District of Columbia reported negative results with regard to deterrence (Clear and Cole, 1990:432). The results of one study in Iowa indicated a 67 percent success rate, while the results of another study in Kansas indicated a high success rate (McGarry, 1990:11).

Community corrections programs place a high emphasis on habilitative treatment. Employment training and placement are provided. Individualized and group counseling are available for drug and alcohol treatment and life skills training. Educational programs and religious services are also available (Travis County Community Justice Task Force, 1990).

McGarry (1990) reported that judges¹ responses to community corrections had been overwhelmingly supportive. Clear and Cole (1990) suggests that the punitive purpose of treatment is well served by community corrections.

Again, community corrections does not address the goal of restitution. Community corrections, however, does leave the possibility open, if restitution is incorporated into the punishment as it often is, by allowing the offender to work in his community (Allen and Simonsen, 1992).

Halfway Houses

The cost of maintaining offenders in halfway houses varies. Many halfway houses are operated by private non-profit organizations. National, state and local governments also operate halfway houses, along with some private profit organizations (Donnelly and Forschner, 1984). No cost range or average cost was determinable from the literature review.

Halfway houses are non-confining in nature and intended as an alternative to confinement (Allen and Simonsen, 1992). Restraint is minimal and residents may come and go as they please (Empey, 1967). The prospects for rehabilitation are greater in halfway houses as compared to most other intermediate punishments because halfway houses offer such services as employment counseling and placement assistance, job search workshop programs, substance abuse counseling, living skills education, family and/or support networks, and special needs assessment (TDCJ, 1991).

Studies indicate that halfway houses are minimally effective as a deterrent. According to Donnelly and Forschner (1984:39), Seiter, et al. reported on a 24-program study in

1977 that resulted in success rates ranging from 26 to 93 percent. Donnelly and Forschner (1984:41) reported an overall success rate of 65 percent from another study on residents of the Cope House in Ohio from 1980 to 1982.

Research data was insufficient to determine the effectiveness of halfway houses in reaching the goal of retribution. Halfway house treatment provides no goal attainment in reaching the goal of restitution but leaves that possibility open if restitution is incorporated into the punishment package.

Community Service

Community service is substantially less costly than incarceration but is not cost-free. Locating organizations that are willing to accept community service offenders, keeping track of offenders, and doing the necessary follow-up work when offenders fail to meet their community service requirement takes a considerable amount of time. Petersilia (1987:76) estimates the average cost range for a 70-hour community service sentence to be between \$800 and \$1,000 per offender. As a restraint, community service is minimally effective. The only actual restraint occurs during the period when the community service is performed.

As a deterrent, community service is minimally effective. Petersilia (1987:76) reported that 40-50 percent of the offenders who go through the community service program are rearrested within six months. The Department of Justice

(1990) reported that the deterrent effects of community service were comparable to the deterrent effects of a short jail term. Clear and Cole (1990) also suggest that community service is not especially effective as a deterrent.

There are no rehabilitative efforts aimed at vocational, psychological, behavioral, or social needs (Clear and Cole, 1990) in the intermediate punishment of community service. According to Clear and Cole (1990), community service is popular because it forces the offender to make a positive contribution to offset the damage inflicted and thus satisfies a common public desire that offenders not "get away**with their crimes. Lampe (1985), however, suggests a minimal effectiveness rating for community service in terms of retribution. Community service does not address the goal of restitution.

Suspended Sentence

The average cost of a suspended sentence was not determined from previous literature, but is obviously very low. A suspended sentence involves no restraint, only the threat of incapacitation if the suspension of the sentence is revoked and that sentence involved incarceration. Data found on suspended sentences were insufficient to indicate a rating with regard to deterrence. A suspended sentence does not contribute to the goal of rehabilitation. In addition, a suspended sentence does not involve any vocational, psychological, behavioral, or social training needed for

rehabilitation (Clear and Cole, 1990). Data reviewed on suspended sentences were insufficient to derive an evaluation with regard to retribution. A suspended sentence fails to address the goal of restitution.

Fines

The cost of administering fines varies in different courts, but many courts, especially lower-level courts, consider fines to be a revenue producing punishment. Studies revealed that one Tacoma, Washington municipal court generated \$375,000 in fine revenue over a two-year period of time at a cost of \$26,000 (U.S. Department of Justice, 1990:13). Many county and city officials depend on fine revenues to help defray the cost of operating their governments. Well over one billion dollars in fines are collected by criminal courts each year (Hillsman, et al., 1987).

There is no restraint involved with fines. The deterrent effect of fines is minimal (Lampe, 1985). Hillsman, et al. (1987) suggests that fines can be a deterrent for crimes of varying levels of severity. Greene (1990) also suggests that fines may enhance deterrence. There is no rehabilitative treatment involved with fines. Lampe (1985) rates fines as none to **minimum** with regard to retribution. Hillsman, et al. (1987) indicates that fines may be seen by the community as an important way of rendering punishment. Fines do not contribute to the goal of restitution (Lampe, 1985).

Restitution

The cost of administering the intermediate punishment of restitution was not found in previous literature but is obviously very low as compared to most other forms of treatment. Empey (1967) reports tremendous savings, in terms of cost, in the use of restitution as compared to other punishments. Restitution does not provide any goal attainment with regard to restraint. Restitution involves no incapacitation.

Clear and Cole (1990) suggest that restitution is minimally effective as a deterrent. They reported a 46 percent failure rate in Minnesota's restitution program and similar results in England's restitution program. England uses restitution extensively. Restitution provides no goal attainment in terms of rehabilitation. Vocational, psychological, behavioral, and/or social training and/or treatment are necessary to rehabilitate an offender (Clear and Cole, 1990), and restitution provides no such training or treatment.

There are conflicting reports on restitution with regard to the goal of retribution. Colson and Van Ness (1989) report that recent surveys indicate that a large percentage of Americans would prefer that non-violent offenders repay their victims rather than be incarcerated at public expense. The popularity of restitution has increased because the offender is forced to make a positive contribution to offset the damage

inflicted and thus satisfies a common public desire that offenders not get away with their crime (Clear and Cole, 1990). On the other hand, restitution may be perceived by many as a mild punishment. Restitution is of little value if the offense involves violence but can be useful in minor property crimes (Clear and Cole, 1990).

Restitution, as an intermediate punishment, ranges from no goal attainment to maximum goal attainment in reaching the goal of restitution. In most minor property crimes, the goal of restitution can be fully attained. In cases involving serious violence, however, restitution has little use. Obviously, there is no way to compensate a murder victim (Lampe, 1985).

Parole

The cost of supervising an offender on parole is comparable to the cost of traditional probation. Austin (1986:488) estimates the average annual per capita cost to be \$554. In terms of reaching the goal of restraint, parole is minimally effective. Parole conditions do restrict the parolee's movements and activities to some extent (Clear and Cole, 1990), but supervision is typically lax. Caseloads in Texas ranged from 72 to 90 per parole officer during the past five years (TDCJ, 1991).

Parole is minimally effective as a deterrent. The U.S. Department of Justice reports that fully two-thirds of prisoners released on parole return to prison within two

years. Various studies have shown that most recidivism occurs within one year of release while offenders are still on parole (Greenfield, 1985). Although the recidivism rate for parolees is high, some studies have shown parolees' recidivism rates to be lower than prisoners released without parole. One study indicated a 25.3 percent recidivism rate for parolees as compared to a 31.5 percent recidivism rate for prisoners released without parole. Another study indicated a 77 percent recidivism rate for parolees as compared to an 85 percent recidivism rate for prisoners released without parole (Clear and Cole, 1990:467).

Recidivism rates are typically higher for young parolees as opposed to older parolees. One study indicated a 69 percent recidivism rate for parolees between the ages of 17 and 22 and a 34 percent recidivism rate for parolees 40 years of age and older (Clear and Cole, 1990).

Although some forms of intensive supervision parole have evolved that do offer rehabilitative treatment, the typical parole conditions do not offer training or treatment in vocational, psychological, behavioral, and/or social adjustment. When parolees first come out of prison, their personal and material problems can be staggering, and many of them are not able to successfully adjust (Clear and Cole, 1990). Data found on parole were not sufficient to determine the probability of goal attainment with regard to retribution. Parole does not address the goal of restitution.

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uations

Table 2.1 summarizes the literature findings and provides an easy comparison of the cost of each intermediate punishment as well as an assessment of the effectiveness of each intermediate punishment in reaching each of the treatment goals. The ratings indicated in this table were derived from the literature review and are subjective in nature.

As Table 2.1 indicates, the annual per capita cost for the twelve intermediate punishments range from none (for fines) to \$9,000 (shock incarceration's maximum estimate). The costs of shock probation, intensive supervision, house arrest, shock incarceration and community corrections are moderately high, but are much less than the average annual \$25,000 per capita cost of incarceration. The cost of maintaining offenders in halfway houses varies greatly and was not determinable. The costs of the other intermediate punishments -- probation, community service, suspended sentence, fines, restitution and parole -- were relatively low.

As a restraint, community corrections appears to be the most effective, while shock probation, intensive supervision and shock incarceration are moderately effective. House arrest is minimally to moderately effective as a restraint, depending upon the type of monitoring involved. probation, halfway houses, community service and parole are minimally effective with regard to restraint. There is no restraint

TABLE 2.1

OFFENDER TREATMENT EFFECTIVENESS RATINGS'

	ANNUAL COST	RESTRAINT	DETERRENCE	REHABILITATION	RESTITUTION	RESTITUTION
PROBATION	\$274 - \$2,000	Minimum	Minimum	Minimum	Minimum	None
SHOCK PROBATION	\$6,700	Moderate	Minimum	Minimum	Not Determined	None
INTENSIVE SUPERVISION	\$1,266 - \$5,475	Moderate	Moderate	Moderate	Minimum to Moderate	None
HOUSE ARREST	\$1,410 - \$8,500	Minimum to Moderate	Moderate	None	Minimum	None
SHOCK INCARCERATION	\$2,586 - \$9,000	Moderate	Minimum to Moderate	Minimum to Moderate	Moderate to Maximum	None
COMMUNITY CORRECTIONS	\$5,018 - \$8,030	Moderate to Maximum	Minimum to Moderate	Moderate	Moderate	None
HALFWAY HOUSES	Not Determined	Minimum	Minimum	Moderate	Not Determined	None
COMMUNITY SERVICE	\$800 - \$1,000	Minimum	Minimum	None	Minimum to Moderate	Slight Possibility
SUSPENDED SENTENCE	Very Low	None to Minimum	Not Determined	None	Not Determined	None
FINES	None	None	Minimum	None	Minimum	None
RESTITUTION	Very Low	None	Minimum	None	None to Moderate	None to Maximum
PAROLE	\$554	Minimum	Minimum	Minimum	Not Determined	None

"Ratings were derived from previous literature and are subjective in nature.

involved in suspended sentences. Suspended sentences do involve some threat of restraint if the suspension is revoked and the sentence that was suspended involved incarceration. **Fines** and restitution are ineffective in reaching the goal of restraint.

The effectiveness ratings in Table 2.1 are not generally optimistic in terms of each intermediate punishment's ability to reach the goal of deterrence. Intensive supervision and house arrest are rated as moderately effective, while shock incarceration and community corrections are minimally to moderately effective. Probation, shock probation, halfway houses, community service, fines, restitution and parole are only rated as minimally effective as a deterrent. No effectiveness rating could be determined for the intermediate punishment of suspended sentence as a deterrent.

Most of the twelve intermediate punishments achieve little or no goal attainment in reaching the treatment goal of rehabilitation. Intensive supervision, community corrections and halfway houses are rated as moderate because of the training and/or treatment that is provided in the areas of vocational, psychological, behavioral and social needs. Shock incarceration is rated as minimally to moderately effective. Probation, shock probation and parole appear to be minimally effective with regard to rehabilitation. There is no rehabilitative treatment provided by the intermediate

punishments of house arrest, community service, suspended sentence, fines or restitution.

With regard to reaching the goal of retribution, shock incarceration appears to be the most effective with a moderate-to-maximum rating. Shock incarceration is followed by community corrections with a moderate rating. Intensive supervision and community service are minimally to moderately effective in terms of retribution, while probation, house arrest and fines were rated as minimally effective. Restitution was rated as none to moderate, depending on the nature of the offense. No retribution effectiveness ratings could be determined for shock probation, halfway houses, suspended sentences or parole. Restitution is normally the only intermediate punishment that, "standing alone," reaches or partially reaches the treatment goal of restitution. Restitution is rated as none to maximum depending on the nature of the offense.

The most effective intermediate punishments, in terms of partially reaching several of the treatment goals, are intensive supervision, shock incarceration and community corrections. Of these three treatments, intensive supervision appears to be the most cost-effective. Suspended sentence, fines and restitution are the least effective in terms of reaching each of the treatment goals.

CHAPTER 3

Research letting

This chapter will begin with a brief history of the Texas Department of Public Safety. The organizational structure of DPS will be briefly described. Chapter 3 will include an organizational chart of DPS (Figure 3.1) and conclude with a discussion of the Highway Patrol service.

HISTORY

It was realized by 1935 that the state's role in crime prevention and traffic control was inadequate and improperly organized. Accordingly, on August 10, 1935, the Legislature created the Texas Department of Public Safety. In creating DPS, the Legislature provided it with the powers of "enforcement of the laws protecting the public safety and providing for the prevention and detection of crime." (DPS Summary, 1987:4).

The State Highway Patrol and the Texas Rangers were already in existence when DPS was organized. The Texas Ranger Force was originally formed by Stephen F. Austin in 1823. The Rangers were under the Adjutant General's Office at the time DPS was organized. The State Highway Patrol, originating in 1927, had been under the Texas Highway Department. The Texas Rangers and State Highway Patrol were transferred to DPS forming the nucleus of the new organization. Through the years, DPS has grown and modified its structure, adding new

law enforcement and support services to meet the challenge of changing times (DPS Summary, 1987).

DPS is the largest state law enforcement agency in Texas and the only one charged with the responsibility of enforcing a wide variety of criminal and traffic laws. DPS exerts a considerable amount of influence on city and county police agencies in Texas. The DPS Academy, in addition to training DPS officers, also offers training in a wide variety of law enforcement related topics to local police agencies throughout the state. DPS officers work closely with city and county police agencies in criminal investigations, traffic related problems, natural disasters and civil disturbances (DPS Summary, 1987).

Organizational Structure

Control of DPS is vested in a three-person Public Safety Commission that is appointed by the Governor with the advice and consent of the Senate. The Public Safety Commission appoints the Director and Assistant Director of the Department. DPS is divided into three major divisions: Traffic Law Enforcement Division, Criminal Law Enforcement Division, and Administrative Services. In addition to the three major divisions, there are several special offices and sections that report directly to the Director (DPS General Manual, 1992).

The Traffic Law Enforcement ("TLE") Division is responsible for the direction and coordination of all field

traffic law enforcement and field traffic law administration activities of the Department. The TLE Division is divided into six regions (Figure 3.2). There are nine different TLE services: Capitol Police, Executive Security, Motor Carrier Bureau, Drivers License, Highway Patrol, License and Weight, Police Communications, Public Safety Education and Vehicle Inspection (DPS General Manual, 1992).

The Criminal Law Enforcement ("CLE") Division is responsible for the direction and coordination of all criminal law enforcement activities of the Department. The CLE Division is comprised of four different services: Criminal Intelligence, Motor Vehicle Theft, Narcotics and the Polygraph Service. Criminal Intelligence, Motor Vehicle Theft and Narcotics are each divided into districts, but the district boundary lines for each service are different, as illustrated in Figures 3.3, 3.4 and 3.5 (DPS General Manual, 1992).

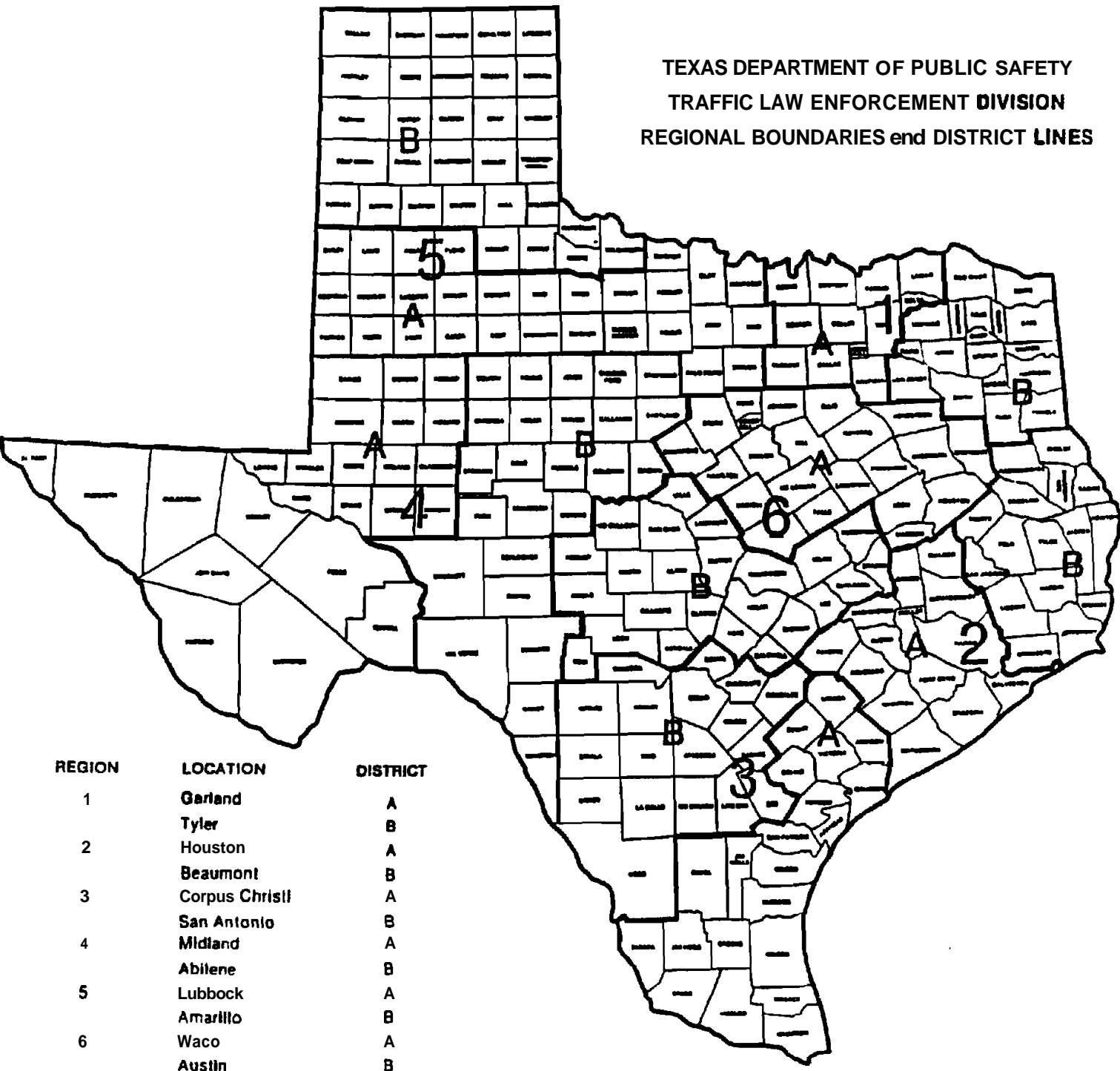
The Administrative Services Division is responsible for the headquarters staff functions. The Crime Records Division, Crime Laboratory Division, Driver and Vehicle Records Division, Staff Services Division, Inspection and Planning Division, Data Processing Division and the Division of Emergency Management are each part of the Administrative Services Division (DPS General Manual, 1992).

There are several specialized sections and offices that report directly to the Director of DPS. This group includes the Accounting and Budget Control Section, Legal Services,

FIGURE 3.2

MAP OF TLE REGIONAL AND DISTRICT BOUNDARIES

TEXAS DEPARTMENT OF PUBLIC SAFETY
 TRAFFIC LAW ENFORCEMENT DIVISION
 REGIONAL BOUNDARIES and DISTRICT LINES



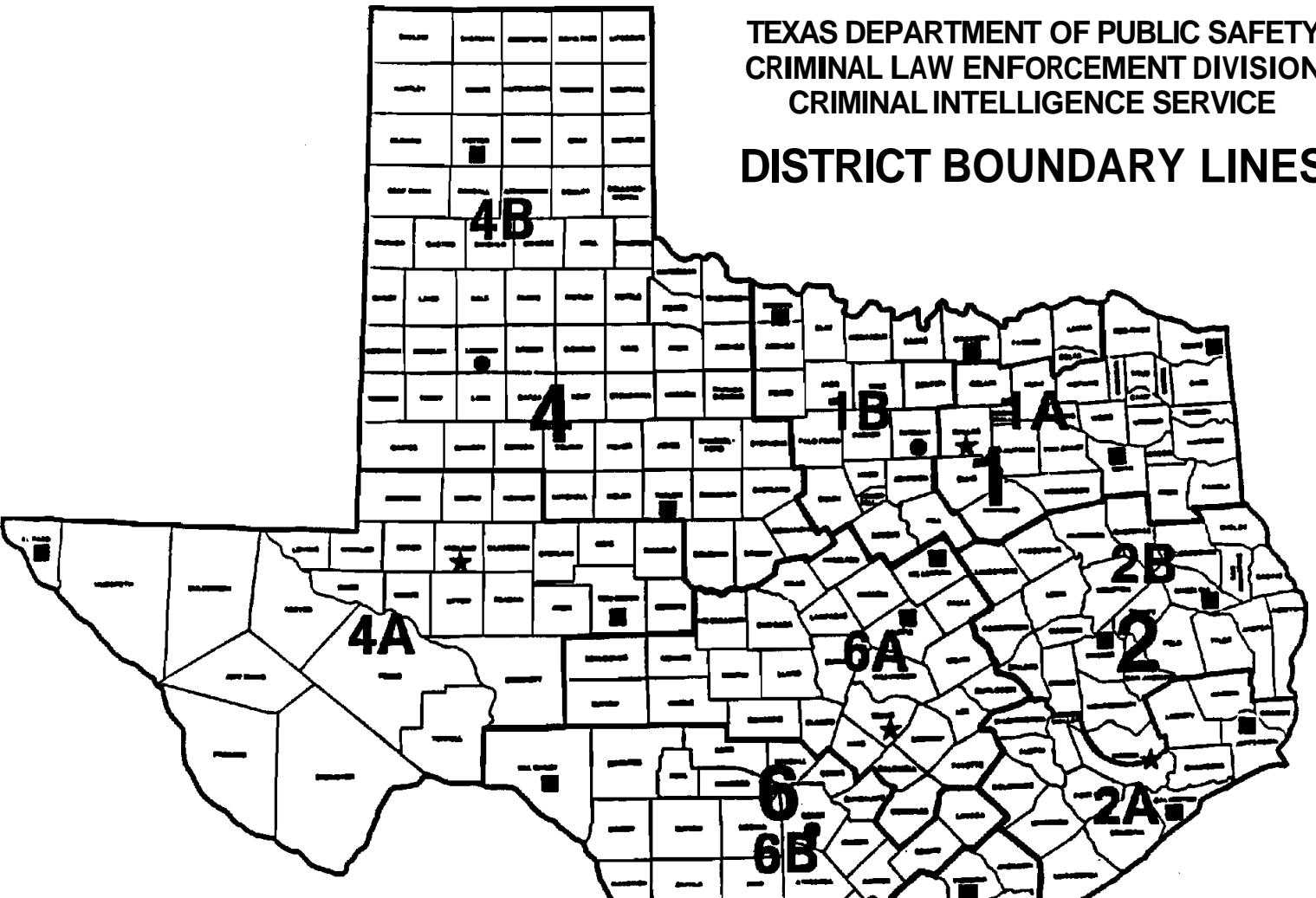
REGION	LOCATION	DISTRICT
1	Garland	A
	Tyler	B
2	Houston	A
	Beaumont	B
3	Corpus Christi	A
	San Antonio	B
4	Midland	A
	Abitene	B
5	Lubbock	A
	Amarillo	B
6	Waco	A
	Austin	B

FIGURE 3.3

**MAP OF CRIMINAL INTELLIGENCE SERVICE
DISTRICT BOUNDARY LINES**

**TEXAS DEPARTMENT OF PUBLIC SAFETY
CRIMINAL LAW ENFORCEMENT DIVISION
CRIMINAL INTELLIGENCE SERVICE**

DISTRICT BOUNDARY LINES



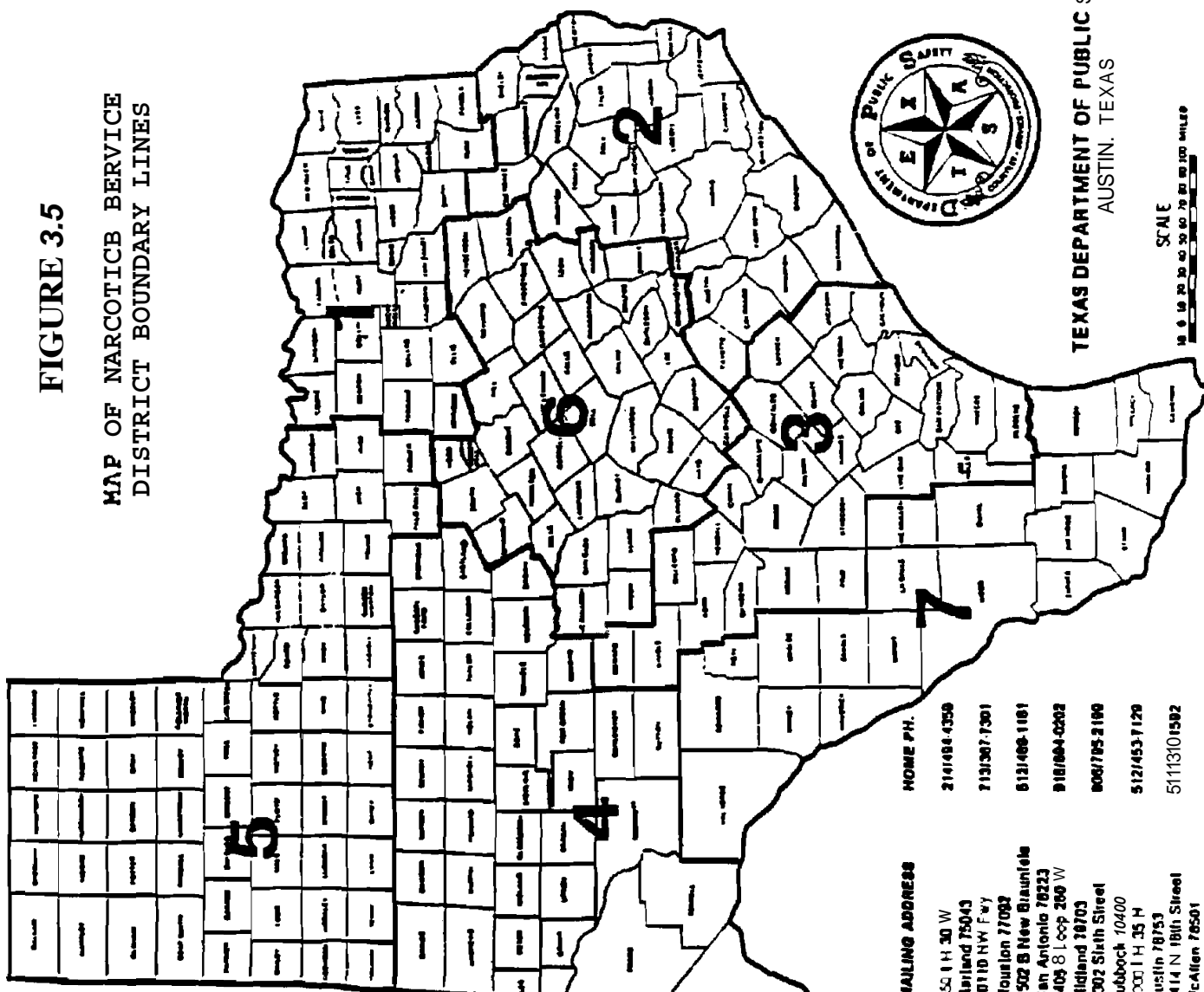
INTELLIGENCE SERVICE

DISTRICTS	AREAS
GARLAND 1	1A, 1B, 1C
HOUSTON 2	2A, 2B, 2C
CORPUS CHRISTI 3	3A, 3B
MIDLAND 4	4A, 4B
AUSTIN 6	6A, 6B

- ★ District Headquarters
- Subdistrict Office
- District Duty Station

FIGURE 3.5

**MAP OF NARCOTICS SERVICE
DISTRICT BOUNDARY LINES**



**TEXAS DEPARTMENT OF PUBLIC SAFETY
AUSTIN, TEXAS**

SCALE
10 20 30 40 50 60 70 80 90 100 MILES

REGIONAL FIELD CAPTAINS						
REGION	NAME	RADIO	OFFICE P.H.	TEX-AN	MAILING ADDRESS	HOME PH.
1 Gallard	J Wesley Crites	8100	214/226-7611	833-7250	3501 H. 30 W Garland 75043	214/484-4358
2 Houston	Jack L. Currie	8200	713/681-1761	851-1171	10110 HW Fwy Houston 77037	713/367-7301
3 San Antonio	Waylon J. Bullard	8300	512/633-9171	830-8263	6502 B New Braunfels San Antonio 78223	512/488-1181
4 Midland	Bob O. Joseph	8400	11811014111	841-8062	2405 E Loop 360 W Midland 79703	918/684-0262
5 Lubbock	Fred Jack	8500	806/747-4481	848-8181	1302 Sixth Street Lubbock 79400	806/785-3190
6 Austin	Donald Cohn	8600	512/637-9010	823-7187	9000 IH 35 N Austin 78753	512/453-7126
7 McAllen	Terry Bowers	8700	512/687-62W	820-1449	1414 N 18th Street McAllen 78501	511/310-1592

HEADQUARTERS
Michael D. Scott, Commander
Jim Murray, Assistant Commander
 8. C. Lyon, Captain
Charles Goforth, Captain, Technical Unit
 Eddie Hebisen, Captain
 Johnny Hatcher, Lieutenant
 Clouds Bookout, Lieutenant, Training
Floyd Goodwin, Lieutenant, Port Arrest Unit
 8805 N LAMAR
 PO BOX 4087
 AUSTIN TX 78773-0001

Phona: 512/488-2000 Ext. 3050
 Tex-An: 225-3050

Aircraft Section, Public Information Office, Internal Affairs, Internal Audit and the Texas Rangers. The Ranger Service was part of the CLE Division until the 1991 legislative session. During that session the Rangers were successful in politicking their way out of CLE and into a position directly under the Director. The Ranger Service is divided into six Companies. Figure 3.6 illustrates the Ranger Company boundary lines.

Highway Patrol Service

The Highway Patrol Service is by far the largest service in DPS, with an authorized strength of 1,680 commissioned positions. The Highway Patrol Service has Troopers stationed in almost all counties throughout the state. Highway Patrol Troopers are responsible for a wide range of duties including the patrol of public highways, enforcement of traffic and criminal laws, intelligence gathering, accident investigation, making emergency rules relating to traffic direction, rendering first aid, suppression of riots and civil disorders, and assisting local officials with disasters (DPS General Manual, 1992).

One constant concern among Highway Patrol Supervisors is the morale of Troopers. Morale and motivation are interrelated, at least to some extent, and there are many factors in a Highway Patrol Trooper's work that have a negative impact on morale. First, Highway Patrol Troopers work a difficult schedule. They are routinely assigned to work at night, on weekends and holidays. In addition, they

FIGURE 3.6

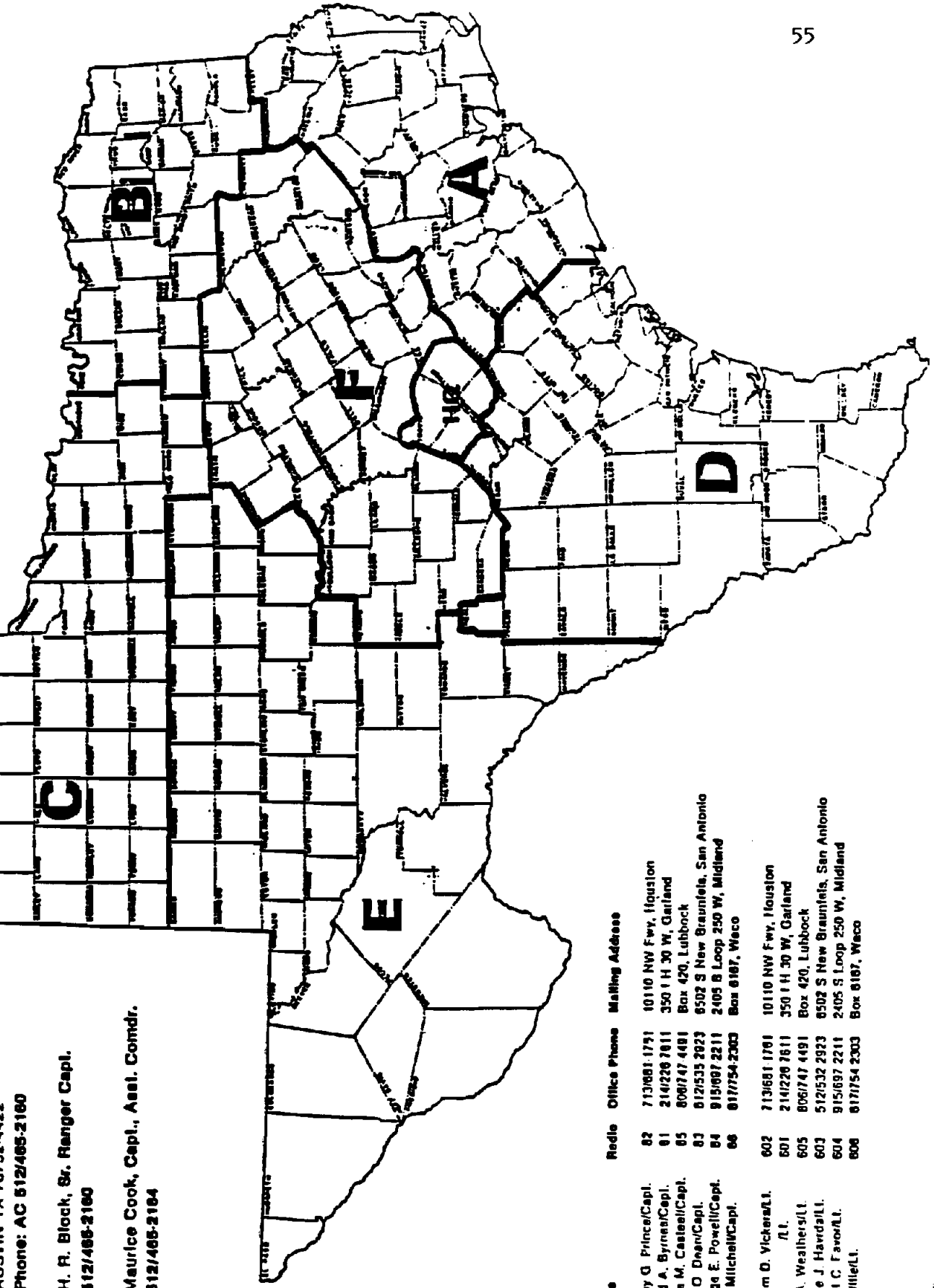
**MAP OF TEXAS RANGER SERVICE
COMPANY BOUNDARY LINES**

HEADQUARTERS

**6505 N LAMAR
AUSTIN TX 78752-4422
Phone: AC 512/465-2160**

**H. R. Block, Sr. Ranger Capt.
512/465-2160**

**Maurice Cook, Capt., Asst. Comdr.
512/465-2164**



Co.	Name	Radio	Office Phone	Mailing Address
A	Bobby G Prince/Capt.	62	713/681-1771	10110 NW Fwy, Houston
B	David A. Byrnes/Capt.	61	214/226 7611	3501 H 30 W, Garland
C	Bruce M. Castle/Capt.	65	806/747 4481	Box 420, Lubbock
D	Jack O Dean/Capt.	63	512/535 2623	6502 S New Braunfels, San Antonio
E	George E. Powell/Capt.	64	915/697 2211	2405 S Loop 250 W, Midland
F	R. K. Mitchell/Capt.	66	817/754-2303	Box 6167, Waco
A	William D. Vickers/Lt.	602	713/681 1761	10110 NW Fwy, Houston
B	/Lt.	601	214/226 7611	3501 H 30 W, Garland
C	Carl A. Weathers/Lt.	605	806/747 4491	Box 420, Lubbock
D	Chaifle J. Havrdal/Lt.	603	512/532 2923	6502 S New Braunfels, San Antonio
E	Robert C. Farov/Lt.	604	915/697 2211	2405 S Loop 250 W, Midland
F	Joe Willie/Lt.	606	817/754 2303	Box 6167, Waco

are "on call" during much of their off-duty time for duties such as accident investigations, court appearances and other responsibilities. Second, there is a certain amount of danger that is inherent in police work. Most Troopers who have been on the job for several years have had friends and/or co-workers killed in the line of duty. Third, civil liability has often placed Troopers in the uncertain position of not knowing what they should or should not do, especially in pursuit situations. Fourth, Troopers routinely investigate accidents involving fatalities or seriously injured victims and often deal with the victim's family members. Fifth, a Trooper's work is generally a thankless job. Troopers are complained at, cursed, threatened and occasionally assaulted during the course of their duties. And finally, our system of punitive sanctions is often considered ineffective by Troopers.

Most people enter the police profession with idealism and optimism believing that they can make a difference in a troubled world. They soon learn that the world continues to be troubled despite their best efforts, efforts which seem largely unappreciated or even held in contempt by much of the population (Riede and Johnson, 1991). Highway Patrol Troopers do their work with little supervision. It is not uncommon for a Trooper to be stationed sixty miles or more away from his/her supervisor (Sergeant) and to only see that supervisor

occasionally. Both morale and motivation levels have an impact on the kind of job a Trooper does.

Most Troopers are very conscientious with regard to the quality of their work. A lot of effort goes into making good cases, preserving evidence, writing lengthy case reports and making numerous appearances to testify in court. One of the defense attorneys' favorite tactics, especially in driving while intoxicated and drug related cases, is to attack the credibility of the police officer rather than actually defend the offender. The criminal justice profession is filled with frustration for police officers, especially when even after their best efforts and hard work, offenders are too often either acquitted by liberal court systems, convicted and given seemingly inappropriate sentences, or in sentences involving incarceration, released after serving only a small percentage of their sentence.

The aforementioned negative morale factors seem to be inherent in a Highway Patrol Trooper's job in our present society and there is little a supervisor can do to change this situation. There is some benefit, however, in recognizing negative morale factors and having an opportunity to address those factors with the Troopers. The survey research in this project attempts to determine and describe the Austin District Highway Patrol Troopers' perceptions of the effectiveness of the intermediate punishments that are identified in Chapter 2.

CHAPTER 4

Research Methodology

This applied research project is a descriptive study utilizing survey research as the method for data collection. The construction, pretesting and variable measurement expectations of the survey instrument will be discussed in this chapter. This chapter will also define the study population. The strengths and weaknesses of survey research will be discussed along with the reasons that survey research was chosen as the data collection method for this applied research project.

Survey Instrument

The survey instrument (Appendix A) was designed to reveal the Austin District Highway Patrol Troopers' perceptions about each of the twelve intermediate punishment's likelihood of reaching each of the five treatment goals. The instrument, a self-administered questionnaire, allows the respondents to make an ordinal assessment of an intermediate punishment's likelihood of reaching a treatment goal on a scale of 1 to 5, with 1 indicating no likelihood and 5 indicating maximum likelihood. The instrument requires a total of 60 responses. The cover page of the survey instrument package explains the purpose of the instrument. The second page requests information concerning the respondent's experience and education level. The next five pages deal with the

respondent's assessment of a treatment's ability to achieve a specific goal. Finally, the last three pages include definitions of each intermediate punishment and each treatment goal.

The survey instrument was pretested by five Highway Patrol Troopers stationed in South Austin. Each of the five Troopers reported that the instructions included in the survey instrument were clear and easily understood. The reported amount of time necessary for completion of the survey ranged from ten to thirty minutes. The survey instrument was sent, through interagency mail, to 102 Austin District Highway Patrol Troopers on September 12, 1992.

Study Population

The study population for this project consists of the Highway Patrol Troopers in the Austin Highway Patrol District. The Austin Highway Patrol District, consisting of twenty-four counties in the Austin area, has an authorized strength of 109 Troopers. On September 12, 1992, the date the survey instrument was sent out, the total number of Highway Patrol Troopers in the Austin District was 107. Five of those Troopers were used to pretest the instrument. The survey instruments were then sent to the remaining 102 Highway Patrol Troopers.

Survey Research

Survey research is an excellent method for measuring attitudes and orientations, and probably the best method available for collecting original data from a large population. A carefully selected study population in combination with a standardized, self-administered questionnaire offers the possibility of making refined descriptive assertions about a large population. Surveys are flexible in the respect that many questions can be asked on a given topic. The reliability factor is generally considered to be high in survey research (Babbie, 1989).

There are weaknesses attributed to survey research. Surveys can appear superficial in their coverage of complex topics. Standardized questions are inflexible in the sense that they cannot be readily modified as conditions warrant. Some topics of study may not be amenable to measurement through questionnaires. Finally, surveys are generally considered to be weak on validity.

In spite of the aforementioned weaknesses, however, survey research appears to be the most appropriate method of data collection for this project. A large number of cases is very important for descriptive studies. Whenever several variables are to be analyzed simultaneously, it is essential to have a large number of cases (Babbie, 1989). Survey research is the only method that allows a large sample to be contacted within reasonable time constraints.

Also, survey research is generally an effective approach to the questions of what, how much, how many, who and where (Yin, 1989). In this project, the question, "What are the Troopers' perceptions of intermediate punishments?" is answered by allowing each Trooper to make an ordinal assessment, on a scale of 1 to 5, of an intermediate punishment's likelihood of reaching a treatment goal. The results of the survey research are presented in Chapter 5.

CHAPTER 5

Research Results

Chapter 5 will discuss the survey results (Table 5.1), the response rate, data tabulation and an overall summary. In addition, a summary of each intermediate punishment's effectiveness will be presented. A summary of each intermediate punishment by treatment goal will also be presented, including the ranking of each intermediate punishment in each goal category. Finally, a comparison of the literature review results and the survey research results will be summarized.

Survey Results

On September 12, 1992, survey instruments were sent out to 102 Highway Patrol Troopers in the Austin District. The response rate was high. Eighty-six responses were received for a response rate of 84 percent.

The survey ratings were calculated, and a mean rating on a scale of 1 (none) to 5 (maximum) was obtained to assess each intermediate punishment's likelihood of reaching each treatment goal. Since exact probability cannot be calculated, an ordinal (1 to 5) assessment was used. The term "intermediate punishment's probability" was used in the survey instrument. The word "probability" had no mathematical meaning to the respondents; however, the word "likelihood" was

TABLE 5.1

**HIGHWAY PATROL TROOPERS' MEAN EVALUATION
OF INTERMEDIATE PUNISHMENTS' EFFECTIVENESS**

	RESTRAINT	DETERRENCE	REHABILITATION	RETRIBUTION	RESTITUTION
PROBATION	2.05	1.92	1.98	1.86	—
SHOCK PROBATION	2.53	2.36	2.28	2.26	—
INTENSIVE SUPERVISION	2.83	2.74	2.77	2.53	—
HOUSE ARREST	2.50	2.29	—	2.03	—
SHOCK INCARCERATION	3.06	2.98	2.72	2.83	—
COMMUNITY CORRECTIONS	2.55	2.44	2.30	2.27	—
HALFWAY HOUSES	2.05	1.88	1.84	1.74	—
COMMUNITY SERVICE	2.20	2.08	—	2.17	—
SUSPENDED SENTENCE	1.33	1.38	—	1.48	—
FINES	—	2.48	—	2.71	—
RESTITUTION	—	2.83	—	2.98	3.45
PAROLE	2.19	2.02	2.05	1.94	—

The numbers presented in Table 5.1 each represent a mean rating on a scale of 1 to 5 derived from survey response data.

N=86

substituted for "probability" in this paper in order to avoid any incorrect mathematical meaning.

No rating was reported when an intermediate punishment had no likelihood of reaching the treatment goal. Ratings on the likelihood of reaching the goal of restraint were not reported for fines or restitution. Ratings were also not reported for house arrest, community service, suspended sentence, fines or restitution in terms of their likelihood of reaching the goal of rehabilitation. The rating for the intermediate punishment of restitution was the only rating reported for the treatment goal category of restitution. The ratings are tabulated in Table 5.1. An ordinal scale of 1 (none) to 5 (maximum) was used, with 3 representing the midpoint rating. Each number in Table 5.1 represents the mean rating from the respondents.

Summary

None of the intermediate punishments address all five treatment goals. As indicated in Table 5.1, seven of the punishments address four treatment goals; four address three treatment goals; and one only addresses two treatment goals. An overall mean rating was obtained by adding the mean scores for each intermediate punishment in Table 5.1 and dividing by the number of treatment goals that the intermediate punishment addresses. Those ratings are presented in Table 5.2.

Among the intermediate punishments that address four treatment goals, shock incarceration and intensive supervision

TABLE 5.2

OVERALL MEAN RATINGS

FOUR GOALS ADDRESSED	
Shock Incarceration	2.90
Intensive Supervision	2.72
Community Corrections	2.39
Shock Probation	2.36
Parole	2.05
Probation	1.95
Halfway Houses	1.88

THREE GOALS ADDRESSED	
Restitution	3.09
House Arrest	2.27
Community Service	2.15
Suspended Sentence	1.40

TWO GOALS ADDRESSED	
Fines	2.60

received the highest ratings, followed by community corrections and shock probation. Parole, probation and halfway houses received relatively low ratings overall. Among the punishments that address three treatment goals, restitution was rated much higher than the others, followed by house arrest, community service and suspended sentence with a low rating. Fines address only two treatment goals but were rated fairly high in those two categories in comparison to the other punishments.

Overall, the Troopers¹ perceptions of the various intermediate punishments appear to be fairly negative. Among the punishments that address four treatment goals, shock incarceration and intensive supervision were the only ones that were rated near the midpoint rating of 3. Restitution received an overall rating of 3.09 but only addresses three treatment goals. It is clear that the Troopers have a negative perception of several of the traditional intermediate punishments such as probation, halfway houses, suspended sentence and parole.

The only surprise in the survey responses was the Troopers¹ perceptions of restitution and fines. Restitution, although not rated that high on the scale, was rated high in relation to the other intermediate punishments. Fines, although only addressing two of the treatment goals, was rated fairly high in relation to other intermediate punishments.

Summary by Intermediate Punishment

In this section, the Troopers' perceptions of each intermediate punishment will be summarized. The survey response results are reported in Table 5.1.

probation

The Troopers' assessment of probation as an intermediate punishment was negative. Probation received ratings of 2.05 for restraint, 1.92 for deterrence, 1.98 for rehabilitation and 1.86 for retribution. Probation does not address the goal of restitution. Although probation is used extensively at present and has been widely used during most of this century, apparently it is considered to be an ineffective form of intermediate punishment by Troopers.

Shock Probation

Shock probation, although not rated high by the Troopers, did receive considerably higher ratings than probation. Shock probation received ratings of 2.53 for restraint, 2.36 for deterrence, 2.28 for rehabilitation and 2.26 for retribution. Shock probation does not address the treatment goal of restitution. Shock probation was rated higher than probation in each of the four goal categories addressed.

Intensive Supervision

The Troopers' assessment of intensive supervision, although not high on the rating scale, was among the highest of the intermediate punishments. Intensive supervision received ratings of 2.83 for restraint, 2.74 for deterrence,

2.77 for rehabilitation and 2.53 for retribution. Intensive supervision does not address the treatment goal of restitution. Intensive supervision received relatively high assessment ratings in each of the four treatment goals addressed.

House Arrest

The intermediate punishment of house arrest only addresses three of the treatment goals, those being restraint, deterrence and retribution. House arrest received ratings of 2.50 for restraint, 2.29 for deterrence and 2.03 for retribution. House arrest received a moderate assessment rating for restraint in relation to the other intermediate punishments but was below the median for deterrence and retribution.

Shock Incarceration

The Troopers¹ assessment of shock incarceration, as an intermediate punishment, was the highest among the intermediate punishments that address four of the treatment goals. Shock incarceration received assessment ratings of 3.06 for restraint, 2.98 for deterrence, 2.72 for rehabilitation and 2.83 for restitution. Shock incarceration does not address the treatment goal of restitution. Shock incarceration apparently is perceived by the Troopers as one of the more effective intermediate punishments.

Community Corrections

The Troopers' assessment of community corrections, although not high on the rating scale, was moderately high in relation to other intermediate punishments. Community corrections received assessment ratings of 2.55 for restraint, 2.44 for deterrence, 2.30 for rehabilitation and 2.27 for retribution. The intermediate punishment of community corrections does not address the treatment goal of restitution.

Halfway Houses

The Troopers' assessment of halfway houses was negative. The assessment ratings for halfway houses were lower than probation and parole. Halfway houses received assessment ratings of 2.05 for restraint, 1.88 for deterrence, 1.84 for rehabilitation and 1.74 for retribution. Halfway houses do not address the treatment goal of restitution.

Community Service

As an intermediate punishment, community service only addresses the treatment goals of restraint, deterrence and retribution. The assessment ratings for community service were slightly higher, for the treatment goals addressed, than the ratings for probation, parole and halfway houses. Community service received assessment ratings of 2.20 for restraint, 2.08 for deterrence and 2.17 for retribution.

Suspended Sentence

The Troopers¹ assessment of suspended sentence, as an intermediate punishment, was the lowest of all the intermediate punishments. Suspended sentence only addresses the treatment goals of restraint, deterrence and retribution. Suspended sentence received assessment ratings of 1.33 for restraint, 1.38 for deterrence and 1.48 for retribution.

Pines

Fines, as an intermediate punishment, only address the two treatment goals of deterrence and retribution. The Troopers¹ assessment ratings for fines were moderately high in relation to other intermediate punishments. Fines received assessment ratings of 2.48 for deterrence and 2.71 for retribution.

Restitution

Restitution, as an intermediate punishment, only addresses the three treatment goals of deterrence, retribution and restitution. The Troopers¹ assessment ratings for restitution were high in relation to other intermediate punishments. Restitution received assessment ratings of 2.83 for deterrence, 2.98 for retribution and 3.45 for restitution.

Parole

The Troopers¹ assessment of parole, although slightly higher than probation and halfway houses, was negative overall. Parole received assessment ratings of 2.19 for restraint, 2.02 for deterrence, 2.05 for rehabilitation and

1.94 for retribution. Parole, as an intermediate punishment, does not address the treatment goal of restitution.

Summary by Treatment Goal

Each intermediate punishment has been ranked by treatment goal according to the Troopers' assessment ratings. Table 5.3 reflects the ranking of each intermediate punishment.

Restraint

With regard to restraint, shock incarceration received the highest assessment rating (3.06), followed closely by intensive supervision (2.83). Community corrections ranked third (2.55), followed by shock probation (2.53) and house arrest (2.50). Community service ranked sixth (2.20) and parole seventh (2.19), followed by probation and halfway houses with equal assessment ratings (2.05). Suspended sentence ranked tenth (1.33). The intermediate punishments of fines and restitution do not address the treatment goal of restraint.

Deterrence

In terms of each intermediate punishment's likelihood of reaching the goal of deterrence, shock incarceration again received the highest rating (2.98). Restitution ranked second (2.83), followed closely by intensive supervision (2.74). Fines ranked fourth (2.48), community corrections fifth (2.44), shock probation sixth (2.36), house arrest seventh (2.29), community service eighth (2.08), parole ninth (2.02),

TABLE 5.3

**INTERMEDIATE PUNISHMENT RANKING BY
TROOPERS' EFFECTIVENESS PROBABILITY RATINGS**

RESTRAINT	DETERRENCE	REHABILITATION	RETRIBUTION	RESTITUTION
Shock Incarceration	Shock Incarceration	Intensive Supervision	Restitution	Restitution
Intensive Supervision	Restitution	Shock Incarceration	Shock Incarceration	Shock Incarceration
Community Corrections	Intensive Supervision	Community Corrections	Fines	Fines
Shock Probation	Fines	Shock Probation	Intensive Supervision	Intensive Supervision
House Arrest	Community Corrections	Parole	Community Corrections	Community Corrections
Community Service	Shock Probation	Probation	Shock Probation	Shock Probation
Parole	House Arrest	Halfway House	Community Service	Community Service
Probation	Community Service		House Arrest	House Arrest
Halfway House	Parole		Parole	Parole
Suspended Sentence	Probation		Probation	Probation
	Halfway House		Halfway House	Halfway House
	Suspended Sentence		Suspended Sentence	Suspended Sentence

probation tenth (1.92) and halfway houses eleventh (1.88) . suspended sentence again was ranked last (1.38).

Rehabilitation

Intensive supervision received the highest assessment rating (2.77) with regard to its likelihood of reaching the goal of rehabilitation, followed closely by shock incarceration (2.72). Community corrections ranked third (2.30), shock probation fourth (2.28), parole fifth (2.05) and probation sixth (1.98). Halfway houses ranked seventh (1.84). The treatment goal of rehabilitation is not addressed by the intermediate punishments of house arrest, community service, suspended sentence, fines or restitution.

Retribution

In terms of each intermediate punishment's likelihood of reaching the treatment goal of retribution, restitution received the highest assessment rating (2.98), followed closely by shock incarceration (2.83). Fines ranked third (2.71) and intensive supervision fourth (2.53). Community corrections ranked fifth (2.27), shock probation sixth (2.26), community service seventh (2.17), house arrest eighth (2.03), parole ninth (1.94), probation tenth (1.86) and halfway houses eleventh (1.74). Once again, suspended sentence ranked last (1.48).

Restitution

Restitution, as an intermediate punishment, is the only one that addresses the treatment goal of restitution.

Restitution (as an intermediate punishment) received an assessment rating of 3.45.

Comparison Summary

The results of the literature and survey research were similar in most respects. Intensive supervision, shock incarceration and community corrections received the highest effectiveness ratings overall in both the literature review and the survey research. The survey research, like the literature review, rated probation and parole as minimally effective overall. The effectiveness ratings for shock probation and community service were similar in the literature review and the survey research. The Troopers' effectiveness ratings for house arrest and halfway houses were slightly lower than the ratings derived from the literature review. The intermediate punishment of suspended sentence received a very low effectiveness rating in both the literature review and the survey research. The Troopers' assessment ratings for fines were considerably higher than the ratings derived from the literature review. The greatest difference in the ratings from the literature review and the survey research was for the intermediate punishment of restitution. The Troopers' assessment ratings for restitution were much higher than the ratings derived from the literature review.

CHAPTER 6

Conclusions and Recommendations

The purpose of this applied research project was two-fold. The first was to identify, through a literature review, commonly recognized treatment goals and to identify and evaluate the most commonly utilized intermediate punishments in terms of reaching those goals. The second was to determine and describe the Austin District Highway Patrol Troopers' perceptions of those intermediate punishments. The research results were reported in Chapters 2 and 5. Chapter 6 presents conclusions drawn from the literature review and survey research. This chapter will conclude with recommendations for the future utilization of intermediate punishments.

Conclusions

The overall results of this research, including both the literature review and the survey research, do not provide cause for optimism with regard to the effectiveness of intermediate punishments. When compared with the effectiveness of incarceration, however, the intermediate punishments begin to appear more viable. The only treatment goals that incarceration is highly effective in reaching are restraint and possibly retribution. Incarceration is not considered highly effective in reaching the treatment goals of deterrence or rehabilitation. Incarceration does not address the treatment goal of restitution (Lampe, 1985).

In addition, the negative effects of incarceration could be avoided by the use of intermediate punishments. Incarceration stigmatizes and makes it difficult for an offender to re-enter the mainstream of society after release. Also, prison may introduce offenders, especially young offenders, into a criminal environment. It is doubtless that for some offenders prison is a "school of crime," and these offenders will commit more, or more skillful, crimes after their release (Wilson, 1985).

As mentioned in Chapter 1, the news media frequently reports that violent crimes have been committed by offenders recently released from prison after serving only a small portion of their sentences. In spite of an increase in the median time of prison sentences handed down by the courts, the median time of sentences actually served has decreased. This early release program prompted by overcrowded prisons and rising costs has had a negative impact on the safety of the citizens of Texas and other states. Dangerous offenders must be kept incarcerated for a substantial period of time. The pressures caused from prison overcrowding and rising costs could be reduced by increasing the use of intermediate punishments for nonviolent offenders thus allowing the criminal justice system to keep dangerous criminals incarcerated for longer periods of time. This strategy would only work, however, if the intermediate punishments utilized are effective in diverting the offenders from future criminal

behavior. **Otherwise**, the offenders will eventually wind up in prison.

Recommendations

The viability of any punishment depends on the nature of the offense and the treatment goals that should be reached. If the nature of the crime is such that restraint is the most important goal, none of the intermediate punishments are appropriate. Incarceration and capital punishment are the only punishments that are considered highly effective as a restraint (Lampe, 1985). If deterrence is the primary treatment goal, there are several intermediate punishments -- intensive supervision, house arrest, shock incarceration and community corrections -- that appear to be as effective, or possibly more effective, than incarceration. If rehabilitation is the primary treatment goal, the intermediate punishments of intensive supervision, shock incarceration, community corrections and halfway houses appear to be as effective, or possibly more effective, than incarceration.

The appropriateness of retribution is a matter of perception and depends largely on the seriousness of the crime. For minor crimes, the intermediate punishments of restitution, fines, suspended sentence, community service and probation are normally considered appropriate. More serious crimes require more serious punishment in order to meet the goal of retribution. If restitution is the primary goal, the

intermediate punishment of restitution is the only one that meets that goal.

Until fairly recently, there were traditionally two punishments utilized in felony cases, those being incarceration and probation. However, there are many cases in which neither of these two punishments is appropriate. Shock probation, intensive supervision, shock incarceration and community corrections each lie somewhere between probation and prison in severity. In addition, each seems to be fairly effective overall in reaching the treatment goals of restraint, deterrence, rehabilitation and retribution. Intensive supervision is the most cost efficient and does not involve the stigma of prison or expose offenders to the criminal environment of prison.

APPENDIX A**SURVEY INSTRUMENT**

September 12, 1992

Dear Trooper:

I am a graduate student of Public Administration at Southwest Texas State University. In partial fulfillment of the requirements for the degree of Masters of Public Administration, I am doing an applied research project. The purpose of the project is to evaluate various intermediate punishments as alternatives to incarceration (prison), and to test and describe D.P.S. Troopers' perceptions of the various intermediate punishments in terms of meeting widely recognized treatment goals. I am conducting a survey of Highway Patrol Troopers in the Austin District for the purpose of determining those perceptions.

A brief information sheet concerning your experience and education is included. Definitions of five widely recognized treatment goals and twelve commonly utilized intermediate punishments are also included behind the survey instrument. This survey instrument is designed so that you can rate each intermediate punishment's effectiveness in terms of reaching each of the five treatment goals.

Your cooperation in taking a few minutes to answer this survey would be greatly appreciated. Each and every response is important. Please return the survey at your earliest convenience, but no later than October 10, 1992. Thank you.

Sincerely,

Bob Short, Sergeant
Texas Highway Patrol
5730 Manchaca Road
Austin, Texas 78745
(512) 444-4178

Attachment

Experience and Education

1. Number of years as a D.P.S. Trooper:
 - 1-5 _____
 - 6-10 _____
 - 11-15 _____
 - 16-20 _____
 - over 20 _____

2. Prior police experience: Yes _____ No _____
 If yes, number of years: _____

3. Number of D.P.S. duty stations assigned to: _____

4. Education level:
 - High school completed: Yes _____ No _____
 - Years of college: _____
 - Degrees obtained: _____

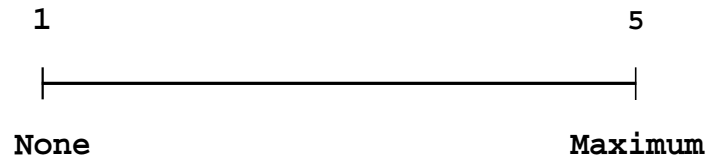
5. Population of county you work:
 - 20,000 or less _____
 - 20,000 to 50,000 _____
 - 50,000 to 100,000 _____
 - 100,000 to 250,000 _____
 - 250,000 and over _____

6. Military experience: Yes _____ No _____
 If yes, number of years: _____

Intermediate Punishment Evaluations

Restraint

Please rate each intermediate punishment's probability of reaching the goal of **restraint** using a scale of one to five, with one being none and five being maximum.

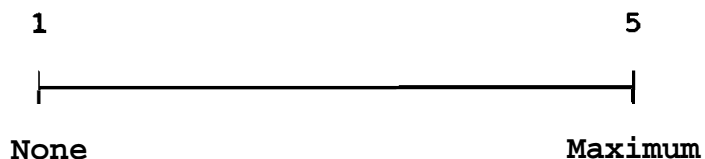


Circle the appropriate response:

Probation	1	2	3	4	5
Shock probation	1	2	3	4	5
Intensive supervision	1	2	3	4	5
House arrest	1	2	3	4	5
Shock incarceration	1	2	3	4	5
community corrections	1	2	3	4	5
Halfway houses	1	2	3	4	5
Community service	1	2	3	4	5
Suspended sentence	1	2	3	4	5
Fines	1	2	3	4	5
Restitution	1	2	3	4	5
Parole	1	2	3	4	5

Deterrence

Please rate each intermediate punishment's probability of reaching the goal of **deterrence** using a scale of one to five, with one being none and five being maximum.

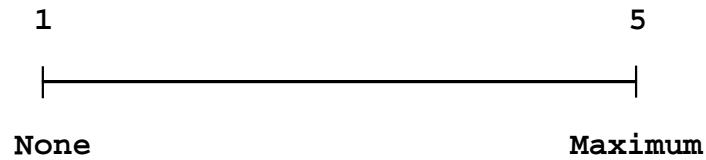


Circle the appropriate response:

Probation	1	2	3	4	5
Shock probation	1	2	3	4	5
Intensive supervision	1	2	3	4	5
House arrest	1	2	3	4	5
Shock incarceration	1	2	3	4	5
Community corrections	1	2	3	4	5
Halfway houses	1	2	3	4	5
Community service	1	2	3	4	5
Suspended sentence	1	2	3	4	5
Fines	1	2	3	4	5
Restitution	1	2	3	4	5
Parole	1	2	3	4	5

Rehabilitation

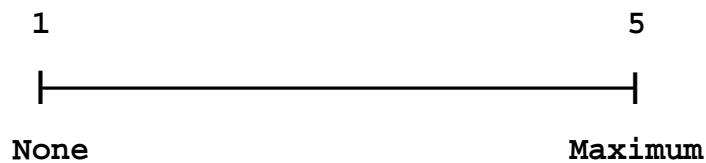
Please rate each intermediate punishment's probability of reaching the goal of rehabilitation using a scale of one to five, with one being none and five being maximum.

**Circle the appropriate response:**

Probation	1	2	3	4	5
Shock probation	1	2	3	4	5
Intensive supervision	1	2	3	4	5
House arrest	1	2	3	4	5
Shock incarceration	1	2	3	4	5
Community corrections	1	2	3	4	5
Halfway houses	1	2	3	4	5
Community service	1	2	3	4	5
Suspended sentence	1	2	3	4	5
Fines	1	2	3	4	5
Restitution	1	2	3	4	5
Parole	1	2	3	4	5

Retribution

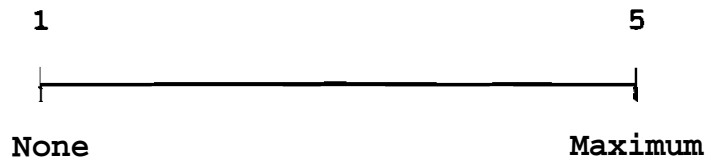
Please rate each intermediate punishment's probability of reaching the goal of retribution using a scale of one to five, with one being none and five being maximum.

**Circle the appropriate response:**

Probation	1	2	3	4	5
Shock probation	1	2	3	4	5
Intensive supervision	1	2	3	4	5
House arrest	1	2	3	4	5
Shock incarceration	1	2	3	4	5
community corrections	1	2	3	4	5
Halfway houses	1	2	3	4	5
community service	1	2	3	4	5
Suspended sentence	1	2	3	4	5
Fines	1	2	3	4	5
Restitution	1	2	3	4	5
Parole	1	2	3	4	5

Restitution

Please rate each intermediate punishment's probability of reaching the goal of **restitution** using a scale of one to five, with one being none and five being maximum.

**Circle the appropriate response:**

Probation	1	2	3	4	5
Shock probation	1	2	3	4	5
Intensive supervision	1	2	3	4	5
House arrest	1	2	3	4	5
Shock incarceration	1	2	3	4	5
Community corrections	1	2	3	4	5
Halfway houses	1	2	3	4	5
Community service	1	2	3	4	5
Suspended sentence	1	2	3	4	5
Fines	1	2	3	4	5
Restitution	1	2	3	4	5
Parole	1	2	3	4	5

Definitions

Goal Definitions

Restraint, also referred to as incapacitation, is concerned with impeding the offender from the commission of further offenses. The focus is on making continued criminal activity impossible with no implication of punishment or treatment. For purposes of this study, restraint refers to impeding offenders against the general society.

Deterrence is concerned with influencing people to refrain from prohibited behavior. A distinction is often made between individual or special deterrence and general deterrence. Special deterrence refers to controlling the future behavior of the offender, while general deterrence refers to a deterrent effect on the general public caused by making an example out of the offender.

Rehabilitation is aimed at change, not only in the offender's behavior, but ultimately to affect a change of heart which will lead to prosocial, rather than antisocial, behavior.

Retribution, one of the oldest and most universal goals, is primarily concerned with justice. It is based on the legal and moral philosophy which holds that justice requires a balance between the perpetrated wrong and the penalty the wrongdoer is made to suffer.

Restitution, as a goal, seeks the restoration of things to their precrime state. It involves monetary compensation to the victim by the offender. Restitution can, in most cases, be made for property crimes, but has little utilization in cases of violent crimes.

Intermediate Punishment Definitions

Probation is commonly used as an intermediate punishment. The court sets the length and conditions of probation and the offender is supervised by a probation officer. Supervision is typically very lax.

Shock probation is a split sentence type of treatment, with a short period of time, usually about three months, being spent in prison, followed by a period of time on probation. The concept of shock probation is that the offender will be shocked by the harsh reality of prison life

and deterred from future involvement in crime without hindering his readjustment into society upon release.

Intensive supervision is a new concept combining traditional probation with a high level of supervision. It may require daily probation officer contacts and electronic and urine monitoring. It may also involve specialized counseling and/or treatment.

House arrest has recently evolved as an intermediate punishment. The typical house arrest conditions involve curfew hours that allow the offender to work, but require that he/she be restricted to their residence at all other times. This may be accomplished by voluntary compliance or electronic monitoring.

Shock incarceration, commonly referred to as "boot camp," normally involves three to six months of military-style training in prison followed by a period of time on probation.

Community corrections is typically a minimum security facility, located in the offender's community, where inmates are allowed to leave the facility during work hours, but are locked up at all other times. Counseling, therapy, job placement and educational opportunities are typically available.

Halfway houses are normally used to reintroduce inmates back into society after a period of time has been spent in prison. Inmates are placed in halfway houses either prior to parole, while on parole, or while on parole only if problems arise. Counseling and therapy are normally available and the level of supervision varies.

Community service is defined as service for a civic organization. The organization normally has to be non-profit, non-discriminatory, and serve some valid community need without serving the needs of its members. There must be a job description and it must not displace a paid worker.

Suspended sentence is one of the oldest intermediate punishments, preceding the development of probation. It occurs in two different forms: suspension of the imposition of the sentence and suspension of the execution of the sentence.

Fines have long been recognized as an intermediate punishment and have typically been used in less serious offenses. Fines are set by and paid to the court.

Restitution involves monetary compensation to the victim by the offender. It has long been recognized as an intermediate punishment, but historically it has had little utilization.

parole is an intermediate punishment available after part of the sentence of incarceration has been served. It is similar to probation with various levels of supervision involved and provisions for revocation.

BIBLIOGRAPHY

Books

- Allen, Harry E. and Clifford E. Simonsen. Corrections in America. 6th ed. New York: MacMillian Publishing company, 1992.
- Babbie, Earl. The Practice of Social Research. 5th ed. Belmont, California: Wadsworth Publishing Company, 1989.
- Ball, Richard A. and Robert Lilly. Criminal Issues in Criminal Justice. ed. J.E. Scott and T. Hirschi. Beverly Hills, California: Sage, 1984.
- Carter, Robert, et al. Corrections in America. Philadelphia: Lippincott, 1975.
- Clear, Todd R. and George F. Cole. American Correctiong. 2nd ed. Pacific Grove, California: Brooks/Cole Publishing Company, 1990.
- Kant, Immanuel. The Critique of Practical Reason and the Philosophy of Law. (W. Hastie, trans. reprint of 1987) New York: Augustus M. Kelly, 1970.
- Krantz, Sheldon and Lynn S. Branham. The Law of Sentencing, Corrections and Prisoners' Rights. 4th ed. St. Paul, Minnesota: West Publishing Company, 1991.
- Morris, Norval and Michael Tonry. Between Prison and Probation: Intemediate Punishments in a Rational Sentencing System. New York: Oxford University Press, 1990.
- Nettler, Gwyn. Explaining Crime. New York: McGraw Hill, 1978.
- Petersilia, Joan. Expanding the Options for Criminal Sentencing. Santa Monica, California: The Rand Corporation, 1987.
- Reid, Sue Titus. The Correctional System. New York: Holt, Rinehart and Winston, 1981.
- Wilson, James Q. Thinking About Crime. Revised ed. New York: Vintage Books, 1985.

Yin, Robert K. Case Study Research: Designs and Methods. Revised ed. Newbury Park, California: Sage Publication, 1989.

Journal Articles

Austin, James. "Using Early Release to Relieve Prison Crowding: A Dilemma in Public Policy." Crime and Delinquency 12, No. 4 (October 1986): 404-502

Ball, Richard A. and Robert Lilly. "A Theoretical Examination of Home Incarceration." Federal Probation 49-50 (March 1986): 17-24.

Byrne, James M. "The Future of Intensive Probation Supervision and the New Intermediate Sanctions." Crime and Delinquency 36, No. 1 (January 1990): 6-41.

Clear, Todd R. and Patricia L. Hardpan. "The New Intensive Supervision Movement." Crime and Delinquency 36, No. 1 (January 1990): 42-60.

Colson, Charles and Daniel W. Van Ness. "Alternatives to Incarceration: A Conservative Prospective." Journal of State Government 62 (March/April 1989): 59-64

Donnelly, Patrick G. and Brian Forschner. "Client Success or Failure in a Halfway House." Federal Probation 47-48 (September 1984): 38-44.

Eklund-Olson, Sheldon. "Crowding, Social Control and Prison Violence: Evidence from the Post-Ruiz Years in Texas." Law and Society Review 20, No. 3 (November 1986): 389-421.

Lampe, Philip E. "Assessing Treatment of the Offender: From probation to Capital punishment." Federal Probation 49-50 (June 1985): 25-31.

Marquart, James W. and Ben M. Crouch. "Judicial Reform and Prisoner Control: The Impact of Ruiz v. Estelle on a Texas Penitentiary." Law and Society Review 19, No. 4 (November 1985): 557-586.

Martinson, Robert and Judith Wilks. "Save Parole Supervision." Federal Probation 41, No. 3 (September 1977): 23-27.

Pearson, Frank S. "Evaluation of New Jersey's Intensive Supervision Program." Crime and Delinquency 34, No. 4 (October 1988): 437-449.

- Pearson, Frank S. and Daniel Bibel. "New Jersey's Intensive Supervision Program: What is it Like? How is it Working?" Federal Probation 49-50 (June 1986): 25-31.
- Petersilia, Joan. "Exploring the Option of House Arrest." Federal Probation 49-50 (June 1986): 50-55
- Petersilia, Joan, Susan Turner, James Kahaw and Joyce Peterson. "Executive Summary of Rand's Study, Granting Felons Probation: Public Risks and Alternatives." crime and Delinquency (July 1985): 379-392.
- Reide, Greg and Alan Johnson. "The Enemy Within." Police Journal (April 1991):8-10.
- Rogers, Joseph W. "The Greatest Correctional Myth: Winning the War on Crime Through Incarceration." Federal probation (September 1989): 21-28.
- Sechrest, Dale K. "Prison Boot Camps Do Not Measure Up." Federal Probation (September 1989): 15-20.
- Taggart, William A. "Redefining the Power of the Federal Judiciary: The Impact of Court-Ordered Prison Reform on State Expenditures for Corrections." Law and Society Review (1989): 501-531.
- Vito, Gennaro F. "Developments in Shock Probation: A Review of Research Findings and Policy Implications." Federal probation 47-48 (June 1984): 22-27.

Public Documents

- Anderaes, Johannes. punishment and Deterrence. Ann Arbor University of Michigan Press, 1974.
- Boaz, Eileen. Texas Department of Criminal Justice - Institutional Division. Interoffice Communication Report. Unpublished. October, 1989.
- Empey, LaMar T. Alternatives to Incarceration. U.S. Department of Health, Education, and Welfare, 1967.
- Florida Department of Corrections, Bureau of Planning, Research, and Statistics. Boot Camp. A Twenty-Five Month Review, 1990.
- Green, J. Staten Island Day Fine Experiment. U.S. Department of Justice, National Institute of Justice, 1990.

Greenfield, Lawrence A. Examining Recidivism. U.S. Department of Justice, Bureau of Justice Statistics, February 1985.

Hillsman, Sally T., Barry Mahoney, George F. Cole and Bernard Auchter. Fines as Criminal Sanctions. U.S. Department of Justice, National Institute of Justice, September 1987.

J. L. Shock Incarceration - An Alternative for First Offenders? U.S. Department of Justice, Bureau of Prison Office of Research, Washington, D.C. 1989.

MacKenzie, Doris Layton and Deanna Bellew Ballow. Shock Incarceration Programs in State Correctional Jurisdictions - An Update. U.S. Department of Justice, National Institute of Justice, May/June 1989.

McGarry, Peggy. "Overview of this Issue." Community Corrections Quarterly 1, No. 3. Department of Justice, National Institute of Corrections, Spring 1990.

Parent, Dale G. Shock Incarceration: An Overview of Existing Programs. U.S. Department of Justice, National Institute of Justice, June 1989.

Petersilia, Joan. House Arrest. U.S. Department of Justice, National Institute of Justice, 1988.

Ruiz v. Estelle, 503 Federal Supplement 1265 (S.D. Tex. 1980), West Publishing Company, 1981.

Seiter, R., F. Carlson, H. Bowman, J. Grandfield and N. Beran. Halfway Houses: National Evaluation Program, Phase 1 Summary Report. U.S. Department of Justice, 1977.

Snell, Tracy L. and Danielle C. Morton. prisoners in 1991. U.S. Department of Justice. Bureau of Justice Statistics Bulletin, May 1992.

Texas Department of Corrections. Annual overview. 1988.

Texas Department of Criminal Justice. Annual Report. 1991.

Texas Department of criminal Justice. Texas Intermediate Sanctions Bench Manual. September 1991.

Texas Department of Public Safety. General Manual, 1992.

Texas Department of Public Safety. A Brief Summary About the Texas Department of Public Safety. July 1987.

Travis County Community Justice Task Force Report. January 1990.

U.S. Department of Justice. Office of Justice Programs, National Institute of Corrections. A Survey of Intermediate Sanctions. September 1990.

U.S. Probation Division Report, 1989.

Newspaper Articles

Banta, Bob. "Texas Sending More to Prison for Shorter Times, Study Finds." Austin American-Statesman, 21 July, 1992.

Ostrow, Ronald J. "Study Shows U.S. World's No. 1 Jailer." Austin American-Statesman, 11 February 1992, A5.