

Texas Department of Public Safety
Troopers' Perceptions of the
Effectiveness of Intermediate Punishments:
A Follow-up Study

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An Applied Research Project (Political Science 5397)

Submitted to
The Department of Political Science
Southwest Texas State University
In partial fulfillment for the
requirements for the degree of
Master of Public Administration
(Fall 1995)

Faculty Approval:

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Chapter 1

Introduction

It hit the newsstands and television sets of Central Texas amidst the brush-fires of anti-crime anger. Kenneth Allen McDuff had been arrested for the capital murder of Austinite Colleen Reed. McDuff became one of the most publicized and reviled murderers in Texas history. The McDuff case epitomized the public's perception of all that was wrong with the criminal justice system, both statewide and nationally. How could a man convicted of three murders and suspected of several others be released from prison only to repeat the same crime (Wear, 9-14-95: B1)? Politicians fanned the fires and the public demanded reform.

Some of the more significant problems facing the country in 1995 continue to be in the penal system. State and federal prisons squeezed in 83,000 more inmates last year for the second-biggest increase ever and a record population of more than one million in such institutions. The prison populations, up 8.6 percent overall, rose by at least 10 percent in 16 states last year. The largest increases occurred in Texas, up 28.5 percent, and Georgia, up 20.3 percent, according to a recent Justice Department report (PA Times, 1995:3).

Chapter 1 begins with a discussion of the research project purpose. This will be followed by a brief overview of the Texas Department of Criminal Justice (TDCJ). Finally, this chapter will include a detailed look at the Kenneth McDuff case as a reform catalyst.

Research Project Purpose

The issue of increasing the use of intermediate punishments as an alternative to incarceration is certainly timely. Parole boards have been under increasing

pressure to release prisoners early in order to prevent overcrowding and to make room for new prisoners.

Governor George Bush said Texans will be safer – and the state won't break its budget – under a bill he signed into law in May of 1995 to prevent the automatic early release of prisoners with a violent history (Dallas Morning News, 6-2-95: 34A). The measure will also give the State Board of Pardons and Paroles power to veto the early release of convicts in the mandatory supervision program.

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 (Short, 1992:8).

More than 18,000 state inmates that have been temporarily housed in county jails entered 13 new state prisons in June 1995. An additional facility is scheduled to open in Austin in late 1995, in the state's \$1.5 billion prison expansion program (Williams and Sterling, 6-2-95: A2).

The number of state prisoners being housed in county jails peaked at nearly 30,000 in 1994 and cost the state more than \$650 million in fines and payments to counties that housed state prisoners. The backlog of prisoners housed in county jails swelled in the late 1980s due to increasing crime coupled with a federal court order that curbed overcrowding in the state's prison system (Williams and Sterling, 6-2-95: A2).

Another important consideration is the law enforcement community's per-

ception 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 (Short, 1992: 9).

The purpose of this research project is threefold. The first is to identify, through a literature review, commonly recognized treatment goals and to identify the most commonly utilized intermediate punishments in terms of reaching those goals. The second is to follow-up or replicate Department of Public Safety (DPS) Troopers' perceptions of those intermediate punishments. The third purpose is to point out current trends in Texas with respect to treatments and goals. It is therefore imperative to include the Texas Department of Criminal Justice into discussion of issues related to DPS Troopers' perceptions of intermediate punishments. Brief discussions of these departments will be presented. TDCJ will be discussed in Chapter 1 and DPS will be discussed in Chapter 3.

Texas Department of Criminal Justice

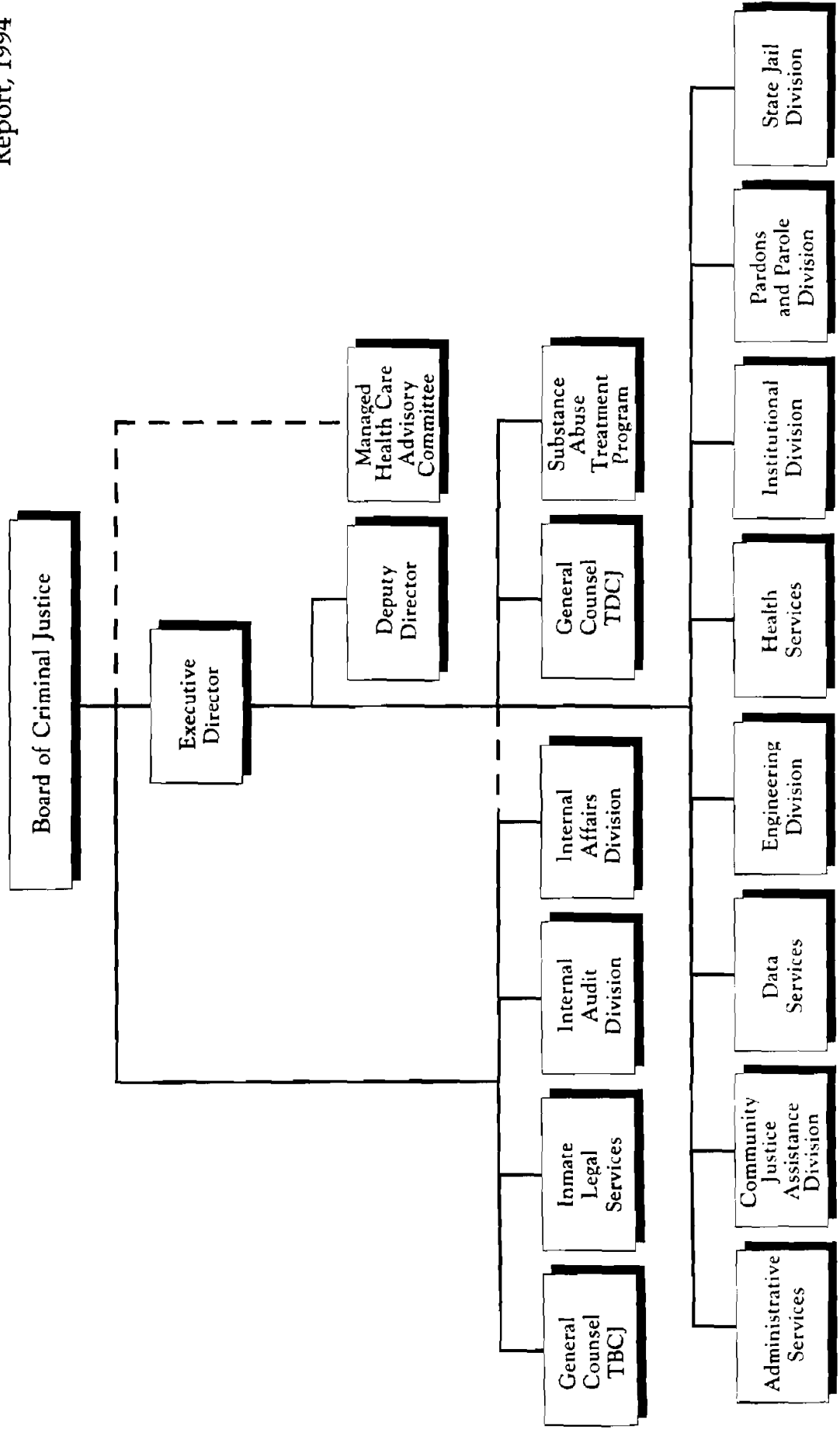
The mission of the Texas Department of Criminal Justice is to provide public safety, promote positive change in behavior, and reintegrate offenders into society (TDCJ, 1994). In order to better understand the environment of the Texas Department of Criminal Justice (TDCJ) please refer to Figure 1.1. For purposes of this research, primary areas of interest will include the Institutional Division, Pardons and Parole Division and the State Jail Division.

In 1994 the TDCJ underwent more changes than ever in its history. Fifty-eight prisons are under construction as Texas grows to be the largest prison system among all Western countries with 155,000 prison beds, not to mention many new programs in parole, probation, and the new state jail division.

TEXAS DEPARTMENT OF CRIMINAL JUSTICE

TDCJ Annual
Report, 1994

Figure 1.1



The Texas Department of Criminal Justice, formed by the Texas Legislature in 1989, constitutes the major adult corrections system of prisons, parole and probation. A fourth division – the State Jail Division – was added in 1993 to manage the incarceration of non-violent fourth-degree felony probationers (TDCJ, 1994: 8).

These four components, under the consolidated policy and management direction of one Board and one Executive Director, provides the opportunity to operate a coordinated response to the corrections system needs of Texas.

In addition to the nine-member Texas Board of Criminal Justice, a Legislative Criminal Justice Board, comprised of 10 members, provides oversight and review of the implementation of the legislative criminal justice policy, including fiscal policy, by the Texas Board of Criminal Justice. (See Figure 1.1).

Tremendous changes in the Texas prison system have occurred during the last two decades. The Texas prison population has grown by over 1,000 percent since 1970. For every 100,000 Texas residents, there are 636 convicts serving sentences of one year or more in 1995 (Shaffer and Ward, 8-10-95: B5).

California still claimed the largest prison population in 1994, with 125,605 convicts. By 1994, Texas had narrowed the gap, placing second with 118,195 inmates. By early 1996, Texas prison space will be eclipsed only by the correctional systems of the United States, China and Russia (Shaffer and Ward, 8-10-95: B5).

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. 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. However, the state of the economy generally has no influence on the dramatic rise in violent juvenile criminal activity. This increase in juvenile crime is one reason for the creation of the State Jail Division. Because the juvenile gangs rely on **drug** trade to finance their activities, turf wars are not uncommon.

The widespread use of illegal drugs has also led to a growth in the prison population. Congress upped the ante on federal drug crimes in 1984 with the passage of the Sentencing Reform Act. It created a commission that established sentencing guidelines for all federal crimes as a way of narrowing punishment gaps from one jurisdiction to another. Federal prisoners spend at least 85 percent of their sentences in prison (Austin American-Statesman, 5-29-95: B4). By contrast, prisoners in the burgeoning state system can expect to serve only a fraction of their sentences.

The Kenneth Allen McDuff case was a rallying cry for prison reform proponents. More space would be needed to stop the revolving door parole policies required by court intervention (Marquart and Couch, 1985: 560). McDuff was sentenced to death in 1966 for an incident in which three Ft. Worth teenagers were killed. That sentence was commuted to life in prison in 1972 after the U.S. Supreme Court ruled then-current death penalty laws unconstitutional. McDuff was released from prison, despite another conviction on charges of trying to obtain a 1981 parole with a \$10,000 bribe offer (Wear, 9-14-95: B4). He served time

in late 1989 and early 1990 for making terroristic threats and was released again.

Recognizing the need for additional prison capacity, the Texas Legislature created state jails in 1993 to house a new category of non-violent felons. The jails were touted as places where rehabilitation would be stressed (Ward, 5-12-95: B3). Mandatory supervision in the community was a key component of the jails' rehabilitation programs. To better understand why a state jail system was implemented it is important to understand the "big picture" with regard to punishments and treatments. A qualitative study of legal sanctions and prison systems will be addressed in Chapter 2.

Chapter 2

Literature Review

Currently, major obstacles exist in the successful facilitation of a comprehensive criminal justice system. As a matter of fact, some writers claim that the correctional system might best be described as a non-system because of the widespread feeling that nothing seems to work (Maher and Dufour, 1987: 22). The purpose of this literature review is descriptive. The research contained herein will review aspects of a previous study conducted by Bob Short in 1992. This research will categorize and address terms commonly associated with the criminal justice system. Intermediate phases of punishment and their treatment goals will encompass the categorical terms. An in-depth evaluation of intermediate punishments will also be presented. Replication is the repeating of a study to see if the same results are produced every time. Because scientific observation is careful and deliberate, however, scientific descriptions are typically more accurate and precise than casual descriptions (Babbie, 1989: 81). Replication, in this sense, is a general solution to problems of validity in social research. Prediction – particularly behavioral prediction – is a hallmark of the American criminal justice system (Gottfredson and Gottfredson, 1994: 444).

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 (Short, 1992: 1). Early punishments for such offenses were most often called "blood punishments." Capital and corporal punishment were accepted penal practices in Europe and the United States well into the nineteenth

century. This was so, in part, because the technology and economy of these principally rural societies had strong traditions of corporal punishment that were rooted in the Old Testament (Allen et al., 1985: 20).

A crime was considered a "breach of contract," an offense against all parties to the social contract and not just the injured party. This state of affairs enabled the establishment of a central body of law (such as the Common Law in England), and centralized control of enforcement. Finally, rational individuals, presumed to have prior knowledge of the law and its penalties, were expected to perceive that it was in their own interest not to violate the law and suffer the penalties. Deterrence was the rationale of the criminal law and its sanctions, which were so severe as to enhance the deterrent effect of the law. In fact, over two hundred offenses carried the death penalty in England at one time. During the reign of Henry VIII, some 72,000 major and minor thieves were sent to the gallows. Under his daughter, Elizabeth I, three hundred to four hundred at a time were hanged, attracting large crowds where pickpockets flourished – even though pickpocketing was an offense punishable by death (Allen et al., 1985: 20).

Since the criminal law in colonial America developed from the English Common Law, it was very harsh. Judges and magistrates in the English system had the option to impose a variety of penalties less severe than death, such as **brandings**, maimings, the stocks, fines, or any combination of these. These cruel and draconian punishments brought reactions that fostered reform in legal sanctions. And even in more recent times, the deterrent effect of legal punishment has been one of the foremost topics of criminological research during the past three decades (Stafford and Warr, 1993: 123).

The reluctance of juries to convict and judges to impose sentences that were

perceived to be disproportionate to the severity of most offenses did much to detract from the deterrent effect of the law. The point to be emphasized is that in most populations – whether members of the general public or punished offenders – people are likely to have a mixture of indirect and direct experience with punishment and punishment avoidance (Stafford and Warr, 1993: 126).

In England, orders of transportation were thought to be a severe punishment. In the eighteenth century, banishment, a common penalty for the aristocracy or nobility for centuries, was imposed on the common offender for the first time. The judge would order the common offender transported to the colonies rather than to the gallows or pillory. The criminal would be allowed to go at liberty in the new land, sometimes after a period of indenture, on the condition of not returning to England for a specified period of time, if at all. The concept of transportation thus avoided the extreme harshness of existing criminal law while at the same time serving the incapacitative purposes of those penalties (Allen et al, 1985: 21). Traditionally, incapacitation has been considered the simplest justification for any punishment that involves the use of physical restraint since, for its duration, the person on whom it is being inflicted loses entirely or nearly so the capacity to commit further crimes (Gottfredson and Gottfredson, 1994: 442).

While transportation was a partial solution to England's crime problem and, for a time, helped to settle and develop new lands (the colonies, however, had no similar outlet for their offenders, with the exception of casting them into the wilderness, with usually the same results as the death penalty) it was only a temporary one. As a result of the American Revolution, England was forced to transport her convicts elsewhere, and for a time they were sent to Australia; until, eventually, even Australia closed its doors to English convicts.

This chapter has partially examined a few past legal sanctions from inception to more recent reform measures. These reforms began with a gradual shift in the conception of humankind and concomitant re-evaluation of the effectiveness and severity of punishments which contributed to massive social changes. These changes altered the direction of Western civilization and, consequently, had an impact on criminal law and penalties. The first was the Enlightenment, which gave rise to a conception of the human being as a rational and ultimately perfectible being and, along with this, a basic belief in basic human equality. Second, urbanization and the earliest movements toward industrialism simultaneously changed the nature of social interactions and created a new social class, the urban working class (Allen et al., 1985: 20)

Brief History of Prison Systems

Although the idea of the penitentiary had its origins 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 on one another (Short, 1992: 3).

The Act of 1789 established imprisonment as the penalty for most crimes in Pennsylvania. In a nation that had newly acquired independence, what more fitting penalty could be found than the deprivation of liberty? When Patrick Henry uttered his now famous line, "Give me liberty, or give me death," little did he know that he had identified the perfect penalty for crime. The prison replaced the penalty of death and yet denied liberty to its inmates (Allen et al, 1985: 22).

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 cost of housing and maintaining prisoners (Short, 1992: 4). In fact, court intervention has had a tremendous impact on most prison systems in the United States. Cost increases and resulting budget constraints have forced government agencies to consider other forms of intermediate punishment as alternatives to incarceration. And sadly, the awareness of alternatives to costly incarceration is heightened by the fact that 10 percent of all U.S. prison inmates are DWI convicts (Lilly et al., 1993: 462).

The founders of penitentiaries were mindful that the prison was a means to an end; their successors were not. Reformation in inmates came to be identified solely with confinement, and custody eventually grew to be the ultimate goal of incarceration. Furthermore, inmates posed significant threats to the security of the penitentiaries. Prison officials resorted to severe corporal punishments in order to maintain control within the prison – a penalty the development of prisons was supposed to replace (Allen et al., 1985: 23).

Conceptual Framework

The realities 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. The issue of alternative punishments has remained on the forefront since the Short study of 1992. Early release programs have had a negative impact on the safety of citizens in Texas (Ward, 4-5-95: B3).

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 follow up study will focus primarily 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 the subject; a study of the effectiveness of various offender treatments in reaching this goal would be difficult (Short, 1992: 12). 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. Unfortunately, because of concerns about the efficacy of rehabilitation and deterrence, increasing attention has been given to problems of desert, of incapacitation, and (to a lesser extent) of prevention (Gottfredson and Gottfredson, 1994: 442). The focus is on making continued criminal activity impossible, with no implication of punishment or treatment (Lampe, 1985: 25).

Restraint, then, is a mode of punishment that uses the fact that a person has committed a crime of a particular sort as the basis for assessing his personality and then predicting that he will commit further crimes of that sort.

There are two types of restraint-based sentencing strategies: selective and charge based. Under a charge-based strategy, the same or a very similar sanction would be applied to all persons convicted of common offenses, with the goal of decreasing the commitment of offenses (and perhaps of those specific offenses) by those persons in the free community through restraint. Selective strategy involves individualized predictions of future offending (Gottfredson and Gottfredson, 1994: 443). The utility of restraint as a crime control strategy seems to be constrained by the limits imposed by predictive validity and perhaps by the nature of the criminal career.

Deterrence is concerned with influencing people to refrain from prohibited behavior (Lampe, 1985: 25). A distinction is often made between individual or special deterrence and general deterrence. Whereas general deterrence refers to the effects of legal punishment on the general public (i.e., potential offenders), specific deterrence pertains to the effects of legal punishment on those who have suffered it (i.e., punished offenders) (Stafford and Warr, 1993: 123). Both definitions recognize the importance of some kind of experience with legal punishment in deterring persons from committing crimes.

Since the earlier study conducted by Short (1992), Stafford and Warr (1993) argue that the conception of specific and general deterrence has serious shortcomings. Put briefly, the conventional distinction between general and specific deterrence rests on faulty logic and that it has done little to clarify the deterrence process.

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: 26). 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.

Rehabilitation has been a cumbersome challenge since as many as 75 percent of arrestees test positive for drugs. Crime rates are higher among drug users, but drug treatment can curb recidivism (Falkin et al., 1994: 31).

A careful review of 24 evaluation studies for drug treatment programs developed specifically for offenders (e.g., intensive supervision with treatment and prison and jail-based programs), however, found mixed results in terms of treatment effectiveness. Part of any effort to develop treatment systems for offenders must include carefully designed research studies because much still needs to be learned about the effectiveness of various approaches (Falkin et al., 1994: 35).

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: 25). This treatment goal is so important to the natural order of things that no practical purpose or consequence is needed. 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: 26).

Restitution is one of the earliest goals of punishment. As a goal, it seeks the restoration of things to their precrime state. There are two types of restitution: financial reimbursement and community service by offenders. Since Short's study, restitution service agreements have been used experimentally. Restitution service agreement conditions are: the number of hours of community work, where it is to be performed, and who will supervise the placement. The conditions for monetary payment agreement include a schedule of payments to victims, where those payments are to be made, and to whom they are to be made. The restitution agreement is signed by the offender and the supervisor of the intake department. Eighty-six percent of the referrals successfully completed their restitution contracts (Sudipto, 1993: 50).

Intermediate Punishments

No universally accepted definition for the term "intermediate punishment" exists (Short, 1992: 15). Morris and Towry (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. For purposes of this descriptive follow-up study, the term "intermediate punishment" will be defined as any punishment less severe than the traditional prison sentence.

Short's work (1992) revealed twelve commonly utilized intermediate phases of punishment: probation, shock probation, intensive supervision, house arrest, shock incarceration, community corrections, halfway houses, community service, suspended sentence, fines, restitution and parole.

Intermediate Punishment Definitions

Probation dates back to the mid-nineteenth century. John Augustus of Boston is commonly recognized as the originator of probation, but there were other contributors to its development both before and after his unique contribution (Allen et al., 1985: 40). Probation represents one of the unique developments within the criminal justice system. The development of this method of minimizing offender penetration into the correctional system was a crucial aspect of the rise of the rehabilitation model in this country. Allen and Simonsen (1992) define 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 the offender violates the conditions. Such a sentence should not involve or require suspension of the imposition or execution of any other sentence.

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. Hopefully, the first offender will be "shocked" by the harsh realities of prison life and inspired to avoid criminal behavior upon release. At the same time it attempts to perform a rehabilitative function by releasing the first offender as soon as possible (Allen et al, 1985: 100). Shock probation is the "last ditch program of prison avoidance available to judges faced with the difficult task of how best to protect the public while maximizing offender reintegration. However, free administrative decision making based on individual characteristics of the offender has given way to the offender's relative success at plea bargaining... nowadays it is likely that the prosecutor has communicated the plea bargaining agreement to the probation officer, and the latter's recommenda-

tion takes into consideration the prosecutor's agreement with the offender (Allen et al., 1985: 81). It is important to note here that probationers are the largest group of offenders in the nation.

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. The Federal probation system adopted an enhanced supervision model that states the "supervision mission is to execute the sentence, control risk, and promote law-abiding behavior" (Brown, 1994: 31). The essential challenge in supervision is to obtain sufficient knowledge about offenders' activities (Freburger and Almon, 1994: 23).

In more recent weeks, U.S. Attorney General Janet Reno is pressuring states not already doing so to require sex offenders and child molesters to notify police of their whereabouts for at least 10 years after their release from prison. States not complying may lose up to 10 percent of funding for the Byrne anti-crime grant program (San Antonio Express News, 4-12-95: 48).

In a time of reduced resources, intensive supervision offers considerable advantages: whereas reporting demands are significantly increased, but no action by a releasing authority is required, since the instructions are covered by the standard conditions of release, treatment funds are saved and treatment resources maximized, and no outside contractor is involved (Freburger and Almon, 1994: 24).

Because intensive supervision does not require a special condition of release, it does not qualify for additional personnel. Therefore, its Achilles' heel is its efficiency.

House arrest has recently evolved as an intermediate punishment. Although some manner of home detention has been employed informally, more and more jurisdictions are formalizing the practice, partly in an effort to save money, partly to avoid the more adverse repercussions of jailing, and partly to insure consideration of due process in a heretofore shady legal area (Ball and Lilly, 1986: 17). By 1990, twenty states had implemented house arrest programs (Clear and Cole, 1990). It is noted that home incarceration seems to offer certain advantages over some other sentencing alternatives. One of the principal problems of such practices as suspended judgment, unconditional release, suspended sentence, or even standard probation is that they often fail to satisfy the public sense of justice. The tradition of retribution is very powerful, and the court which violates the prevalent sense of justice by going too lightly on the offender is likely to provoke public backlash (Ball and Lilly, 1986: 19).

The lure of technology and prison overcrowding has fostered the growth of electronic monitoring. Electronic monitoring (EM) home confinement began with a tiny experiment in Albuquerque, New Mexico in 1983 (Lilly et al., 1992: 42). To participate, the offender must have a private residential phone line with no answering machines or cordless telephones permitted. There are various types of EM devices, usually in the form of a tamper-proof bracelet worn on the ankle or wrist. In the "passive" or programmed contact formats, the offender is monitored through a central computer which dials the home telephone periodically with a recorded announcement that the offender is to state name and time of day and then insert the coded wristlet into a special base unit attached to the telephone to verify presence (Lilly et al., 1992: 42).

In the "active" or continuous monitoring programs, the format consists of a

bracelet transmitter and a small receiver placed in the home telephone. If the offender moves more than some 100-150 feet from the telephone, the signal transmission is broken, and a departure code is sent to a central computer programmed to alert the probation officer and print out the name of the offender and time of violation.

Although its popularity and utilization has increased, house arrest is still not widely used in comparison with incarceration or probation. Although, growth of the AIDS population may make EM even more appealing, not only to offenders and their attorneys, but also to jail inmates and staff, who face not only real problems but the threat of hysteria (Lilley et al., 1992: 46).

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. The use of boot camp programs to satisfy the need for an intermediate sanction has gained in popularity with more than half the states presently operating boot camp programs. Boot camp is timely for two reasons: boot camp satisfies both the public's demand for punishment and provides skills to offenders to help them reintegrate into society, and second, boot camps reduce problems associated with total institutionalization, while reducing the substantial costs of long-term confinement (Burton et al., 1993: 46).

Ideally, if boot camp programs successfully change offender attitudes and after-care follow-up strategies are efficiently applied, perhaps boot camp programs will become a viable alternative to full incarceration for offenders. On the other hand, in the absence of "intensive" quality "aftercare" programs, boot camp participation alone will likely fail – as have similar correctional treatment programs – as a solution to **reforming** offenders (Burton et al., 1993: 51).

Community Corrections, also referred to as work release programs, one 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 (Short, 1992: 19). The most widely utilized of all sentencing dispositions (excluding fines and suspended sentences) and hence the most widely utilized corrections alternative is supervision in the community (Thalheimer, 1978: 1). Community supervision is least costly to an offender in terms of economics and loss of freedom but it also poses the greatest risk to society in terms of probable crime commission by offender during sentencing.

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). Traditionally, halfway houses handled relatively homogenous populations. Some dealt with particular types of offenders (e.g., persons with alcohol or drug problems) while others dealt with persons from a single referral source (e.g., Federal parolees) (Donnelly and Forschner, 1984: 43).

But as funding, particularly government funding, becomes increasingly more scarce, halfway houses may become increasingly more heterogeneous. Their residents range from felons to misdemeanants, from first time offenders to many time offenders, from highly educated to illiterates, and from those with severe psychological and behavioral problems to those with more stable psychological and behavioral patterns.

In recent years, however, 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. Many WWII veterans can testify to the various forms community service can take as some were offered armed services enlistment rather than jail time for their minor youthful indiscretions. Considering society's well established belief in the therapeutic value of hard work and the giving of self to others, it is no wonder that the concept of community service as an alternative to imprisonment has gained broad acceptance (Maher and Dufour, **1987: 22**). Correctional costs can be reduced considerably by the implementation of community service orders. Approximately one-third of the states have passed legislation giving sanction to community service as an alternative to imprisonment (Maher and Dufour, **1987: 23**). Community service is a more stringent form of probation. Officials admit that it must be harsh enough to be viewed by the public and the offender as a serious alternative, a sentence as credible as incarceration.

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. The suspended sentence does not require supervision and usually does not prescribe a specified set of goals for the offender to work toward. The suspended sentence is very commonly used, often in conjunction with probation (Short, **1992: 21**).

Fines, long recognized as an intermediate punishment, are set by and paid to the court (Lampe, **1985: 27**). Fines are routinely assessed for offenses ranging from traffic violations to felonies. In the seventh century, Anglo Saxon code mandated an offender be fined twice; one payment made to the victims and another fine paid to the king for having "broke the peace" (Thalheimer, **1978: 9**). Now it is

used extensively in lower and higher courts, fines are rarely used as the sole punishment for crimes more serious than motor vehicle violations (Short, 1992: 21). 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 the victim who has suffered some form of financial loss as a result of the offender's crime. Restitution was identified as a correctional alternative in the Code of Hammurabi, dating from approximately 2380 B.C., and was an important element in the subsequent Greek and Roman civilizations as well (Thalheimer, 1978: 9).

The growth of the modern state meant that less attention was given to private arrangements between offender and victim, and greater attention given to the wrong wreaked on the community by the offender. 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. 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. Typically, at some time between the minimum and maximum sentences, inmates are released from prison and put on parole by a parole board.

The concept of parole emerged from a philosophical revolution and resulting tradition of penal reform established in the late eighteenth century in the newly formed United States. As many other new ideas that emerged in early America, parole had its roots in the practices of English and European penal systems (Allen et al., 1985: 19).

Parole is the most frequently used mechanism by which offenders may be released from a correctional institution after completion of a portion of the sentence. Early criticisms of parole included a suspicion of the way in which prisoners were selected for release, concern over a lack of community supervision, and extensive abuse by prison authorities. Many of these criticisms continue today (Allen et al., 1985: 32).

Intermediate Punishment Evaluations

This section is a review of the limited literature that connects alternatives to incarceration with criminal justice goals. The limited literature is primarily derived from expert opinion.

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 were often given in conjunction with one or more other punishments. 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 (Short, 1992: 23). A cost comparison of offender effectiveness ratings can be seen in Table 2.1. The 1992 figures reflect information provided in the Short Study and the 1995 figures reflect this writer's efforts. Other facets of the table remained constant in both studies.

Probation

Probation is a relatively inexpensive form of intermediate punishment.' Most

^aTable 2.1 reflects current annual costs of \$607 per offender.

Table 2.1
Syntheses of Literature Connecting Treatment and Goals

	Annual Cost		Restraint	Deterrence	Rehabilitation	Retribution	Restitution
Probation	\$274- 2,000	\$607	Minimum	Minimum	Minimum	Minimum	None
Shock Probation	\$6,700	\$16,169	Moderate	Minimum	Not Minimum	Determined	None
Intensive Supervision	\$1266-\$5475	\$1,663	Moderate	Moderate	Minimum Moderate	to Moderate	None
House Arrest	\$1,410-\$8,500	\$1,171	Minimum to Moderate	Moderate	None	Minimum	None
Shock Incarceration	\$2,586-\$9,000	\$18,250	Minimum Moderate	Minimum to Moderate	Moderate to Moderate	to Maximum	None
Community Corrections	\$5,018-\$8,030	\$10,782	Moderate to Maximum	Minimum to Moderate	Moderate	Moderate	None
Halfway Houses	Not Determined	\$3,650-\$12,305	Minimum	Minimum	Not Moderate	Determined	None
Community Service	\$800-\$1,000	\$1,460	Minimum	Minimum	Minimum None	to Moderate	Minimal
Suspended Sentence	Very Low	Very Low	None to Minimum	Not Determined	None	Not Determined	None
Fines	None	None	None	Minimum	None	Minimum	None
Restitution	Very Low	Very Low	None	Minimum	None Moderate	None to to Maximum	None to
Parole	\$554	\$989	Minimum	Minimum	Minimum	Not Determined	None

****** Average program costs provided by Texas Department of Criminal Justice, Community Justice Assistance Division, Texas Criminal Justice Policy Council, and Central Texas Treatment Center.

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

states have begun to charge fees to their probationers, and many probation departments have been allowed to use these fees to support departmental programs.

Experts in the field, in particular Lampe (1985) rate probation as minimally effective in terms of reaching the goal of restraint. Probation entails no incapacitation and only very superficial and periodic supervision of behavior according to 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 enabling physical constraints 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. Studies suggest a higher recidivism rate for probationers.

Lampe (1985) rates probation as minimum to moderate in rehabilitative effectiveness. Probation is generally advocated as a way of rehabilitating first-time misdemeanor offenders (Clear and Cole, 1990). With regard to retribution, Lampe (1985) rates probation as ineffective or only slightly effective.

The rationale behind probation is not connected to the goal of restitution. The two, however, can be complimentary because restitution can be included as part of the probation punishment. Probation gives the offender an opportunity to

² The results of the Rand study (1987) in California revealed that 65 percent of probationers were rearrested within forty months.

work as opposed to being incarcerated (Lampe, 1985).

Shock Probation

According to the literature, 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). Shock probation, when compared to incarceration, is relatively **inexpensive**.³

The concept of shock probation was originally conceived with deterrence as a main objective. 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 reintegration into the community of shock probationers, regular probationers and incarcerated offenders. No rating could be determined with regard to retribution. In addition, shock probation does not address the goal of restitution (Short, 1992: 27).

Intensive Supervision

Intensive supervision, while not as restrictive as incarceration; is much more restrictive than traditional probation. The opinion of the experts surveyed in the literature indicate that intensive supervision is moderately **successful**.⁴

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

³ Table 2.1 reports annual cost per inmate at \$16,169.

⁴ Table 2.1 indicates annual cost per inmate at \$1,663.

and vocational training.

Intensive supervision is more effective as a deterrent than incarceration or traditional probation (Short, 1992: 28). Short (1992) 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 Sirnonsen, 1992). The literature did not indicate any applications for the goal of restitution.

House Arrest

The literature indicates house arrest is minimally to moderately **successful**.⁵ 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 electronics monitoring greatly increases the restrictiveness of this punishment (Short, 1992: 30). 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 has sentenced approximately 20,000 offenders to its home con-

⁵Table 2.1 indicates annual cost per inmate at \$1,171.

finement program. Only 22 percent of this group had their community control status revoked (14 percent for technical violations and 8 percent for criminal violations). 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).

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.

Shock Incarceration

Expert opinion indicates that shock incarceration is minimally to moderately successful.⁶ The typical period of incarceration in a shock incarceration sentence is approximately four months (Short, 1992: 31). 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

⁶ Table 2.1 indicates annual cost per inmate of \$18,250.

shock incarceration subject recidivism rate of less than one-third that of regular prison inmates in Oklahoma (16 percent versus 54 percent, respectively).

Short (1992) also describes shock incarceration as ineffective in terms of rehabilitation. 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.

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 (Clear and Cole, 1990: 425). Shock incarceration fails to address the goal of restitution.

Community Corrections

According to expert opinion, community corrections is considered to be moderately to overall successful as an alternative.⁷ 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. According to Short (1992), 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. According to Clear and Cole (1990), 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

⁷ Table 2.1 indicates cost per inmate at \$10,782.

negative results with regard to deterrence (Clear and Cole, 1990: 432).

Community corrections programs place a high emphasis on rehabilitative 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. Clear and Cole (1990) suggest 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

Halfway houses are non-confining in nature and intended as an alternative to confinement (Allen and Simonsen, 1992). Expert opinion indicates **minimal** success overall for this type of alternative **punishment**.⁸ Restraint is minimal **and** residents may come and go as they please. 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, 1994). Donnelly and Forschner (1984: 41) reported an overall success rate of 65 percent from a study on residents of the Cope House in Ohio from 1980 to 1982. This would indicate that halfway houses are minimally effec-

⁸ Table 2.1 indicates cost per inmate at \$3,650- \$12,305.

tive as a deterrent.

Research data was insufficient to determine the effectiveness of halfway houses in reaching the goal of retribution. Like probation, the rationale behind halfway house treatment provides no connection to the goal of restitution. It does, however, leave that possibility open if restitution is incorporated into the punishment package.

Community Service

As a restraint, community service is minimally effective. The literature studies indicates that community service is overall minimally effective as an alternative punishment.⁹ The only actual restraint occurs during the period when the community service is performed.

As a deterrent, community service is minimally effective. 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.

⁹ Table 2.1 indicates cost per inmate at \$1,460.

Suspended Sentence

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

There is no restraint involved with fines. The deterrent effect of fines is minimal (Lampe, 1985). Short (1992) 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. Fines do not contribute to the goal of restitution (Lampe, 1985).

Restitution

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. 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

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 80 to 90 per parole officer during the last five years (TDCJ, 1994). Expert opinion indicates that offender treatment effectiveness ratings are low.¹⁰

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. Although the recidivism rate for parolees is high, some studies have shown parolees' recidivism rates to be lower than prisoners released with-

¹⁰ Table 2.1 indicates cost per inmate at \$989.

out 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).

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.

Summary of Intermediate Punishment Evaluations

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 Short Study (1992)

This research project is a follow-up of a paper by the same title conducted by Bob Short. Short's project did connect intermediate punishments and treatment goals. At the time of the original study, Short was a DPS Sergeant. Sergeant Short was in a position to witness morale problems among his subordinates amidst frequent news reports of paroled offenders committing even more violent crimes

when released from prison.

The purpose of the Short study was two-fold. As in this writer's paper, Short identified commonly recognized treatment goals and also evaluated the most commonly utilized intermediate punishments in terms of reaching those goals. Short also described the perceptions of **DPS** Troopers toward those intermediate punishments.

The Short study utilized survey research as the method for data collection. The survey instrument 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, is repeated by permission in this writer's research. The instrument was initially 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 needed for completion of the survey ranged from ten to thirty minutes. The survey was originally administered via inter-agency mail to 102 Troopers on September 12, 1992. Eighty-six responses were received for a response rate of 84 percent.

Details of how Short arrived at research results may be explored in detail in Chapter 5 of this writer's work. Short found that, overall, the Troopers' perceptions of the various intermediate punishments appear to be fairly negative. The only surprise in the survey responses was the Troopers' perceptions of restitution and fines. Restitution, although not rated high on the scale, was rated high in relation to the other intermediate punishments. Fines, also, were rated fairly high in relation to other intermediate punishments.

Replication itself is an important component of scientific investigation. This writer's hypothesis is that the current Troopers will respond with even more negative ratings than those found in the Short study due primarily to the "experience" factor found among the current set of respondents. This hypothesis, however, cannot be tested empirically. Since Short did not provide standard deviations, t-tests cannot be conducted.

Conclusion

In summary, an attempt has been made to identify terms and concepts associated with the criminal justice system. The research has revealed various intermediate phases of punishment and the treatment goals attached to those punishments. It was the intent of this writer to update an earlier study with more current and relevant examples, while briefly discussing the effectiveness of the subject matter. An in-depth comparison to the Short study (1992) will be presented in chapter 5 (Comparative Research Results) and in chapter 6 (Conclusions and Comparisons). A single study does not prove a point; only a series of studies can begin to do so. Unless studies can be replicated, there can be no meaningful series of studies (Babbie, 1987: 516).

Great emphasis has been placed on rising costs, overcrowding, and low morale in the correctional system. As a result of increased law enforcement campaigns against drug dealers, prosecutors, probation and parole officers were forced to struggle with unmanageable caseloads. In addition, court calendars became back-logged and the nation's jails and prisons became overcrowded (Falkin, 1994: 31).

Corrections officers spend much of their time "putting out fires" and they begin to wonder if they have a real function related to supervising offenders

(Soma, 1994: 26). Widespread recognition of the failure of corrections fosters a sense of frustration.

Warren Young (1979) attributes this "widespread disillusion with imprisonment as a penal sanction to four main themes in penal policy: the influence of humanitarianism; scepticism about the effectiveness of imprisonment as an instrument of treatment or a means of deterrence; prison overcrowding; and economic stringencies."

If some forms of intermediate punishment can successfully incapacitate a lesser offender – then the career criminal would be stopped before graduating to more serious crime.

For example, juvenile crime was up in 1994. This increase prompted the passage of the juvenile justice reform bill. The bill would toughen punishment for some juveniles and streamline the way they are brought to justice – from police station to courthouse to prison (Ward, 5-12-95: **B3**). The bill will expand family and early-childhood services in an attempt to prevent some children from falling into a life of crime. Chapter 3 will further explore recent trends in criminal justice.

Chapter 3

Texas Research Setting

This chapter will begin with a brief overview of the Texas Department of Public Safety. The working environment of DPS Troopers is relevant to the purpose of this research project when discussing factors that affect morale and perception. Also, elements of the conceptual framework will be analyzed with respect to their application in Texas. Special emphasis will be placed on the accomplishments of the 74th Legislative session with regard to criminal justice.

Texas Department of Public Safety

The broad objective of this department is "to maintain public safety in the state of Texas." The department seeks to preserve order by protecting lives, rights, property and privileges of the residents of Texas (DPS, 1994:4).

Law enforcement in Texas, symbolized today by the Department of Public Safety (DPS), had its beginning in 1823, when Stephen F. Austin, having received permission to colonize the territory, hired 10 men to protect his colonists. Since they were required to range over a wide region, they became known as "Rangers" (DPS, 1994: 3).

Because of the great expanse of territory to be patrolled, it was realized by 1935 that the state's part 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.

As shown in Figure 3.1, control of the department is vested in a three-member Public Safety Commission, each serving a six-year term with one member's term expiring every two years. The Commission names the director and assistant

ORGANIZATIONAL STRUCTURE
TEXAS DEPARTMENT OF PUBLIC SAFETY



directors (DPS, 1994:3).

In 1989, the Legislature appropriated \$14 million for the DPS to acquire a state-of-the-art Automated Fingerprint Identification System (AFIS). With AFIS, the DPS is able to provide immediate identification of arrested persons with prints on file and compare latent prints found at crime scenes against DPS records.

For more than half a century, DPS has kept pace with changing Legislatures and new budget challenges. Factors concerning DPS morale and motivation will be discussed further in this Chapter.

Criminal Justice Morale Factors

An important consideration with respect to morale and motivation 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.

One constant concern among DPS Supervisors is the morale of Troopers. Morale and motivation are interrelated, at least to some extent, and there are many factors in a Trooper's work that have a negative impact on morale. First, Troopers work a difficult schedule. They are routinely assigned to work at night, on weekends and holidays. In addition, they 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 (Short, **1992: 56**).¹¹ Thus, it is no wonder the system of punitive sanctions is often considered ineffective by Troopers.

Internal friction can also upset morale. These disputes can distract publicity from criminal justice reform areas that warrant needed public awareness. For example, recently a Texas Ranger and a state Trooper involved in a pistol--wielding dispute over a woman were notified of their dismissal by DPS. To complicate matters, the dismissed Ranger was corroborating former Ranger Cheryl Steadman's contention of sexual harassment at a **1994** meeting of Rangers in East Texas (Cochran, **10-13-95: B3**). A DPS spokesperson could not recall a Ranger being terminated in its entire history.

Most people enter the criminal justice field 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**). Even the Executive Director of the Texas Department of Criminal Justice is embroiled in a conflict of interest controversy. James "Andy" Collins, 44, has served as director for two years, overseeing the state's prison, parole and adult probation agencies – divisions responsible for more than

¹¹ During Labor Day Weekend, 1972, this writer's own family experienced a life-threatening incident. Another DPS officer had ticketed a speeder, who in turn fire bombed the family car and also burned the garage of this writer's family. The perpetrator had acted solely on the fact that there was a DPS cruiser parked at this writer's home.

1 million offenders. During his tenure overseeing the prison and justice systems, penitentiary space has more than doubled to 130,000 inmates, a long-running federal lawsuit against the prison system was ended and policies were revised to limit "good time" credits to inmates accumulated toward early release (Hoppe, 9-15-95: 31A). However, these accomplishments have been overshadowed by the recent resignation of James Collins amid allegations of conflict of interest. It is important to discuss factors that may influence policy decisions at TDCJ because these decisions may eventually affect DPS Troopers' perceptions. Both morale and motivation levels have an impact on the kind of job an officer does.

The criminal justice profession is filled with frustration for police officers. Even after their best efforts and hard work, offenders are too often acquitted by liberal court systems. Convicts receive seemingly inappropriate sentences, or in sentences involving incarceration, are released after **serving** only a small percentage of their sentence (Short, 1992: 57).

Negative morale factors seem to be inherent in Trooper's jobs in our present society and there is little a supervisor can do to change this situation (Short, 1992: 57). There is benefit, however, in recognizing negative morale factors and having an opportunity to address those factors with the Troopers. Current reform trends may help reduce negative morale among law enforcement officers.

Current Trends in Intermediate Punishments

Recognizing the need for additional prison capacity, the Texas Legislature passed House Bill 93 in the 1990 session. The bill authorized TDCJ to expand prison facilities by an additional 13,300 beds. Prior to this action, the TDCJ Institutional Division had operated under a court-ordered consent decree during most of the 1980s.

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 Couch, 1985: 560). The space limitation in state prisons has caused several thousand inmates who have been sentenced to TDCJ-Institutional Division to remain in county jails, thus contributing to serious overcrowding problems in jails as well. Prisoner population growth in Texas is highest ever with 50,000 adult inmates housed within the Texas Institutional Division Units (Burton, 1993: 46).

Of all the intermediate phases of punishment, community supervision is probably the most dynamic at the time of this research. The separate system of state jails was created by the Texas Legislature in 1993 to hold people convicted of fourth degree felonies (a category created in September, 1994), classified as nonviolent crimes. State jails are secure facilities that look much like regular prisons, with guards and razor-wire, but no guard towers, and operate with more corrective programs to rehabilitate convicts (Ward, 3-12-95: B2). In fact, a state jail system was created to cut the cycle of crime and keep convicts from coming back to prison repeatedly. It was also designed to free up beds in regular prison for violent criminals. Though in its infancy, the Texas state jail program has become a national model (Ward, 3-12-95: B2). Under the old system, convicts were sentenced to probation or prison. The new system allows for customized justice.

Recent legislative action, however, is creating a ripple effect with respect to community corrections/ state jails. Current law stipulates convicts are required to be placed under community supervision of local authorities, but public com-

plaints say that the two-year-old state jail law and other criminal justice reforms are not tough enough (Ward, 4-5-95: B3).

The Criminal Justice bill (Senate Bill 15) introduced by John Whitmire (D-Houston), was approved and sent to the House, eliminating mandatory community supervision for thousands of nonviolent state jail inmates by 1996. In May of 1995, Governor Bush also endorsed the proposal to abolish mandatory probation for repeat jail offenders (Ward, 5-12-95: B3). The bill was approved by the House as well and will extend an offender's maximum stay behind bars from two to three years and send them to a maximum-security prison after they commit a third nonviolent crime (Ward 4-5-95: B3).

By September, 1997, state jails cannot be used as places to store violent offenders awaiting a prison bed, as stated in the original legislation of 1993. However the Texas House voted to repeal that provision in approving the Criminal Justice bill (Eskenazis, 4-25-95: B1). People in neighborhoods where state jails are being built never did believe the state would make good on its promise to restrict inmate populations there to nonviolent criminals. The new state jails will be coming on line in 1995-1996. About 20,000 state jail beds will be available by the end of 1995, but officials think there may be only 1,000 nonviolent prisoners to occupy them. Legislators apparently are under pressure to fill these surplus beds with criminals whether violent or nonviolent, much to the chagrin of the communities who must house them.

The fact is that during a year when many candidates rallied voters by warning of rising crime, the number of serious crimes reported in Texas actually fell by 7 percent (South and Eskenazi, 5-4-95: A1). For the first time since the state began keeping records in 1976, every category of major crime, from murders to

auto thefts, declined.

However, incidents of violent juvenile crime are on the increase. The State Jail Division was created as a result of the public's perception of rising crime vis-a-vis violent street gangs. This acute awareness by the public was only compounded by the McDuff case. Public officials felt compelled to produce as much jail space as fiscally possible.

Although the law creating state jails took effect in 1994, only seven of the planned 18 facilities are open. And there are increasing complaints and questions about the innovative corrections concept of state jails.

The concept boils down to this: Instead of sending felons convicted of certain nonviolent crimes to a regular prison, put them in special units where community-based rehabilitation and work programs are stressed as a way to turn convicts' lives around. In doing that more bunks are available in regular prisons for violent offenders (Ward, 9-10-95: A1).

But what seemed simple in theory has become difficult in practice. County officials complain that state bureaucrats are trying to take control of what was to be a community-based effort. State prison officials complain about design and contract flaws at some of the six state jails to be operated by private companies under county supervision. They have ordered an audit.

The Senate Criminal Justice Committee, on orders of Lt. Governor Bob Bullock, is initiating a study of all the state jails, including the 12 ~~run~~ by the state (Ward, 9-10-95: A1).

Faced with too few state jail felons to fill the new units, prison officials announced plans in June of 1995 to leave several state jails unoccupied for three to five months after they are completed.

To compound matters, Ft. Worth leaders have reacted with growing alarm in recent weeks to the parole of an increasing number of sex offenders from state prisons to two low-security centers near downtown (Floyd, 9-14-95: 22A).

State Senator Mike Moncrief requested a reduction in the number of nonresident parolees sent to Tarrant County, an improved tracking system for identifying repeat offenders, improved notification of public hearings and review of his suggestion that underused state jails in other parts of the state be converted to halfway houses for sex offenders.

Senator Moncrief's request comes at a time when the state may need fewer than 2,500 of the 22,000 state jail beds scheduled to be built by the end of 1996. That's because some judges have been reluctant to sentence felons to state jail. The program emphasizes community-based corrections, and judges have resisted sentencing nonviolent felons to state jails unless the local jails are open for business. In such cases, judges are continuing to put nonviolent felons on probation (Ward, 9-10-95: A10).

Sandwiched into a gritty warehouse district just north of Houston's downtown business district, the Top Street jail was touted as a model when it opened in 1995. Miffed state officials call it a monument to bad planning by the Harris County probation authorities who designed and built it. Harris officials blame the state, which they say approved the jail design and failed to provide enough convicts for the specialized rehabilitation programs (Ward, 8-31-95: A1).

Because there were not enough state jail convicts – nonviolent offenders – to fill all the beds when Top Street opened, the state filled many of them with felons bound for prison, including some convicted of violent crimes and who were not candidates for the rehabilitation program.

County officials complained that too many hard-to-handle felons were housed in the state jail, not the nonviolent offenders for which it was designed (Ward, 6-22-95: B3).

By June of 1995, Harris County judges decided to end the contract with the state to operate the jail. The \$12 million jail was built without a kitchen and other necessities. And so, by late June 1995, county officials abruptly closed the four story Top Street jail in a contract dispute with prison officials, complaining they were losing \$30,000 a month on its operation because there were not enough inmates to fill it (Ward, 9-10-95: A10).

State authorities have been unable to find a new use for Top Street, which remains empty, save for a skeleton staff of guards that is costing taxpayers \$18,000 a month. Research methods employed to measure DPS Troopers' perceptions of state jails (community supervision) and other phases of intermediate punishment will be addressed in Chapter 4.

Chapter 4

Research Methodology

This applied research project is a descriptive follow-up study utilizing survey research as the method for data collection. The purpose of this chapter is to define survey research as it applies to the project sample. The construction and pretesting of the survey instrument were completed by student Bob Short in 1992. This writer obtained permission to readminister the survey instrument from Mr. Short in April of 1995. 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 DPS Troopers' perceptions about each of the twelve intermediate punishments' 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 punishments'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 sent, via United States Postal Service to 100 DPS Troopers on August 24, 1995. For convenience, the instrument included a self-addressed, stamped envelope to facilitate increased participation. The response deadline was September 27, 1995. The survey instrument was designed to connect the Troopers' perceptions to the punishments and goals.

Study Population

The study population for this project consists of current DPS Troopers statewide with at least 25 years of experience with DPS. The sampling frame was provided by the Texas State Troopers Association and consisted of 300 Troopers. A systematic sample was conducted. The sampling interval was 3. The sampling frame will differ from the Short study (1992) in that it will consist of respondents from various branches and regions of DPS.

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, 1987).

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, survey research appears to be the most appropriate method of data collection for this project (Short, 1992: 60). A large number of cases is very important to descriptive studies. Whenever several variables are to be analyzed simultaneously, it is essential to have a large number of cases (Babbie, 1987). 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 question of what, how much, how many, who and where (Yin, 1987). In this project, the question, "What are the Troopers' perceptions of intermediate punishment?" 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 replicated results of the survey research are presented in Chapter 5.

Chapter 5

Research Results

Chapter 5 will contrast the survey results of the 1992 and 1995 studies (See Appendices B and C). This chapter will also present the response rate, data tabulation and an overall summary. In addition, a summary of each intermediate punishment's effectiveness will be presented (See Table 5.1). A summary of each intermediate punishment by treatment goal will also be presented, including the ranking of each intermediate punishment in each goal category (See Table 5.2 and Table 5.3). The chapter will also present some unsolicited comments submitted by the survey respondents.

Survey Results

On August 24, 1995, survey instruments were sent out to 100 DPS Troopers statewide. Thirty-eight responses were received for a response rate of 38 percent. According to the response data, it would appear that the DPS Troopers have little confidence and are not enthusiastic about the punishments and treatment goals.

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 substituted for "probability" in the paper to avoid any incorrect mathematical meaning (Short, 1992: 62).

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 Appendices B and C. **An** ordinal scale of 1 (none) to 5 (maximum) was used, with 3 representing the midpoint rating. Each number in Appendices B and C represents the mean rating from the respondents.

Summary

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

Among the intermediate punishments that address four treatment goals, intensive supervision and shock incarceration 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 very low rating. Fines address only two treatment goals but were rating fairly high in those two categories in comparison to the other punishments.

Overall, the Troopers' perceptions for the various intermediate punishments

Table 5.1
Overall Mean Ratings

FOUR GOALS ADDRESSED	1995*	1992**
Intensive Supervision	2.72	2.72
Shock Incarceration	2.46	2.90
Community Corrections	2.22	2.39
Shock Probation	2.21	2.36
Parole	2.06	2.05
Probation	1.96	1.95
Halfway Houses	1.65	1.88
THREE GOALS ADDRESSED		
Restitution	2.85	3.09
House Arrest	2.03	2.27
Community Service	2.00	2.15
Suspended Sentence	1.33	1.40
TWO GOALS ADDRESSED		
Fines	2.53	2.60

* Seiferman (1995)

** Short (1992)

appear to be even more negative than the perceptions presented in the Short study (1992).

Unsolicited Respondent Comments

The sampling frame surveyed was DPS Troopers with at least 25 years experience with DPS and currently on active duty, The survey instrument was closed-ended except for the section asking for experience and educational background. Several Troopers did, however, include comments of their own. These comments may lend some insight into the overall negative perceptions of the Troopers.

All of the items discussed depend on the individual giving the punishment and the individual receiving the punishment, their attitudes and the possibility of getting away with the failure to follow through with their commitment.

– 28 years experience, Houston

Restitution deserves a high rating, but only if the terms are enforceable.

– 26 years experience, Tyler

Today I arrested a DWI who had just gotten out of a halfway house. He had 17 arrests for DWI with 10 convictions. He also served time in TDC. His blood alcohol was .25. He was on the wrong side of the highway when arrested.

– 25 years experience, Ft. Worth

We have allowed our criminal justice system to be overtaken by social programs and reforms. The basic premise is simple. You are either free or you're not. If you are convicted and sentenced, then you are imprisoned, you are jailed. My time is coming to an end as your father's has. I personally want to see young men such as yourself putting people behind bars instead of figuring out ways to keep them out.

– 26 years experience, San Antonio

Summary by Intermediate Punishment

In this section, the 1995 Troopers' perceptions of each intermediate punishment will be summarized. The survey response results are repeated in Appendix B.

Probation

The Troopers' assessment of probation as an intermediate punishment was negative. Probation received ratings of 2.18 for restraint, 1.82 for deterrence, 2.00 for rehabilitation and 1.84 for retribution. The restraint category did receive a more favorable rating than in the Short study (1992).

Shock Probation

Shock probation, although not rated high by the Troopers, did receive considerably higher ratings than probation. Shock probation received ratings of 2.39 for restraint, 2.08 for deterrence, 2.24 for rehabilitation and 2.13 for retribution. These ratings were considerably more negative than in the Short study (1992).

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 2.82 for restraint, 2.74 for deterrence, 2.68 for rehabilitation and 2.63 for retribution. The area of restitution received a higher rating than in the Short study (1992).

House Arrest

The intermediate punishment of house arrest only addresses three treatment goals. House arrest received ratings of 2.18 for restraint, 1.75 for deterrence and 1.95 for retribution. These ratings were considerably more negative than in the Short study (1992).

Shock Incarceration

Shock incarceration received assessment ratings of **2.63** for restraint, **2.42** for deterrence, **2.42** for rehabilitation and **2.37** for a restitution.. Shock incarceration ranked second highest among the punishments addressing four treatment goals. However, the ratings were much more negative than the Short study (1992).

Community Corrections

Community corrections received assessment ratings of **2.16** for restraint, **2.26** for deterrence, **2.21** for rehabilitation and **2.24** for retribution. These ratings were also more negative than the Short findings (1992).

Halfway House

The Troopers' assessment of halfway houses received the lowest ratings of the punishments addressing four treatment goals. They received ratings of **1.71** for restraint, **1.66** for deterrence, **1.68** for rehabilitation and **1.55** for retribution. These ratings were considerably more negative than the Short study (1992).

Community Service

As an intermediate punishment, community service only addresses three treatment goals. Community service received assessment ratings of **1.97** for restraint, **1.95** for deterrence and **2.08** for retribution. These ratings were more negative than the Short study (1992).

Suspended Sentence

The Troopers' assessment of suspended sentence, as an intermediate punishment, as in the Short study (1992), was the lowest of all the punishments. Suspended sentence received assessment ratings of **1.18** for restraint, **1.32** for deterrence and **1.50** for retribution.

Fines

The Troopers' assessment ratings for fines were moderately high in relation to other punishments. Fines received ratings of 2.50 for deterrence and 2.55 for retribution. Overall the ratings were slightly more negative than Short's findings (1992).

Restitution

The Troopers' assessment ratings for restitution were the highest among all the intermediate punishments. Restitution received assessment ratings of 2.76 for deterrence, 2.92 for retribution and 2.87 for restitution. Even though restitution received the highest ratings, they were still significantly more negative than Short's study (1992).

Parole

Parole received assessment ratings of 2.16 for restraint, 1.95 for deterrence, 2.11 for rehabilitation and 2.03 for retribution. Overall, the ratings compared to the Short study (1992), were about equally negative.

Summary by Treatment Goal

Each intermediate treatment has been ranked by treatment goal according to the Troopers' assessment ratings. Table 5.2 reflects the ranking of each intermediate punishment. Table 5.3 will present the rankings from the Short study (1992).

Restraint

With regard to restraint, intensive supervision received the highest assessment rating (2.82), followed by shock incarceration (2.63). Shock probation ranked third (2.39), followed by house arrest (2.18) and probation (2.18). Community corrections ranked sixth (2.16) along with parole (2.16) and then followed by

Table 5.2
Intermediate Punishment Ranking by
Troopers' Effectiveness Probability Ratings
(1995 Study)

Restraint	Deterrence	Rehabilitation	Retribution	Restitution
Intensive Supervision	Restitution	Intensive Supervision	Restitution	Restitution
Shock Incarceration	Intensive Supervision	Shock Incarceration	Intensive Supervision	
Shock Probation	Fines	Shock Probation	Fines	
House Arrest	Shock Incarceration	Parole	Shock Incarceration	
Probation	Community Corrections	Probation	Community Corrections	
Community Corrections	Shock Probation	Halfway Houses	Shock Probation	
Parole	Community Service		Community Service	
Halfway Houses	House Arrest		Parole	
Suspended Sentence	Parole		House Arrest	
	Probation		Probation	
	Halfway Houses		Halfway Houses	
	Suspended Sentence		Suspended Sentence	

Table 5.3
Intermediate Punishment Ranking by
Troopers' Effectiveness Probability Ratings
(Short Study, 1992)

Restraint	Deterrence	Rehabilitation	Retribution	Restitution
Shock Incarceration	Shock Incarceration	Intensive Supervision	Restitution	Restitution
Intensive Supervision	Restitution	Shock Incarceration	Shock Incarceration	
Community Corrections	Intensive Supervision	Community Corrections	Fines	
Shock Probation	Fines	Shock Probation	Intensive Supervision	
House Arrest	Community Corrections	Parole	Community Corrections	
Community Service	Shock Probation	Probation	Shock Probation	
Parole	House Arrest	Halfway Houses	Community Service	
Probation	Community Service		House Arrest	
Halfway Houses	Parole		Parole	
Suspended Sentence	Probation		Probation	
	Halfway Houses		Halfway Houses	
	Suspended Sentence		Suspended Sentence	

community service (1.97) and halfway houses (1.71). Suspended sentence ranked last (1.18).

Deterrence

In terms of each intermediate punishment's likelihood of reaching the goal of deterrence, restitution received the highest rating (2.76). Intensive supervision ranked second (2.74), followed by fines (2.50). Shock incarceration ranked fourth (2.42), community corrections fifth (2.26), shock probation sixth (2.08), community service seventh (1.95), along with house arrest and parole (1.95), and halfway houses eighth. Suspended sentence again ranked last (1.32).

Rehabilitation

In terms of each intermediate punishment's likelihood of reaching the treatment goal of rehabilitation, intensive supervision received the highest assessment rating (2.68). Shock incarceration ranked second (2.42), followed by shock probation (2.24). Community corrections ranked fourth (2.21), parole ranked fifth (2.11), and probation ranked sixth (2.00). Halfway houses were ranked last (1.68).

Retribution

Restitution received the highest assessment rating (2.92) with regard to its likelihood of reaching the goal of retribution. Intensive supervision ranked second (2.63), fines ranked third (2.55) and shock incarceration ranked fourth (2.37). Shock incarceration was followed by community corrections (2.24) and shock probation (2.13). Community service ranked seventh (2.08), parole ranked eighth (2.03), house arrest ranked ninth (1.95), probation tenth (1.84), halfway houses eleventh (1.55), and suspended sentence was once again ranked last (1.50).

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 **2.87**.

Summary

The results of the literature and survey research were similar in most respects. Intensive supervision and shock incarceration received the highest effectiveness ratings overall. 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 higher than most categories but still lower than the restitution ratings in the Short study (1992).

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 Department of Public Safety Troopers' perceptions of those intermediate punishments. The survey results support this writer's hypothesis presented in Chapter 3. The research results were reported in Chapter 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, when compared to Short's study (1992), 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.

As evidenced in Chapter 1, with the McDuff case, 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. 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 (ie., state jails) for nonviolent offenders thus allowing the criminal justice system 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). These concepts are strongly supported by the public. 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. However, the public's patience has worn thin for all criminal acts. 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.

Finally, a comparison of this project and the Short study may be of interest to the Department of Public Safety. Many pros of intermediate punishments have been presented, yet this project's supported hypothesis has shown that more experienced officers have fewer expectations of intermediate punishments.

SURVEY INSTRUMENT

August 23,1995

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.

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.

My father is a retired D.P.S. Trooper and I am interested in conducting a study that might somehow benefit D.P.S.

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 September 27,1995. Thank you.

Sincerely,

Bobby Seiferman
1207 Cedar Hills
Cedar Park, TX 78613
512-259-8759
512-255-5827

Attachment

Experience and Education

1. Number of years as a D.P.S. Trooper: _____

2. Current D.P.S. service branch: _____

3. Current assignment region: _____

4. Prior police experience: Yes _____ No _____

If yes, number of years: _____

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

6. Education level:

High school completed: Yes _____ No _____

Years of college: _____

Degrees obtained: _____

7. Population of county you work:

20,000 or less _____

20,000 to 50,000 _____

50,000 to 100,000 _____

100,000 to 250,000 _____

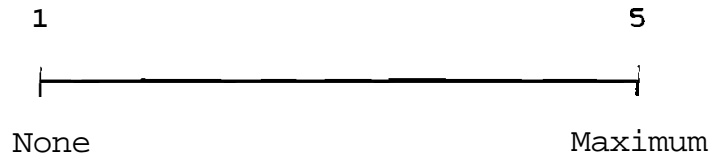
250,000 and over _____

6. Military experience: Yes _____ No _____

If yes, number of years: _____

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.



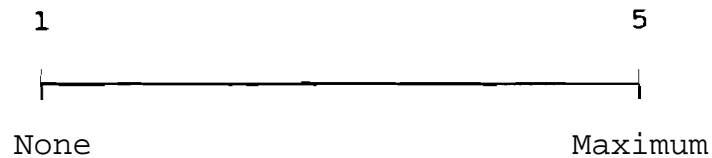
Circle the appropriate response:

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

69

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.

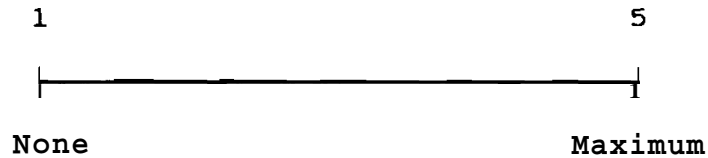


Circle the appropriate response:

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.

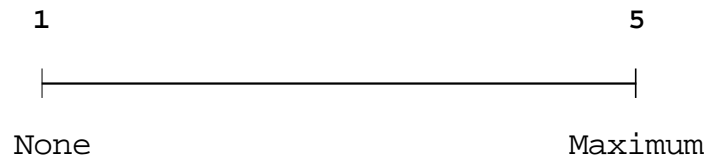


Circle the appropriate response:

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.

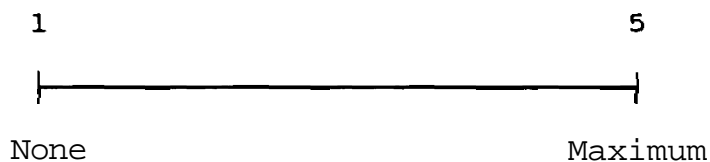


Circle the appropriate response:

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 offenses 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.

Appendix B
DPS Troopers' Mean Evaluation
of Intermediate Punishments' Effectiveness
(1995 Study)

	Restraint	Deterrence	Rehabilitation	Retribution	Restitution
Probation	2.18	1.82	2.00	1.84	-----
Shock Probation	2.39	2.08	2.24	2.13	-----
Intensive Supervision	2.82	2.74	2.68	2.63	-----
House Arrest	2.18	1.95	-----	1.95	-----
Shock Incarceration	2.63	2.42	2.42	2.37	-----
Community Corrections	2.16	2.26	2.21	2.24	-----
Halfway Houses	1.71	1.66	1.68	1.55	-----
Community Service	1.97	1.95	-----	2.08	-----
Suspended Sentence	1.18	1.32	-----	1.50	-----
Fines	-----	2.50	-----	2.55	-----
Restitution	-----	2.76	-----	2.92	2.87
Parole	2.16	1.95	2.11	2.03	-----

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

Appendix C
Highway Patrol Troopers' Mean Evaluation
of Intermediate Punishments' Effectiveness
(Short Study, 1992)

	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 Appendix C each represent a mean rating on a scale of 1 to 5 derived from survey response data.

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