

CHAPTER TWO

COMMUNITY CORRECTIONS

2.1 INTRODUCTION

This chapter focuses on the theoretical conceptualisation of community corrections and on the intermediate sanctions applicable in a community context as alternative sentencing options, i.e. day fines, community service, restitution, probation, day reporting centres (DRCs), CCRCs, electronic monitoring, intensive supervised probation, house arrest and split sentences. To understand the context of community corrections, the historical development of prisons, as well as the philosophies of the offender in the community throughout history will be discussed.

The link between the overcrowding of prisons and community corrections will be outlined as well as the current trend of restorative justice. When discussing electronic monitoring, reference will be made to BI Incorporated as well as other

international DRCs as case studies in Denver, Colorado. The modern technology utilised by BI Incorporated DRC such as the Sobrietor, SkyGuard 200 and electronic monitoring will be discussed. Other international as well as national examples will also be included in this chapter. The concept of "*community corrections*" as defined in chapter one of this study refers to all non-custodial sentences where offenders are supervised and controlled in the community by the Department of Correctional Services, through various means and conditions.

The theoretical framework relevant for this study will subsequently be discussed.

2.2 THEORETICAL FRAMEWORK

The researcher regards community corrections as an empowering, capacity building approach which theoretically can be founded in a community development strategy.

The New Dictionary of Social Work (1995:12) defines community development as follows: A "*process enabling people to mobilise and manage forces and resources in a community by creating opportunities for democratic decision-making, active participation and co-operation, selfhelp, development of leadership and utilisation of education opportunities to*

promote the intrinsic potential and forces in the community as a whole".

Rubin and Rubin (1992:3) state that community development *"occurs when people form their own organisations to provide a long-term capacity for problem solving"*.

The White Paper for Social Welfare (1997:20) reflects that community development is both multi-sectoral as well as multi-disciplinary, and concludes that strategies for community development *"address basic material, physical and psycho-social needs"*.

Community-based correctional programmes should be multi-sectoral and interdisciplinary in order to render holistic comprehensive services to the offender. Community development as a method and process provides this holistic context where offenders take a primary position at the centre of the process and in so doing take charge and ownership of their future development.

From a developmental social welfare perspective, the White Paper for Social Welfare (1997:20) emphasises the facilitation of the community development process and community capacity building programmes. Since community development and economic empowerment are strategies of social development

(compare Midgley, 1995:118), the premise for this study is that community-based correctional programmes are embedded in a social development theoretical framework and consequently in a developmental social welfare paradigm. Social development implies the harmonising of social and economic policies and is defined by Midgley (1995: 25) as follows: "*...a process of planned social change designed to promote the wellbeing of the population as a whole in conjunction with a dynamic process of economic development*".

The social development theoretical framework, as applied to this study, implies that through a community development intervention strategy, community-based correctional programmes should be targeted at the development of human, social and economic capital (Compare Midgley 1995:195.) Human capital refers to the development of skills such as life skills for personal empowerment. Social capital includes development of social networks and infrastructure which will facilitate empowerment on an interpersonal level; whilst economic capital entails income generated through job creation which will, in turn, empower individuals on macro socio-economic and political levels.

It is within this theoretical framework that the researcher regards community corrections as a sentence where programme

design should be holistic and comprehensive to ensure complete reintegration into society. Community corrections have developed historically and this will be discussed in the following section.

2.3 COMMUNITY CORRECTIONS HISTORICAL DEVELOPMENT

Smykla (1981:10) reports that community-based corrections can be traced back for many centuries, although the same term may not have been used. The author discusses the historical development of community corrections from early history up to the twentieth century.

During early history (before 800) no jails, state prisons, probation, parole or CCRCs were utilised. Common forms of punishment included reparation and compensation to the victim or his/her family by the offender, the obligation to do public service, execution, expulsion or dismemberment. These punishments had a strong public nature. This however, changed with time.

Smykla (1981:10) states that community programmes for specialised groups can only be traced between the period 800 and 1200 and that the first incarceration facility was built at the Assize of Clarendon and authorised by Henry II in 1166.

During the Middle Ages (5-15th century), the state became the sole author of the administration of justice. Punishments started to become less severe and royal pardons were granted to the accused.

McShane and Krause (1993:8) discuss how prisons came into being throughout the country in the early part of the 1800s. These institutions moved away from inhumane to more humane alternatives. The only problem was that these prisons became quickly overcrowded and reports came in regarding these institutions as breeding grounds for disease, violence and despair.

From the discussion thus far, it is evident that offenders were not sent to institutions or prisons from early times. Developments in this regard only took place at a later stage. Allen and Simonsen (1995:655) confirm that community-based corrections is in reality one of the oldest forms of either treating or punishing the offender in the community. Initially therefore, the sentencing of offenders began with community-based corrections and then moved to the building of prisons and the consequent incarceration of offenders.

McShane and Krause (1993:8) state that the following two developments took place as a result of the correctional reform movements in the early 1900s:

- Reform inside prison with the prison community model in mind developed by Thomas Mott Osborne. He spent a week inside the New York Auburn prison as one of the prisoners in order to gain firsthand insight into the situation in prison.

He concluded that good behaviour indicated progress with regard to the rehabilitation of the prisoner and that release from prison had to be earned. Open-ended sentences, also called "*indeterminate sentences*", were the order of the day and release from prison was the decision of prison officials. McShane and Krause (1993:9) are of the opinion that this specific model worked well especially with indeterminate sentences, because of the fact that prison officials had time to judge all inmates individually regarding their progress and adjustment. According to these authors, this model was later utilised in the establishment of community-based residential facilities where smaller and less serious offender populations came to be served. According to these authors it is still utilised to "*build responsibility, self-esteem, and citizenship skills*" (Mc Shane and Krause,

1993:9). The second development happened in the area of community corrections.

- McShane and Krause (1993:9) explain how the community was increasingly used. At first, before prisons existed in America, relatives and volunteers played a significant role in supervising certain categories of offenders, for instance alcoholics and the mentally ill. These authors claim that "*probation-like*" sentences were being used informally by judges according to their own judgement at the beginning of the 1800s.

From the above discussion, it can be concluded that history provides lessons for current community corrections. Some of these lessons can be found in various philosophies of the offender in the community.

2.4 PHILOSOPHIES OF THE OFFENDER IN THE COMMUNITY THROUGH HISTORY

Philosophies of the offender in the community developed through four historical eras according to Clear and Dammer (2000:59-62).

2.4.1 The Reform Era (mid- 1800s to 1930s)

Clear and Dammer (2000:59) explain how the reform era thought of offenders as morally imperfect. These offenders needed to change into respectable citizens. The Protestant ethic guided this orientation. It was expected of offenders to be good fathers or mothers, support their own families and be a regular churchgoer. On the other hand, correctional officers were expected to be mentors to offenders, to give advice and also to threaten them, when necessary, in order to make them reformed members of society. However, this philosophy was incomplete as the offender needed employment and not only role models.

2.4.2 The Rehabilitation Era (early 1900s)

According to Clear and Dammer (2000:60) the reform era was followed by the rehabilitation era which adopted the views of Sigmund Freud. Criminal behaviour in this era was attributed to faulty mental and emotional functioning. Psychotherapy and psychology developed from this notion and as a consequence resulted in the medical model of corrections. Punishment in prison was replaced by treatment of the perceived problems which led to the crime. Offenders were approached as persons afflicted with

mental illness. Accordingly, correctional officers needed mental health skills in order to treat offenders with the primary technique of interpersonal counselling. Correctional officers quitted field visits and "clients" came to see them by appointment at their offices. However, this rehabilitation philosophy was also imperfect. Offenders were not all mentally ill and all correctional officers were not skilled psychotherapists. This era led to the reintegration era.

2.4.3 The Reintegration Era (1960s)

Clear and Dammer (2000:61) report that in this era penologists thought that offenders needed strong ties with the community which led to the following developments:

- *"job-training programmes for ex-offenders*
- *creation of special employment opportunities, and*
- *an emphasis on community-based programmes".*

The most important development during this era was the use of non-custodial alternatives in dealing with offenders with probation and parole as the main methods. This era initiated the era of war on crime.

2.4.4 War On Crime (1970s through the 1990s)

According to Clear and Dammer (2000:62) this era started with President Nixon's "war on crime". The slogan "get tough" on crime had a far greater impact on the general public than the treatment of offenders. The public felt that correctional programmes failed to rehabilitate offenders. During 1976 the U.S. Supreme Court made a way for states to reinstate the death penalty. Laws restricted the use of probation and parole. Some states eliminated parole altogether. As could be expected, the increased use of prison was aligned with the general public becoming more and more intolerant with crime. A consequence, however, was the overcrowding of prisons. An understanding of overcrowding, as well as of current trends is important to understand the future of prisons, and on the other hand, the search for alternatives to imprisonment during the first three decades of the twentieth century.

2.5 OVERCROWDING, CURRENT TRENDS AND THE FUTURE OF PRISONS

It is a world-wide phenomenon that prisons are overcrowded. Fallin (1989:72) comments that states are beginning to realise "that they will not be able to build their way out of the crisis".

Latessa and Allen (1997:78) also discuss the effects of the overcrowding of prisons and they argue that due to overcrowding, fewer programmes are available to offenders, including recreational activities. According to Latessa and Allen (1997:78) the greatest danger of prison is in the areas of safety and health. With the continuously increasing rates in the prison population "*death, suicide, homicides, inmate assaults and disturbances*" occur more and more whether the confinement is in a maximum, medium or minimum security. Unfortunately this is not where it ends. Various infectious diseases, colds, tuberculosis that is resistant to drugs, sexually transmitted diseases, psychological disorders as well as psychiatric crises are all related to crowding (Latessa and Allen, 1997:78). If one looks at these circumstances it is easy to see that overcrowding leads to conditions that are inhumane and that the offender cannot be successfully rehabilitated in such degrading circumstances.

Allen and Simonsen (1995:258) discuss the future of imprisonment. They state that various findings in the 1920s, 1930s, 1960s, 1970s, 1980s as well as the early 1990s confirmed that prisons for adults managed by the state, could not successfully rehabilitate and reintegrate offenders. Nevertheless, the building of maximum-security prisons

continues. Latessa and Allen (1997:85) propose three alternative options to reduce prison crowding:

- The building of more prisons in what they call the "*bricks and mortar*" building programme.
- "*Front-end*" solutions that include intermediate punishments (alternative sentencing options). This option will be discussed under the heading of intermediate sanctions in this chapter.
- "*Back-end*" solutions refer to "*early-out*" or "*extended limits*" options. Certain strategies and innovations are implemented while the offender is in prison. The "*early-out*" option refers to earlier parole eligibility where the offender is placed on parole before the due time. "*Extended limits*" is where the offender is allowed to leave prison to take part in approved programmes in the community.

Not only is there a trend to build more prisons, but also to move towards the privatisation of prisons. The Annual Report of the Department of Correctional Services in South Africa (2000/01:115) mentions public-private partnerships where contracts exist between the public and private sectors. In this instance the private sector will "*design, build, finance, operate and maintain a prison*". The government, on the other hand,

pays for services rendered. The Correctional Services Act (1998:82) also emphasises joint venture prisons in South Africa. This Act states that the Minister of Finance and the Minister of Public Works, may *"enter into a contract with any party to design, construct, finance and operate any prison or part of a prison established or to be established in terms of section 5"*.

Allen and Simonsen (1995:259) mention the following factors influencing the move towards privatising prisons:

- *"Prison crowding*
- *law suits over conditions and practices,*
- *high staff turnover rates,*
- *increased rates of incarceration of offenders,*
- *explosive budgetary growth, and*
- *perceived lack of innovation in institutionalised corrections"*.

Although more prisons are built and privatisation is becoming a reality, there is at the same time a movement toward community-based corrections. This tendency occurs for many reasons, including the following:

- The more humane treatment in the community.

- Escalating recidivism rates.
- Extremely high costs of institutional programmes.

Allen and Simonsen (1995:656) confirm that the prison philosophy of seclusion as the only answer was reversed with a philosophy of community involvement with offenders. These authors are of the opinion that a good balance should be maintained between *"small, humane, programme-oriented maximum security institutions and community-based programmes"*. Allen and Simonsen (1995:656) warn, however, that to sell community-based programmes for all offenders is misleading. They argue that for the safety of the community it would still be necessary to keep certain offenders in prison in future, whilst the rest of the offender population should be able to participate in community-based programmes.

The researcher agrees that certain offenders should still be kept in prison due to their high risk for the safety of the community and does not foresee that this will change in the future. It is, however, not necessary to keep the less violent, petty crime offenders, first offenders, drunk drivers and drug users, who are non-violent, in prison. Community corrections, however, is not only concerned with the offender, but also with

the victim. This current development in community corrections is referred to as restorative justice.

2.6 RESTORATIVE JUSTICE

Reparation of the victim, or "*restorative justice*" is a current popular concept, which agrees with early historical practice. The victim and the offender are central in the restorative justice process, whilst the state plays a minor role. The process focuses on the healing of both the offender and the victim as well as on society. Crime is seen in this process as an offence between individual persons and not primarily against the state. According to Consedine (1999:183) reparation, and not punishment, takes on the central theme in restorative justice. The author also elaborates on biblical justice which has been misquoted to justify the current justice system. The author concludes that biblical justice always looks forward to the future and not back to the past as is the case with the modern Western system. Biblical justice is dynamic and does not uphold the status quo but seeks to "*protect the weak, the vulnerable and the poor*" and therefore it is societies that have to change (Consedine 1999:154).

Wilkinson (1997:1) talks about "*community justice*" as a more holistic approach. This author agrees with Consedine in seeing

crime "as a violation against individuals, their families, and the community in which they live". The objectives of the process are to negotiate, to mediate, to empower and to repair the damages done to the victim and the community. This takes precedence over "vengeance, deterrence and punishment" (1997:1).

Richards and Storr (1999:6) state that restorative justice is one of the most significant recent developments. The victim plays a central role in this development. His/her feelings regarding the crime play a role in the decision about retribution, reparation as well as the rehabilitation of the offender. On the other hand, the offender has the chance to show his/her regret and also to make reparation to the victim. This approach is then to the advantage of all three parties namely, the offender, the victim as well as the community. In support of this approach, Richards and Storr (1999:6) argue that crime is a problem of the community and therefore, in order to reach solutions, community involvement is of paramount importance.

Graycar (2000:12) also discusses the emerging trend of the restorative justice approach within community corrections. According to Graycar this approach condemns crime, helps to reform the offender, reaches out to victims and softens the

blow of their suffering caused by the crime. Through the restorative justice process, crimes can be prevented by means of community involvement and the cost of administering justice can be kept low.

The Department of Correctional Services in South Africa (2000/01:98) supports the restorative justice approach where the needs and rights of the offender, victim, as well as the community are addressed in a balanced manner. In this process reparation and forgiveness are advocated.

The researcher is in agreement with the restorative justice process and sees it as a mature and balanced approach where the offender takes on the role of a responsible citizen, being accountable for his/her actions. The offender will also be able to take on the role of a responsible citizen when placed under community corrections in the community by means of intermediate sanctions or what South Africa calls the conditions of parole or probation as already mentioned in chapter one of this study.

An overview of intermediate sanctions follows. As the focus of the study is on CCRCs and DRCs, these two forms of intermediate sanctions will be discussed in more depth. In

addition, BI Incorporated DRC in Denver, Colorado will be described as a case study.

2.7 INTERMEDIATE SANCTIONS

Petersilia, Lurigio and Byrne (1992:ix) define intermediate sanctions as those that fall between prison and routine probation. As alternatives, they fall within the "*either/or*" sentencing policy.

Latessa and Allen (1997:52) state that intermediate sanctions differ in harshness from day fines to boot camps (shock incarceration).

Langan (1998:42) asserts that when the offender receives an intermediate sanction s/he falls under the supervision of a probation officer. Such an offender, would be closely monitored other than with routine probation. This may be done through electronically monitored house arrest, regular meetings with the probation officer and drug testing. Split sentences, heavy fines and community service may form part of additional punishments.

The County of Roscommon, Michigan, 2001, (www.roscommoncounty.net/ccab) uses the term "*alternative sentencing*", when referring to the intermediate sanctions.

They state that it is a sentence that eases overcrowding in prisons and jails, whereby placement of non-violent offenders takes place in the community without harm to public safety. Usually these offenders have to participate in certain programmes in the community as a condition of their diversion. Community work serves as a way for offenders to offer restitution to the community in which the crime took place.

As early as 1976 The National Advisory Commission on Criminal Justice Standards and Goals (1976:504) referred to the major community alternatives as diversion, probation and parole.

Petersilia *et al.*, (1992:ix-x) state the purposes of intermediate sanctions:

- *"to save taxpayers money by providing cost-effective alternatives to incarceration for prison and jail-bound offenders*
- *to deter offenders (specifically) and the public (generally) from crime*
- *to protect the community by exerting more control (than does traditional probation) over offender behaviour*
- *to rehabilitate offenders by using mandatory treatment requirements, which are then reinforced by mandatory*

substance abuse testing and the swift revocation of violators."

According to Latessa and Allen (1997:52) the following examples serve as intermediate sanctions ranging from the least to the most severe punishment approaches:

2.7.1 Day fines

Judges decide on the amount of the day fine the offender should pay after consideration of how much punishment the offender deserves. *"The punishment units are then translated into monetary units based on how much money the offender makes per day"* (Latessa and Allen, 1997:53).

Byrne and Pattavina (1992:300) note that it is difficult to know the effect of fines on the subsequent behaviour of offenders because they concentrate primarily on money collection.

Hillsman and Greene (1992:128) state that as a sentencing option fines did not play such an important role in the USA compared to Western Europe. However, they conclude that the reason for this was confusion regarding fining procedures, rather than clear sentencing preferences. After involvement in a pilot project by the Staten Island Criminal Court about day-fines and their success, these authors concluded that day

finer are less complicated than one might think (1992:133). The day fine concept continues to develop within the U.S. perspective and is regarded as a sentencing option with great potential (Hillsman and Green, 1992:135).

2.7.2 Community service

In this option offenders are assigned to do community service free of charge usually at welfare organisations or public service agencies. The offender has to do a certain specified number of hours in the community (Latessa and Allen, 1997:53).

McDonald (1992:185) asserts that in community service the offender serves the community and restitution is not made to the victim.

Wilkinson (1997:2) notes that community service has several uses including the following:

- assists with skill-building
- provides meaningful work to offenders in the community
- keeps offenders busy and
- community restitution takes place

From the above it is clear that community service serves various purposes and can take different forms. As already

mentioned in chapter one of this study, only probationers do community service in South Africa.

2.7.3 Restitution

Latessa and Allen (1997:54) state that the court orders the offender to make reparation to the victim, as a condition of probation. The offender has to restore the damages done to the victim whether they are financial, physical or emotional. However, the offender usually provides financial reparation to the victim.

McShane and Krause (1993:173) affirm that where property was damaged the court may order that restitution be made to the victim for losses entailed. According to these authors, this has the specific goal of making offenders accountable for their actions and also to take responsibility for the consequences (1993:174). They also state that certain types of crimes should be excluded from restitution such as assault, child abuse and when people sell drugs (1993:175).

In summary, the focus of restitution is on the victim.

2.7.4 Probation

Latessa and Allen (1997:55) describe probation as a conditionally granted freedom to an offender wherein s/he is

obliged to meet certain conditions. If the conditions are met, a written report in this regard is sent to the court or referral agency, by a specified time, and no further court action is taken. McShane and Krause (1993:95) comment that probation can be applied to various offences from minor to more serious crimes. When an offender is placed on probation, unique decisions are made which differ from offender to offender (1993:96).

As already mentioned in chapter one of this study, probationers, parolees and awaiting trial persons fall under the direct supervision of community corrections (Annual Report of the Department of Correctional Services, 2000/01:42). According to the Correctional Services Act (1998:48) the following persons qualify:

- a) *"those placed under correctional supervision in terms of sections 6 (1) (c), 276(1) (h), 276(1) (i), 276A(3) (e) (ii), 286B (4) (b) (ii), 286B (5) (b) (iii), 287 (4) (a), 287 (4) (b), 297 (1) (a) (i) (ccA), 297 (1) (b) or 297 (4) of the Criminal Procedure Act;*
- b) *while out of prison, prisoners who have been granted temporary leave in terms of section 44;*



c) while out of prison, those placed on day parole in terms of section 54;

d) those placed on parole in terms of section 73; and

e) those placed under the supervision of a correctional official in terms of sections 62 (f), 71, 290 (1) (a) and 290 (3) of the Criminal Procedure Act."

The persons placed under community corrections (probationers and parolees) also have certain conditions with which they must comply and the court, Correctional Supervision and Parole Board, the Commissioner or any other body with the statutory authority may order that the person -

(a) "is placed under house detention;

(b) does community service;

(c) seeks employment;

(d) takes up and remains in employment;

(e) pays compensation or damages to victims;

(f) takes part in treatment, development and support programmes;



- (g) participates in mediation between victim and offender or in family group conferencing;*
- (h) contributes financially towards the cost of the community corrections to which he or she has been subjected;*
- (i) is restricted to one or more magisterial districts;*
- (j) lives at a fixed address;*
- (k) refrains from using or abusing alcohol or drugs;*
- (l) refrains from committing a criminal offence;*
- (m) refrains from visiting a particular place;*
- (n) refrains from making contact with a particular person or persons;*
- (o) refrains from threatening a particular person or persons by word or action;*
- (p) is subject to monitoring;*
- (q) in the case of a child, is subject to the additional conditions as contained in section 6" (Correctional Services Act, No. 111, 1998:48-49).*

Of interest to this study is the fact that in section 64 (1) the above-mentioned Act refers to programmes as follows:

"The court, Correctional Supervision and Parole Board or other body which has the authority to impose treatment, development and support programmes in terms of section 52 (1) (f) may specify what programmes the person subject to community corrections must follow" (No. 111, 1998:54).

In summary, probation is a sentence where the offender is placed under community corrections and cared for by a probationer officer. The probationer has to comply with certain conditions applicable to probation. Certain offenders could also be sentenced to a CCRC directly as a condition of court to take part in certain specified programmes. However, in South Africa it will first be necessary to make amendments to a section of the Criminal Procedure Act in order to activate this type of sentencing.

2.7.5 Community corrections residential centres (CCRCs)

Smykla (1981:12) explains that the establishment of CCRCs in the nineteenth century started in the private sector under the auspices and sponsorship of groups such as the Salvation Army and the Volunteers of America. The author states that the

Isaac T. Hopper House, established by the Quakers, has operated in New York City since 1845.

McCart and Mangogna (1976:544) argue that the purpose of these early CCRCs was to meet primary needs such as temporary housing, food, clothes, advice and sometimes to give assistance to gain employment. Treatment formed no part of these early CCRCs according to these writers (1976:546).

McCart and Mangogna (1976:545) further comment that the early CCRCs did not form a partnership with the correctional system and that this might have been the reason why they failed to function properly. The researcher is of the opinion that it is of the utmost importance that a partnership exists between CCRCs and the Department of Correctional Services in order to ensure that co-ordination takes place and it is a joint venture between the two parties.

In the early years in the growth of CCRCs no support came from the government. The movement showed strong religious and social conscience connotations, according to the history and traditions of the former International Halfway House Association (http://www.iccaweb.org/About_icca_info.asp). The original attempts were haphazard and did not develop into what could be called a "movement". Strong opposition came

from the public that nearly resulted in the closure of all the programmes.

Latessa and Travis III (1992:168) confirm the opposition of the public, but state however, that these hardened attitudes were only of a temporary character. These authors conclude that CCRC facilities have grown as a reaction to overcrowded prisons.

McCart and Mangogna (1976:546) comment about two issues that sparked off a revival of CCRCs, namely:

- the diverse problems of the ex-offender after release from prison; and
- high recidivism rates which in turn led to the beginning of a national CCRC movement.

Smykla (1981:12) states that the real CCRC movement was only born after the penetration of correctional institutions by Maude Booth, co-founder of the Volunteers of America.

Latessa and Travis III (1992:168) reflect that certain specialised groups of offenders were placed into the traditional CCRC programmes during the 1950s. This however, was not the case with the ordinary criminal offender. For these offenders, placements in CCRCs were rare.

After the 1989 Stigma Conference, the International Halfway House Association's name changed to the "*International Association of Residential and Community Alternatives*".

Latessa and Travis III (1992:167) argue that the term "*halfway house*" no longer adequately described the various residential programmes used with the correctional population. These authors conclude that a "*role expansion of the traditional halfway houses*" took place because of additional categories that were included in the name, such as corrections centres, pre-release centres, and restitution centres (Latessa and Travis III, 1992:167). The researcher agrees with these authors about the role expansion of the traditional halfway houses because of the more diverse population they serve as well as the broader correctional role they play. According to Latessa and Travis III (1992:167) the most recent name given to these types of programmes is that of "*community corrections residential facilities*". Other more recent names given to these facilities, as already mentioned, include "*community corrections centres, pre-release centres, and restitution centres*" (Latessa and Travis III 1992:167).

The researcher also referred to various names in chapter one of this study. However, the recent name changes are not generally accepted by all. Handwerk (2001) stated that

although there has been an attempt to move away from the old term of "*halfway house*" in Ohio, it has not been very successful. Hence, the old term still takes precedence over more recent terms.

Lindley (2001:2) refers to "*halfway house or work centre*" where offenders are free to go to school or work or treatment at these centres. For the rest of the time they are restricted to the centres.

Latessa and Travis III observed that traditional halfway houses are still operating with direct services delivered to residents. These authors point out, however, that where more recent programmes are operated by corrections departments, the impression is gained more of a "*minimum-security prison than a rehabilitative community*" (1992:170).

The researcher agrees with Latessa and Travis III and would like to point out that programmes implemented by corrections departments might not be as successful as programmes operated by private agencies due to the fact that correctional departments project the atmosphere of a formal prison. The offender should rather be placed in a CCRC in the community, which reflects a more homelike atmosphere and is driven by the community. The researcher is of the opinion that where

corrections departments manage the CCRC the goal of reintegration may not be so easily attainable. The fact is that the offender will still experience the centre as a smaller size prison, controlled by prison officials.

Latessa and Travis III (1992:170) also point out that in current CCRCs a harsher stance is taken, which was not the case in earlier days. They conclude that the contemporary growth of these facilities has a more diverse character because of the following reasons:

- Today these facilities serve a diverse group of clients, for instance persons are diverted from court before they are convicted. They also serve those who have been convicted and are released from prison.
- The population sizes range from less than ten residents to hundreds of residents.
- Programme services also differ. Some facilities supply a full range of services whilst others offer very few direct services to clients.

Latessa and Allen (1997:56-57) make it clear that CCRCs offer a growing range of services, not only to correctional clients, but also to victims, for instance the treatment of "*battered*

women, drunk drivers, mentally ill and sex offenders". According to these authors, the one constant factor in all these facilities is that residents live there for a certain period of time and are free to leave at certain prescribed times without being escorted (Latessa and Travis III, 1992:170). They state that it is not possible to portray the typical residential facility because of the difference in population, programme, size and structure (1992:170). According to these authors, an answer to the impact of these facilities is not an easily attainable assessment task. What is known is that these facilities play an enormous role in serving convicted offenders and they also play a vital and increased role as alternatives to imprisonment (Latessa and Travis III, 1992:170).

There are two outcomes that are of great importance when programme effectiveness is assessed, namely:

- the reduction in recidivism; and
- changes in anti-social behaviour of the clients.

In summary, the above discussion centred on CCRCs and their development from the nineteenth century when the private sector such as the Salvation Army and Volunteers of America, were involved. At that stage, primary needs were attended to and no partnership existed between the correctional system

and these CCRCs and they also received no support from the government. A role expansion of the traditional halfway houses took place during the late 1990s and the old term of "*halfway house*" no longer adequately described the correctional population. Courts and prison could now also decide to utilise DRCs as part of the intermediate sanctions for selected offenders who could benefit from these services.

2.7.6 Day reporting centres (DRCs)

According to Maglia (2000), BI Incorporated, CCRCs are not such a recent development in the criminal justice system, compared to day reporting centres with which the researcher fully agrees.

Junger-Tas (1994:19) talks about "*day-centres*", "*attendance-centres*", "*day probation*" with the aim as an alternative option to prison, but including intensive monitoring.

Clear and Dammer (2000:414) define DRCs as follows:

"Offenders on pre-trial release, probation, or parole are required to appear at a certain location on a regular basis to receive supervision or participate in rehabilitation programmes".

According to the researcher, a DRC differs from a CCRC in that it is non-residential. Offenders report on a daily basis and must comply with certain conditions and participate in specific programmes according to their needs. Monitoring is of a more stringent nature and more violent offenders are served than is the case at CCRCs.

According to Latessa and Allen (1997:54), DRCs serve certain clientele, namely:

- those on pre-trial release
- those on probation, and
- those on parole.

These persons have to report on a regular basis to the centre where various programmes and activities take place. If they fail to report to the DRC it is viewed as a violation of the conditions and their specific order is then cancelled.

According to Nuffield (1997:1) DRCs have been extensively utilised in England for a period of decades. They are also now extensively utilised in the U.S. Nuffield elaborates that British DRCs focus less on controlling the offender and focus more on programmes. The offender has to take part in these programmes either on full- or part-time basis.

McDevitt and Miliano (1992:152) state that the utilisation of DRCs in the correctional field as an intermediate sanction is relatively new. In addition, because of the uniqueness of each DRC an exact definition is not possible. Some specific elements are shared such as frequent contact with offenders, substance abuse testing and structured schedules. However, that is where the similarity ends.

McDevitt and Miliano (1992:153) discuss the DRC concept as it currently functions in Massachusetts. They also consider its relationship with other types of intermediate sanctions, such as intensive probation supervision (IPS) as well as electronic monitoring (EM). They also give attention to the possibility of whether DRCs could function as an alternative corrections programme.

McShane and Krause (1993:235) commented that DRCs were originally used in Massachusetts in 1986 for early released offenders from prison. Junger-Tas (1994:30) saw this early release as an option rather than as an alternative sanction. The advantage of DRCs is that offenders stay at home but report to the DRC on a daily basis.

McShane and Krause (1993:235) mention that evaluation of the DRC in Springfield, Massachusetts took place in 1988 after

serving an average of 100 clients over a 15-month period. Seventy six percent of persons formerly incarcerated and eighty three percent of those with no previous incarceration had successfully completed the programme. Only one person committed a new crime for which an arrest took place. The programme therefore seems to be successful and pose no harm to public safety.

Byrne and Pattavina (1992:299-300) discuss two types of facilities, which were of a more recent nature at that time, namely CCRCs and DRCs. They indicate that little research had been done on the effectiveness of CCRCs and DRCs. For them, basic evaluation research was of primary importance looking at both the implementation as well as the impact of these programmes.

2.7.7 Electronic monitoring (EM)

McCarthy and McCarthy (1991:125) comment that "*electronic monitoring provides technological verification of an offender's whereabouts*".

Renzema (1992:43) confirms the above definition when he states that "*current EM equipment simply reports through telephone lines whether or not an offender is present at a single location*".

The Annual Report of the Department of Correctional Services in South Africa (2000/01:111) reported that electronic monitoring provides greater control over offenders but does not necessarily prevent crime.

Latessa and Allen (1997:325) stated that first of all EM was used to monitor the whereabouts of mental patients. Furthermore, they comment that currently a broader range of offenders is included and monitored under the EM system, as was previously the case. According to them, these offenders now include the following:

- Probationers
- follow up of persons after incarceration
- control of those on community corrections
- monitoring of those in pre-trial situations prior to sentencing.

Allen and Simonsen (1995:225) describe both active as well as passive EM. They state that in active monitoring, transmission takes place from the offender's wrist or ankle and this is conveyed by means of a home telephone to a central office where it is monitored. Passive monitoring, on the other hand, calls the offender at random by means of a computer

programme when s/he is supposed to be confined at home. Allen and Simonsen (1995:226) also reported about recent evaluations of the EM system, that indicated regular success in Oklahoma, Florida, Los Angeles, California, England, Wales, Lake County, Illinois and Texas.

Renzema (1992:45) mentions another type of EM used by the Florida Department of Corrections, called the "*programmed contact or PC*" system. He states that different systems exist, such as the following:

- "*nonbiometric*" - concentrating on something that the offender wears, such as an anklet or bracelet device.
- "*biometric*" - recording a "*biologically unique feature of the offender*". In this case it may be the face or voice.

To give a more in-depth understanding of the functioning of a DRC and the use of modern technology to monitor offenders, the BI Incorporated DRC in Denver, Colorado will be presented as a case study. In the discussion of this DRC, the researcher will integrate data obtained from her visit to other similar centres visited in Denver, Colorado.

2.7.7.1 Case study - BI Incorporated and other international DRCs

According to BI Incorporated DRC (Maglia, 2000), not everybody qualifies for EM at their facility. The following requirements prevail:

- A place to live
- A telephone
- Electricity
- Ability to pay the daily fee.

Maglia, (2000) further reports that the offender should be in full-time employment that must be verified, unless the Department of Corrections or other referring agency lays down other conditions. If there are medical or personal reasons why the offender cannot work, these must be verifiable. A further condition before enrolment is that the offender must make a full personal financial disclosure.

If the offender fails to pay the fees agreed upon, this will result in the immediate withdrawal of the programme and s/he then will be returned to custody if the referral agency is not prepared to pay the costs.

BI Incorporated DRC only allows the offender into the programme after s/he has signed a contract and agreed to all the terms and conditions, according to Maglia (2000).

Maglia (2000) regards security as of cardinal importance. The EM device is secure and is not removable without detachment. It has to withstand any kind of activity and can transmit for a year. The offenders can, for example, both swim and bath with it. Females at Tooley Hall wear the EM device on their wrists (Carst, 2000). Maglia (2000) commented about the women's views with regard to EM, that ranged from weirdness to linking it to a fashion trend. However, Maglia (2000) holds the opinion that the device worn on the wrist looks more like a transmitter as opposed to a watch.

The requirements that BI Incorporated DRC expects of clients will not be as successful in South Africa, because they will exclude high numbers of offenders, due to their being unemployed and/or homeless. Nevertheless, some offenders would be successfully served by a DRC provided they have homes with telephones and are able to pay for the EM services provided. Two different aspects of EM were used in South Africa during the time of the pilot project, namely, "*Continuous EM*" and the "Drive-by EM". According to the Pretoria Community Corrections Office (1997:5) continuous EM "*refers*

to the situation where an electronic monitoring device is constantly present in the home of the offender to monitor curfew compliance of the offender on a continuous basis. This home monitoring device, known as the Field Monitoring Device (FMD), is also in direct contact with the Central Monitor Office to report any violations immediately".

The Pretoria Community Corrections Office (1997:5) defined "Drive-by EM" as follows:

"This type of electronic monitoring is in principle similar to normal physical monitoring, where the monitor officials visit offenders at home, but without having to leave their vehicles, using a remote drive-by radio receiver (known as Drive-By) to determine if an offender is home, at work or attending a community programme. This will typically be used in areas where no electricity or telephone infrastructure exists. This remote reader is able to receive any offender transmitter signal within a 150m radius".

The above discussion has centred on electronic monitoring used primarily by international companies. The two different monitoring systems included in the pilot project in South Africa a few years ago, was the "Drive-by EM," which was used where the offenders had no telephones in their homes and

"*Continuous EM*" was used for offenders with telephones at home. Unfortunately, EM was not resumed after the pilot project in South Africa, because there were "*some phrases in the tender documents that were confusing and the tender was withdrawn*" (Annual Report of the Department of Correctional Services, 2000/01:111).

Besides the EM systems that have been discussed, there are two other modern devices available, according to Maglia of BI Incorporated DRC (2000). One of them, SkyGuard 200, was incorporated into the monitoring system. This device randomly contacts offenders telephonically at home and takes an in-home breathalyser from a distance. This technology is so advanced that it guarantees that the correct person is taking the test because of sophisticated voice pattern devices. The feedback of the test's results takes place by telephone to the monitoring centre. The Sobriotor and EM are linked in order to reach the objectives of monitoring offenders. This device is used with offenders found guilty of alcohol abuse and who received a suspended sentence subject to sobriety (Maglia, 2000).

Maglia (2000) stated that with SkyGuard 200 it was possible to monitor a person anywhere in the community. SkyGuard combined with the BI 9000 electronic monitoring system

provides for a more effective monitoring system, although it requires extensive integrated supervision. SkyGuard in combination with Sobrietor, the remote alcohol-testing device, provide an even stronger monitoring system.

The burning question is how successful these devices are with regard to the monitoring process of offenders? To further complicate this problem, is the reality of constrained budgets, as well as unmanageable caseloads. The Corrections Connection Technology Network (2001:1) found a solution for the problem that probationer officers had in New York City in tracking down offenders who failed to report to the Department of Probation. Accordingly, New York City developed a sophisticated system to supervise probationers. Those offenders with a good prognosis and who do not pose a serious risk to the community report at automatic reporting kiosks similar to automatic teller machines (ATMs). The offenders report at the kiosks instead of going to the agency. Offenders are identified by means of personal identification numbers and hand geometry, i.e. the shape of the hand. According to this report, a "talking head" video is used which takes the probationer through the process of becoming linked to the system. The reporting at these kiosks takes less than four minutes, according to the Corrections Connection Technology

Network (2001:1). If this technology could be used in South Africa, it would save many hours as well as solving monitoring problems. Again, this tool will only serve a certain type of offender, which serves to confirm the researcher's opinion that "*one size does not fit all*" when it comes to sentencing options.

Another tool, according to the Community Corrections - Public Safety Initiatives (2000:1) in the management of offenders in the community is a "*warning cards system*". Warning cards are given to offenders prior to release, warning them about the new increased time they will have to serve for both violent as well as non-violent offences, if they do not comply with the prescribed conditions. Nowadays on the sports field, players are sent off the field with yellow and red cards for unacceptable behaviour. In the opinion of the researcher, this could be a similarly useful tool to use in the monitoring of offenders. The researcher is of the opinion that in South Africa this could be enforced by Section 117 (e) of the Correctional Services Act, (Act 111 of 1998), where it states that "*absconding is now a criminal offence*".

It may be noted from the above discussion, that technology could assist countries in the monitoring of parolees and probationers in a new way. As already indicated in this

chapter, BI Incorporated DRC manages the offenders within the context of a certain formula or model. At this DRC it is believed that proper monitoring linked with programmes, will bring about appropriate monitoring responses from the offenders (Maglia, 2000). This, in turn, will lead to reduced recidivism and enhanced public safety, (Lasater, 1999:12), as indicated in Figure 2.

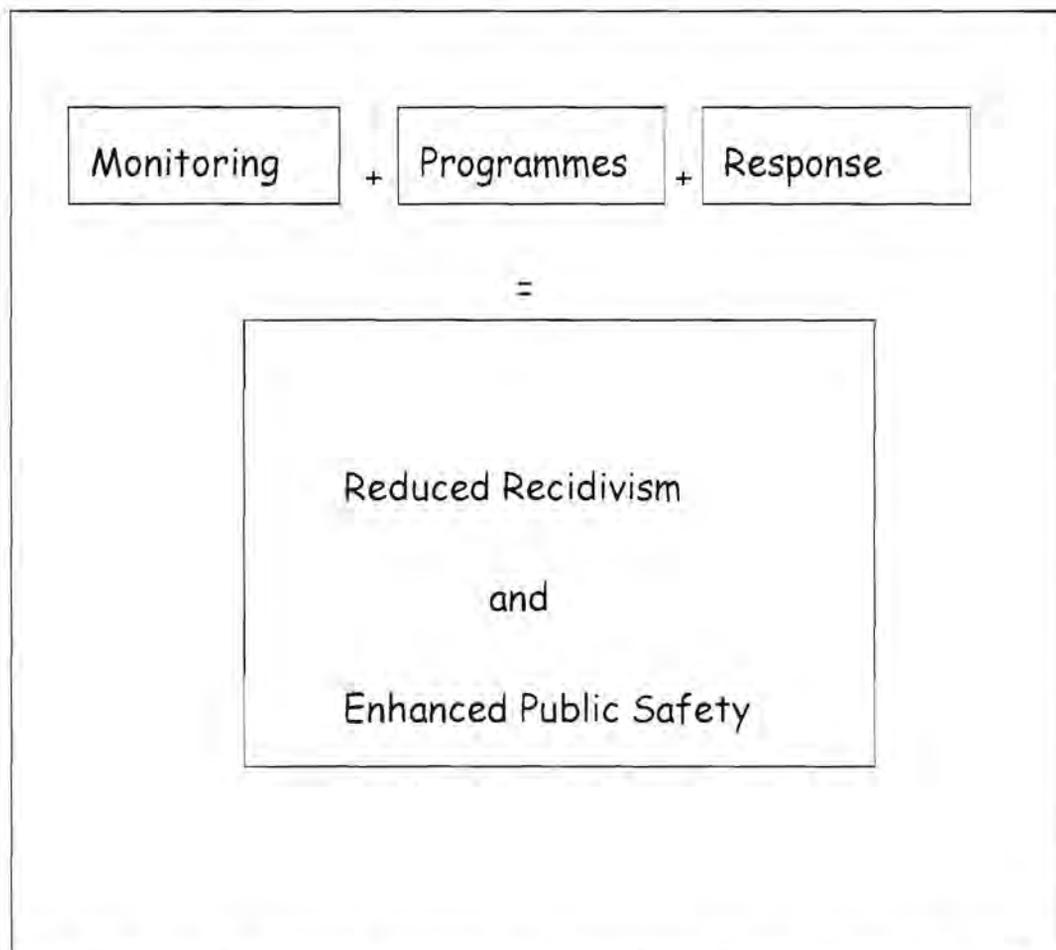


FIGURE 2: BI INCORPORATED STRATEGY FOR SUCCESS WITH CLIENTS (Lasater, 1999:12).

In summary, BI Incorporated DRC in Denver, Colorado includes in their technology of monitoring their clients the use of EM, SkyGuard 200 as well as the formula outlined in Figure 2 above. The programmes and monitoring of the BI Incorporated DRC does, however, not come cheaply. For this reason, it is necessary to ensure a constant flow of funds to make the project sustainable.

Maglia (2000) mentioned that they did not experience a lack of funds. He informed the researcher that the DRC had four sources of income, namely

- Contracts with the Department of Correctional Services.
- A Federal contract.
- A State contract with the Criminal Justice Department.
- Clients pay for their own services.

Maglia (2000) stated that BI Incorporated DRC would take an offender off the criminal justice contract if the DRC discovers that s/he earns a big income. Other offenders who are unable to pay for their programmes would then be placed on the criminal justice contract where funds are made available to pay for services rendered. However, if offenders earn a higher income, they do not pay more for services, as there is a set

rate for the services. The DRC utilises sliding scales to adjust rates, although a certain amount is not exceeded.

The referred DRC delivers services to the following types of offenders:

- Parolees
- Pre-trial offenders
- Probationers, including speciality reports.

Maglia (2000) further informed the researcher that offenders who are pre-released to CCRCs before their due parole dates, still have the status of sentenced offenders and that they are referred to participate in pre-release programmes. Offenders come straight from prison or from a CCRC to the DRC. These offenders are monitored through urine analysis (UA) testing if they are on certain contracts, such as antabuse monitoring and breathalyser testing. The breathalyser works as follows:

When the breathalyser is used, the results are recorded within two seconds. When the reading is point 003 it is taken as positive. The person then has to face the personnel, rinse his/her mouth and give a drug sample. If the drug sample is zero everything is in order, whilst a measurement of over point

001 is proof of drug taking. The following steps are then taken:

- The offender has to do a urine screening.
- Group meetings are cancelled for the next 40-48 hours.
- The parole officer is immediately paged and will physically report at the DRC within half an hour.
- The offender is arrested and there will be a hearing within 3-4 days.
- Assessment takes place on a four-point scale. After the evaluation, the offender is either sent back to a CCRC or to prison for 3-4 days or during the weekend. Apparently, not all offenders are returned to prison. The probation and drug courts offenders go to a CCRC for 30 days and are then returned to the DRC.

BI Incorporated DRC does, however, experience certain problems while serving the offenders. Maglia (2000) commented that they receive many verbal abuses from offenders during the course of the monitoring and stressed the point that BI Incorporated DRC practices zero tolerance towards offenders. He stated that accountability for their actions is expected from offenders. He was of the opinion

that in prison there is no accountability. He argued that if offenders are taken straight from prison to be monitored at a DRC, in the absence of CCRCs, a very good parole programme is needed. When offenders come straight from prison to the DRC, there is also a need for government funding. Maglia (2000) expressed the opinion that offenders who come straight out of prison could not afford the services at the DRC, even if they take all the money they have earned whilst in prison.

Maglia (2000) reported the success rate of BI Incorporated DRC as being a tough issue. He was of the opinion that the facility provides the offenders with the necessary tools but these can never be one hundred percent successful. For him, it was up to the offenders. Success to him was when an offender masters at least one tool, maintains sobriety and is productive in society. This is the goal of BI Incorporated DRC. Maglia (2000) was convinced of the fact that to build new prisons does not alter or fix any problems and that the focus should rather be on educational intervention methods. It was apparent that BI Incorporated DRC serves a diverse clientele namely, violent offenders, sex offenders, armed robbers, drug related offenders, as well as murderers (Maglia, 2000). With DRCs it is possible to serve the more violent offenders

because of the intensive supervision programmes (ISP) for offenders.

Carrigan (2000), programme director of Independence House, Pecos Street, was of the opinion that it is necessary that offenders progress through many small steps because the criminal justice system works better when broken down into specific steps. He was convinced that DRCs cannot replace CCRCs because they are but one step in the total system.

According to Carst (2000) the model where a CCRC, e.g. Williams Street CCRC, links with a neighbouring DRC, is an ideal one. She nevertheless argued that there is a place for both types of facilities. In this regard there was no contact between the Williams Street CCRC and DRC offenders. The non-residential offenders visited the DRC through a side passage.

The Independence House South Federal CCRC is also linked with a DRC situated on the top floor of the CCRC. According to Sullivan (2000) this system was not so successful because of the fact that the DRC offenders meet the residential CCRC offenders in the building and then sell drugs to them. During the researcher's visit this CCRC planned to change the structure inside the building as a way of addressing the

problem. She was convinced that a combination of a DRC with a CRC is the answer. Whilst some offenders need 24-hour supervision, others need housing. She stressed that it was not possible to monitor a person all the time even at a DRC.

In summary, the above discussion centred on DRCs and the utilisation of modern technology in order to manage and monitor offenders. Attention has been given to EM and SkyGuard 200, the Sobriator, the formula used by BI Incorporated DRC, as well as the "*warning cards system*" and "*kiosk reporting*". It was concluded that DRCs are only one step in the criminal justice system and that they cannot replace CCRCs.

As mentioned earlier, the BI Incorporated DRC also serves the more violent type of offender. This requires additional intermediate sanctions, namely intensive supervised probation, which is to a more stringent type of supervision with community safety as a primary objective.

2.7.8 Intensive supervised probation (ISP)

The term "*intensive*" already indicates a more stringent type of supervision. Usually probation officers supervise these offenders and have very small caseloads. These probation officers may at any time do drug and alcohol testing or apply

other appropriate punishment on the offenders (Latessa and Allen, 1997:55).

McShane and Krause (1993:150) discuss the characteristics of intensive supervision programmes (ISP). They include the following characteristics:

- *"Small caseloads*
- *More frequent contacts between officer and client*
- *Periodic performance reviews*
- *More restrictions on offenders and more use of curfew and house arrest*
- *More use of drug and alcohol testing*
- *More use of teams of officers*
- *More frequent use of revocation"*

Carst, (2000) reported that ISP takes place prior to parole at Tooley Hall CCRC. ISP candidates have to wear ankle bracelets until the granting of parole. The Department of Correction Division of Community Corrections supervises these offenders. An offender may be sent back to a community corrections facility if they violate the prescribed conditions. House arrest

is yet another more stringent option to monitor offenders in the community in their own homes.

2.7.9 House arrest

In this instance the offender remains in his/her house under arrest, other than for work and other small exceptions. These offenders should stay alcohol and drug free as a condition of this order. They may also be expected to wear electronic monitoring devices or undergo electronic breath analyser tests (Latessa and Allen, 1997:55).

McShane and Krause (1993:116) discuss three levels of home confinement. They state that it can vary from the least restrictive to the most restrictive and that each level has its own specific conditions:

- Curfew - lowest level
- Home detention - more restrictive
- Home incarceration - most restrictive

House arrest is also utilised in South Africa, according to Coetzee (2000), the Assistant Head of Correctional Supervision of the Department of Correctional Services and is

not regarded as a “*soft option*”, contrary to the community’s perspective.

2.7.10 Split sentences

As the term indicates, this is a kind of double sentence. Initially, the offender is incarcerated in a local jail and then placed on probation in the community. Variations exist, including the following:

- “*Jail plus*” - where the offender is employed in the week but spends weekends in jail.
- The offender is required to take part in shock incarceration programmes at boot camps in a “*quasi-military*” programme which serves as a short jail term. According to Latessa and Allen (1997:58) these are relatively new community corrections programmes.

An important issue when making decisions about intermediate sanctions, is that of public safety. The public’s fear of having offenders in their midst in communities needs to be understood and addressed when the establishment of CCRCs is promoted. Models for CCRCs need to integrate a component of community safety.

2.8 COMMUNITY SAFETY

Studies have shown that offenders serving under community corrections within the community are not primarily responsible for crime in the community (Clear and Braga, 1998:217). According to these studies they only constitute a small percentage of all the crimes committed. These authors make the point that the question should rather be asked about how the management of the offender should take place in the community, as opposed to the question whether offenders should be "*on the streets*". With regard to this issue, they argue as follows:

- *"Intervention programmes are promising when applied to higher risk offenders;*
- *Expanded use of non-prison alternatives does not need to result in expanded criminal behaviour, if low-risk offenders are diverted from prison;*
- *The relaxation of stringent program requirements for low-risk cases need not be associated with increased criminality;*
and

- *The levels of criminality, as indicated by arrests, in traditional community programs are low in most jurisdictions"* (Clear and Braga, 1998:217).

Latessa and Allen (1997:314) note that there are two primary concerns facing intermediate sanctions, i.e. offender diversion and public safety. They state that long-term prison sentences are unsuitable for some offenders. On the other hand, straight probation may also not serve a good purpose if public safety is in danger. With the intermediate sanctions, punishment is more effectively adapted because both the types of the crime and the criminal are considered. With the intermediate sanctions, offender accountability is of great importance (Latessa and Allen, 1997:314).

Cullen, Wright and Applegate (1996:72) comment about the popularity of intermediate punishments. Strong resistance to these punishments does not occur because a wide range of alternatives can be given to the satisfaction of everyone concerned. They reason that for the first time it is possible to reduce the use of incarceration with viable options as well as to reduce costs. According to Cullen, Wright and Applegate (1996:72), the community also has little to lose with the use of the intermediate sanctions.

The researcher agrees with a wide range of alternative sentencing options, also referred to as intermediate sanctions. However, the researcher understands the fears of communities regarding the safety issue from their point of view. These fears need to be addressed when a CCRC model(s) is designed for South Africa. Nevertheless, the community should also be educated to see that alternative sentencing options are not necessarily "*soft options*". The community must learn that offenders who work and stay in the community can be to the benefit of the community. When offenders contribute to the local economy and financially take care of their own families, they can become proud citizens as opposed to being perceived as "*welfare recipients*".

2.9 CONCLUSION

This chapter has discussed various aspects of community corrections. It referred to philosophies of the offender in the community throughout history, where the researcher noted that the concept of community corrections is not a new term within a historical context. A more recent development in community corrections, i.e. restorative justice was also discussed, bringing to community corrections a balanced approach of restoring justice to victims and the community, a process in which the state plays a minor role.

The intermediate sanctions or alternative sentencing options were discussed, including day fines, community service, restitution, probation, electronic monitoring, intensive supervised probation, DRCs and CCRCs and split sentences. The particular focus on CCRCs and DRCs indicated how these two intermediate sanctions could be supportively utilised despite their respectively unique places within the criminal justice system, as separate intermediate sanctions. It was concluded that the intermediate sanctions utilised for community corrections should take the safety of the community as a primary objective when dealing with offenders in the community.

The availability of a broad range of the intermediate sanctions in South Africa, would counteract the current narrow sentences of either going straight to prison or being placed on probation. Having such a variety of intermediate sanctions available would also confirm that "*one size does not fit all*" when it comes to the sentencing of offenders.

In chapter three models and critical management aspects of CCRCs will be discussed.