

COVERING CRIMINAL JUSTICE

Sentencing, Corrections and Re-entry

A REPORTERS' HANDBOOK

A Special Report by Criminal Justice Journalists and the John Jay
Center on Media, Crime and Justice

REPORTERS' HANDBOOK

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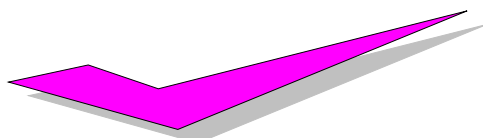
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REPORTERS' HANDBOOK**PART ONE****Covering Prisons and Jails****By Jenifer Warren****SUMMARY OF REPORTING TIPS**

Reporting Tip #1 – Try to interview inmates when reporting on prison system policy issues. Be prepared for access restrictions imposed by authorities, both for security reasons and resistance to supposed “glorification” of prisoners.

Reporting Tip #2 – Incarceration is expensive, and states are increasingly reviewing their practices in an era of tight spending. Explore the components of prison spending, including high health care costs for inmates in custody for long periods under “three strikes and you’re out” laws.

Reporting Tip #3 – Historically, a majority of released prisoners return to custody. Much of this may be due to the lack of programming behind the walls—education, job training, drug and mental health treatment, for example. Examine the ingredients of recidivism—are inmates being set up to fail, or is repeat criminality inevitable?

Introduction

The prison beat can include human drama, politics, money, conflict, and power—ingredients that promise good tales aplenty. Prying stories loose from a subculture that remains quasi-militaristic, despite a wave of new correctional thinking and leadership, is one challenge. Reporters covering corrections may face apathy or outright hostility from their audience, a lack of support and interest from editors, difficulty gaining the trust of sources, and depression spawned by immersion in so much human misery.

By definition, prisoners have been convicted of a crime, and for many people, that's enough information, regardless of whether the crime was a nonviolent drug offense or a brutal assault, or whether they contend that their conviction was wrongful.

Critics complain that prison reporters make celebrities out of infamous criminals.

Crime-victim advocates say that stories detailing the fate of incarcerated offenders glorify the guilty while further traumatizing those upon whom they have preyed. Some states have passed laws restricting media access to inmates, making it difficult for reporters to obtain one-on-one interviews. In the mid-1990s, California adopted such a policy. Reporters were told they could schedule a general tour and interview only with prisoners they happened to encounter. Obviously, the odds of running into the lone inmate whose story you want to tell are poor, so reporters must use more cumbersome and time-consuming means to arrange contact. Typically, this means obtaining permission to join an inmate's official visitors' list and arranging a meeting via extended mail exchanges.

While such logistical hassles are frustrating, and are often designed to restrict the flow of information out of prisons, journalists should be mindful of the impact their reporting may have on survivors of crime. Helpful tips are available from the **National Organization for Victim Assistance** (www.trynova.org) the **National Center for Victims of Crime** (www.ncvc.org), and other groups.

The truth is that the corrections beat today is about far more than celebrity bad guys—or about riots, abuse of force, and overcrowding, three other staples of the past.

Over the last 30 years, America's incarceration boom has produced a complex, far-flung and increasingly expensive correctional system wracked with problems, and brimming with potential for the enterprising journalist. In 2008, the Pew Center on the States reported that 1 in 100 American adults was behind bars, and federal and state spending on prisons topped \$49 billion—four times the total 20 years earlier. Some 13 states spend more than \$1 billion annually on corrections, led by California's \$10 billion-plus.

The numbers alone make the correctional system a topic that demands serious attention by the media—especially when states are coping with extraordinary budget deficits that compel cuts to all manner of vital public programs.

The fiscal impact of prisons is only one piece of the evolving story. Other elements ripe for exploration include an inmate population that is aging and increasingly sick; private prisons that are multiplying; prison gangs that continue to defy containment efforts; discouraging recidivism rates that raise questions about the nation's fundamental correctional approach; and the increasing use of electronic monitoring and other technological tools to supervise offenders in the community.

Fundamentally, strong coverage of corrections is important because prisons represent the power of the state over the individual. Journalists have an obligation to act as a check against that power, while making sure they don't get taken in by the inmates.

Punishment in America has gone through many phases. Generally, as crime rates began to rise in the 1960s and 1970s, many states, which handle most criminal cases, increased penalties and built more prisons.

The evolution included stories about infamous criminals, such as Massachusetts' Willie Horton, or victims, such as California's Polly Klaas and Florida's Adam Walsh. In all of them, media coverage—both of the crimes and the legislative responses—has played a central, sometimes controversial role.

Incarceration Numbers: A Steady Climb

The widening net of incarceration, coupled with longer terms served behind bars, have sent the nation's prison population skyrocketing. Over the past quarter-century, the number of people in prison and jail has exploded by 274 percent, and in 2010 stood at around 2.3 million.

The U.S. incarcerates more people than any other nation, including far more populous China. Our country is the world leader in the rate at which it incarcerates people, out-distancing nations like Russia and Iran. In the U.S., 750 people are in prison and jail for every 100,000 population. In Germany, the rate is just 93 per 100,000. (Other data can be found in the Pew Center on the States' report, *1 in 100: Behind Bars in America 2008*.)

Some groups have experienced the imprisonment boom far more intensely than others. While one in 30 men between the ages of 20 and 34 is in an American prison or jail, the figure is one in nine for black males in that age group..

None of this has come cheap. On average, one in 14 state general fund dollars is spent on corrections. Overall state spending on corrections is double what it was 20 years ago.

Only recently have many political leaders publicly questioned the wisdom or expense of this vast correctional expansion. That is because fear of appearing "soft on crime" or, worse yet, having a "Willie Horton" affixed to one's resume by a political foe, largely stifled serious discussion of the punitive approach or viable alternatives over the past decades.

That has begun to change. Texas, for example, long had a reputation as a law-and-order state with a swelling prison population that rivaled California for the nation's highest number of incarcerated inmates. In 2007, lawmakers from both parties decided it was time for a new approach. Rather than spend a half-billion dollars on new cells for up to 17,000 more prisoners expected within five years, Texas started a dramatic makeover of its correctional system. Among the reforms: changes in parole practices, expanded drug courts and a big increase in drug treatment and diversion beds. The changes were expected to save \$210 million initially, plus another \$233 million if the state could avoid building three new prisons.

Other states are plotting similar course changes. The economic crisis is helping to focus attention on the fact that freewheeling incarceration patterns likely cannot be sustained.

Prison Beat 101

With buyouts and layoffs commonplace at U.S. media outlets, most reporters lack the luxury of covering corrections as a full-time beat. An organized approach is essential.

Play the Rookie

Read clips, become familiar with the history and management of prisons and jails in your region, and get up to speed on the issues in play.

Understanding the system is a critical first step. Most people think of corrections only as prisons and jails, but nearly two-thirds of offenders are supervised in the community. Corrections refers to a complex web of responses to prohibited behavior, performed by public and private organizations and involving all levels of government. U.S. correctional systems employed nearly 730,000 administrators, wardens, officers, counselors, social workers, parole agents, and other players as of 2007, the latest available national data, says the U.S. Bureau of Justice Statistics.

Jails are the gateway to the system, and are run mostly by cities or counties and supported by local revenues. They house defendants awaiting trial and convicted offenders serving short sentences. People appealing sentences often are in jails.

The frequent turnover and mix of offenders make jails volatile places. Often, mentally ill people wind up there, adding an unpredictable element. Crowded conditions and a lack of programs and activities exacerbate the dangerous milieu. Reporters covering jails should keep an eye on coroner records for jailhouse deaths, and check with any oversight panels that play a watchdog role.

Prisons, which house the vast majority of offenders at any given time, are most often run by state government and are reserved for people convicted of more serious crimes, usually felonies. In some states, prisons briefly incarcerate parolees who have violated the rules governing their supervision in the community. Prisons are staffed by trained correctional officers.

The Federal System

A parallel system of correctional institutions is operated by the federal government to deal with people convicted of violating federal laws. The **Federal Bureau of Prisons** is a division of the U.S. Department of Justice. Some federal lock-ups have relatively low security, but the system includes high-security penitentiaries, including a “Super Max” in Florence, Colorado. Sometimes called “The Alcatraz of the Rockies,” the Florence prison relies on round-the-clock isolation of inmates, many of whom have killed inmates or attempted to assault officers. The Super Max label (combining *super* and *maximum*) denotes the highest level of custody available.

Federal correctional facilities hold only about one in 10 incarcerated adults. Slightly over half of federal inmates were serving time in drug cases as of 2010. In addition, the federal Immigration and Customs Enforcement agency runs detention centers for people awaiting deportation or decisions on their immigration status. Some facilities are run under contract by private prison companies or local governments.

Exploring Your Turf

Call prison and jail public information officers and schedule tours and introductory interviews with wardens, the corrections director and other key officials.

Before your first jail or prison visit, carefully review the rules, including those for clothing. These should be available online through the websites of the managing agencies. Most prisons bar visitors from wearing anything resembling what inmates wear.

The Society of Professional Journalists compiled a state-by-state list of prison access rules for the media, available at <http://www.spj.org/>, but it may not be up to date.

Other rules strictly limit what you can bring into a jail or prison. Most facilities bar tape recorders, and many will allow only the writing materials (if any) that they provide.

REPORTERS' CHECKLIST

√ ***Iron out all these details with key personnel before you get to the prison, because the guards at the gate are not paid to be sympathetic to your logistical needs.***

√ ***Know the rules governing your visit, and be prepared to cite them.***

Cell phones, purses and other personal items typically must be stored in a locker. A walk through a metal detector is a given, so women should leave underwire bras at home. Be sure to bring a driver's license or other valid identification. Do not wear your diamond engagement ring or other flashy jewelry. One final step may be the signing of a "no hostage" waiver. This means, in short, that if an inmate takes you hostage in an attempt to negotiate an escape, your life will be sacrificed if necessary.

Going In

Once you're cleared, be prepared for an otherworldly journey. You may experience catcalls, screams, profanities and other unsettling events, such as security alarms that could require you to hit the deck. On high-security tiers, you will see plastic screens—shields against "gassing" or the flinging of feces and other material by inmates.

The climate may be more relaxed on the prison yard, where inmates congregate, play handball or basketball and may be happy to chat with a reporter. Stay close to your escort and follow directions, but if you can, break from the scripted tour and talk with random inmates. Most everyone has something interesting to say, and you'll likely leave with a half-dozen story ideas.

Be sure to get details you need, as well as names and phone numbers of inmates' attorneys and family members. If your company will pay for collect calls, leave your phone number and schedule a time for a follow-up call. You can't call a prisoner back to fact-check or ask that one final question.

A Diversity of Sources

Once you've achieved a good understanding of the beat, reach out to other figures like prison chaplains, medical directors, union bosses, inmate family groups, prison newspapers, religious or educational organizations that work with convicts, parole agents, and law firms that handle cases affecting the penal system.

In places where all or part of the correctional system is under the oversight of judges or court-appointed officials, some of them will talk on background—and the reports they file with the court, along with status hearings, are accessible to the public.

Help Within Government

State legislatures and local governments are another natural source for stories. Some politicians take an active interest in corrections, especially as prisons and jails have begun consuming a larger chunk of taxpayer dollars. These legislators help obtain documents that might otherwise be unavailable. They hold hearings that put agency officials on the hot seat, and champion policy changes that can serve as story fodder.

Also important are staffers who focus on corrections. The analysts and others in the trenches can be great sources. These are the people with the closest connection to the system, and the best ability to ferret out and pass on tips, trends, and documents.

A Few Suggestions

- Know the U.S. Bureau of Justice Statistics (<http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=1>) and mine it for data. Ask the agency's public information officer for guidance.
- Visit the website of your state's corrections department frequently for information on inmate population forecasts and demographic data.
- Read state personnel board actions against officers and others who work in prisons.
- Understand the correctional officers' union contract. It will spell out work rules, pay and benefits, sick leave and other provisions that yield stories.
- Get a copy of the relevant "use of force policy." What are the rules on responses to prison and jail violence? Can officers use stun guns? When is lethal force warranted?
- Track campaign donations from the prison guards' union to politicians, and track politicians' votes on legislation affecting the prison system, including bills that lengthen prison sentences. Follow lobbying efforts by the union and prison contractors, including private prison operators, prison builders and others with a stake in the system.
- Many states maintain a "daily log" of activity in prisons, including riots and minor disturbances. These may show patterns or isolated incidents that merit a follow-up.

- Transcripts from parole board hearings can be a gold mine of information about offenders and their backgrounds. The hearings usually review the inmate’s criminal and personal history, as well as his or her conduct in prison and future plans. Because a prisoner’s central prison file is difficult to obtain, transcripts from these hearings can often provide the most complete and accurate picture available to reporters.
- Use the federal Freedom of Information Act to get information on disciplinary actions against officers and other sensitive documents in the federal system. Federal lawsuits are another great repository of information.

Academia

Like most beats, corrections has its own flock of academics. Most are in criminology or sociology departments and in law schools, and they can be useful to add national or historical context to a story. Some universities host mini think tanks that help states manage their correctional systems – and can provide a bonanza of good, fresh data.

As for outside organizations, many are advocacy groups, so be aware of this and make sure your audience is. Others are more mainstream. These groups can produce useful data for stories, tip you off to national trends, and provide experts to comment.

The Good Ol’ Bus Depot

While “official” sources can yield great story ideas, it’s hard to top the potential payoff of street reporting. Andy Furillo, who has covered prisons for the *Sacramento Bee*, says there is no richer vein of good yarns than the downtown bus depot. That’s where many prisoners wind up when they’re released. “On days when I had nothing to do, I used to go down to the bus station and wait for the parolees to get dropped off,” Furillo said. “The buses from the local prisons usually rolled in between 10 a.m. and noon, and there were always guys just getting out who had lots of stories to tell.”

Themes for Today

The best prison reporters have a knack for writing stories that engage readers—including editors—in a subject many would rather ignore. *Prison Break* notwithstanding, most people are in the dark about the reality of prison. Editors may get interested only when a Martha Stewart or Paris Hilton winds up there. The rest of the time, they could care less about what happens in prison or to prisoners. It is your job to make them care.

Prisons as Budget Busters

Even readers who think prisoners are unworthy of their attention will be moved by stories on spending particularly on what taxpayers are getting in return for their substantial investment.

- How have increases in correctional spending in your region compared with increases in spending on other public programs, such as higher education or health care?
- How does your state’s per-inmate spending compare with the national average? How do staff-to-inmate ratios and correctional officer pay, influence the budget?

- Some states are exploring alternatives to incarceration that cost less and still hold offenders accountable. Have these options been debated in your state??
- What are the cost drivers within corrections? Geriatrics? Medical care? How have other states coped?
- What is the recidivism rate?

Private Prisons

The involvement of for-profit companies in housing and managing offenders has grown dramatically. By 2008, the last year for which figures are available, private prisons housed 8 percent of the prisoners under state or federal jurisdiction, and the industry was betting that the pressure on state budgets would prompt states to send more convicts their way.

Entrepreneurs argue that they can build and operate prisons as safely and as effectively as government, and at a lower per-inmate cost. Critics question the ethics of turning the basic government function of criminal punishment over to profit-seeking outfits, and argue that the need to make money for shareholders can diminish care and security. They also challenge the argument that private prisons are most cost-effective than government-run institutions.

Despite such qualms, the private prison industry is flourishing, in large part because of expanding federal immigration detention needs. Reporters should get to know private prisons and pay attention to campaign contributions, looking for signs of inappropriate influence over contract decisions.

Geriatric Prisoners

U.S. prisoners are staying behind bars longer. That is turning the prison population increasingly gray. More geriatrics means higher health care costs and challenges in terms of custody and prison staffing. It also means lots of story potential for reporters.

- Some states have “compassionate release” programs which allow terminally ill patients to die outside of prison with judicial or executive approval. This option sometimes triggers emotional battles that make for good stories.
- Find the oldest prisoner and profile him. Include the costs and details of his long-term nursing care, as well as comments from his victim and any remaining family.
- Are prisons equipped to handle old and feeble inmates who can’t hear, can’t move at the pace demanded by officers, and are preyed upon by younger inmates?
- Some prisons have hospices. Check them out to see what the end of life looks like for old inmates.

Prison Programs

A majority of state inmates and almost half of federal inmates were abusing or were dependent on drugs in the year before going to prison, according to a 2006 Bureau of Justice Statistics survey. The same survey noted that one in six has a mental illness, and most lack a college degree, or even a high school diploma. Few have solid family support, a stable work history or significant vocational skills.

Still, only a minority of inmates are in substance abuse treatment or get vocational or educational training. Even a work assignment in prison can be hard to come by, with prison-industry jobs particularly scarce. Criminologist **Joan Petersilia** of UC Irvine says resources are one factor, but not the only one. “Public sentiment and political rhetoric have also forced the reduction of many programs,” she writes in her book [When Prisoners Come Home: Parole and Prisoner Reentry](#). “Treatment and work programs have also been affected by society’s expectation that prison will be punishing and that prisoners should not receive free any services for which law-abiding citizens must pay.”

Does idleness serve society’s best interests? Roughly 95 percent of inmates are ultimately released from prison. They already face the stigma of their criminal record, and many also face limitations on where they may live and significant employment restrictions.

For reporters, this is rich turf. What do the numbers show about pre-release programs in prison, and has program availability decreased? What are the waiting lists like? Are the programs based on evidence that they are effective in reducing recidivism? Is parole consideration based on program completion? If so, how does the dearth of programs affect the rate at which offenders are paroled? See a 2008 survey from the Association of Paroling Authorities International on this topic:

<http://www.apaintl.org/pdfs/ExecSum-keyfindings.pdf>

Talk to the warden about programming. For most prison administrators, idleness is a nightmare, creating a hotbed of disciplinary problems. Just how do inmates with no job, no classes to attend, and not much hope of a brighter future keep themselves occupied all day?

Prison gangs

Racial or ethnic gangs, commonplace in prisons, are a constant threat to safety and control. Aside from protecting their members, gangs run a variety of rackets inside prison, including drug trafficking, prostitution, extortion and loan-sharking.

- What are institutions doing about gang violence? Is the use of the “SHU,” or security housing unit (where inmates are in solitary confinement 23 hours a day), having an effect on violence levels by isolating gang leaders?
- What avenues are available for gang members who want an “exit ramp” out of gang life? How do “debriefing” and protective custody work?

Prison Medical Care

One of the biggest factors in rising prison costs is inmate health care. Despite stories that suggest prisoners receive “Cadillac care,” the reality is usually quite different. While prison health care is most likely better than what most inmates would receive on the outside, there are huge caseloads, medical errors, and other shortcomings, many of which make for good stories.

- Spend a day in the prison infirmary and see what it’s like.
- Check the state medical board for disciplinary citations against prison doctors.

- Look at the costs of contract medical care—payments to private hospitals and specialists that treat more complex cases. Track campaign contributions by private health care networks to determine potential influence in winning lucrative contracts.
- Dental care is particularly notorious in prison. In some states, a severe shortage of dentists causes treatment delays that give inmates no choice but extraction.

Labor Relations

In states where correctional officers are represented by a union, power struggles with prison management, along with contract negotiations, can yield stories.

Invisible Punishments – Collateral Consequences

One emerging issue involves the collateral consequences of incarceration. In recent years, states and the federal government have imposed restrictions on ex-offenders that affect their families and communities, often in unforeseen ways. These include laws limiting access to public housing, federal educational benefits, certain types of occupations and job training.

A consequence often overlooked is the effect of incarceration on offenders' children. Those children are more likely than their peers to wind up in prison later in life. Stories about these kids and their struggles can be powerful, from the trauma of witnessing the arrest of a parent to attempting to maintain family bonds through prison visits.

Prison Rape

In 2001, Human Rights Watch issued a report on rape in male prisons that drew attention to a problem long neglected. The report, *No Escape: Male Rape in U.S. Prisons*, pulled back the curtain on an issue that had become a common—and tacitly accepted—stereotype about prison life. Two years later, Congress passed the **Prison Rape Elimination Act**. It created a national commission to study prison rape, report to Congress and develop standards for the prevention of rape in correctional facilities.

In 2007, the U.S. Bureau of Justice Statistics issued a startling report that 4.5 percent of state and federal prisoners surveyed reported being sexually abused in the previous 12 months. That means more than 70,000 inmates abused in a year. A 2010 update produced similar results from 2008-9. (<http://www.thecrimereport.org/wp-content/uploads/2010/08/preview.pdf>)

Reporters should track the standards for preventing rape, monitor hearings on prisons with the highest and lowest rate of prison rape, and keep tabs on the National Institute of Corrections, a clearinghouse for data and training administrators in rape prevention.

Individual incidents of rape—especially in the most notorious cases, such as accusations involving a correctional officer—can be a springboard to a broader story.

Rules to Live By

Here are some other things journalists should consider to maximize their experience:

1) The importance of reputation.

Without a reputation for accuracy and fairness, reporters on any beat are on shaky ground. In the correctional world, where mistrust of the media runs high, strong personal credentials are especially important. Be professional, punctual, respectful, and careful. Be accessible and, when criticized, be responsive rather than defensive.

Be wary of everything you are told. Many prisoners will try to convince you of their innocence; some may have been wrongfully convicted. Check and double check everything. You can squander a lot of time running down disappointing cul de sacs.

2) Stay in the gray.

Avoid covering issues in black and white. There are a lot of bad people behind bars—but they are not all psychopathic killers who cannot be trusted. There are sadistic correctional officers. But the majority are hardworking people who are doing their job well and trying to support their families. Don't let your coverage, and your language, degenerate into cartoonish stereotypes. Illuminate what's different.

3) Strive for story diversity.

Shadow a prison chaplain. Profile a pregnant inmate giving birth behind bars. Sit in when a victim meets her attacker at a restorative justice encounter. Find out how many days in a given month your local prison was on lockdown, and ask why. Spend a day at a juvenile prison, and chronicle the despair and hope within. Document how much correctional officers are earning in overtime.

4) Read the mail.

If you're doing your job right, you will have scores of prisoners looking to be your pen pal. Take the time to read at least a few sentences from their letters. You will know pretty quickly whether the writer may become a useful source.

5) Details, details, details.

You are the eyewitness to a subculture most people will never see. Don't miss the chance to make your storytelling as powerful as it can be. Employ all your senses when you're behind bars so you can translate the experience vividly for your readers. Smells, sounds, the way the air feels inside a cellblock -- gather it all so you can transport your audience into the place. The expressions on the faces of guards and inmate.

6) Take care of yourself

Most importantly, acknowledge that prison and jail are depressing places. They are brimming with troubled people ensnared in miserable lives. Despair, frustration and anguished proclamations of innocence are rampant. It is easy for a visit to leave you feeling drained and despondent. Be watchful, and don't be afraid to yell uncle when you've had enough.

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APPENDIX A

Resource Guide to Covering Prisons and Jails

* Contacts, names and affiliations change. As of 2010, the coordinates below are correct. To stay abreast of available resources, and for additional agencies, names and sources, please check periodically the The Crime Report's *Criminal Justice Resource Directory* at www.thecrimereport.org

Organizations and Government Agencies

ACLU National Prison Project

<http://www.aclu.org/prison/index.html>

National litigation program for prisoners.

American Correctional Association

703-224-0000 (Virginia). www.aca.org/

Professional organization for the prison managers. Standards, accreditation, etc.

American Jail Association.

Hagerstown, MD. <http://www.aja.org> 301-790-3930

Professional organization for jail managers.

Association of Paroling Authorities International.

Wallingford, PA 610-872-4645

<http://www.apaintl.org/>

Organization for parole boards and other release agencies. Good source for contacts in the state, trends, data.

Association of State Correctional Administrators.

860-704-6410 <http://www.asca.net/>

Source for research on correctional management, strategies, data about employees, trends. Also accreditation and correctional standards.

Center on Juvenile & Criminal Justice.

San Francisco; 415-722-1191 <http://www.cjcj.org/>

Nonprofit, left-leaning, good research; aims to reduce use of incarceration

National Council on Crime and Delinquency.

Oakland, CA; 510-208-0500. <http://www.nccd-crc.org/index.html>

nonprofit conducts research, outreach on youth and adult corrections issues. Extensive background knowledge on California, national correctional trends.

Prison Law Office

San Rafael, CA.; 415-457-9144.

<http://www.prisonlaw.com/>

Nonprofit prison litigation firm. Extensive experience in cases on prison medical care, overcrowding, mental health care, juvenile corrections, parole boards, and much more.

Public Safety Performance Project, Pew Center on the States

Washington, D.C.

See website for contact info:

http://www.pewcenteronthestates.org/initiatives_detail.aspx?initiativeid=31336

Nonpartisan policy briefs, other reports on national and state-level trends related to corrections. Solid research on current topics.

The Sentencing Project

Washington, D.C.

202-628-0871 <http://sentencingproject.org/>

Left-leaning research and advocacy group favoring less incarceration

U.S. Bureau of Justice Statistics

202-307-1241

<http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=1>

Wealth of statistics on inmates, parolees, prisons, etc.

U.S. National Institute of Corrections

202-307-3106 <http://www.nicic.org/>

Training, program development for correctional folks. Great clearinghouse for articles, other research on all aspects of the field.

The Urban Institute

Washington, DC.; 202-261-5709

<http://www.urban.org/>

Wide-ranging work includes activity on corrections, with emphasis on parole and reentry.

The Vera Institute of Justice

New York City; 212-334-1300

<http://www.vera.org/>

Extensive research on sentencing and corrections.

People

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415-433-6830

San Francisco lawyer, expert on prison mental health issues

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Specter, Don

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510-624-0854

fzimring@law.berkeley.edu*UC Berkeley's Boalt Law School professor. Expert on three strikes, California prisons, criminal sentencing.*

Articles, Books, Reports, Research

Confronting Confinement<http://www.prisoncommission.org/report.asp>

Useful, wide-ranging report produced in 2006 after a year of hearings by the Commission on Safety and Abuse in America's Prisons.

Corrections Department Operating Manuals

Each state should have one, outlining management policies and regulations for its prison system.

American Corrections

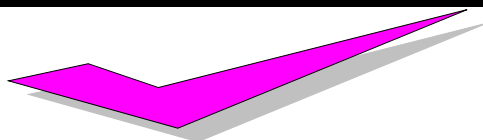
by Todd Clear, George Cole, Michael Reisig. (Thomson Wadsworth, 2006)

Great comprehensive textbook on the history and evolution of corrections in the United States.

Society of Professional Journalists – “Covering Prisons”<http://www.spj.org/prisonaccess.asp>

Primer on media access to prisons. See regulations governing journalists who visit..



REPORTERS' HANDBOOK**PART TWO****Covering Sentencing****by Ted Gest****SUMMARY OF REPORTING TIPS****SUMMARY OF REPORTING TIPS**

REPORTING TIP # 1: When reporting on a sentence, note that the crime on which the penalty is based often differs from the original charge. That is usually the result of plea bargaining, which takes into account the quality of the evidence, aggravating or mitigating circumstances, and each side's assessment of how it might fare in a trial.

REPORTING TIP #2: Pre-sentence reports normally aren't publicly available, but reporters should be alert to issues that may arise when they are compiled.

REPORTING TIP #3: Be aware that the word *parole* often is used to connote two entirely different procedures: a discretionary release from prison, and supervision in the community after prison. Many states that abolished parole may have been motivated to assure "truth in sentencing." Critics contend that to accomplish that goal, some states shortsightedly eliminated the post-release supervision aspect.

INTRODUCTION

“The maximum sentence: 100 years in prison without parole.”

That phrase in a news story about a murder case illustrates a major issue in reporting on criminal sentencing. While the phrase may reflect the statutory limit, a prosecutor may want to convey to the public the most serious possible description of a crime.

The description is misleading, because no one will serve 100 years behind bars, and relatively few defendants receive the maximum penalty. One result of exposure to scores of such references in news stories over the years is that the public may develop a jaundiced view of the justice system, believing that lawbreakers rarely get the sanctions they deserve. To report in proper context, journalists should understand how sentencing practices have evolved and how they actually work in today’s crowded court systems.

Understanding the Sentencing Process

There is no national system of sentencing. The federal government and each state maintain their own rules, and courts may operate very differently depending on where they are. Defendants accused of identical crimes in neighboring states may end up with vastly different penalties because of varying state laws and prosecutorial practices. We provide an overall view of sentencing, but journalists must familiarize themselves with the laws of their state or jurisdiction. Keep in mind that the criminal justice system “is nothing more than the sum total of discretionary decisions by innumerable officials,” as criminologist **Samuel Walker** of the University of Nebraska at Omaha puts it. From police officers to prosecutors to judges to corrections officials, government has considerable leeway in deciding how to treat those suspected of committing crimes.

From Fixed to Flexible Penalties

In the nation’s early history, crimes tended to have specific penalties fixed by law. In 1870, the National Prison Association (now the American Correctional Association, www.aca.org) concluded that the practice did not give convicts much incentive to improve. The association declared that “preemptory sentences ought to be replaced by those of indeterminate length.” Under this concept, which became common nationwide, a parole board typically would decide on the actual length of time served behind bars.

A robber might be eligible under indeterminate sentencing for any prison sentence between five and 20 years, and might get five to eight. A parole board would decide the actual release date based on several factors, primarily the seriousness of the crime, behavior record in prison, and the likelihood of re-offending.

Indeterminate sentencing was widely used during an era when prison populations were relatively low. The national total was around 200,000 in the 1960s—less than one-tenth of what it reached in the four decades that followed.

When crime rates started to rise sharply in the 1960s, policymakers began to look for reasons for the increase and for ways to control crime. Among the many problems cited were widespread disparities among penalties, a lack of predictability about which sanctions defendants would get, and differences in time served behind bars for the same offense in different states.

When a chronic offender was re-arrested, critics blamed officials who released him and the laws that authorized them to do so. Experts like federal judge **Marvin Frankel** argued in a 1973 book, Criminal Sentences: Law Without Order, that it was unjust to put all sentencing power into the hands of one judge. As a result of this and other criticisms, the U.S. “underwent a wholesale shift in sentencing philosophy” in the 1970s, says Sandra Shane-DuBow, former director of Wisconsin’s state sentencing commission.

The new ways of sentencing took many forms. More than a dozen states moved to “determinate” sentencing laws that specified penalties for certain offenses. Most states went further by adopting “mandatory minimum” sentences for some offenses, meaning that a defendant was required to serve at least a certain amount of time behind bars before release. This was intended to eliminate lenient sanctions.

The Rise of Sentencing Guidelines

Several states decided to address the problem of variations in sentence lengths with a “sentencing guidelines” framework. Guidelines set penalty ranges based on various factors, including the offender’s record and the severity of their current offense.

How were the numbers calculated? Some commissions put together their collective wisdom to essentially arrive at arbitrary figures reflecting their professional judgments.

Others studied how judges had been sentencing defendants, and tailored guidelines to fit historical patterns. Virginia provides judges with a range of recommended sentences that summarizes past practices but eliminates the extreme lowest and highest penalties.

The federal government had mandatory guidelines from 1987 to 2005, when the U.S. Supreme Court declared the guidelines advisory. As summarized by scholar **Douglas Berman** of Ohio State University, Justice Antonin Scalia’s “dramatic opinion... suggests that any and every fact which increases a defendant’s effective maximum sentence must be found by a jury beyond a reasonable doubt or admitted by the defendant.”

For details of the decision, see *Blakely v Washington*:

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=CASE&court=US&vol=542&page=296>

While some early state sentencing guidelines were advisory from the start, four states—Minnesota, Pennsylvania, Washington and Florida—created guidelines that were deemed “presumptive.” Judges were required to follow them unless they could provide a rationale for a variation.

A particular offense combined with a defendant’s record correlates with a specific sentence. For example, an unarmed robber with a minimal record might expect to serve three years in prison; a second-degree murderer might be recommended for a 20 years.

Some states provide judges with grids that lay out expected penalties based on the crimes and defendants' criminal histories. Critics say grids can lead to mechanical, inflexible sentencing. Virginia uses "worksheets" that try to capture the variables judges can take into account, such as how seriously a victim may have been injured or whether the defendant had a criminal record as a juvenile.

Whatever the system, reporters should be able to estimate a sentence based on publicly available information, at least in states with sentencing guidelines. Although guidelines in Virginia are advisory, judges follow them about 80 percent of the time, says the Virginia Criminal Sentencing Commission.

Still, because each case is different, journalists should take care to learn the judge's reasoning for whatever penalty is imposed.

A judge who departs from the guidelines typically will cite an "aggravating" factor pointing to a higher sentence or a "mitigating" factor suggesting a lesser one.

Washington, D.C., another jurisdiction with sentencing guidelines, provides judges with long lists of factors to consider. An aggravating factor might be "deliberate cruelty" to a victim, "gratuitous violence," or premeditation. Mitigating factors include the level of aggression by the victim or the extent of defendants' cooperation with law enforcement.

Such cooperation has been a controversial element of federal sentencing guidelines. Critics complain that in drug cases, a person high up in a trafficking operation can get a sentence reduction by fingering other key participants, while a "mule" involved only in low-level transportation of drugs may get a tougher sentence because he is unable to provide significant evidence. The mule might be sentenced to more time than the trafficker.

Three-Strikes Life Terms

So-called "Three Strikes and You're Out" laws were a popular variation on mandatory minimum sentences in the 1990s. The availability of extended prison terms for career criminals had been on the books in many states for decades, but some notorious cases raised complaints of "revolving doors" in which a suspect would repeatedly be convicted of felonies, and released every few years only to commit new crimes. (Recidivism rates are difficult to calculate with precision, but a widely used figure from a 2002 U.S. Bureau of Justice Statistics report is that about two-thirds of convicts released from state prisons are arrested for new crimes within three years.)

In 1988, as national crime rates were increasing, Seattle talk radio host **John Carlson** used baseball terminology to signify that a conviction on a third offense would produce a life prison term. After the idea won support and financial backing from the National Rifle Association, Washington State voters overwhelmingly enacted "three strikes" in 1993.

A month after Washington's voters went to the polls, police in Petaluma, California, found the body of 12-year-old Polly Klaas, who had been abducted from a slumber party in her bedroom. Richard Allen Davis, who was arrested for the crime, had been released after serving half of his stated term in a kidnapping case under California's determinate sentencing law, after time was subtracted for good behavior. Marc Klaas, Polly's father, worked with Mike Reynolds of Fresno, Calif., whose 18-year-old daughter also had been killed by a career criminal, to promote an even harsher version of three strikes. Just about any

felony, not necessarily a violent crime, could count as the third strike that would trigger a life sentence. California voters approved the measure in 1994.

About half of state legislatures passed “three strikes” laws in the 1990s, supplementing “habitual criminal” laws in many places. After President Bill Clinton backed three strikes in a State of the Union address, Congress adopted it for some federal offenses.

Prosecutors and Plea Bargains

No matter what penalties are stated in the law, the reality is that the sentencing system is largely controlled by prosecutors, who have vast powers to decide what charges to bring in a given case.

A prosecutor decides how many charges to bring and, in many circumstances, whether they are felonies (the more serious category of crime) or misdemeanors (the lesser category). The difference can be crucial: a felony conviction that counts as a third “strike” could lead to a life prison term.

Criminal defendants are entitled to a trial by a jury of their peers, but a trial can be a complex, expensive process used mainly when there is significant doubt about who committed a crime. A vast majority of criminal cases—94 percent by one count—end with guilty pleas. See: <http://bjs.ojp.usdoj.gov/index.cfm>

In a given case, a prosecutor may bring charges that together may carry maximum penalties, totaling, hypothetically, 40 years. The prosecutor may tell the defense that he would accept a guilty plea to one of the charges that carries a maximum penalty of 10 years. The prosecutor hopes the defendant views this as a bargain, providing certainty about the outcome (assuming that the judge accepts the plea) as opposed to the many uncertainties that can crop up in a trial. The defense must weigh whether the prosecution has strong enough evidence to sustain a conviction on each count if the case actually went before a jury, which can vote to convict only if there is evidence beyond a “reasonable doubt.” A defendant might plead guilty if he is likely to be put on probation and would avoid being jailed pending trial.

CAUTIONARY NOTE: The plea bargaining process is one reason a prosecutor may welcome a news story that emphasizes the maximum possible sentence in a case, to scare criminals into thinking that they are likely to receive the maximum penalty.

If a defendant is convicted in a trial, the court must consider all counts on which there was a conviction. Sentences may be ordered to be served consecutively (one after the other) or concurrently (at the same time). That could mean, for example, that a 10-year term is imposed on each of three counts but the terms are served simultaneously, not back to back. The difference is vast: 10 years maximum vs. 30 years.

The difference between consecutive and concurrent sentences can be confusing. If there is any doubt about what a judge has ordered, ask the judge or a court clerk to make sure there is no misunderstanding about the sentence.

Sentences after a guilty jury verdict are likely to be longer than those agreed to in a plea bargain because they can involve many more charges. That means defendants may take a chance by arguing their case to a jury. A few states allow juries to recommend sentences that judges may be unable or unwilling to reduce. Because jurors tend to impose harsher sentences than judges, criminal jury trials may be uncommon in those places. Defendants may go to great lengths to avoid being sentenced by a jury.

Once a plea deal has been negotiated or a jury verdict is in, a pre-sentence report will be prepared, usually by a probation agency. This involves a review of the defendant's criminal record, family situation, and educational and work background. The agency may use risk assessment tools to help assess how likely a defendant may be to commit new crimes if not in custody. Defendants may collect their own materials, asking others to write to the judge in their support.

Pre-sentence reports normally aren't publicly available, but reporters should be alert to issues arising when they are compiled. Despite improvements in record keeping, many state databases remain vastly incomplete. It may become clear only during a pre-sentence investigation that a defendant's record is more serious than it appeared when a plea bargain was agreed to. That may influence a judge, who considers the risk that a defendant will commit more crimes.

At sentencing, a judge will ask the prosecution for a recommendation, and the defense for a response. Victims or their relatives also now have a role (see below). In cases specified by state law or local court rules, the defendant is allowed to speak, and the judge pronounces a sentence. Sentencing can take only a few minutes in assembly-line fashion or much longer, in controversial cases or those involving multiple defendants. Although usually routine, sentencing proceedings can result in dramatic stories if the participants choose to disclose new information or express their feelings about a crime.

Aggressive defense attorneys have been able to reduce sentences by bringing in experts to argue, for example, that a defendant suffered from a mental condition that when treated could prevent future criminal behavior. Such favorable evidence might persuade a judge to grant probation or a short term behind bars.

The Role of the Victim

The playing field has been changed drastically in some cases because of a growing victim-rights movement dating from the 1980s. Historically, a criminal case centered on a defendant, his culpability and penalty. Crime victims argued that they had been left out of the equation. They lobbied for laws guaranteeing them a role in the process.

Now, in all 50 states and at the federal level, crime victims have the statutory right to submit victim impact statements (VIS) at sentencing. This can include presentations to the court in person; in writing; or on audiotape or videotape.

Such statements can be powerful in violent crimes. In the case of homicides, the courtroom at sentencing can be turned into a virtual memorial service for the victim. In places with sentencing guidelines that largely control the result, judges may regard such testimony as "theater" that has little impact on the penalty. In some cases, however, victim-impact evidence can influence a judge to impose a tougher penalty.

Victims' rights provisions often are included in the sentence. In all states, victims have the right to be notified of the status and location of the offender. The court may provide protective orders (also called "stay-away orders") that prevent convicted offenders from contact with victims. In all states, the prosecutor can request that the offender pay financial obligations to the victim (including restitution and child support).

Non-Prison Sentences

An increasingly popular sentencing option is known as a deferred prosecution. As part of a plea bargain, a case is dropped if the defendant avoids legal trouble for a specified period. One advantage of this arrangement is that, depending on the state law, the defendant may have no criminal record, giving him a greater chance to obtain a job. This procedure is sometimes known as a “diversion,” and often includes court-ordered treatment programs. This is different from probation, which would remain on a person’s criminal record.

Some non-prison sentences are administered by specialized courts that have sprouted nationwide. Most common are drug treatment courts, which started in Miami in the late 1980s and are now operating or planned in over 2,000 jurisdictions. In the early 1990s, New York City started “community courts” that hear non-violent cases like loitering, graffiti-posting, and subway fare jumping. Also proliferating are “mental health courts” to hear cases linked to mental illness. A new category are courts that specialize in cases involving veterans.

Prison for Most Felons

Under today’s tougher sentencing laws, a majority of convicts go to prison. In 2006, the most recent year for which data were available from the U.S. Bureau of Justice Statistics, 70 percent received a sentence of incarceration. About half went to state prisons and 30 percent to local jails, which generally house people sentenced to one year or less.(see: <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=2152>)

About 27 percent were put on probation with no prison or jail time. Only five percent received sentences that included no time behind bars or probation but rather some combination of fines, restitution to victims, community service, house arrest, or periodic drug testing.

Even when a defendant is put on probation, the judge typically imposes a sentence and then “suspends” it for a certain period. That is a notice that the probation may be revoked and prison or jail time ordered if the defendant merely fails to appear for a drug test or an appointment with a probation officer, his probation may be revoked and he can be sent to prison or jail.

Journalists should be alert to the intent of a judge, who may announce a sentence of, say, five years in prison, only to suspend it and impose probation.

Truth in Sentencing

Convicts rarely are expected to serve their maximum sentences. That is because of several important factors, such as “good time” and parole. Under good time an inmate’s total sentence length is reduced for each month of good behavior in prison. The availability of good time gives inmates some incentive to behave.

Traditionally, good time amounted to about 15 percent of a defendant’s stated term, roughly one day per week. That percentage figures in a concept that gained prominence starting in the 1980s called “truth in sentencing.” Newt Gingrich of Georgia and Dan Lungren of California, who were then junior

Republicans in the U.S. House of Representatives, complained that the public often heard about a lengthy sentence only to learn later that the defendant had been set free long before that time had elapsed. They insisted on “truth in sentencing,” requiring inmates to serve 85 percent of their terms and eliminating parole, in a 1984 crime bill that created the U.S. Sentencing Commission.

“Truth in sentencing” didn’t spread quickly. Only five states had embraced it by 1993. The next year, in another major federal crime law, Congress tied federal aid for building state prisons to a rule that states have “truth in sentencing” to be eligible. Within five years, 22 more states adopted the 85 percent rule. The infusion of aid encouraged another burst of prison construction, one reason prison populations continued rising in the 1990s while crime declined. The increase in prisoners had a definite but limited impact in reducing crime, say experts like **William Spelman** of the University of Texas.

Probation-Parole Differences

The practices of probation and parole are frequently misunderstood both by journalists and the public. Both terms refer to supervised release of convicts outside of prison.

Probation normally is granted by judges in lieu of prison; parole is granted by a parole board and occurs after release from prison. A “split sentence” may include probation that follows time behind bars.

Both probationers and parolees get a set of conditions, such as reporting to an officer on a set schedule, finding a job, enrolling in an educational program, or undergoing drug tests.

Under parole, the corrections system or a separate authority is given the authority to release inmates to community supervision. Traditionally, an inmate becomes eligible to apply for parole release after serving a specified portion of the sentence. Parole boards may approve a release after looking at risk factors, including an inmate’s behavior record in custody and prospects for employment, housing, and family aid outside the prison.

Be aware that the word “parole” often is used to connote two entirely different procedures: a discretionary release from prison, and supervision in the community after prison. Critics contend that some states shortsightedly eliminated the post-release supervision aspect. Convicts who are released without supervision and services are more prone to return to crime.

Themes for Today

Impact of Sentencing on Prison Populations

It may seem odd that the U.S. prison population increased for many years (until falling slightly in 2009) as crime totals have fallen. A combination of several factors is responsible. A major one has been that, overall, sentencing laws have been toughened. The National Opinion Research Center has reported for many years that the public believes that sentences are not severe enough. (See <http://www.albany.edu/sourcebook/pdf/t247.pdf>)

This is due at least partly to news reports over many years about “chronic” criminals. Legislators have tended to view harsher sentences as a simple remedy, to keep lawbreakers off the street longer.

In 2008, nearly 739,000 people were admitted to prisons, says the U.S. Bureau of Justice Statistics. (See : <http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=131>)

Historically, a little more than half of admissions were on sentences from courts, and only about one fourth were for violent crimes. The largest category of other offenses bringing longer prison terms was drug crimes, followed by property crimes and public disorder offenses.

The remainder of prison admissions is accounted for by probation or parole violators. Since the numbers on probation and parole also have been increasing, those groups make up a big part of the prison population, as states incarcerate many who fail provisions of their community release, often drug tests. “In essence, the entire correctional system is feeding on itself, as the larger parole and probation populations create more violations, which in turn feeds the prison system,” says James Austin, a scholar based in California and Washington, D.C., who advises states on corrections policy.

Despite the wave of laws providing for higher sentences, it is not the length of the stated sentence but rather the amount of time served that helps keep prison populations high. The average sentence to a state prison for a violent crime dropped between 1994 and 2006 from 10 years to a little over four years), according to the U.S. Bureau of Justice Statistics. (See <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=2152>

The length of time served typically is up, Austin says, because of “more conservative parole board decisions and/or the passage of numerous laws restricting good time or release eligibility.”

Housing an inmate costs about \$29,000 each year on average, says the Pew Center on the States Public Safety Performance Project.

The likelihood that an arrest for a violent crime led to a conviction has increased. The conviction rate for violent felonies, including murder, rape, robbery, and aggravated assault, increased from 23 percent to 31 percent between 1994 and 2004, says the U.S. Bureau of Justice Statistics (see <http://www.ojp.usdoj.gov/bjs/pub/pdf/fssc04.pdf>). The number of convictions jumped 24 percent during the decade, exceeding one million nationwide in 2004.

Felons sentenced in later years of that 10-year period were more likely to serve a larger proportion of their sentences, from a bit under half to about two-thirds.

The combined federal and state imprisonment rate, not including those in local jails, was about 250 per 100,000 population in 1988. By 2007, it had risen to 506 per 100,000, and the total prison population rose through 2008. Reports by the Pew Center on the States and the U.S. Bureau of Justice Statistics said that the total state prison population dropped in 2009 for the first time since 1972. Still, a slight majority of states (26) reported population increases.

.A federal survey based on data from most state prison systems found that, between 1993 and 2003, the average length of stay behind bars increased from 21 months to 29 months. While an eight-month difference may not sound like much, multiply that by 2 million people in custody, and it is clear why more cells were needed.

Options for the Future

Critics of longer sentences contend that they generally fail to accomplish much beyond curbing the typical criminal's peak years of activity in his/her teens and 20s. Not many crimes are committed by those who are released at age 35; yet many remain in custody far longer, and that has brought higher medical treatment costs for an aging inmate population.

Some experts say crime and corrections costs both could be cut by better analysis of which convicts could benefit from supervised release in the community. One idea is that punishments like probation, fines, short jail stays and financial restitution to victims would be preferred for those who caused relatively little financial, psychological or physical harm. Researchers and some reform advocates contend that swiftness and certainty of sentences can be more significant in reducing crime than is their length.

The Public Safety Performance Project of The Pew Center on the States has issued a policy framework for effective community corrections programs. For details, see: http://www.pewcenteronthestates.org/report_detail.aspx?id=47134

Advocates of retaining the practice of long sentences contend that, by and large, the appropriate people are being put in custody. Because of plea bargaining, the argument goes, many of those in prison have much more serious offense histories than is reflected by their eventual guilty plea.

Some states have reassessed their sentencing policies, partly for economic reasons. Allowing more offenders to be supervised in the community can be more effective in preventing recidivism as it avoids the high cost of incarcerating them.

Some reform advocates are pressing for "second look" laws that allow for sentence reductions when the original penalty seems unreasonable or unjust under current circumstances after the passage of time. A discussion of experts convened in 2008 by the **American Bar Association Commission on Effective Criminal Sanctions** concluded that sentencing systems should include a "second look mechanism," particularly "when a prison term is very long and a prisoner's circumstances (or society's views) have changed since the sentence was imposed," says commission director Margaret Colgate Love.

For more details see:

<http://www.abanet.org/abastore/index.cfm?section=main&fm=Product.AddToCart&pid=5090115>



APPENDIX B

Resource Guide to Covering Sentencing

**** To stay abreast of updated information about contacts and organizations, and for additional agencies, names and sources, please check periodically the The Crime Report's *Criminal Justice Resource Directory* at www.thecrimereport.org**

Organizations and Government Agencies

Council of State Governments Justice Center

New York City/Bethesda, Md.

Martha Plotkin—media contact (240) 482-8579

<http://justicecenter.csg.org>

The center promotes effective data-driven practices—particularly in areas where the criminal justice system intersects with other disciplines, such as public health—to affect public safety problems. It has focused on prisoner re-entry and “justice reinvestment—“increasing public safety, reducing spending on corrections, and improving conditions in the neighborhoods to which most people released from prison return.”

Families Against Mandatory Minimums

Washington, D.C.; (202) 822-6700 <http://www.famm.org> media@famm.org

The organization was founded in 1991 by Julie Stewart, whose brother, a first-time drug offender, got a mandatory minimum prison term of five years for growing marijuana.

National Association of Sentencing Commissions

Lynda Flynt

Director, Alabama Sentencing Commission

lynda.flynt@alacourt.gov

334-954-5096/Toll-Free: 1-866-954-9411 ext. 5096

The association was formed to exchange information among the state sentencing agencies. It does not have a full-time staff.

National Center on Institutions and Alternatives

Baltimore. Herbert Hoelter, president, (410) 265-1490

<http://www.ncianet.org>

The center, founded by advocates of alternatives to incarceration, helps arrange treatment for emotionally disturbed youth, developmentally disabled adults and adolescents, and others involved in the criminal justice system.

Pew Center on the States Public Safety Performance Project

Washington, D.C.; Adam Gelb, director. (202) 552-2000

agelb@pewtrusts.org

http://www.pewcenteronthestates.org/initiatives_detail.aspx?initiativeID=31336

Launched in 2006, the project helps states advance fiscally sound, data-driven sentencing and corrections policies that protect public safety, hold offenders accountable, and control costs. The project collaborates with external partners to provide expert, nonpartisan information and assistance to states that want a better return on their public safety investments.

U.S. Sentencing Commission

Washington, D.C.; 202 502-4500

<http://www.ussc.gov>

Michael Courlander—media contact

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pubaffairs@ussc.gov

The commission is a judicial branch entity whose seven members are appointed by the President and confirmed by the Senate. It was created in a 1984 federal anticrime law to recommend sentencing guidelines for federal judges. The guidelines were effective in 1987, but the Supreme Court ruled in 2005 that judges are not bound to follow them. The commission still makes recommendations and studies sentencing issues.

Sentencing Commissions (States)

<http://nasc2010.alacourt.gov/NASC/Membership%20List.pdf>

Twenty-one states and the District of Columbia have created their own sentencing commissions to consider sentencing policies. Links to those commissions can be found at this site.

The Sentencing Project

Washington, D.C.

Zerline Jennings—media contact

202-628-0871

<http://sentencingproject.org>

The organization promotes reforms in sentencing law and practice, and alternatives to incarceration. It was founded in 1986 to provide sentencing advocacy training to defense lawyers. It campaigns on a number of issues, including racial disparity in the justice system, disenfranchisement of felons, and convicts' loss of welfare, education, and housing benefits after minor drug convictions.

Vera Institute of Justice

New York City; 212-334-1300

Robin Campbell—media contact

<http://www.vera.org/>

Vera's Center on Sentencing and Corrections (CSC) provides nonpartisan support to government officials and criminal justice professionals on sentencing and corrections policy. Using empirical data and evidence-based practices, the institute identifies emerging trends and issues and helps develop cost-effective strategies for protecting public safety.

People

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Austin has served as director of the U.S. Bureau of Justice Assistance-funded corrections options technical assistance program, which provides help to local jails, probation, parole, and prison systems. He also directed BJA projects that focused on juveniles in adult corrections facilities and a national assessment of adult and juvenile private corrections facilities.

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Berman specializes in criminal law and criminal sentencing. He is co-author of a casebook on the subject ("Sentencing Law and Policy: Cases, Statutes and Guidelines; Aspen Publishers) and has served as an editor of the Federal Sentencing Reporter for more than a decade. Berman is the creator of the widely-read blog "Sentencing Law and Policy" (<http://sentencing.typepad.com>) and is widely quoted in the media.

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Bowman is a former prosecutor, both for the U.S. Justice Department criminal division and the Denver District Attorney's office. He formerly served as a special counsel to the U.S. Sentencing Commission, and is an expert on sentencing guidelines.

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Dickey heads the law school's Remington Center for Research, Education and Service in Criminal Justice. He is former director of the state corrections division and chaired the Governor's Task Force on Sentencing and Corrections, which reported in 1996.

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Levin is a director of the Center for Effective Justice at the Texas Public Policy Foundation. He focuses on sentencing and corrections issues from a free-market perspective. He was a law clerk on the U.S. Court of Appeals for the Fifth Circuit.

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Love specializes in executive clemency and restoration of convict rights, as well as sentencing and corrections policy. She served in the U.S. Justice Department as Pardon Attorney between 1990 and 1997, and directs the American Bar Association's Commission on Effective Criminal Sanctions.

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Reitz specializes in sentencing law and policy. In 1993, he organized the first meeting of the National Association of Sentencing Commissions and now works with state sentencing commissions. Formerly served as co-reporter of the American Bar Association's criminal justice standards for sentencing.

Robinson, Paul

University of Pennsylvania Law School; (215) 898-1017

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Robinson was a member of the U.S. Sentencing Commission in the 1980s and has written extensively on sentencing and issues of punishment theory.

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Articles, Books, Reports, Research

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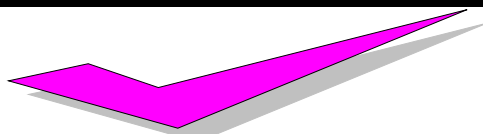
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REPORTERS' HANDBOOK**PART THREE****Covering Community Corrections: Probation,
Parole and Beyond****By Jenifer Warren****SUMMARY OF REPORTING TIPS****SUMMARY OF REPORTING TIPS**

Reporting Tip #1 The terms probation, parole, and community corrections refer to a range of punishments for offenders outside prison walls. Every state's system is different. Make sure you know how it works in your jurisdiction.

Reporting Tip #2 At one time it was routine for probationers and parolees to be jailed for minor rules violations. States increasingly are devising more sophisticated risk assessment tools and "graduated sanctions" to keep more convicts from repeatedly returning to prison. Is this happening in your area?

Reporting Tip #3 More than 700,000 prisoners are released every year nationwide. A new federal Second Chance Act is supporting programs that work with ex-convicts on key problems like housing, jobs, education, and drug treatment. How is this money being spent in your state?

Introduction

When most people think about corrections, they picture high-security prisons encircled with electric fencing, or jails teeming with inmates watched by uniformed guards. At last count, penal facilities housed more than **2 million people**, but a far greater number of supervised offenders—more than two-thirds—are not behind bars. Instead, they live in the community, either on parole, probation, house arrest or under some other form of correctional watch. During the past quarter century, the number of offenders under correctional supervision in the community has skyrocketed, and now totals 5.1 million.

All the attention paid to long sentences like “three strikes and you’re out” life terms have masked the reality that most inmates serve relatively short stints in custody. That means more than 700,000 people are freed each year, many into strained community supervision systems

Despite such high numbers, the vast array of programs and neighborhood based sanctions have received comparatively little media coverage.

With federal and state budgets badly strained by the reeling economy starting in 2008, lawmakers have scrambled to cut correctional costs that ballooned during a four-decade build-up of the incarcerated population. Their quest is putting a new focus on community corrections, an alternative that costs dramatically less than housing offenders under 24-hour guard behind bars.

On average, prisons cost state governments about \$79 per inmate, per day—or \$29,000 per year. In contrast, supervising offenders on probation runs as low as \$1.38 per day in Mississippi. Parole supervision costs a bit more, but still tops out at only \$13.28 per day in Colorado, statistics collected by the Pew Center on the States for fiscal year 2008 show. Layering drug treatment, job training or electronic monitoring on top of such supervision increases the cost, but not so high as the price of round-the-clock incarceration. Offenders in many states are now required to pay a portion of their community supervision costs, as well as paying restitution to victims.

For journalists, the expanding interest in community supervision creates an opportunity to explore a corner of the correctional world that has been neglected for years. So far, much of the coverage has focused on ex-convicts who commit serious crimes while on probation or parole, or on the released sex offender who stirs an uproar by moving into a residential neighborhood.

Crimes by those under supervision is a legitimate subject for coverage, but reporters have devoted surprisingly little sustained attention to the management of the millions of offenders who live in our midst. Even less journalistic effort has been invested in assessing the effectiveness of community corrections programs and the science that underlies them.

Simply defined, community supervision is probation and parole. Also under the community corrections umbrella are drug courts and residential drug treatment facilities, home detention with electronic monitoring, day reporting centers and other options. In some instances, programs are used on the “front-end” of the criminal justice system—to divert convicts from prison or jail onto probation and into a community-based setting offering rehabilitation services.

In other cases, halfway houses or other facilities are a “back-end” or post-custody alternative for parolees who need assistance, treatment or extra monitoring on release from prison.

While the number of offenders under correctional watch in the community has soared, sufficient funding has rarely followed. The result: probation and parole agencies often lack the resources they need to monitor convicts effectively, let alone ensure they receive quality drug treatment, mental health care, job training or other services to reduce the odds they will re-offend.

The new economic pressures ravaging state and local governments are creating a wealth of potential stories on the changing correctional landscape. Journalists also can find stories in the emergence of “techno-corrections”—the brave new world of devices and techniques that allow ever more intensive surveillance of offenders. From ignition interlocks to sophisticated, real-time GPS satellite monitoring, government has an expanding box of tools to track paroled sex offenders, gang members and others on the streets.

The advancing science of risk assessment—or determining whether an offender’s characteristics and history make him or her suitable for community supervision and, if so, what sort of programs best fit the needs—is also a natural target for investigation by the media.

Corrections agencies issue figures showing how a program reduces recidivism, claims that often coincide with requests for additional funding. Journalists should beware of such reports. What do the data really say? How strong is the science behind it? Community corrections is an evolving and expanding field that is ripe for scrutiny by industrious journalists. And when it comes to public safety, no other piece of the nation’s byzantine correctional system matters more.

Nuts and Bolts

Probation

The vast majority of offenders supervised in the community are on probation or parole. The two practices share some common elements but are distinctive in one important respect: in general, probationers remain in the community in lieu of prison, while parolees have served time behind bars. [Some “split sentences” involve incarceration that is followed by probation.]

Probation is a court-imposed punishment that allows a convict to remain free in the community under a suspended sentence. Offenders placed on probation—from the Latin word *probatum*, for the “act of proving”—typically have committed lower-level crimes and are required to meet certain conditions and standards of behavior while reporting to a probation officer.

These conditions vary, but may include drug testing and treatment; regularly scheduled meetings with a probation officer; mandatory employment; payment of restitution to crime victims; community service; rules limiting travel outside the jurisdiction, and participation in anger management or domestic violence classes.

Judges have significant discretion in imposing probation, and generally consider the nature of the offense and the offender’s criminal history. In ordering probation, a judge implicitly threatens the imposition of more serious sanctions— more stringent conditions or a term in custody—for violations.

Probation is a highly popular sanction within the criminal justice system. Nationally, about 27 percent of felony defendants in state courts were put directly on probation as of 2006, the U.S. Bureau of Justice Statistics (BJS) said in <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=2152>

More recent BJS numbers show that nearly 4.3 million American adults were on probation at the end of 2008. <http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=11>

Probation numbers and practices vary greatly from state to state. A BJS report showing data as of year-end 2006 showed that the numbers on probation per 100,000 adult population ranged from 6,059 in Georgia (including cases assigned to private agencies) to 450 in New Hampshire.

Parole

Parole derives from the French term *parol*, meaning "word," as in word of honor. Parole is similar to probation in that offenders promise to meet certain conditions in order to stay free in the community. Unlike probationers, parolees have spent time in prison and are released to serve the remainder of their sentence under supervision by a parole agent.

Parole supervision generally lasts one to three years, though it can stretch considerably longer in some states. Figures from the Bureau of Justice Statistics show more than 828,000 American adults are on parole. The most common type of offense among parolees? Drug crimes.

Discretionary Parole

In some cases, parolees are released by appointed parole boards that consider various factors in assessing an offender's readiness to rejoin society. This practice is called *discretionary parole*. As late as 1977, three out of four inmates were released from prison in this fashion.

In evaluating an inmate's suitability for release, parole boards typically hold a hearing and consider prison record, various risk factors, insight into causes of criminal conduct, future plans, prospects for employment, housing and family support.

Eligibility for a hearing varies widely among the states. Often, inmates are referred for parole consideration at the end of a minimum term, minus "good time" earned through a clean record and completion of educational classes or other prison programs. In other states, eligibility is at the discretion of the board or is calculated after a portion of the maximum sentence is completed.

Subjective factors, including politics, can influence parole decisions. As appointees, parole commissioners are sensitive to public perceptions, and may even receive direct or indirect pressure from those who name them to the board.

A high-profile crime committed by a convict can also make parole board appointees—many of whom hail from law enforcement backgrounds—more cautious. In Massachusetts, Willie Horton, a convicted murderer who raped a woman while a weekend furlough, became a household name in the 1988 presidential campaign, when Republican George H.W. Bush used the incident to portray his Democratic opponent, Massachusetts Gov. Michael Dukakis, as soft on crime. Dukakis lost, Bush became president, and between 1990 and 1999, the Massachusetts parole grant rate dropped from 70 percent to 38 percent.

Though politicians have been loathe to admit it, parole's use has served as an important release valve for prison overcrowding.

Beginning in the 1970s, states began moving toward determinate sentencing as parole boards came under criticism from the political right and left.

Conservatives argued that parole commissioners were releasing too many inmates too early. Liberals argued that the subjectivity of the process led to disparities in prison time served, and created bias according to race and class.

Parole boards still exercise discretion on when some inmates should be released. Among violent offenders, many states require serving 85 percent of the term before parole may be granted.

A typical procedure is *mandatory release* to parole. This occurs after an inmate has served time equal to his total prison sentence, minus any good time. Experts agree that many more convicts are released in this way than was the case when parole boards made most of the decisions.

As with probation, the number of parolees per 100,000 adult residents varied greatly, from 863 in Arkansas to 3 in Maine.

CAUTIONARY NOTE: The word “parole” has two different meanings in the correctional context. One refers to a discretionary release from prison. The other relates to an offender’s supervision in the community after prison. Journalists who refer to measures that “abolish parole” should specify whether this means only ending discretionary release of inmates or also applies to supervision after a convict is back in the community.

Enforcement

Officers and Agents

They may not wear uniforms, but parole agents and probation officers are essentially the prison guards of the streets. Their fundamental mission is similar: oversee offenders to ensure they comply with the rules, help them succeed, but recommend a return to custody when warranted.

A deeper look shows that both are asked to play sometimes conflicting roles: cop and social worker. On the enforcement side, they ensure compliance with conditions set by a parole board or court; restrict aspects of an offender's life; and initiate revocation if a slip-up merits it. They may search a parolee or probationer's apartment without a warrant or cause; order drug testing without warning; or show up unannounced at the workplace.

On the humanitarian side, agents try to link offenders with drug treatment or other community services, aid them in the hunt for a job and otherwise guide them toward a crime-free future.

Parole agents typically receive training at a correctional officers' academy, and are likely to carry weapons. Their salaries are often higher than those who handle strictly probation cases, and they are more

likely to make arrests. Probation officers often must have a degree in social work or criminal justice. Unlike parole agents, they may collect restitution and court-imposed fines.

Caseloads and Workloads

Not all parolees and probationers are alike, and their level of supervision depends on the risk they pose to the community, their need for treatment and other factors. The average probation officer is assigned about 100 offenders, while parole agents average about 60 parolees under their watch, the **American Probation and Parole Association** reports.

Rules governing probationers and parolees vary from state to state, and according to an individual's underlying offense. In some jurisdictions, a parolee might be required to undergo a face-to-face meeting as rarely as once a year. Offenders on specialized lists because of their criminal history may receive two to four visits from an officer per month, sometimes more.

Probationers and parolees formerly reported to a central location, but officers are more likely these days to visit their charges in the community, whether at their residences, work places, or other agreed-upon locations. In Washington, D.C., officers are instructed to make half of their contacts in the community. Often, these are spot checks, in which a probation/parole officer visits a convict unannounced, sometimes with a police officer. Even if the offender is not home, the officer inspects living arrangements and interviews others present.

The American Probation and Parole Association suggests a caseload of 50 probationers per probation officer for general supervision of moderate- and high- risk offenders, and caseloads of 20 to 1 for intensive supervision. Fiscal woes have starved probation departments, preventing most jurisdictions from realizing that goal. The association notes that caseloads differ from workloads—the amount of time needed to do specified tasks.

After several high-profile crimes by probationers and parolees in South Carolina, the *Charleston Post and Courier* published a series in 2008 detailing how an average caseload of 109 left officers little time to check on the convicts assigned to them. It was a similar story in North Carolina, where the *Raleigh News & Observer* found that 580 probationers had committed murders between 2000 and 2008. After the University of North Carolina's student body president was killed in 2008 by a probationer, the Justice Department's National Institute of Corrections found that probation officers in the state, with caseloads ranging from 90 to 140, were not keeping close track of convicts assigned to them.

Probation and parole officials are stretched further by various expansions of their duties. Sex offender laws have added a host of new responsibilities, including DNA testing, mental health screening, GPS monitoring, risk assessment, and registration checks.

Big Brother Helps Out

Technology has delivered innovations to make the job of supervising offenders easier. Drug testing has become quicker and cheaper. With most offenders struggling with substance abuse, it is a staple of probation or parole programs.

In some states, offenders must submit to random breath tests for alcohol through detectors in their homes. Also popular are “ignition interlocks” that prevent a person from starting the engine if alcohol is detected in their system. Another device checks an offender’s eye to detect signs of a controlled substance.

Many agencies still use old-style electronic monitoring bracelets that send a continuous signal to a computer at a monitoring center. The use of Global Positioning System (GPS) satellites is exploding within the field, especially for use in tracking sex offenders and gang members. This new wave of “techno-corrections” is changing the way offenders are monitored on the streets, and represents a big target for enterprising journalists.

Among the possible stories:

- How does GPS monitoring work, and what does the evidence say about its effectiveness in safeguarding society from paroled sex offenders, gang members and other notorious criminals?
- What are the costs of such tracking?
- Are manufacturers of monitoring devices funneling campaign contributions to lawmakers in states considering expansion of the technology?
- Does such “big brother” tracking give the public a false sense of security?
- Where has it been successfully used, and what defines success?
- What is life like for those under surveillance? How does it affect an offender’s habits?

Violations

Probationers and parolees often violate one or more conditions of supervision. Many infractions lead to increased supervision or loss of privileges. In some cases, they start a process that can lead to a revocation and an arrest and subsequent term in prison. The first step is a hearing, either in court (probationers) or before a parole board or other administrative body (parolees). The accused have the right to testify on their own behalf, and usually may present witnesses and have an attorney present.

In recent decades, violators have been a key driver of prison populations in many states. Readmissions to custody are administrative decisions that do not require the higher standard of legal proof of a new crime.

Probationers most often face revocation for absconding, or failing to stay in contact with their probation officer, and for committing a new offense. Other reasons include failure to pay fines or restitution, failure to attend or complete drug or alcohol treatment, or community service, or association with people involved in crime.

As for parolees, the **National Institute of Corrections** estimates that as many as 80 percent at one time or another violate some condition of supervision. Those violations run the gamut from “technical” to serious, and whether they warrant custody may be in the eye of the beholder.

Patterns of violations and revocation decisions vary widely from state to state, and even from county to county. In many states, agents and officers operate with few firm criteria and little policy to guide them,

creating widespread discretion on the job. This opens the door to questions of fairness—and a potentially rich vein of news stories.

In the past, some probationers and parolees were sent back to custody for any violation, including flunking a drug test. Because a majority of criminals have some kind of drug problem, incarceration for violations like this has created a revolving door in some correctional systems, with offenders shuttling in and out of custody and making little or no progress toward rehabilitation.

Progressive probation/parole programs have “graduated sanctions” models in which convicts are imprisoned only after committing an escalating series of violations. This idea uses the “carrot and stick” approach, giving offenders the opportunity to enjoy a gradual relaxation of restrictions if they avoid new violations. Some reformers advocate giving probation/parole officers the power to impose swift, certain sanctions for violations as they occur instead of allowing an infraction record to accumulate until it virtually requires a return to prison.

One program that employs this strategy effectively is called HOPE – **Hawaii’s Opportunity Probation with Enforcement**. Created in 2004 by Judge **Steven Alm**, HOPE has essentially put some teeth into the rules of probation. Those who fail to comply with frequent but random drug tests, office visits and treatment requirements receive an immediate sanction, typically a few days in jail. Those with legitimate jobs can serve the time over the weekend to avoid work disruption. Those who cannot abstain from drugs are placed in treatment. Early results of a controlled trial were encouraging, showing that HOPE probationers were less than half as likely to test positive for drugs or miss appointments.

Community Corrections Programs

Housing and work arrangements for probationers and parolees follow a wide range of models. Many are allowed to live at home if they have stable family arrangements. They may be under house arrest, or can come and go freely. Some must appear at daily reporting centers.

Others live in community “halfway houses,” connoting halfway status between prison and freedom. They typically report to jobs, classes or drug treatment during the day and return to the halfway house for their overnight stay. (In the other direction, those who commit several violations may be sent to “halfway back” facilities as a way of threatening a return to custody).

Advocates claim wide public support for these kinds of sanctions because they are less expensive than a prison cell and more likely to get a former inmate back on the right course. At the same time, corrections agencies have difficulty finding locations for such programs because of local “not in my backyard” opposition.

The Prisoner Re-entry Movement

As recently as a decade ago, the word *re-entry* was unheard of in the corrections world. Now, it is a staple in the lexicon, defining an entire movement that reflects the fact that the vast majority of prisoners eventually leave prison and jail and return home. Former President George W. Bush acknowledged this reality—and the responsibility of society to accept those who have served their time. In his 2004 State of

the Union address, he surprised observers by including sympathetic words for ex-convicts: “America is the land of second chances and when the gates of prison open, the path ahead should lead to a better life.”

He proposed spending federal funds to help state and local programs facilitate successful prisoner re-entry into society. Despite wide bipartisan support, it took more than three years for Congress to approve the idea. The pioneering **Second Chance Act of 2007** authorized more than \$330 million over two years to help government agencies and nonprofit groups work with inmates returning home. It took at least a year more to appropriate money, and even then it was a modest amount when divided among the 50 states.

The federal legislation came as some state prison administrators were embracing an expanded mission, one that includes prisoner reintegration. A few states, notably Arizona, said they would start to prepare inmates for reentering society as soon as they arrived in prison.

Barriers to Re-entry

When prisoners first leave custody, their needs and challenges are many and daunting. Only a minority of inmates are able to take part in meaningful vocational or educational programs behind the walls. In most states, once it is time for release, they are given only clothes, a small sum of money, and instructions to report to their parole officer within 24 hours.

The first days after release may be the most difficult. Ex-inmates may not possess identification necessary to obtain a job or housing, such as a driver’s license, and may not have applied for basic benefits available to most citizens. Without family housing, they may be relegated to a shelter. Medicaid benefits that do not start for 30 days may leave them without medication.

Most are unskilled and may be battling addictions. Many are estranged from family, poorly educated and ill-trained for the job market. Rejoining the world, after years of every moment’s being dictated by custodians, is unsettling. And while free, parolees face the constant threat of reincarceration for slip-ups, placing them in a legal limbo. They also are stigmatized with the label of ex-con, which brings discrimination in everything from finding housing, getting a job and regaining parental rights to, at least initially, participation in the basic rite of democracy, voting. More than 5 million Americans are denied the right to vote by laws barring voting by people with felony convictions. In some states, offenders must wait a specified amount of time depending on the offense to seek restoration of the right to vote.

Barriers in the workforce—both official and unspoken--may be the most painful for parolees to overcome. Certain occupations require licenses that are denied to any ex-convict. Employers are suspicious of parolees, viewing a conviction as evidence of a character flaw. The result: the work options for ex-convicts are narrowed, adding to their struggle to regain their footing in the outside world. Beyond employment, parolees convicted of drug crimes face barriers in obtaining food stamps and public assistance; public housing; and student loans and grants.

However, **Jeremy Travis**, President of John Jay College of Criminal Justice and an authority on prisoner re-entry, told a congressional committee in 2009 that effective re-entry programs had the potential of reducing recidivism by 15-20 percent. Travis based his assessment partly on research by **Steve Aos** of the **Washington State Institute for Public Policy**, who have studied recidivism reductions as a result of various education, job training, and drug treatment.

APPENDIX C

Resource Guide to Covering Probation and Parole

*for periodic updates on resources as well as additional agencies, names, research etc., please check The Crime Report's *Criminal Justice Resource Directory* at www.thecrimereport.org

Organizations and Government Agencies

American Correctional Association

www.aca.org

Professional organization for the prison managers. Standards, accreditation, etc.

American Probation and Parole Association

www.appa-net.org

International organization representing parole and probation practitioners. Good source for contacts.

Association of Paroling Authorities International

www.apaintl.org

Organization for parole boards and other release agencies. Good source for contacts in the state, trends, data

National Institute of Corrections (U.S. Department of Justice)

www.nicic.org/parole

Training, program development for correctional folks. Great clearinghouse for articles, other research on all aspects of the field.

Prisoner Reentry Institute, John Jay College of Criminal Justice

www.jjay.cuny.edu/centersandinstitutes/pri/1921.php

Promotes innovation and improved practice in the reentry field.

Public Safety Performance Project, Pew Charitable Trusts.

Washington, D.C.

See website for contact info: www.pew.publicsafety.org

Nonpartisan policy briefs, other reports on national and state-level trends related to corrections. Solid research on current topics.

Re-entry – U.S. Department of Justice, Office of Justice Programs

www.reentry.gov

Source for statistics and other research along with news of new initiatives on reentry nationwide.

Serious and Violent Offender Re-Entry Initiative

www.svori.org

Large-scale program providing federal grants to reduce recidivism and improve employment, housing and health outcomes for released prisoners.

United States Parole Commission

www.usdoj.gov/uspc

Controls parole decisions and supervision for federal offenders and those in the Witness Protection Programs.

Urban Institute

www.urban.org

Wide-ranging work includes activity on corrections, with emphasis on parole and reentry.

U.S. Bureau of Justice Statistics

Washington, DC

<http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=1>

Wealth of statistics on inmates, parolees, prisons, etc.

The Vera Institute of Justice

New York City (212-334-1300)

<http://www.vera.org/>

Extensive research on sentencing and corrections.

People

Austin, James

www.jfa-associates.com

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Consultant and researcher who advises governments on population management in prisons, jails and parole systems. Data guru. Also expert in prisoner risk assessment.

Camp, George

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Association of State Correctional Administrators. Great source for data.

Jacobson, Michael P.

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Director, Vera Institute of Justice. Former correction and probation commissioner for New York City. Author of Downsizing Prisons: How to Reduce Crime and End Mass Incarceration.

Love, Margaret Colgate

<http://www.pardonlaw.com>

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Specializes in executive clemency and restoration of convict rights, as well as sentencing and corrections policy.

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Vera Institute researcher; led project evaluating effectiveness of Oregon parole/probation reforms .

Travis, Jeremy

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President, John Jay College of Criminal Justice; author of *But They All Come Back: Facing the Challenges of Prisoner Reentry*. Former director of the National Institute of Justice. At the Urban Institute, launched a national program focused on prisoner reentry.

Zimring, Frank510-624-0854 fzimring@law.berkeley.edu

UC Berkeley's Boalt Law School professor. Expert on three strikes, California prisons, criminal sentencing.

Books, Reports, Research

James Austin

Reducing America's Correctional Populations, A Strategic Plan

National Institute of Corrections, 2009

<http://community.nicic.gov/forums/storage/95/16219/ReducingCorrectionalPopulations-Austin%20white%20paper.doc>

Center on Media, Crime and Justice—John Jay College

"Problem-Solving Courts" podcast of panel discussion at 5th annual HF Guggenheim Symposium

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<http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=549>

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What Works in Corrections: Reducing the Criminal Activities of Offenders and Delinquents

Cambridge University Press, 2006.

Petersilia, Joan,

When Prisoners Come Home: Parole and Prisoner Reentry

Oxford University Press, 2003

Pew Center on the States (2009)

One in 31: The Long Reach of American Corrections

http://www.pewcenteronthestates.org/report_detail.aspx?id=49382

Probation and Parole in the United States, 2008

U.S. Bureau of Justice Statistics.

<http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1764>

Report of the Re-Entry Policy Council:

Charting the Safe and Successful Return of Prisoners to the Community. Council of State Governments.

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2005. <http://reentrypolicy.org/Report/About>

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See CMCJ/Pew Seminar series: *Covering Sentencing, Corrections and Crime Reduction in Florida (and other states)* Available at The Crime Report.org (Under "Conferences")

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Charleston Post and Courier, 2008.

<http://archives.postandcourier.com/archive/arch08/0808/arc08246732629.shtml>

"Losing Track: North Carolina's Crippled Probation System"

Raleigh News & Observer, 2008

<http://www.newsobserver.com/tags/?tag=+losing+track>

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