



is north carolina ready for community-based corrections?

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The concept of rehabilitation of criminal offenders in prisons seems to be an unrealistic ideal based on simplistic assumptions about causes of crime and a view of crime as a symptom of illness under the medical model that calls for diagnosis and treatment. In summary, there seems little hope for rehabilitation within any prison program because of the influences of the prison environment on the offender. The prospect for rehabilitation may be better outside the prison setting if more careful planning, greater commitment to realistic rehabilitation approaches, and perhaps a greater willingness to take calculated risks on behalf of convicted offenders are part of the rehabilitation effort.

The crucial question is who cares about rehabilitating criminals. Traditionally, society's primary concern has been to separate the offender from the community for the protection of ourselves and our property. In general, society does not care about convicted criminals and has been unwilling to invest funds in appropriate facilities or in modern programs.¹

Juvenile corrections² in North Carolina operates under the authority of the Secretary of the Department of Correction and is administered by the director of the Division of Youth Development. The juvenile corrections system is comprised of the programs operation in seven institutions — five training schools and two diagnostic and evaluation centers — throughout the State.

Upon commitment by the court to the Division of Youth Development, the child is taken to one of the two diagnostic and evaluation centers, depending upon his place of residence, where he spends an average of four to six weeks undergoing testing, evaluation, and medical treatment, when necessary. After completing the initial evaluation, the child follows one of four paths: he is sent to one of the training schools designated for that age range and custody requirement; he is conditionally released to his parents or guardian; he is given intensive clinical treatment; or he is returned to his community for treatment, which is dependent upon the availability of resources there.³

In 1972, The Penal Study Committee of the North Carolina Bar Association issued a report entitled, **As the Twig Is Bent**, recommending improvements in

the juvenile corrections system

background

the juvenile justice system. The report found that 50% of the children committed to training school should not be there and observed that "North Carolina has the unenviable distinction of ranking first among all the states in the number of children committed to juvenile training schools per capita."⁴ The schools were called "dumping grounds" for unfortunate children where the primary emphasis in most is custody, not rehabilitation.⁵

Since 1972, some changes have taken place in the juvenile corrections system. The status offender, i.e., runaways, truants, etc., can no longer be committed to training school without being first placed on probation by the court.⁶ Under State government reorganization, the former Board and Commissioner of Youth Development were abolished and the powers were consolidated in the Secretary of the Department of Correction. The Division of Youth Development was re-organized to reflect this centralization of power, doing away with the relative autonomy of the schools and their directors. A community-based programs section was created in Youth Development to begin assessment and planning for community-based treatment and greater utilization of neighboring communities and citizens.

From 1967 to 1975, Youth Development, which included eight training schools, saw its budget grow from more than \$4 million per year to nearly \$9 million.⁷ While total cost continued to rise, the Department saw the reverse happen regarding student population. As of April, 1975, student population had fallen from a 1969 high of 2100 to approximately 980 students.⁸ The Division of Youth Development estimates that it is spending more than \$9000 a year to house, feed, and care for each child sent to a training school.⁹

Presently, the system does not possess the capability to measure the effectiveness of its treatment and supervision programs in curbing the return of offenders back into the system. The Department of Correction predicts that within the next year it will be able to document the recidivism rate for all committed juveniles who are released from their custody and supervision.¹⁰ Only then will the system be in a position to assess the effectiveness of its treatment programs, which have been so severely criticized as ineffective and contributing to crime and delinquency in the State.

objectives of the system



What are the objectives of the juvenile corrections system?

The North Carolina General Statutes state that the purpose of the separate system of juvenile justice is primarily to protect the child from stigmatization as a criminal; thus, we have the origin of the term "juvenile delinquent." Indeed, the law explicitly states that it should be

interpreted as remedial in its purposes to the end that any child subject to the procedures applicable to children in the district court will be **benefitted** through the exercise of the court's juvenile jurisdiction. (italics added) (G.S. 7A-277)

The actions of the district court on behalf of children are:

intended to assure the protection, treatment, rehabilitation, or correction which is appropriate in relation to the needs of the child and the best interest of the State. (G.S. 7A-277)

The law is quite clear in its avoidance of the term "criminal"; it is **remedial, not punitive**, in its intent.

Regarding the purpose and manner in which the State training schools are to be operated, the statutes empower the Department of Correction

to provide the necessary custody, supervision and treatment to control and rehabilitate . . . juvenile delinquents and thereby reduce the rate and cost of . . . delinquency. (G.S. 7A-277)

The statutes provide no guidance to the system beyond these brief references to purpose.

Within the Division of Youth Development, the major emphasis is increasing the diversion from the system of those for whom a commitment to Youth Development is inappropriate—the status offender, the emotionally and physically handicapped, and the pregnant.¹¹ The primary objectives of Youth Development are: (1) reduction in the average length of stay in the training school; (2) reduction in the number of runaway incidents; (3) reduction in the

number of behavioral incidents; and (4) reduction in the rate of recidivism.¹²

Youth Development plans to achieve these objectives through the implementation of its Student Management Program.¹³ This program, designed to affect all areas of a training school student's daily life, uses the behavior "contract" approach. The student, together with a treatment team, sets goals for himself. These goals then become the basis for his advancement in the program and lead, eventually, to his release from the training school. This program was implemented in all the training schools in January, 1975. The emphasis in Youth Development is on system improvement and maintenance. For reasons which will be explored more fully in a later section, the development of alternatives to institutionalization through community-based programs and services are far from implementation.

Revised public and professional expectations of corrections have brought about a transformation in its means and ends during the last several years. Institutions were required, traditionally, to merely hold inmates until ordered to release them. Now both the public and the correctional staff expect prisoners to be, at least, no worse for the correctional experience, and, at most, prepared to take their places in society without further involvement with the law. These revised expectations have led to an awareness that corrections must be linked to the community in every phase of operations.

It is widely agreed that the institutional model has not been successful in curbing potential crime. Community-based corrections is considered by theorists and practitioners as the most promising means of accomplishing the changes in offender behavior that the public demands of corrections.¹⁴

The term "community-based corrections" has been used to include all correctional activities that take place in the community—from community correctional facilities to traditional probation and parole. The concept has been stretched to include a widening variety of treatment efforts, some of which are "community-based" only in that they are less isolated and confining than the traditional prison.

For purposes of this discussion, the term "community-based corrections" refers to a facility, program, or service located near the juvenile's home or family, which maintains community and consumer participation in the planning, operation, and evaluation of the program. The program may include medical, educational, vocational, social, and psychological guidance, training, counseling, alcoholism treatment, drug treatment, and other rehabilitative services.

A great deal of confusion about community-based corrections exists in both the popular press and professional literature. It is not a panacea, nor is it a new concept. It is an alternative to a system that is outdated, costly, de-humanizing, and unsuccessful.

In a California study of the effects of criminal penalties, it was concluded that since severe penalties did not deter more effectively, since prisons and training schools do not rehabilitate, and since the criminal and juvenile justice systems are inconsistent and have little quantitative impact on crime and delinquency, the best rehabilitative possibilities would appear to be in the community.¹⁵ This reasoning is fairly typical of much current thinking in corrections, and it serves to illustrate the kind of cognitive leap on which enthusiasm for community-based treatment is founded. If our correctional institutions do not rehabilitate, and if the stated goal of corrections is to reduce recidivism through integration of offender and community, it seems irresistibly logical that treating the offender without removing him from society will be more effective. Unfortunately, while one may express the opinion that, since correctional institutions are not effective, then one **might as well** retain offenders in the community, it cannot be assumed without adequately controlled research that the best **rehabilitative** possibilities are to be found in the community.

The most rigorous research designs generally have elicited the finding that offenders eligible for supervision in the community in lieu of institutionalization do **as well** in the community as they do in prison or training school. When intervening variables are controlled, recidivism rates appear to be about the

community-based corrections

same.¹⁶ Robert Martinson, surveying 231 rehabilitation studies, concludes that "with few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism."¹⁷ However, in summarizing the research done on community-based programs, he notes that

On the other hand, there is one encouraging set of findings that emerges from these studies. For from many of them flows the strong suggestion that even if we can't "treat" offenders so as to make them do better, a great many of the programs designed to rehabilitate them at least do not make them do worse. And if these programs did not show the advantages of actually rehabilitating, some of them did have the advantage of being less onerous to the offender himself without seeming to pose increased danger to the community. And some of these programs—especially those involving less restrictive custody, minimal supervision, and early release—simply cost fewer program dollars to administer. The information on the dollar costs of these programs is just beginning to be developed, but the implication is clear: **that if we can't do more for (and to) offenders, at least we can safely do less.**¹⁸

constraints

Any plan to move in the direction of community-based corrections would encounter some major obstacles which would impede implementation of such a program.

Legal. (1) The Department of Correction is denied the legal authority to consolidate or close any of the training schools. Only the General Assembly has the power to do so. While this provision of the General Statutes has not been amended or changed, the General Assembly did adopt a special provision of the Appropriations Act that gives the Department of Correction the authority, subject to the approval of the Advisory Budget Commission, to redirect the resources of the training schools to other programs within the Department, should sufficient reductions in the population of the training schools be effected.¹⁹

(2) The Department of Correction lacks the legal authority to contract for services and/or care with local, public, or private groups. This type of authority is essential if the State is to be responsible for developing and coordinating community-based services and residential programs for predelinquent and delinquent youth. A bill that would give the Department this authority is currently before the Legislature.

Administrative. (1) The Republican administration is without a political base of support in the overwhelming Democratically-controlled Legislature, to which it must submit its requests for new programs and services.

(2) If attempts to close some or most of the training schools are successful in overcoming opposition in the General Assembly and the special interest groups, there still remains the problems of shutting down operations, transferring personnel, and finding other productive uses for the vacated schools.

(3) Until recently, the Division of Youth Development had no system of data collection. A record-keeping capability is currently being developed, along with a computerized method of storing social demographic data which will be the base of the evaluation and research program.²⁰

Political. (1) As previously mentioned, the political dichotomy between the administrative and legislative branches of government can be a serious constraint to the implementation of policy and program changes when action of the General Assembly is necessary.

(2) The district court judges of the State, who exercise original jurisdiction in all juvenile cases, are a powerful lobby in the General Assembly. In the 1973 General Assembly, a bill that would have provided for specialization of district court judges in juvenile cases was defeated primarily because of opposition by the judges concerned.²¹ This is seen as a serious blow to reform of the training school system in the State. In addition, these judges have been seen by many of the advocates for community-based corrections as a stumbling block to changes within the system.²²

(3) The training school system in North Carolina is firmly embedded in the

minds of many citizens as the only acceptable way to deal with a delinquent child. There are many reasons for this. First, the system has endured, in virtually its present form, for over one hundred years. Second, most of the schools have become a fixture in the local community; in fact, many of the communities have come to see the schools as being somewhat under their control, a belief the Department of Correction has worked actively to eradicate. Third, the community is wont to see itself as a contributor to the problem of the child in trouble; hence, there is the desire to rid the community of the presence and influence of the young offender.

Budgetary. (1) The issue of the cost of financing a community-based corrections system has not been adequately dealt with in this State. It is an issue that should be at the heart of any proposal, and one that should be built into the planning and evaluation processes of the Division of Youth Development.

Benefit-cost analysis, as a technique for assessing economic utility of a public investment project, is part of established budgetary procedures in the field of water resources. The RAND Corporation used benefit-cost techniques in the expenditures analyses that it was doing for its client, the Air Force, thus helping to firmly implant the technique as a tool for public expenditure analysis. Since 1960, many studies have appeared in other fields, including the social sciences, seeking to apply techniques of benefit-cost analysis.

The literature on corrections reflects a growing interest in benefit-cost analysis as a means of determining more systematically which correctional procedures actually "succeed" in terms of return on funds invested. Adams reports that the data from six controlled experimental projects, carried out between 1955 and 1967, permit greater precision in benefit-cost analysis.²³ The use of "new correctional costs" rather than recidivism rates, is taken as the primary index of adjustment in the community. Adams' research suggests that the results of further application of benefit-cost techniques to corrections might be developed and used to achieve optimal performance of the system as a whole.

There are several reasons for introducing the monetary criterion into correctional evaluation. First, we have the fact that many offenders who are institutionalized are widely regarded as not in need of incarceration. No good is served by the process. This means that corrections is being needlessly inefficient, often to a great extreme. In essence, it is wasting scarce resources.

Second, there is wide belief that institutionalization of many and perhaps most offenders is not only needless but also counterproductive; it is harmful to the offender, his family, and the community. It reduces the offender's socio-economic status and potential directly, and punishes his family and community indirectly.²⁴

Corrections may be described as an ill-advised use of resources, and the best way of understanding it, from a public investment point of view, is to study it in terms of resources expended and benefits received. Such a study is good not only for understanding but also for action. Lawmakers and policy makers find it easier to make decisions on the basis of economic loss and gain than on any other basis.

While recognizing that political considerations will always influence, if not dominate the choices to be made in juvenile corrections policy and programs, we can still move toward a more rational decision-making process; any gain in rationality brings its own compensation in the form of greater social benefits for a given dollar expenditure. This study of juvenile corrections in North Carolina, then, is premised on the belief that applying objective criteria to an evaluation of policy alternatives can clarify options and reduce reliance upon ideological assertions, political horse trading and undocumented rhetoric.

Although there are many political factors that inhibit fully rational and explicit policy deliberations, the present section sets forth a normative decision model for determining a State juvenile correction policy. The model uses a rational choice paradigm that assumes the end of decision making to be the maximizing of the State's juvenile correction objectives, within existing constraints. Under this paradigm, the selection of an optimum correction strategy involves the following steps:

**benefit-cost analysis:
a tool for decision-making**

specify state juvenile correction goals and objectives

Federally-sponsored study commissions have set forth a number of national objectives for juvenile corrections. These multiple objectives fall into broad economic, social, and environmental categories. North Carolina should evaluate the work that has been done nationally and devise goals and objectives that are responsive to the needs and problems of this state.

formulate alternative strategies

There are a range of correction programs and alternative courses of action that may be combined in various ways to achieve the State's goals. Among the available options are the use of intensive probation, group homes, foster homes, youth services bureaus, "day care", and guided group interaction programs.

determine constraints

In practice, there are constraints—political givens, institutional weakness, statutory and other legal provisions, limitations on physical resources, and budget ceilings—which delimit a set of feasible alternatives and the success with which each can be pursued.

evaluate the alternatives

The implementation of each alternative generates a stream of costs and benefits that accrue over time. For comparative purposes, programs are implemented on a pilot basis using experimental or quasi-experimental research design methods calculating benefits and costs

the decision rule

A rational choice of a correctional program requires the selection of the strategy alternative for which the net value is highest.

conclusion

The juvenile correction system in North Carolina is at a critical point in its history. There is dissatisfaction with the present system—a feeling of growing concern that something must be done to re-work it, to make it respond to the needs and problems of those young people who are placed in it by the court.

This interest in changing the system exists at all levels—private citizens, special interest groups, and professional organizations. Local, state, and federal governments have all expressed their concern that the present emphasis on institutionalization give way to a more humane, effective and, indeed, economically efficient method of dealing with the juvenile offender in our society.

Because of the experimental nature of all corrections programs, benefit-cost analysis must be built into the evaluation phase of the planning cycle. The Department of Correction is gearing up for data collection and analysis and has built up a strong research and evaluation staff. It is at this point that benefit-cost analysis could be built into evaluation efforts within juvenile corrections. For in a society where most people-changing programs are seen as impacts upon resources as well as upon persons, benefit-cost analysis is likely to become increasingly important in program evaluation.



Footnotes

¹Mason P. Thomas, Jr. "The Criminal Justice System in North Carolina: Summary and Comment," **Popular Government**, Vol. 40, (Fall, 1974), p. 58.

²Juvenile corrections is a component part of the juvenile justice system which is comprised of local law enforcement agencies, juvenile detention, the district court, juvenile probation and aftercare, and juvenile corrections.

³North Carolina. Division of Law and Order, Department of Natural and Economic Resources, **The Juvenile Justice System Master Plan**, (Raleigh: The Division, 1974).

⁴North Carolina Bar Association, Penal Study Committee, **As The Twig Is Bent**, A Report on the North Carolina Juvenile Corrections System, (May 1, 1972), p. 4.

⁵**Ibid.**, p. 3.

⁶Mason P. Thomas, Jr. "A Summary of Legislation Affecting Juvenile Corrections by the 1973 General Assembly," Institute of Government, University of North Carolina at Chapel Hill, (1973).

⁷From a telephone interview with Carol Smith, special assistant to the Director of Youth Development, April 9, 1975.

⁸**Ibid.**

⁹North Carolina. Division of Youth Development, "Tomorrow in Youth Development," (1974), p. 3; and from a telephone interview with Glen G. Williams, Director, Research and Evaluation, Department of Correction, April 9, 1975.

¹⁰From a telephone interview with Glen G. Williams, Director, Research and Evaluation, Department of Correction, April 9, 1975.

¹¹**Ibid.**

¹²**Ibid.**

¹³**Ibid.**

¹⁴See, for instance, Committee on Community-Based Programs, "A Proposal To Establish A Comprehensive System of Community Services For Children in Trouble in North Carolina," prepared for the Commissioner of Youth Development (September 11, 1972); Eleanor Harlow, et al., **Community Based Correctional Programs**, Center For Studies of Crime and Delinquency Topics, (Washington: Government Printing Office, 1973); President's Commission on Law Enforcement and Administration of Justice, **The Challenge of Crime in a Free Society**, (Washington: Government Printing Office, 1971); President's Commission on Law Enforcement and Administration of Justice, **Task Force Report: Juvenile Delinquency and Youth Crime**, (Washington: Government Printing Office, 1968).

¹⁵Carol Crowther, "Crimes, Penalties, and Legislatures," **Annals of the American Academy of Political and Social Sciences**, Vol. 381 (1969), pp. 147-158.

¹⁶Robert Martinson, "What Works?—Questions and Answers About Prison Reform," **The Public Interest**, Vol. 35, (Spring, 1974), pp. 22-54.

¹⁷**Ibid.**, p. 25.

¹⁸**Ibid.**, p. 48.

¹⁹Thomas, **op. cit.**, p. 10.

²⁰From a telephone interview with Glen G. Williams, Director, Research and Evaluation, Department of Correction, April 9, 1975.

²¹Thomas, **op. cit.**, p. 2.

²²**Ibid.**

²³Stuart Adams, "Is Corrections Ready for Cost-Benefit Analysis?" Revised version of a paper presented at the 98th Congress of Corrections, (Washington: Department of Corrections, August, 1971).

²⁴Daniel Glaser, **Routinizing Evaluation: Getting Feedback on Effectiveness of Crime and Delinquency Programs**, Center For Studies of Crime and Delinquency, National Institute of Mental Health, Crime and Delinquency Issues, (Washington: Government Printing Office, 1971); also, President's Commission on Law Enforcement and Administration of Justice, **The Challenge of Crime in a Free Society**, (Washington: Government Printing Office, 1971).