

**Sociology 3395: Criminal Justice & Corrections**  
**Class 23: Alternatives to Prison:**

Today we'll consider alternatives to prison such as probation, conditional sentences, and 3 types of "intermediate punishment (intensive supervision probation, home confinement and electronic monitoring, and day fines). Probation and conditional sentences are both community-based sanctions, but, while one is very old, conditional sentences have been around for less than a decade. Intermediate punishments have been used in the US for 3 decades, but are only now coming on-stream in Canada. Given the growth of our prison population, there is little doubt that things like intensive supervision probation and electronic monitoring will be further considered in the future.

Needless to say, some of these measures can be controversial, such as that notes in your text of the pregnant woman who committed welfare fraud, was sentenced to house arrest, and later died, possibly as a result of heat-stroke in her apartment and insufficient money to pay for the basics of life. While the actual circumstances of her death remains debatable, this case nonetheless raises issues about the fairness of such sentences. While they may certainly keep people out of prison, they may fall more harshly on some people than on others (e.g. the poor).

**Probation:**

Probation is based on the idea that certain offenders pose no danger to society. Judges give probation at sentencing, after suspending the offender's sentence (except when the offences carries a specified minimum punishment). A probation order can also be imposed alone or as part of a split sentence. The maximum length of a probation order for adults is 3 years. During 1999-2000 it was used in 40% of all single-conviction cases and 49% of multiple conviction cases. When given as the sole punishment, the average length is more than a year (434 days). When given for cases involving more than 1 conviction, this increases to 556 days.

Probation typically involves an offender being released into the community under the supervision of a provincial probation service. It is basically a contract between the offender and the state where the offender promises to abide by the conditions set out by the court. If breached, an offence has occurred.

Compulsory conditions include remaining in the jurisdiction, reporting to a probation officer, keeping the peace, informing authorities when moving and changing jobs, and refraining from contact with criminal associates. Other conditions may be imposed by the court when deemed "reasonable for protecting society and facilitating the offender's successful reintegration into the community" (e.g. drug counseling, staying away from children, firearms restrictions, or performing specific community services).

Judges have a lot of discretion in determining whether to order probation. Under s.731 of the CC, the judge may consider the "age and character of the offender, the nature of the offence

and the circumstances” surrounding the crime in making this decision. As a result, probation orders have been common and they have been consistently elaborated (e.g. long term supervision (a.k.a “super probation” orders and firearms restrictions, particularly in relation to violent offences).

Probation is the most common form of community sanction in Canada. Of the 228,267 convictions in Canada during 1999-2000, there were 72,289 probation orders (down 8% from the year before). 75% of these were for periods between 6-24 months, and the median length was 1 year. The most common offences garnering probation orders were common assault (79%), assault with a weapon and arson (78%), and sexual assault (76%).

Many believe that probation is granted largely to first time offenders who commit a minor property offence. Yet, as the above indicated, it is actually given quite often for violent offences. Two reasons lie behind this: (1) the violent crimes that most commonly receive probation are less serious and therefore warrant a lenient response; and (2) the offender’s prior criminal record. Over 67% of violent crimes were considered by judges to be relatively minor, while property offenders tend to be more likely to have prior convictions than violent offenders.

Studies show both that sentences of probation are increasing as are their lengths. In 2000-01, for example, 9 offences had a median probation sentence of 18+ months. These offences are typically serious in nature, and probation is usually imposed in combination with a term of incarceration. Most violent crimes receive the longest probation terms - about 2 years (attempted murder, robbery, kidnapping, sexual assault, and sexual abuse).

Sex offenders receive longer probation orders than those given to all other violent offenders (in 1997-98, 72% exceeded a year, compared to 47% for all other violent offences). Fewer sex offenders receive short probation terms (under 6 months), and they have longer median terms as well.

75% of violent crimes received probation orders, compared to 55% of crimes against property, 38% of other CC offences, 20% of traffic offences, and 37% of drug offences. Moreover, of the violent criminals who received probation during 2000-01, 32% also received time in jail.

39% of male offenders received probation in 1999-2000 (compared to 45% of female offenders). Combining rates for violent and property crimes, the rates jump to 42% of males and 54% of females. Males tend to receive longer terms of probation than females, though this reverses in the case of arson and impaired driving. 12% of probationers in Canada were Aboriginal, though their numbers are concentrated in the West.

Breaches of probation are common. In 1997-98 there were 11,329 breach cases heard in 9 Canadian jurisdictions. Unemployed young males with a low income, prior record, and a history of instability are most likely to be arrested for breach of probation. Female probationers with

stable marriages, higher education, and either part or full-time employment are most likely to succeed on probation. A number of factors are consistently related to those who receive probation: prior record, a previous probation sentence, and a prior period of incarceration.

The high number of breaches of probation were controversial in the early 1990's when sentencing reform was being considered (i.e. the sanctions, such as "more probation," were ineffective, often led to plea bargaining, supervision was ineffective and insufficiently tailored to the offender, etc.) Bill C-41 attempted to deal with some of these problems by revising some of the provisions relating to the enforcement and administration of probation.

### **The Conditional Sentence of Imprisonment:**

One of the most controversial sections of Bill C-41 was the creation of the conditional sentence. This allows a court to imprison someone for less than 2 years in the community. Such sentences can be imposed where: (1) there is no set minimum period of imprisonment; (2) the court imposes a sentence of less than 2 years; and (3) the court is satisfied that allowing the offender to serve the sentence in the community wouldn't endanger community safety and be consistent with the fundamental purposes of sentencing in the CC.

The idea here was to create an alternative to imprisonment in the hope to cut down the number of people in jail. All the same, these are considered sentences of imprisonment that should be served under strict conditions in the community. Mandatory conditions include maintaining law-abiding behavior, appearing before the court when ordered, remaining within a specific set of boundaries unless the court grants permission to leave, and informing the court or supervisor of any change of address or occupation. Optional conditions include things like attending treatment programs and providing care and support for dependants. Most commonly used are curfews, mandatory medical or psychiatric treatment, and no-contact orders. Least used are home-confinement and electronic monitoring.

Conditional sentences lie in between incarceration and probation in terms of punishment by sentencing judges. They can and should reflect aims of penal policy appropriate to both (i.e. rehabilitation and denunciation).

Between September 1996 and March 1999, conditional sentences were imposed against 58,734 offenders. The average length imposed was 8 months. When combined with probation, 70% of offenders received more than 12 months. Such sentences were most commonly ordered for property crimes (39%), followed by violent crime (31%), drug offences (11%), administration of justice offences (8%), other CC offences (7%), and driving offences (4%). A study of judges reports that judges would impose conditional sentences more often if more support services were available in the community (even though 67% felt that conditional sentences were less effective than jail in deterring crime).

Nationally, women received almost 19% of conditional sentences. Offenders between 31-

40 got the highest proportion of such sentences (33%). 70% of offenders receiving conditional sentences had a prior record. Aboriginals received 17.5% of all orders, though these numbers were far higher in Saskatchewan and Manitoba.

Only limited data is available on breaches of conditional sentences, though LaPrairie (1999) reports the overall breach rate as 17.5% (highest in BC / lowest in Ontario). 56% of breaches were for violating a mandatory condition, 36% for re-offences, and the rest the breach of an optional condition. 44% of these breaches resulted in either partial imprisonment or imprisonment for the rest of the order. 26% resulted in nothing; 20% to “amending conditions,” and the rest an “unknown response.”

Roberts (1999) has raised the issue of disparity in the use of conditional sentences, arguing that the broad discretionary powers granted many judges may lead some to view the same case in different terms. Hence, 1 judge could order prison, another a conditional sentence. Not only that, provinces have taken different approaches to conditional sentences, and thus, geographical disparities have emerged.

Questions arise, as well, as to whether conditional sentences have reduced the number of people sent to jail. When first introduced, supporters of conditional sentences felt that this would be the case; critics argued the opposite. Reed and Roberts (1999), who conducted the first research on this, were cautious about overstating their claims as the use of incarceration had already been declining for several years before 1996. Their analysis does show, however, that the total number of sentences of imprisonment has changed little since the introduction of conditional sentences in 1996 (35% of sentences imposed both before and after the law was changed). Roach (2000) reasons that conditional sentences have, in fact, resulted in “net widening.” However, Belanger (2001), reports that the number of sentences to a term of custody dropped from 60 to 49% while probation orders increased from 40-42%. He concludes, directly in opposition to Roach, that net widening is thus not occurring at the national level. Clearly, more research is needed on this question.

### **Intermediate Sanctions:**

Community corrections have traditionally used rehabilitation to deal with offenders. Probation officers have acted like caseworkers or counselors whose primary responsibility is to assist offenders to adjust to society. Naturally, surveillance and control of offenders is minimal when compared to the formal CJS. As a result, in the past 20 years, intermediate sanctions have been introduced to fill this gap.

Intermediate sanctions include things like intensive supervision probation, home confinement, fines, electronic monitoring, and restitution orders. Referred to as “judicially administered sanctions,” these are reflective of justice-model based policies. One of the biggest issues here is if a large number of offenders in these programs recidivate and end up in jail, the savings wouldn’t be as large as anticipated by proponents - and the number of freed up jail

spaces would be less. Thus, to be successful, care must be taken to maintain a high quality of program as well as carefully screen the type of offenders participating.

Such sanctions were first introduced as a means to cut prison overcrowding and cut costs. Early advocates also believed they would better protect the community by providing additional mandatory controls over offenders not available in probation orders, as well as providing an additional form of deterrence and more effective rehabilitation. These programs are so popular because of the alleged cost savings compared to prison, the fact that offenders must in many cases work and pay taxes, and the fact that some jurisdictions require offenders to help pay for the costs of the program. As well, intermediate punishments can result in sentences that are seen as fair, equitable, and proportional (e.g. in fraud, some control may be needed, but prison may be overkill and just make things worse). This can increase sentences for those who are re-convicted of an offence but for whom a prison sentence may be inappropriate. It may also provide a stronger form of control than ordinary community supervision. Greater surveillance may also lead to greater deterrence, as well as limit opportunities to engage in certain illicit activities.

Critics, however, argue that the benefits of intermediate punishments haven't been achieved. Instead, they've brought in a new era of punitive punishments that simply incarcerate more offenders than before. Clear (1994) believes these new punishments reflect the "penal harm movement," a series of 7 interrelated components based on the assumption that crime rates can be reduced if more offenders are punished and placed under the control of CJS agencies (an argument related to "net widening"). The components of this movement, when combined, create what Clear calls the "punishment paradigm" emphasizing that: (1) the root causes of crime cannot be changed/ are irrelevant; (2) programs meant to deal with root causes are misguided; (3) criminals will only be deterred if the CJS ensures they suffer for their wrongs; (4) prisons are effective at crime prevention because they keep offenders off the street; (5) society will be much safer with lots of criminals in jail; (6) offenders in the community must be strictly controlled through intermediate punishments; and (7) if crime rates don't go down, more of the same is needed (i.e. punishment/ intermediate sanctions).

The first form of intermediate sentence we will consider is intensive supervision probation. ISP is the most common form of intermediate sentence. They are popular due to their perceived ability to cut prison populations, eliminate the need for costly new prisons, and prevent the negative impact of imprisonment on offenders. They are also seen as a more effective way to promote public safety by ensuring that offenders are subject to intensive surveillance, thereby reducing the opportunities for involvement in criminal activities.

One major difference with regular probation is ISP's small probation officer-client ratios (about 15-40 clients per officer). Other elements that stand out are: (1) extensive supervision (e.g. frequent meetings, regular contacts with associates, spot checks); (2) focused supervision (e.g. in relation to specific issues such as drug use); (3) ubiquitous supervision (e.g. random tests and unannounced visits); (4) graduated supervision (i.e. its intensity can be eased off over time or intensified if problems arise); (5) strict enforcement (i.e. penalties are swift and severe); and (6)

coordinated supervision ( monitoring by specially selected and trained officers operating as part of a larger unit). Such programs are not designed for leniency but as punishment - to increase the heat on probationers and satisfy the public's demand for punishment. As such, these programs are usually not easy to participate in. As a result, when given ISP as an option, many offenders indicate that they would rather just go to jail (25% in one study).

Such ideas led to the rapid expansion of ISP programs in the US, and, to a lesser extent, in Canada. High expectations were everywhere. Yet, these were based on a series of assumptions about how prison crowding, cost, and crime control would be impacted. These included: (1) that many medium risk offenders shouldn't be sent to prison but be dealt with in the community; (2) that cost-effectiveness would emerge out of fewer people being sent to prison because judges sentencing practices would change in favor of ISP's; and (3) that ISP's provide greater crime control/deterrence than probation but less than prison.

Yet 3 major findings consistently appear in evaluations of ISP's. First, most ISP participants were not people who would have been sentenced to prison in the first place. Judges basically ignored the guidelines and widened the net by placing lower risk offenders in ISP's. Secondly, ISP participants increased their re-arrest rates after being placed under increased supervision (e.g. many more technical violations). As a result, incarceration rates and system costs went up, not down. Third, recidivism rates were reduced in those ISP's that included a rehabilitative component. Hence, crime control could be achieved by ISP's, but largely through the use of rehabilitative measures (e.g. drug treatment).

### **Home Confinement and Electronic Monitoring:**

HC and EM are measures designed to restrict offenders to their place of residence. In HC, offenders stay at their place of residence rather than a correctional facility. As a result, the offender maintains family ties, can continue employment, and may take advantage of community programs and resources.

A significant concern with HC is surveillance. How can correctional officials guarantee that offenders are following their probation orders and remaining at home during the designated times? This may be solved by the second measure, EM. Basically, EM informs officials at a central location if the offender is not following the terms of his HC agreement by violating curfew. By increasing the certainty of detection, it was hoped that EM would deter offenders sentenced to HC from re-offending.

Like ISP, HC and EM became popular within a few years, particularly during the late 1980's / early 1990's. The interest in EM, in particular, is due to the projected cost savings combined with the presumed effectiveness of the surveillance they provide. Canada has been slower to introduce HC and EM, despite the *Proulx* ruling that conditional sentences should include HC as "the norm, not the exception," and "virtually mandated the use of EM as part of many conditional sentences." Provincial governments have, in fact, been criticized for moving

slowly on these matters.

Until recently, the most common form of EM was the “continuously signalling system” in which the offender wears a transmitter monitored by officials at a central office. This is done through a “receiver-dialer” attached to the offender’s phone that dials the authorities if the offender is not home during the designated times.

The second major form of EM involved periodic calls being made to the offender’s residence, and the offender’s presence is verified by programmed contact equipment (e.g. key-like devices, voice-printing, etc.) Some offenders may even be tracked using GPS.

Low risk offenders have been the traditional target group of HC and EM programs. When first instituted on a large scale in the US, they were almost exclusively used for drunk driving and driving while suspended cases. Successful program completion rates were high (80-90% and higher). The first Canadian use of EM occurred in BC. Beginning as a pilot project in Vancouver in 1987, 92 non-violent offenders were placed under EM (again, mostly drunk driving and suspended license cases). All offenders completed the program successfully. As a result, the program was expanded, and, by 1992, EM was available more or less province-wide. At that time, it reported cost-effectiveness over prison.

Such success rates have led policy-makers to consider placing more serious offenders on HC and EM. Newfoundland conducted an EM program with high-risk offenders combined with an intensive treatment program. After 1 year, the recidivism rate was 26.7% - lower than that for probationers and a matched group of inmates. The extra programming may help explain the lower than expected recidivism rate for this group.

To date, most EM programs Canada are found in BC, Saskatchewan and Newfoundland. Alberta, Quebec, NB and NS don’t use it, and the rest use it only sparingly (Ontario only had 65-70 offenders participating in 1999). The use of EM in Canada is limited due to its unavailability to the judiciary or to political concerns about public safety. There is frequently more concern about law and order/ public safety than reintegrating low-risk offenders into the community. Many judges may decide to use EM if available as a sentencing option in their provinces, especially for conditional sentences.

Has EM been successful in Canada? Bonta (1999), in a review of the BC, Sask., and Newfoundland experience, found lower recidivism rates for offenders placed on EM when compared to probationers and those placed in custody (26.7% vs. 33.3 and 37.9% respectively). However, when controlling for the seriousness of offence, it was found that the EM participants had lower recidivism rates because they were lower-risk offenders in the first place. Once the risk levels of the offenders were included in the analysis, differences in recidivism rates couldn’t be statistically attributed to any type of sanction. It was therefore concluded that EM programs don’t reduce the recidivism of offenders more effectively than custody or probation. Questions were also raised about net-widening, specifically whether EM programs are targeting low-risk

offenders who would otherwise have received a community sanction. This led to further questions about whether such programs were really cost-effective, whether they contribute to greater public safety, and whether attempts to reduce criminal behavior are better served by treatment programs.

Other criticisms of EM have emerged from the US experience. For example, no significant differences were found in the recidivism rates of high risk probationers under EM and those under traditional forms of supervision. There have been some conflicting studies - for example that EM worked better with some types of offenders, such as the young and unmarried. Overall, however, it appears that EM doesn't guarantee reduced recidivism rates compared to manual supervision programs.

Finally in this regard, let us consider the impact of HC and EM programs. Clear and Hardyman (1990) claim that early supporters of ISP's had exaggerated claims of better crime control, reduced prison populations, fiscal savings and greater public safety. The research since has largely backed them up, and, as a result, these programs are less popular now in criminological circles than they once were. Could the same be the case with HC and EM? Because all of these have been viewed as panaceas, little attention was initially paid to the clarity of these programs' goals, often making it hard for researchers to state whether a program has been successful in its own terms. ISP programs, it has been stated by Tonry (1990), therefore have succeeded not in terms of their stated goals, but rather in serving "latent bureaucratic, organizational, political, professional, and psychological goals of probation departments and officers."

Bonta et.al (2000) believe that the impact of EM varies with the intended outcomes. If such a program is designed purely to achieve program completion, then the surveillance and control nature of EM "may ensure that offenders complete a period of supervision without incident." However, if the desired outcome is to reduce recidivism, then EM has "questionable merit."

### **Fines:**

Since 1996-97, fine sentences have decreased in Canada (37% in 2000-01 vs. 44% earlier). However, there has been a corresponding trend towards higher fines (42% over \$500 in 2000-01 vs. 21% before; the median increasing from \$300 to \$400).

Fines may be imposed alone or in conjunction with other sanctions (except where there is a minimum penalty or one more than 5 years, where a fine cannot be imposed alone). Fines are rarely used in severe crimes against the person.

Statistics from 1996-97 show that fines were most commonly used as a single sanction (45%). A bit more than 1/3 of the time fines were imposed in impaired driving cases. While fines were imposed in 41% of cases with convictions, only 2% of offenders who received a prison sentence also had to pay a fine. Fines were used in 19% of single conviction cases involving



violence. The highest average fine is found in impaired driving cases.

Questions about the fairness of fines have arisen. In most jurisdictions judges receive little guidance about how and upon whom to impose a fine. Still, judges consider the facts of a case and often use fines appropriately (e.g. more often for low-risk offenders). Nevertheless, judges often impose fines with little information on the offender's ability to pay, which results in many poor people defaulting on fines and ending up in jail. In 1997-98, just over 1/5 of admissions to provincial correctional facilities were for failing to pay a fine. While down slightly, such admissions have decreased little over the past 15 years (these numbers varied by province as well, with Alberta and Quebec posting the highest rates of admission in this regard).

Some provinces have created fine option programs in an attempt to create alternatives for such people. The Law Reform Commission had claimed that fines can have a discriminatory effect on poor people as well as Aboriginals (indeed, this is a major contributor to Aboriginal over-representation in correctional facilities, due to higher rates of unemployment). It has been argued that the use of custody in such circumstances violates the principle of proportionality.

A solution to this difficulty was to have defense counsel introduce information about an offender's ability to pay a fine into the court record, subject to cross examination. It would also be possible for the judge to request this information in the pre-sentence report. Bill C-41 simplified this by setting out that courts may only fine an offender when satisfied that s/he is able to pay a fine. Otherwise, alternative sanctions must be considered (e.g. conditional sentence, probation, discharges or incarceration).

Another solution is day fines. These are fines weighted by a daily income value taken from a chart similar to an income tax table (including calculations for the offender's dependant, if any). Evaluations of such programs in the US have found them generally successful, both increasing the amount collected from fines while reducing the number of arrest warrants for failure to pay. Even when not totally paid, most offenders paid at least something.

### **Intermediate Sanctions: How Well Do They Work?**

In the mid 1980's, intermediate sanctions were called the future of corrections. Now, we have the ability to see whether they've lived up to their promises to reduce prison populations and costs while deterring crime. Several Canadian and US evaluations bear on these issues.

First, with regard to the issue of reducing prison overcrowding, this is based on the belief that most individuals convicted of a serious crime are sent to prison. Yet, this is incorrect, since most felonies never were or are not now punished by imprisonment. Indeed, Morris and Tonry (1990) claim that offenders placed on intermediate sanctions would otherwise be placed in regular probation programs or suspended sentences instead of going to jail. Moreover, evaluations of intermediate sanctions programs have revealed high re-arrest rates, with at best 50% of offenders completing the program. As such, researchers have found that intermediate

sanctions such as intensive supervision probation and electronic monitoring have had only a minor impact on the prison population.

Next, with regard to the idea that ISP's will result in significant cost savings, it must be noted that most of these arguments are based on average per-offender cost. This is a misleading unit of analysis, because the length of time offenders are sentenced to prison or ISP's is not considered (i.e. if the average offender serves 12 months in an ISP at a cost of \$3000 but would otherwise have served 3 months in prison at a final cost of \$4000, the ISP programs cost more, not less). Comparing per-offenders cost is also misleading because it is assumed that all offenders are diverted into ISP's from prison, when, in fact, between 50-80% are diverted from regular probation programs - which cost something like 6 times less per day than ISP's. Moreover, the higher number of people being placed into ISP's by the courts, the lesser the savings because fewer people are being taken out of prison. Furthermore, most cost comparisons look only at the costs of building a new prison but ignore the cost of running an ISP program. Hiring and training employees increases direct costs in the form of salaries, overhead, long-term employment benefits and pensions.

As a result, when all direct and indirect costs are factored in, any cost savings may be quite limited. Indeed, Petersilia and Turner (1993) found no cost savings in 14 programs in the year following implementation. In fact, the many technical violations, revocations, court appearances and incarcerations drove up costs up to twice as high as before. Similarly, Palumbo (1992) found that organizational operating problems increased the cost of such programs to more than that of prisons - since the number of program participants were increasing while the prisons remained overcrowded. Only when the number of people diverted from prison by such programs permit the closing of all or part of an institution or the cancellation of construction plans will there be substantial savings.

While it has been further argued, in support of the cost-effectiveness argument, that many ISP's charge offenders to participate (67% according to 1 study, with an average cost of \$200/month), the problem is that recidivists are not counted. Since offenders may be caught for technical violations or new crimes and be sent to prison, the additional time incarcerated has to be factored in to any comparison of costs. With recidivism rates of 40-50%, this may at least cancel out any costs recouped by charging up front.

The third major issue raised by proponents of ISP's is their effectiveness in controlling crime (based largely on the early evaluation studies). Yet, later studies have revealed that many offenders released from ISP's committed serious crimes once released into the community. Even low-risk offenders have been found to re-offend at a high rate upon release (almost 27% in 3 provinces, even when they had lower risk levels than either inmates or probationers). According to Bonta (2000), the lower recidivism rate of those involved with EM programs is explained by the lower risk of the offender. But numerous other studies have found that individuals released from ISP programs have high rates of recidivism, often for serious crimes. It has also been found that these programs fail to result in any reduction in crime rates - though they haven't really been

shown to increase them either.

In one of the most comprehensive analyses, Petersilia and Turner (1993) reported that of the 14 ISP programs they studied, no participants were arrested less often, had a longer time before being re-arrested, or were arrested for less serious offences than offenders on regular probation. When they controlled for technical violations, the record for ISP programs looked even worse. About 65% of ISP offenders recorded a technical violation, vs. 38% of those on regular probation. There was found no support for the argument that offenders arrested for technical violations reduced the incidence of any future criminal acts.

So do ISP's work? The above concerns do not mean that they should necessarily be abandoned. Perhaps the expectations were just too high at the outset (something that occurs regularly throughout the history of corrections). Yet, a number of important lessons can be learned from these initiatives. The number of offenders entering the system is beyond the control of CJS officials. Political demands for tougher penalties can have an impact on policy, and the police and courts can "crack down," but then the correctional system faces a conundrum as to where to put all of the cases that come its way.

The justice model underlies these ISP's. Results to date have shown that ISP's do not reach their objectives. They also question whether alternative sanctions are the best way to deal with minor offenders. Yet, some evidence suggests that ISP's merged with rehabilitation based initiatives achieve more favorable results (Gendreau, 1994). As a result, researchers have come to recommend the inclusion of rehabilitation in these programs (e.g. occupational skill enhancement, behavior modification, drug treatment, counseling, etc). Indeed, even the most critical researcher found better numbers for ISP's with a rehabilitative component.

Of course, any such program would have to identify which offenders would receive which treatments. As such, the principles of risk, need, and responsivity would have to be introduced (e.g. placing drug dependent offenders into ISP's with forbids drug use, tests a lot, and provides no access to treatment virtually guarantees high violation rates). The potential for ISP's with a strong rehabilitative component exists, but only if they evaluate and provide an opportunity to channel offenders into treatments that address their criminogenic needs - sources of criminality that are not targeted and affected by surveillance and punishment.

### **Summary and Conclusion:**

ISP's have developed rapidly to service the needs of both the social control system and offenders. Their types of sanctions fall in between jail and probation, filling a need for the state to maintain a significant degree of control over offenders while enabling offenders to live in the community. The argument is that this will both save money and give the appearance that sentences are more fair.

The most common form of ISP is intensive supervision probation, though home

confinement is also increasing in popularity, accompanied by electronic surveillance. Day fines are another alternative directed towards those offenders not able to pay a fixed fine due to their employment status.

To date, despite advocates' claims, researchers do not feel that these programs have met their goals . Nevertheless, they have identified many program components as being crucial factors in future criminality. Despite their successes or failures, these programs will continue to be used in the hope that they will somehow turn out, with fine tuning, to be low-cost, high security alternatives to traditional forms of punishment.