

## A REVIEW OF RESEARCH FOR PRACTITIONERS

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### Exploring the Implications of Four Sanctioning Orientations for Community Corrections

BY M. KAY HARRIS

#### *Introduction*

THESE ARE exciting but challenging times to be involved in community corrections. A great deal of innovation is occurring at many levels. There is talk of new paradigms, legislatures are authorizing new intermediate sanctions, and new programs are being developed across the country. The feast of new ideas and practices is giving fresh energy to practitioners who had tired of fighting the ideas that nothing works and that community corrections programs are nothing but a slap on the wrist. Yet the pace and scope of change make it hard to digest all that is being offered. There is a temptation to want to “take one of each” product, to have a bit of everything. But it is prudent to consider how well the different offerings may go together before heaping them all on a plate.

There is a growing sense that the field needs a new narrative to help in making choices and in explaining them to other justice system practitioners, public officials, and citizens in general. Advances seem to be moving in many directions at once. Certain buzzwords and themes are repeated, but there is a lack of overall coherence in the messages being broadcast. Thus, a narrative is called for that offers a compelling vision of what community corrections can achieve, a vision that can attract sufficient numbers of adherents to guarantee its implementation. This will require articulation not only of important goals that people believe are worth pursuing, but also the presentation of a persuasive case that the means for achieving them are at the field's command.

This article is intended to help advance the formulation of more vivid narratives for the field by fleshing out some of the implications of pursuing one or another

of four popular orientations toward sanctioning. This is not meant to suggest that these are the only perspectives that might be embraced. Rather, the aim is to utilize a set of widely discussed perspectives to illustrate the significance for community correctional practices of adopting one or another. Although each of these orientations has received a lot of attention in recent years, the narratives that attempt to tell their stories are in different stages of development. Moreover, the four outlooks reflect some rather marked differences in values, assumptions, methods, and outcomes sought. Yet they often are jumbled together. Thus, it is important for policymakers to wrestle with the question of which of these or other orientations best captures their aspirations and can guide their methods most effectively.

Nearly 15 years ago, I developed a monograph, *The Goals of Community Sanctions*, which was published by the National Institute of Corrections (NIC) as a tool for dialogues about how and why decisionmakers wanted to use non-institutional correctional programs (Harris, 1986). That manuscript grew out of work done for seminars offered by NIC's National Academy of Corrections in 1984 and 1985 on community sanctions and reducing jail and prison crowding. Those sessions involved managers of community correctional agencies working to clarify the goals and philosophies of their sanctioning policies and practices. To assist in that process, the monograph was designed to help clarify distinctions among major sanctioning philosophies and to facilitate exploration of their implications for community sanctions. It therefore revisited the traditional goals of sentencing, including retribution, deterrence, rehabilitation, and incapacitation, and offered illustrations of how these aims were translated into features of a sanctioning system.

Rather than focusing on the traditional philosophies of punishment, this article highlights a number of broader orientations toward sanctioning. These viewpoints embody or reflect possible agency missions and can serve as orienting bases for resolving issues about agency policies and practices. They typically encompass

more than one of the long-standing goals of sentencing. Specifically, this discussion focuses on Risk Control or Limited Risk Management, Effective Correctional Intervention, Structured Sanctioning, and Restorative or Community Justice. Each of these orientations has elements that recommend it, but this article is not intended to make a case for adopting one or another of these perspectives. Rather, the aim is to encourage closer attention to the general framework within which particular programs or projects are being developed and greater awareness of the implications that flow out of decisions to embrace a given orientation.

### ***The Outlines of Four Alternative Orientations***

As noted above, this article employs four broad orientations to sanctioning as vehicles for exploring the implications of trying to shape policies or programs to be consistent with a given orientation. Before illustrating the possible ramifications of adopting a particular sanctioning orientation for such matters as the types of knowledge, information, and personnel needed to operate effectively, it is necessary to provide brief descriptions of each of the four general perspectives that are being used. The aim is less to provide definitive summaries of each orientation than to offer a general description that will allow inferences to be made as to design features of programs or policies that would follow logically from each framework.

These are obviously wide categories, and there are many variations among policies and programs falling within each. These four orientations to sanctioning also are employed at different levels. Sometimes individual programs, such as a victim-offender mediation program or an intensive supervision program, have been shaped on the basis of one of these perspectives. In other cases, an agency has decided to adopt a particular orientation, such as Risk Control or Effective Correctional Intervention, to guide all of its policies and operations. In other situations, efforts have been made to conform all of a jurisdiction's decisionmaking at one or more phases of the criminal justice process, such as sentencing and parole release, to an orientation like Structured Sanctioning or Restorative Justice. This means that in a given state or locality, and even within a given agency, elements of more than one of these orientations often are present.

Arguably, it would be desirable to organize this analysis according to a larger number of more specific frameworks. What is here being treated as an orientation called "Restorative and Community Justice" is an especially broad category that well could be divided into at least two totally separate perspectives. However, there also are important common features that distinguish programs that fall within any of these four broad categories from programs that are more consistent with another orientation. Because the aim here is not to pro-

vide a definitive account of a particular orientation, but rather to illustrate the difference that choice of orientation can make, these wide categories are sufficiently distinct for these purposes.

### ***Risk Control***

A Risk Control orientation is based on recognition that no correctional program can eliminate all risks. Furthermore, it is not feasible to incarcerate all offenders for long terms, a tactic that undoubtedly would reduce crime significantly but still not totally eliminate criminal behavior. At the heart of a Risk Control orientation is the belief that correctional agencies can assess the various kinds and degrees of risk that different types of offenders pose and then apply different control measures that correspond to the risk levels identified. Two major types of activities are involved, risk assessment and risk intervention. The assessment function is intended to distinguish between offenders who pose such extreme levels of risk that they should not be allowed to remain at liberty in the community and those who, while not risk free, pose lower risks. The risk intervention function involves both imposing controls on offenders under community supervision and monitoring the performance of those offenders. Controls can be adjusted, up to and including confinement, as offenders' circumstances or behaviors change. Thus, although risk of reoffending cannot be totally eliminated, the idea of Risk Control is that risk can be managed.

The roots of Risk Control lie in disenchantment with rehabilitative efforts. Beginning in the late 1960s and early 1970s, the ideas spread that available treatment programs were ineffective in reducing recidivism and that continued efforts to offer rehabilitative programs and services to offenders resulted in doing nothing more than coddling the offenders so treated. Many people then were attracted to the line of thinking set forth by James Q. Wilson in *Thinking about Crime* that if government lacks knowledge about how to rehabilitate, at the least it can incapacitate known offenders (Wilson, 1975). Such reasoning fueled crime control policies designed to achieve the confinement of repeat offenders or those deemed dangerous, and this general line of thinking carried over into community programs. Many probation and parole agencies began to emphasize the law enforcement and surveillance aspects of their traditional duties.

Feeley and Simon have described the resultant orientation as reflecting a "new penology" quite dissimilar from the "old penology" (Feeley & Simon, 1992). They identified changes between these two types of correctional practice in the following three major areas:

1. a shift from the discourses of retributive judgment and clinical diagnosis to a language of probability and risk;
2. a change in emphasis from goals having an external social referent like reducing recidivism to objectives emphasizing the efficient control of managerial or internal system processes; and

3. the deployment of new techniques that focus on managing groups of offenders rather than methods for individualizing. (p. 450)

A Risk Control orientation exemplifies the “new penology.”

#### *Effective Correctional Intervention*

A narrative for community sanctioning that focuses on Effective Correctional Intervention calls for reaffirming rehabilitation as a central organizing principle of correctional treatment, but in improved form. Specifically, the call is for redesigning the interventions used within the correctional system to achieve the strikingly positive results that well-designed programs can achieve. Sometimes called competency development, treatment, or simply rehabilitation, this orientation rests on both a normative preference for trying to address the needs of offenders constructively and an empirical rejection of the idea that “nothing works” to reduce reoffending.

Many community corrections professionals entered the field with hopes of making a difference in the lives of people in conflict with the law, and they want to do more than monitoring and catching their charges in wrongdoing. Many practitioners never accepted the idea that treatment is ineffective; rather, they observed that the field had suffered from a dearth of treatment resources and insufficient documentation of positive results. Recently, these beliefs have received strong research backing. Studies of various types have documented that surveillance alone is not effective in achieving long-term behavioral change, that treatment programs generally have positive effects in reducing reoffending, and that well-designed interventions can have extremely positive results. Furthermore, some research findings suggest that “treat ‘em mean” programs—those that involve only surveillance, punishment, and control with no treatment components—are associated with increases in subsequent offending.

An underlying theme of this orientation is that the “bad rap” from which correctional treatment programs have been suffering is an artifact of poorly conceptualized or incompletely implemented programs, as well as of flawed studies and unsophisticated interpretations of the available research. Armed now with greater knowledge, and a commitment to better designing and implementing programs consistent with that knowledge, this narrative supports not simply “kinder, gentler” interventions, but also more sophisticated ones. To qualify, these interventions should concentrate resources on the higher-risk offenders placed on community supervision (the risk principle), address only those needs of offenders most closely associated with the likelihood of future crime (the “criminogenic needs” principle), and pay heed to the interaction effects among various types of offenders, treatment providers, and settings (the responsivity principle).

#### *Restorative or Community Justice*

Two related sets of initiatives have emerged in recent years that rest on very different assumptions from the Risk Control and Effective Correctional Intervention orientations. Rather than giving primary or exclusive attention to offenders and how their control or treatment can affect public safety, advocates of these perspectives urge a more expansive view of crime, how best to respond when it occurs, and how to reduce its damage to the quality of life. As used here, “Restorative or Community Justice” refers to activities that build on the ideas central to both Restorative Justice and Community Justice perspectives.

In a Restorative Justice perspective, crime is conceptualized as harm to people and relationships, and the primary goals of justice intervention therefore should be to resolve the conflicts, to prevent additional harm, and to seek to repair the damage already done, insofar as that is possible. Offenders continue to be an important focus of attention in Restorative Justice models, but not as mere objects of punishment or control measures. Rather, efforts are made to engage offenders in trying to “make things right” to the full extent consistent with the satisfaction of all involved. In addition, preference is given to processes in which victims and community representatives participate in more central ways than is true in conventional criminal justice practice. Restorative Justice generally has been associated with such practices and processes as restitution, community service, victim-offender mediation, and other forms of conflict resolution, as well as victim services and efforts to address the needs of offenders.

The term “Community Justice” is being used as a broader umbrella concept for a range of efforts designed to increase the role of community members in setting priorities and developing strategies for preventing crime, responding to disorder, and enhancing the quality of community life. Community justice initiatives are not focused exclusively on responding to offenders or crimes after the fact, but also on addressing the local problems that are conducive to crime. Many community justice initiatives have emerged from the grass roots level, rather than from criminal justice or other public agencies. Community-oriented projects with justice system involvement include such initiatives as community justice or mediation boards, community policing, drug courts, community courts, community prosecution, and community defense.

#### *Structured Sanctioning*

Rooted largely in concern about disparity in sentencing and other dispositions, and bolstered by additional concerns about the potential abuses of wide and largely unreviewable discretion, many reforms adopted in the last decade or two have been intended to promote more Structured Sanctioning. Jurisdictions

have adopted new decisionmaking policies or guidelines for sentencing, parole release, probation and parole revocation, pretrial release, and other dispositional decisions. These initiatives have aimed to make decisionmaking more predictable, more consistent, and less susceptible to the prejudices or quirks of individual decisionmakers. In addition, some Structured Sanctioning reforms have incorporated information developed from empirical research intended to improve the effectiveness of the decisions made in achieving stated goals of the decision stage. In light of research evidence that statistical predictions are more accurate than clinical ones, efforts have been made to improve decisionmaking by structuring policies to reflect research knowledge.

A range of approaches has been used to limit, guide, and structure the exercise of discretion. The factors given weight in the policies developed have varied to some extent, but decisionmaking guidelines commonly incorporate dimensions reflecting the seriousness of the current offense or violation and some measure of prior criminal history. As noted, some decisionmaking tools have incorporated an actuarial dimension, including information on factors correlated with offender risk of re-offending or other misbehavior (e.g., failure to appear). Such Structured Sanctioning policies have been adopted at the pretrial release and parole decisionmaking stages.

When the most recent round of efforts to develop clear policy guidance for pretrial and dispositional decisions got under way in the early 1980s, a major concern was with meting out "just deserts" or "doing justice." This goal was reflected in many efforts to equalize sanctions by linking the severity of the penalty more closely to the seriousness of the crime. This was a major goal of sentencing guidelines systems developed in Minnesota and Oregon, for example. More recent Structured Sanctioning initiatives have given more attention to "truth in sentencing" and other efforts to limit parole and other releases from incarceration before offenders have completed their maximum terms. Some policy changes also have been motivated by desire to regulate growing demands on prison beds, especially the portion of that demand resulting from high rates of probation and parole revocation.

A number of Structured Sanctioning initiatives have been focused explicitly on better regulating use of secure confinement resources. For example, as a result of studies conducted in New Hampshire suggesting that many youths who were being committed to the public training school there did not appear to be serious or chronic offenders, a committee was appointed to study dispositional policies for delinquency cases. Guidelines designed to increase the consistency of training school placement decisions and encourage the placement of only the most serious and chronic delinquents in the in-

stitution were developed (Barton, 1998). Other projects directed toward Structured Sanctioning have arisen from concern about inequities in treatment in the absence of clear policy standards. Concern that racial minorities are over-represented in secure facilities within both adult and juvenile justice systems has fueled a variety of efforts to develop dispositional policies that would be race-neutral in application.

### *Exploring the Implications of Competing Sanctioning Orientations*

Whether or not they are consciously mindful of embracing any particular orientation toward sanctioning, those who are shaping policies, programs, and practices in criminal justice typically bring some type of underlying conception to the process. The following sections of this article are designed to illustrate the significance of choices made as to which of these four broad orientations to sanctioning (or others) will be reflected. Because the various perspectives reflect important differences in underlying interests, stated goals, and sentencing philosophy, efforts to design innovations or reforms that will best satisfy the underlying goals should mirror the internal structure and logic of the preferred orientation. Each of these frameworks suggests different answers to questions about how best to structure decisionmaking and policy development processes, the types of personnel needed, the optimal features of sanctions to be employed, and other design issues. Some of the key differences in features that logically would follow from adoption of one or another of these four orientations to sanctioning are suggested in the accompanying table and discussed below.

#### *Primary Aims, Philosophies, and Outcome Measures*

Although it sometimes is argued that all correctional programs should have enhancement of public safety as a primary goal, there are rather dramatic differences among sanctioning orientations in the extent to which this is a dominant aim and in the ways in which the activities involved are related to security ends. Risk Control, Effective Correctional Intervention, and Restorative or Community Justice orientations all emphasize one or more aspects of community safety, but that is not necessarily a primary aim in Structured Sanctioning approaches.

Among the means employed to enhance the security of the community, a Risk Control orientation is perhaps the most modest in its aspirations. A Limited Risk Management approach is not directed toward trying to assist offenders to become law abiding in the future. What is promised is that offenders under supervision, at least medium- and higher-risk offenders, will be subject to restrictions on their activities and to extensive monitoring and that any missteps will be met with a swift response. Thus, the major crime prevention

TABLE 1. IMPLICATIONS OF FOUR ORIENTATIONS TO SANCTIONING

|  | <b>Risk Control/Limited Risk Management</b>  | <b>Effective Correctional Intervention</b>   | <b>Restorative or Community Justice</b>  | <b>Structured Sanctioning Policy Development</b>  |
|--|--|--|--|---|
| <b>Primary Aims</b>  | Provide effective supervision to minimize new crimes & violations by offenders while under supervision; provide swift response when violations occur | Reduce rates of reoffending through effective risk management & appropriate correctional intervention & treatment                        | Engage victims, offenders, & community in repairing harm caused by crime, healing relationships, & addressing causes of crime & conflict | Promote equity and predictability through development of guidelines or policies to govern dispositional decisionmaking              |
| <b>Dominant Philosophy</b>                                     | Incapacitation & Specific Deterrence   | Rehabilitation & Specific Deterrence   | Restitution, Community Needs, Reconciliation   | Retribution/Just Deserts & Deterrence   |
| <b>Primary Outcome Measures</b>                                | Effective sorting/movement of offenders on continuum of control; revocation/resentencing as needed to control risk                                   | Improved cognitive and life skills; reduced reoffending  | Participant & community satisfaction/confidence; improved quality of community life  | Extent of conformity of decisions with guidelines & acceptability of reasons for exceptions   |
| <b>Implications for Policy Development</b>                     | Requires development of refined supervision policy, with supervision standards linked to risk levels   | Requires assessing risks, needs, & other offender & staff characteristics & formation of policies to address risk, needs, & responsivity | Requires fundamental rethinking of traditional operations, activities, & desired outcomes & delineation of new ones                      | Requires purposive redefinition & scaling of sanctioning options and their target populations                                       |
| <b>Key Decisionmakers</b>                                      | Judge makes In/Out decision & may impose conditions; corrections personnel determine risks & set/modify supervision levels                           | Judge makes In/Out decision & may impose conditions; corrections personnel determine risks, needs, and most appropriate interventions    | Victims, community members, CJ reps, & offenders involved in determining how to respond to crime; judge has formal authority             | Commissions or policy boards establish overall policies; judge retains formal sentencing authority (appealable) within the policies |
| <b>Decisionmaking Tools</b>                                    | Requires development and use of validated risk assessment instruments  | Requires development of validated risk, needs, & other assessment tools (e.g., to match offenders, staff, & interventions)               | Requires skilled facilitators, safe setting, & communication linkages with victims & community members                                   | Requires structured array of sanctioning options & policies to guide their use (often in the form of a grid)                        |
| <b>Key Items of Information</b>                                | Offender risk level  | Offender risk level & "criminogenic needs" & key characteristics of offender, treatment provider, & setting                              | Type & extent of harm; preferences of victims, community, & offender; offender needs   | Offense gravity and offender's criminal history; may include risk assessment, other items   |
| <b>Technical or Substantive Knowledge Required</b>             | Ability to design or select, validate, & use risk assessment instruments   | Knowledge of what works to reduce reoffending; interpersonal skills & effective treatment skills   | Skill in problem solving, mediation processes, community participation, & collaboration  | Talent in policy development & guideline construction, monitoring, & adjustment   |
| <b>Implications for Staffing &amp; Training</b>                | Suggests retraining to emphasize monitoring, surveillance, & enforcement duties  | Requires retraining of staff in effective intervention approaches & referrals or contracts for services                                  | Demands redefining roles & ways of working & new skills for (e.g., in mediation, collaboration, & problem solving)                       | Requires training in application of guidelines & how to monitor and enforce sanctions employed                                      |
| <b>Implications for Correctional Operations</b>                | Implies redeployment of staff based on risk-adjusted workload indicators & elimination of activities not linked to risk control                      | Requires reorienting operations and external services to focus on "criminogenic" needs, risks, & responsivity                            | Requires reorganization to focus on needs as defined by victims, citizens, & community members; may involve physical decentralization    | Requires restructuring activities as defined by guidelines (e.g., for collection, enforcing conditions, surveillance, or treatment) |
| <b>Characteristics of Appropriate Sanctions</b>                | Incapacitative; oriented toward surveillance, restriction, & detection of violations & crimes & swift enforcement                                    | Rehabilitative; responsive to risks, needs, & other characteristics of offenders & treaters  | Restorative, compensatory, rehabilitative, reconciliatory, reintegrative, & preventive   | Proportionate to offense gravity, equitable, & certain  |
| <b>Examples of Appropriate Sanctions</b>                       | Intensive supervision; house arrest with electronic monitoring   | Probation with cognitive or behavioral programming   | Restitution, community service, & agreements struck among victims, offenders, & community  | Punitive penalties that can be scaled easily (e.g., fines, jail terms)  |
| <b>Examples of Programs or Processes With this Orientation</b> | NY Probation's ISP for high-risk cases & kiosk reporting for the rest  | Drug courts; cognitive probation; women offenders treatment network  | Circle sentencing; victim-offender mediation; family group conferencing  | PA's sentencing guidelines; OR's revocation guidelines  |

strategies in a Risk Control orientation involve limitation of opportunities to engage in misbehavior (partial incapacitation) and the threat of likely detection and the consequent imposition of unpleasant consequences for any violations (specific deterrence).

This perspective also reflects an explicit acknowledgment that not all offenders are suitable candidates for community supervision. One of the stated purposes of risk screening is to identify high-risk offenders for whom institutional placements are thought to be required. Such a straightforward approach is continued with respect to the categories of offenders judged to be suitable for community supervision. Risk Control advocates are careful to acknowledge that even medium- and lower-risk offenders cannot be expected to be completely crime free. As its names imply, a Risk Control or Limited Risk Management orientation does not attempt to eliminate risks but rather seeks to manage or control them.

Because post-supervision crime reduction is not an aim, later recidivism is not an appropriate outcome measure for Risk Control activities. Indeed, developing appropriate outcome measures for this approach is somewhat challenging. Means need to be devised for assessing how well the process of sorting and managing offenders according to the risks that they pose has been achieved. This is complicated by the difficulty of interpreting the way in which detection of violations or of new crimes reflects on the effectiveness of the Risk Control strategies employed. Should discovery of violations be considered a failure of the behavioral controls imposed or a success in detecting misbehavior? Should revocation and subsequent incarceration for a new offense be viewed as a reflection of poor initial prediction or an indication that appropriate consequences were provided as threatened? Each agency that follows a Risk Control orientation needs to determine how it will resolve these and related questions for the purposes of evaluating staff performance.

The Effective Correctional Intervention orientation is more ambitious and future oriented than Risk Control. The goal is that interventions employed with offenders will help produce law-abiding behavior that will continue even when supervision and controls have been ended. This approach aims to enhance community safety by working to alter the choices offenders make, seeking to reduce the likelihood that individual offenders will choose to reoffend in the future. It does this by concentrating on addressing offenders' "criminogenic needs." These are deficiencies known or believed to be associated with criminal behavior, such as having anti-social associates or attitudes.

Like Risk Control, an Effective Correctional Intervention approach incorporates features aimed at incapacitation and specific deterrence (e.g., assessing risk and varying monitoring and controls accordingly). However, the emphasis on risk management is more a means to

an end than an end in itself. An Effective Correctional Intervention approach seeks not simply to monitor and constrain offenders, but also to reeducate, reorient, or reform them. In this instance, recidivism is an appropriate outcome measure. In addition, intermediate measures also should be used to assess the extent to which the linkages hypothesized between the direct consequences of the interventions and longer-term outcomes exist in practice. Is improvement in cognitive skills correlated with reduced levels of reoffending, for example?

A Restorative or Community Justice orientation is even more ambitious in its aspirations for community safety. Correctional strategies focused on Effective Correctional Intervention do little in the interest of primary prevention and nothing to address larger social or structural factors that may contribute to crime. High quality correctional programs may have indirect preventive effects, as, for example, when offenders learn how to be better parents, which can reduce the intergenerational transmission of attitudes or behaviors conducive to criminality. But the Effective Correctional Intervention orientation, like Risk Control, focuses almost exclusively at the level of the individual offender. This is in contrast to a Restorative or Community Justice orientation, which aims for a more comprehensive approach to safety. It directs attention toward the needs of victims both to be safe and to feel secure, the problems offenders have that may contribute to offending, and the factors that may promote crime and conflict at the familial, community, or institutional levels.

In their comprehensive work on Community Justice, Clear and Karp describe the many elements of this broader view of public safety considerations. Arguing that a criminal incident is a warning sign of possible future transgressions by the offender or others, they identify responsibilities of all parties to criminal incidents that are related to desire for enhancing safety. They suggest that offenders must demonstrate commitment to being law-abiding, victims and onlookers should be involved in identifying conditions that will reduce fear and resentment toward offenders, and community institutions should be responsible for both insulating victims from further harm and for safely reintegrating offenders into the community (Clear & Karp, 1998, p. 128). This last duty involves a community responsibility for providing offenders with the assistance, supervision, and supports needed to live in the community crime free. It also means helping to arrange for offenders to perform the reparative tasks for victims and the community that can facilitate the offenders' full acceptance as members of the community.

In addition, from a Restorative or Community Justice perspective, crafting a good response to crime means more than figuring out what to do about offenders and victims involved in specific situations. Taking a longer-range view suggests the importance of engaging

in more comprehensive fact finding and problem solving. Like other behavior, criminal behavior is rooted in a variety of personal, familial, social, and community characteristics, experiences, and structures. To be effective, crime reduction efforts in a Restorative or Community Justice orientation need to address the larger contextual forces, such as domestic violence, poor schools, neighborhood instability, poverty, racism, and lack of opportunity that shape the experiences and choices of individuals.

Because Restorative or Community Justice represents such an ambitious approach, many outcome measures are likely to be required. For participants in processes designed to respond to specific incidents of crime, it will be appropriate to assess the extent to which all parties kept their promises, for example. In addition, outcome measures should be designed to assess the level of satisfaction participants derive from their involvement in such processes, as well as their confidence that similar harms can be avoided in the future. Perhaps the greatest challenge will be to develop measures that can provide useful guidance on how well Restorative or Community Justice practices are contributing to the achievement of the larger ambitions underlying them. A variety of means of assessing changes in the quality of community life attributable to Restorative or Community Justice activities will need to be developed.

As noted above, a Structured Sanctioning orientation places concern about public safety in a different perspective than any of the other three perspectives being discussed. This perspective may be adopted to advance a number of different goals, but the major emphasis typically is on enhancing equity, predictability, and consistency in sanctioning. Public safety concerns may or may not serve as one of the major dimensions of interest in the structuring of a framework of policies to satisfy those interests. Some sanctioning policies and guidelines are oriented around risk assessments, but others focus almost exclusively on deserts-related considerations. The primary aim is to promote consistency in decisionmaking; the goals to be served by the decisions vary.

The differences in treatment of public safety considerations among Structured Sanctioning approaches can be illustrated by looking at any of the decisionmaking contexts in which such an orientation has been adopted. For example, policies guiding revocation practices for probation and parole violations may emphasize either a just deserts/accountability perspective or a more risk-oriented view. The aim in the former case is to scale responses in accordance with the seriousness of violations. In the latter situation, the aim is to structure revocation policies to facilitate adjustment of controls as risk levels and probabilities of misbehavior change (see, for example, Burke, 1997).

Similarly, policies adopted to structure decisionmaking at sentencing have varied in the extent to which crime reduction has been a major focus. For example, when Minnesota established its statewide sentencing guidelines, greater emphasis was given to considerations of retribution or desert, with secondary attention allotted to deterrence. This meant that the policies gave greatest weight to offense severity, with lesser weight attached to prior criminal history. It also led to a choice of determinate sentences and abolition of parole. Pennsylvania's sentencing guidelines, on the other hand, reflected greater interest in both incapacitation and rehabilitation. They too employed offense gravity and prior record scores as anchoring dimensions of the sentencing grid, but the range allowed for individuation was left much broader than in Minnesota. In addition, Pennsylvania retained indeterminate sentencing and parole as a method of early release.

Because of this variability of goals underlying different Structured Sanctioning schemes, some of the outcome measures will need to be tailored to the particular features adopted and operative goals. However, gauging the extent to which policies are followed, and assessing the appropriateness of reasons for departures, will be appropriate in virtually all sites in which Structured Sanctioning frameworks are in force.

#### *Implications for Policy Development and Decisionmaking*

The importance of dominant orientation is illustrated well by exploring the implications for policy development and decisionmaking of following one or another orientation toward sanctioning. Many policies would have to be changed to accommodate a shift among any of the four perspectives described. Indeed, because most jurisdictions now have programs and practices that represent more than one orientation, substantial policy development work would be required simply to honor the logic of any specific viewpoint. Among the major variables relevant to decisionmaking that might change on the basis of the sanctioning orientation selected are the following: key actors and their roles, the nature of instruments or tools to aid decisionmaking, information needs, and specialized knowledge or skills.

In a Risk Control model, judges typically make the major dispositional decisions, such as determining which offenders should be sent to prison and which ones should be placed on probation. Probation personnel, however, may play a key role in performing or arranging for the completion of risk assessments and advising judges about the risks posed by offenders awaiting sentencing. In addition, community corrections personnel may be given substantial authority for setting and adjusting surveillance and supervision plans. According to risk principles, decisionmaking should be focused on determining the risks posed by various categories or

groupings of offenders and matching those levels of risk with appropriate behavioral controls and types of supervision. In some jurisdictions, judges may prefer to play an active and ongoing role in determining the precise conditions of supervision. Generally, however, it will be up to community correctional agencies to develop supervision standards linked to varying risk levels.

In the ideal scenario from a Risk Control perspective, all decisions about initial dispositions, the conditions of supervision, and modifications and termination of the sentence would be made with reference to validated risk assessment tools. Achieving this in practice requires that informed decisions be made about which risk assessment instruments may be most appropriate, how to validate them on the target population in question, and how they should be used to structure case management. Not every decisionmaker needs to have all of these types of knowledge, but knowledgeable staff or outside resource people need to be involved in selection, validation, and regular training in the use of such instruments.

An Effective Correctional Intervention perspective typically involves the same decisionmakers as a Risk Control model. However, adoption of this orientation requires that the types of decisionmaking tools, the items of information to be gathered, and the technical or substantive knowledge required all must be expanded to incorporate knowledge about what works to reduce reoffending. According to Andrews, this means that the "delivery of appropriate correctional treatment service is dependent upon assessments that are sensitive to risk, need and responsivity" (Andrews, 1994, p. 3). Decisionmaking policies therefore should be based on appropriate information and assessment tools that gauge "criminogenic needs" (i.e., those characteristics of people and their circumstances that are linked to criminal behavior) in addition to risks posed by offenders.

The responsivity principle, which states that styles and modes of service should be matched with the learning styles of offenders, means that tools also are needed that can help match offenders with appropriate staff in the most appropriate settings and programs. Unfortunately, well-designed instruments are not readily available for accomplishing this, although some are now being tested. In theory, however, it is clear that an Effective Correctional Intervention orientation requires a body of knowledge about the predictors of criminal behavior (risk factors), the causes of criminal behavior (criminogenic need factors), and the best means of influencing the occurrence of criminal behavior (an effective intervention technology). All of these elements require the active involvement of staff or other resource people in all aspects of policy development and decisionmaking for community sanctions who are both knowledgeable about the principles of effective intervention and skillful in applying those principles in both assessment and clinical or treatment situations.

The cast of decisionmakers and key participants is broadened substantially in a Restorative or Community Justice orientation, and different types of information, knowledge, and skill are required. One of the major distinguishing features of this perspective is that it aims to correct the situation in contemporary criminal justice in which "there is no room for the community to become a responsible player in the response to crime" (Clear & Karp, p. 125). In conventional criminal justice practice, the conflict established by a crime is regarded as one between the accused and the accuser. Until recently, the state all but replaced the actual victim in the accusatory role. Even with the impetus provided by the victims' movement to re-place victims in more influential positions within the justice process, the possibility that representatives of other community interests at stake should be involved has been largely ignored.

A Restorative or Community Justice orientation recognizes that community members not directly involved in specific crimes nonetheless have important interests in crime-related situations. As Clear and Karp have noted, community members have pasts and futures with both the offenders and the victims (p. 124). Although many Restorative or Community Justice activities to date have focused primarily on specific offenders and related victims, the orientation clearly suggests a need for securing broader community involvement. Thus, although judges retain formal sentencing authority within Restorative and Community Justice approaches, the ideal response to crime in this orientation would be shaped through processes that involve victims, offenders, justice system employees, and community representatives.

Another important dimension of a Restorative or Community Justice approach is that the role of the state changes rather dramatically. The state's role, as carried out by criminal justice officials and employees, becomes one of cooperating with community members in problem solving and helping to design and manage processes that facilitate the accomplishment of the goals of this orientation. This means ensuring that both victims and offenders are treated fairly. Representatives of the justice system also are likely to be involved in such activities as information gathering (e.g., about victims' losses and needs) and helping to arrange facilitation for victim-offender meetings. They also are likely to play some role in engaging community involvement in responding to crime and related problems. These examples suggest that knowledge and skills in mediation, community organization, and collaboration, for example, may prove far more important than casework, legal skills, or other abilities typically demanded in conventional sanctioning processes.

Adoption of a Structured Sanctioning orientation typically does not result in changes in the personnel who make day-to-day dispositional and sanctioning de-

cisions, but it may involve some transfer of power and authority to the group or groups responsible for formulating the policies that will structure the decisionmaking. Sanctioning policies, and the frameworks developed to help operating personnel follow them, are formulated by a variety of bodies. These include sentencing guidelines commissions, probation agency working groups established to recommend new revocation policies, and policy teams composed of key actors from across the system established to develop a structured array of sanctioning options. Some of these bodies are brought together solely to formulate new policies, and responsibility for administering the policies developed rests with the operating agencies. In other cases, such entities may have a continuing role in monitoring and policy revision.

The types of information and specific skills needed to develop and utilize Structured Sanctioning approaches vary with both the types of decisions to be guided and the goals underlying the policy development process. In many cases, policies give considerable weight to the seriousness of crimes or violations. In such cases, processes must be arranged to allow responsible authorities to establish policies that define and rank harms. In addition, such processes need to facilitate the matching of sanctions of corresponding severity to each level of offense gravity. Different types of knowledge and skill obviously are needed when other objectives, such as offender risk assessments or determination of resource implications of alternative policy proposals, are to be factored into the policy formulation process.

#### *Implications for Staffing and Operations*

Each of these four sanctioning orientations has significant implications for the staffing and operation of sentencing processes and community correctional programs. The table suggests some of these ramifications. In light of the fact that many probation and parole officers continue to adhere to a dual role orientation that includes treatment as well as enforcement, convincing existing staff to concentrate on Risk Control alone may be challenging (see, e.g., Ellsworth, 1996). An agency adopting a Risk Control orientation, for example, might need to retrain personnel to utilize new risk assessment instruments, to assume more active monitoring and enforcement duties, or to adhere to new violation procedures. Indeed, adoption of a Risk Control perspective might lead agencies to rethink the backgrounds and qualifications they seek in employees. Although performing risk assessments might require interviewing and classification skills for which a degree in social work or psychology might prove useful, such an educational background may be unnecessary or inappropriate for conducting urine tests, searches, and other monitoring and surveillance activities.

If an agency wants to pursue an Effective Correctional Intervention orientation, on the other hand, skills relevant to both risk and needs assessments, as well as to case planning and delivery of well-targeted competency development or treatment-oriented services, will be required. This is not to suggest, however, that existing personnel can be assumed to have the necessary skills. Even if a large proportion of current staff have backgrounds in human service delivery, substantial reorientation and retooling may be required to deliver the cognitive and behavioral interventions that the research identifies as being most effective. Although many of the interventions that require specific types of clinical skill may be delivered by outside service providers, agency staff will need to be able to determine which providers offer high quality services. In addition, some intervention strategies recommend agency-wide training and involvement of all staff in modeling and reinforcing the behaviors in which offenders are being trained.

Embracing a Restorative or Community Justice perspective is likely to require more sweeping changes in staffing and operations than following any of the other orientations. Just as community policing, community prosecution, and other manifestations of a Community Justice orientation have demanded review of core functions and activities, agencies involved in managing community sanctions must revisit virtually every aspect of existing practice. For example, staff need to learn to work with community members in identifying and solving general neighborhood or area problems rather than focusing solely on known offenders under their supervision. Thus, personnel are needed who can mobilize citizen involvement, share power, and help resolve individual and group conflicts in creative ways. Under this orientation, probation and parole staff also are charged with forming active partnerships with local police, neighborhood associations, victims, and families. It also is likely, as Clear has argued, that offender-based classification systems based on risk assessments will have to be augmented by place- or geographically-based classifications that target specific crime problems that compromise the quality of community life (Clear, 1996).

Adoption of a Structured Sanctioning orientation also can have significant implications for staffing and program operations. This approach involves development of policies and protocols that guide and limit the choices of individual decisionmakers. Deviations from presumptive decisions or ranges must be explained and often are subject to review for consistency with the principles underlying the stated policies. These changes require that field staff or parole board members used to relying on their own clinical or experience-based decision practices adapt and undergo training in how and why to follow the policies in force. Day-to-day

practices may undergo substantial change as greater consistency is demanded in such matters as modifying and enforcing conditions of community sentences.

#### *Implications for Selecting Sanctioning Options*

The array of sanctioning options available in a jurisdiction should reflect the purposes and values dominant in the prevailing sanctioning orientation. Ironically, however, the process often works in the opposite direction. Sanctions are selected for a variety of reasons, such as successful implementation in another jurisdiction or the advocacy of a charismatic champion, even if no conscious decision has been made about the criteria that sanctions adopted in the site should satisfy. The accompanying table illustrates the types of options that might be seen as appropriate to each of the four orientations.

In a Risk Control scheme, appropriate sanctions would be those that facilitate collection of information about offenders' activities, such as personal or electronic surveillance, blood and urine testing, and home and work site visits. In addition, appropriate sanctions would be designed to limit or restrict opportunities for reoffending, involving such constraints as curfews, house arrest, or intermittent confinement, for example. Of course, effective Risk Control would mean that the level of monitoring and controls should be varied in accordance with the risk levels of offenders. Offenders in higher risk groups should be subject to more intensive or restrictive measures and those in lower risk groups should experience fewer limitations and constraints. Many probation and parole agencies employ an array of supervision levels and controls for precisely this purpose (see Byrne, Lurigio, & Petersilia, 1992).

A vivid example of an approach incorporating Risk Control principles was provided by the New York City Adult Probation Department when it undertook a "re-engineering" of probation. The review and design process, which lasted for more than a year and included *pro bono* involvement from the business community, led to a comprehensive redeployment of personnel and a re-assignment of offenders. Probationers classified as falling within the high-risk category were assigned to intensive supervision. Those in the low-risk category were assigned to periodic "reporting" through insertion of identification cards into kiosks erected throughout the city to accommodate such a system of check-ins.

An example of how a probation department could convert research findings on the characteristics of effective interventions into an agency-wide Effective Correctional Intervention service package was developed by Mark Carey, director of the Dakota County, Minnesota, community corrections agency (Carey, 1997). It was Carey's aim to develop a case planning and service construct that could be delivered by a typical agency without the addition of significant levels of

new resources. The construct was intended to provide a framework for providing risk-needs assessments, appropriate cognitive and behavioral interventions, and evaluative activities, all to be performed by existing personnel. This model illustrates one way in which an agency could restructure its activities to function in complete consistency with a particular sanctioning orientation.

Drug courts are another popular innovation that incorporates at least some features of an Effective Correctional Intervention orientation. The aim in such programs is for judges to attempt to intervene early with defendants with substance abuse problems as they enter the justice system. The model calls for early assessments to be conducted that can serve as a guide for the development of comprehensive services to assist the defendants in completing a treatment program as they progress through the judicial system. Active judicial involvement is incorporated at all stages (see, e.g., Goldkamp, 1994, 1998). With support from the Centers for Substance Abuse Treatment, several jurisdictions in the United States also are involved in efforts to develop a continuum of services for women with substance abuse problems and other needs who come in contact with the criminal justice system. Although the details of the models being developed vary from site to site, the potential exists for such initiatives to follow principles consistent with an Effective Correctional Intervention perspective.

No jurisdiction in the United States has yet embraced a Restorative or Community Justice orientation as the guiding focus for all aspects of its criminal justice operation. However, many states and localities have adopted such an approach for one or more components of the justice system (e.g., community policing) or with certain segments of the correctional population (e.g., community panels in Vermont that determine dispositions for lesser felony cases) (see Barajas, 1996; Galaway & Hudson, 1996). Some approaches, such as family group conferencing, were developed elsewhere—in New Zealand in this example—but are being implemented now in North America and other countries. In that model, family members, friends, and key supporters of the victim and the offender meet as a group to help resolve a criminal incident with the help of a trained facilitator. Sentencing or peacemaking circles are being used in Canada and in a few places in the United States. These involve victims and offenders, along with their families and supporters and other interested community members, as well as justice system representatives, in processes directed toward the development of a consensus on elements of a workable sentencing plan (Stuart, 1997). In addition, academics and other analysts are beginning to develop the outlines of a philosophical basis for community-oriented criminal justice and to explore in some detail what a community-oriented justice practice might look like (see, e.g., Clear & Karp, 1998).

As mentioned earlier, a Structured Sanctioning approach has been utilized for virtually all decision stages within the criminal justice process, from pretrial release to parole revocation (see, e.g., Goldkamp, 1995; Goldkamp & Gottfredson, 1985; Goldkamp et al., 1995; Burke, 1997). Because this orientation offers a framework more than a particular program thrust, a wide array of pretrial release and sanctioning options have been incorporated into the structures developed. Early sentencing guidelines schemes, such as those developed in Minnesota, focused primarily on the "in/out" decision (i.e., on which categories of offenders should be sentenced to state prison and which should not) and on sentence length. Guidelines developed more recently have incorporated a wider array of sanctions. Pennsylvania's sentencing guidelines, for example, include intermediate punishments and restorative sanctions along with state and local confinement and probation options.

Although sanctions intended to serve incapacitative or rehabilitative purposes have been added into some Structured Sanctioning arrangements, the emphasis of this orientation on equity and proportionality means that penalties with a punitive or retributive function may be most appropriate. Such measures can be scaled easily to allow penalties to be imposed that are commensurate with the seriousness of the offense category. In addition, unlike sanctions meant to serve risk management or treatment purposes, punitive measures do not require individualization or variability on the basis of perceived risks, needs, or other factors. The more definite penalties suggested by a punitive approach thus may be more consistent with an orientation where the emphasis is on certainty and predictability.

### *Discussion and Conclusion*

This article is intended to have both immediate practical and longer-range, more conceptual uses. On the practical level, an aim is to help policymakers and practitioners be more reflective about, and more sensitive to, the implications of embracing programs, policies, or other features associated with one or another orientation toward community sanctioning. The discussion here of ramifications that flow from four broad perspectives is intended to be illustrative rather than definitive. For such an exercise to have maximum value, it should be conducted with reference to specific visions or versions of these or other orientations under consideration in a specific jurisdiction. In that type of setting, it should be possible to delineate with much greater particularity the characteristics that key participants view as flowing logically from the orientation they want to explore. Such a process can enhance the fit between the ideals of a conceptualization and the specifics of policy and program design. It also can help surface inconsistencies between stated aims and traditional or proposed practices or processes.

One issue raised by the way in which this article has been organized is whether or not the four orientations highlighted are or ought to be treated as being so different from one another. The reality is that no such clear distinctions are being drawn in practice. For good and ill, elements of two or more of these perspectives are evident in the practices of many jurisdictions. Nor is there any intellectual reason to believe that various forms of integration might not be possible.

Some Structured Sanctioning policies already are centered around Risk Control considerations. It also might work to incorporate elements of an Effective Correctional Intervention orientation with a Restorative or Community Justice orientation. For example, sentencing circles or community boards might develop agreements that call for participation of an offender in competency development activities. The specifics of the program, on the other hand, could be left to professional staff to determine on the basis of a validated risk-needs assessment. However, there is quite a bit of room for conflict between these two perspectives, as comparison of the key features and the logical implications flowing from each has shown.

It also is worth noting that serious attempts to implement any of the four sanctioning orientations described here on a consistent basis would be likely to encounter many obstacles. Although it might seem that it would be easy to generate support for a Risk Control orientation, the fact that this approach would result in little or no supervision for low-risk offenders might not sit well with policymakers convinced that "more is better." The longer-range aims of Effective Correctional Intervention may enjoy support from officials desirous of reductions in reoffending, yet claims that it is possible to achieve that goal still may be met with skepticism. It also may prove difficult for community corrections agencies to obtain the resources needed to support treatment initiatives, which can prove costly. Adoption of a Restorative or Community Justice framework might be the most difficult of any of these orientations to implement. Although the benefits promised are great, a commitment to pursuing this direction would require abandoning many long-standing practices and plunging into largely uncharted territory.

The incorporation of Structured Sanctioning into a jurisdiction's community sanctioning practices requires the articulation of explicit policies, an act that usually requires downplaying or abandoning other approaches, many of which may enjoy the support of those who currently practice them. In addition, two sets of major policy issues plague many Structured Sanctioning endeavors. First, the goals and organizing principles around which policies were structured can be forgotten, diluted by subsequent changes in law and policy, or otherwise reduced in force or efficacy over time. Second, failure to develop similar policies at other stages of the process

can seriously undermine the effectiveness of Structured Sanctioning policies adopted at just one stage. These issues reflect the difficulty of achieving and sustaining in practice reforms that offer great promise in theory.

On the conceptual level, this article aims to enhance awareness of the value of thinking about the narratives the field is employing. As noted earlier in this article, Feeley and Simon have argued that the "old penology" is being replaced by a "new penology" that looks very much like what is being described here as a Risk Control orientation. Looking at the other orientations reviewed, it might be the case that the Effective Correctional Intervention perspective, with its emphasis on rehabilitation, reintegration, and reducing reoffending, simply represents a more sophisticated embodiment of the old penology than a distinctly new penology. However, it also is possible that the Effective Correctional Intervention model may represent a melding of what Feeley and Simon saw as old and new penologies. Although it is dedicated to influencing offenders' cognition, moral reasoning, and life skills in the interest of reducing reoffending, this approach has some features that may be consistent with the new penology. It emphasizes, for example, classification into risk groupings, formal rationality, and certain managerial objectives. At a minimum, this may suggest that even efforts to intervene effectively with individual offenders have been permeated and transformed by the new penology.

Similarly, the Structured Sanctioning orientation seems to contain, or at least allow for, elements of both of Feeley and Simon's narratives. Consistent with the "old" penology, a Structured Sanctioning approach reflects a retributive base with its emphasis on equity, proportionality, and deserved punishment. It leaves little room, however, for clinical diagnosis or individualized treatment. Furthermore, although the policy frameworks for Structured Sanctioning approaches tend to employ a retributive shell (e.g., typically employing gradations of offense or violation seriousness as a primary dimension), it is increasingly common for an actuarial, risk-focused dimension to be incorporated into these frameworks as well. In addition, in some places where Structured Sanctioning policies have been adopted, there seems to have been at least as much attention given to internal, systemic interests, such as sorting probation violators into manageable groups and distributing them on a control continuum, as to larger social purposes of punishment. In short, it is possible that Structured Sanctioning is undergoing a transformation that makes it more a tool of Risk Control than a distinct, more retributively focused orientation.

The orientation that seems to have little or nothing in common with either the new or the old penology is a Restorative or Community Justice approach. This perspective does not employ the language of probability, focus on internal justice system objectives, or target of-

fenders as an aggregate. In general, the discourses, objectives, and techniques of Restorative and Community Justice also tend to be dramatically different from those found in the old penology. Indeed, there are many indications that this emerging orientation represents a fundamentally new paradigm that has the power to transform all aspects of criminal justice ideology and practice, including all prior notions of "penology." In some manifestations, however, the offender-focused elements of Restorative and Community Justice approaches reflect old penological ways of thinking and operating. This is the case, for example, when there is a sort of collective "ganging up" on the offender, with victims and community representatives joining justice system officials in deciding how the miscreant should be punished, made to repair tangible and intangible harms caused by the crime, and coerced into changing his or her life (see, e.g., Harris, 1989, 1998).

The Restorative or Community Justice ideal, however, represents a dramatic departure from both the social management of "the criminal class" that may characterize the new penology and the focus on the individual offender for blame and subsequent reformation characteristic of the old penology. Indeed, it may be somewhat anomalous to discuss Restorative or Community Justice in the terms of penology at all because it is an orientation that is not concerned simply with issues of how to respond to criminal offenders. Given the focus on improvement of the quality of community life, Restorative or Community Justice interests necessarily encompass broader criminogenic conditions and collective outcomes. Yet the Restorative or Community Justice orientation has the potential to serve as a sort of overarching narrative within which all aspects of justice system operations, including those concerned with offenders, can be reconceptualized. I hope this article can help advance the process of creating a new narrative for community corrections that provides an account of aims and methods that is both coherent and compelling.

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