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**AN ANALYSIS OF PUBLIC AND PRIVATE COMMUNITY CORRECTIONS IN
PENNSYLVANIA**

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by
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ABSTRACT
ANALYSIS OF PUBLIC AND PRIVATE COMMUNITY CORRECTIONS IN
PENNSYLVANIA.

Community corrections is a vastly understudied area of criminal justice. Many scholars agree that community corrections is cheaper and more effective at reducing recidivism than prisons. A fundamental claim made in support of community corrections is that the privately owned and operated facilities are more efficient and effective than the publicly owned and operated centers. Privately owned and operated community corrections centers have been flourishing for decades with limited or no empirical studies regarding their efficiency and effectiveness.

This study compared the publicly operated community corrections centers (CCC) with the privately operated community corrections facilities (CCF) in Pennsylvania using 20 variables that are specifically developed for measuring correctional institutions. The study found that publicly owned and operated community corrections centers were more efficient than privately owned and operated facilities. It also found that there was significant differences in the recidivism rates between offenders who were released by publicly owned and operated community corrections centers and those released by the privately owned and operated community corrections facilities.

Keywords: community corrections, recidivism, privatization, efficiency and effectiveness.

TABLE OF CONTENTS	PAGE
LIST OF TABLES.....	vi
LIST OF FIGURES.....	vii
ACKNOWLEDGMENTS.....	viii
DEDICATIONS.....	x
CHAPTER 1. AN OVERVIEW.....	1
Introduction.....	1
Background.....	2
Early Community Corrections.....	6
Private Prisons – The Early Years.....	9
Increased Corrections Budgets.....	11
Rebirth of Private Incarceration.....	15
Crime Rates and Incarceration.....	16
The Perceptions of Private Community Corrections and Private Prisons.....	21
Purpose and Scope of the Study.....	22
Research Question.....	24
CHAPTER 2. LITERATURE REVIEW.....	25
Community Corrections in the United States.....	26
Community Corrections in Pennsylvania.....	31
Theoretical Foundation – Prison Privatization.....	41
Theoretical Foundation – Community Corrections.....	43
Limitations of New Public Management.....	52
The Privatization of Corrections.....	55
CHAPTER 3. METHODOLOGY.....	62
Quality of Confinement.....	63
Cost Efficiency.....	69
Recidivism.....	71
Multilevel Logistic Regression Analysis.....	78
The Model Levels.....	79
Data Collection.....	81
Limitations of the Study.....	82
Definitions and Terminology.....	83
CHAPTER 4. DATA ANALYSIS.....	85
Analysis of Quality of Confinement.....	86
Analysis of Cost Efficiency.....	117
Analysis of Recidivism.....	118

CHAPTER 5. FINDINGS.....	123
Discussion of Findings.....	123
Implications of this Study.....	131
Implications for Future Research.....	133
BIBLIOGRAPHY.....	135
APPENDIX A. Pennsylvania Department of Corrections: Risk Assessment Scores Guidelines.....	146
APPENDIX B. Restitution in Pennsylvania: Task Force Final Report Executive Summary.....	157
APPENDIX C. Pennsylvania Department of Corrections Recidivism Report 2013 Community Corrections.....	165

LIST OF TABLES

TABLES	PAGE
1. Variables - Quality of Confinement.....	65
2. Observational Data Collection Instrument.....	68
3. Correlation of Individual Level Variables.....	76
4. Correlation of Institutional Level Variables.....	77
5. Multilevel Data Structure.....	80
6. Escapees and Absconders From CCFs and CCCs.....	87
7. Logistic Regression of Escapees and Absconders From CCFs and CCCs.....	88
8. Restitution Collected by the PDOC.....	112
9. Multilevel Logistic Regression of Full Model.....	119
10. Multilevel Logistic Regression of Limited Variables.....	120
11. Odds Ratio of the Variable Conditions.....	121
12. Odds Ratio of the Variable Race.....	121
13. Odds Ratio of the Variable Center Type.....	121
14. Summary of Quality of Confinement Variables.....	129

LIST OF FIGURES

FIGURES	PAGE
1. National Prison Population.....	2
2. State Expenditures on Corrections in \$Billions.....	12
3. State Level Corrections Spending/Rise in States Corrections Expenditures.....	13
4. Pennsylvania General Fund Spending/Increase in Correction Expenditure.....	14
5. Pennsylvania Prison Expenditure.....	15
6. Increase in U.S. Private Prison Population.....	16
7. Decrease in Violent Crime.....	17
8. Decrease in Property Crime.....	18
9. Sharp Rise in Prisoners 55 Years of Age.....	102

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for their endless love, patience, encouragement, and support
throughout this long journey.

Chapter 1

An Overview

Introduction

The trend towards increased use of community corrections and less reliance on incarceration is the result of two factors: the unprecedented growth of the prison population and the staggering financial costs associated with incarceration. Community corrections are promoted as the answer to both increased inmate populations and the financial solution to the rising prison costs. Over the last three decades, community corrections have expanded as the prison population grew and policy makers looked for alternatives to imprisonment. Fewer non-violent offenders are being sentenced to prison and are being released to community programs (NCSL, 2010). As a result, many offenders are serving a portion of their time in community corrections centers rather than prison. Therefore, states are increasingly investing in community corrections centers rather than prisons because the costs associated with community corrections are significantly less than that of imprisonment (NCSL, 2010). However, there is now more emphasis being placed on the use of privately owned and operated community corrections facilities and less reliance on publicly owned and operated facilities.

The rapid growth of privately owned community corrections facilities in recent decades, along with their huge increases in revenue, brings to question the efficiency and effectiveness of these facilities. The inconclusiveness of the debate between privately owned and operated facilities and publicly owned and operated facilities provides little guidance to decision makers regarding how to best distribute the limited community corrections resources for optimal gains. As a result of the lack of consensus over the efficiency and effectiveness debate of private versus public facilities, this study will examine the efficiency and effectiveness of privately owned and operated community corrections facilities versus publicly owned and operated facilities. It is

expected that the results of this study will serve to bring conclusion to the continuing debate of private over public.

Background

The United States incarcerates more people than any other nation. The Bureau of Justice Statistics (BJS) reports that more than 2.22 million people are currently incarcerated in federal, state and local prisons in the United States. This high incarceration level is down slightly from the high of 2.3 million people incarcerated in 2007(BJS, 2014). Public outcry over the high incarceration rates of 2007 resulted in prison reforms which provided judges and correction practitioners with alternatives to incarceration, including early parole, drug treatment programs, mental health programs, and other community corrections programs which will be discussed in the following chapter. Consequently, incarceration levels began to decline slightly in 2009 and have continued to the current level of 2.22 million.

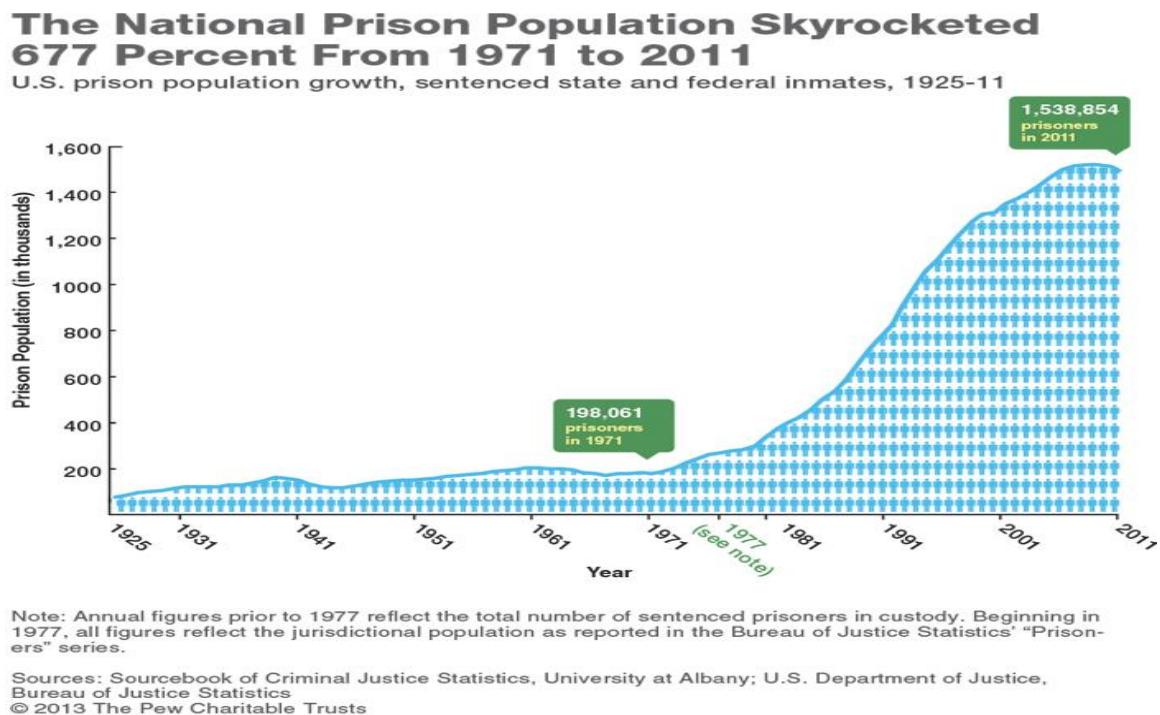


Figure 1. National Prison Population. Source - The Pew Charitable Trusts 2013.

According to the International Center for Prison Studies and The PEW Center on the States (The PEW), The United States has more people incarcerated than China, Russia, England, Germany and Japan. The average international incarceration rate is 125 per 100,000 people; however, in the United States the rate is 750 per 100,000 people (The PEW, 2008b, 2011; Liptak, 2008).

The consistent high levels of incarceration in the United States occur despite a sustained decrease in the national crime rate. Crime rates have fallen over the last decade, and are now at levels not seen since the 1960s (The PEW, 2008b, 2010; BJS, 2013). Many states, including New York, California, Oklahoma and Florida, have implemented various sentencing reforms that divert offenders away from incarceration, and instead emphasize parole, and community corrections. However, the prison and jail populations have remained at extremely high levels (The PEW, 2011; BJS, 2103).

This trend of consistent growth in incarceration holds true for the Commonwealth of Pennsylvania. The number of incarcerated inmates in Pennsylvania increased over twenty-four percent from 1999 to April 2007. Approximately 36,384 persons were incarcerated in Pennsylvania at the end of 1999 and approximately 45,201 by April 2007 (Fabelo, 2007; PDOC 2010). However, from January 2006 to April 2007, the monthly rate of incarceration nearly doubled to 177 inmates per month (Fabelo, 2007; PDOC 2010). As of December 2010, Pennsylvania's incarcerated population was over 51,000 and has continued to increase to over 54,000 by April of 2014 (PDOC, 2014).

The increase in prison and jail population has resulted in tremendous overcrowding in the state's prison and jail system. Pennsylvania has approximately 25 prisons or State Correctional

Institutions (SCI) and all but 3 of the SCIs were operating at or over capacity in early 2014 (PDOC, 2014). The exceptions were SCI Waymart, SCI Laurel Highlands and SCI Mercer.

The rising prison populations have forced the expansion and construction of new prisons. The PDOC recently proposed an expansion plan that would add an additional 10,000 prison beds to its capacity to address the increased prison population. This expansion in prison beds would cost over \$672.5 million and would increase the Department's annual operating budget an additional \$177 million. The annual budget for 2010/11 was \$1.836 billion, and for 2011/12, 2012/13 it was \$1.867 billion and \$1.867 billion for 2013/14 (PDOC, 2014).

The financial costs associated with the growth in incarceration have caused policy makers in Pennsylvania to re-evaluate sentencing policies in order to find a solution to the problem. The current cost per prisoner in Pennsylvania is approximately \$42,000 per year and these costs continue to increase despite PDOC efforts to implement several cost cutting measures. The budget for 2013-14 has remained the same level as the budget for 2012-13 but is expected to increase for the next budget year.

The continued increase in prison costs has caused tremendous constraints on the state's budget with regards to other social programs. Healthcare, education, transportation, property tax relief, infrastructure repair and energy are some of the state's other major issues that require significant appropriations. With limited resources available, the state is in a crunch to fund corrections at the expense of other social programs. Providing adequate funding to corrections will mean that considerably less money is available for other programs. Therefore, policy makers have begun to look for ways to reduce prison costs.

Some of the recommendations suggested by criminal justice experts on reducing incarceration costs include increased parole and probation, community corrections programs, and

reducing the length of stay in prison. Scholars (PEW, 2008b, 2011; Fabelo, 2007; Blumstein & Beck, 1999) agree that one of the causes for the increase in prison populations is the harsher sentencing and release laws that were implemented during the get tough on crime era of the 1980s and early 1990s (PEW, 2008b, 2011).

During the 1980s and early 1990s, public outcry over the rise in crime and the perceived violent nature of the criminal incidents as reported in the news prompted public policy decision makers to advocate for a “get tough” approach to crime. This policy resulted in stricter sentencing and increased lengths of stay for both violent and non-violent offenders. Many of the non-violent offenders were persons convicted of drug-associated crimes and who were sentenced to lengthy terms of imprisonment. The consensus among criminal justice experts (Marion, 2002; Cullen and Applegate, 1998; Petersilia 1992, Fabelo 2007; PEW, 2008b) is that these non-violent offenders will do better if given alternative punishment and rehabilitation instead of clogging up the prison system. Reduced prison sentences, combined with the increased use of community corrections programs would significantly decrease the prison population for many non-violent offenders.

In addition to the use of community corrections programs, one of the many alternative recommendations suggested to address the high prison population, and its astronomical costs, is the idea to privatize prisons. The privatization of prisons is based on the belief that the private sector can operate prisons more efficiently and effectively than government. This argument is further supported by the idea that community correction, which is mainly privatized, is considerably less expensive than prisons, which are mainly operated by government entities. The advocates (Logan, 1992, 1996; Moore, 1998; Segal, 2005) for privatization contend that rehabilitation does not work and that community corrections programs are not the solution to the increased prison population. The advocates believe that returning criminals to the streets before

they (criminals) had served their full time only encouraged crime and thus the need for privatizing prisons and other criminal justice services.

However, critics of privatization (Greene, 2001; McFarland, et. al., 2002) argue that there is no conclusive evidence that private prisons would provide the fiscal savings that are envisioned. There are accusations of inadequate staffing and other cost cutting measures by the private facilities that leave prisoners and the public at risk. The critics further contend that the quality of healthcare services to prisoners is substandard and that the private institutions receive the best prisoners from the public systems. That is, the public system retains the most difficult prisoners and more violent inmates and sends the more cooperative and less violent inmates to private institutions. In many cases, the private institutions have a right of refusal to inmates that are classified high risk. Thus, the cost savings that the private facilities receive is a result of having the less problematic inmates (Greene, 2001; Stanza, 1996; Camp, 2005).

Early Community Corrections

The development of community corrections in the United States began as a way to offer offenders rehabilitative services within their communities. Champion (1996) stated that California was one of the first states to implement community corrections in 1965. The program provided resources to local private companies to supervise probationers. Probationers were required to check in, receive counseling, employment assistance and other forms of supervision (Champion, 1996). Other states, Oregon, Colorado and Minnesota, soon followed with their own forms of community corrections. (Champion, 1996).

The success of the pilot community corrections programs in Oregon, Colorado and Minnesota in the late 1970s provided the impetus for other states to develop their own form of

community corrections (Nieto, 1996). As a result, many states across the nation began contracting with local private companies to provide community correction services (Nieto, 1996).

The need for these community corrections programs was a result of prison overcrowding and the financial costs of incarceration. Criminal Justice experts, alarmed with the out of control prison population and ever increasing prison budget that threatened the funding of other public services, needed to find a less expensive alternative to prison. Community corrections were promoted as the answer.

According to Petersilia (1998) the establishment of the community corrections movement in the United States was bright due to the support for the “therapeutic state” as espoused by the Progressives. Progressivism was the reform movement that ran from the late 1800s to the 1920s in the United States. Many leading intellectuals and social reformers sought to address economic, social and political change in the United States. Presidents Theodore Roosevelt, Woodrow Wilson, Franklin Delano Roosevelt and Lyndon Johnson were considered Progressives.

The Progressives’ initial design for community corrections encompassed three main features: a focus on treatment rather than on punishment, individualized treatment, and an implicit trust in the state to do good (Petersilia, 1998).

Petersilia (1998) wrote that these three features were employed in two ways. On the one hand, there was complete acceptance of the therapeutic state that would allow for individualized treatment. On the other hand, some reformers believed that transferring certain core societal values to criminals would change their behaviors and thereby create a healthy and responsible social order for the criminals to follow. These three reforms of the Progressives continue to have some influence on contemporary corrections policy (Petersilia, 1998).

These reform policies did not provide the immediate success that was expected. Crime rates remained high across the nation and the programs came under severe criticism. As a result many of the Progressive programs regarding rehabilitation were eliminated and an era of get tough and “lock ‘em up” strategies were implemented in the late 1970s. These policies were short sighted and by the late 1980s prisons were bursting at the seams due to overcrowding. The failure of this strategy resulted in the re-evaluation of the Progressive theory.

Petersilia (1998) states that contemporary criminal justice experts believed that the Progressive theory was not wrong but that the problems were in its implementation. They reasoned that the lack of resources to carry out the individualized treatments, the skepticism by many regarding rehabilitation and the reliance on government to do well, were some of the shortcomings for its failure. They felt that rehabilitation would work but it must be done outside the walls of prisons.

A recent study by the Vera Institute (2001) further emphasizes the need for out of prison/jail treatment programs. The study states that corrections officials and researchers alike have acknowledged that jail settings pose a difficult challenge for implementing treatment programs (Tunis et al., 1996 and Peters, 1993) as cited in Vera, 2001. As a result, community corrections was again seen as the answer to criminality as it would provide an environment where offenders could be carefully supervised and provided with the necessary services that would assist in their rehabilitation.

The idea of using community corrections as an antidote to crime was further given a boost by researchers who contended that prisons were demeaning and only encouraged criminal behavior. They promoted that associating criminals with criminals only encouraged criminal behaviors. However, if criminals were provided with the assistance they needed through

community corrections, this would reduce recidivism. Individuals would be less likely to reoffend if they were given the treatment they required. However, the treatment must be done in the community and not behind the prison walls (Petersilia, 1998).

Private Prisons – The Early Years

While the history of community corrections began with its development in the 1970s, the history of private prisons dates back to the mid 1800s. In the United States, private prisons are not new phenomena. In the mid 1800's, states such as Louisiana, Mississippi and Alabama contracted with private enterprises to manage and operate their state prisons (Antonuccio, 2008; Pelaez, 2008; Hunter, 2000). It was envisioned that the private companies would operate the prisons at a profit and the state would realize significant savings (Antonuccio, 2008; Hunter, 2000).

These same states (Louisiana, Mississippi and Alabama) leased or contracted prison labor to private companies. These private companies profited greatly from the “free labor,” and the practice spread to several other states. However, labor and businesses complained that the prison labor was “unfair” competition, and, thus, wanted it stopped (Field, 1987). Advocates for prison reform complained about the inhumane conditions in which the prisoners were forced to live. They complained about the malnourishment, whipping, overwork and overcrowded conditions that existed in many of the prisons. Public outrage over the conditions forced many states to abolish the use of private prison operations (Antonuccio, 2008; Hunter, 2000).

However, contracting with private entities for prison services did not completely stop; many southern states continued to contract out prison labor for use on plantations and factories as laborers until labor organizations successfully brought an end to the practice in the early 20th century (Hunter, 2000; Field, 1987). The private sector found new and innovative ways to prosper by using its relationship with prisons. Private entities began contracting with prisons to supply

other services such as medical, food supplies, transportation and education (Antonuccio, 2008; Hunter, 2000).

This limited relationship continued until the early 1980s, when, as a result of stricter approaches to crime, such as mandatory minimums and truth in sentencing, the prison and jail populations began to increase at an overwhelming rate. Criminals were being sentenced to harsher punishments, and increased length of stays. This was especially true for criminals who committed drug offences. Many states had prison populations that were over their operating capacity (Moore & Rose, 1998; PEW, 2013).

In addition, federal and state governments were facing budgetary constraints and were unwilling to adequately fund the construction of new prisons or the increased operational capacity/costs of the existing prisons and jails (Moore & Rose, 1998; PEW, 2008b). This combination of inadequate funding and increased prison population resulted in the resurrection of the private prison industry from a limited role of providing certain services to a more full scale role of incarceration.

This re-emergence began in the late 1970s and early 1980s. The private prison industry, as a result of changes in the criminal justice system, seized the opportunity to insert itself into the business of incarceration. This opportunity was brought on by the heavy reliance on the use of incarceration as the predominant measure to address crime. Many conservative policy makers were emboldened by the public outcry over the high crime rates and the media's constant reporting of criminal activities. Consequently, they were successful in getting changes to the criminal justice system that resulted in criminals being sentenced to longer prison terms. The private prison industry found its allies in the conservatives and used that platform to further their agenda.

Increased Corrections Budgets

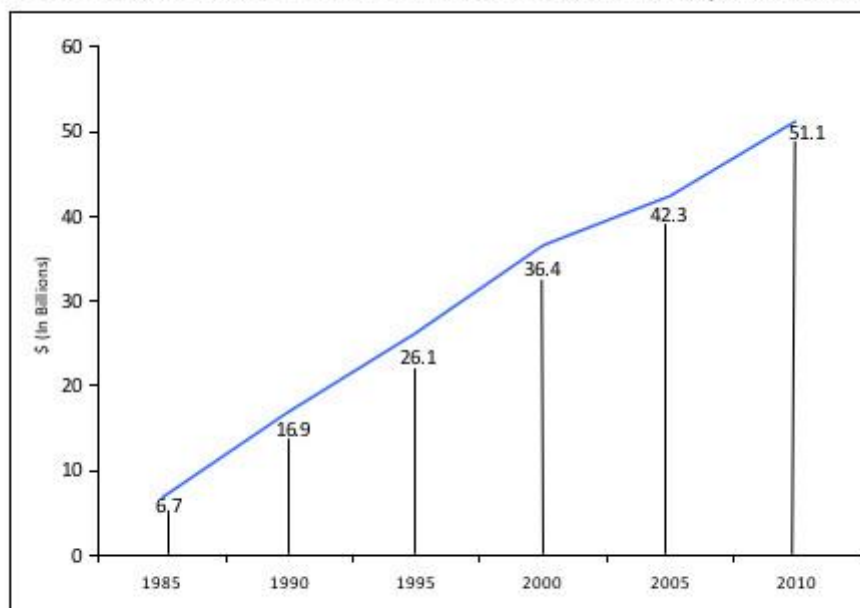
The longer prison sentences resulted in a need for increased space to house the criminals. This lack of space then caused state and federal governments to embrace massive spending on prison construction. In order to build the prisons, it was necessary to issue bonds to raise funds for the construction costs. The state and federal governments began running out of money to support the construction of more prisons when voters throughout the country began to rebel against the floating of additional bonds for prison construction. According to the U.S. General Accounting Office, prison operating costs grew steadily between fiscal years 1980 and 1994, due in part to the continuous growth in the inmate population. Total federal and state operation costs grew from \$3.1 billion in 1980 to more than \$17 billion in 1994. (BJS, 2001).

Further complicating the situation, court decisions compelled both federal and state governments to address prison overcrowding as a violation of prisoner rights. These court decisions, coupled with the lack of funding, forced correction officials to seek alternatives. The most viable alternative was the use of private prisons. The amalgamation of the conservative ideas, the high crime rate and lack of funding for new prisons opened the path for private prisons to insert itself back into the business of incarceration. The federal and many state governments soon began contracting with private corporations to house inmates.

According to the National Association of State Budget Officers (NASBO) spending on corrections has outpaced the overall growth in state budgets. Corrections budgets now account for a larger share of many states' general fund budgets (NASBO, 2013). Figure 2 below shows the steep rise in corrections expenditures across the states as more inmates were sentenced to harsher and longer terms in prison. In 2010, state corrections expenditures exceed \$51 billion (NASBO, 2013). This was an unintended consequence of the "get tough on criminals" approach that many

conservative politicians promoted. States were spending more on corrections, police, and judicial functions than ever before in their history and as a result private industry entrepreneurs saw an opportunity to become a part of the lucrative corrections market.

STATE EXPENDITURES ON CORRECTIONS, 1985-2010



Source: National Association of State Budget Officers (1985-2010). *State Expenditure Report Series*. Washington, DC: National Association of State Budget Officers.

Figure 2. State Expenditure on Corrections in \$Billions.
Source: National Association of State Budget Officers.

According to the Bureau of Justice Statistics (2012) between 1982 and 2010 spending on correctional institutions, such as state prisons and residential work release units, represented the largest component of state corrections' expenditures, ranging from \$11.2 billion to \$41.0 billion. As shown in Figure 3 below total state level spending for all states peaked in 2001 at over \$135 billion and has not dropped below \$120 billion despite continuing cost cutting efforts by many states to reduce their corrections budgets.

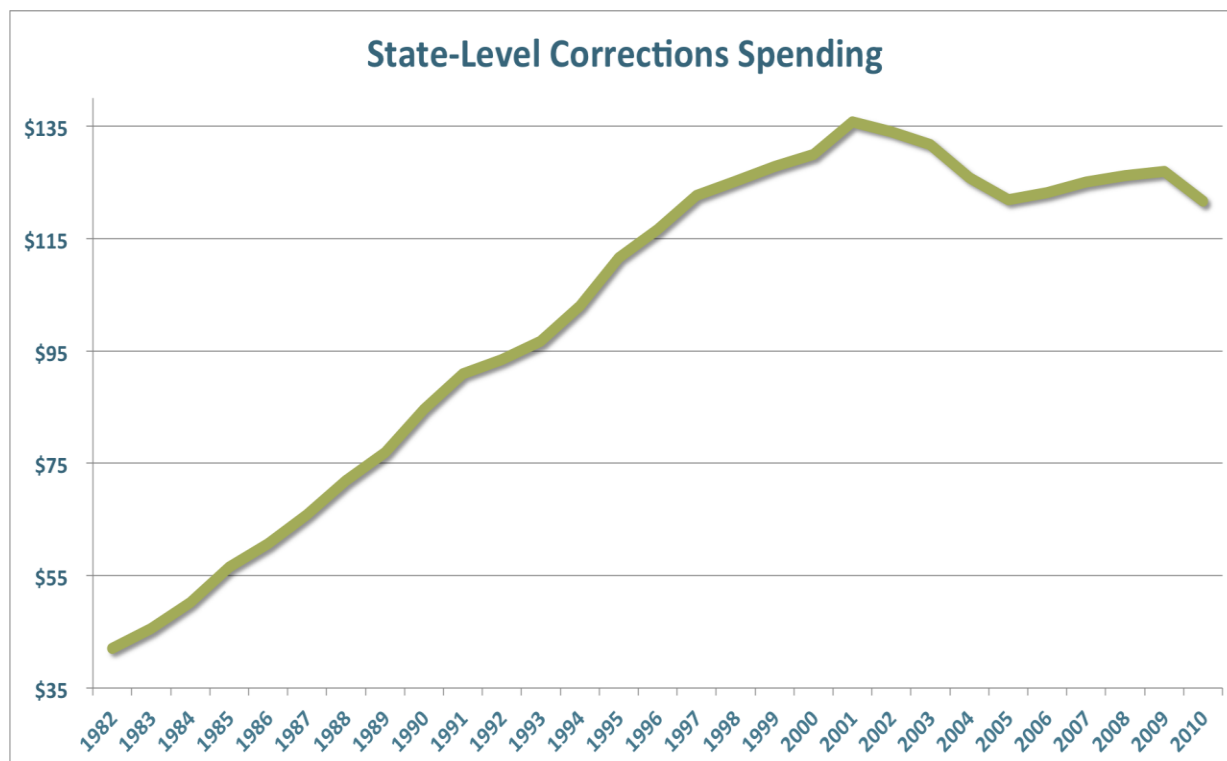


Figure 3. Rise in State Corrections Expenditures. Source: BJS and US Census (You Turn.org).

According to the Auditor General of Pennsylvania (2010) incarceration costs continue to increase. From 1980 to 2009 Pennsylvania's Department of Corrections' general fund expenditures increased \$1.5 billion. The 2013 budget is almost \$1.9 billion and cost per inmate has tripled from \$11,477 in 1980 to \$32,059 in 2009. According to a recent study (Vera Institute, 2012) the cost per inmate in Pennsylvania is now \$42,339 and rising. As shown in Figure 4 below, Pennsylvania's spending on corrections has increased 55% percent since 2003 from \$1.2 billion to \$1.9 billion in 2013.

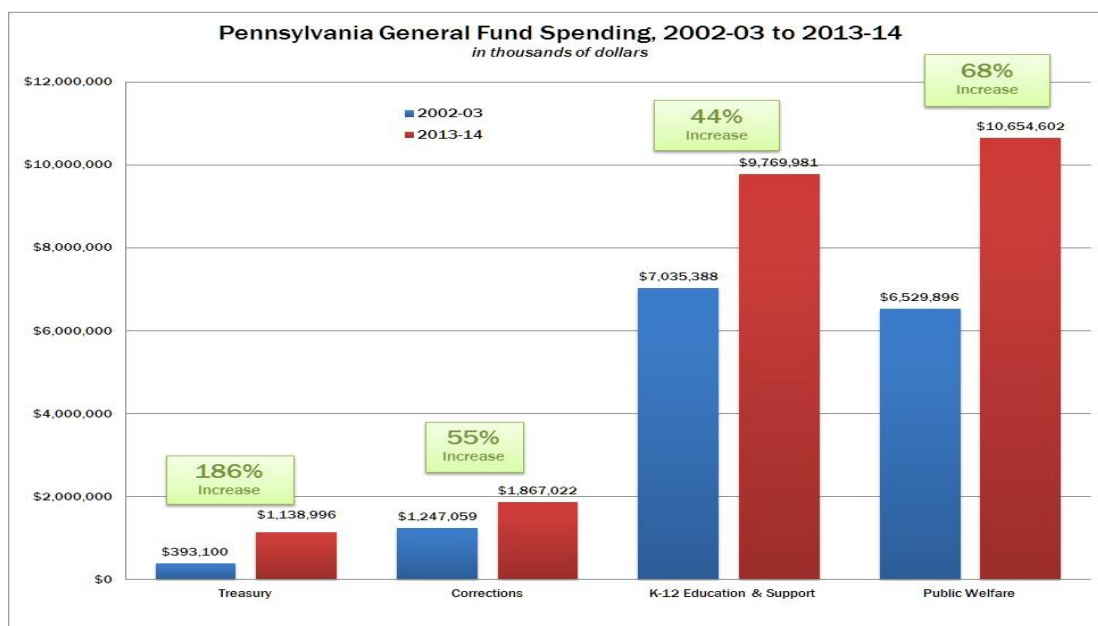


Figure 4. Increase in Correction Expenditure. Source: Commonwealth Foundation 2013.

Presently, Pennsylvania spends almost twice as much on corrections as it does on higher education. Education budgets have been reduced every year since 2009 while the corrections budget has increased. More emphasis has been placed on incarcerating young adults and less emphasis on providing them with an education. As shown in Figure 5, Pennsylvania's correction budget will be almost twice the higher education budget.

Many states attributed the increased spending to investments in community corrections programming. They contend that the increased spending that is reflected in their budgets is a result of the investments in community corrections programming. In Pennsylvania, there is a solid commitment from the PDOC to invest in community corrections.

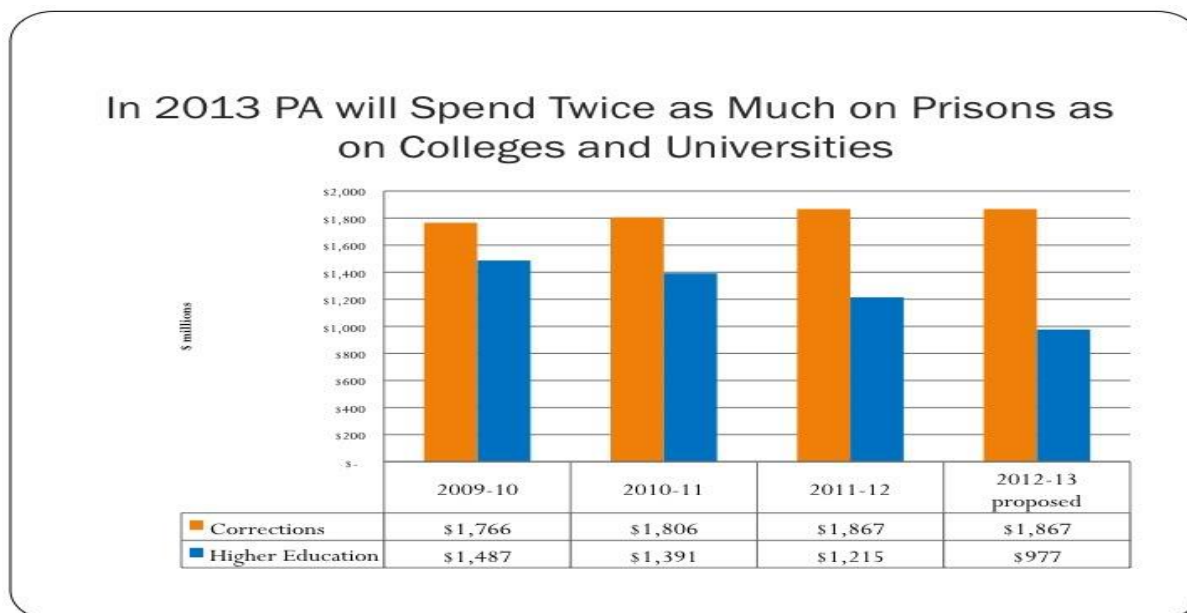


Figure 5. Pennsylvania Prison Expenditure. Source: MY FDL Reader Diaries.

Rebirth of Private Incarceration

In 1984, the Corrections Corporation of America constructed a prison in Tennessee and began housing inmates for the state. This marked the rebirth, in essence, the reawakening, of the modern day private prison industry. By the end of 1994, the federal government, 32 states, and many local counties had contracted with private companies to operate prisons (NCPA, 1995; Hallinan, 2001; Cheung, 2004). The premise of contracting with private companies for incarceration services was that the private sector would provide fiscal saving. Advocates claimed that private prison management and operations would produce saving as much as twenty percent (20%) and that taxpayers would benefit from the cost savings (Cheung, 2004).

Despite the lack of conclusive research supporting the validity of these costs savings, a recent report states that there are over 129,336 inmates in privately operated institutions at the end of December 2009. This represents approximately eight percent (8%) of the number of persons incarcerated in the US. However, this number does not include the number of illegal immigrants that are held in private detention facilities for immigration purposes. It is estimated that more than

200,000 illegal immigrants per year are housed in private detention facilities in the United States (Huffington Post, 2012).

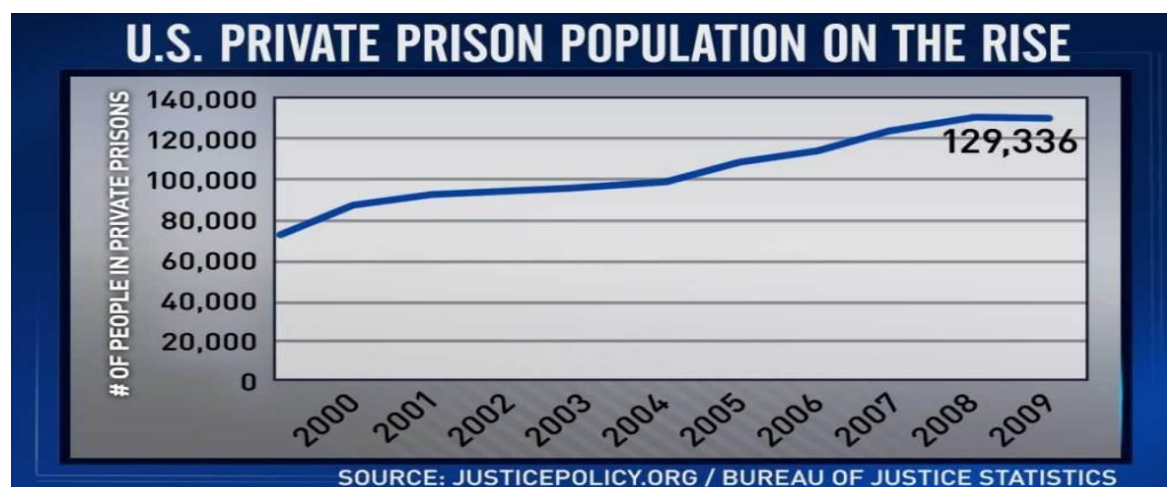


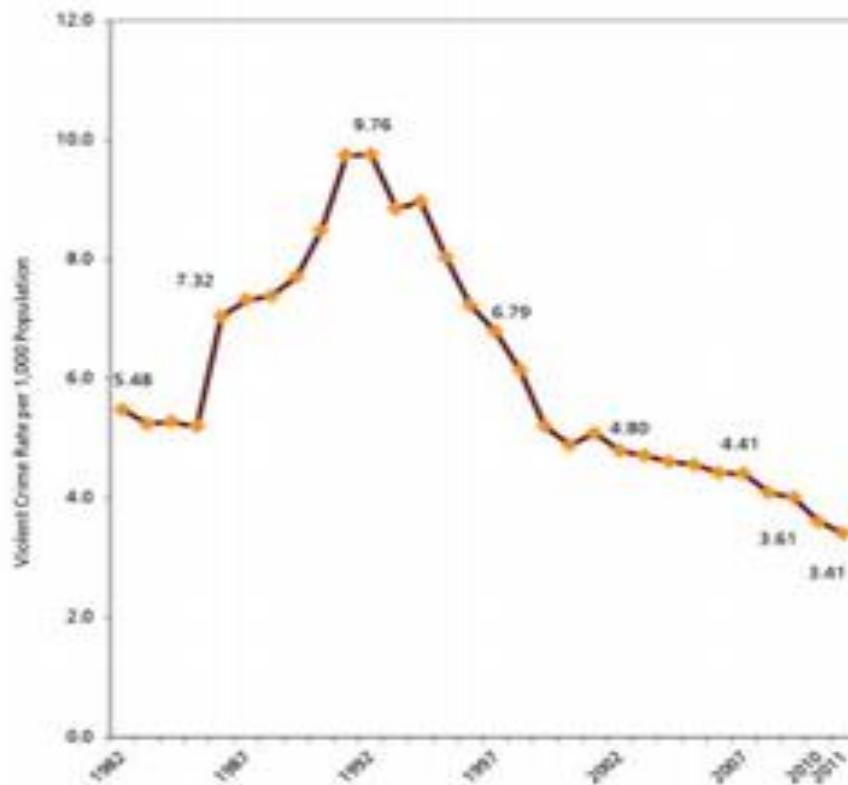
Figure 6. Increase in U.S. Private Prison Population. Source: BJS.

As shown in Figure 6 above, between 1999 and 2009 private prison population grew 80 percent (from 71,208 to 129,336) which is alarming since the overall prison population only grew 18 percent (CHJ, 2012) and the growth in the private prison population is more than four times the growth of the national prison population. This growth and increase in the number of private facilities occurred despite a reduction in the crime rate. A reduction in crime rates should correlate with a reduction in prison space. However, the opposite is occurring and thus the increase in private prison facilities.

Crime Rates and Incarceration

Crime rates across the nation began to plummet from the historic highs of the late 1980's and early 1990's to a historic low in 2010. As shown in Figures 7 and 8 below, both violent crime rates and property crime rates declined from 1993 to 2010 (BJS, 2013). However, incarceration rates continued to increase, reaching over 2.3 million in 2007 (BJS 2008). In 2005 and 2006, crime began to rise slightly, but fell again in 2007 and 2008. (Emma Schwartz, 2008, BJS 2008).

VIOLENT CRIME RATE CONTINUES TO DROP TO 30-YEAR LOW



SOURCES: SANDAG; California Department of Finance;
U.S. Census 1990; U.S. Census 2000

Figure 7. Decrease in Violent Crime. Source: California Department of Finance.

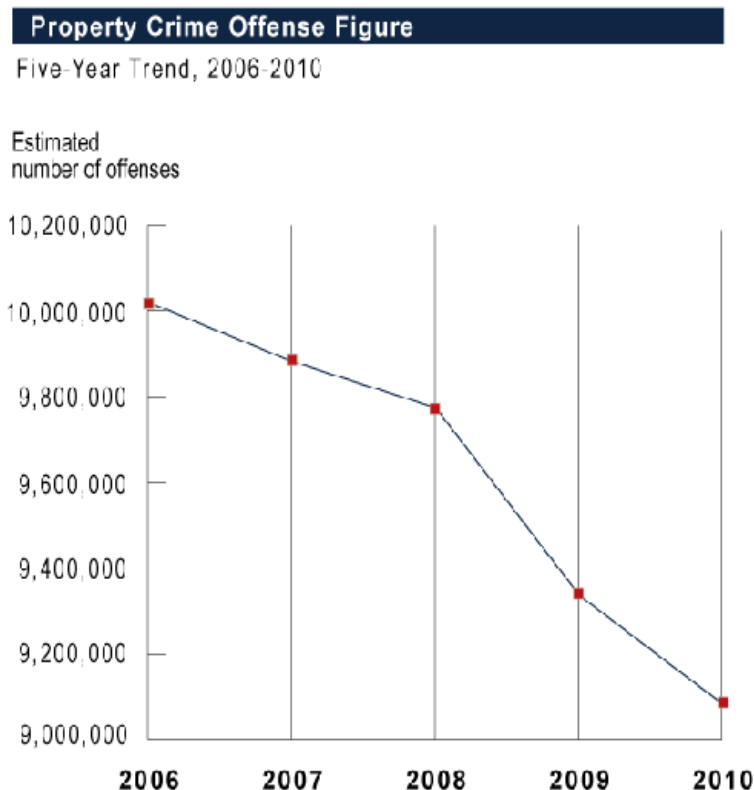


Figure 8. Decrease in Property Crimes. Source: FBI.

The Bureau of Justice Statistics (2013) report shows that since 1993, violent crime which includes murder, rape, robbery and assault decreased by almost 40% percent and has remained flat. The same report also showed that property crime continued to decline to its lowest level since 1974 but started to rise again in 2011 and 2012 (BJS, 2013).

Zimring (2007) explains that this decline in all major crime was the longest and deepest drop in crime since World War II. He attributed the decline in violent and property crimes as a result of the direct relationship to clever programs that curtail quality of life crimes. Programs such as: improvements in policing, arrests of persons for minor drug offenses, and public order offenses. He contends, however, that there is no one factor that can be cited for the overall decline in the crime rate (Zimring, 2007).

Despite the decline in violent and property crimes across the United States, incarceration rates increased at an unprecedented pace. There is no conclusive relationship between the large increase in the incarcerated population and a reduction in crime. Scholars have attributed the decline in crime to a booming economy, better police tactics, and a decline in the crack cocaine trade. But depending on which side of the political or criminal justice spectrum one was affiliated with, the reasons for an increase in the incarceration rates differed. Some criminologists and legal experts (Thomas & Ryan 2008; Liptak 2008) suggest that the increase in incarceration is due to harsher sentencing laws, racial discrimination, immigration, and the war on drugs.

Others (Hallet, 2006; Blumstein, 2008) suggest that race and politics are related to the skyrocketing incarceration rates. A shift in the political paradigm in the early 1990's resulted in politicians enacting legislation that required stricter penalties, such as mandatory minimums and truth in sentencing. This led to inmates residing in prisons longer, and an almost complete abolishment of the parole system.

The Sentencing Reform Act of 1984, which became effective in 1987, provided guidelines for ensuring that similar crimes received similar punishment. The act had two major purposes with the first being to promote honesty in sentencing. Honesty in sentencing referred to the actual time a convicted person would spend incarcerated. The sentence imposed by the judge would be the time served by the offender except for minor adjustment. This honesty in sentencing resulted in the undoing of the federal parole system as judges were no longer able to exercise discretion on the bench. Criminals who would have received leniency from a judge due to the nature and circumstances of their crime would now be sentenced to a prison term.

The second purpose of the act was to reduce unjustifiably wide sentencing disparities. As a result, mandatory minimum sentences were adopted for certain crimes and harsher punishments

were established for repeat offenders. Again, this act removed judicial discretion in sentencing convicts. Judges could no longer take into account circumstances regarding the criminal act, but were forced to sentence offenders to various mandatory minimums.

Another reason presented for the high prison population was the overwhelming number of minority inmates incarcerated. Studies (Blumstein, 2008; BJS, 2008) show that there is a significant disparity between the incarceration rates of black and white men between the ages of 20 and 34. White men are incarcerated at a rate of 1 in 30, while black men are incarcerated at a rate of 1 in 9 (Blumstein, 2008; BJS, 2008).

Further supporting the contention that race was a driver of high incarceration rates is the alarming number as 4,618 of 100,000 African American/Black males are sentenced prisoners. Hispanic males are 1,747 per 100,000 and White males are 737 per 100,000. (BJS, 2008, The PEW, 2011). Similar to the national levels of minority incarceration rate, Pennsylvania's African American/Black inmate population is 49.6 % percent, and Hispanics are 11.2% percent. These incarceration levels are troubling since the African American/Black and Hispanic population in the state is 13% percent and 6% percent respectively. Critics of the Sentencing Reform Act have maintained that the sentencing laws take a harsher toll on minorities and the poor.

As incarceration rates increased, the cost of corrections also increased. This caused the cost of the overall criminal justice system to grow as well. Federal expenditures on criminal justice increased over 730% between 1982 and 2005. State governments' expenditures on criminal justice increased over 510% during that period, along with an increase of over 300% in local governments' expenditures.

There is consensus among criminal justice experts that longer sentences and the use of mandatory minimums have contributed to the overcrowding of the nation's prisons and jails.

Critics of the Sentencing Reform Act have also complained that the guidelines are excessively harsh and inflexible. Because of this, they have called for a total reconsideration of the Sentencing Reform Act. Legislators, however, have been reluctant to adopt any changes to the current policies. As a result, the incarcerated population increases as crime continues to decline, or in some cases, remain stable.

The Perceptions of Private Community Corrections and Private Prisons

Community corrections programs from their initial development have received little public criticism because of its historical foundation as a community program. The programs were implemented in the local communities and offenders were not held in prison type environments, therefore offenders in community corrections were not perceived as prisoners. Offenders were also treated differently as they were allowed to work in the community and some were allowed to live at home and report daily to their facilities. This freedom that the offenders enjoyed coupled with the relatively relaxed environment helped to shield community corrections from criticism.

Private prisons were unable to garner the same support from communities because of their history of prisoner abuses. Further, the harsh and violent prison environment did not contribute to its appeal with the public, in particular the opponents of prison privatization. Prisons, but more specifically private prisons, were seen as places where inmates were treated brutally, made to work long hours and stripped of their dignity. The private prisons appeared to focus on maximization of profits and inmates received little or inadequate services. Prisoners returned to their communities more criminally astute and thus continued in their criminal ways and became a burden to their communities (Hutcherson, 2013; Greene, 2001).

According to a recent study, (Hutcherson, 2013) spending time in prison leads to increased criminal earnings, that is, criminals become smarter and are able to commit many more criminal

acts before they are apprehended. Without the proper services, inmates return to their previous ways of life which got them into trouble in the first place. As a result, they are arrested and returned to prison (Hutcherson, 2013).

Purpose and Scope of the Study

The purpose of this study will be to evaluate efficiency and effectiveness of private versus public community corrections centers in Pennsylvania. Over the last two decades there has been a raging debate on the efficiency and effectiveness of private versus public prisons. However, there has been little focus on community corrections centers. There are varying views and conclusions among scholars as to whether private prisons are more effective and more efficient than public prisons.

Studies (Brakel, 1988; Sellers, 1989; Hatry et al., 1993; Segal, 2005) have concluded that private prisons are less costly (more efficient) to operate and thus better than their public counterparts. Other studies (DiIulio, 1988, 1990; Henderson, 1988) have concluded that public prisons are just as efficient and in some cases, better than private prisons (Pratt & Maahs, 1999). While scholars have been focusing on the private/public prison debate, community correction centers, in particular privately owned and operated centers, have become a critical part of the criminal justice system and corrections. As previously stated, due to community corrections' historical foundations, there has been little or no criticism of its private role in the administration of criminal justice programs.

In recent years, states have invested significant resources in community corrections. A recent study (Vera, 2012) shows that community corrections expenditures have increased more than 13% percent nationally from 2006 to 2010 while prison expenditures have increased approximately 7% percent nationally over the same period (Vera, 2012). In Pennsylvania

community corrections expenditures have increased 11% percent from 2006 to 2010 and prison expenditures have increased 21% percent over that same period (Vera, 2012). However, despite the increased expenditures on community corrections, in particular, the private facilities, there have been no studies assessing the efficiency and effectiveness of the programs. Specifically, there is no evidence showing that increased spending on private community corrections is providing better services and results than the public community corrections centers.

Therefore, it is important to find out whether the increased spending on private community corrections is achieving the desired outcomes as envisioned by criminal justice policy makers. In Pennsylvania, one of the growing concerns of the Department of Corrections is whether to expand public community corrections centers or to contract with an increasing larger number of private community corrections centers for their services. As with the private versus public prison debate, there are advocates and critics on both sides.

Currently, PDOC operates several state-owned and operated community corrections centers. It also contracts with several privately owned and operated community corrections facilities to provide those same services to offenders. Therefore, unlike other studies that have conducted case analyses of a single public or a single private facility, this study will compare a public community corrections system and a private community correction system with larger sample sizes.

Community corrections centers and facilities (both public and private) in Pennsylvania are divided into three regions geographically. Region I is made up largely of Philadelphia and the eastern regions of the state. Region II consists of the areas of Harrisburg and central regions of the state. Region III consists of Pittsburgh and the western regions of the state. A complete

description of a public community correction center and private community corrections facility will be presented in the following chapter.

Research Question

The primary research questions of this study are: (1)What is the difference in efficiency between publicly owned and operated community correction centers and privately owned and operated community correction facilities? (2)What is the difference in effectiveness between publicly owned and operated community correction centers and privately owned and operated facilities?

The following hypothesis will be used to test for quality of confinement:

H₁ Offenders in privately owned and operated community correction facilities have better quality of confinement than offenders in publicly owned and operated community corrections centers.

The following hypothesis will be used to test for efficiency:

H₂ Offenders in privately owned and operated community correction facilities cost less dollars per offender than offenders in publicly owned and operated community correction centers.

The following hypothesis will be used to test for effectiveness:

H₃ Offenders confined in privately owned and operated facilities have lower recidivism rates than offenders confined in publicly owned and operated community corrections centers.

A discussion on how I measured recidivism will follow later in this study. However, it is important to note at this time that measuring recidivism is complex and that the criteria I employed is one of the generally accepted standards used among criminologists.

Chapter 2

Literature Review

The literature on community corrections is sparse. However, there is consensus among scholars (Marion 2002, The PEW 2008a, Lind, 2011) that community corrections are cheaper and more effective in reducing recidivism than prisons given similar inmate populations. A recent study (Latessa, et al., 2011) concluded that offenders participating in successful community corrections programs are 50% less likely to engage in criminal activity in a two-year period following release when compared to offenders who received no guidance or services (Latessa, et al., 2011).

Latessa and Lowencamp (2002) found strong support for community corrections programs. Their study found that even some high risk and moderate offenders can benefit from community corrections programs and interventions. They contend that the programs need to be implemented correctly and should well match the offenders. When the programs are not well matched with the offenders, it can result in costly or minimal treatment effects (Latessa and Lowencamp, 2002).

The PEW (2008a) recently published a policy framework to strengthen community corrections programming. The policy framework provided various recommendations that will enhance community corrections successes, including following evidence-based practices, performance incentive funding, administrative sanctions, earned compliance credits and performance measurements (The PEW, 2008a).

The Administrative Office of the Courts in California (AOCC) (2011) reports that evidence based practice is currently one of the most promising reforms in the state sentencing and corrections practice. The court findings further support the argument for the policy framework published by the PEW (2008a) that evidence based practices, which consist of supervision policies,

procedures, programs and practices demonstrated by scientific research to reduce recidivism, can strengthen community corrections. (AOCC, 2011).

The AOCC points to an incentive – based program in which local counties are rewarded based on their successes in reducing recidivism among probationers through the implementation of evidence based practices. One program in particular, the Community Corrections Performance Incentives Fund (CCPIF), requires that each participating county establish a program based on evidence- based practices and track the success or failures and report the outcomes to the AOCC. If the program succeeds in reducing the number of probationers sent to prison, a portion of the savings are shared with the counties (AOCC, 2011).

The Council for State Governments (CSG) found that diversion programs can increase public safety in Pennsylvania. They concluded that investment in community corrections programs could decrease the state’s prison population. Policies such as expanding the capacity of intermediate sanctions programs and establishing “risk reduction credits” for incarcerated offenders would not only assist in reducing the state’s inmate population but also increase public safety. The offenders would receive credits towards parole eligibility for successful completion of educational, vocational and substance abuse programs (CSG, 2007).

Community Corrections in the United States

Community corrections is a system in which rehabilitation of the criminal offender is valued over retribution. Prisons are seen as institutions geared mainly towards retribution because of their lack of rehabilitative programs for inmates. At the end of 2007 there were over 2.3 million incarcerated inmates across the United States. There were over 5 million adult criminals on probation or parole (The PEW, 2008a; Wilson and Petersilia, 2011). Therefore, experts looked for ways to address the increased prison populations. As a result, support for community corrections was promoted and became increasingly more popular as an alternative to prison. It also helped

that many experts supported the concepts of community corrections. Further, studies found that community corrections were more effective than prisons at reducing recidivism and were also less costly (Marion, 2002; The PEW, 2008a).

Probation and parole are at the heart of community corrections in the United States. Parole is the release of an inmate from prison prior to his or her sentence's maximum date, but after the minimum sentence date, to continue serving the balance of the sentence under supervision in the community. Parole is a conditional release that requires parolees to abide by rules that do not apply to other members of society. Parole is a privilege, not a right; it is not automatic or guaranteed (PDOC, 2011).

Probation is a sentence that does not include a period of incarceration; it is served in the community rather than jail. The sentencing judge always makes the decision regarding an offender's probation conditions and violations. However, a judge may request that the Parole Board supervise certain county offenders with the judge retaining decision making power; however, these are known as "special probation" cases (PDOC, 2011).

Community corrections are non-prison sanctions that are imposed on convicted adults or adjudicated juveniles either by a court instead of a prison sentence or by a parole board following release from prison (Petersilia, 2007, as cited in The PEW, 2007a). Generally, community corrections include a variety of programs which range from day reporting centers, half-way houses, home monitoring, work release, electronic monitoring, and any numbers of supervision and accountability services (Petersilia, 2007, as cited in The PEW, 2007a).

Specifically, there are two community corrections programs that need to be discussed which have been extremely successful in reducing recidivism over the last two decades. Restorative justice and HOPE are two community corrections programs that have been shown to

result in significant reductions in recidivism in jurisdictions in which they have been implemented correctly.

According to the Centre for Justice and Reconciliation (2014), restorative justice is a theory of justice that emphasizes repairing the harm caused or revealed by criminal behavior. It is best accomplished through cooperative processes that include community members, victims, offenders, criminal justice policy makers and all other stakeholders (CJR, 2014). Restorative justice consists of practices and programs that will respond to crime with the following purposes:

1. Identifying and taking steps to repair harm,
2. Involving all stakeholders, and
3. Transforming the traditional relationship between communities and their governments in responding to crime.

Some of the programs and outcomes typically identified with restorative justice include but are not limited to, victim offender mediation, conferencing, circles, victim assistance, ex-offender assistance, restitution and community service (CJS, 2014).

Restorative justice programs are characterized by four key values:

1. Encounter: create opportunities for victims, offenders and community members who want to do so to meet to discuss the crime and its aftermath.
2. Amends: expect offenders to take steps to repair the harm they have caused.
3. Reintegration: seek to restore victims and offenders as contributing members of society.
4. Inclusion: provide opportunities for parties with a stake in a specific crime to participate in its resolution (CJR, 2014).

Further, the Centre for Justice and Reconciliation (CJR) and the International Institute for Restorative Practices (IIRP) identified three principles that are vital to the foundations of restorative justice:

1. Justice requires that we work to restore to whole those who have been injured.
2. Those most directly involved and affected by crime should have the opportunity to participate fully in the response if they wish.
3. Government's role is to preserve a public order, and the community's is to build and maintain a just peace (CJR, 2014; IIRP, 2014).

The CJR explains that restorative justice is a different framework for reducing recidivism and providing public safety. It is a collection of concepts put into action to administer justice as a process that involves the victim, the offender and community; it does not seek to undermine the punitive characteristics of incarceration. It differs greatly from the current criminal justice system's single dimension approach of incapacitation which allows offenders to choose a passive role in the process and does not allow individual victims or the respective community to be involved or contribute in a meaningful way towards the core problematic issues behind the offenders' criminality. It is a big picture strategy for addressing the true causes of crime with in the offender and is much more than implementing programs and services. Restorative justice effectively addresses the offender's propensity to recidivate (CJR, 2014).

Another highly successful community corrections program is the HOPE Program. HOPE (Hawaii's Opportunity Probation with Enforcement) is a probation program that emphasizes the delivery of "swift and certain" punishment when a probationer violates the conditions of probation (Larkin, 2014). According to a recent study of the HOPE program by the National Institute of Justice NIJ (2012) probationers in the HOPE program were 55% less likely to be arrested for a

new crime, 72% less likely to use drugs, 61% less likely to skip appointments with their supervisory officer and 53% less likely to have probation revoked (NIJ, 2012).

The NIJ (2012) study found that HOPE differs from other programs by:

1. Focusing on reducing drug use and missed appointments rather than on imposing drug treatment on every participant.
2. Mandating drug treatment for probationers when they continue to test positive for drug use or if they requests a drug treatment referral. A HOPE probationer who has additional positive drug test may be mandated into residential treatment as an alternative to probation revocation.
3. Requiring probationers to appear before a judge only when a violation is detected. It requires less treatment and court resources than drug courts.
4. Having probationers who are employed serve jail time on weekends so that it does not jeopardize their employment (NIJ, 2012).

The HOPE program is strongly grounded in research that shows crime generally is committed by people for whom deferred and low probability threats of severe punishments are less effective than immediate and high probability threats of mild punishment. “Swift and certain” punishment for violating terms of probation sends a consistent message to probationers about personal responsibility and accountability. Research has shown that a swift response to an infraction improves probationers’ perception that the sanction is fair and that the immediacy is a vital tool in shaping their behavior. The study concludes that “certainty and swiftness” works better than severity (NIJ, 2012).

While restorative justice and HOPE programs have been found to be successful in addressing recidivism in certain jurisdictions where they have been implemented correctly, there

are other programs that are not as successful. Therefore, researchers need to be careful before generalizing regarding its application to other communities. According to Petersilia (2007, as cited in The PEW, 2007a) probably 99% of all community corrections programs have not been scientifically evaluated. Therefore, it is impossible to say which ones are most effective (Petersilia, 2007 as cited in The PEW, 2007a). There is more information on what programs do not work, as research has shown that boot camps, house arrest, and routine probation and parole supervision do not reduce recidivism (Petersilia, 2007 as cited in The PEW, 2007a). Reducing recidivism is the key to successful community corrections programming. Reduction in recidivism is a benefit to public safety and a saving to taxpayers.

Community Corrections in Pennsylvania

In 1953 Pennsylvania passed Act 410 which created the Bureau of Corrections. The Bureau of Corrections was established to oversee all prisons in Pennsylvania. Prior to the enactment of Act 410 of 1953 individual prisons in Pennsylvania were managed by a board of trustees. As a result of inmate riots at Pittsburgh and Rockview, it was recommended that all prisons in Pennsylvania should be under the jurisdiction of the state. The Bureau of Corrections would later become the Pennsylvania Department of Corrections (PDOC, 2011).

In 1968, Pennsylvania enacted Act 173 to create the Pennsylvania Bureau of Community Corrections. This bureau would be under the Pennsylvania Department of Corrections (PDOC). Act 173 gave the PDOC the authority to create community corrections centers (CCC) across the Commonwealth and provided guidance regarding the rules and regulations that CCCs and offenders must follow to participate in the program. The first CCC was opened in Harrisburg in 1969 (PDOC, 2012).

Initially, the community corrections program was intended to be a short term program where offenders would serve out the last months of their minimum sentences. However, it has gradually evolved from the primarily ninety (90) days decompression facility, assisting with reintegration to society in a community setting, into the massive program that it is today (PDOC, 2012).

There are two types of community corrections centers in Pennsylvania. Community Corrections Centers (CCC) are the publicly operated centers and Community Corrections Facilities (CCF) are the privately operated or contract facilities. Currently, there are fourteen (14) publicly funded community corrections centers in operation and forty (40) privately owned and operated community corrections facilities or contract facilities (PDOC, 2012).

According to the PDOC (2014) the state run facilities are located as follows:

4 in Philadelphia

2 in Pittsburgh

1 in each of the following – Allentown, Erie, Harrisburg, Johnstown, Scranton, Sharon, Wernersville, York

One center in Philadelphia and one in Pittsburgh are exclusively for women.

There are three types of programs available to offenders, (1) Work/educational/vocational training release, (2) Temporary home furlough and (3) Community corrections. Work release allows an offender to leave the facility and work in the community. The offender is required to return to the facility at the end of each work day. The education/vocational training release allows an offender to leave the facility to participate in educational or vocational-technical training. The inmate is required to return to the facility at the end of each day. Temporary home furlough is a program designed to allow an offender to leave a facility for a period not to exceed seven (7) days

for the purposes of furthering the offender's rehabilitative programs. The offender is required to return to the facility at a specified date and time.

Community Corrections, for both CCCs and CCFs, consist of three inter-related programs: community corrections center residency, group home residency and community corrections furlough program. An offender may be able to participate in one or all of the programs depending on their eligibility. Offender eligibility requirements will be discussed later in this chapter. Community corrections center residency is a program operated as a continuum of the rehabilitative services provided in the facilities. These centers are residences in the community with custodial structure and strong emphasis on guidance and counseling.

Group home residency is a program which complements community corrections center residency and consists of publicly or privately owned agencies approved by the Department of Corrections for use by its residents. These group homes provide specialized residential treatment to offenders, including drug and alcohol treatment.

Community corrections furlough program is a program which also complements community corrections center residency and is permitted with the approval of the community corrections center director or contract coordinator. It is authorized leave for an offender from a facility not to exceed seven days for the purpose of furthering the offenders' reintegration into the community; for example, job training that requires the offender to stay on site at the training location. The offender is required to return to the CCC, CCF or group home at a designated date and time.

Community corrections centers provide various services to help support the offenders in their integration back into the community. The services include individual and family counseling services, employment counseling, vocations and education guidance, enlisting the aid of public

and private agencies where special services are needed, directing the resident to specialized in-resident programs such as those dealing with drug or alcohol abuse and gradual reduction of custodial control as the resident's acceptance of personal responsibility increases (PDOC, 2014).

Although services vary among the CCCs and CCFs, there are standardized programs available to offenders as established by Pennsylvania Department of Corrections policy 8.1.1 of 2008. According to PDOC manual policy 8.1.1 section 6 the programs include:

- Transitional Issues Program (TIP) - Rooted in an evidence-based Cognitive Behavior Therapy (CBT) model, uses a Motivational Interviewing (MI) counseling style to elicit positive behavioral changes. This 12-session program, delivered to offenders on pre-release or parole status identified as having moderate to high-risk treatment needs, is based on the Thinking for a Change curriculum. TIP targets criminogenic needs and addresses the primary issues of motivational enhancement, cognitive restructuring, problem solving and coping strategies, goal-setting, interpersonal communication skills, and anger management with the ultimate goal of developing and maintaining pro-social cognitions, attitudes, and behaviors (PDOC, 2012).
- Violence Prevention (VP) - is a 25-session program that provides offenders with appropriate alternatives for dealing with aggressive behavior and feelings of anger and frustration. VP teaches positive coping techniques that reduce physical conflicts and confrontations in the facility, as well as incidents of violence in the community (PDOC, 2012).
- Family Support Alliance Support Groups (FSA) - The main objective of FSA is to enhance parenting skills of program participants and, in turn, prevent child abuse.

The FSA is a weekly support group during which offenders, under the guidance of a professionally trained facilitator, learn to manage emotional stress and handle common parenting problems appropriately. The intended outcomes include an increased understanding of positive parenting skills as well as an increased social support network for participants, which offers positive role models and safe people with whom to discuss parenting concerns (PDOC, 2012).

- Sex Offender Programming (SOP) - Outpatient sex offender programming is available to CCC and CCF offenders who require those services. Contracted vendors provide outpatient sex offender treatment via referral. Programming incorporates specialized sex offender assessment of risk for general, violent, and sexual recidivism, as well as needs areas with the delivery of cognitive behavioral and radical behavioral modification approaches (PDOC, 2012).
- Community Orientation and Reintegration Program (COR) Phase II – is an individualized assessment and prescription process based on case management. Offenders complete a COR plan with a staff member within two weeks of placement. The COR Plan is based on individual assessment scores, completed programming, and parole recommendations. Offenders’ progress is evaluated every two weeks. The COR Plan is designed to impress on offenders their need to assume responsibility in achieving goals in the following areas:

Basic Life Skills	Health Care
Education/Vocation	Treatment Needs
Employment	Mentoring
Personal Finance	Community Service

Housing

Probation and parole

COR Phase II stresses these areas to facilitate successful transition with family and community and to provide a structured environment for the offenders' reintegration into the community (PDOC, 2012).

- Alcohol & Other Drug (AOD) Inpatient Treatment - The centers contract with community treatment facilities, licensed through the Department of Health's Bureau of Drug and Alcohol Programs (BDAP), to provide 45 - 90 day inpatient AOD treatment programming for offenders. The vast majority of these programs operate within a Community-based Therapeutic Community (CBTC). CBTC focuses on developing behavior management and social skills, identifying relapse triggers, addressing criminal thinking patterns and helping participants work through issues of self – identify and trust. This therapeutic model may also be used to provide Level 2 AOD treatment services for State Intermediate Punishment (SIP) offenders (PDOC, 2012).
- Dual-Diagnosis Inpatient Treatment (DDG) - Offenders with co-occurring mental health and substance abuse disorders may be placed in community residential facilities, which provide intensive, inpatient dual diagnosis treatment. These facilities, licensed through the Department of Health's Bureau of Drug and Alcohol Programs (BDAP), offer variable lengths of stay ranging from short-term (28 days) to longer term care options. Both programs are founded upon the therapeutic community model. In addition to the provision of Alcohol and Other Drug (AOD) programming, these programs offer a staff with the professional expertise and experience (psychiatry and psychology) to

address the special challenges arising from the interaction between substance abuse/addiction and mental health issues (PDOC, 2012).

- Mental Health Services (MHS) - Offenders diagnosed with severe mental health problems may be placed in community residential facilities, which provide either on-site programming or case management services with referral to appropriate outpatient AOD treatment services. In response to the specialized rehabilitative needs of this sub-population, mental health treatment services include, but are not limited to comprehensive assessment, psychiatric evaluation and consultation, individual and group counseling, case management, and coordination of treatment services (PDOC, 2012).

In addition to the above after incarceration programs, PDOC also invests in front end diversionary programs. State Intermediate Punishment (SIP) program provides an option in state prison sentencing for those offenders who (a) have an alcohol or other drug (AOD) issues, (b) have a less serious offense and/or (c) would have received a sentence of thirty (30) months or more (PDOC, 2012). However, recently enacted legislation (Act 122 of 2012) now permits the prosecutor to waive the eligibility requirements for SIP contingent upon victim input. Further, offenders can no longer refuse participation in the program and certain crimes with mandatory minimum sentences are now included (PDOC, 2013).

The SIP program was created in response to concerns about the link between substance abuse and crime. Studies (The Pew 2008a; Petersilia 1992; Marian 2002) found that many persons commit crimes while under the influence of alcohol and/or other drugs. SIP was designed as a sentencing alternative, with the goal of enhancing public safety through a period of incarceration while at the same time reducing recidivism through intensive substance abuse treatment.

Offenders are admitted to SIP through a multi-stage selection process. The first step in the process consists of the court determination eligibility based on statute and sentencing guidelines:

- (a) The offender is convicted of an offense motivated by the use of or an addiction to alcohol and/or other drugs.
- (b) The offender must not have been convicted of an offense involving a deadly weapon enhancement under the sentencing guidelines; a person injury crime or an attempt, conspiracy or threat to commit such crime and a sex crime including incest, open lewdness, abuse of children, unlawful contact with minors, sexual exploitation of children or internet child pornography.
- (c) Offender cannot have a history of present or past violent behavior.
- (d) The offender must be facing a minimum of thirty (30) months in a state prison.

The second step requires that the offender be evaluated by the PDOC and his/her eligibility assessed. Before sentencing, the court, upon motion of the District Attorney, commits the offender to the PDOC for a comprehensive assessment. The PDOC will review the criminal records for the offenders' eligibility and determine the treatment needs and whether the offender is amenable to treatment (PDOC, 2013).

The third and final step requires that the PDOC provide its recommendations to the court, the defendant, the district attorney and the Commission on Sentencing. If the recommendation is positive and all parties agree, the court sentences the offender to SIP for a period of twenty four (24) months (PDOC, 2013).

Offenders in the SIP program will have an individualized treatment plan. Progress through the program is based on the assessed need and attainment of goals established for each offender. An offender may be sent back to a previous category if progress has not been sufficient or if an

offender has relapsed. An offender who fails in the program, due to misconduct or poor progress in treatment over a period of time, will be subject to resentencing by the court under traditional sentencing guidelines (PDOC, 2012).

SIP consists of four phases and lasts for a total of 24 months:

- SIP1 – An offender is confined to a State Correction Institution (SCI) for a period of not less than seven 7 months. Currently, all male SIP offenders are confined in either SCI Chester or the Quehanna Boot Camp and all female offenders are confined at SCI Cambridge. During this first phase at least four months are spent in a therapeutic community treatment program.
- SIP2 – An offender must spend at least two months in a community-based therapeutic community treatment program.
- SIP3 – An offender must spend a minimum of six months in an outpatient addiction treatment program. During this phase the offender may be confined in a CCC/CCF or other approved transitional residence.
- SIP4 – This phase consists of PDOC supervised reintegration into the community for the balance of the twenty four months.

Despite the multitude of programs (as listed above) available to offenders, the recidivism rates remained high and community corrections programming expanded. Originally, community corrections was only intended to serve pre-release offenders but because of high recidivism rates, the Pennsylvania Board of Probation and Parole started housing parole violators in the facilities. Parolees and pre-release offenders are currently the only two types of offenders who are assigned to community corrections programs in Pennsylvania (PDOC, 2012).

There are various criteria that an offender must meet in order to be eligible for community corrections programming. The most important requirement for participation is that an offender must be a person who will present the least risk to the community and who will benefit the most from the program. Some of the other requirements include completion of at least one-half of the offender's minimum sentence, be within one year of completing their minimum sentence, having no outstanding detainers and served at least nine (9) months in a prison facility (PDOC, 2012).

Offenders assigned to community corrections centers participate in aftercare programming and prepare for community integration. The main focus is on providing the offenders with the opportunities to establish renewed linkages with their families and their communities. They are supported to identify positive role models, and secure employment. Offenders are expected to either receive additional educational or vocational training, or secure employment. They are responsible for becoming self-sufficient, paying rent, shopping for and preparing their own meals, maintaining their living quarters, and meeting their financial obligations such as child support, fines, restitution, rent, and court costs (PDOC, 2012).

Offenders, who while in community corrections programming, commit a new crime or violate the terms of the program are termed "half-backs" as in half way back to prison. These offenders may also be parolees who were released back into society and commit minor technical violations which would result in them being returned to prison. However, they are assigned to CCCs or CCFs until their situation is resolved. Since many of the "half-backs" often commit drug related violations, they are usually placed in the CCCs or CCFs for drug and alcohol treatment. The PDOC places these offenders in CCCs or CCFs rather than return them to prison because the cost of sending them back to prison is often far greater than the treatment for the substance dependency (PDOC, 2012).

In summary, community corrections in Pennsylvania is a multi-phase program with many sub-programs. An offender is required to meet several criteria to be eligible for acceptance into community corrections programming. Although, SIP is a program managed under the community correction umbrella, it is unique in that offenders must spend at least nine months in a state prison before they can be eligible for admission to a CCC or CCF.

Theoretical Foundation – Prison Privatization

The less harsh treatment that offenders receive, coupled with the rehabilitative focus, have provided private community corrections facilities with a measure of protection from criticism and opposition that is not shared by other forms of privatized criminal justice services. Private prisons, for example, have continually met with fierce opposition. The problems of the private prison industry can be found in its theoretical origins. Prison privatizations grew out of the need for efficiency in government. The first system of private prisons in the early 1800's resulted from some southern states seeking to maximize utilities and turning to private entrepreneurs for assistance. Public choice theory provides the perspective from which the private prison originated.

Public Choice Theorists (Niskanen, 1971; Tullock, 1965) promote the application of the rational choice model to non-market decision making. Public Choice is the application of economics to political science (Hill, 1999). The approach identifies individuals as pursuing utility maximization and government is seen as the mechanism for providing certain goods and services that cannot be provided by the market (Hill, 1999). Public Choice theorists (Niskanen, 1971; Downs 1967) are critical of the bureaucratic models because they assert that public managers have no incentive to control costs. Public managers are more concerned with outcomes and are slow to respond to environmental changes. Public Choice scholars (Niskanen, 1971; Tullock, 1965; Gwartney and Stroup, 1995) saw the public sector as inefficient, wasteful and too large.

There are three basic reasons why Public Choice theory leads to the conclusion of inefficient government (Gwartney and Stroup, 1995 as cited in Hill, 1999). The rational ignorance effect, the special interest effect and the short-sightedness effect (Hill, 1999).

The rational ignorance effect promotes that voters are lazy and have no incentive to be informed before casting a vote, because they do not feel marginalized. As a result, the political process depends on voters with little knowledge of the issues (Hill, 1999).

The special interest effect promotes that issues that benefit the few (a small group of voters) will be favored but the costs will be shared by the all voters. The special interest group (the small group of voters) can get their issues on the agenda and thus persuade the uninformed voters of the rational ignorance effect to support an issue that will benefit only the special interest few. The two effects (rational interest and special interest) mean that the political process will not lead to efficiency because programs that benefit a few will receive strong support regardless if the costs outweigh the benefits (Hill, 1999).

The short sightedness effect suggests that the public sector will act in favor of proposals that provide clearly defined current benefits in exchange for hard to identify future costs, regardless of the cost benefit analysis of the proposals (Hill, 1999). For example, a dam to protect a small community from flood waters will be built but the costs will be shared by all the citizens in the county. While only a very small number of residents receive the benefit of the dam, the costs associated with constructing the dam are shared by all the residents in the county.

As a result of the rational ignorance effects, the special interest effect and the short-sightedness effect, private prison advocates (entrepreneurs) were able to show that public prisons were inefficient, with out of control spending and too large for the state to manage. However, in the hands of private industry, such inefficiencies would be eliminated and out of control spending

would diminish. They promoted that privatization was best for society. However, prison privatization led to inhumane conditions, corruption and poor government oversight. Eventually, the public called for prison reforms.

Theoretical Foundation – Community Corrections

The services provided by both private community corrections and private prisons are very similar; they both house inmates/offenders; they both impose sanctions against inmates/offenders for rules and regulation infractions; they both act on behalf of the state by providing a public service for the residents of the state and, finally, but most importantly, they are both for profit enterprises. However, the profits of private community corrections corporations are rarely, if ever, discussed while the profits of private prisons are continually a source of public debate and outcry. I propose that the reason private community corrections and private prisons are at the opposite ends of the spectrum of public opinion is a result of their theoretical foundations.

Both community corrections and prison privatization development were the direct result of government inefficiencies and the public need for reform. One of the driving forces that contributed to the development of the community corrections industry was the need for improved public sector performance measures. The economic crises of the 1970s led to governments looking for measures to improve public services. The problems that emerged during this economic crisis were three-fold. First, public sector expenditures were increasingly large and unsustainable. These expenditures created huge public sector deficits and growing fiscal problems in many developed countries. Second, bureaucratic processes were inefficient and resulted in waste, fraud and abuse. Public attitudes towards government bureaucracies reached a fever pitch as the deficits increased and public sector ineffectiveness and inefficiencies continued to increase. Finally, the new developments in information technology provided the catalyst for change as these new

technologies allowed for better communications, monitoring and control of public sector performance and resources (Heeks, 1999, Denhardt, 2011).

Concurrent with the call for government reform was the high cost of penal corrections. Given the early success community corrections programs in states like California, Oregon and others had, criminal justice policy makers across the country saw community corrections as a way of curtailing spending on incarceration. Therefore the public's demand for less spending and increased efficiency provides the opportunity for expanding community correction services.

Community corrections provided the ideal environment for the application of NPM approach. New Public Management (NPM) and other terms such as "doing more with less" and "reinventing government" have been the mantra for the efforts to bring about cost savings and reduce the size of government. According to Deming (1986) transformational change in government, which refers to use of computer-based information and communications technologies to enable radical improvement to the delivery of public services, has been underway since the early 1980s (cited in McNabb, 2009). Community corrections was mainly privatized expanded with NPM principles.

However, Heeks (1999) explains that while the terminology and examples were new, the processes and concepts were the same old approaches that were based on public sector reform (Heeks, 1999). Further, Carnevale (2003) explains that government came late to the management reform processes, but contributed National Performance Review and "reinventing government." He goes on to say that these were pretty much variations of themes that already existed elsewhere (Carnevale, 2003). I feel that Heeks argument is supported as government reform was the same reasons given for prison privatization.

Regardless, of whether it was old wine in new bottles, there was consensus among scholars (Osborne and Gaebler, 1992; Denhardt, 2011, Heeks, 1999; McNabb, 2009) that there was a need for public sector reform. The need for reform was also encouraged by the public at large, politicians, and organizations that contracted with government agencies (Heeks, 1999). Therefore, the pursuit of a new ideology to reform the public sector was initiated.

New Public Management or NPM (Hood 1998) emerged as the reform movement that would address the concerns of public sector inefficiencies. NPM originated in the UK and can be traced back to the Fulton Report of 1968 (Hall and Holt, 2008). It then spread to the USA, Australia and New Zealand and later to Scandinavian countries (Hall and Holt, 2008). The NPM approach can be characterized as an effort to bring public management practices closer to those of the private sector. The NPM process would be rooted in business methods and sensitivity to market pressures. Further, performance measures would be used to determine program goals (Hall and Holt, 2008).

According to Denhardt (2011), NPM has its roots in practical developments in public administration worldwide, in the set of ideas generally referred to as “reinventing government” and closely linked to public choice theory (Hall and Holt, 2008; Denhardt, 2011). Efforts to reduce costs, improve service delivery and quality, establish more transparency and accountability in government, and implement performance measures were the major concepts of NPM.

Osborne and Gaebler (1992) provided the following ten principles that are at the core of NPM. They intended that these ten principles would serve as a new conceptual framework for public administration.

1. *Catalytic Government: Steering rather than rowing.* Public entrepreneurs....chose steering, recognizing a wide range of possibilities and striking a balance between

- resources and needs, rather than rowing, or concentrating on a single objective (Osborne and Gaebler, 1992, p.35 as cited in Denhardt, 2011).
2. *Community-owned government: Empowering rather than serving.* Public entrepreneurs shift ownership of public initiatives into the community. They empower citizens, neighborhood groups, and community organizations to be the source of their own solutions (Osborne and Gaebler, 1992, p.52 as cited in Denhardt, 2011).
 3. *Competitive government: Injecting competition into service delivery.* Public entrepreneurs ... foster competition among public, private, and nongovernmental service providers. The results are greater efficiency enhanced responsiveness, and an environment that rewards innovation (Osborne and Gaebler, 1992, p.80-83 as cited in Denhardt, 2011).
 4. *Mission-driven government: Transforming rule-driven organizations.* Public entrepreneurs ... focus first on the mission of the group – what the organization strives for internally and externally. Then the budget, human resources, and other systems are designed to reflect the overall mission (Osborne and Gaebler, 1992, p.110 as cited in Denhardt, 2011).
 5. *Results-oriented government: Funding outcomes not inputs.* Public entrepreneurs ... believe that government should be dedicated to achieving substantive public goals, or outcomes, as opposed to concentrating strictly on controlling the public resources expended in doing the job. They transform the systems to be more results-oriented (Osborne and Gaebler, 1992, p.140-141 as cited in Denhardt, 2011).

6. *Customer-driven government: meeting the needs of the customer, not the bureaucracy.* Public entrepreneurs ... have learned from their private-sector counterparts that unless one focuses on the customer, the citizen will never be happy (Osborne and Gaebler, 1992, p.166-167 as cited in Denhardt, 2011).
7. *Enterprising government: Earning rather than spending.* Public entrepreneurs ... understand that by instituting the concept of profit motive into the public realm through the implementation of cost saving strategies– they are able to add value and ensure results, even in tight financial times (Osborne and Gaebler, 1992, p.203-206 as cited in Denhardt, 2011).
8. *Anticipatory government: Prevention rather than cure.* Public entrepreneur ... have grown tired of funneling resources into programs to resolve public problems. Instead, they believe the primary concern should be prevention, or stopping the problem before it ever occurs (Osborne and Gaebler, 1992, p.219-221 as cited in Denhardt, 2011).
9. *Decentralized government: From hierarchy to participation and teamwork.* Public entrepreneurs ... believe that information technology, improved communications and advances in workforce quality have resulted in more flexible team-based organizations. Decision making is more flat and less hierarchical. Workers are empowered to be innovative and therefore can improve performance (Osborne and Gaebler, 1992, p.250-252 as cited in Denhardt, 2011).
10. *Market-oriented government: Leveraging change through the market.* Public entrepreneurs ... respond to changing conditions with innovative strategies aimed at shaping the environment to allow market forces to act. They concentrate on structuring

the environment so that the market can operate most effectively, thus avoiding failures and ensuring quality of life and economic opportunity (Osborne and Gaebler, 1992, p.280-282 as cited in Denhardt, 2011).

The principles were embraced by governments seeking administrative reform. New Zealand, Great Britain, Canada and the United States were some of the first pioneers in NPM. In the US, NPM efforts were promoted by President Clinton and Vice President Gore. They advocated for improved government performance and many Federal agencies began to implement NPM principles under what was termed the “National Performance Review.” (Denhardt, 2011) On the state and local levels, similar programs were implemented to cut the size of government and improve services under the “reinventing government” umbrella (Denhardt, 2011).

NPM principles were further supported by other scholars (Kettl, 2005; Lynn, 1996; Hood 1998 and Pollitt, 1990) who wrote in support of concepts such as privatizing, competition, customer service, performance measures, market efficiencies and other concepts familiar to private business but were generally not used in the public sector. They called for government to adopt the principles of NPM in their efforts for reform.

Pollitt (1990) identified five core beliefs associated with NPM approach:

1. The main route to social progress now lies through the achievement of continuing increases in economically defined productivity.
2. Such productivity increases will mainly come from the application of ever sophisticated technologies.

3. The application of these technologies can only be achieved with a labor force disciplined in accordance with the productivity ideal; that is, an increased emphasis on productivity.
4. Management is a separate and distinct organizational function and one that plays the crucial role in planning, implementing, and measuring the necessary improvements in productivity.
5. To perform this crucial role, managers must be granted reasonable “room to maneuver” – that is “right to manage.”

Kettl (2005) voices his support for NPM in a series of questions:

1. How can governments find ways to squeeze more services from the same or smaller revenue base?
2. How can governments use market-style incentives to root out the pathologies of bureaucracy; how can traditional bureaucratic command and control mechanisms be replaced with market strategies that will change the behavior of program managers?
3. How can governments use market mechanisms to give citizens (now often called customers) greater choice among services – or at least encourage greater attention to serving customers better?
4. How can governments make programs more responsive; how can they decentralize responsibility to give frontline managers greater incentive to serve?

5. How can government improve its capacity to devise and track policy; how can government separate its role as a purchaser of services (contractor) from its role in actually delivering services?
6. How can governments focus on outputs and outcomes instead of processes or structures; how can they replace top-down, rule driven systems with bottom-up, results-driven systems?

The strong support for NPM resulted in a push for the contracting out and privatization of government services. Since the market and competition was seen as the way to solving the public sector inefficiencies, many government agencies began to shift from the traditional bureaucratic forms to more decentralized forms of management. In summation, the major concepts of NPM were privatization, reduction in the size of government, less bureaucracy, entrepreneurship, and contracting out.

NPM enjoyed measurable success during the decade of the 1990s. Although, there is some reservation over the dimensions of the achievements of NPM, there is consensus that the doctrine was not a failure. Many federal agencies, state and local governments reported significant accomplishments. Additionally, New Zealand, Great Britain, and Canada reported significant achievements with the public sector reforms (Denhardt, 2011).

According to Kamensky (1997), NPM has achieved significant reforms in the public sector. He explains that in the first four years of the implementation of NPM concepts on the federal level, there have been reductions in over 291,000 positions, saving of over \$118 billion and the elimination of 640,000 pages of regulations. There have been improvements in internal processes which have produced positive changes in citizens' attitudes towards government. For example, citizens see government as more responsive to their needs (Kamensky, 1997).

Ingraham (1996) states that NPM reforms have resulted in the reduction of waste, elimination of unnecessary programs and improvements in efficiency across many federal, state and local governments agencies. She further explains that policy and system changes, decentralization of major activities, increased emphasis on quality, customer service and debureaucratization are major successes of the doctrine (Ingraham, 1996 as cited in Qiao and Thai, 2002).

Qiao and Thai (2002) refer to a report from the General Accounting Office which indicates that there has been “real progress” in government reform. Kaminsky (2001) provides a summary of the “reinventing government accomplishments” from 1993 to 2000. The report provides the following major accomplishments:

Ending Era of Big Government – Reduction of federal civilian work force by 426,200 positions; thirteen of fourteen departments reduced in size; smallest government force since Eisenhower administration; closing of nearly 200 obsolete field offices; and elimination of 250 programs and agencies.

Made the government more results and performance oriented – Developed performance reports; established performance incentives and promoted inter-agency cooperation.

Serving people better – Established customer service standards; service goals aimed at meeting customer satisfaction; technological innovations to improve service and inter-agency communication.

Improved relationship with business and communities – Elimination of more than 16,000 pages of unnecessary federal regulations affecting business; established a more conciliatory relationship with businesses and reduced enforcements of unimportant regulations.

Other accomplishments, including information technology, managerial philosophy, and making government regulations easier to understand were also stated in the report (Kaminsky, 2001).

Limitations of New Public Management

Despite its seemingly remarkable success, NPM did have its critics. Denhardt (2011) wrote that the quick translation of business values into the public sector raises substantial and troubling questions. He is concerned that entrepreneurship in government could result in less accountability of public managers. NPM defines entrepreneurship in government as creativity and innovation with public resources (Osborne and Gaebler, 1992). Denhardt (2011) explains that although entrepreneurship in government is a laudable goal, it can however result in government managers (public entrepreneurs) taking excessive risks and abusing people and principles (Denhardt, 2011). Chang (2008) goes even further, he states that NPM concept of contracting out can lead to corruption. As public managers fulfill their self-interest, they will become susceptible to bribes from their private contractors (Chang, 2008).

Moe (1994) is also concerned with the role of public managers as entrepreneurs. He states that public managers are agents of the sovereign and their roles are to enforce laws of the constitutional polity, while entrepreneurs only concern is customer satisfaction. He feels that NPM has misinterpreted the role of government.

Dunleavy (2006) wrote that NPM is now a two decades old set of public management ideas that has essentially died in the water. NPM approaches are being reversed because they lead to policy disasters. For example, Dunleavy states that the growth of hospital infections in the UK was a direct result of outsourced cleaning contracts. According to Dunleavy (2006), NPM policies resulted in more complexity and mistrust of representative democracy because NPM made it more difficult for citizens to understand the internal working of government and thus eroded their

autonomous capabilities to solve policy problems (Dunleavy, et. al., 2006). He further explains that decentralization has resulted in fragmentation and at times duplication of processes (Dunleavy, et. al., 2006).

Hayes (2003) provides the following six weaknesses of NPM:

1. An over-rigid application to artificial market boundaries.
2. Loss of power, status and confidence for professional workers.
3. It makes it easier for elected officials to avoid responsibility and blame administrative agencies for problems.
4. Best practices in the private sector are applied to the public sector without adequate analysis of their appropriateness.
5. Ineffective use of marketization and privatization.
6. Accountability can become unclear and fragmented.

Hayes (2003) goes on to explain that NPM approaches have failed to take into account the great complexity of government and that business managerial practices just cannot be exported to the public sector with a clear understanding of what the public sector really is (Hayes, 2003).

While there is considerable debate as to whether NPM is still a viable public sector managerial concept, there is no debate that contracting out and privatization continue to flourish even two decades after the implementation of the NPM. These two tenets of NPM have found popular acceptance among many stakeholders. It is strongly supported by the private sector as they benefit from lucrative government contracts. It is supported by public sector managers as they can point to short term gains and by legislators as they can point to the private vendors and

agency managers to remain blameless for any unintended consequences or problems that may arise.

Although prison privatization has its origins in public choice theory and community corrections is linked to NPM, the approaches are similar. Both were implemented and expanded as a result of the public's dissatisfaction with government inefficiencies. NPM doctrine is closely related to public choice theory. While NPM is considered new, some of its concepts, such as efficiency, less government spending and smaller government, are linked to public choice theory.

Privatization and contracting, concepts of NPM and public choice theory, have been at the core of the prison incarceration and community corrections industry. As incarceration costs continue to increase, corrections policy makers increasingly turned to the private sector for solutions. The efficiency drive of NPM resulted in many public correctional facilities at the federal, state and local levels embracing the private sector to perform incarceration services. As a result, prisons and jails all across the nation began contracting out and in some cases privatizing many of the services they provided to inmates, including health care, food and detention.

Community corrections was one of the services that private organizations argued that they could perform in a more efficient and effective manner than their public counterparts. Therefore, many federal, state and local corrections departments began contracting out community corrections services to private companies. Consequently, as more inmates became eligible for community corrections services, the industry ballooned into one of the major services privatized by corrections departments.

In sum, the rise of NPM resulted in the growth of community corrections. As the incarceration population grew and inmates costs increased, correction policymakers turned to contracting out and privatization to control both inmate costs and population.

The Privatization of Corrections

While there is no agreed consensus on the definition of privatization, there are generally accepted definitions that are found in the literature. One such widely acceptable use is that privatization is the practice of the government contracting with private corporations to provide public services. Services such as garbage collection, incarceration, police, sewer, water, and road repair are generally provided by public agencies. When these services are contracted out to private corporations, this is called privatization (EARN, 2008; John Howard Society, 2002; McFarland et al., 2002). A report from the Congressional Research Service (2006) defined privatization as the use of the private sector in the provision of a good or service, the components of which include financing, operations (supplying, production, delivery) and quality control (Kosar, 2006). Regardless of its definition, the common thread is that privatization is concerned with the provision of publicly funded services by private actors.

Privatization of public services is usually promoted as an attempt to increase the efficiency and effectiveness of government, lower the cost to taxpayers, and improve accountability and transparency. The theory behind privatization is grounded in the belief that market competition in the private sector is more efficient at providing public services for the greater good of all citizens (Warner, 2006).

Privatization of government services has been controversial among public policy decision makers. Controversy surrounds the concept that public sector jobs and services have been shifted to the corporate sector, and, in some cases, to overseas workers and companies (EARN, 2008). Furthermore, critics have questioned whether the goals of efficiency and effectiveness ever realize the lower cost to taxpayers as promoted. Additionally, there is a lack of consensus on what is

considered public or private. The controversy arises when public services are performed by private individuals, but government agencies ultimately still manage the services.

A study (Dannin, 2006) explains that privatization of public services has been taking place for so long that one would expect there to be well established regulations on the process. Amazingly, there are little regulations on privatization, but there is still a significant movement to privatize public services. Privatization without solid regulations is a disaster waiting to happen (Dannin, 2006). Nichols (2010) explains that while privatization makes sense, many state and local governments do not have the metrics in place to ensure that outsourcing a service will save money (Nichols, 2010). Further, the lack of solid regulations and oversight usually results in higher costs in the long term.

The U.S. General Accounting Office Report states that for such an important area, there have been few useful, comprehensive, nonpartisan studies. Even the few studies that have been conducted provide little guidance for others to follow. Further, studies concerning prison privatization were found to be methodologically flawed and were not transferable to other institutions (Dannin, 2006; Stanza, 1996).

A recent study conducted by the League of Women Voters (LWV) resulted in the board approving a new position on privatization. The LWV (2012) stated that before privatization of government service is implemented, the community impact and goals of the outsourcing must be identified and considered (LWV, 2012). Further, the LWV explained that privatization is not appropriate for all government service. They identified the electoral process, justice systems, military, public safety, public health, education, transportation, environmental protection and services that provide and protect basic human needs are public services that should not be privatized.

Proponents (Edwards, 2009) of privatization feel that it makes sense because it would cut the budget deficit, reduce the responsibilities of government to the core functions of government, such as national security, and spur economic growth (Edwards, 2009). He feels that the postal service, passenger rail, air traffic control, highways, airports and seaports would be more efficient in the hands of private enterprise (Edwards, 2009).

While the debate continues on both sides as to what are purely government functions, privatization has taken off and is being implemented by governments all over the world. The critics point to the failures of some privatizations ventures and the proponents point to the success of other ventures. As a result, there is inconclusiveness regarding privatization as a policy and thus the debate will continue. In the meantime, privatization is being implemented in various methods in governmental agencies all over the world.

There are various forms of privatization, and even within each type, there are numerous levels. Some of the more popular types of privatization are competitive sourcing, divestiture, public private partnerships (PPPs) and vouchers. Each type of privatization is based upon the premise that it will lead over time to lower prices, improved quality, provide choices, increase efficiency and effectiveness, and decrease bureaucracy. It is theorized that the private sector is better able to provide goods and services in a more efficient manner than government because of free market competition (Savas, 1992; Hefetz & Warner, 2004).

Competitive sourcing refers to the practice where government agencies are required to solicit bids for the goods and services that they require. The private sector then competes for the opportunity to provide the goods and services. Generally, the private organization with the lowest bid is granted the government contract. This policy is driven by government's commitment to a

market based initiative. Proponents have theorized that competition will improve government efficiency and effectiveness (OMB, 2003; Savas, 1992, 1987).

A study (OMB, 2003) concluded, despite the claims of critics that competitive sourcing would dismantle the workforce and could be insufficient for government agencies to pursue on a large scale, that the opposite is being realized (OMB, 2003). Competitive sourcing has been found to improve service delivery and decrease costs to taxpayers. The results also show that it is neither dismantling the workforce, nor limiting opportunities for government services (OMB, 2003).

Divestiture refers to the complete sale or removal of government goods and services from a public operation (Lehrer & Murray, 2007). This process of service abandonment is also referred to as load or asset shedding (Wertz and Tyler, 1997). For example, in the 1980s, the Reagan administration completely divested from Conrail operations. Conrail was sold to a private entity and government funding to Conrail ceased. Divestiture occurs when the support for government operations of an enterprise becomes unpopular. This unpopularity can result from various circumstances, including citizens' reluctance to support programs that seem too costly for the benefits that are derived, or where it is assumed that private management will be more efficient and effective than public management.

Government divestiture may also occur for social and political reasons. Government may mandate divestiture when a company has an unfair advantage over resources. For example, a divestiture of AT&T was ordered by the federal government after it was determined that the company had a monopoly on the telecommunication industry. Additionally, government may divest from certain companies or countries as a means of punishing them for violating human rights. Recently many states and local governments divested from the nation of Darfur for the genocide that occurred there.

Public private partnerships (PPPs) are contractual agreements between the public and private sectors that bring together the strengths of both to provide goods and services in a cost effective manner (NCPPP, 2003). These PPPs, however, are not without controversy. Critics contend that profit motive reduces the quality of the goods and services provided to the public. Furthermore, public jobs are lost, and private companies are not accountable to the public.

According to advocates (NCPPP, 2003; Lehrer & Murray, 2007) for PPPs, it is simply not true that quality is sacrificed for the sake of profit. A study of public administrators and public works officials that utilized private companies for water or wastewater found that three out of four rated the service as very good or outstanding, and over 94% percent would recommend their private contractor to other municipalities (NCPPP, 2003). Further, a 2001 Department of Labor (DOL) study which examined PPPs in 34 cities and counties found that virtually all workers affected by PPPs were hired by the private contractors to take advantage of their institutional knowledge, or were transferred to other public positions. Additionally, many public employees who were hired by the private company found that they had a wider selection of job opportunities (NCPPP, 2003).

The criticism that private companies are not accountable to the public is countered by the proponents who argue that private companies must answer not only to the government agency that hires it, but also state and federal regulations, and the media. There is also built-in accountability in which private companies must maintain the confidence and approval of its constituents. If constituents lose confidence in the service they receive, they will blame their elected officials, who will then seek measures to hold the private companies accountable for their poor service (NCPPP, 2003).

Critics, (Dannin, 2006; Camp, 1999; Sclar, 1997, 2000) on the other hand, have maintained that the privatization of government services is at best disruptive, destabilizing, and a harmful method of cost reduction. At its worst, privatization can actually increase costs, lower quality of services, reduce public accountability, and marginalize citizen involvement in the democratic process (Dannin, 2006). Camp (1999) explains that proponents of private prisons make unsubstantiated, speculative claims which are rarely supported by concrete evidence.

Studies (Warner & Hefetz, 2003; Hebdon, 1995; Starr, 1987; Sclar, 2000) dispute the premise that privatization will increase choices and reduce costs. These studies point out that many of the supposed benefits of privatization realized by market competition are inaccurate. They claim that the efficiency and costs reduction associated with the studies promoting privatization do not take into account several factors. For example, the costs associated with contracting out a public service are not included in many of the studies. The costs associated for Request for Proposals (RFPs) are costs generally excluded from cost comparison studies, but these are substantial costs that the public agency absorbs.

The privatization of prisons has been one of the most controversial areas of debate among scholars. Proponents claim that prison privatization will reduce the costs of incarceration for taxpayers. As explained previously, many states and local governments are burdened by the significant and rising costs associated with incarceration. Therefore, private correction organizations have argued that they are capable of providing the same service as the public sector, while significantly saving costs to the taxpayers.

A study (McFarland, et al., 2002) explains that proponents believe private prisons to be less costly, and will force public prisons to be more efficient through competition. They claim that private prisons can be more innovative, and are not hampered by the cumbersome restraints that

are placed on public institutions. Furthermore, private institutions can provide the same or increased quality as public prisons at a significant reduction of cost to taxpayers (McFarland, et al., 2002).

Critics of private prisons, however, contend that any cost saving is achieved through dangerous reductions to labor costs and quality (McFarland et al., 2002). The critics claim that many of the cost reductions that private prisons advocate are never achieved, and many of the costs that are associated with the private prisons are overlooked. For example, health care rates above the negotiated rates are covered by the state (McFarland et al., 2002; Stanza, 1996). The lack of consensus among scholars leaves this controversial issue unresolved. Further fueling the debate is the lack of studies that address this important public policy.

Chapter 3

Methodology

There have been no comparative studies on public and private community corrections facilities. There are a number of studies that have examined various community corrections programs and have concluded that these programs are successful in reducing recidivism and/or were less costly than incarceration. However, the focus of these studies was program specific and therefore the conclusions could not be generalized for community corrections as a whole. In fact, the findings were program and geographic specific.

When conducting analysis of correctional facilities, in particular, when measuring correctional efficiency, some researchers suggest that both quality of confinement and cost efficiency must be considered as dependent variables in order to provide the most accurate comparison (Perrone & Pratt, 2003; GAO, 2007). Therefore I measured both quality of confinement and cost efficiency of community corrections facilities to ensure an accurate comparison.

I used a 3 step process for the analysis of the data for this study. The first step in the process was to conduct an analysis for quality of confinement between the public community corrections (CCC) and the private community corrections facilities (CCF). I used both quantitative data and qualitative data to measure this dependent variable (quality of confinement). The next step was to measure cost efficiency. I used quantitative data collected from both CCCs and CCFs to measure this dependent variable (cost efficiency). The third and final step was to measure recidivism. Recidivism was measured using offender re-incarceration rates and offender demographics. Each step is explained in more detail in the following sections.

Quality of Confinement

Quality of confinement was measured using both qualitative and quantitative data. First, I measured quality of confinement using criteria suggested by experts (Perrone & Pratt, 2003; GOA, 2007; Lundahl, 2009; Gaes, 2008). The use of the suggested criteria was done in order to address the shortcoming, such as inconsistencies in methodologies, of other studies. The variables that I used were narrowly focused and included criteria such as court sanctions that were specific for community corrections offenders.

In his analysis of the Taft Studies, Gaes (2008) recommended that any analysis of private prisons' quality of confinement should evaluate performance in the areas of:

- Safety,
- Medical care,
- Programming, and
- Rehabilitative services.

Perrone and Pratt (2003) examined private and public prison research. They suggested that quality of confinement should consider the following independent variables:

- Condition (cleanliness);
- Management (relating to staff stress and fatigue);
- Inmate activities (opportunities for education and vocation);
- Safety (inmate violence directed at staff and other inmates);
- Security (number of escapes);
- Order (number of disturbances);
- Care (medical, dental, etc).

Similarly, Logan (1992) measured quality of confinement using 8 independent variables:

- Condition (space, social density, internal freedom of movement, sanitation, noise);
- Management (job satisfaction, stress, turnover, education, training, salary, overtime);
- Activity (involvement, types, opportunities);
- Safety (of inmates, of staff, of environment, adequate staff levels);
- Security (procedures, drug use, incidents, freedom of movement);
- Order (frequency of misconduct, use of force by staff, strictness, perception of);
- Care (medical, dental, counseling, levels of stress, and frequency of illness);
- Justice (grievances, grievance process, discipline process, staff fairness, use of force).

Perrone and Pratt (2003) wrote that of the nine studies they examined on quality of confinement, the studies coincided little except in the measurement of safety, order, and care. Perrone and Pratt (2003), Logan (1992) and Logan (1996), and Lundahl et al., (2009) all call for further research and more standardized methodologies. They further caution against relying too heavily on the existing data. However, there are aspects in the existing research that can be drawn from and combined to formulate new techniques and more comprehensive studies. Consequently, I employed the techniques suggested by the above scholars (Logan, 1992; Perrone and Pratt, 2003; and Lundahl, et al., 2009) to study community correction facilities.

According to Petersilia (1993) performance measures of community corrections should include the enforcement of court-ordered sanctions. Since the court allows offenders to remain in community corrections facilities based on the performance or non-performance of certain activities, then offenders should be monitored for compliance of these court-ordered sanctions (Petersilia, 1993 retrieved from BJS, 1993).

As a result of Petersilia's (1993) suggestion, I incorporated the suggested dimensions from Perrone and Pratt, (2003); Logan, (1996) and Lundahl et al., (2009), and included the performance

measures of community corrections as promoted by Petersilia (1993) into standardized criteria for measuring correctional quality of confinement. This amalgamation of performance measures (Table 1) was the first step in the measurement of the variables. Therefore, my unit of analysis for quality of confinement will be the institution.

Table 1
Variables – Quality of Confinement

Key Concepts	How Measured
Security	Numerical (Number of escapes/absconders)
Safety/Order	Categorical (General feeling of safety) Categorical (Staffing – ratio of residents to total staff, turnover) Categorical (number of residents/staff treated for injuries) All of the above will be categorized 1= Above Average, 2= Average, 3 = Below Average Categorical (Resident misconduct - number of residents violations of rules) 1= Above Average, 2= Average, 3 = Below Average
Care	Categorical (counseling programs provided to residents) 1=Yes, 0=No Categorical (Dental care/health care available to residents) 1=Yes, 0=No Categorical (Staffing for programs and services) 1=Yes, 0=No
Activity	Categorical (Vocational training) 1=Yes, 0=No Categorical (Educational) 1=Yes, 0=No
Justice	Numerical (number of grievances filed by residents against staff) Categorical (Grievance process) 1=Yes,0=No Categorical (Discipline process) 1=Yes, 0=No Categorical (Legal resources and legal access)1= Yes, 0=No Total of the above will be categorized 1= Above Average, 2=Average, 3= Below Average
Conditions	Categorical (Cleanliness) 1 = Yes, 0 = No Categorical (visitation) 1=Yes, 0=No Categorical (Crowding) 1=yes, 0=No Total of the above will be categorized 1= Above Average, 2= Average, 3 = Below Average
Management	Categorical (average salary of staff) H= High, M= Medium, L=Low Categorical (Operations) H= High, M= Medium, L=Low Total of the above will be categorized 1= Above Average, 2= Average, 3 = Below Average

Court-ordered Sanctions	Categorical (Compliance) monitoring police arrest, restitution to victims and/or court fees, community service, verify employment, school attendance, drug testing requirements, alcohol use. 1= Strictly Enforced, 2= Enforced, 3= Moderately Enforced, 4= Poorly Enforced, 5= Not Enforced
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As shown in Table 1 above, there are several independent variables associated with the study regarding the measurement of quality of confinement:

- Security is a categorical variable that is measured by three criteria, number of violations at facility, number of escapes to attempted escapes, and ratio of residents to security staff. These three criteria are measured using 1= High, 2= Medium and 3= Low.
- Safety/order is a categorical variable that is measured by three criteria, general feeling of safety, ratio of residents to total staff, and the number of residents and staff treated for injuries. The three criteria are measured using 1= Above Average, 2= Average and 3= Below Average.
- Care is a categorical variable that is measured using 3 criteria, access to counseling programs 1=Yes, 2=No, dental care/health care available to residents 1=Yes, 2=No, staffing for programs and services 1=Yes, and 2=No.
- Activity is a categorical level variable that is measured by two criteria, vocational training 1=Yes, 2=No, educational 1=Yes, 2=No,
- Justice is a variable that is measured using both numerical and categorical level of data. The numerical, continuous level variable measure will be the number of grievances filed by residents against staff. The categorical measures will be presence of a grievance process 1=Yes, 2=No, presence of a discipline process 1=Yes, 2=No and presence of legal resources and legal access 1=Yes, 2=No. The total of all available services will be averaged and measured using 1= Above Average, 2= Average and 3= Below Average.
- Conditions is a categorical variable that is measured by 3 criteria, number of residents per facility, cleanliness and number of hours allowed for visitation per month. The services will be measured using 1= Above Average, 2= Average and 3= Below Average.
- Management is a categorical variable that is measured by three criteria using both numerical, continuous level variables and categorical level data. Staff turnover, salary and operations will be measured using 1= High, 2= Medium, 3= Low. The total of all available services will be averaged and measured using 1= Above Average, 2= Average and 3= Below Average.
- Court-ordered sanction is a categorical level variable with seven criteria. Monitor police arrest 1=Yes, 2=No, compliance with restitution to victims and/or court fees 1=Yes, 2=No, community service compliance 1=Yes, 2=No, verify employment 1=Yes, 2=No, school attendance 1=Yes, 2=No, drug testing requirements 1=Yes, 2=No, alcohol use 1=Yes, 2=No. The total of all available services will be averaged and measured 1= Strictly Enforced, 2= Enforced, 3= Moderately Enforced, 4= Poorly Enforced and 5= Not Enforced.

The above variables were used to measured quality of confinement between CCCs and CCFs.

An observational data collection instrument was developed for the collection of data because variables like conditions, management, safety and security were measured using criteria such as cleanliness, general feeling of safety, adequate parking, professionalism of staff, dangerous or threatening conditions, and the enforcement of safety precautions, required site visits to CCS and CCFs to collect and verify the data.

I conducted site visits at the following 10 community corrections centers and facilities: Philadelphia Center # 2, Philadelphia #3, Kintock- Erie Ave, Harrisburg Center, Wernersville Center, #30, #27 and, #18, Keystone, Guardenzia-Capitol Pavilion and Guardenzia-Common Ground. The publicly operated community corrections are Philadelphia #2, Philadelphia #3, Harrisburg Center, and Wernersville Centers #30, #27, #18. The privately operated community corrections centers were Kintonk- Erie Avenue, Keystone Correctional, Guardenzia – Capitol Pavilion and Guardenzia – Common Ground.

In summary, I employed a two-step process to capture variable specific data for measuring quality of confinement at CCCs and CCFs. First, quantitative data on the variables were used and coded into SPSS for analysis and second, qualitative data using an observational data collection instrument (Table 2 below) of certain variables were used to improve the reliability and validity of the variables.

Table 2
Observational Data Collection Instrument

DATA COLLECTION INSTRUMENT FOR PRIVATE AND PUBLIC COMMUNITY CORRECTIONS	
Conditions	<p>The information sought in this category include: The shape, size and appearance of this facility. Is the building dilapidated? How many floors? Are residents and visitors congregating outside or in the vicinity of the facility? Etc.</p> <p>Cleanliness of facility – The information sought in this category includes: Is there garbage/trash thrown around the facility, floors, grounds, parking lots? Are there trash cans available for use? Are the trash cans filled and need emptying? Are the floors clean? Etc.</p> <p>Parking – The information sought in this category include: Is there adequate parking for visitors, staff?</p> <p>Accommodations – The information sought in this category include: Is there adequate seating for visitors? Is there accommodation and special consideration for children? Is there consideration for people with disabilities? Are the visiting hours adequate? Is the facility crowded? Etc.</p>
Security	The information sought in this category includes: Is there electronic surveillance? Are security personnel/guards present and alert? Are the scanning and security equipment being used by the security personnel? Is the staffing level adequate? Are the security personnel uniformed and visible? Etc.
Safety Conditions	The information sought in this category includes: Is there a general feeling that facility and offenders are safe? Are safety precautions implemented and enforced by the facility? Are there any dangerous or threatening conditions that exist at the facility (gangs, hostile environments, fighting)?
Order	The information sought in this category includes: Are the rules and regulations being enforced consistently? Etc.
Care	The information sought in this category includes: Is there access to proper health care, mental health, substance abuse treatment, medications, evaluations, etc.
Activity	The information sought in this category includes: Is there access to exercise opportunities, educational counseling, job training, religious services, Etc.
Justice	The information sought in this category includes: Are there any issues/inconsistencies with discipline procedures and administration? Are there any issues with the granting or revoking of privileges? Etc.
Management	The information sought in this category includes: Is there frequent turnover in the staffing? Is there a communication problem between staff and leadership? Are there issues with the standard operating policies? Is the staff knowledgeable in their duties and functions? Are there problems with record keeping? Is the staff professional? Etc.

Cost Efficiency

Cost effectiveness is a complex endeavor when comparing the costs associated with private and public incarceration. According to Perrone and Pratt (2003) how costs are calculated, type and location of facilities and the number of inmates may affect the result of the comparison. There are many indirect and “hidden costs” associated with privatization, such as contract writing, liability and monitoring that may not be included in the costs analysis (Perrone and Pratt, 2003).

Further complicating the issue of cost efficiency is that some institutions may not house the same type of offenders in the same geographic areas (Shichor, 1995 as cited in Perrone and Pratt, 2003). The custody level of the offenders and the kinds of programs they require will affect the costs of the institution. Perrone and Pratt (2003) explain that the custody level of the institution, the medical needs of the offenders and the programs provided all affect the operating costs of the institutions (Perrone and Pratt, 2003). Gaes (2010) agrees with Perrone and Pratt (2003) that it is essential for studies to match or control for characteristics such as custody level, fewer programs, healthier inmates and economies of scale that would skew the results in favor of one institution over another (Gaes, 2010, Perrone and Pratt, 2003).

The cost comparison problems associated with private and public incarceration are similar for community corrections. When comparing private and public community corrections, it is important that the characteristics match as closely as possible and thus eliminate any bias for either private or public facilities that may occur. Since this study is only using data of inmates from Pennsylvania prisons that were eligible for community corrections using the Pennsylvania evaluation criteria, it will fulfill the geographic requirement. The custody level requirement will also be matched for the offenders because as previously stated, inmates eligible for community corrections in Pennsylvania are required to meet certain requirements, one of which is a risk

assessment score that identifies whether the offender is a high, medium or low risk. Inmates who are classified as high risk offenders are rarely eligible for community corrections, therefore, inmates assigned to any of the 54 CCCs and CCFs are significantly more likely to be classified at similar security levels. However, there is an exception to the security level requirements in that the CCFs have the right to refuse an inmate into their facility.

The CCFs in Pennsylvania have been able to negotiate into their contracts the right to refuse an inmate into their facility. This right of refusal provides the CCFs with the ability to “choose” which inmates are assigned to their facility. This ability to “cream,” which means the intentional and systematic use of selection criteria to choose which inmates are assigned to CCFs, gives the private operators a distinct advantage over their public counterparts. CCCs do not have the ability to refuse inmates that may be problematic, ill or any number of negative characteristics while the CCFs can refuse and get the “cream of the crop” of inmates that are eligible for community corrections.

The costs associated with health care, number of programs, activities and other offender costs are difficult to separate in Pennsylvania because offenders assigned to a CCC can receive services at a CCF and an offender assigned to a CCF can receive services from a CCC. Therefore, it is extremely difficult to separate the cost per day for an offender assigned to a CCC or CCF because services are shared across the facilities. Accordingly, this study will use the average cost per day for the 6 CCCs and 4 CCFs visited. While this average cost per day may not accurately reflect the actual costs per day for all CCCs and CCFs, it will be extremely close to the actual daily costs incurred by the CCFs and CCCs.

In summary, cost efficiency is complex to measure and is not without its limitations. However, for the study, cost efficiency was determined using the averages of the cost per day per offender of the 6 CCCs and 4CCFs that were subjects of the site visits.

Recidivism

Although a number of studies have compared the rates of recidivism for private and public prisons, it is difficult to draw any conclusions because of the differences related to the conceptualization and operationalization of recidivism. In fact, several authors of existing studies acknowledge that comparison of their data to that of other researchers is not recommended due to the lack of a uniform methodology in recidivism research. This inconsistency of methodology results in seemingly similar studies becoming controversial when they arrive at opposite conclusions.

Agencies, organizations, and researchers conducting studies on recidivism understand and define the term “recidivism” differently. A definition of recidivism has two parts: the acts or events that constitute recidivism and the amount of time that has elapsed after release before a criminal act is committed. Attempts to define recidivism further are impeded by the fact that criminal behavior is a broad term and difficult to accurately document. While records exist for some actions, such as arrests and convictions, relying solely on official records provides an incomplete picture of criminal behavior because many crimes are committed without detection or being reported to law enforcement (NIJ, 2008).

Given the difficulties associated with collecting data on crimes that go undetected or that do not end in arrest or conviction, most research focuses on detected crimes documented by official records. The definition problems are further compounded by the fact that no commonly accepted definition of “recidivism” exists in the correctional or criminal justice literature. Even when

analyzing official records, recidivism is interpreted differently in various studies and different statistics are recorded by different official agencies. For example:

- Lanza-Kaduce, et al. (1999) included all arrests, convictions for felonies, and imprisonment for both technical violations and new offenses in its recidivism measurement (Bales, et al., 2005).
- Farabee and Knight (2002) included only conviction and imprisonment for new offenses in its recidivism measurement (Farabee & Knight, 2002).
- The Florida Department of Corrections measured recidivism as conviction for a new and serious offense and re-imprisonment for a new offense (“Recidivism Measures,” 2003).
- The Oklahoma Department of Corrections considers recidivism as the percentage of offenders who return to the Department of Corrections custody within three years of release (“Oklahoma,” n.d.).
- The Connecticut Legislative Program Review and Investigations Committee tracked recidivism as rearrested for new charges, reconviction on those charges, and re-imprisonment or other court-mandated penalty such as “probation, diversionary program, or fine (“Connecticut,” 2001).
- Spivak and Sharp (2008) considered just re-incarceration as recidivism since a return to prison also implied an arrest, a conviction, and any parole violations (Spivak & Sharp, 2008).

Time to re-offense, re-conviction or re-incarceration is the second half of the recidivism definition. Existing studies and correctional agencies place a limit on the time period in which

recidivism can occur; if a former inmate commits a crime after this window has closed, he/she is not considered to have recidivated. There are large variations among the existing research as to how soon re-offenses, re-arrests, re-convictions, and/or re-imprisonment must occur to be considered recidivism. Some studies analyzed inmate behavior for as little as 12 months, others for over five years. The following is a list of studies and organizations and the time span in which they consider re-offenses to be events of recidivism:

- The Oklahoma Department of Corrections: 36 months;
- Spivak and Sharp (2008): four years;
- Lanza-Kaduce, et al (1999): one year;
- Lanza-Kaduce and Maggard (2001): four years
- The Connecticut Office of Program Review and Investigations: three years (1997 to December 31, 2000);
- Bales, et al (2005): six years (between 1995 and 2001).

It is worth noting that longer periods of inclusion do not necessarily result in clearer conclusions. Lanza-Kaduce and Maggard (2001) and Spivak and Sharp (2008) both studied recidivism data over four years and arrived at opposite conclusions. Methods of measurement varied significantly across studies. Some of the differences included:

- recidivism start dates;
- variables controlled for; and,
- comparisons among inmates.

Researchers use different methods of dating acts of recidivism. These methods include the commission of a crime, the arrest for a crime, and the conviction for the crime all likely occur on different days, perhaps months or years apart, and thus the period of non-recidivism would be different depending on when researchers decide the recidivism started (NIJ, 2008; Spivak & Sharp, 2008). For example, those studies that calculate the date of recidivism as the date of arrest or the commission of crime resulted in shorter time periods between release and relapse than a study that considers the date of recidivism as the physical return to incarceration. If an inmate has been arrested but is not convicted until the period of observation has closed, the inmate may be classified as a recidivist in one study and a non-recidivist in another study, depending on the method of dating acts of recidivism (NIJ, 2008; Spivak & Sharp, 2008).

Since the major concern with recidivism is the return to criminal activity by a former inmate and not the effective prosecution of crimes by the justice system, it seems prudent to consider the date of recidivism as the date of arrest or commission of a crime. Using only conviction as the date of recidivism may artificially inflate the period considered non-recidivism. In order to address these concerns, I use only re-incarceration as the start date for measuring recidivism regardless of the time spent in detention.

The re-incarceration data included those offenders who are also technical parole violators (TPV). TPV are those offenders who have not committed a new crime but who violated one of the terms of their parole (for example, intoxication) and were re-incarcerated. Further, those offenders who were returned to detention and later released back to the streets are included in the re-incarceration data. Although these offenders were later released back to the street, it is important to include them in the re-incarceration data because they were re-arrested and

incarcerated. Their final disposition should not be the determining factor in whether they are included in the data.

The variables associated with recidivism are age, race, gender, marital status and length of incarceration (minimum/maximum). Data were collected for these independent variables and analyzed. First a correlation table was developed using SPSS to assess for multicollinearity among the variables. Multicollinearity is the undesirable situation where the correlations between the independent variables are strong. When two variables are highly correlated they are measuring the same phenomenon. This strong relationship increases the standard errors of the coefficients. This inflation of the standard error can be misleading and therefore make some of the independent variables insignificant when they could be significant.

There are two methods to assess for multicollinearity. The first way is to perform correlations. Variables that indicate correlations of 0.75 or higher may indicate multicollinearity. The other method is by examining tolerance and the variance inflation factor (VIF). VIF measures the impact of collinearity among the variables in a regression model. Generally, if a low tolerance value is accompanied by large standard errors, multicollinearity may exist. For this study, I assessed for multicollinearity using the former method and removed variables with correlation of .75 or higher. Table 3 below shows the correlation matrix for the individual level variables, which include: center type, age, gender, race, marital status, length of sentence and recidivism.

A correlation to access for multicollinearity was also conducted for the institutional level variables. Table 4 above shows the matrix for the variables: center type, risk assessment score, security, safety, order, care, activity, justice, conditions, management and court ordered sanctions.

The correlation analysis of the individual level variables resulted in minimum sentence being excluded from the model. There was a high correlation between minimum and maximum sentence which necessitated that one of the variables be excluded from the model. The variables that were included in the model are center type, age, race/ethnicity, gender, marital status, offence type and maximum sentence.

Multilevel Logistic Regression Analysis

A multilevel logistic regression was calculated for those variables included in the model with the dependent variable of recidivism. Logistic regression is a statistical technique that is used to determine which variables affect the probability of an outcome. It can be used with any type of variable and provides the odds or probabilities of a certain condition occurring. In the case of this study, it lets us know the probabilities that recidivism will occur as a result of the independent variables. In other words, an offender will either recidivate or will not recidivate. It will also let us know the probability that center type (CCC/CCF) is significant in affecting recidivism.

Since the dependent variable recidivism is dichotomous, analysis using logistic regression is appropriate. However, logistic regression assumes that the data is independent and that assumption is violated by the fact that the offenders are nested in the institutions. There are various ways to address this; one way is to analyze each institution separately. However, this would not allow for a direct comparison of the two types of institutions. Instead, I used multilevel logistic regression, which is a superior method.

Logistic regression model

$$\text{Logit}(Y) = XB + e$$

Where Y is a vector of responses, X is a matrix of independent variables, and B is a vector parameters to be estimated and e is error.

Multilevel logistic regression model

$$\text{Logit}(Y) = XB + ZG + e$$

Now X and B are on one level of the model (institution) and Z and G are at the other (individual). This allows us to deal with any dependencies in the data. The results of the data analysis using multilevel logistic regression will be discussed in the following chapter.

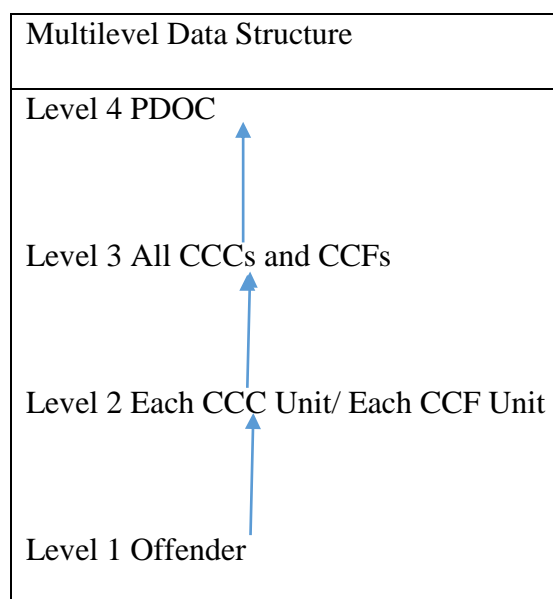
There are a number of advantages to using multilevel modeling. Multilevel models provide a convenient framework for studying multilevel data. It encourages a systematic analysis of how covariates measured at various levels of a hierarchical structure affect the outcome variable. It also measures how the interactions among covariates measured at different levels affect the outcome variable. Additionally, multilevel models correct for biases in parameter estimates resulting from clustering. Multilevel models provide correct standard errors and thus correct confidence intervals and significance tests (Gua and Zhao, 2000).

The Model Levels

For this study, the offender groups are predetermined, that is, the offenders are assigned to CCCs/CCFs by the PDOC. The population is only those offenders released through community corrections in 2008. Therefore, there is no randomization of offenders. Further, the CCCs and CCFs are similar in security levels, offender risk levels, types of crimes, length of sentence, parole status, and other pertinent criteria. Therefore, a systemic study of these facilities using multilevel modeling will allow for a more reliable comparison.

The social, environmental and psychological processes that influence recidivism occur at many levels. Therefore, an analysis of the independent variables, offender, CCC/CCF, health, education, age, race, marital status, security, length of sentence, offence type and gender, should consider each of the levels and their interactions. In particular, the structure of the model is the offender on Level 1, each CCC and each CCF on Level 2, all CCCs and CCFs on Level 3 and the PDOC on Level 4. Although, it is possible to use several levels, for this study I used only 2 levels as I was primarily focused on the individual and the institution (Levels 1 and 2).

Table 5
Multilevel Data Structure



On level 1 we have the offender who is the nested undivided. The unit of analysis at this level is the individual. On level 2 we have the offender nested within a unit. The unit of analysis at this second level is the individual + center/facility (CCC/CCF). On level 3 we have the offender nested in community correction. The unit of analysis is the individual + center/facility (CCC/CCF) + community corrections. On Level 4 we have the offender nested in PDOC. The unit of analysis is individual + center/facility + community corrections + PDOC.

Data Collection

In this study, I used official data from the PDOC. Data were collected from all offenders released in 2008 from any of the 14 state owned and operated community corrections centers or any of the 40 privately owned and operated community corrections facilities (CCC and CCF) during that time period and all inmates released directly from a State Correctional Institution (SCI) to the streets. There was a total of 15,456 cases associated with this study. However, 8,252 of the cases were excluded because these cases were not directly related to community corrections. The 8,252 cases were inmates who were released directly to the street from prison. They were not provided with any community corrections programming. Therefore, only the 7,204 cases that were assigned to community corrections were included in this study.

The PDOC database contained detailed data all of the offenders associated with this study. The data were provided to the researcher in both Excel and SPSS format and included: A non-identifier inmate number, date of birth, race/ethnicity, gender, marital status, length of incarceration, type of offense associated with the current incarceration, and type of programming/education/treatment received while attached to a community corrections center. The data also contained information that provided the researchers with information to construct a variable that indicated whether the correctional client was re-admitted to a PA SCI (prison) or released back to the street after their re-arrest. As stated previously, this was the measure used for recidivism.

I conducted random site visits to 10 of CCCs and CCFs from October 2011 to June 2012. These site visits were conducted to collect observational data on key concepts such as justice, conditions, care, activity, safety and management. An observational data collection instrument was developed to record the data used for the analysis of these important variables.

A Human Subjects Review application was approved by Penn State Office of Research Protection Institutional Review Board. Additionally, the PDOC Research Review Committee also approved this study and has provided some of the relevant data requested by the researcher.

Official data was also collected from the Pennsylvania Office of the Victim Advocate and The Center for Schools and Communities. The report “*Restitution in Pennsylvania Task Force Final Report*” was used to collect data regarding restitution in Pennsylvania. The report provided data on the collection of court imposed sanctions on offenders.

Limitations of the Study

This research study had several limitations. This study was primarily limited by the official data that were provided by the PDOC. There were some inconsistencies in the data that could not be clarified and/or verified and as a result some of the variables received limited comparison and others were excluded from the model. This lack of data clarification limited the robustness of the quantitative analysis and rendered key segments of the design unworkable.

Access to CCCs and CCFs were limited and therefore inhibited the collection of data. Site visits were made to a small number of facilities and only in two regions. This small number of site visits may not be fully representative of community corrections environment system wide. Further, employees and inmates were reluctant to have free and open discussions with the researcher and as a result the qualitative analysis was limited in scope.

Cost efficiency was limited to a small sample of community corrections institutions. This small sample may not accurately reflect the actual cost per offender per facility across the system. Despite these difficulties, this study provides some interesting findings that make it an important contribution to the literature on community corrections.

Definitions and Terminology

African American/Black - According to U.S. Office of Management and Budget's (OMB), "Black or African American" refers to a person having origins in any of the Black racial groups of Africa. The Black racial category includes people who marked the "Black, African Am., or Negro" checkbox. It also includes respondents who reported entries such as African American; Sub-Saharan African entries, such as Kenyan and Nigerian; and Afro-Caribbean entries, such as Haitian and Jamaican.

Hispanic - The U.S. Office of Management and Budget (OMB) defines "Hispanic or Latino" as a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race. Hispanic origin can be viewed as the heritage, nationality group, lineage, or country of birth of the person or the person's parents or ancestors before their arrival in the United States. People who identify their origin as Hispanic, Latino, or Spanish may be any race.

Inmates/Offenders – This term is used interchangeably to refer to individuals convicted and sentenced to jail, community corrections and prison for a crime. However, the term offender is most often used to refer to individuals confined to jail and community corrections.

Jail Inmates/Offenders – These are offenders confined in short-term facilities that are usually administered by a local law enforcement agency and that are intended for adults but sometimes hold juveniles before or after adjudication. Jail inmates usually have a sentence of less than 1 year or are being held pending a trial, awaiting sentencing, or awaiting transfer to other facilities after a conviction. Prison inmates are individuals sentenced to longer-term facilities run by the state or the federal government typically holding felons and persons with sentences of more than one year.

Assault - An unlawful physical attack or threat of attack. Assaults may be classified as aggravated or simple. Rape, attempted rape, and sexual assaults are excluded from this category, as well as

robbery and attempted robbery. The severity of assaults ranges from minor threats to nearly fatal incidents

Recidivism - Is measured by criminal acts that resulted in the re-arrest, reconviction, or return to prison with or without a new sentence during a three-year period following the prisoner's release (“a tendency to slip back into a previous criminal behavior pattern”).

Violent Crime - Includes murder, homicide, rape and sexual assault, robbery, and assault.

Non-Violent Crime - Narcotic drugs, drunk driving, forgery, fraud, and receiving stolen goods.

Incarceration- The act of confining to a prison or jail persons convicted of a criminal offence or persons accused of committing a criminal offence.

Chapter 4

Data Analysis

The data for this study employed twenty variables in its analysis of CCFs and CCCs. These variables were developed and incorporated into this study as a result of the limitations of other studies that have investigated public and private incarceration. The data was evaluated for accuracy and completeness. Cases with incomplete or missing fields were removed from the dataset. As a result, it quickly became necessary that 2 variables, parole period/length, and release type would have to be removed from the model because of missing or incorrect data.

While the removal of these variables was not the ideal situation for this study, the final conclusion will not suffer due to their exclusion. However, reasonable estimations of the two variables were calculated based on the existing data. Since approximately 60% of the offenders who were accepted into community corrections were serving maximum sentences of less than five years, it can safely be estimated that 4,322 offenders were scheduled to complete their parole within less than four years.

This estimation is possible because as explained previously, offenders cannot become eligible for community corrections programs until they have completed at least one-half of the offender's minimum sentence, be within one year of completing their minimum sentence, having no outstanding detainers and served at least nine (9) months in a prison facility (PDOC, 2012). Therefore an offender sentenced to five years in prison would have to complete at least one year in prison before he/she is even considered for community corrections.

The variable release type would have provided information of the types of inmates that were assigned to community corrections. Although it would have been supportive of the model to have that data, the exclusion of it does not have any important significance on the final conclusion

or determinations. However, it is estimated that approximately 90% of the inmates released through community correction were pre-release or parole.

This estimate is based on the data from the Pennsylvania Commission on Crime and Delinquency (PCCD) which states that of the 15,776 inmates released in 2008, 22% had served their maximum sentence. Another 46% received state parole and 13% were re-parolees (PCCD, 2012). For example, a summary of the inmate population released in 2011 shows that the number of pre-release inmates was approximately 46% percent. The number of parolees was approximately 45% percent and the halfway backs at approximately 9% percent (PDOG, 2011). These numbers have remained fairly flat over the last few years. Since a reasonable estimate of parole period/length and release type could be determined, the analysis of the model proceeded using only the data associated with the other variables in the model.

Analysis of Quality of Confinement

The variables that were tested to determine quality of confinement were center type, risk assessment score, security, safety, order, conditions, justice, management, activities, care, and court sanctions. As previously indicated risk assessment score, safety, order and court sanctions were excluded from the quantitative model. However, these variables were included in the qualitative analysis. I will first discuss the analysis of the quantitative model followed by the qualitative discussion.

A chi square analysis of the variables, security, conditions, justice, management, activities and care was conducted to test for significant relationships with center type. The results indicate that there is a significant difference in conditions and security between a CCC and a CCF. The analysis for conditions ($\chi^2 = 45.48$, $P < .05$) indicate that conditions at CCCs and CCFs are

significantly different. There were significantly more offenders located in above average conditions at CCCs (57%) than offenders at CCFs (12%).

The analysis for security ($\chi^2 = 291.08, P < .05$) indicates there were more offenders located in poor or inadequate security institutions. More than 25% of offenders in CCFs were located in facilities than were considered to have poor or inadequate security when compared to the CCCs which had no offenders in such centers.

The high escape and absconder rates of CCFs in comparison to CCCs tend to also indicate that there is poor or inadequate security at some CCFs. One of the main security problems faced by both CCFs and CCCs is offenders escaping or absconding. Offenders are given passes to attend work (those who have jobs), visit family, look for employment, attend treatment centers, medical treatment or other matters. Some of these offenders do not return to the facilities. Escapees are those who left the centers/facilities without permission and absconders are those who were given passes and failed to return. The number of escapees and absconders as shown in Table 6 below is 216 for CCCs and 1,680 for CCFs. The number of escapees and absconders in all community corrections (both CCF and CCC) is over 26%. However, CCFs have an almost 10% higher escapee and absconder rate than CCCs.

Table 6
Escapees and Absconders From CCFs and CCCs

<u>Offenders</u>	<u>Escapees and Absconders From Community Corrections</u>		
	<u>CCF</u>	<u>CCC</u>	<u>Total</u>
Escapees	132	72	204
Absconders	1548	144	1692
Total	1680	216	1896

A logistic regression was conducted of the independent variables escapees and absconders with center type as the dependent variable. The results show that there was a significant probability

of offenders escaping and absconding as a result of center type. That is, center type (CCF/CCC) was a significant predictor of offenders escaping or absconding. As shown in Table 7 below the odds were that offenders in CCFs were 4.5 times more likely to abscond than offenders in CCCs.

Table 7
Logistic Regression of Escapees and Absconders from CCFs and CCCs

		Variables in the Equation					
		<u>B</u>	<u>S.E.</u>	<u>Wald</u>	<u>df</u>	<u>Sig.</u>	<u>Exp(B)</u>
Step 1 ^a	Escapees	-2.373	.190	156.133	1	.000	.093
	Absconders	1.498	.126	141.981	1	.000	4.471
	Constant	1.481	.035	1825.330	1	.000	4.399

a. Variable(s) entered on Step 1: Escapees, Absconders.

Consequently, as a result of the chi square analysis and the logistic regression analysis, I have concluded that the conditions and security at CCFs are significantly different from CCCs. The quality of confinement in CCCs is better when compared to CCFs in regard to conditions and security.

In order to conduct a comprehensive analysis of the variables associated with quality of confinement it was necessary to have not only a quantitative evaluation of the independent variables but also a qualitative examination of these variables. Therefore, the variables security, safety, order, care, activity, justice, conditions, management and court-ordered sanctions were included for additional qualitative analysis. The variable risk assessment score will also be included for examination in the qualitative analysis. As stated previously, an observational data collection instrument (Table 2.) was developed and employed for use in the qualitative analysis. Data on each of the variables were collected and analyzed to compare quality of confinement between CCFs and CCCs.

According to Gaes (2008), Pratt and Perrone (2003) and Logan (1992, 1996) security is one of the conditions that must be considered when comparing private and public prisons. This criterion

is also necessary when comparing CCCs and CCFs. Security is measured by three criteria: number of violations at facility, number of escapes or attempted escapes, and ratio of residents to security staff. These criteria of security are also necessary when comparing CCCs and CCFs. Security protocol at a CCC or CCF is important because offenders leaving their places of confinement may feel cynical towards the level of security that was afforded them. A recent study (Wooldredge and Steiner, 2013) explains that violent victimization in prison may enhance inmates' cynicism towards legal authority and the risk of subsequent criminality (Wooldredge and Steiner, 2013).

Every day thousands of people are sentenced to prison or jail by judges. However, the public knows very little about the conditions into which these people convicted of crimes are kept. Most people assume that the convicts will be confined in conditions that are safe and secure. However, when the experience of incarceration becomes real through the confinement of a loved one or through a family member, then the horrors of confinement becomes a reality. Although many Americans may be aware of the deplorable conditions in which inmates are housed, they tend to look away hoping that the troubles within the prisons and jails will not affect them or their communities.

A recent study by the Vera Institute (Commission on Safety and Abuse, 2006) tried to bring the realities of prison life into the public domain. The study found that there is shame and stigma about incarceration that makes it very difficult to have honest, productive conversations about the conditions of our prisons and jails (Commission on Safety and Abuse, 2006). Since many of the inmates who are incarcerated come from and return to poor Black (African American) and Hispanic neighborhoods, many policy makers fail to make the connection that the instability of these poor neighborhoods will eventually have a negative effect on their communities and neighborhoods (Commission on Safety and Abuse, 2006).

Another recent study explains that reducing violence between inmates is one of the toughest challenges faced by prison officials (Catalano, 2005; Wolf, Shi and Siegel, 2005 as cited in Wooldredge and Steiner, 2013). Prison exists in part, to protect society from criminals, but prison administrators are also responsible for the safety of the inmates within the facility. Violent victimization also has implications for the risk of subsequent criminality after release (Listwan, Sullivan, Agnew, Cullen and Colvin, 2011 as cited in Wooldredge and Steiner, 2013).

One of the most prevalent assaults in prison is sexual victimization. Despite the enactment of the Prison Rape Elimination Act of 2003, which requires the Bureau of Justice Statistics (BJS) to carry out a comprehensive statistical review and analysis of incidents and effects of prison rape for each calendar year, there still continues to be an increase in prison rapes. According to BJS (2013) among all state and federal prison inmates, 2.0% (or an estimated 29,300 prisoners) reported an incident involving another inmate, and 2.4% (34,100) reported an incident involving facility staff. Some prisoners (0.4% or 5,500) reported sexual victimization by both inmate and facility staff. Among all jail inmates, about 1.6% (11,900) reported an incident with another inmate, and 1.8% (13,200) reported an incident with staff. Approximately 0.2% of jail inmates (2,400) reported being sexually victimized by both another inmate and staff (BJS 2013).

The BJS reports seem to indicate that prison violence, particularly sexual victimization is really low in comparison to other prison violence. However, according to Byrne and Hummer (2008) violence and disorder in prison is difficult to study due to differences in reporting by the institutions. Finally, studies that examine the overall level of disorder in prison typically rely on data from facilities on incidents and on inmate grievances. However, Bottoms (1999:223) argues that “institutional culture” results in significant underreporting of incidents by both inmates (who may fear retaliation, transfer, or some other sanction) and staff (who may respond differently to

rule-breaking based on an inmate's race, conviction, offense/criminal history, and/or classification level (Byrne and Hummer, 2008).

Improvement in the institutional culture of a prison may actually result in better reporting and thus in the number and types of incidents reported. The changes in the reporting practices of inmates and/or staff may lead to more accurate counts. Once again, we need to recognize that without accurate baseline data, tracking incident trends relying solely on official statistics are bound to be futile. The best strategy will be to use a combination of victimization, self-report, and official data sources (Byrne and Hummer, 2008).

The majority of prisons and many jails hold more people than they can deal with safely and effectively. This contributes to a degree of disorder and tension that is almost certain to erupt into violence. Similarly, few conditions compromise safety more than idleness and as a result of reductions in funding for programs, prisoners today are largely inactive and unproductive. Highly structured programs are proven to reduce misconduct in correctional facilities and also to lower recidivism rates after release. Results from a Zogby International Poll released in April, 2006, show the public's support for protecting public safety through better programming: 87% of Americans favor rehabilitative services for prisoners as opposed to punishment only (Commission on Safety and Abuse in American Prisons, Vera Institute, 2006).

Violence and abuse are not inevitable. Every correctional facility can provide a safe environment for prisoners and staff. As Donald Specter, director of the Prison Law Office in California, told the Commission: "Prisons don't have to be as dangerous and as violent as they are. The culture of our prisons virtually dictates the level of violence that you will have in them. And if you change that culture, you will reduce the violence (Commission on Safety and Abuse in American Prisons, 2006).

Stowell and Byrne (2008) also promote the need for a new cultural paradigm of prisons. They explain that prison culture and community culture are linked in ways that are important to understand. Especially with the constant recycling of offenders throughout our communities, with more than 2.3 million people incarcerated and more than 5 million people on probation or parole it is only a matter of time before prison culture becomes ingrained into the mainstream community culture. For example, there is a nationwide concern regarding young men and women wearing saggy pants (that is, wearing pants below the waist so that undergarments are showing).

Although there is some controversy as to where the saggy pants phenomenon originated, there are some who claim (Judge Mathis, 2007) that it began in the prison system. Since belts are not allowed to be worn, due to the fact that they can be used as weapons or as a means to suicide, this resulted in the ill-fitting generic pants, too large to stay up on their own, to ride low on a prisoner's hips. Many hip-hop artists soon adopted the saggy pants look in the 90's and their adoption only served to perpetuate the idea that the fashion began in prison, since many hip hop artists were themselves inmates.

In Pennsylvania the security of inmates is a concern as it is in many other states. Pennsylvania has been at the forefront of the use of solitary confinement. In 2000, the Pennsylvania Department of Corrections introduced the long term segregation unit (LTSU) to house its most dangerous inmates. The LTSU keeps inmates isolated for at least 23 hours a day. Inmates housed in an LTSU were intended to be there as a temporary punishment until the inmate could be returned to the general population. However, there have been reports of inmates spending several years in LTSU (Stroud, 2012).

More recently the Justice Department of the United States began a federal investigation into alleged systematic civil rights abuses committed by a group of correction officers assigned to

one of Pennsylvania's state prisons in Pittsburgh. Seven guards were arrested and face criminal charges including rape, assault, witness intimidation and official oppression. This investigation could result in the prison being placed under the control of an outside monitor requiring special reforms.

In yet another incident, the Justice Department found that PDOC violated the rights of prisoners under the Constitution and Americans with Disabilities Act. The Justice Department found that SCI Cresson's use of long-term and extreme forms of solitary confinement on prisoners with serious mental illness, many of whom also have intellectual disabilities, was a violation of prisoner's rights. PDOC violated their rights under the Eighth Amendment of the U.S. Constitution and dishonored the American with Disabilities Act (ADA). In addition, the Department found that SCI Cresson often denied these prisoners basic necessities and subjected them to harsh and punitive conditions including excessive use of force (DOJ, 2013).

Although offenders assigned to CCCs or CCFs are generally not treated with such extremely harsh punishments, many are aware of the consequences of their negative behaviors. Offenders assigned to CCCs or CCFs who violate the rules and regulations can easily find themselves back in prison. Therefore, it is rare that offenders of community corrections are violent. Many offenders assigned to community corrections are there for nonviolent crimes.

Since many of the offenders assigned to community corrections are for nonviolent crimes, the level of security is minimal at most. Additionally, since most offenders are close to being released or about to be paroled, they generally avoid unnecessary violence. Therefore, the level of security is much more relaxed and requires a smaller staffing level. The number of offender violations could not be obtained for this study as the PDOC felt that releasing such information would cause a security risk.

In Pennsylvania, there are approximately 5.6 inmates for each correctional personnel across the system (PDOC, 2012). The same is generally true for CCCs and CCFs. However, the staffing levels and requirements at each facility vary; some try to cut costs by employing smaller staffs while others do the opposite. Some CCCs are short staffed due to the lengthy time it takes to fill vacancies and to budget restrictions. The ratio of offenders to staff in community corrections was also determined by the PDOC to be a security risk and was not released for this study.

The site visits to the CCCs and CCFs to examine security procedures included the collection of data regarding the use of electronic surveillance, the presence of security personnel, searches being conducted on offenders/guests by security personnel and the use of metal detectors at the facilities. The four CCFs and six CCCs that were visited for this study are all located in region one and two. The Wernerville location is made up of three different CCCs. In other words, there are three CCCs at the same location.

I found that there was electronic surveillance equipment in use at all six CCCs. While there were no visible cameras on the outside of some the buildings, there were surveillance cameras in the entrance way and/or in the hallways/walkways. There were security personnel present at the entrance, who were performing their jobs as required. They checked the identification of visitors and screened for unauthorized or illegal items. Visitors were required to walk through metal detectors. The security personnel were not uniformed but wore an employee identification card. The security personnel appeared to be professional and knowledgeable about their duties.

Offenders wore identification cards and were screened at the entrance. Packages were searched at the entrance, including groceries. Offenders were signed in and out as they came and left the premises. However, the accounting for offenders (checking in and out) by security and other community corrections personnel was done by recording in ledgers and on index cards.

Offenders were actually signing in and out of physical books (ledgers). At one facility in particular, the antiquated recording and accountability system created a line of offenders waiting to sign in/out.

In contrast, the CCFs were also equipped with surveillance cameras. Cameras were located at the entrances and in some locations in the hallways/walkways. There were cameras on the outside of the buildings at two of the facilities and one facility had barbed razor wire on the fence in the recreation area. There were uniformed security personnel at two of the facilities while at the other two it was difficult to tell who the security personnel were. The security personnel at one facility was busy having a conversation with persons who appeared to be other staff while at the other facility the security personnel was reading a book and seemed disinterested in the immediate environment. Although, all of the CCFs were equipped with walk through metal detectors and hand held scanners, the security personnel at one of the facilities did not appear to check the offenders and visitors when they passed through the device.

Offenders wore identification cards and were checked in and out at the entrances. They were also checked for illegal or unapproved items at the entrance, including their groceries and other packages. There was electronic access at two of the facilities. Offenders were swiped in and out of the facility. Generally, it appears that CCFs have more modern security technology while CCCs are working with dated equipment. However, CCC's security personnel tended to be more focused and strict about security protocols.

The variable safety was not included in the model due to its high correlation with security and order, however, according to Gaes (2008), Pratt and Perrone (2003) and Logan (1992, 1996) it is one of the conditions that must be considered when comparing quality of confinement of private and public prisons. It is also important to include it in the comparison of CCFs and CCCs.

Therefore despite its exclusion from the quantitative analysis, safety will be included in the qualitative examination. Like security, safety is a critical component of the incarceration system. It would be safe to say that the two are related. You cannot have security without safety or vice versa.

A qualitative analysis of safety involves the collection of data that will provide answers to the following questions: Is there a general feeling that the facility and offenders are safe? Are there any dangerous or threatening conditions that exist at the facility? Are safety precautions implemented and enforced at the facility?

According to the Commission on Safety and Abuse in American Prisons (2006) decisions about where to house inmates or how to supervise them have an enormous impact on their safety. They contend that a well-developed system that objectively classifies inmates according to risk and an approach to supervision in which officers are engaged with inmates will enhance safety and reduce violence. The Commission found that better safety inside prisons and jails depends on changing the institutional culture, which cannot be accomplished without enhancing correction professions at all levels (Commission on Safety and Abuse in American Prisons, Vera Institute, 2006).

It is easy for corrections professionals to quickly forget that one of their main tasks is the safety of the inmates. Although most corrections professionals work diligently to maintain safety and help inmates improve their lives, some quickly forget that responsibility and become abusive. Since prisons and community corrections are institutions in which the defining characteristic is power, offenders can easily become the recipients of brutality (Commission on Safety and Abuse in American Prisons, Vera Institute, 2006).

The culture of an organization is determined by its leadership. Prisons can be places where inmates can be reasonably safe. According to Minnesota Warden James Bruton (as cited in the Commission on Safety and Abuse in American Prisons, 2006) “Cultivating a positive culture inside correctional facilities is more than a feel good idea, security and control – given necessities in a prison environment – only become reality when dignity and respect are inherent in the process” (Commission on Safety and Abuse in American Prisons, VERA Institute, 2006).

The leader of an organization sets the culture. It goes back to the saying “walk the talk” (attributed to Edgar Schein, 1987). Efforts at culture change at a correctional institution can be successful only when those efforts are spearheaded by leadership. The correction officers will follow the lead of their superiors. If abuse is seen as acceptable then the members of the organization will respond likewise. Therefore, culture change must begin with the leadership ensuring the safety of every inmate.

In Pennsylvania there are serious concerns with inmate safety. However, according to the Secretary of the PDOC, those problems are being addressed. New standards, internal oversight and accountability are being implemented. However, offenders in community corrections have reported far less concerns about safety. Offenders in both CCFs and CCCs tend to face less safety issues because they are more of the non-violent type of residents and since their incarceration time is almost coming to an end they are less likely to cause problems.

Further, community corrections is an extremely profitable business for the CCFs. Therefore, security and safety issues are areas that they would not want to affect their bottom line. As stated previously, CCFs have the right of refusal over what offender enters their facility and would therefore be thought less likely to accept offenders who will cause them security and safety problems.

The site visits to the CCCs found that safety precautions were strictly enforced. Fire and other emergency information was clearly visible. Stairways were clear and easily accessible. There were no visible threatening or dangerous conditions. There was a good feeling of safety that existed at the facilities. The security personnel's diligence in performing their duties helped to create the environment that the facilities were safe. The offenders were respectful and there were no obvious signs of gang activities. Some of the employees stated that there were generally few incidents of fights between offenders and that the facilities were usually free of gang conflicts.

The site visits to the CCFs found that safety precautions were strictly enforced for two of the facilities. These two facilities were as comparable or better in regard to the enforcement of safety precautions at CCCs. The environment provided a feeling of safety and the security personnel were uniformed and attentive to their duties. There appeared to be no threatening or unsafe conditions. The offenders that were present in the facility seemed occupied with their tasks and were respectful. There was no indication of gang activities at the facilities.

There were two CCFs that did not provide an environment of safety. Although there were security personnel present, they (security personnel) seemed disinterested in their duties and appeared at times to be frustrated with the offenders who were entering and leaving the buildings. At one location the security personnel never checked as a few people came and left the building. (it is not known if these persons were offenders or employees). Although the general safety precautions appeared to be implemented and enforced, it was difficult to ascertain at the two CCFs the accuracy of the safety measures. In sum, safety protocols at CCCs appear to be implemented and enforced more rigidly than at CCFs.

The variable order was also not included in the model due to its high correlation with security and safety. However, according to Gaes (2008), Pratt and Perrone (2003) and Logan

(1992, 1996) it is one of the conditions that must be considered when comparing quality of confinement of private and public prisons. It is also important to include it in the comparison of CCCs and CCFs. Therefore despite its exclusion from the quantitative analysis, order will be included in the qualitative examination. Like security and safety, order is a critical component of the incarceration system. It would be safe to say that the three go together and as a result there is a high correlation between the variables. Order is also associated with security and safety.

A qualitative analysis of order involves the collection of data that will provide answers to the following questions: Are the rules and regulations being enforced consistently? Are there a high number of offender violations and misconducts for rules violations? Although, violations and misconducts are numerous for prisons, they are fortunately less of a problem for CCCs and CCFs. Offenders receive violations and misconducts for returning later than their scheduled time. Some receive violations for not being where they are expected to be. Others receive violations for a number of CCC and CCF infractions but generally many of these violations or misconducts are not the serious type that would require further incarceration.

Unfortunately, there are some offenders who actually commit crimes while they are residents in community corrections. These offenders are, for the most part, a small minority of the community corrections population. Generally, because offenders are enticed with the opportunity to return to their community and are not locked away in prison, they are more likely to follow the CCC or CCF discipline processes.

The number of offenders' violations for CCCs and CCFs are generally low in comparison to prison inmates. The PDOC was unable to provide the data for this criterion, but from interviews with CCF and CCC personnel at the site visits, it was estimated that violations and misconducts were not a concern to either facilities (CCF or CCC).

Further, an examination of the offenders' handbook that is provided to them (offenders) upon arrival to a CCF or a CCC, shows that the rules and regulations are consistent across the facilities. However, this study could not determine whether the rules and regulations were being enforced fairly and consistently. As a result, the comparison of the variable order in regard to quality of confinement for CCFs and CCCs is inconclusive.

A qualitative analysis of care includes the collection of data regarding access to proper healthcare (medical), mental health, substance abuse treatment, medications and evaluations. According to Gaes (2008), Pratt and Perrone (2003) and Logan (1992, 1996) care is one of the conditions that must be considered when comparing quality of confinement of private and public prisons. This criterion is also necessary when comparing CCCs and CCFs. It is also important to discuss costs of the care to the offender.

A recent study by the PEW (2013) found that prison healthcare in 44 states totaled \$6.5 billion in 2008(The PEW, 2013). The significant growth in prison healthcare cost is a direct result of increased incarceration rates. The study also found that aging inmate populations, the prevalence of infectious and chronic diseases, mental illness, and substance abuse among inmates contribute significantly to the costs (The PEW, 2013).

According to the study's finding, inmates' health, the public's safety and taxpayers' dollars are all affected by how prisons manage their inmates' healthcare services. They explain that effectively treating inmates' physical and mental ailments, including substance abuse improves their well-being and can reduce the likelihood of them committing new crimes or violating parole (The PEW, 2013).

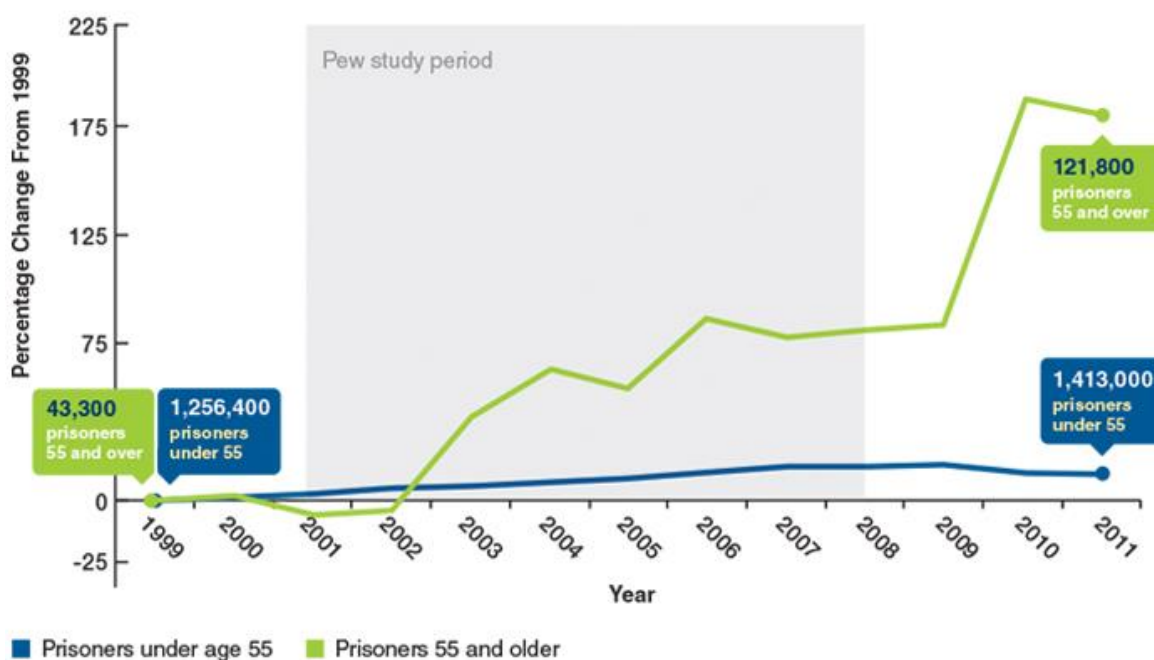
Both The Pew (2013) and the Urban Institute (2013) provided several best practices that states can use to control their inmate healthcare costs. Some of the recommendations include the

use of telehealth technology, improved management of healthcare service contractors, Medicaid financing and medical or geriatric parole require co-pay for medical visits, and allowing direct purchase of over the counter drugs by inmates (The Pew, 2013; The Urban Institute, 2013).

States differ considerably in how they provide healthcare to inmates. Some hire medical practitioners, while others may contract with private companies or universities. Inmates who become ill typically submit a sick call slip which is collected at an appointed time each day. Corrections staff sort the requests to determine the type of care an inmate will require. In emergency situations, inmates usually make their requests through the closest correctional officer. Despite the variations in the protocol, prisons face a significant problem in delivering healthcare to inmates and there are other factors, such as location, staffing, and inmate transportation which can drive up the costs (The Pew, 2013).

Nationwide, the Number of Prisoners Age 55 and Older Rose Sharply Over the Past Decade

Percentage change in sentenced prison populations by age group, state and federal, 1999-11



Note: The Bureau of Justice Statistics estimates the age distribution of prisoners using data from the Federal Justice Statistics Program and statistics that states voluntarily submit to the National Corrections Reporting Program. State participation has varied, which can cause year-to-year fluctuations in the Bureau's estimates but does not affect long-term trend comparisons. Between 2009 and 2010, the number of states submitting data increased substantially.

Source: U.S. Department of Justice, Bureau of Justice Statistics
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Figure 9. Sharp Rise in Prisoners 55 Years of Age. Source: The Pew Charitable Trusts.

One of the most problematic issues facing state prisons is a graying of inmates. Figure 9 above shows, from 2007 to 2011 inmates age 55 and older increased by over 55%, from 5,750 to 8,914 when compared to an 8% increase in all other age groups. The healthcare cost of this aging population can be nine times more than that for younger inmates. Although age should not be used as “a get out of prison free” card, application of reasonable intelligence should prevail. Many of these geriatric inmates are no longer a threat to the public; therefore, reasonable logic should tell

our legislatures that some new laws regarding graying inmates should be enacted. Pennsylvania's Legislature is currently looking at legislation to address this concern.

Offenders in CCCs or CCFs are required to pay their own medical costs. The community corrections handbook provided to offenders clearly states:

“The Center does not have medical services for you. A first aid kit is located in the control for your use with minor injuries, but not serious illness or injuries. When you are ill or injured we would encourage professional care, using the hospital emergency rooms as a last resort due to their cost. If you become seriously ill or injured, notify staff immediately. You are responsible for medical costs while a resident of the center, so check your medical insurance options immediately. If you need assistance with community medical resources, please see your counselor.”

Offenders are encouraged to apply for medical assistance through Medicaid and other health care programs. Therefore, the medical needs of offenders are generally not paid for by the programs (CCF or CCC).

It is important to stress that healthcare (medical) needs are different from the therapeutic needs of an offender. An offender's therapeutic needs refer to the programmatic therapy that has been specifically identified for a particular offender as a requirement for release. This may include drug counseling, mental health, educational requirements or any number of psychological counseling programs. The therapeutic needs of offenders are generally provided by the state, although in some instances offenders can be required to contribute towards the costs. Offenders are encouraged to use community services as much as possible, including Alcoholics' Anonymous, crisis intervention and other similar programs. Healthcare costs refer to the actual costs associated with a medical condition, poor physical health and well-being.

Most offenders, regardless of whether they are a resident in a CCC or CCF, receive the medical, mental health, substance abuse treatment, counseling or medical care that is prescribed for them as part of their program. They receive the treatment either through community programs, Medicaid or state sponsored programs. This occurs regardless of whether the offenders are in a CCF or CCC. The staffing for many of these services is done by both CCC and CCF personnel. Therefore, it is not possible to separate staffing for treatment by type of community corrections. As a result there is no significant difference in quality of confinement between CCFs and CCCs in regard to the variable care.

A qualitative analysis of activity includes the collection of data regarding the access to exercise opportunities, educational counseling, job training and religious services. According to Gaes (2008), Pratt and Perrone (2003) and Logan (1992, 1996), activity is one of the conditions that must be considered when comparing quality of confinement of private and public prisons. This criterion is also necessary when comparing CCCs and CCFs.

Activities in prisons vary greatly by institution. The availability of activities is dependent on the security level of the institution, the size of the institution, and several other factors that influence what and how activities can be implemented. Furthermore, the ability to get into many of the available programs is limited by the number of inmates applying for a particular program. Budget cuts and increase incarceration leave many inmates with nothing to do.

Offenders assigned to CCC or CCF are encouraged to attend school, find a job or learn a skill. However, the offenders are responsible for their own welfare. Generally, by the time an inmate is assigned to a CCC or CCF he/she has a plan on how he/she will be self-sufficient. Therefore, the institution has less responsibilities and it is up to the offender to make it on his/her own with some guidance from the CCC or CCF counselor. The handbook provided to offenders

upon their arrival to a CCF or CCC encourages offenders to use community facilities for recreation, job training, educational opportunities and religious services. Offenders are given time to attend religious services. As a result there is no significant difference in the quality of confinement between CCFs and CCCs in regard to the variable activity.

A qualitative analysis of justice includes the collection of data regarding the issues and/or inconsistencies with discipline procedures and administration. Are there any issues with the granting or revoking of privileges? According to Gaes (2008), Pratt and Perrone (2003) and Logan (1992, 1996), justice is one of the conditions that must be considered when comparing quality of confinement of private and public prisons. This criterion is also necessary when comparing CCCs and CCFs.

Many Pennsylvania prisons are being investigated for abuse of inmates. Although a grievance and discipline process does exist within the prison system, inmates are afraid to use it due to retaliation from correction officers and personnel. The Human Rights Coalition (2013) has documented over 900 incidents of inmate abuse occurring in Pennsylvania. They contend that despite repeated efforts to notify county, state, and federal law enforcement, along with elected officials of evidence of criminal acts being perpetrated by prison authorities and staff, every level of government has consistently turned a blind eye to routine, institutionalized attacks on the human rights of prisoners (HRC, 2013).

It is therefore reasonable to contend that in many Pennsylvania prisons justice is lacking. The lack of justice at one prison is shameful but because there are so many Pennsylvania prisons that are being investigated for the same abuses then it is reasonable to conclude that the problem is systemic. Such a systemic problem can lead to the conclusion that CCCs and CCFs will be experiencing the same problems.

However, the site visits to both CCCs and CCFs revealed that there appears to be no issues or inconsistencies with the disciplinary procedures. Offenders who were interviewed stated that they were content with the process and thought it was fair and just. However, requests for grievance data were not granted by the PDOC. As a result, it is inconclusive whether there is a significant difference in the quality of confinement between CCFs and CCCs in regard to the variable justice.

A qualitative analysis of the variable conditions includes the collection of data regarding the shape, size, and appearance of the facility. The cleanliness of the facility, parking, and accommodation are also considered for this variable. According to Gaes (2008), Pratt and Perrone (2003) and Logan (1992, 1996), conditions is one of the factors that must be considered when comparing quality of confinement of private and public prisons. This criterion is also necessary when comparing CCCs and CCFs.

Prisons throughout the United States and Pennsylvania vary significantly in regard to their cleanliness, overcrowding, staffing and visitation procedures. The same is true for CCCs and CCFs. The number of offenders who are eligible for community corrections are more than the system can accommodate. Therefore, offenders are always waiting to be assigned to community corrections. Both CCCs and CCFs have total capacities for the number of offenders they are allowed to have in residence at any time. Both CCCs and CCFs are frequently at their maximum capacity except in some rare cases. The reasons, however, are quite different for the CCFs being at maximum capacity. While the CCCs are at capacity because the number of inmates waiting to get in to the programs exceeds the available space, CCFs are at maximum capacity because the operators make more profits by being at maximum capacity. During an interview with a senior executive of a CCF, the executive of the CCF stated that his corporate partners were looking for ways to increase the number of beds in the facility to get more offenders in the building.

The visitation procedures and cleanliness at both CCCs and CCFs are set by the PDOC regulations. The hours of visitation vary among centers and facilities but offenders were allowed visits by family and friends. After observation of the procedures on the several visits made to both CCCs and CCFs, it was clear that CCCs rigidly enforced the visitor's regulations. Visitors were required to sign in and out and were scanned/searched for contraband. However, at one of the CCFs, there was lax enforcement of the visitation regulations. Visitors were sent to the waiting area without being scanned or their personal property being examined.

The site visit to the CCCs found that the locations of the facilities were mostly in urban areas. The size, shape and appearance of the facilities reflected the urban environment in which they were located. Most of the buildings were two floors or more and were not dilapidated. While there were a lot of offenders exiting and entering the building, they did not congregate outside the building.

Parking in urban areas is always a difficult endeavor and the CCCs located in the City of Philadelphia were no exception. While there were parking spaces at the facilities, it was still difficult to find a parking space. However, this is expected for most urban environments. There were no parking issues in the other smaller urban locations, like Harrisburg. The CCC facilities appeared clean, there was no visible trash or untidy areas. The visitors' areas appeared to be clean and tidy. The interior of the buildings were generally clean.

The site visits to the CCFs found that many of the facilities were located in more modern buildings. The size, shape and appearance of the facilities were undistinctive. Most of the buildings were two floors or more and were not dilapidated. When compared to the buildings of the CCCs, the buildings of the CCFs appeared to be much newer and cleaner. Many of the CCFs were located in areas that were not readily accessible by public transportation. While there were offenders,

visitors and employees entering and exiting the buildings, there appeared to be no unusually poor conditions. However, there were offenders and visitors congregating outside one of the facilities. It was located in an older building.

There were no issues with parking at CCFs locations. There were ample parking spaces for visitors. The facilities were also clean and tidy. The visitors' areas were clean with no visible trash. The interiors of the buildings were also clean and appeared to be recently painted. Generally, the CCFs appeared to be in better condition than the CCCs. There seemed to be very little difference, if any, regarding the cleanliness between CCCs and CCFs. As a result, there is no significant difference in the quality of confinement between CCFs and CCCs in regard to the variable conditions.

A qualitative analysis of the variable management includes the collection of data regarding the staffing, communication, operational policies and recording keeping. The professionalism of staff, frequency of staff turnover and staff general knowledge of their duties is also considered for this variable. According to Gaes (2008), Pratt and Perrone (2003) and Logan (1992, 1996), management is one of the factors that must be considered when comparing quality of confinement of private and public prisons. This criterion is also necessary when comparing CCCs and CCFs.

Although I indicated previously how the variable management will be operationalized, it is important to first establish what specifically is meant by management before conducting an analysis. Management is a broadly used term in many ways. All organizations, regardless of their discipline or purpose, whether it is business, political, religious or otherwise are involved with management. According to Peter Drucker (2006) "Management is a multi- purpose organ that manages business and manages managers and manages workers and work." Harold Koontz (1961) wrote "Management is the art of getting things done through and with people in formally organized

groups.” Regardless of which one of the many definitions of management that is feasible, the common thread is that management involves many important elements: finance, technology, production, purchasing, inventory, people, etc. These important elements play a critical role in the ultimate objective of management, effectiveness and efficiency.

Therefore, good management is about being the most effective and most efficient. Effectiveness refers to getting the best desired results. In the case of community corrections it is the least number of offenders’ recidivating. Efficiency refers to the least resources expended for the best outcome. In the case of community corrections, it is the least financial resources used for the most offenders not returning to criminal activities. Hence, in comparing the variable, management, the overarching goal is to determine whether CCFs or CCCs are more efficient and effective, which in turn supports the main research question for this study.

The site visits to the CCCs and CCFs revealed that CCCs staff salaries are determined by union contracts. Many of the employees working for CCCs are covered by collective bargaining contracts. In addition, they are state employees and receive excellent medical benefits. They are well paid and turnover is minimal. As union covered employees, they are represented by the union in disciplinary matters and other employee grievances.

The CCCs staff has clearly defined duties and functions as outlined in the employees’ handbooks. Staff was professional and aware of the department’s operating policies. There were well established lines of communication between staff and their supervisors. The professionalism of the staff and their interaction with visitors and the offenders indicated that they are knowledgeable in their duties and have been well trained. However, although this study is not aware of any specific incidents of record keeping mishaps, it is reasonable to assume that because of the antiquated method (recorded by hand in ledgers) in which offenders’ property and other

offenders' accountability measures are recorded that there would be many incidents of record keeping mistakes.

The staff of CCFs did not seem to have clearly defined roles and duties. They were not covered by collective bargaining agreement. They are not paid as well as CCC employees and do not have the quality medical coverage as well. Turnover is generally high and many of the staff were inexperienced. At one CCF, this study found a recent high school graduate working at the desk and she appeared to be overwhelmed with the duties. There is generally no grievance and disciplinary procedure in place for employees to use in addressing their concerns.

Many of the staff seemed unfamiliar with the operational policies. For example, at one facility, the receptionist was also conducting the screening of visitors and was unsure of the policy regarding whether a specific offender was allowed visitation. Staff was not professional at some of the CCFs and appeared disinterested and lacking knowledge of the duties. However, many of the CCFs seem to have embraced technology in a great way and offenders' property, information and accountability were captured electronically. As a result, there is a significant difference in the quality of confinement between CCFs and CCCs in regard to the variable management. Management at CCCs appeared to be more functional and structured.

A qualitative analysis of the variable court order sanctions includes compliance with restitution, community service, fines, court fees, restitution to victims, compliance with employment, drug and alcohol testing and any number of orders issued by the courts. According to Petersilia (2007 as cited in The Pew) court ordered sanctions must be a condition when measuring the efficiency and effectiveness of community corrections. While this is a criterion that has not been used previously to compare quality of confinement for prison inmates, it will be implemented and applied to compare offenders in community corrections.

Every year millions of Americans are victimized by crime. In 2008 alone, over 21 million Americans were victims of personal or property crimes (U.S. DOJ, 2008). However, there are significant inequities between the rights of criminal defendants and the rights of the victims. Since each victim of a crime is affected differently, there is no way for the criminal justice system to reverse the consequences of the criminal action. However, restitution can attempt to help the victims to move forward. Nationally, the Office for Victims of Crime (OVC) works with the courts to assist victims of crime (POVA, 2013).

Pennsylvania's Office of the Victim Advocate (POVA) which was created in 1995 has the power and duty to advocate for the interests of crime victims. It represents the rights and interests of crime victims before the Board of Probation and Parole and the Department of Corrections. OVA spends a significant amount of time providing restitution related assistance and advocacy to victims whose offenders are serving time or on parole. It also advocates on behalf of the victims regarding restitution (POVA 2013).

A report by POVA (2103) "*Restitution in Pennsylvania Task Force Final Report*" offers 47 recommendations which are organized within four overarching categories that will improve Pennsylvania's court ordered sanctions. The four categories are Uniformity of Policy and Practice, Strengthening Accountability Recommendations, Coordination of Information, and Expansion of Authority Recommendations. There are many problems listed under each category, therefore an executive summary of the report is attached as Appendix B.

There were many concerning issues that the report cited. The report found that the ordering, collection, recording and distribution of crime victims' restitution are inconsistent throughout the Commonwealth. It goes on to state that accountability is lacking, as not all entities consistently enforce or follow their required responsibilities. There is a lack of communication

across agencies and finally there should be an expansion of authority as some agencies can enforce collection while others cannot (POVA, 2013).

According to the Administrative Offices of Pennsylvania Courts (AOPC) more than \$434,983,429.82 had been assessed in restitution during 2010, 2011 and 2012. Table 8 below shows that for 2010, 2011 and 2012 the PDOC collected over \$9.8 million.

Table 8
Restitution Collected by the PDOC. Source-PDOC

Collections for ACT 84

Year	Amount Collected
2002	2,964,000
2003	3,070,663
2004	3,518,046
2005	3,939,398
2006	4,426,916
2007	4,917,315
2008	4,822,368
2009	5,005,488
2010	3,800,160
2011	3,008,631
2012	3,046,097

As a result of Pennsylvania's problems with court imposed sanctions, it is difficult to accurately assess which offenders have complied with their requirements. Offenders are still required to comply with their obligations even after being released for a CCF or CCC. Thus, the data for the variable court ordered sanctions was incomplete, for both CCFs and CCCs. Therefore, an analysis could not be completed. Although there was data available for many offenders pertaining to the fines and restitutions that were paid or collected from them through their facilities, the data did not identify to which specific program or person the funds were

allocated. For example, if \$100 was paid by an offender, it did not identify how much went to court costs, how much went to restitution to victims or how much went to fines. Therefore, it is not possible to conclude whether offenders of CCCs or CCFs are most compliant. As a result, I can say that there is a significant difference in the quality of confinement between CCFs and CCCs in regard to the variable court ordered sanctions.

The variable risk assessment score was removed from the analysis because of its high correlation with center type. However, it is an important variable that must be discussed. Risk assessment scores are important because they provide community corrections managers with a profile of the offender. The profile allows the managers to put in place the necessary precautions/programs that can assist the offender with a seamless transition back to life outside of incarceration.

Even though the correlation found that risk assessment scores were highly correlated with center type, there could be reasonable explanation for this. This high correlation could have been the result that each individual offender's risk assessment score was not provided by PDOC. The study was provided with the average risk assessment scores of the offenders by facility. That is, instead of an individual risk assessment score for every offender, the study was provided with the average risk assessment score of all offenders at a CCF or CCC. This average score resulted in a high correlation between the two variables, risk assessment score and center type. Therefore only risk assessment was excluded from the model.

An offender's risk assessment score (see Appendix A) has become relevant with pre-sentencing determinations and the type of treatment each offender receives while incarcerated. The most widely used Level of Service Inventory-Revised (LSI-R) is a quantitative survey of offenders' attributes and offender situations relevant for making decisions about levels of

supervision and treatment. The instrument's applications include assisting in the allocation of resources, helping to make probation and placement decisions, making appropriate security level classifications, and assessing treatment progress. The 54 LSI-R items are based on legal requirements and include relevant factors for making decisions about risk level and treatment (Oklahoma Department of Corrections, 2009).

Another widely used risk assessment tool is the LSI-R:SV. This is similar to the LSI-R except that it has a screening instrument. The LSI-R:VS is a screening instrument that is used when a LSI-R assessment is not feasible, due to time constraints or insufficient staff resources. This assessment consists of eight items selected from the full LSI-R. It provides a brief summary of dynamic risk areas that may require further assessment and possible intervention. Research with LSI-R:SV shows it is predictive of a variety of outcomes important to offender management. Among probation samples, the LSI-R:SV scores predictive violent recidivism and violations while under community supervision. Among incarcerated offenders, scores have predicted success in correctional halfway houses and institutional misconduct. (Oklahoma Department of Corrections, 2009).

There have been several studies regarding the use and applicability of the LSI-R. Austin et al, (2003) in a study of the uses and applicability of the LSI-R for Pennsylvania, in particular the Pennsylvania Board of Probation and Parole (PBPP) found the following:

- The LSI-R instrument effectively separated risk on PA cases into 3 categories, even though these separations (levels of Risks) are due to a limited number of questions on the instrument.
- The LSI-R as tested in PA institutional settings had problematic reliability. The results do not warrant its use by the PBPP as a method for assessing risk at the time of parole

interview. Instead a more succinct instrument such as the LSI-SV would be more effective for the purposes of the PBPP.

- There are a limited number of LSI-R items for which substantial reliability has been achieved and which have a statistical relationship to recidivism. These (and other) items can be used for assessing risk at the time of a parole interview using a more condensed scoring instrument.
- The LSI-R is best suited for use by the PADOC upon admission to prison to identify service and program needs and by the PBPP once parole has been granted to identify the level of community supervision and services required.
- The LSI-SV version can be used as one component of the PBPP decision-making process assuming staff are properly trained and tested in the use of the instrument.
- Should the PBPP decide to use the LSI-SV for risk assessment, it should carefully monitor its use over a 12 months period to re-evaluate its predictive attributes (Austin et al., 2003).

A 2006 study of the LSI-R of the predictive factors of adult offender recidivism found that the strongest domains were criminogenic needs, criminal history/history of antisocial behavior, social achievement, age/gender/race, and family factors. Less predictive factors included intellectual functioning, personal distress factors, and socioeconomic status. The study also found that the LSI-R, which includes the “strongest domains” was “identified as the most useful actuarial measure” (Gendreau et al. 2006 as cited in Oklahoma Department of Corrections, 2009).

A 2007 study of Iowa offenders showed that the total LSI-R score is significantly related to the prediction of future criminal behavior. The higher the total risk score, the more likely that the client would be to reoffend. Both the bivariate and receiver operating characteristics analyses showed that the LSI-R was a valid predictor of reoffending for probationers and parolees.

(Lowenkamp and Bechtel, 2007; Vose, 2008; Lowenkamp et al., 2009 as cited in Oklahoma Department of Corrections, 2009).

Finally, a 2009 study of federal probationers concluded the predictive validity analyses were encouraging and provided evidence that the LSI-R was a valid and robust predictor of subsequent incarceration of this sample of federal offenders. Additionally, the multivariate analysis conducted in this research found that the LSI-R remained a valid predictor of subsequent incarceration when the effects of age, sex, and ethnicity were controlled. Taken together, these results make a strong case for the generalizability of the LSI-R to diverse offender populations (Flores et al., 2009 as cited in Oklahoma Department of Corrections, 2009).

Although there is some controversy over what assessment instruments work best, the research is conclusive that treatment should be offender focused. Each offender should be assessed for the needs that are most significant and those needs should be targeted. As research evaluation studies clearly demonstrate, correctional treatment programs that are thorough, rigorous and objective of offenders needs and use the assessments to inform treatment planning decisions are most successful (PADOC, 2008).

Pennsylvania uses several risks and needs assessment instruments for evaluation of offenders. As shown in Appendix A, the scores for an offender can range from low, medium or high. The scores determine the levels of treatments each offender will receive. However, the risk assessment score is not the only criterion used to determine whether an offender will be sent to a CCC or CCF. It is used in conjunction with other measures and offenders are placed in a CCF or CCC that best meets the needs of all stakeholders, including the PDOC, the offender, the offenders' treatment needs, and the CCF or CCC. Offenders are most likely to be provided with the treatment they require regardless of their placement in a CCC or CCF. For example, an inmate requiring particular

service will be transported to the treatment center if the service is not provided at the CCC or CCF in which he/she is a resident (PDOC, 2012). Therefore the risk assessment score generally does not affect an offenders' placement in a CCC or CCF. As a result, there is no significant difference in the quality of confinement between CCFs and CCCs in regard to the variable risk assessment score.

In summary, the analysis of quality of confinement indicates that there are some significant differences between CCCs and CCFs regarding security, safety, conditions and management. The chi square analysis indicates that there are significant differences between CCCs and CCFs in regard to security and conditions. The qualitative analysis concludes that safety and management at CCCs are superior to that at CCFs. The examination of the other variables indicates that there were no significant difference or that the examinations were inconclusive due to insufficient data or other data related concerns.

Analysis of Cost Efficiency

According to Gaes (2008), Pratt and Perrone (2003) and Logan (1992, 1996), cost efficiency is an important criterion that must be considered when comparing private and public prisons. This criterion is also vital when comparing CCCS and CCFs. What is included in the costs is extremely significant to the final analysis and therefore costs per offender should be given careful attention. While there are no agreed upon laundry lists of items that must be included or excluded among researchers, it is important that costs reflects the true operating expenditures associated with the care of the offenders.

In Pennsylvania the costs associated with community corrections offenders during 2008 was approximately \$75.00 per day (PDOC, 2013). However, the costs can range from a low of \$65.00 to a high of \$142.00 (PDOC, 2013). The costs depend on the facility and treatment needs of the

offender. Offenders requiring intensive drug and alcohol interventions or those with mental health issues can increase the costs. A five year analysis of community corrections costs from 2006 to 2012 shows that costs per offenders has decreased each year from a little over \$76.00 to less than \$70.00 while costs per inmate over the same period of time has increased from approximately \$87.00 to a little over \$95.00. The average daily costs of the CCFs visited for this study was approximately \$70.00 and the same for the CCCs. However, the visits occurred in 2011/2012, therefore it did not reflect the costs of offenders in 2008. As a result, there is no significant difference in the cost efficiency between CCFs and CCCs.

Analysis of Recidivism

Scholars (Lanza-Kaduce, et al., 1999; Farabee and Knight, 2002; Bales, 2005; and Spivak and Sharp, 2008) all explain that recidivism is one of the most important factors in comparing private and public prisons. The same is true for comparing public and private community corrections operations. Initially, I intended to measure recidivism in two ways using both re-arrest data and re-incarceration data. Unfortunately, there were some concerns regarding the re-arrest data for offenders released through both CCCs and CCFs. It was not possible to get reliable data on rearrested offenders for only 2008. However re-arrest data was available for all offenders released in 2008/09 for both CCCs and CCFs. According to PDOC, offenders' release through both CCCs and CCFs in 2008/09 were rearrested at 47.1 % percent and re-incarcerated at 53.3% percent (PDOC, 2013, See Appendix C). Therefore, only re-incarceration data was used in this study to identify offenders who were released from a CCC or a CCF.

A quantitative analysis of the data was conducted using statistical techniques. In particular, a multilevel (hierarchical) logistic regression analysis was conducted using SAS 9.3 GLIMMIX procedure. In this procedure the dependent variable was recidivism and the independent variables

were center type, age, race/ethnicity, gender, marital status, type of offence, activity, justice, conditions, management, and maximum sentence.

I ran a two-level nonlinear multilevel model (offender + center/facilities) with a binary response distribution and logit link function to appropriately account for the dichotomous variable recidivism (0 = re-incarcerated, 1 = not re-incarcerated) I first ran a full model of the independent variables center type, age, race, marital status, offence type, security level, care, activities, justice, conditions, management and gender. The variables safety and order were highly correlated with security and were excluded from the model. The variables court order sanctions and risk assessment score highly correlated with center type and were also excluded from the model.

The results of the full model test indicated that race, conditions and center type were significant predictors of recidivism. As shown in Table 9 below race: $F(3,7084)=3.14$, $P<.05$; conditions: $F(2,7084)=2.57$, $P<.05$; center type: $F(1,7084)=29.25$, $P<.05$. The full model test (type III) allows for the evaluation of the joint effect of the variables with multiple categories. If there is any significance then I can obtain the odds ratio of the significant variables.

Table 9
Multilevel Logistic Regression of Full Model

Type III Tests of Fixed Effects					
Effect	Num DF	Den DF	F Value	Pr > F	
Year of Birth	4	7084	0.14	0.9673	
Race	3	7084	3.14	0.0243	
Marital Status	2	7084	1.08	0.3391	
Offence type	1	7084	0.06	0.8100	
Security	2	7084	1.38	0.2521	
Care	1	7084	0.14	0.7112	
maxsent10	1	7084	0.49	0.4841	
Activity	1	7084	3.51	0.0611	
Justice	1	7084	0.12	0.7275	

Type III Tests of Fixed Effects

Effect	Num DF	Den DF	F Value	Pr > F
Conditions	2	7084	3.18	0.0415
Management	2	7084	1.02	0.3594
Gender	1	7084	3.20	0.0738
Center Type	1	7084	29.25	<.0001

Although race, conditions and center type were found to be predictors of recidivism in the full model, I wanted to be cautious and tested a reduced model in which only the variables age, race, marital status and center type were included in the model. The results of the reduced model indicate that race and center type were significant predictors of recidivism. As shown in Table 10 below race: $F(3,7092)=2.92$, $P<.05$; center type: $F(1,7092)=36.56$, $P<.05$.

Table 10
Multilevel Logistic Regression of Limited Variables

Type III Tests of Fixed Effects

Effect	Num DF	Den DF	F Value	Pr > F
Year of Birth	4	7092	0.14	0.9680
Race	3	7092	2.92	0.0326
Marital Status	2	7092	1.23	0.2919
Center Type	1	7092	36.56	<.0001

Since the results of both tests indicate that race and center type were predictors of recidivism, I proceeded to obtain the odds ratio for the variables. As shown in Table 11 below, after controlling for all other covariates in the model, the odds of recidivism of a typical (average) offender in below average conditions were 2.43 times higher than a typical (average) offender in average conditions. However, I am cautious about this conclusion as the variable condition is closely associated with center type.

Table 11
Odds Ratio of the Variable Conditions

Conditions	Estimate	SE	DF	T-value	p-value	OR
Conditions (below average vs. average)	0.8881	0.3826	7084	2.32	0.0203	2.43

As shown in Table 12 below after controlling for all other covariates in the model, the odds of recidivism of a typical “other” offender is .33 times that of a white offender. The other race variable includes those offenders who are identified as not white.

Table 12
Odds Ratio of the Variable Race

Race	Estimate	SE	DF	T-value	P-value	OR
OTHER vs White	-1.0945	0.4259	7084	-2.57	0.0102	.33

As shown in Table 13 below after controlling for all other covariates in the model, the odds of recidivism of a typical offender in a CCF (private facility) is 3.25 that of the typical offender in a CCC (public center).

Table 13
Odds Ratio of the Variable Center Type

Center Type	Estimate	SE	DF	T-value	p-value	OR
CCF vs CCC	1.1773	0.2184	7084	-5.39	<.0001	3.25

The result of the analysis using multilevel logistic regression and after fitting various models (full and reduced) together indicates that race and center type are predictors of offender recidivism. An offender who is identified as not white is .33 times more likely to be re-incarcerated and an offender who is released from a CCF is 3.25 times more likely to be re-incarcerated.

In summary, I found that there were significant differences in regard to quality of confinement between CCFs and CCCs among the variables security, safety, conditions and management. CCCs were found to have better security and safety centers. CCCs had more offenders residing in above average conditions when compared to CCFs. The CCC management appeared to be more professional, knowledgeable and focused on the offenders' rehabilitation. I found no significant differences in cost efficiency. I also found that race and center type were predictors of recidivism. Offenders in CCCs were 3 times less likely to recidivate than offenders in CCFs.

Chapter 5

Findings

Discussion of Findings

Community Corrections, whether it is publicly owned and operated or privately owned and operated is one of the few programs in corrections where there is widespread support from many of the major stakeholders. The scholars in academia support it for its cost effectiveness, its rehabilitative intentions, and non-prison like characteristics. The success of community corrections programs, like HOPE, ISP and others, have highlighted what experts in academia have been promoting for so long. Therefore, community corrections is now the panacea for corrections experts.

The inmates and their families support it because it keeps the families together for the most part and keep offenders out of the harsh prison environment. Families feel better when their relative is at a community corrections center than at a prison. One of the main reasons is that visitation is easier, as community corrections centers are usually in the offenders' community or not too distant from the offenders' relatives. Prisons, on the other hand, are usually many miles away and generally create significant hardships for families to visit their incarcerated relatives. Additionally, offenders are in a less harsh and less restrictive environment thereby making their incarceration more tolerable.

The politicians like it because it they can say that they are saving tax payers' money while at the same time say that they are tough on crime. It provides them with a "win win" situation. In the poor and minority communities, where crime is especially hard on families, minority politicians can tell families that their incarcerated relative is at a community corrections center.

The PDOC likes community corrections because it provides the department with solutions to its ever increasing budget concerns. They can show that they are investing in more cost effective programs while at the same time show that they are not opening the doors to the prisons and letting inmates free to endanger the public. Since community corrections is also popular with politicians, it gives the department the answers at their annual budget appropriations to get their budget increased every year. They can point to the fact that they (DOC) are not building any prisons, but are more rehabilitative. The department is saving the tax payers dollars when it uses community corrections as opposed to prisons. Therefore, corrections deserves funding for more community corrections programs.

The private industry supports community corrections because it is a lucrative opportunity in corrections that is embraced by the public. There is very little public objection to community corrections programming and therefore entrepreneurs are seizing the opportunities to get the contracts to operate the facilities. This is NPM operating as envisioned by proponents of the approach. That is, government managing (steering) the delivery of services based on the market, politically provided goals and responsiveness to consumers.

With the key values (efficiency and effectiveness) of NPM as the guiding concepts, I feel that it is important for the public to get the best service possible regardless of whether it is from the public or private sectors. Therefore, the findings of this study will provide decision makers with the information that will support their efforts to be efficient and effective in allocation of community corrections resources.

The examination of the variables comparing quality of confinement between CCFs and CCCs revealed many significant differences. The variables security, safety, conditions and management were the four areas in which CCFs and CCCs differed significantly in regard to

quality of confinement. Although security and safety are not exclusive of each other, it is important to discuss them independently for this analysis. Some safety protocols are not necessarily security issues. For example, failure to have a fire extinguisher in the kitchen is not a security issue but a safety concern. Therefore, I found it necessary to discuss the findings of these two variables separately despite their close association.

The security of an institution in which offenders reside is paramount for the offenders, staff, visitors and the public. The offenders need to know that they are being held in a secure facility and that violations of security procedures will result in severe consequences. Staff and visitors need to feel that they are safe and secure from any possible harm that can result from offenders who may violate the rules. The public needs to know that the offenders are in a secure facility where they can pay for their criminal actions. Therefore, a facility that is negligent in its security enforcement measures is disconcerting for all stakeholders.

Although the security procedures at both CCFs and CCCs appeared to be similar, there were a few CCF facilities in which the security personnel were inattentive and less than professional in the performance of their duties. The security procedures at these facilities were not being enforced or performed in a credible manner. This lapse in security protocol could not make offenders, staff or the public feel comfortable about the facilities.

Further, the lax security at CCFs is emphasized by the extremely high number of escapees and absconders when compared to CCCs. The probability is that offenders residing in a CCF are two times more likely to escape or abscond than offenders residing in a CCC. As a result, security as it relates to quality of confinement between CCFs and CCCs is found to be significantly different. Additionally, the chi square analysis ($\chi^2(2) = 291.08, P < .05$) indicated that CCFs had more offenders located in poor or inadequate security institutions.

The safety of a facility is closely related to the security of the facility. The effectiveness of the security will determine that level of safety the offenders, visitors, staff and the public will enjoy. The poor security measures that are practiced at some of the CCFs transfer into the uncomfortable feelings of safety for the offenders, staff, visitors and the public. Offenders who feel that they are not safe in a facility are more likely to escape and abscond. Although, there are few incidents of violence at CCFs and CCCs, the perception that the facility is unsafe will serve as a catalyst to some offenders to escape or abscond. The high escapee and absconder rates of CCFs may be an indication that it could be directly related to the safety and security concerns of offenders. As a result, safety as it relates to quality of confinement between CCFs and CCCs is found to be significantly different.

The next significant difference found between CCFs and CCCs were that the conditions at some CCFs were below average. At some CCFs there were offenders congregating close to the main entrance. During my site visits to both CCCs and CCFs, I found that both had residential conditions that were ranked above average and below average, however, CCFs had more offenders residing in below average conditions. The chi square analysis ($\chi^2 = 45.48, P < .05$) indicated that conditions at CCCs and CCFs are significantly different. There were significantly more offenders located in above average conditions at CCCs (57%) than offenders at CCFs (12%).

The final area of analysis in which significant differences were found is management. The management of an organization determines its culture. The culture of an organization determines its success. Successful organizations are entities that are flexible and organic. They listen to their environments and implement changes as necessary. In correctional organizations, the environment is currently focused on community corrections. The future of community corrections will depend on how well they can reduce offender recidivism. After decades of starts and stops by many

federal, state and local governments, community corrections is now fully embraced and functioning in jurisdictions all across the United States.

However, while community corrections programs may be good for offender recidivism, poor management could be a detriment to its success. Regardless of how well a community correction program is at reducing recidivism, its success or failure will depend on how well its leaders and managers can manage the programs. Inefficient and ineffective managers can destroy the best programs or organizations. The managers of community correction facilities need to pay attention to what the environment is expecting from them – offender recidivism.

There are significant differences between CCFs and CCCs in how they are managed. CCCs appear to be more focused on the success of offender rehabilitation and ensuring public safety. The managers of CCCs do not have to answer to a Board of Directors or shareholders, and as a result they are free on the burden of having to make a profit. They are able to focus on their bottom line of reducing recidivism.

The CCCs longevity is dependent on how many offenders remain crime-free. The fewer offenders that are re-arrested or re-incarcerated will determine how much funding CCCs' programs will receive. CCCs have to show real reductions in recidivism to remain a viable program for funding. The public and legislators will not be hesitant to call for the elimination of community corrections funding if recidivism continues to increase. Therefore CCCs are faced with ensuring that they can provide verifiable information (reductions in recidivism) that their programs are worth continued funding.

CCFs on the other hand are faced with ensuring that their shareholders are getting a good return on their investment and at the same time reducing recidivism. These are two competing goals that are difficult to manage. The managers at CCFs are agents of two principals with

conflicting objectives. In order to satisfy one principal it may mean shirking their responsibilities to the other principal. They are faced with a complex balancing of priorities. This complexity of goals causes CCFs' managers to be continually looking for ways to increase profit margins while reducing recidivism which leads to reductions in services to offenders. As a result, management, as it relates to quality of confinement between CCFs and CCCs, is significantly different.

While there were no significant differences in many of the variables used to compare quality of confinement between CCFs and CCCs (see Table 14 below), the four areas in which they differ are important. Security, safety, conditions and management are the cornerstones of the comparison process in quality of confinement. The magnitude of the differences in these variables between CCFs and CCCs significantly shifts the quality of confinement pendulum in favor of one over the other. Therefore, offenders residing in CCCs are more likely to receive a better quality of confinement than offenders residing in CCFs. As a result, I must conclude that my hypothesis: *H₁ Offenders in privately owned and operated community correction facilities have better quality of confinement than offenders in publicly owned and operated community corrections centers* is false. Offenders in privately owned and operated community correction facilities do not have better quality of confinement than offenders in publicly owned and operated centers.

Table 14
Summary of Quality of Confinement Variables

Results of the Variables Comparing Quality of Confinement between CCF and CCC
Offenders

<u>Variables</u>	<u>CCF (Private)/CCC(Public)</u>	<u>Findings</u>
Risk Assessment Score	No significant difference	No significant difference
Security	Significant difference	CCCs follow and enforce security protocols
Safety	Significant difference	CCCs implement safety protocols as required
Order	Inconclusive	Data unavailable
Care	No significant difference	Offenders not mutually exclusive
Activities	No significant difference	No significant difference
Justice	Inconclusive	Data unavailable
Conditions	No significant difference	No significant difference
Management	Significant difference	CCCs are better staffed and provide training
Court–Order Sanctions	No significant difference	No significant difference

The findings regarding cost efficiency were not as strong as expected. CCFs have considerably many more facilities than CCCs and the daily costs per offender are similar. The fluctuation in costs is reflected by the therapeutic needs of the offenders. Further, CCCs and CCFs may share the costs of some offenders, because offenders are transferred from CCCs to CCFs depending upon their needs. Therefore, while some CCFs have higher daily costs per offender, it is a result of the services rendered to the offenders. Consequently, there are no significant differences between CCFs and CCCs in the cost per offender because I am unable to accurately and reliably verify the daily cost per offender.

Therefore I must conclude that my hypothesis:

H₂ Offenders in privately owned and operated community correction facilities cost less dollars per offender than offenders in publicly owned and operated community correction centers is false. I would like to emphasize my caution on this conclusion. The lack of data and the limited site visits may not be representative of the true daily costs per offender.

The finding regarding rate of recidivism between CCFs and CCCs were unexpected. The finding indicated that offenders released from CCFs are 3 times more likely to be re-incarcerated than offenders released from CCCs. Therefore I must conclude that my hypothesis:

H₃ Offenders confined in privately owned and operated facilities have lower recidivism rates than offenders confined in publicly owned and operated community corrections centers is false.

Since the primary goal of community correction programs is to reduce recidivism among offenders, then CCFs are not as effective as CCCs.

Further, the findings indicate that being non-white increases the probability of recidivism .33 times. That is, a person who is not white is .33 times more likely to be re-incarcerated when released from a CCF. This finding is consistent with other studies (FIDOC, 2000; BJS, 2002; BJS, 2014) which found that offenders' race to be significant with recidivism. The studies (FIDOC, 2000; BJS, 2002; BJS, 2014) found that Blacks/African Americans were re-arrested at 81% when compared to whites at 73% and Hispanics at 75%.

The findings from this study concluded that offenders in CCCs experience a better quality of confinement than offenders in CCFs. Further, it was found that there is no significant difference in cost efficiency per offender between CCFs and CCCs. Finally, offenders in CCFs have a higher probability of re-incarceration than offenders in CCCs and that offenders' race also impacts recidivism.

The primary focus of this research study was to answer the questions:

1. *Are publicly owned and operated community corrections centers more efficient than privately owned and operated community corrections facilities?*
2. *Are publicly owned and operated community corrections centers more effective than privately owned and operated community corrections facilities?*

I conducted multilevel logistic regression statistical techniques and conducted qualitative analysis to variables associated with quality of confinement, cost efficiency and recidivism. The findings from these analyses found that offenders in CCCs enjoyed a better quality of confinement but there were no differences in cost efficiency. As a result, I have concluded that CCCs are more efficient than CCFs. The results of the multilevel analysis found that the probability of offender recidivism is more than 3 times higher in CCFs. As a result, I have to conclude that CCCs are more effective than CCFs.

Although the results support that CCCs are more efficient and effective, it is important to state that while CCFs have the ability to “cream” offenders assigned to their facilities. This study found no evidence that creaming occurs. Therefore, CCFs appear to have accepted and released the same quality of high risk offenders as CCCs. It also appears that CCFs were willing to take even those higher risk offenders to keep their beds filled.

Implications of this Study

The policy relevance of this study is simple but important. This study shows that CCCs do as well or better than most CCFs and that they have less recidivism. However, if community corrections is the answer to the ever increasing corrections budgets, then corrections policy makers need to ensure that CCFs are being held accountable for their performance. Contracts to CCFs must include performance measures in which offenders’ recidivism is a criterion. The reduction

of recidivism rates should be the focus for the awarding and renewal of community corrections contracts.

Another concern for community corrections is the lack of consistent data collection and reporting across the industry. There are many complexities in the collection of data associated with community corrections. For example, data collection varies from state to state and even within states. In some states, local probation and parole departments do their own collection and the local collection system can be different from the state collection system (Vera, 2012).

A study on public safety (The PEW, 2007) explains that there is a need for improved data collection by community corrections agencies and suggested that the CompStat model should be implemented in community corrections. CompStat is the acronym for compare statistics. It is a continuous evaluation of an agency's performance that features "live audits" where supervisors are required to validate their data before their peers and other agency personnel (The PEW, 2007).

A more recent study conducted by the Federal Bureau of Prisons (GAO, 2012) found that the Bureau of Prisons (BOP) uses different factors in estimating the daily costs of Federal facilities and community corrections facilities. Further complicating the calculating of cost is that private contractors are not required by law to report various components of their costs. Therefore it is difficult for BOP to compare their costs with private contractors of community corrections since they are not sure exactly what factors they are comparing (GAO, 2012). It is therefore, necessary for both public and private community corrections to develop uniform performance measures that are consistent across the industry. I recommend additional research using a standardized performance measurement model. In the meantime, PDOC decision makers should use caution when awarding contracts to vendors.

As Public Administration now moves from an era of NPM in which efficiency and effectiveness were the key values, to a new era that stresses the inclusion of public values, it is important for community corrections to return to its original objectives of offender rehabilitation and community focus. This can be accomplished through the return to using more non-profit organizations. The recent influx of for profit corporations has shifted the focus from community corrections to “corporate” corrections. The large corrections corporations (Kintock, CCA) have taken over community corrections and have squeezed out the smaller non-profit organizations that were at the center of the community. These large corporations are not accountable to the community but to their Board of Directors and shareholders. Therefore, the focus is not on the community, the offenders’ rehabilitation or reductions in recidivism.

The future and success of community correction lies in the hands of policy makers who are adept at enhancing the overall efficiency, effectiveness, accountability and responsiveness to community values. They must build collaboration among all stakeholders and focus on what is good for the public while keeping large corporate interest accountable for the outcomes, that is reduced recidivism and good citizenship.

Implications for Future Research

The validity and reliability of research, particularly research of criminal behavior, depends on the measures used in it. For this study, I attempted to construct valid and reliable measures for cost efficiency and encountered problems. Future research measuring cost efficiency should develop a more reliable and valid measure for the concept. This study could be made stronger with more data for measuring cost efficiency.

Future research can also benefit from better data collection. This can be accomplished through the use of primary data. The use of official data is limited and the results can be biased as

a result. Primary data will allow for a more objective analysis and therefore remove any biases that may result for the use of official data. Further access to offenders and staff for the collection of data will also enlighten future research.

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Appendices

Appendix A

Pennsylvania Department of Corrections

Risk Assessment Score



Risk and Needs Assessment Guidelines

Revised February 24, 2006

Introduction to Risk and Needs Assessment

Offender risk and needs assessment relates to several Principles of Effective Intervention:

- Principle 1: Target Criminogenic Needs
- Principle 2: Conduct Thorough Assessments of Risk and Need and Target Programs to High Risk Offenders
- Principle 3: Provide Intensive Services
- Principle 4: Match the Offender's Personality and Learning Style with Appropriate Program Settings and Approaches

Assessment can be thought of as the foundation of good correctional rehabilitation practice.

Criminogenic risk: The likelihood that an offender will commit additional offenses. Research tells us that high risk offenders should receive high priority for treatment (especially intensive treatment), as they will most likely recidivate if not treated. Low risk offenders are likely to succeed even without treatment. Putting them into programs (especially intensive programs) may be a waste of resources and perhaps even have harmful results through exposure to more serious offenders in treatment programs. When we assess for criminogenic risk, we determine who is most in need of intervention? These same individuals will also benefit the most from effective interventions.

Criminogenic needs: Specific factors that contribute to risk for an individual offender. Needs that are strongly connected to criminality are:

- Criminal thinking
- Anti-social attitudes
- Association with other offenders
- Poor decision making
- Substance abuse

Research tells us that treatment should be focused directly upon those needs assessed as most significant for a given offender. Two offenders may be equally high risk, but may have very different needs profiles. Treating offenders for low level need produces few results and represents a wasteful use of treatment resources. When we assess for criminogenic need, we determine which needs should be treatment targets.

Best Practices: A substantial body of research and evaluation studies clearly demonstrates that correctional treatment programs that conduct thorough, rigorous and objective assessments of offenders and use this assessment information to inform treatment planning decisions have much better outcomes than programs that do not utilize assessment. Research also shows that assessment is best done with an objective instrument, as opposed to subjective clinical judgment.

Ideally, an assessment instrument should be *normed* on the local population. This means that thresholds for low, medium and high levels of risk and need correspond to patterns that

exist in a given population; for example, an offender assessed as being high need in a particular area really is high need compared to other offenders. The cut off scores of various assessment instruments on the final page of these guidelines are the result of norming work on PA offenders.

Current Status: Over the past three years, the PA DOC has greatly expanded its assessment practices. All newly committed inmates in the Diagnostic and Classification Centers at SCI-Camp Hill and SCI-Muncy are administered the following assessment instruments:

- Level of Service Inventory-Revised (LSI-R)
- Hostile Interpretations Questionnaire (HIQ)
- Criminal Sentiments Scale-Modified (CSS-M)

Administration of the *LSI-R*, *CSS-M* and *HIQ* are automated. Information on utilizing assessment scores to develop the Correctional Plan (DC-43) is on pages 5 through 8 of these guidelines. Since the DOC anticipates a number of additional changes to these guidelines in the coming months, they will not be placed into 7.2.1, Section 4 until 2006.

Future Directions: Coping skills have emerged in a study of PA parole violators as a key factor contributing to failure on parole. The DOC pilot tested two assessment instruments that measure inmates' *coping skills*, i.e., inmates' ability to resolve stressful situations in their lives without resorting to anti-social behavior. Data collected from nearly 1,000 inmates during this coping skills pilot was analyzed and a decision was made not to adopt a coping skills tool at this time. The measurement of coping skills has not yet been developed to the stage of strong validity for an offender population. The DOC will continue to monitor the development of coping skills instruments as part of future evaluations of the entire assessment protocol.

The DOC is now working to ensure that assessment information is used to its fullest potential by staff who actually plan and deliver treatment to inmates. The Bureau of Inmate Services now has an Assessment and Classification Division, which will be working over the coming year to expand assessment training and information dissemination to institutional staff (Unit Managers, Psychology staff, Corrections Counselors, DATS, and DATS Supervisors). Procedures will also be instituted for staff from this Division to routinely audit individual treatment plans to monitor the use of assessment data. Guidelines for the use of assessment data will also be expanded.

The PA DOC has made major strides over the past several years in testing and implementing new inmate assessment tools and systems. Work will continue over the next several years to maximize the utilization of this system by institutional staff through the provision of comprehensive training, the establishment of re-testing guidelines, the implementation of auditing, and ongoing information sharing.

Risk and Needs Assessment Instruments

1. **Texas Christian University Drug Screen II (TCUDSII)** – an AOD dependence screening tool, which includes 15 items that represent key clinical and diagnostic criteria for AOD dependence. Individuals who respond “yes” to 3 or more of these characteristics meet the criteria for substance dependence.
2. **Pennsylvania Department of Corrections Initial Assessment** – a 13-page clinical assessment conducted by a Department of Corrections Drug and Alcohol Treatment Specialist. It consists of a collection of detailed information that includes the inmate’s substance use history, drug and alcohol treatment history, and the relationship between substance use and criminal behavior.
3. **Level of Service Inventory-Revised (LSI-R)** – an objective, quantifiable instrument that provides a consistent and valid method of predicting risk to re-offend, and a reliable means of measuring an inmate’s change over time through re-administration. The LSI-R provides insight into which inmates should receive the highest priority for treatment regardless of their specific problem areas.
4. **Hostile Interpretations Questionnaire (HIQ)** – this instrument is comprised of seven vignettes that measure an offender’s tendency to place hostile interpretations on social situations and interactions. It contains the following five sub-scales related to relationships and hostility:
 - *Authority*: the degree to which individuals attribute hostile intent in their interactions with authority figures
 - *Intimate/family*: the amount of hostility perceived in close interpersonal relationships
 - *Acquaintance*: the degree of hostility within more distant interpersonal relationships
 - *Work*: a measure of the hostility perceived in work relationships
 - *Anonymous*: assesses the degree to which hostile intent is perceived in interactions with strangers
5. **Criminal Sentiments Scale – Modified (CSS-M)** – the CSS-M contains five sub-scales that measure the following criminogenic needs:
 - *Attitudes toward the Law*: ten items related to law-abiding behavior
 - *Attitudes toward the Court*: eight items related to courts and the inmate’s sentence
 - *Attitudes toward the Police*: seven items related to law enforcement officers
 - *Tolerance for Law Violations*: ten items related to the tendency to rationalize or excuse criminal behavior
 - *Identification with Criminal Others*: six items related to affiliation and sympathy with other offenders

Risk and Needs Assessment Guidelines for Utilizing Assessment Scores

A. Developing the Correctional Plan

1. The Department completes the following assessments on every newly committed inmate as he/she moves through the Diagnostic and Classification Center (DCC) process. Facility staff will use the results of these assessment instruments along with other considerations to prescribe programming to lower inmates' risk and address their needs as measured by these tools. When an inmate is received from the DCC, the Unit Management staff at the receiving facility will review the assessment results found in DOC Info in the inmate query screen in the criminal assessment selection. Staff may also find paper copies of the assessment instruments under the Assessment/Screening Tools tab on the left side of the DC-14, Cumulative Adjustment Record.

2. The primary risk assessment tool is:

Level of Service Inventory – Revised (LSI-R) – measures risk of re-offending and treatment needs.

The LSI-R may be thought of as a type of triage tool. It is the first cut to determine whether or not an inmate receives institutional programming.

3. The secondary needs assessment tools are:

Hostile Interpretations Questionnaire (HIQ) – measures characteristics of hostility

Criminal Sentiments Scale – Modified (CSS-M) – measures attitudes, values and beliefs related to criminal behavior

Texas Christian University Drug Screen (TCU) – measures AOD dependence

Sex Offender Program Evaluation – measures risk of sexual re-offending and treatment needs (administered at the parent facilities for inmates incarcerated for a sex offense) or an Evaluation for Sex Offender Treatment due to a Technical Parole Violation or prior Sex Offense (administered at the parent facility).

Scores on the HIQ, CSS-M, and TCU are secondary to the LSI-R for treatment planning. Formulation of treatment planning should follow these steps:

- Determine the risk to re-offend based on the LSI-R
- Consider the scores on the HIQ, CSS-M, and TCU
- Consider the nature of the commitment offense
- Consider factors that justify deviation from the guidelines

The following guidelines shall be used:

a. **Low LSI-R score with:**

- 1) Low HIQ, CSS-M, and TCU scores should be used to recommend community based treatment ***only*** if there are other indicators of treatment needs.
- 2) Medium or high HIQ and CCS-M scores indicate consideration for community based programs. Consider institutional placement in Thinking for a Change based on institutional adjustment (**Cognitive Based AOD programs replace Thinking for a Change**); consider Batterers Intervention or Violence Prevention based on commitment offenses.
- 3) **Low HIQ and Med - High CSS-M scores indicate consideration for Community based treatment. Consider Thinking for a Change based on institutional adjustment. (Cognitive Based AOD programs replace Thinking for a Change)**
- 4) **Medium-High HIQ and low CSS-M scores indicate consideration for community based treatment; consider Violence Prevention. Based on offense, Batterers Intervention replaces Violence Prevention.**
- 5) Low LSI-R score and medium TCU scores (3-5) indicate consideration for placement in OP program.
- 6) High TCU scores (6 through 9) indicate **consideration for placement** in OP program **or Community Based Treatment**

b. **Medium or High LSI-R score with:**

- 1) Low HIQ and CSS-M scores indicate a consideration for placement in Peer Coordinated Cognitive Behavioral Programming.
- 2) Medium and High scores on both the HIQ and CSS-M indicate placement in Peer Coordinated Cognitive Behavioral Programming, Thinking for a Change (**Cognitive Based AOD programs replace Thinking for a Change**) and Violence Prevention. Batterers Intervention replaces Violence Prevention based upon commitment offense.
- 3) Low HIQ and Medium to High CSS-M scores indicate placement

in Peer Coordinated Cognitive Behavioral Programming and Thinking for a Change. (**Cognitive Based AOD programs replace Thinking for a Change.**)

- 4) Medium to High HIQ and Low CSS-M indicate placement in Peer Coordinated Cognitive Behavior Programming and Violence Prevention. Batterers Intervention replaces Violence Prevention based on commitment offense.
- 5) Low TCU scores (0-2) are not recommended for any AOD treatment unless there are other indicators of treatment needs.
- 6) Medium TCU scores (3-5) indicate placement in OP Program. DATS Supervisor may recommend placement in Therapeutic Community, but at low priority.
- 7) High TCU scores (6 through 9) indicate placement in a Therapeutic Community.

Please refer to 7.4.1 for complete information on utilizing assessment scores in relationship to AOD placement.

Please refer to 13.8.1, section 11 for complete information on Sex Offender Program recommendations.

4. Factors that may result in Deviation from Guidelines

Assessment data is to be used as a guide along with the professional judgment of staff to provide effective correctional intervention when assigning inmates to programs. Along with assessment scores, staff shall analyze other information about inmates, such as:

1. **Proximity of Minimum Expiration date: Community based treatment, when available (for example AOD), may be substituted for recommended institutional programs that would extend beyond the minimum expiration date.**
2. **Avoidance of Duplicate Programming: When multiple programs will address the same treatment needs, the more appropriate program shall be recommended, that is AOD replaces T4C and BI replaces VP**
3. **Criminal history:** pattern, lengthy history of violence, nature of prior offenses and context
4. **Misconduct history:** violent nature, pattern, drug-related

5. **Length of time between multiple incarcerations:** more or less time, are the crimes getting more or less serious?
6. **Education:** GED? Less than grade 12? Suspended or expelled at least once?
7. **Work history:** employed or unemployed while on parole? Never employed for a full year? Ever fired?
8. **Age:** arrest under 16 years of age
9. **Separation needs:** Nature of separation(s)
10. **Institutional adjustments:** Prior and current

And other factors as they present themselves in order to identify program needs.

5. Documentation of Deviation from Guidelines

Factors that result in deviation from the guidelines shall be documented in the Unit Management System in General Comments. In addition, if the assessment scores do not indicate the need for a recommended program and the recommendation would extend programming beyond the minimum expiration date, the justification for extending programming beyond the minimum must also be documented. Documentation must be completed no later than 7 days after the origination/revision of the Correctional Plan.

B. Re-administration of Assessment Tools

Assessment scores may also be used to measure how much inmates may have benefited from effective correctional interventions. Beginning in late 2005, an assessment re-testing pilot will be conducted. Based on the results of this operational pilot, a plan for department wide re-testing will be formulated.

C. Performance Indicators and Assessment Auditing

In order to assure adherence to assessment guidelines and to measure the effectiveness of our assessment program, pilot assessment auditing **was conducted in the** fall, 2005. Assessment audits begin in January 2006 in conjunction with the PACT audit schedule. Performance measures will focus on the utilization of assessment scores for treatment placement, according to these guidelines and the AOD placement guidelines contained in 7.4.1.

Assessment Guidelines

ASSESSMENT SCORES	RECOMMENDED TX PROGRAMS
LOW SCORES FOR ALL ASSESSMENTS	COMMUNITY BASED TREATMENT (only if other indicators are present)

LOW LSI-R WITH	
MED-HIGH HIQ & CSS-M	Community Based Treatment; Consider Thinking for a Change based on Institutional Adjustment (Cognitive Based AOD Programs Replace T4C), Consider Batterers Intervention or Violence Prevention Based on Offenses
LOW HIQ AND MED – HIGH CSS – M	Community Based Treatment; Consider Thinking for a Change Based on Institutional Adjustment (Cognitive Based AOD Programs Replace T4C)
MED – HIGH HIQ & LOW CSS - M	Community Based Treatment; Consider Batterers Intervention or Violence Prevention Based on Offenses
LOW TCU (0-2)	No AOD TX, Unless other Indicators are Present
MEDIUM TCU (3-5)	Consider OP Program
HIGH TCU (6-9)	Consider OP Program or Community Based Treatment

MED – HIGH LSI-R WITH	
LOW HIQ & CSS-M	Self Help Cognitive Behavioral Program
MED – HIGH HIQ & CSS-M	Self Help Cognitive Behavioral Program, Thinking for a Change (Cognitive Based AOD Replaces T4C), Violence Prevention, Batterers Intervention Based on Offenses
LOW HIQ & MED – HIGH CSS- M	Self Help Cognitive Behavioral Program, Thinking for a Change (Cognitive Based AOD Replaces T4C),
MED – HIGH HIQ & LOW CSS - M	Self Help Cognitive Behavioral Program, Violence Prevention, Batterers Intervention Based on Offenses
LOW TCU (0-2)	No AOD Programs Absent Other TX Indicators
MED TCU (3-5)	OP, Consider for TC, But at Low Priority
HIGH TCU (6-9)	TC

ASSESSMENT GUIDELINES

PA DOC ASSESSMENT CUT SCORES

	LSI - R
HIGH	29 and Above
MED	21 – 28
LOW	20 and Below

	CSS – M	HIQ	TCU	
HIGH	30 and Above	73 and Above	HIGH	6-9
MED	19-29	56-72	MED	3-5
LOW	18 and Below	55 and Below	LOW	0-2

Appendix B

Restitution in Pennsylvania

Task Force Final Report Executive Summary

Executive Summary

In October 2011, the Office of the Victim Advocate convened the Restitution in Pennsylvania Task Force. This Task Force served as a forum for enhancing interagency coordination, increasing communication, and identifying solutions to increase the quality of restitution services at the state and county levels. The Task Force brought together relevant county and state level stakeholders and experts including individuals, agencies and organizations engaged in victim restitution work, as well as representatives of the judicial, legislative and administrative branches of government.

Seeking to maximize the reimbursement of financial losses to crime victims, the Task Force worked within the context of restorative justice theory and practice: balancing the needs of victims, the community and offenders. The Task Force was charged with crafting recommendations which would enhance the criminal and juvenile justice systems' effectiveness through possible standardization of policies and protocols concerning the ordering, collection and disbursement of restitution. To this end, the Task Force was able to complete the following:

1. Examined restitution laws, rules, and policy in the criminal and juvenile systems across the Commonwealth.
2. Examined research, white papers and scholarly articles relative to victim restitution which identify national best practices and promising programs.
3. Examined existing restitution processes currently in place in the commonwealth to identify best practices and promising programs.
4. Created Subcommittees to explore underlying issues in greater depth, which reported their findings/recommendations to the Task Force.
5. Compiled recommendations into a final report for submission to the courts, the legislature and the Governor's administration.

Summary of Recommendations from the Restitution in Pennsylvania Task Force

This report offers 47 recommendations, which are grounded in research and interrelated to ensure that a comprehensive approach is used to move the recommendations forward at the county and state levels. The recommendations contained in this report are presented to the

Governor, members of the Pennsylvania Supreme Court, State Legislature and stakeholder agencies for future action. It is the collective view and wish of the Task Force that all parties will work collaboratively to further review the proposed recommendations and consider ways for effective implementation.

The recommendations are organized within four overarching categories of identified need: Uniformity of Practice; Strengthening Accountability; Coordination of Information; and Expansion of Authority. The 47 recommendations appear below in an abridged version. The full text of these recommendations is found in Part II of this report.

Uniformity of Policy and Practice Recommendations:

1. Convene a group of stakeholders to further review existing restitution law and compile recommendations for judicial, legislative or department/agency clarifications or revisions.
2. Develop restitution bench books for the juvenile justice and criminal justice systems.
3. Upon completion of the restitution bench books, develop quick reference sheets for restitution in the criminal and juvenile justice systems.
4. In conjunction with the development of restitution bench books, develop educational strategies, training and technical assistance for bench, bar, victim services, police and probation.
5. Develop a toolkit which would clarify policy and practice around restitution issues, identify evidence-based and/or promising practices, clarify available enforcement tools and provide helpful articles, brochures, etc.
6. Encourage Administrative Office of Pennsylvania Courts and/or the Court Rules Committee to standardize a restitution order for use at sentencing/disposition.
7. Encourage counties to establish collections enforcement units and hire dedicated staff to solely focus on collections enforcement efforts within the jurisdiction.
8. Encourage President Judges to establish restitution, fines and costs contempt courts allocating the judicial resources to preside over such hearings.
9. The General Assembly should consider amending Title 42 Section 9728 (b) (5) to establish a mandated minimum percentage threshold for deductions from inmate personal

accounts for both county correctional facilities and the Pennsylvania Department of Corrections.

10. Encourage counties to provide Pennsylvania Department of Transportation with non-payment information so that the newly enacted mandate (Act 146 of 2012) for drivers & apos ; license suspension can be utilized, as appropriate.
11. Make wider use of dunning letters or overdue notices to notify or remind defendants that their payments are past due and of the sanctions that may be imposed by the court if they do not come into payment plan compliance.
12. Develop restitution funds and restitution programs throughout both the criminal and juvenile justice systems.
13. Expand the availability of programs and processes such as Victim Offender Conferencing/Dialogue throughout both the criminal and juvenile justice systems.

Strengthening Accountability Recommendations:

14. Reinforce the mandate that all Clerks of Court comply with Act 84 of 1998 and transmit "copies of all orders for restitution and amendments or alterations thereto, reparation, fees, costs, fines and penalties " to the Pennsylvania Department of Corrections for state sentenced inmates and to the county correctional facility for county sentenced inmates.
15. Reinforce the mandate that all Clerks of Court comply with the Act 84 of 1998 requirement to file civil judgments when a case balance reaches or exceeds \$1,000 and to exercise the option to file below \$1,000 if effective in a particular case to enforce payment compliance.
16. Provide support for on-going research regarding restitution in Pennsylvania.
17. Establish performance measures for agencies supervising probationers and parolees relative to the payment/collection of restitution.
18. Counties should conduct annual reviews to ensure that restitution collections are not superseded by the collection of county-assessed prison room and board rates and other county-established fees and payment allocation priorities.
19. Strengthen existing tools to enhance restitution collection with particular attention to the issue of collecting restitution from adjudicated delinquents between the ages of 18 and 21.

20. Encourage the Juvenile Court Judges Commission to work with the Pennsylvania Council of Chief Juvenile Probation Officers to create or modify existing juvenile justice data collection and reporting processes to accurately and in detail track and publish county-specific information regarding the ordering and collection of restitution.

Coordination of Information Recommendations:

21. Identify an overarching agency or organization to continue the efforts of the Restitution in Pennsylvania Task Force, such as Pennsylvania Commission on Crime and Delinquency, Administrative Office of Pennsylvania Courts or the Office of the Victim Advocate.
22. Establish or agree to a unique individual identifier to be used across executive agencies and the judicial branch to better match records pertaining to individuals owing restitution, court costs and fines in the commonwealth of Pennsylvania within databases i.e., Pennsylvania Department of Transportation, Pennsylvania Department of Public Welfare and Administrative Office of Pennsylvania Courts' records.
23. Develop the capacity for Administrative Office of Pennsylvania Courts, the courts, Pennsylvania Department of Corrections, Office of the Victim Advocate, Pennsylvania Board of Probation and Parole and similar county-level agencies to share information to ascertain a defendant's total fines, costs, and restitution payments owed across all cases.
24. Establish a web-based system for victims/survivors to update personal contact information related to their restitution order.
25. Encourage all counties to establish communication protocols to determine whether individuals are in payment plan compliance with respect to public assistance eligibility.
26. Place defendants on a single electronic payment plan (including restitution owed on juvenile delinquency cases) in the Common Pleas Case Management System and/or the Magisterial District Judge System applications maintained by the Administrative Office of Pennsylvania Courts for Courts of Common Pleas and Magisterial District Courts end users.
27. Enable the identification and collection of restitution owed in delinquency cases from offenders under the jurisdiction of criminal courts, adult probation departments,

Pennsylvania Department of Corrections and Pennsylvania Board of Probation and Parole.

28. Encourage counties to enter warrants surrounding the issue of failing to pay restitution, fines, and costs, and/or failure to appear for said proceedings into Commonwealth Law Enforcement Assistance Network/National Crime Information Center, as appropriate. Such action will assist in the location of offenders outside of the originating jurisdiction and once located could result in the immediate collection of monies without the necessity to extradite/transport offenders.
29. Clarify accepted documentation and practice for Pennsylvania Department of Corrections in order to maximize the collection of restitution from inmates; and modify required forms to include all outstanding restitution, fines and costs owed by an individual upon commitment to the Pennsylvania Department of Corrections.
30. Attach priority to the collection of restitution, fines and costs in the development of the Common Pleas Case Management System delinquency module.
31. The Supreme Court of Pennsylvania should consider providing a capacity to address collections performance measures and promote evidence-based and/or promising practices to improve the collection of restitution.
32. Pennsylvania Commission on Crime and Delinquency, through Criminal Justice Advisory Boards, should conduct training and share information with counties and prison boards on the evidence-based and promising practices of other counties that improve the restitution processes, including collection methods, prison policies, costs, etc.
33. Create or modify existing criminal justice data collection and reporting processes to accurately and in detail track and publish county-specific information regarding the ordering and collection of restitution.
34. Provide practical information about restitution to victims.
35. Provide practical information about restitution to defendants.

Expansion of Authority Recommendations:

36. Maintain the current mandatory threshold of filing civil judgments as per Title 42 Section 9728 (b) (1) when "judgments for restitution, reparation, fees, costs, fines and penalties which, in the aggregate, exceed \$1,000."
37. The General Assembly should consider amending Title 42 Section 9728 (b) (5) to mandate both county correctional facilities and the Pennsylvania Department of Corrections to make deductions from inmate personal accounts.
38. Expand Pennsylvania Department of Transportation's authority to suspend and/or prohibit renewal of driver licenses for payment non-compliance. [It is noted that this recommendation was accomplished through the passage of Act 146 of 2012.]
39. The General Assembly should consider amending relevant statutes to authorize counties or courts to suspend or prohibit the issuance of state-issued licenses when the applicant is delinquent in the payment of restitution, fines or costs. Types of licenses, registrations or other authorizations include, but are not limited to: driver's license; hunting; fishing; professional licenses; vehicle registrations; etc. License limitations or suspensions shall be based on an individual case by case determination.
40. The General Assembly should consider amending Title 42 Section 9728 (g) Costs, etc., to clearly state that costs incurred by counties in support of collections enforcement efforts (staff, overhead) shall be borne by defendants.
41. The General Assembly should consider amending Title 42 Section 9730 adding section (a. 1) to clarify the authority of the court to assign the wages of a defendant who agrees to an assignment of income of not more than 25% of the defendant's gross salary, wages or other earnings to the court for payment of any restitution, fines or court cost. This amendment should also impose obligations on employers in this regard.
42. The Criminal Procedural Rules Committee should consider revisiting Pa. R. Crim. P. 535 and recommend the Pennsylvania Supreme Court adopt a revision authorizing the sentencing court to order any cash bail money posted by the defendant to be applied to any restitution, court costs or fines imposed. Alternatively, the General Assembly should consider amending Title 42 adding a Section 5703 to provide for bail money posted by a defendant to be applied to restitution, fines and costs.

43. The General Assembly should consider authorizing courts to order wage attachment for defendants who have been found in contempt for nonpayment of restitution, costs or fines.
44. The General Assembly should consider authorizing courts to order wage attachment for defendants who have the ability to pay restitution, costs or fines.
45. The United States Congress should consider amending the Internal Revenue Code of 1986 Section 6402 to require the IRS to pay any state judicial debt to include overdue costs, fines and/or restitution from any federal income tax refund due to a delinquent defendant.
46. The General Assembly should consider enacting or amending statute to require the Pennsylvania Department of Revenue and Pennsylvania Lottery to pay any state judicial debt to include overdue restitution, costs and/or fines from any state income tax refunds and/or lottery winnings.
47. The Criminal Procedures Rules Committee should consider examining current court rules and the rules of other jurisdictions to consider whether any rules should be amended or new rules adopted to improve the collection of restitution.



Appendix C

Pennsylvania Department of Corrections

Recidivism Report 2013

Community Corrections

**2013 PA RECIDIVISM REPORT
COMMUNITY CORRECTIONS RECIDIVISM
REARREST RATES BY PAROLE RELEASE TYPE**

Release Year	6 - Month Rearrests		1- Year Rearrests		3-Year Rearrests	
	Parole to Street	Parole to Center	Parole to Street	Parole to Center	Parole to Street	Parole to Center
2005-06 Releases	12.0%	11.7%	23.2%	25.4%	49.2%	52.5%
2008-09 Releases	12.2%	10.0 %	23.4%	21.8%	48.1%	47.1%
2010-11 Releases	11.8%	8.9%	21.1%	17.7%	N/A	N/A

**COMMUNITY CORRECTIONS
REINCARCERATION RATES BY PAROLE RELEASE TYPE**

Release Year	6- Month Reincarceration		1-Year Reincarcerations		3-Year Reincarcerations	
	Parole to Street	Parole to Center	Parole to Street	Parole to Center	Parole to Street	Parole to Center
2005-06 Releases	11.8%	18.1%	26.3%	36.0%	47.5%	58.7%
2008-09 Releases	9.3%	16.1%	22.1%	32.0%	44.0%	53.3%
2010-11 Releases	9.8%	19.3%	22.5%	33.5%	N/A	N/A

OVERALL RECIDIVISM RATES BY PAROLE RELEASE TYPE

Release Year	6- Month Overall Recidivism		1-Year Overall Recidivism		3-Year Overall Recidivism	
	Parole to Street	Parole to Center	Parole to Street	Parole to Center	Parole to Street	Parole to Center
2005-06 Releases	18.6%	22.8%	35.5%	42.6%	61.5%	68.6%
2008-09 Releases	17.4%	22.1%	33.8%	41.6%	59.7%	66.7%
2010-11 Releases	18.1%	24.0%	32.7%	40.5%	N/A	N/A

REARREST RATES BY VENDOR

Vendor (# of Centers)	2005-06 Release Cohort			2008-09 Release Cohort			2010-11 Release Cohort		
	6-Month	1-Year	3-Year	6-Month	1-Year	3-Year	6-Month	1-Year	3-Year
CEC (4)	14.8%	31.5%	54.9 %	12.4%	21.6 %	51.6 %	9.0%	19.1 %	N/A
Firetree (4)	6.5%	15.2%	47.8 %	9.8%	19.7 %	39.3 %	9.2%	16.9 %	N/A
Gaudenzia (9)	6.7%	13.5%	50.0 %	9.2%	20.2 %	46.8 %	6.6%	11.6 %	N/A
Gateway (4)	7.1%	19.0%	38.1 %	9.1%	25.8 %	51.5 %	10.3%	21.8 %	N/A
Kintock (2)	14.9%	31.0%	63.2 %	9.6%	22.8 %	47.1 %	13.3%	26.7 %	N/A
Minsec (7)	15.2%	30.3%	59.3 %	10.8%	22.9 %	50.7 %	6.4%	12.3 %	N/A
Renewal (2)	3.4%	24.1%	48.3 %	3.6%	16.4 %	29.1 %	2.8%	9.7% %	N/A
Parole to Street	12.0%	23.2%	49.2 %	12.2%	23.4 %	48.1 %	11.8%	21.1 %	N/A
Parole to CCC	9.2%	24.6%	48.6 %	10.4%	20.4 %	42.5 %	13.2%	23.9 %	N/A
Parole to CCF	12.1%	25.5%	53.2 %	9.8%	22.1 %	48.1 %	8.3%	16.8 %	N/A

REINCARCERATION BY VENDOR

Vendor (# of Centers)	2005-06 Release Cohort			2008-09 Release Cohort			2010-11 Release Cohort		
	6-Month	1-Year	3-Year	6-Month	1-Year	3-Year	6-Month	1-Year	3-Year
CEC (4)	17.3%	40.7%	61.7 %	16.0%	33.2 %	51.6 %	21.1%	36.0 %	N/A
Firetree (4)	15.2%	27.2%	56.5 %	19.7%	24.6 %	55.7 %	13.8%	38.5 %	N/A
Gaudenzia (9)	17.3%	33.7%	52.9 %	12.8%	37.6 %	56.0 %	17.2%	26.8 %	N/A
Gateway (4)	19.0%	35.7%	54.8 %	18.2%	36.4 %	56.1 %	27.6%	54.0 %	N/A
Kintock (2)	21.8%	47.1%	69.0 %	14.0%	27.2 %	52.9 %	16.7%	36.7 %	N/A
Minsec (7)	17.2%	35.2%	57.2 %	17.9%	33.2 %	56.5 %	22.8%	34.2 %	N/A
Renewal (2)	27.6%	48.3%	72.4 %	12.7%	30.9 %	54.5 %	16.7%	34.7 %	N/A
Parole to Street	11.8%	26.3%	47.5 %	9.3%	22.1 %	44.0 %	9.8%	22.5 %	N/A
Parole to CCC	26.1%	40.1%	62.0 %	20.4%	34.6 %	53.3 %	17.6%	30.2 %	N/A
Parole to CCF	16.7%	35.3%	58.1 %	15.1%	31.4 %	53.2 %	19.5%	34.0 %	N/A

OVERALL RECIDIVISM RATES BY VENDOR

Vendor (# of Centers)	2005-06 Releases			2008-09 Releases			2010-11 Releases		
	6-Month	1-Year	3-Year	6-Month	1-Year	3-Year	6-Month	1-Year	3-Year
CEC (4)	22.2%	45.1%	71.0 %	24.0%	41.2 %	67.2%	24.4%	42.1 %	N/A
Firetree (4)	18.5%	31.5%	64.1 %	26.2%	39.3 %	60.7%	18.5%	43.1 %	N/A
Gaudenzia (9)	18.3%	36.5%	65.4 %	18.3%	43.1 %	65.1%	22.2%	33.3 %	N/A
Gateway (4)	26.2%	45.2%	64.3 %	21.2%	43.9 %	71.2%	32.2%	59.8 %	N/A
Kintock (2)	25.3%	48.3%	78.2 %	19.1%	37.5 %	65.4%	21.7%	41.7 %	N/A
Minsec (7)	22.8%	42.1%	69.7 %	23.8%	41.3 %	70.0%	24.7%	38.8 %	N/A
Renewal (2)	31.0%	62.1%	75.9 %	14.5%	41.8 %	63.6%	18.1%	40.3 %	N/A
Parole to Street	18.6%	35.5%	61.5 %	17.4%	33.8 %	59.7%	18.1%	32.7 %	N/A
Parole to CCC	30.3%	47.9%	70.4 %	27.9%	45.4 %	67.5%	27.3%	42.0 %	N/A
Parole to CCF	21.5%	41.6%	68.3 %	20.8%	40.7 %	66.5%	23.5%	40.3 %	N/A

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EXECUTIVE MANAGEMENT PROFESSIONAL
EXECUTIVE SUMMARY

Versatile leader experienced in organizational change and development. Extensive background in management, complimented by diverse talents in policy evaluation and organization theory. Proven ability to build and lead highly efficient teams. Accomplished professional, who is skilled at managing across multi levels companies. Strategic problem solver, who is outstanding at analyzing problems, providing and implementing solutions across organizations.

CORE COMPETENCIES:

- Change Management ● Productivity and Performance Improvement ● Project Management
- Analysis and Critical Problem Solving ● Team Development and Leadership
- Strategic Planning ● Organization development ● Statistical Analysis ● Policy Analysis

PROFESSIONAL EXPERIENCE

Pennsylvania House of Representatives

Executive Director, Legislative Policy and Research Office 2009 - 2013

Executive Director, Gaming Oversight Committee 2007 - 2009

Executive Director, PLBC 2003 – 2007

Progressive record of positions with increasing responsibility, culminating as the Director of Legislative Policy and Research, leading the strategic and operational functions of all legislation drafted for the House Democratic Caucus. Directed a staff of over 32 employees and fully responsible for all research, information, and correspondence to Democratic House Members and their constituents. Consistently evaluated and redefined staff roles, recommended technology improvements, strategies to senior leadership and collaborated with various governmental agencies and non –profit organizations Implemented structural and functional changes in the Legislative Policy and Research Office that were adopted by other departments. Improved performance, quality and productivity every year and received a citation for accomplishment. Recognized by PoliticsPA as one of the top ten smartest staffers of the House Democratic Caucus in 2012.

PUBLICATIONS

Alladin, Terrence, Sherrise Truesdale-Moore and Shaun L. Gabbidon. (2008). “An Analysis of State Level Correctional Policies for Emergency Releases for Deathbed Visits and Funeral Attendance” Professional Issues In Criminal Justice: A Professional Journal. 3:4 (83). <http://www.picj.org>

EDUCATION

Master of Arts, Political Science

Brooklyn College ● Brooklyn, NY

Bachelor of Arts, Economic and Criminal Justice

St Francis College ● Brooklyn, NY