



Practitioner Perspectives

Nancy E. Gist, Director

Onsite Visits, Case Histories, and State
and Local Innovations From the
Bureau of Justice Assistance

BJA

[The program] built on the wise belief that not every criminal should go to prison continues to prove itself. It is money well spent. Since 1990, more than 40,000 offenders, most of them confronted with their first-ever prison term, have been diverted to this nationally recognized program. . . . Extensive counseling explores the root of the problem, community work teaches reliability while restoring dignity, and reading programs help develop valuable skills.

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Connecticut's Alternative Sanctions Program \$619 Million Saved in Estimated Capital and Operating Costs

By Patrick J. Coleman, Jeffrey Felten-Green, and Geroma Oliver, BJA

Any visitor to the Alternative to Incarceration Center (AIC) in Bridgeport, Connecticut, will be impressed by the facility's structure and organization. The Bridgeport center is one of Connecticut's 17 AICs, which serve referrals from the 17 state courts. Just inside the front door is a control center that tracks the comings and goings of the several hundred offenders who are assigned to the center each year. During our visit on February 22 and 23, 1998, a Connecticut Noreaster was pounding the outside walls of the AIC, so many clients were busy at various activities within the center. For example, down the hall from the control center, six clients were folding and stapling newsletters for local nonprofit organizations to fill part of the community service requirement of their sentence. Ordinarily, if it had not been raining so hard, "Most of these clients would be outside doing much more physical community service work," according to Jim Greene, Deputy Director of Field Services for the Office of Alternative Sanctions



Alternative sanctions clients work alongside community members to build and maintain playscapes in Connecticut communities.

(OAS). More physical work includes activities like cleaning up state parks, removing trash from inner-city vacant lots, or building and maintaining giant playscapes (as OAS community service teams have a reputation of doing). OAS Field Services organizes and runs all of the community service opportunities available to OAS clients.

The AIC also contains a classroom and a computer room where clients are taught how to read or prepare for their general equivalency diploma (GED). One part of

this educational program—Project READ—is funded through the Bureau of Justice Assistance (BJA) Edward Byrne Memorial Formula Grant funds. Other services available to AIC clients include substance abuse treatment and a batterer’s education group.

Michael Lawlor, Co-Chair of the Judiciary Committee in the Connecticut House of Representatives, said, “[Alternatives to incarceration are] an alternative to prison, not an alternative to punishment.” Alternative sanctions programs allow the state courts to ensure that all criminal offenders receive swift, certain, and meaningful punishment, while repaying the community and preventing the citizens of Connecticut from having to fund the operations of new prisons years into the future. Bill Carbone, the Director of OAS said, “These programs don’t remove the need for prison; they reinforce the severity of prison as a sanction.”

AICs are just one element in a complete continuum of alternative sanctions. Placements are made according to the amount of risk a client poses to the community. These alternatives include:

- ◆ **Alternative to Incarceration Centers.** AICs provide supervision, substance abuse treatment, educational/vocational assistance, counseling, and community service opportunities. All AICs are operated by private nonprofit agencies.
- ◆ **Community Service Labor Program.** This program requires that offenders provide needed services to the community in lieu of prosecution.
- ◆ **Electronic Monitoring.** Electronic monitoring technology is used to verify that an offender remains in his or her home during specified hours.
- ◆ **Day Incarceration Centers (DICs).** The most serious offenders are supervised in DICs 7 days a week during the day. At night, all DIC clients are monitored electronically.
- ◆ **Youth Confinement Centers (YCCs).** Drug-involved offenders, between ages 16 and 21, are confined in these centers where they receive substance abuse treatment services.
- ◆ **Project Green.** This project combines extensive community service in state parks with substance abuse treatment.
- ◆ **Women and Children Program.** This program permits female offenders to live with their children during their participation in a treatment program.
- ◆ **Traditional Inpatient Drug and Alcohol Treatment.** With this treatment, clients are admitted to a residential setting where they receive detoxification, substance abuse treatment, and educational/vocational assistance.

The Connecticut judiciary has established alternative sanction options for virtually every offender who does not absolutely have to be in prison. Alternative sanctions programs are available to juveniles (up to age 16), youthful offenders (ages 16 to 18), and

adults (18 and older). Each offender’s risk of reoffending and his or her living skills needs (staying sober, learning to read, maintaining employment) are assessed by judicial branch personnel and alternative sanctions program staff. The offender is then placed in the program(s) most likely to protect the community *and* assist the offender in developing skills that will keep him or her out of the criminal justice system in the future. Evaluations have shown that OAS programs are saving money and reducing offender recidivism.¹

How did Connecticut pull this off when most of the nation is getting tough on crime and building more and more prisons? How have the programs generated legitimacy and public support for keeping criminals *out* of prison? How have they avoided the traditional problems of overcrowding and underfunding, which have ruined the effectiveness of many criminal justice intervention programs in the past? How have they escaped the damaging, negative publicity that would have rained down if even one offender had committed a high-profile violent crime in the 8 years since the program started? Do alternative sanctions really make a difference in the safety of the community and the lives of offenders? Before our visit we had a lot of questions about the program. But after much background research and 2 days in Connecticut conducting interviews with seven key political

This series is dedicated to the exploration of vital issues in criminal justice program development and management. Case studies highlight the work of progressive, innovative people and programs in state and local criminal justice systems. Although a case study may include a detailed description of the operational aspects of a program, it is not a scientific program evaluation. Rather, it is a document designed to explore the interaction of factors such as collaboration, politics, resources, culture, and others that play a part in successful public management.

and program players, three groups of alternative sanctions staff, and two groups of clients (one juvenile and one adult) and visiting four day reporting centers in two cities, our questions were answered.

History

Development of the Connecticut Alternative Sanctions Program

Bill Carbone, the Director of OAS and a career advocate for progress in the Connecticut criminal justice system, told us, "In the late 1980s, the criminal justice system in Connecticut had lost its integrity in the eyes of the public. Most offenders [including violent offenders] sentenced to prison were doing 10 percent or less of their sentence." This crisis was, in part, due to 1981 legislation that dismantled the Connecticut Parole System and established definite sentencing. Definite sentencing led to longer sentences for offenders and fewer releases from prison. The immediate result of definite sentencing was prison overcrowding, which led to a dramatic increase in the use of supervised home release for offenders. Bill Carbone told us, "The original response to this problem, much like the current response in many other areas of the country, was to build [facilities to hold] 11,000 prison beds. Between 1985 and 1990 the state of Connecticut spent over \$1 billion in this effort."

By 1990, however, the citizens of Connecticut were tired of paying for the construction and upkeep of new prisons. The original expense of building the prisons was minor compared with the ongoing expense of operating them year after year. Prison

building, once an economic development plumb sought by Connecticut communities, was no longer popular. Even enormous tax incentives offered by the state were not enough to persuade communities to allow the building of new prisons in their midst. Also, it became apparent to Connecticut residents that the prison-building marathon had not solved the criminal justice system's sentencing integrity problems.

In addition, Connecticut, along with the rest of the country in 1990, was experiencing an economic recession. Mr. Carbone told us, "There was no Connecticut income tax in 1990, and the sales tax wasn't generating sufficient revenue to maintain state institutions, let alone expand them. State employees were being laid off, and the construction of any new state institutions became an unpopular option."

Government leaders and criminal justice officials realized that the prison-building effort had resolved neither the crowding problems nor their credibility problems. We spoke with Ed Schmidt, Counsel to the Connecticut House of Representatives, who told us, "Despite political differences, there was no incentive to defend the status quo."

Court as a Community Problem Solver

Director Carbone told us that he and several others were responsible for the idea behind the creation of OAS. He chaired the Connecticut Commission on Prison Overcrowding, which had recommended alternatives to incarceration as an option for solving prison crowding and sentencing legitimacy issues. The Governor at the time, Democrat William A.

O'Neill, and members of the state legislature had explored the ideas of alternatives to incarceration as well. Director Carbone, however, gives credit for the formulation of the idea and the shepherding of the legislation to Judge Aaron Ment.

The Honorable Judge Ment, highly respected Chief Court Administrator in Connecticut, stepped forward during the prison crisis with ideas that called for more effective sanctions and less money. In 1990, Judge Ment proposed two pieces of legislation. The first created the Office of Alternative Sanctions and empowered judges to sentence offenders directly to intermediate sanction programs, including substance abuse treatment. OAS was to develop a series of alternatives to incarceration for low-risk pretrial and postadjudication offenders. OAS was to provide judges with a variety of sanctions that took into account the seriousness of the offense and the criminal history of the offender. A get-tough side to OAS was to be set up; if an offender failed the program, he or she would be sent to prison to complete the full sentence. OAS was to base its programs on two premises:

1. Every individual convicted of a crime should be swiftly punished and that punishment should be strictly enforced. The sanctions, however, should be consistent with the severity of the offense, the offender's criminal and personal history, and public safety needs.
2. A continuum of credible, enforceable community-based sentencing options, falling between probation and prison should be created in every court in Connecticut. Intermediate sanctions must punish justly and sensibly and ensure the availability of prison space for violent and chronic offenders.²

Judge Ment's second piece of legislation demanded progressive increases in the percentage of time served by inmates and ultimately reinstated the Connecticut parole system. This legislation required that, within a year, with the diversion of 1,500 inmates to OAS, minimum prison sentences had to increase from 10 percent to at least 25 percent of the sentence. In the second year, with 3,000 offenders diverted to OAS, 40 percent of prison sentences had to be served. In the third year, with 4,500 offenders going to OAS, the parole system was to be reinstated. According to this legislation, inmates could not see the parole board until they had served 50 percent of their sentence—with no time off for good behavior, no exceptions, and no frills. Judge Ment's legislation was intended to restore the severity of prison sentences and represented a critical element in the Connecticut judiciary's effort to control prison and jail overcrowding by providing court-based pretrial and sentencing options for judges to consider in lieu of long periods of incarceration.

Judge Ment told us, "I don't consider myself a 'Judicial Activist,' but I do believe that the court should play a role as a problemsolver for the community." Both pieces of legislation passed with one condition—a 5-year sunset clause. This clause was a message to Judge Ment and the supporters of OAS; they had 5 years to demonstrate that they could safely and effectively manage low-risk offenders outside prison. At the end of 5 years, the Connecticut legislature would have to pass new legislation to fund OAS or the program would end. When the 5-year period was up, the legislature unanimously passed a bill that continued the operation of the

OAS indefinitely with no additional sunset clauses.

All branches of Connecticut's government worked together to respond to the prison and jail overcrowding crisis. The judicial branch conducted research that led to the development of OAS and accepted the responsibility for the administration of the project. The legislature passed the public acts described above. The executive branch has increased funding for these initiatives every year, despite the state's periodic financial problems.

In addition to the progressive state financial commitment, the Bureau of Justice Assistance has also supported OAS efforts steadily over the years. Since 1994, OAS has received more than \$11.5 million in BJA Byrne Formula Grant funds, which are administered in Connecticut by the Justice Planning Unit in the Governor's Office of Policy and Management. In addition to Project READ, Byrne funding has been used to support juvenile justice centers; Latino offender programs; AIC capacity enhancements; intensive supervision of sex offenders; the New Haven, Waterbury, and Hartford drug courts; and many other OAS programs. OAS has also received more than \$2.5 million in BJA discretionary funding for corrections options programs for Latino, female, and youthful offenders.

In the last 2 years, OAS has also received funding from other offices within the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP). A Family Violence Court Docket has been funded in three Connecticut cities by the Violence Against Women Grants Office. OJP's Drug Courts Program Office has funded a drug court in Bridgeport. Additionally,

the Corrections Program Office has funded a drug treatment program for mothers and their children to fill a large gap in available treatment services from OAS. This combination of extensive state resources and significant contributions from BJA and other OJP agencies has kept OAS well funded and well managed.

Selling Alternative Sanctions in a "Tough on Crime" World

In 1987, the declaration of the War on Drugs started a trend of criminalizing what were previously considered to be minor offenses, such as low-level drug possession.³ Most of the nation seemed to agree that government should incarcerate more people for longer periods of time to demonstrate its intolerance of crime.⁴ Three years later, Judge Ment was successful in getting legislation passed that would prevent many of these same low-level offenders from going to prison. How did the supporters of alternative sanctions effectively sell this idea?

Judge Ment said that several things had to be in place for him and his supporters to be successful. First of all, there had to be a prison crisis or they would not have needed alternative sanctions. Second, they had to have the support of the state judiciary. Judge Ment said, "We avoided telling judges they had to [use alternatives]—we have no sentencing guidelines in Connecticut." Instead, Judge Ment offered the judges the possibility of having a "full array of sanctions" and having "complete control" over their implementation. Another crucial element was the accompanying legislation, which demanded minimums for time served. Judge Ment said,

“Credibility is crucial—[alternative sanctions] have to be an alternative to higher sanction, such as prison.”

Once the legislation was passed, the fledgling OAS had 5 years to prove that its solution worked. Mr. Carbone said, “We had no time to waste, so we started evaluating our programs from the beginning.” In fact, the survival of OAS depended upon several objectives that had to be accomplished for potential detractors to be sold on the idea.

Developing Firm Public

Support. To secure public support, OAS waged an effective marketing campaign emphasizing the accountability aspects of alternatives to incarceration. A highly visible community service component was developed that showed offenders doing hard work to pay back the community and improve neighborhoods. Jim Greene said that “we had to legitimize community service. We did this by putting offenders along side regular volunteers. It’s more changing the image of offenders than changing the offenders.” OAS clients assist community volunteer organizations in building playgrounds, maintaining state parks, cleaning inner-city vacant lots, and building “pocket parks” on vacant lots. Jim Greene said, “We try to avoid derision of clients and use them always as a resource. . . . We have our supervisors work right alongside offenders.”

One of the problems with community service programs has always been getting the clients to fulfill their obligations. Jim Greene said, “We thought, ‘What if offenders actually wanted to do community service?’” To accomplish this, OAS sought out unusual community service



Clients clean up at Yale Bowl after the opening ceremonies at the 1995 World Games of the Special Olympics.

opportunities for its clients. One example is its work with the Nutmeg Games, an annual state athletic event. Ordinarily, community service workers would clean up the trash after the event. But after OAS had established the credibility of its community service program, it began using offenders to collect the gate money at the Nutmeg Games. Jim Greene said, “We’ve collected more than \$70,000 over each of the last 4 years and the books have always balanced.”

To make sure that the community service work was visible to the public, OAS clients work alongside residents from the community. People who may have been unsure about having offenders work on projects in their community “virtually always change their mind after a day of working alongside one of our clients,” said Jim Greene. Having offenders work with community members not only raises the visibility and community acceptance of OAS programs, but also legitimizes the work of the offenders while integrating them with the noncriminal population.

OAS has also attracted a good deal of positive attention from the press,

which has raised the public profile of its community service work. Director Carbone has been open and willing to talk to the press when approached about OAS programs and evaluation outcomes. This openness, combined with the success of the program, has resulted in an ongoing positive relationship with the press.

OAS creates its own newsletters and holds its own staff meetings, conferences, and program evaluations for its network of providers. Providers share the newsletters with OAS clients and the public. The staff meetings and conferences allow ordinarily isolated providers to create and reinforce a network that includes other community providers across the state. The program evaluations update local providers on the impact of the program so that they can respond to questions from community members about the nature and success of OAS programs.

Another effort used to gain public support for alternative sanctions was emphasizing how much tax payer money the program would save—\$25,000 is spent annually to incarcerate an offender compared

with \$7,000 spent (with an average of four clients per slot per year) to supervise an offender through alternative sanctions. Further, Judge Ment told us, “The late Raymond Burr made two movies to promote and inform the public about alternative sanctions. One included an interview with a victim.” These movies relayed the message that even victims saw alternative sanctions as more appropriate for low-risk offenders than prison.

Maintaining Credibility. When asked how the program has managed to build and maintain its credibility, Tom Siconolfi, Director of the Justice Planning Unit in the Governor’s Office of Policy and Management, said it was “with no horror stories plus lots of positive stories.” Jim Greene explained, “We have managed the heck out of these programs—the entire project is dependent upon proper supervision.” When performing community service OAS maintains a ratio of one staff member to six offenders. Jack Bailey, the Chief State’s Attorney in Connecticut told us, “There is another side to credibility and that is accountability. If an OAS client doesn’t show up to the AIC, they are reported and docketed to be in court the next day.” This swift response to noncompliance sends a message to offenders, law enforcement personnel, and the community that OAS is serious about its commitment to public safety.

Perhaps the most significant factor in maintaining credibility is that OAS designed these programs exclusively for pretrial and low-risk offenders and has stayed true to its admission criteria. OAS has carefully followed the design of its programs and admits only offenders that match the admission criteria. Many correctional programs that get a



Clients build a lookout tower in a Connecticut state park, which will be used to spot forest fires.

reputation for doing a good job are suddenly flooded with referrals of all kinds. Some programs accept inappropriate referrals under this pressure and end up with horror stories that hit the press and damage the credibility of the programs. There may be nothing wrong with the programs, but admitting the wrong types of clients could be disastrous.

Maximizing the Benefits of Privatization. Alternative sanctions programs are operated through OAS contracts with private, nonprofit organizations. Privatization helped to sell this program to Connecticut’s Governor, voters, legislators, press, judges, and corrections system in several ways. First, privatization has a reputation for saving money because, when done correctly, services can be provided without the massive administrative overhead that comes with operating under the state government umbrella. Next, privatization allows “small government” advocates to say that they are providing more services to the state with fewer government employees.

Another benefit of privatization is that it allows OAS to use organizations that are already providing services and have already established credibility in the community. Further, shedding the bureaucracy, according to Mr. Carbone, “allowed OAS to start and expand programming almost immediately when it could have taken years had the programs been state operations.” Finally, and what is most important—for OAS, its supporters, and the community—privatization makes program providers accountable to OAS. If a contracted service provider is not doing a good job, Jim Greene said that OAS “can drop them in 30 days.” Privatization offered cost savings, accountability, smaller government, and community economic development—all were appealing to conservatives who might have opposed a program that they could have killed by labeling it “soft on crime.”

Creating the Opportunity To Get Tough on Prison Sentences. Shortly after the two pieces of legislation that created OAS and minimum

prison time served were passed, offenders sent to prison were required to spend significantly longer portions of their sentence behind bars. It became possible for “tough on crime” lawmakers to consider more stringent prison sentences for appropriate crimes. This was largely due to the prison beds that were made available by the diversion of low-risk offenders to OAS. More prison beds and tougher sentences restored the credibility of a prison sentence.

Avoiding a Fight With the Unions. Another common difficulty with active offender community services programs involves replacing union workers with offenders. The OAS community services programs operate in state parks and inner-city sites but generally do not displace any workers, particularly union workers. Jim Greene told us that the state workforce had been so depleted by the recession of the late 1980s and early 1990s that there were “basically no union staff left to maintain state parks.” OAS clients were meeting a community need but not threatening the jobs of hard-working, honest citizens; this was key to selling the idea.

Avoiding Becoming a Political Football. All of the factors discussed above have, to date, prevented OAS from becoming a political football. Judge Ment and Director Carbone have carefully shepherded the program through the economic and political minefields. A “soft on crime” label, an OAS client committing a violent crime, an impression of government expansion draining tax dollars, or a suspicion that citizens must compete with offenders for jobs can be portrayed as highly volatile images that are easily adapted to the needs of political opportunists. It has taken

patience, tenacity, and reinforced credibility to sell alternative sanctions to the people of Connecticut. Mr. Bailey said, “If you have one element of the criminal justice system against it, it won’t go.” Mr. Siconolfi added, “If an area doesn’t have a critical mass of issues (i.e., prison relief needs) [and a] demonstrated level of cooperation among all leaders, you can have the money or not, [but] it probably won’t work.”

Unique Political Structure May Have Helped Establish OAS

The state of Connecticut has a unique government structure. State court judges are nominated by the Governor and appointed by the general assembly for 8-year terms and can only be removed with just cause. The Chief Court Administrator is appointed by the Chief Justice of the Connecticut Supreme Court who is appointed by the Governor. The Chief State’s Attorney is appointed by a commission, which is

appointed by the Governor. Local state’s attorneys are appointed by the Commission on Criminal Justice, which is appointed by the Governor. Jack Bailey said, “The Attorney General is elected, but has no jurisdiction over criminal matters—civil only.” Further, Connecticut has no county governments, and therefore no county courts. There are few stakeholders and fewer turf boundaries to cross in trying to obtain the necessary consensus of support for alternative sanctions programs.

In short, none of the players that would have to defend alternative sanctions on the political stump have to run for election. Jack Bailey said, “It would have been a much harder sell if they had to run for election. If I were running on the opposing side, I would get up and say, ‘We spend \$35 million a year on prosecuting and \$42 million on keeping [offenders] out of prison. Don’t you think its time we restored the credibility of the criminal justice system?’.” Because these players do not have to run for



Alternative sanctions clients work to put out a forest fire in a Connecticut state park.

election, the issue is not tested on the front lines by today's contentious partisan politics.

These political dynamics have centralized control and allowed a small number of individuals to shape policy without having to pass the test of intense public scrutiny. In this day of campaign sound bites, misquotes and quotes taken out of context, and political grandstanding on criminal justice issues, it is likely that this consolidation of power has contributed immensely to the acceptance of alternative sanctions in Connecticut.

This should not take away from the fact that OAS is supported by a bipartisan, public/private/government coalition, which includes a partnership of all three branches of government and a partnership of the state court leadership. OAS staff and supporters worked extensively to make the program visible to the public and a credible offender management tool. Alternative sanctions programs are extremely popular in Connecticut and have demonstrated their effectiveness in saving money, improving conditions in the community, and reducing offender recidivism.

Connecticut Alternative Sanctions in 1998

I think AIC is a very good program. AIC has helped me in many ways. . . . Since I have been coming here I have gotten my GED. Now I attend [technical college] where I am earning an associate's degree in business administration. I am also employed at [a supermarket]. The case managers are very helpful. If you have a problem they try to help you out and be there for you [in] any way they

can. . . . AIC is a good program for those who want to take advantage of a good thing. If you have the attitude you are going to make your time here count, you can accomplish anything.

—AIC Client
February 24, 1998

Structure

The Connecticut judicial branch has administrative authority over all criminal courts, the Bail Commission, the Office of Adult Probation (OAP), and OAS. OAS has primary responsibility for coordinating and contracting public and private efforts to expand alternative incarceration programming. The Bail Commission and OAP are judicial branch divisions that provide direct supervision to more than 50,000 accused and sentenced offenders.⁵ Rapid and efficient statewide replication of proven, alternative sanction model programs is facilitated by this unified criminal justice system.

Program Components

In addition to the programs for adult offenders that were described in the introduction, there are many other levels of sanctions that are available through this system. A statewide network of more than 50 public and private providers deliver the following services:

- ◆ Community service.
- ◆ Day incarceration center.
- ◆ Restitution center.
- ◆ Family counseling.
- ◆ Mediation.
- ◆ Drug court.
- ◆ Intensive supervision probation.
- ◆ Substance abuse treatment.

- ◆ Youth confinement centers.
- ◆ Sex offender supervision and treatment.
- ◆ Electronic monitoring/house arrest.
- ◆ Victim restitution.
- ◆ Halfway house placement.

These are cost-effective alternatives to incarceration that use community-based punishment, treatment, and supervision of criminal offenders.

We spoke to several offenders at the Bridgeport AIC about their experiences with alternative sanctions. All reported very positive encounters. An offender involved in the more restrictive Day Incarceration Center programs said, “[Alternative sanctions] make sense. If you send a man to prison, that’ll just make him mean. This way you can deal with your problems and stay out of trouble.” Another offender said, “I would never have thought I could get out of the criminal justice system, but now I’m learning to read; I’m learning how to work a computer. You can’t get me out of that computer room. And I think I really have a chance to change my life.”

Some of the offenders had suggestions for improvement. One offender said, “I think AIC should have a job developer—someone who goes out to different companies in the area to try to get jobs for the clients when they get out of [the program].” We found that some AICs do offer job development services, but resources are limited. Most of the clients’ criticisms of alternative sanctions were related to restrictions on their freedom, which are required by the program to ensure public safety.

Each center we visited had a different “feel” to it. The first AIC we visited was in New Haven. The physical setup

of this center was very open with cubicles scattered throughout the building. Multicultural art adorned the walls along with many quotes from famous African-American leaders. We entered the education room where a group of AIC clients were having a values exploration discussion with their teacher. They were discussing whether the United States should bomb Iraq for noncompliance with U.N. weapons inspection resolutions. Values exercises such as these force offenders to think beyond impulsive responses to events and to consider the direct and indirect ramifications of such actions on the lives of others. Each client had to state an opinion and explain why he or she felt that way. One young man said, "I don't think we should bomb them because they might have all those chemical weapons near another country's border. And if we bomb them, the chemicals might hurt the people in the other country."

The AIC we visited in Bridgeport (described in the introduction) had almost no art on the walls, and motivational quotes had been posted on the walls in the classroom. The atmosphere in Bridgeport seemed less culturally focused and more businesslike than that in New Haven. However, the clients at both facilities seemed equally engaged and enthusiastic about the opportunity to be in an alternative sanctions program instead of prison.

Successes of OAS

In its first year of operation, OAS had a budget of less than \$1 million and worked with 750 offenders. Eight years and more than 150,000 offenders later, OAS has an annual budget of \$48 million. At any given time, there are 4,500 adult and 700 juvenile offenders involved in the



Students prepare to take their GED examinations at a Connecticut Alternatives to Incarceration Center.

program. Director Carbone said that, next year, the budget is likely to be more than \$52 million. Program development and fundraising must be considered a major success of OAS. But the program has also demonstrated dramatic success in achieving its primary operational goals.

The first goal of OAS was to manage offenders for less money. Alternative sanctions operate at an average cost of just over \$7,000 per year (with an average of four clients per slot per year), while the average cost for incarcerating an offender is approximately \$25,000 per year. Therefore it is estimated that, without these alternatives, more than 3,500 additional prison and jail beds would have been needed at a capital cost of \$525 million and an additional \$94 million per year in operating costs.

Another goal that was imperative to achieve to survive the 5-year sunset clause in OAS's funding legislation was to prove that the program protected the public. More than 60 percent of OAS clients successfully complete the

program. Of the 30 to 35 percent of offenders who are terminated from the program, less than 10 percent are terminated for a new offense. A 3-year longitudinal study of the effectiveness of OAS programs, conducted by the Justice Education Center, Inc., was completed in 1996. The study compared offenders who had been sentenced to OAS programs with offenders who had been incarcerated by the Department of Corrections (DOC), and the findings were favorable. After 3 years, there were about two arrests of an OAS client for every three in the DOC comparison sample, showing a significantly better track record for OAS clients than for those released from prison.

Ensuring that offenders give back to the community where they have offended has been another area of OAS success. OAS has participated in the building of seven 15,000-square-foot playscapes and a 25,000-square-foot, handicapped-accessible play structure in various communities in Connecticut. OAS community service

crews regularly maintain these playgrounds. OAS Project Green clients maintain 30 state parks each year. In 1996 alone, more than 7,000 offenders participated in statewide community service activities, providing more than 250,000 hours of work, valued at more than \$1.3 million. More than 100 state, municipal, and nonprofit agencies received services at approximately 300 work sites. The list goes on and on.

And, convincing the Connecticut legislature that the program works and subsequently obtaining unanimous passage of a public act to continue OAS funding were major successes as well.

The Justice Education Center, Inc., study also identified some areas of improvement for OAS. The study identified the lower rates of success for Latinos and suggested that increased efforts at culturally sensitive programming were warranted.⁶ In response to this recommendation, OAS opened special programs to

provide culturally sensitive services to Latinos such as the Apoyo (Caring) Center in New Haven. Apoyo is a combination of an AIC and a DIC that serves only Latino clients. Almost all of the staff are Latino, and the probation officer assigned to the center is Latino as well. The art on the walls at Apoyo is Latino, and the program is much more family focused than regular AIC and DIC programs. This program demonstrated that the success rate for Latino clients could be improved. Jim Greene said, “Apoyo gets more Latino referrals than other centers and has a better success rate with Latino clients.” AICs in other locations have attempted to integrate Latino sensitivity into their programming by hiring Latino staff and reaching out to the Latino community. At this time, however, Apoyo is the only free-standing, specifically Latino program in the state.

Another special need that was identified in the study was services for adolescent girls and young female

offenders who are pregnant or already have children. OAS has applied for a BJA grant to develop a program that would meet their needs.

The Future of OAS

At some point in the life of a program like those administered by OAS, which is designed to divert “certain offenders” from prison, all of the offenders that fit the admission criteria are diverted to the program leaving no room for expansion. This is the case with the adult alternative sanctions programs in Connecticut. The state has realized the maximum adult offender diversion and cost savings that OAS, as it is currently designed, can provide. The only way to accommodate more offenders would be to accept offenders that are more likely to be a danger to the community. OAS has been trying to ensure that this risk is not taken.

However, there has been great interest on the part of OAS and elected officials in creating a parallel network of similar programs for juveniles. Tom Siconolfi commented, “[OAS programs] haven’t hit any walls yet, but now they’re looking at special populations—pricy populations. This is where they’ll start to hit walls. Any further growth will come on the juvenile side.”

And so, in the 1995 Juvenile Justice Reform Bill, with a Republican majority in the state Senate, a Republican Governor, and a Democratic majority in the House of Representatives, funding was legislated for OAS to establish a complete continuum of sanctions for juveniles in community-based settings. House Counsel Ed Schmidt said, “None of this would have been possible without the OAS longitudinal study.”



Project Green workers provide community service through beautification and maintenance of Connecticut state parks.

Alternatives for Juveniles

OAS has established both residential and nonresidential alternative sanctions for juveniles. Nonresidential programs called Juvenile Supervision and Reporting Centers are highly structured programs that provide day and evening programs, 7 days a week, for nonviolent juveniles who otherwise would be in detention. Services offered by the programs include:

- ◆ Alternative education.
- ◆ Afterschool services.
- ◆ Volunteer community service activities.
- ◆ Family participation programs.
- ◆ Substance abuse education and intervention.
- ◆ Life skills training.
- ◆ Recreational activities.
- ◆ Meals.
- ◆ Case management.

Residential centers are also highly structured and intensively supervised but are designed for higher risk juveniles. These staff-secure alternatives to detention provide 24-hour-a-day supervision for juveniles. These youth could be supervised in the community but need an alternative to residing at home. Youth housed in these centers have access to the services listed above.

OAS is finishing its 2d year of implementing programs for juveniles. Programs are now available in five cities. OAS has also developed Juvenile Justice Centers in eight cities. These centers provide less-structured activities for youth. Juvenile programs started with a budget of \$3 million. The 2d year the budget was raised to \$8 million. The budget for 1999 will be \$11 million. Jim Greene said, "We anticipate that the program will continue to grow like this for 3 more years and



Clients provide concessions at the Nutmeg Games.

then growth will begin to slow down." Therefore, it is planned that by the end of the next 3-year period, alternative sanctions programs will be fully implemented in Connecticut.

We met with a group of juvenile clients from nonresidential and residential programs in Bridgeport. At first the youth were not very talkative, but eventually a couple offered complaints about their conditions. "Why can't we watch rap videos?" asked one boy. A boy seated next to him added, "Yeah, we should be able to watch R-rated movies too instead of watching kid movies all the time." The youth also provided some valuable feedback about the programs. The rap video fan said, "If I wasn't here I'd be at Long Lane [detention center]. Here, I'm at least close to home and can work on school. At Long Lane it's just like prison. There's nothing to do."

It seemed to be unanimous among the youth that they would rather be in the alternative program than housed in Long Lane. When asked what they

thought might improve the program, one girl said, "The community service is a waste. They need to come up with community service that makes sense for us. Like, I like to write stories. Why don't they let me go read stories to little kids in elementary school or go help out with babies at a daycare center or something like that?" We passed these suggestions on to Mr. Greene who thought they were great ideas and said that he would work on finding such opportunities. He repeated one of his first comments to us: "In order to have any success with these folks, you have to get them to come in. So we try to find community service ideas that will make them want to come in."

Midway through their implementation in Connecticut, juvenile alternative sanctions seem to have the same level of support and momentum as adult programs. Despite major news coverage of the increased violent crime committed by juveniles, this program has bipartisan support. Mr. Siconolfi said, "These programs are providing leverage for more conservative

lawmakers to get ‘tough on crime’. The enacting legislation allowed the creation of alternatives to detention but also allowed the transfer of 14-year-old defendants charged with certain felonies to be automatically transferred to adult court.” Director Siconolfi admitted (and Chief State’s Attorney Bailey backed him up) that the vast majority of cases that get transferred to adult court are immediately transferred back to juvenile court. Jack Bailey said, “That’s really the most appropriate place to handle these cases.”

Consideration of Challenges to OAS’s Results

Admittedly, it is hard to find much to criticize about alternative sanctions programs in Connecticut. However, a few issues are worth considering. The first is the question of how much money OAS really saves the state. Mr. Siconolfi said, “First of all, [OAS] used the average cost of incarceration, but low-risk offenders don’t cost as much to incarcerate as high-risk offenders.” Therefore, the broad averages used to formulate the figure of \$94 million saved in annual prison operations costs could be well off the mark. Tom Siconolfi went on to say that, as a budget analyst, he has always struggled with such broad averaging and with programs nationwide that use such averages—not just OAS or the state of Connecticut.

Director Siconolfi raised a second issue that potential critics of the program might use to discredit the program, “[OAS is] suggesting that 100 percent of their clients would have gone to prison. I think that’s the case for two-thirds of them, but the other third is arguably marginal; they

might not have been sent to prison.” If one-third of OAS clients were managed in traditional community supervision (i.e., probation), then they would be in a less expensive program than the alternative sanctions program. He went on to say, “Even if that one-third wasn’t prison bound, the program is still saving the state an enormous amount of money.” However, Jim Greene finds that Connecticut could only have saved this money if new facilities with more prison beds had actually been built: “I don’t think they would have been. I think we would have just gone on with really short prison sentences.” Jim Greene said that, when he talked to other states about alternative sanctions, he told them not to expect to save money that they are currently spending on prisons because the prisons that they already have will probably stay full. Instead they should look at this kind of a program as a way to prevent building more prisons and paying for those new beds in the future.

The study conducted by the Justice Education Center, Inc., also addresses the issue of recidivism. The study showed that prison inmates reoffended at a rate of 2 to 1 compared with OAS clients. But by Director Carbone’s own admission, OAS strives to admit only lower risk offenders into programs and to send higher risk offenders to prison. Following this logic, one would expect the prison cohort to recidivate at a significantly higher rate. Therefore, the recidivism data could indicate that OAS is accurately following the low-risk guidelines of its admission criteria but that there is no conclusive evidence that alternative sanctions programs reduce recidivism.

Director Carbone pointed out that the 750 prison inmates in the comparison group were matched to the OAS clients according to their offense and criminal history. The criminal behavior of these two groups were very similar. While this would validate the results, it also begs the question, Why were those 750 inmates in prison instead of in OAS programs? There are many possible explanations for this. It could be that OAS was in its developmental stages during the study and did not have the capacity at that time to divert all the appropriate offenders in the system. It could also be that there is room for OAS to increase the efficiency of its referral and screening processes to prevent appropriate offenders from ending up in prison. Another possibility suggested by Director Carbone is that the screening process looks at offenders closer than the matching criteria of the study. Although the two groups may have exhibited similar criminal behavior, members of the prison group may have been screened out of the program for other reasons such as negative attitude, lack of family support, or lack of steady employment.

But are such factors as attitude, employment experience, and family support really risk factors? Are they solid reasons for rejecting offenders who otherwise fit the criteria for diversion from prison? Not just OAS but offender treatment programs and interventions all over the country are struggling with this question. If these are factors that make or break an offender’s chance to be diverted, do they open the program up to accusations of creaming off candidates that are most likely to succeed and rejecting those likely to be distracting and noncompliant? Does the

emphasis of such factors open the program up to allegations of bias in that some racial/cultural groups may be less likely to have family support and some socioeconomic groups are less likely to have a stable employment situation or history? These issues are still under examination by OAS. The challenge is to match appropriate offenders to effective programs without creaming or bias. Connecticut is striving to achieve the most effective mechanisms for identifying and screening clients.

Such a high-profile program, with such a large piece of the judicial financial pie, could not be without opponents. Mr. Greene told us, "The only people who don't like this program are the 15,000 people in prison who aren't getting the benefit of supervised release any more."

The Future Looks Bright for OAS

We were curious about how susceptible OAS would be to one or two key changes in the political landscape of Connecticut. Could a sudden economic downturn, a serious spike in

violent crime, or a change of key personnel (such as the Legislative Subcommittee Chair or the Chief Court Administrator) dramatically change the level of support for OAS? Judge Ment was not overly concerned with such possibilities: "The program is built on everybody winning. It is not a political issue."

Director Siconolfi commented, "The program has survived Governor William A. O'Neill, a Democrat; Governor Lowell P. Weicker, an Independent (actually a progressive Republican who ran as an Independent); and the current Governor, John G. Rowland, a Republican." He went on to say, "It depends on what the program is doing for [elected officials] at the time. This program allows [likely detractors] in the state to be tough on [prison sentencing]. Detractors rising up against the program is very unlikely at this point."

We were also curious about how OAS had survived the traditional cause of death of many good criminal justice programs. The following is a common scenario. A program gets a good reputation and is flooded with too

many referrals, many being inappropriate. Then there is an economic downturn and program funds and staff are cut. Finally, an evaluation is conducted of the overcrowded, underfunded program, operating outside the original design, and the evaluation concludes that the program does not work. OAS has a good reputation and has had pressure to open admission to other types of offenders. The state economy has had several economic slumps since the formation of OAS and yet evaluations continue to be positive. How has OAS survived? Representative Michael Lawlor said that "discipline on the part of elected officials" prevented any pressure brought to bear on OAS staff to overuse alternative sanctions. Jim Greene said, "We used research to prevent net widening. Contractors can prevent overloading because there are limits built right into their contract." Director Carbone and Judge Ment both said that a commitment to program design and research showing that the programs saved money have allowed OAS to resist the pressure to increase admissions.

In the last 8-years more than 150,000 offenders have gone through the program. We were curious about how the program has avoided the scenario of a high-profile crime being committed by a former client. Mr. Carbone said, "We have been vigilant to ensure that only low-risk offenders are admitted to the program and that we supervise all of our clients very closely." Jack Bailey said, "I think they've been lucky. But they've also had real discipline on admissions criteria."

Public and political support for OAS appears to be strong and is not likely to be susceptible to one or two isolated



The crowd takes a moment to recognize some of the 350 community service workers who provided support each day at the 1995 World Games of the Special Olympics at the Yale Bowl.

changes in the political landscape. However, Mr. Bailey added, “Crime is down! How long can we sustain funding when the public gets wind of that fact?” Another factor could undermine the stability of OAS in the future. All of Connecticut’s prison beds are now full. If overcrowding recurs, could the percentage of time served once again drop below 50 percent of the sentence? Director Carbone said, “Inmates still serve an average of 75 percent of their sentence.” So as it stands, Connecticut is a long way from returning to the prison crisis it faced in the late 1980s.

Conclusions

Judge Aaron Ment and the judiciary branch of the Connecticut state government have done an admirable job of “engaging the courts as a problem solver” in response to the prison crisis of the late 1980s. OAS was born and has developed as a result of patient and meticulous planning, collaboration, evaluation, and marketing. Judge Ment and the other planners of OAS found a solution that promised meaningful benefits for everyone involved, including the communities, the judiciary, government officials, and offenders.

OAS created programs that demonstrated to the community that offenders would be held accountable for their crimes. OAS closely managed its programs to defend against the possibility of new offenses being committed by clients. Further, OAS provided an alternative to the endless expense of building and operating state prisons, while restoring the public’s faith in the efficacy of the criminal justice system.

Many stakeholders who could have opposed the program were appeased by design aspects specifically included to obtain their support. The

judiciary was not told it had to use alternative sanctions; instead, the judiciary was offered a complete array of sanctions and given total control over their implementation. Conservatives were not asked to support dramatic increases in government size; they were shown that OAS would be an economic development opportunity for existing nonprofit organizations in Connecticut communities. Further, OAS made it possible for prison sentences to return to credible lengths of stay. This last component allowed both the opportunity for the state to appear “tough on crime” and the opportunity for OAS to tell its clients that prison is a real and severe punishment and it’s what you will face if you fail in this program. OAS has purposely avoided disputes with unions by ensuring that its programs never displace civilian employees.

Finally, Director Carbone, Jim Greene, and OAS staff have researched and evaluated the cost savings, public safety, and reduced recidivism afforded by the program. OAS is applying what was learned from the research to improve its effectiveness with current populations and to reach out to new groups of clients. Having satisfied the scrutiny of these groups, OAS provides public safety daily through the close community supervision of more than 4,500 adults and 700 juveniles. The programs are cleaning up communities and parks, building playgrounds, and supporting community development. Clients are provided with substance abuse treatment and batterers education groups and are taught how to apply for and retain a job.

In the political and public management environment of 1998, this program truly stands out as an innovative

community problemsolving collaboration. Could a statewide program such as this succeed in other places? In a much larger state? Or in a state where the stakeholders have to run for election? In closing we asked Judge Ment and Bill Carbone to make some recommendations for other states interested in developing alternatives to incarceration.

Judge Ment’s recommendations included:

1. Make the judicial branch understand it and embrace it.
2. Sell the judges on the idea of having complete control of a full array of sanctions.
3. Start out with offenders who are being incarcerated but are not marginal—namely, low-risk offenders.

Director Carbone’s recommendations included the following:

1. Conduct extensive planning and invite all of the people to the table who will have a stake in the program.
2. Start small in one place and expand slowly. Do not expand so fast that you deviate from the design of your program and lose track of admitting low-risk offenders.
3. Document and evaluate the progress of your program from the very beginning.

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For additional reading on the Connecticut Alternative Sanctions Program:

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