

Criminal Justice Policy

&

Planning

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Chapter 2

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Chapter 2

Setting Goals and Objectives

Chapter Outline

- ♦ **Write goal statements**, specifying the general outcome to be obtained. Goals are abstract statements of purpose.
- ♦ **Write specific outcome objectives for each goal.** Unlike goals, objectives are specific and measurable statements of intended outcomes. Each objective should include a time frame for measuring impact, a target population, a key result intended, and a specific criterion or measure of impact.
- ♦ **Seek participation** from different individuals and agencies in goal setting. Goal setting that includes a broad range of stakeholders helps to ensure that interventions receive broad support and that potential resistance to the selected goal is minimized.
- ♦ **Identify compatible and incompatible goals in the larger system.** Where do goals of different stakeholders overlap or conflict?
- ♦ **Identify needs and opportunities for interagency collaboration.** Whose cooperation and participation is needed to achieve the goals of this program or policy?
- ♦ **Specify an impact model.** Successful interventions target causes of problems, not problems themselves. An impact model is an explanation of how the intervention will affect the causes and, consequentially, how changes in causes of the problem will affect the problem.

Many interventions fail not because they lack good ideas, but because of vague goals or disagreement about goals. It is amazing how many expensive and otherwise well-designed interventions fail to define the desired outcomes of the intervention adequately. Without specific, agreed-upon criteria for success, it is impossible to measure whether any intervention works. Without agreed-upon goals, program staff, directors, and various stakeholders will frequently disagree on the mission of the program and the type of intervention approach to use even after the program is well underway or the policy is in use.

Goals

Broad, abstract purposes of an intervention.

Every intervention attempts to achieve some kind of outcome—some desired change in a problem. Both goals and objectives refer to desired outcomes, but objectives are much more specific. *Goals* are

broad aims of the intervention (e.g., to reduce drug abuse); *objectives* specify explicit and measurable outcomes (e.g., in a one-year follow-up of ex-offenders who participated in a drug treatment program while in prison, researchers predict that participants will have a lower rearrest rate than nonparticipants).

Objectives

Explicit and measurable aims of an intervention.

Identifying Goals and Values

Generally, goals are broad statements intended to provide direction for change. While goals lack the specificity needed to measure actual outcomes of the intervention, they provide some sense of mission that may be crucial to gaining political support for the intervention. For example, the goals of a shelter for abused women might be “to provide temporary shelter for victims of domestic violence and reduce spouse abuse”; the goals of a drug treatment program might be “to reduce drug dependency and help clients lead productive, drug-free lives.” Goal statements should be relatively brief (one or two sentences), but at the same time they should accurately capture the intent of a particular program or policy and explain the rationale (reasons) for its creation and its particular structure.

Writing goal statements can be difficult, particularly where relevant stakeholders (individuals, groups, and organizations) have widely differing viewpoints about the desired results of a proposed change (think about the challenge of reducing gun violence). Formulating goal statements requires disclosure and discussion of personal beliefs and values. It requires officials to be clear about what they are doing and why they are doing it. Sometimes their political positions and aspirations interfere with the need for transparency.

Below are a few brief examples of the most common goals of criminal sanctions, and then some of the most common normative values guiding the formulation of criminal justice programs and policies. Case studies at the end of this chapter ask you to consider these issues further and apply the concepts to specific examples. The change agent and relevant stakeholders involved should seek to explicitly identify and acknowledge the goals and values that underlie any specific program or policy being considered.

The Goals of Criminal Sanctions

Five different goals (retribution, rehabilitation, deterrence, incapacitation, and restoration) are commonly asserted as reasons for punishing particular offenders and offenses in particular ways. Some authors (Rothman, 1980; Bernard & Kurlycheck, 2010) have suggested that our society alternates or cycles through punitive and rehabilitative extremes over time, while others (Richard, 2005; Von Hirsch, 1985) have argued that a more discrete progression from one set of goals (e.g.,

rehabilitation in the 1950s and 1960s) to another (e.g., incapacitation in the later 1980s and early 1990s) has occurred. More recent policy developments emphasize offender accountability to victims and their communities. Regardless of the historical perspective that one adopts, the dominance of any one goal at any one time in history is never complete. The five goals below are currently relevant and are likely to be hotly debated for some time, as they have been recently with regard to mass incarceration (Clear & Frost, 2014; Alexander, 2012).

Retribution

According to advocates of this position, the rightful purpose of punishment is to assign blame and punishment to the wrongdoer. No future good for society is intended, only that the balance of justice be restored by making the offender pay for his or her transgression against society. Advocates of the death penalty often justify its use on such grounds.

Rehabilitation

The purpose of punishment, according to this view, is to reduce the likelihood of future offending by diagnosing and treating its causes within the individual. Implicit are theoretical notions that criminal behavior is learned and can be unlearned, and that individual deficits can be corrected. Programs may attempt to alter educational deficits or psychological factors such as anger control, social, and problem-solving skills.

Deterrence

According to *general deterrence*, the purpose of punishment is to send a message to other potential lawbreakers that the specific offense being punished will not be tolerated. Potential lawbreakers, as a result of fearing the punishment they see inflicted on others, should be “deterred” from committing similar acts. This approach assumes that people make a rational calculation of costs and benefits associated with specific actions, and its advocates intend that the “pain” (of apprehension, prosecution, and punishment) outweigh the “gain” (the benefits of criminal behavior). For *specific deterrence*, the message is not to others who might be deterred, but to the specific individual being punished. The individual is expected to learn his or her lesson and refrain from future criminal acts. Many “shock incarceration” programs such as Scared Straight and boot camps have been based on such premises.

Incapacitation

The simple purpose of incapacitation is to physically restrain the offender from committing further crimes. The logic is simple: a person cannot commit further crimes against society during the time they are locked up or incapacitated. Long prison sentences for certain offenses are often based, at least in part, upon such notions. Less severe forms of incapacitation might include curfews, house arrest,

intensive supervision probation, and day reporting centers. Advocates often believe that crime rates can be reduced by incarcerating (incapacitating) the worst offenders (“career criminals”) for long periods of time (Auerhahn, 2001).

Restoration

More recent than the other four types of goals, restoration or reparation attempts to restore the victim and or the community to his or her (its) prior state before the crime occurred. It is similar to retribution in the sense that crime is viewed as a disruption of the peace. However, restoration seeks to repair the harm that resulted from the offense, where retribution seeks only to apply blame and punishment. Many current programs are exploring options such as financial restitution to victims, as well as requiring offenders to perform community service work. Still others involve the offender, the victim, and family members and friends of both parties in face-to-face encounters during which reparation steps are negotiated and empathy is encouraged (Braithwaite, 2002; Llewellyn & Philpott, 2014).

Normative Values

Normative values are guiding assumptions held by individuals about how the justice system *should* work. For example, Packer (1968) discusses two very broad, competing value orientations of the criminal justice system. To some officials, criminal case processing is like an assembly line, through which cases should be processed and disposed of as quickly as possible. Proponents of this view, the *crime control model*, believe that for the most part, police, prosecutors, judges, and juries make correct decisions, and the system effectively ferrets out the guilty from the innocent. In contrast, those who lean more toward the *due process model* view believe that the system is imperfect, and that individual officials frequently make hasty and incorrect decisions. As a result, many safeguards are needed to protect the interests of the accused against the much greater power of the state. Criminal case processing, according to this view, is more like an obstacle course than an assembly line. We warn the reader that neither model truly represents reality. No individual should completely adopt one or the other orientations. In Packer’s own words, “A person who subscribed to all of the values underlying one model to the exclusion of all of the values underlying the other would be rightly viewed as a fanatic” (Packer, 1968).

Criminal justice officials hold normative values about what type of change should be pursued and why, how important specific goals are, and what results should be expected from a specific program or policy. For example, the discussion of restorative justice at the end of [Chapter 1](#) illustrated that a value orientation toward handling criminal cases was dramatically at odds with the orientation of using traditional law enforcement strategies to protect public safety. Any potential solution had to account for at least the values and interests of police and court personnel. Four very broad value orientations common to criminal justice are described below.

Proportionality

Proportionality is a principle that punishment for criminal behavior should not be any more onerous, intrusive, or painful than warranted by the severity of the crime. At least in theory, this principle holds that there is some logical hierarchy of crimes, and a corresponding ("proportional") hierarchy of appropriate punishments. One does not give the death penalty to jaywalkers, for example. A fine might be more appropriate.

Equity

Equity is the principle that similarly situated offenders should be treated similarly. For example, those accused of committing the same criminal offense should receive similar punishments, unrelated to their personal or demographic characteristics (e.g., age, race, gender, or income).

Parsimony

Parsimony is the principle of using the least drastic and expensive measure needed to produce a specific objective. For example, if a one-year driver's license suspension and probation term is sufficient to motivate a first-time offender to abstain from drunk driving, a three-year suspension and probation term would be overly harsh and wasteful.

Humane Treatment

Humane treatment is a principle meaning that the decision about appropriate punishment is guided by a preference to seek the least painful and intrusive method to achieve specific objectives. One attempts to avoid unnecessary humiliation, pain, and discomfort. For example, incarceration and its associated deprivations of liberty can be considered appropriate punishment in and of itself. Only considerations of appropriate sentence length, security classification, and perhaps rehabilitation opportunities should guide the decision about where and how the offender serves his or her sentence, and for how long. Under this principle, one would not impose additional punishment by making prison conditions as unbearable as possible (e.g., by denying inmates a heated facility in cold weather).

What are the "Right" Goals and Values?

Mine, of course! Actually, we do not advocate any particular set of punishment goals or values in this book; we want to give you the tools you need to make such decisions explicit. We also caution that different goals and values are not necessarily mutually exclusive: it is possible that a specific program or policy could address more than one goal or value simultaneously. For example, specific deterrence may be part of a rehabilitation program when an offender is exposed to the likely consequences of a continued path of destructive behavior.

Do rehabilitation programs work sufficiently well to serve as a basis for correctional policy? Does retributive justice result in satisfaction of the victim that justice was done? Does the threat of punishment deter others from committing crimes? Consulting the body of research that addresses these questions will help to avoid unrealistic expectations and increase our capacity to clearly identify and evaluate the intended outcomes of our programs and policies. Moreover, we still have much to learn about controlling crime; the role of research is never-ending.

It is important to understand that the pursuit of specific goals may be driven by values, in spite of past failures to achieve these goals. The goal of rehabilitation, for example, has been challenged consistently over the past three decades, and yet we continue to believe that people can change and that positive change can be facilitated by well-designed interventions (Lipsey & Cullen, 2007). This belief has driven the search for programs that are effective. We use the term “evidence-based” to refer to programs that have been proven to work, largely in terms of a reduction in subsequent offending (Greenwood & Edwards, 2011).

Stating Specific Objectives for Each Goal

Objectives are much more specific than goals. Objectives should define clearly and concisely exactly what outcome is to be achieved by the intervention. Objectives precisely describe the intended results of the intervention in measurable terms.

An intervention should have at least one specific goal, and each goal should be accompanied by at least one specific objective. It is possible, therefore, to have several objectives for each goal. For example, the goal of a new drug treatment program may be “to help clients lead drug-free lives.” Two possible objectives are:

- Objective #1: Six months after leaving the program, fewer clients will have been rearrested on drug charges, compared to those who didn’t go through the program.
- Objective #2: After six months, treated clients, relative to untreated clients, will score higher (on average) on a “personal and family responsibility” scale.

Objectives must always be *measurable* and *specific*. They should include four major components:

1. *A time frame*: date by which the objective will be completed.
2. *A target population*: who will exhibit the intended change?
3. *A result*: the key outcome intended; a specific change in the problem (or one of its causes).
4. *A criterion*: a standard for measuring successful achievement of the result.

Example 2.1 Four Components of an Objective: The Minneapolis Domestic Violence Experiment

In the Minneapolis Domestic Violence Experiment (Sherman & Berk, 1984), researchers reviewed major studies of police response to domestic violence. In various jurisdictions, they found a rather low rate of arrest out of all calls reported to the police. Other more frequently used

police responses included: separation (ordering the offender to leave the house for a cooling-off period, often overnight) and mediation (officers encourage a couple to resolve the conflict).

The researchers hypothesized that, due to greater deterrent effects, mandatory arrest for misdemeanor domestic assault would result in fewer repeat offenses (recidivism) than either separation (order the suspect to leave for at least eight hours) or mediation (try to restore peace, informally solve the conflict). Researchers convinced police to randomly assign all misdemeanor domestic violence cases in two precincts to one of these three interventions. Six months later, researchers predicted, there would be a lower rate of repeat incidents of domestic assault for cases where mandatory arrest was used. We can summarize the four components of the objective as follows:

1. *Time frame*: six months.
1. *Target population*: the experiment included only misdemeanor assaults, where police were empowered (but not required) to make arrests under a new state law. Police had to have probable cause, and felonies (e.g., obvious or serious injury) were excluded (i.e., felony suspects were always arrested). Two precincts with the highest density of domestic violence were selected for the study.
1. *Result*: fewer repeat incidents of domestic abuse.
2. *Criteria*: two measures were used: (1) police arrest records (incident reports over a six-month period); and victim self-reports (follow-up interviews were conducted with victims every two weeks for 24 weeks, asking about frequency and seriousness of any victimization).

Note that these four components could have been quite different depending upon the results of the problem analysis. First, a different time frame could have been specified (e.g., one year? Two years? Three years?). Second, a different target population could have been specified (e.g., different demographic and income groups could have been studied in different neighborhoods). Third, a different result could have been specified (e.g., victim satisfaction with the police response they received). Finally, different criteria (measures) could have been used (e.g., hospital records of injuries, incidents reported to social service agencies or crisis lines). Any change agent should define the four components of an objective, and explain the reasoning behind these specifications.

Another distinction is sometimes made between process and outcome objectives. *Process objectives* refer to short-term tasks or steps that must be completed in order to implement a program (e.g., within 30 days, all police agencies will hold orientation sessions to acquaint officers with a new domestic violence policy). Strictly speaking, these are not objectives of the intervention at all, because they do *not* define any specific change in the problem. We note this distinction only because it is likely to arise as one reads published reports of interventions, and one should be aware of the difference. We are concerned here with *outcome objectives* (specific, measurable changes in the problem or their causes).

Seeking Participation in Goal Setting

Is it necessary that everyone agree on the same goals of a specific program or policy? What are the implications if they don't? At the most basic level, the implications are that different individuals (stakeholders) perceive that they are each working toward some specific end point. They may believe, correctly or incorrectly, that they are working toward the same desired end. The problem is: if they have not articulated or discussed their own goals and values with each other, they may find out after considerable expenditure of energy and resources that they are working toward very different ends. Certainly no effective program or policy can be constructed if those responsible for designing the program or policy hold widely disparate or conflicting goals. Participants need some basic agreement about what it is they are trying to achieve, and why. It is not necessary that every stakeholder agree on the final goals, but those responsible for implementing the program or policy must be held accountable for articulating what it is they are doing and why.

Once again, we stress the virtues of broad participation in program planning. Having the relevant stakeholders involved in setting program goals and objectives is crucial to gaining the support and participation necessary to make the intervention work. An important step, if it has not already been accomplished (see [Chapter 1](#)), is to identify relevant participants for inclusion in the goal-setting and objective-setting phase.

The *change agent* (e.g., the person responsible for coordinating the program planning effort) should involve various participants in the planning process, not just agency administrators. Participants might include program staff, potential clients, citizens in the surrounding community, representatives from justice and social service agencies, schools, and so on. This requires patience and negotiating skills, as there are likely to be different assumptions and opinions regarding the problem, its causes, and the type of intervention needed.

Targets and clients are often overlooked at this stage, as are front-line workers: what should *they* expect to see result from this planned change? A major question to ask at this point is whether goal-setting should proceed from a "top-down" or "bottom-up" approach.

Typically, change follows a top-down format. This is often the case because the change agent is likely to be working for, or contracted by, the agency that is funding the intervention, and the change agent must give more weight to their definitions of goals. There may be advantages to this situation, as well as costs. It may be the case that those in the higher levels of the organization have the most experience with interventions of this type, and they might indeed be in the best position to state realistic, feasible outcomes to be expected. They might also be best equipped to formulate goals that can garner widespread political support for the program (e.g., support from other stakeholders). However, there is a very real danger in ignoring the views of program staff and clients. The danger is that the goals handed down from above may be unrealistic to program staff, or irrelevant to the clients. Staff may view an imposed program element as too burdensome, while clients may see the intervention as not particularly relevant to their main needs. In either case, the impact of the intervention could be severely compromised. The goals might prove unrealistic in terms of resources, in which case the program would be held accountable for unreachable goals.

Goal Setting: "Top-Down" versus "Bottom-Up" Approaches

Top-Down

The change agent begins by getting goal definitions from top officials at the administrative level of his or her organization (e.g., the Chief of County Probation, the Chief of Police, the Director of Social Services, etc.), and then gets responses from lower levels of the organization: perhaps from agency supervisors, then program staff, and eventually from potential clients. Thus, those at the top of the organizational hierarchy have more “say” in defining the program’s goals, because their definition is the first one, and it carries more weight and more power as subordinates and clients are asked to respond to it.

Bottom-Up

The change agent begins by seeking goal definitions at the client or staff level. In contrast to the topdown approach, here the change agent first gets definitions from clients and staff about what the program goals are or should be, and then gets responses to these goal definitions from successively higher levels of the agency responsible for implementing the intervention, as well as the agency that is funding the intervention. Other stakeholders to approach may include agency supervisors, administrators, and representatives from organizations that share similar or related missions. The views of clients and program staff are given more priority using this format; their definitions guide subsequent responses. Obviously, this approach is favored when it is widely viewed that so-called experts are out of touch, and that front-line program staff and/or clients are in a better position to state the needs and goals of the target population. Many grassroots organizations follow this format.

Regardless of which approach is used to formulate initial goals, therefore, it is crucial that all stakeholders eventually have some input into defining program goals. These issues are examined in more detail in Case Study 2.1 at the end of this chapter.

Specifying an Impact Model

We discussed causes and theories in Chapter 1. An examination of relevant theories helps us to formulate what is called an *impact model*: a prediction that a particular intervention will bring about a specific change in the problem. Formulating such a model forces us to answer several important questions: What is the intervention? Why would we expect a proposed intervention to work? Which causes of the problem will it address? In other words, through what process will change occur, and why? What outcome (a change in the problem) is expected? Thus, the impact model is made up of three key elements we’ve discussed: the intervention (policies and programs); the problem’s cause(s) that will be addressed by the intervention (theories about what causes the problem); and some specific outcome—a desired change in the problem (goals and objectives). We can analyze an existing intervention by working backward, first specifying the intervention, then the causes of that problem, and finally the problem the intervention addresses. Program or policy creation, on the other hand,

proceeds from problem analysis to causal analysis to formulation of goals and objectives and then to intervention design (Figure 2.1).

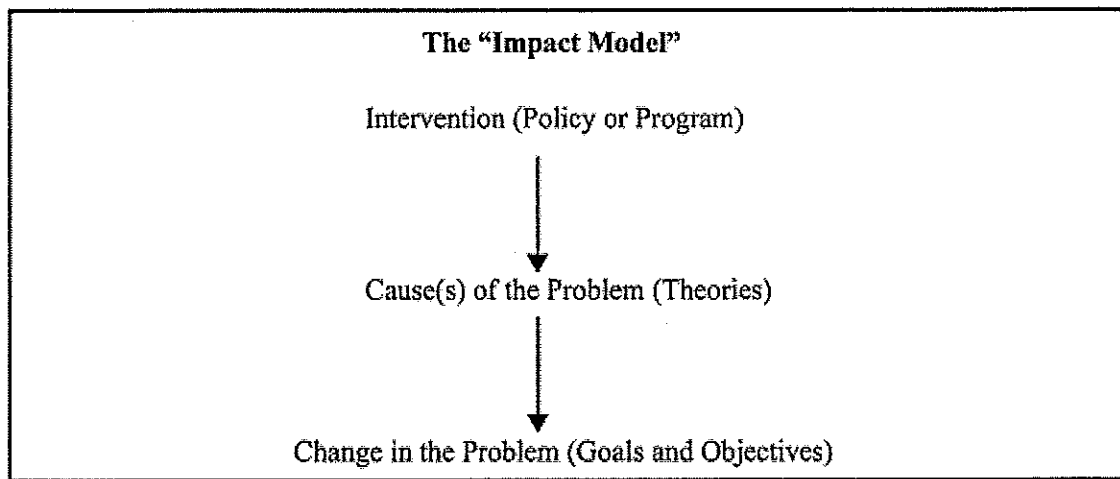


FIGURE 2.1 *The "Impact Model"*

Example 2.2 An Impact Model for a Reentry Program

The Problem

Texas has a prison population well in excess of 162,000. As far back as 1984, researchers in Texas reported that 38 percent of parolees were reincarcerated within a period of three years. Both the huge corrections costs and the failure of parolees to succeed in the community produced a demand for solving the parole failure problem.

The Program

Project RIO (Re-Integration of Offenders) was started as a joint effort of the Texas Department of Corrections and the Texas Workforce Commission. Originally started in two cities as a federally funded pilot project, it is now a statewide and state-funded program. Project RIO has assembled 12,000 employers who hire parolees, and every parolee in the state has access to its services. Preparatory work with parolees begins while they are still in prison. Six months prior to release, Project RIO staff conduct assessments of skills and work history, and initiate job-readiness training. Vocational training is made available, and many employers come to the prison to meet with inmates and to encourage them during this difficult time of transition back to the community. Once released from prison, parolees receive more preparation and help with job placement.

The Cause(s)

Several research studies have found that parolees with jobs are less likely to reoffend and be returned to prison. Those with higher incomes were found to reoffend less than those with low incomes. The lack of a job and means of support is one factor that drives parolees back into crime.

The Intended Change in the Problem

A study of recidivism conducted by a research team from Texas A&M University found that participants in Project RIO were less likely to recidivate than nonparticipants. For example, among high-risk parolees, 48 percent of Project RIO parolees were arrested during the first year of parole, compared with 57 percent of nonparticipants. Among this same group, 23 percent of the Project RIO participants were returned to prison, compared to 38 percent of nonparticipants. (summarized from Finn, 1998)

Identifying Compatible and Incompatible Goals in the Larger System

As we discussed in Chapter 1, criminal justice programs and policies are shaped by the interactive actions of various decision makers and agencies in any jurisdiction. We argued that a “systems assessment” provides a common language for describing the structure, policies, practices, and norms of the system in which the problem has been identified, in order to shape a common vision for the future, and to make that vision a reality.

It is the notion of shaping a common vision that is relevant to this chapter. Based upon information collected in Stage 1, Problem Analysis, we should be able to identify and describe the competing interests of different individuals and agencies. We try to determine where agreement and disagreement about goals exist, and we try to get stakeholders to articulate and discuss their desired goals for any specific program or policy.

In Case Study 1.3 (Incorporating Restorative and Community Justice into American Sentencing and Corrections), for example, we saw that government control over criminal justice has not resulted in safer and more closely knit communities. Proponents of restorative and community justice strategies argue that communities should exercise control over certain justice processes. On the one hand, communities feel safer when there is a significant police presence and when the courts imprison wrongdoers. But the problems that generate crime don't go away because of these criminal justice system responses, and victims generally feel left out of the process. Community justice strategies engage members of the community in the business of solving community crime problems. Restorative justice strategies involve victims in the process of deciding on an appropriate sanction. Even members of the offender's family can have a role in efforts to restore victims to preoffense conditions (further information on restorative justice is available at <http://www.realjustice.org>).

In another example, contracting out prison operations to private companies (i.e., privatization of prison operations) is often seen by elected officials as superior to public correctional organizations due to assumed cost savings. Other stakeholders disagree about whether cost savings are likely, and

whether cost savings should be the goal at all. Several major objections to privatization have emerged (Shichor, 1995; Clear & Frost, 2002).

- Correctional officers have initiated lawsuits alleging violation of their collective bargaining agreements. Privatization, they argue, is designed to drive down wages and benefits that were won through hard-fought, legitimate union negotiations.
- Inmate advocates and attorneys, concerned with civil rights, argue that turning over the power to punish from government to the private sector is absolutely unethical. Private corporations are motivated to make profits, not to rehabilitate prisoners, protect public safety, or provide constitutionally mandated, humane conditions of confinement.
- Private interests, many argue, will attempt to use inmates as a source of cheap labor, or worse, indentured slavery. Such conditions would mark a return to the barbaric days of inmate exploitation and abuse prior to court intervention.
- Cost-cutting motivations, it is feared, will lead to lapses in prison security that threaten public safety (e.g., higher inmate-to-guard staffing ratios).

A systems perspective is no less important at the goal-setting stage than any other stage, and perhaps more so because the fundamental assumptions developed at this stage will critically shape the design and structure of the entire program or policy. That is, changes in one criminal justice agency may affect decisions in other agencies. Case Study 2.2 at the end of this chapter further examines these issues, using mandatory sentencing as a context for analysis.

We offer six guidelines for identifying compatible and incompatible goals or values in the larger system:

1. Have the appropriate stakeholders been identified via a thorough problem analysis (see Chapter 1)?
2. Review the five goals and four values described earlier in this chapter: Do different stakeholders disagree over specific goals and values? Have their assumptions about the problem, its possible causes, and possible solutions been described?
3. Do individuals within the same agency agree or disagree about the goals or values of the proposed change? How?
4. Do individuals within different agencies agree or disagree about the goals or values of the proposed change? How?
5. Has a systems analysis been conducted to provide stakeholders with relevant information about criminal case processing in this jurisdiction? Is all the information needed to make decisions about goals available, or does some information need to be developed?
1. Do any group mechanisms (e.g., a Criminal Justice Cabinet) exist for bringing stakeholders together to discuss the goals of a proposed change? Is it necessary to create or further develop such a group before proceeding?

Identifying Needs and Opportunities for Interagency Collaboration

It is highly likely that any criminal justice intervention will at some point require the cooperation of other agencies to achieve its goals. Many criminal justice interventions, to be successful, require the participation of police, prosecutors, courts, and corrections to carry out their program plans. Other public agencies such as public health or social service agencies may also be called upon, depending upon the problem to be addressed (e.g., gun violence) and the type of intervention to be attempted. The change agent, as part of the planning process, needs to consider his or her agency's "external environment" when attempting any kind of change. Different types of collaboration or support may be required: political support, shared information, exchange of services, joint client intake or assessment, and perhaps even cross-referrals of clients among different agencies (Rossi et al., 1982). Such forms of cooperation, obviously, must be negotiated and agreed upon. Each agency must perceive tangible benefits from undertaking such cooperation.

Interagency cooperation is not always possible or even desirable, however. Political conflicts and administrative hierarchies occasionally preclude opportunities for collaboration.

Example 2.3 Agency Politics: Roadblocks to Collaboration?

In a recent project, we found that the juvenile court, part of a state agency, was resistant to participating in the development of an information system that would benefit a group of city agencies. The purpose of the information system project was to create an integrated system that would link the databases of the juvenile court, the department of human services, the police, the district attorney, the public defender, and the school district. Sharing information electronically was viewed as a primary means of supporting effective decisions and avoiding fragmented planning for individual youths and families. The juvenile court resisted involvement because preexisting political conflicts with other agencies had not been resolved and because of its stated desire to protect confidential court data from misuse by other agencies.

The Benefits of Goal Conflict

Under some circumstances, planning partnerships may not be desirable. Kevin Wright, for example, argues that a complex justice system in a complex society cannot and should not have any common set of goals and values (Wright, 1999). There is (and should be) a certain tension between some criminal justice agencies, because they do not (and should not) all have the same goals. For example, prosecutors tend to emphasize goals of crime control while defense attorneys emphasize due process. According to Wright (1999), such goal "tension" helps protect the competing interests of victims and suspects. Moreover, distinctions need to be made between goal conflicts and agency conflicts. Opposition on specific goals does not imply that agencies cannot work together under all circumstances. There will be many situations in which collaboration will serve the purposes of agencies that represent different interests. Plea bargaining between prosecutors and defense attorneys is perhaps the classic example of such exchange relations.

Example 2.4 Goal Conflict in Criminal Justice: Roadblocks or Speedbumps for Interagency Collaboration?

According to Wright, there are at least three reasons why goal conflict within the criminal justice system is desirable: (1) reflective diversity, (2) mediation of interests and system adaptation, and (3) efficient offender processing.

1. *Reflective Diversity*: Fragmentation and lack of integration allow different interests to be incorporated into the system. Conflict may be necessary to mediate among differing interests in the community, including competing demands for crime prevention, public order, fairness, due process, efficiency, and accountability.
2. *Mediation of Interests and System Adaptation*: Conflicting goals promote a system of checks and balances. No single component of the system can dominate others, nor can any unitary interest be overemphasized. Conflict establishes and maintains a balance of power within the structure of the system (e.g., a prosecutor gives an overly stiff sentence in reaction to public sentiment, but corrections [parole] may modify that sentence and balance out the fairness [and vice versa]).
3. *Offender Processing*: Conflict and fragmentation may actually promote and support rather than hinder the processing of offenders. Prosecution, for example, may be smoother and more efficient precisely because police officers do consider decisions about prosecution, and that tension reduces the likelihood that prosecutors will need to invalidate illegal, improper, or weak arrests.

Loose Coupling and Criminal Justice Agencies

The concept of *loose coupling* further illustrates the need for interagency cooperation among criminal justice agencies if effective interventions are to be developed. Loose coupling refers to agencies that are responsive to one another and yet maintain independent identities (Cohen et al., 1972; Hagan, 1989; Weick, 1976; Welsh, 1992). In such systems, “structural elements are only loosely linked to one another and to activities, rules are often violated, decisions often go unimplemented, if implemented have uncertain consequences, and techniques are often subverted or rendered so vague as to provide little coordination” (Hagan, 1989: p. 119). In other words, the criminal justice “system” has been called a “nonsystem” due to its decentralized and fragmented nature (Wagenaar et al., 2007; Berman & Aubrey, 2010; Eisenstein & Herbert, 1977; Forst, 1977; President’s Commission on Law Enforcement and Administration of Justice, 1968). For example, prosecutors and defense attorneys may appear together in criminal trials, but each group answers to a different administrative head, and their goals reflect very different missions. Similarly, the police and prosecutors are not linked administratively, but to process cases, they need to work toward successful prosecutions of offenders.

For example, narcotics enforcement and white-collar crime prosecution require a departure from the loose coupling that dominates criminal justice organizations (Hagan, 1989). While reactive police work based on loosely coupled processes is the norm, proactive policing requires more tightly coupled interagency relations. Narcotics work requires police to use more controversial tactics to obtain evidence, including undercover work, entrapment, and informants (Skolnick, 1966). Police officers are more dependent upon prosecutors for feedback on the legal permissibility of evidence, and prosecutors are more dependent upon police officers for extensive information and cooperation in

the preparation of cases. Such information exchange influences charging decisions and plea bargains engineered to develop cooperation from informants and codefendants. Hagan argues that the proactive prosecution of white-collar criminals requires similar leverage to “turn witnesses.” Judges must participate in these decisions as well, because their approval is necessary to implement charge reductions or negotiated sentences.

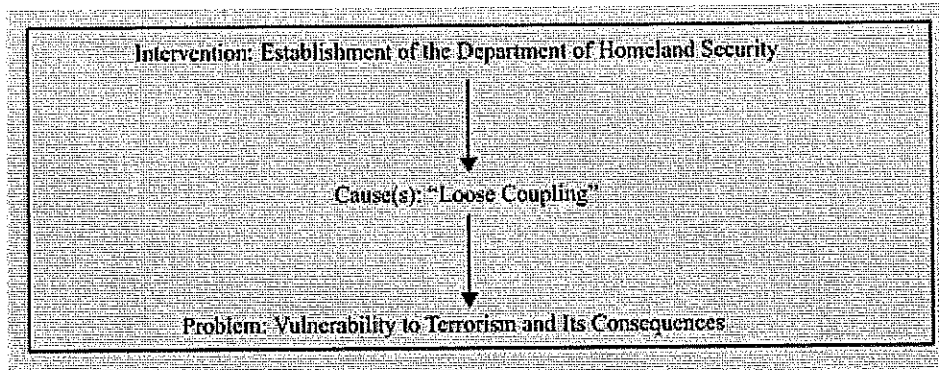
Using loose coupling as an explanatory concept, Hagan describes how sudden changes in the external environment of an organization (e.g., a riot; a murder committed by an escaped prisoner; court orders to reduce jail overcrowding) create demands for tighter coupling (Hagan, 1989). The distinction between proactive and reactive problem solving is crucial. For example, proactive policing or prosecution implies that officials actively target certain problems for attention. Proactive problem solving, however, requires a departure from the norm of “loose coupling”: it necessitates cooperation and planning from multiple agencies and actors. In an analysis of urban riots in Los Angeles and Detroit, Balbus (1973) suggested that black suspects were rounded up en masse, at least initially, to serve an ostensible order maintenance function (“clearing the streets”). This initial increase in restrictiveness was followed by “uncharacteristic leniency” as bail release became much more frequent than usual (“clearing the jails”). This shift from “normal” court operations required a tightening of the relations between the police, prosecutorial, and judicial subsystems, so that bail decisions became more consistent.

In addition, Carter, Phillips, and Gayadeen (2014) describe how the National Criminal Intelligence Sharing Plan recommendations regarding greater sharing of intelligence among law enforcement agencies made local policing agencies more tightly coupled. This plan emerged in response to the information-sharing problems exposed after the September 11, 2001, attacks in New York City and Washington, DC. The implications of this agency fragmentation perspective are illustrated in [Example 2.5](#) below.

Example 2.5 Reorganizing the Federal Government to Meet the Threat of Terrorist Attacks (Office of Homeland Security, 2002)

In the aftermath of the attacks on the World Trade Center and the Pentagon on September 11, 2001, the Bush Administration proposed the reorganization of those federal agencies responsible for protecting U.S. citizens and the creation of a Department of Homeland Security. Those attacks demonstrated the vulnerability of our country to terrorist attacks and caused our leaders to perform a quick analysis of our sources of weakness. The problems identified included an inability to share and use existing intelligence information, lack of strategic coordination of resources among those agencies responsible for our national security, and a lack of technical preparedness for the kinds of weapons likely to be used by terrorists. In fact, several federal agencies, including the FBI and CIA, had information relevant to this tragedy, but this information was not shared. Competition and administrative barriers among these agencies had created a security system that was so loosely coupled that it was incapable of adequately meeting national security needs.

The proposal to create a Department of Homeland Security was passed quickly by Congress, and former Pennsylvania Governor Tom Ridge was appointed to head the new agency. The “impact model” looks like this:



The overall Homeland Security strategy was designed to enhance resources that are designed to prevent terrorist attacks, such as increased airline security; to reduce our vulnerability to attacks by doing such things as increasing border controls; and to increase our capacity to respond to attacks if and when they occur. Under the Department of Homeland Security, 22 smaller agencies were brought together under one administrative entity, thus eliminating some of the “loose coupling” that existed. The Department of Homeland Security also was made an intelligence analysis and reporting hub for all intelligence-gathering agencies, including state and local law enforcement agencies. In addition to creation of this new agency, other agencies such as the CIA and FBI were restructured in light of the mission laid out by the White House in its National Strategy for Homeland Security.

Conclusion

Failure to clearly identify the goals, values, and expectations guiding the development of an intervention can spell certain failure. At best, continued disagreement over intended goals and outcomes can be expected long after the program or policy is implemented. While discussion between stakeholders of competing goals and values can initially heighten conflict, it may also direct us toward eventual compromise or collaboration, more effective planning, and a reduction in the problem of concern. Similarly, failure to specify measurable objectives makes accountability elusive and measuring effectiveness impossible.

Discussion Questions

1. At the end of the Introduction, we asked you to write a short essay describing one possible intervention to address a specific problem in criminal justice. You are also likely to be doing one of the following in this course: (a) writing about a specific problem and/or intervention as a class assignment, or (b) participating in the development of a specific program or policy within the agency you work for. Briefly describe a specific criminal justice program or policy, and then describe one goal and one objective for this intervention.
2. Define: (a) goal, and (b) objective. (c) Describe the difference between the two.
3. Describe the four components of an objective.

4. Some argue that goal-setting should proceed from the bottom up; others argue it should proceed from the top down. (a) Describe each of these positions. (b) Which position do you agree with? Why?
5. Describe five common goals of punishment. Which of these goals appeals to you most?
 1. Describe four common value orientations in criminal justice.
 2. Describe an example of incompatible goals within the criminal justice system, and explain why it is important.
 3. Discuss advantages and disadvantages of interagency collaboration. Give specific examples.
 4. Describe the concept of "loose coupling," and explain why it is important, using a specific example.

Case Study 2.1 Top-Down versus Bottom-Up Goal Setting: Responding to Negative Information about Conditions of Juvenile Confinement

Instructions: Read the case study below, and then answer the questions at the end. To learn more about PbS (Performance-based Standards), go to the organization's website at <http://www.pbstandards.org>

By the early 1990s, the juvenile justice system was declared "broken," and delinquent youths were labeled "super predators" needing the severity of criminal prosecution and adult prison. What happened within the walls and razor wire of the "kiddie prisons" was little known or cared about. The public perception of juvenile justice was formed by the media coverage of a single horrendous crime committed by a youth. Juvenile justice leaders (nationally and locally) and youth workers were highly frustrated with the inability to demonstrate the positive things they do for delinquents. The public was similarly frustrated with the inability to hold the facilities and government agencies accountable for operations and expenditures of tax dollars.

In 1994 the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the Office of Justice Programs, U.S. Department of Justice, released a report that showed deplorable conditions in the facilities housing juvenile delinquents across the country (Parent et al., 1994). The congressionally mandated study found that in the nearly 1,000 facilities operating at that time, there were "substantial and widespread deficiencies" in living space, security, control of suicidal behavior, and health care. The facilities were overcrowded, youths and staff were suffering high rates of injuries, suicidal behavior was frequent, and health and mental health care was inadequate and sometimes unavailable. The report also found that the conditions were no better in facilities that met correctional accreditation standards. Joining businesses and government in the movement toward standards that indicate performance rather than process, OJJDP called for the development and implementation of national PbS and a new way of doing business for juvenile corrections.

The PbS for Juvenile Correction and Detention Facilities project developed and directed by the Council of Juvenile Correctional Administrators (CJCA) directly addresses the problems cited in the COC report (for information on the Performance-based Standards Project, see the CJCA web site page at <http://cjca.net/initiatives/performance-based-standards-pbs>). PbS is a system for juvenile agencies to demonstrate improvement and success in treating confined youths through national standards and performance outcome measures. The PbS data collection/

analysis/improvement planning and implementation cycle provides a quality improvement structure and monitoring tools. The supporting PbS tools—the table of practices and processes that are expected to lead to better outcomes and performance, visits and support by experienced consultants, and links to other resources—provide facilities and agencies with a blueprint to move from deplorable conditions to safe, productive, and cost-effective management of youths in government care. PbS capitalized on Internet advances to build a secure national datacollection and reporting system that provides easy access across the country and quick feedback to facilities.

PbS asks facilities to report data twice a year on 106 outcomes that indicate performance toward meeting 30 standards derived from seven goals—one goal for each of the following components of facility operations: safety, security, order, programming (including education), health/mental health, justice, and reintegration. In this case, standards are objectives that are defined in terms of the values of the system and best practices among facilities nationally. Facilities collect the data from administrative records, youth records, youth exit interviews, incident reports, and climate surveys of youths and staff. The information is entered into the web portal and is reported back in easy-to-read bar graph reports. Each outcome is reported for the current data-collection period as well as any past data collections, allowing for comparison over time. The reports also include the average outcome of the field, indicated by a vertical intersecting the bar graph, which provides a quick analysis of whether the facility is doing better or worse than other PbS facilities. The outcomes include critical rates such as injuries, suicidal behavior, assaults, time in isolation, percentages of youths receiving suicide and mental health screenings, changes in academic achievement from admission to release, and percentages of youths completing educational, life skills, behavior management, and other programming curricula.

Leaders at the Office of Juvenile Justice and Delinquency Prevention (OJJDP) conceived PbS following the release of the Conditions of Confinement Study. OJJDP at that time envisioned the development of national PbS setting the highest goals for facilities and providing outcome measures (numbers such as rates, percentages) to monitor progress meeting the standards. CJCA was awarded the competitive bid on September 30, 1995.

As part of the proposal, OJJDP required the creation of a project Advisory Board with members representing national organizations and relevant government entities. OJJDP believed that the major government entities and national organizations should define and guide PbS' development in order to create widely accepted and supported national standards and encourage voluntary participation. The strategy was effective in creating a comprehensive set of standards and establishing a respected group of leaders to initiate and promote PbS. The breadth of the Advisory Board continues as a solid basis for PbS' unique position as the only PbS for juvenile facilities. The Advisory Board membership included a seat for:

- CJCA, representing the juvenile correctional agencies;
- American Correctional Association (ACA), representing the adult agencies and staff of both adult and juvenile facilities;
- National Juvenile Detention Association (NJDA), representing county detention centers;
- National Association of Juvenile and Family Court Judges (NAJFCJ), representing the judicial branch;

- National Commission on Correctional Health Care (NCCHC), representing the correctional medical field;
- The National GAINS Center for People with Co-Occurring Disorders in the Justice System, representing the mental health and substance abuse field;
- American Bar Association, Juvenile Justice Center, working to improve access to counsel and the quality of representation for children in the juvenile justice system;
- Youth Law Center, representing juvenile advocates; and
- Correctional Education Association, representing correction teachers.

OJJDP has served throughout the development and implementation of PbS as an active contributor. The federal project monitor has participated in all major meetings and project discussions since 1995. OJJDP has worked with CJCA each funding cycle to assess progress, identify expansion opportunities, and discuss priorities for resources. Additionally, OJJDP separately funded the ongoing evaluation by the National Academy of Public Administration to help PbS succeed.

Government agencies have found tremendous benefit to PbS data. Historically agencies feared data because it counted mistakes and poor practices without a vehicle to show how they responded. For example, if a facility screened youths for risk of suicide and the screen indicated the youth was at risk, the facility would be liable for addressing the needs of any youth and keeping him or her safe. Lacking data to demonstrate activities to keep the youths safe, too many facilities in the past opted not to collect data and relied in part on good luck to protect youths. PbS gives facilities the opportunity to show how they deal with and improve negative data. In South Dakota, a federal court judge approved the settlement agreement (*Christina A. v. Bloomberg*), giving the agency one year to abolish the use of restraints as punishment, limit the use of isolation, and increase mental health and education services for the youths—and demonstrate that the practices had changed. Under the watchful eye of the Youth Law Center, the agency implemented less punitive behavior management systems and presented to the court its PbS data demonstrating no incidences of restraints, reduced use of isolation, and increased services delivered to the youths. In December 2001 the federal court judge found the state in substantial compliance and ended its involvement.

The state agency directors (CJCA's members) have played a very significant role, beginning with letters of support for CJCA's application to OJJDP from 25 state and county governments. The juvenile correctional CEOs have served as advisors to development strategies and volunteered employees in expertise areas when needed. The juvenile CEOs also were instrumental in opening their facilities to the first PbS pilot test visits and data collection. The positive experience of those agencies opened doors and piqued interest in other states and counties so PbS could grow and learn. Continually CJCA members volunteer to participate in PbS and educate their peers, staff, legislator, and the public about its value. Because PbS is not mandated and is not attached to funding, the reason to participate was because an administrator wanted to improve. But the risks were high—data could discover problems. It was the encouragement and belief in PbS by other juvenile CEOs that moved many agencies to join PbS. The support and leadership of CJCA members was critical to PbS' development and continues to aide PbS' goals of expansion and self-sustainability within the field.

Questions

1. Was the original goal setting in this example top-down or bottom-up? Explain, and give evidence to support your answer.
2. How are performance standards similar to and different from objectives? How were goals and objectives developed?
3. What kinds of resistance to the creation of performance standards did the designers of Performance-based Standards (PbS) face? How did they address this resistance? Be specific, using concepts discussed in this chapter.

Case Study 2.2 The Goals of Mandatory Sentencing

Instructions: *Read the case study below, and then answer the questions at the end.*

By 1994 all 50 states had enacted one or more mandatory sentencing laws (Tonry, 1995), and Congress had enacted numerous mandatory sentencing laws for federal offenders. Furthermore, many state officials have recently considered proposals to enhance sentencing for adults and juveniles convicted of violent crimes, usually by mandating longer prison terms for violent offenders who have a record of serious crimes.¹

A second frequently mentioned mandatory sentencing enhancement is “truth-in-sentencing,” provisions for which are in the Violent Crime Control and Law Enforcement Act of 1994. States that wish to qualify for federal aid under the Act are required to amend their laws so that imprisoned offenders serve at least 85 percent of their sentences.

Rationale for Mandatory Sentencing

Mandatory sentences are based on two goals—deterrence and incapacitation. The primary purposes of modest mandatory prison terms (e.g., three years for armed robbery) are specific deterrence, which applies to already sanctioned offenders, and general deterrence, which aims to deter prospective offenders. Sentencing laws that drive up the number of offenders incarcerated serve the goal of incapacitation by reducing the number of persons on the street who are likely to commit crimes. Three-strikes laws are intended to incapacitate repeat, serious offenders for periods of to life in prison. This is quite different from specific deterrence, since opportunities to reoffend have been eliminated. Such sentences, however, may have a general deterrence effect by sending a message to other would-be criminals.

By passing mandatory sentencing laws, legislators convey the message that certain crimes are deemed especially grave and that people who commit them deserve, and may expect, harsh sanctions. These laws are a rapid and visible response to public outcries following heinous or well-publicized crimes. The high long-term costs of mandatory sentencing are deferred because the difficult funding choices implicit in this policy can be delayed or even avoided.

Impact of Mandatory Sentencing Laws

Mandatory sentencing has had significant consequences that deserve close attention, among them its impact on crime and the operations of the criminal justice system (Sutton, 2013). The possible differential consequences for certain groups of people also bear examination (see Roche et al., 2006).

Crime

Evaluations of mandatory sentencing have focused on two types of crimes—those committed with handguns and those related to drugs (the offenses most commonly subjected to mandatory minimum penalties in state and federal courts). An evaluation of the Massachusetts law that imposed mandatory jail terms for possession of an unlicensed handgun concluded that the law was an effective deterrent of gun crime (Pierce & Bowers, 1981), at least in the short term.

However, studies of similar laws in Michigan (Loftin et al., 1983) and Florida (Loftin & McDowall, 1984) found no evidence that crimes committed with firearms had been prevented. An evaluation of mandatory gun-use sentencing enhancements in six large cities (Detroit, Jacksonville, Tampa, Miami, Philadelphia, and Pittsburgh) indicated that the laws deterred homicide but not other violent crimes (McDowall et al., 1992). An assessment of New York's Rockefeller drug laws was unable to support the claim for their efficacy as a deterrent to drug crime in New York City (Joint Committee on New York Drug Law Evaluation, 1978). None of the studies examined the incapacitation effects of these laws.

The Criminal Justice System

The criminal courts rely on a high rate of guilty pleas to speed case processing and thus avoid logjams. Officials can offer inducements to defendants to obtain these pleas. If only in the short term, mandatory sentencing laws may disrupt established plea-bargaining patterns by preventing a prosecutor from offering a short prison term (less than the new minimum) in exchange for a guilty plea. However, unless policymakers enact long-term mandatory sentences that apply to many related categories of crimes, prosecutors usually can shift strategies and bargain on charges rather than on sentences.

The findings of research on the impact of mandatory sentencing laws on the criminal justice system have been summarized by a prominent scholar (Tonry, 1987). He found that officials make earlier and more selective arrest, charging, and diversion decisions; they also tend to bargain less and to bring more cases to trial. Specifically, he found that:

- Criminal justice officials and practitioners (police, lawyers, and judges) exercise discretion to avoid application of laws they consider unduly harsh.
- Arrest rates for target crimes decline soon after mandatory sentencing laws take effect.
- Dismissal and diversion rates increase at early stages of case processing after mandatory sentencing laws take effect.

- For defendants whose cases are not dismissed, plea-bargain rates decline and trial rates increase.
- For convicted defendants, sentencing delays increase.
- Enactment of mandatory sentencing laws has little impact on the probability that offenders will be imprisoned (when the effects of declining arrests, indictments, and convictions are taken into account).
- Sentences become longer and more severe.

The research review concluded that mandatory sentencing laws:

- Do not achieve certainty and predictability because officials circumvent them if they believe the results are unduly harsh.
- Are redundant with respect to proscribing probation for serious cases because such cases generally are sentenced to imprisonment anyway.
- Are arbitrary for minor cases.
- May occasionally result in an unduly harsh punishment for a marginal offender (Tonry, 1987).

Racial and Ethnic Minorities

One issue that has received considerable attention in recent years is whether racial or ethnic minorities are treated unfairly in the courts' application of mandatory minimum sentences. The question cannot be answered simply by comparing the proportion of minority offenders sentenced before and after introduction of, or changes in, mandatory sentencing laws. If, for example, it is objectively determined that minorities are more likely than the general population to commit offenses that carry mandatory sentences, an equitable application of the law would result in an increase in the proportion of imprisoned minorities—and probably in the lengths of their average sentences.

Consequently, the central question is whether criminal justice officials' discretionary choices in the application of mandatory sentencing laws are made in a racially neutral manner.

Results of particular studies are relevant. In one study involving cases of federal offenders sentenced for crimes subject to mandatory minimums, the researcher examined whether sentencing severity varied by amount and type of drugs involved in the current crime, weapons, offense record, role in offense, history of drug use, age, gender, and race (Meierhoefer, 1992a; 1992b). She found sentencing differences associated with the offender's race, even after accounting for differences associated with these other characteristics. However, the magnitude of this difference was small.

The U.S. Sentencing Commission expanded this study and found significant differences in the proportion of whites (54 percent), Hispanics (57 percent), and African Americans (68 percent) who received mandatory minimum sentences for the most serious offense charged against them (U.S. Sentencing Commission, 1991). A reanalysis of the U.S. Sentencing Commission data drew different conclusions, however (Langan, 1992). The reanalysis showed that when legally relevant case-processing factors were considered, a defendant's race/ethnicity was unrelated to the sentence. Also examined in the reanalysis was why more than 40 percent of

the cases apparently eligible for mandatory sentences did not receive them. Reasonable explanations include evidentiary problems and instances in which defendants provided substantial assistance to prosecutors in preparing cases against others.

In an analysis of the federal sentencing guidelines, other researchers found that African Americans received longer sentences than whites, not because of differential treatment by judges but because they constituted the large majority of those convicted of trafficking in crack cocaine— a crime Congress had singled out for especially harsh mandatory penalties (McDonald & Carlson, 1993). This pattern can be seen as constituting a “disparity in results” and, partly for this reason, the U.S. Sentencing Commission recommended to Congress that it eliminate the legal distinction between crack and regular cocaine for purposes of sentencing (a recommendation Congress rejected; Greenwood et al., 1994).

Future Issues

In the interviews conducted for this review of mandatory sentencing, state policymakers expressed the need to respond to the public’s fear of crime and call for tougher sanctions, but also recognized the need to rein in spiraling costs of corrections. If the costs of government are cut, spending more on prisons means spending less on other public purposes. The fiscal analysis of California’s three-strikes law, for example, has implications for that state’s future.

In a major study of sentencing policy, Michael Tonry of the University of Minnesota suggested that states consider the following options (Tonry, 1995):

- Pursue presumptive rather than mandatory sentences.

Presumptive sentences, which are developed by sentencing commissions and set forth as guidelines, can shift overall sentencing patterns in ways acceptable to policymakers. For example, they can seek to imprison more violent offenders and fewer property offenders. A sentencing commission can help maintain sentencing policy while still preserving ultimate legislative control. Presumptive sentences have generally achieved their intended goals, and research shows high rates of conformity to the sentences by judges.

In the rare instance in which a presumptive sentence is inappropriate (i.e., either too harsh or too lenient, given the facts of the case), judges can depart from the guidelines by providing in writing reasons that can be reviewed by higher courts. If legislatures so instruct sentencing commissions, they can craft the guidelines to control future costs and, at the same time, toughen sentences for repeat violent offenders.

- Include “sunset provisions” to require periodic reconsideration of the propriety of the laws, if mandatory sentencing laws are enacted.
- Limit the duration and scope of mandatory sentencing laws.

Crime is, quite literally, an activity of young men. As the study of the California law emphasized, extremely long mandatory sentences (e.g., 25 years to life) are inefficient because they confine offenders for long periods (at great cost) after they would have “aged out” of crime. Sentencing could be mandated for only a few especially serious crimes. If such laws are

aimed at repeat serious offenders, they could include a requirement that only particularly serious prior and current convictions trigger them.

- Conduct some form of periodic administrative review to determine if continued confinement of the offender is required, in the event mandatory sentences are imposed.
- Closely link sentencing and fiscal policy decisions to enhance the legislative process. Legislatures could ensure that they know the financial impact of proposed sentencing legislation and, where substantial long-term costs will be incurred, a funding plan might be a required provision of the enabling law. This would prevent today's legislature from avoiding the fiscal implications of its sentencing policies.

Cultivating Alternative Sanctions

Legislatures also may want to develop policy that makes more effective and systematic use of intermediate sanctions, if the twin objectives of punishment and lower correctional costs are to be achieved. Such policy might specify goals for each particular sanction, locate each category of intermediate sanctions along the continuum between standard probation and total confinement, and define target populations for each category. For example, it could specify which confined offenders will be considered for early release, which sanctions should enhance standard probation, and which offenders need treatment or services.

In addition, states may want to develop a financial structure to steer development of intermediate sanctions in intended directions. This could be a variant of current community corrections acts, for which a central state agency sets standards for local programs and administers performance-based financial aid to local governments. For intermediate sanctions, the state could provide greater support to jurisdictions whose program met or exceeded the performance objectives specified by the agency.

Finally, states that make greater use of intermediate sanctions may want to develop policies that govern their use in individual cases. Examples are the development of presumptive guidelines for nonconfinement as well as confinement sanctions. Such policies could be designed to ensure that overall use of nonconfinement sanctions is consistent with goals established by the legislature and broad principles that govern sentencing generally (e.g., proportionality, uniformity, and neutrality). In particular, guidelines could limit additive use of sanctions (imposing two or three nonconfinement sanctions on a particular offender) and control revocation decisions in order to minimize needless confinement for minor rule violations. (excerpted from: Parent et al., 1997)

Questions

1. What goals and normative values guided the creation of mandatory sentencing policies? Explain and give evidence.
2. Identify and describe any incompatible goals or values of different stakeholders.

1. Describe one objective that could be used to evaluate the effectiveness of mandatory sentencing policies. Pay careful attention to the four components of an objective discussed in Chapter 3.

Note

- 1 In mid-1996 the California Supreme Court ruled the state's three strikes law an undue intrusion on judges' sentencing discretion. State legislative leaders immediately announced plans to introduce legislation that would reinstate the law.

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