

# Cost-Effective Community-Based Supervision

## Remarks of Robert Diehl

*Robert Diehl is president of the Michigan Association for Community Corrections Advancement (MACCA). He has been the executive director of Huron House, Inc., a residential center for adult probationers in Port Huron, since 1979. He has also taught junior high and high school students and run a jail rehabilitation program in St. Clair County. Long active as a volunteer in Youth for Understanding, an international student exchange program, Mr. Diehl trains volunteers and conducts orientation programs for that organization. Mr. Diehl has a bachelor's degree from Wayne State University and a master's degree in educational administration from Eastern Michigan.*

I am very pleased to speak with you this morning about community corrections from the standpoint of my association, which is the Michigan Association for Community Corrections Advancement (MACCA), and for the benefit of Beth Arnovits [Executive Director, Michigan Council on Crime and Delinquency], I'll say we are the second oldest community corrections organization in the State of Michigan. MACCA has been around since 1979 and has had a number of service providers among its membership.

I'm probably going to take a little different tack than Barb [Levine] did, because I've been involved in community corrections and in Huron House since 1979. My kids maintain I'll never find or get another job. There may be some truth to that.

I've had and enjoyed a strong relationship with the Department of Corrections over that 24-year history. One of the things that's important as we look at community corrections in Michigan, and look at what's happened particularly over the last 13 or 14 years, is Michigan's Community Corrections Act, Public Act 511, which gets talked about a lot. The Act tried to do a number of things, but among the things it did, was create state and local partnerships to develop data driven plans to address prison and jail overcrowding. The other thing that the Act did was empower local units of government to develop programs that are specific to the community and to address a reduction in prison referrals. Probably the most important thing was that it provided some money to support the plans and the services that were developed by local community.

One of the things I think it is essential to understand is that this whole corrections problem isn't simple. It's really a systems problem. I had a meeting locally yesterday when we were looking at a revision in our local community corrections plan. One of the things that I think that we are particularly blessed by in St. Clair County, is that we are going through a jail construction process in which we've involved the National Institute of Corrections, so that we're not just building a jail, we're building a system that will address population

problems as it relates to our corrections system. It talks about how law enforcement will address this problem in terms of arrest policies. The prosecutor will address this problem in terms of charging policies. I'm not sure that we will ever get to the judges, but we are working on it in terms of sentencing policies and practices. Department of Corrections personnel, probation and parole officers, are involved in the process. The sheriff is involved; the county commissioners are involved.

We need to understand that when we look at the criminal justice system, it is not a simple system. There have been a number of legislative enactments over the last ten or 12 years that have helped to exacerbate our prison problem in Michigan; not the least of which is truth-in-sentencing, mandatory minimums as they have been applied to certain classes of crime. Barb [Levine] mentioned some administrative policies in which the state administration made some decisions about parole practices and parole boards and those kinds of things. As I mentioned, judges enter the equation, prosecutors, defense attorneys and law enforcement personnel. When we are looking at any kinds of solutions, I don't think we can look at one aspect and say that's the problem. We may be able to identify some real specific things in one area, but we need to look at the other things that relate to that.

When I talk about community corrections, I think we need to understand that the most basic part of community corrections are the Department's probation and parole personnel. They are the folks that are on the line, that are making decisions, that making recommendations and that are working with the locals, the judges, the prosecutors, the law enforcement people, and that are working with the Department to make, I hope, sensible recommendations and make sensible decisions.

The next part of that is community-based services that support Field Operations Administration's activities. Public Act 511 helped to develop a real formal mechanism for doing that and to get local communities involved in planning. It really addresses the kinds of things that local communities will accept. It can include probation residential programs, one of which I direct.

There are about 14 similar programs in the state. I'll probably spend a fair chunk of my time talking about those. Such programs include substance abuse treatment, of various kinds: residential, intensive out patient, group, individual. It can include substance use, moderate.

The department has been involved with their STOP program over the last number of years that has had some success in controlling substance use among parolees. Very simply, if you come in and report to your parole officer and you test positive for drug use, you are immediately detained for a period of three days to think about your miscreant activities and then given the opportunity to go out and try it again. Usually the first three-day stint doesn't work, but they are finding that they are getting a reduction in substance use among parolees who are involved in the STOP program.

Community residential programs include mental health treatment. It includes GED and high school completion, and vocational programs. It includes community service work, day reporting, and we could go on and on and on.

In 1979 and the early '80s, by my own choice and by the choice of some other folks, I was described as a bleeding-heart liberal in the field of corrections. Maybe it's because I've gotten older. Maybe it's because of the affect of Senator Jack Wellborn a number of years

ago who I laid this tag on after he made a presentation as a senator. I said, "Senator, you're a bleeding-heart conservative," and I find myself in that category right now. We will talk a little bit about why I would probably describe myself more as a bleeding-heart conservative than a liberal as we go along.

Let me talk about, just for a moment about, who MACCA is -- the Michigan Association of Community Corrections Advancement. We are an association of probation residential centers. Each of the centers, as really part of their driving policy and practice, demands offender accountability, demands offender productivity. With that accountability and productivity is responsibility, and we believe in community justice. We have been involved in the restorative justice business before restorative justice was a popular concept. We have made attempts to in some way restore the community by working with the offender. We are enforcing provisions that restore the victim to some level of wholeness whether it's through restitution or whatever else, and we also work to restore the offender.

We work with the offenders that we're involved with so that they become productive citizens and, to that end, offenders in our programs are required to do a number of things. Number one, they are required to work. They are required to go out and seek employment and to find employment. Typical among the programs is that all residents are required to have a minimum of a certain number of productive hours. In the case of Huron House, that is 40 hours of productive time a week and that's a minimum. That 40 hours of productive time includes gainful employment or community service work or job-related training or education. And above and beyond that, there are some counseling requirements, some treatment requirements that are required of each offender. So, offender accountability is the key to what we are doing with everyone -- offender productivity and community justice.

One of the things that we believe is that another way that offenders repay the community is if they are working, they are paying taxes. If they are working, they are paying a portion of their own support in our programs. If they are working, they are paying a portion of their own treatment cost. And I guess that's where I come down on the bleeding-heart conservative side, because I believe that offenders have cost the community a tremendous amount of money. Barb Levine talked about the cost just to incarcerate. But you look at the whole system, offenders have cost the community a whole lot of money. And if they are substance abusers, not only do they cost the community a lot of money, but they spend a lot of money getting high and staying high. If we are responsible and responsive to the offender's situation, I think it's fair of us to charge them a whole lot less money to get better and work with effective programs that have been proven to help the offenders improve their state. So to that end, all the residential programs do charge their residents some room and board and, in most cases, some portion of the treatment cost if the treatment costs are above and beyond that.

What are probation residential centers? They are alternatives to long-term prison incarceration or jail incarceration. There are certain minimum standards that have been set by the Department of Corrections, by the State of Michigan for people to come into probation residential centers. The minimum sentencing guideline is 0 to 9 months. Anybody with a guideline score of less than 0 to 9 months is not eligible to be in a probation residential center. Probation violators get a little kick on that because if their underlying guideline score is 0 to 6 months, then they are eligible as probation violators. And probation violators overall constitute a large percentage of the people who are coming into probation residential centers.

Probation residential centers are community-based. All of the centers are community-based, non-profit organizations, and they have a commitment to their communities and have worked with their communities all through the process. They provide 24-hours structured supervision. A person comes into our program, they get to live with us for a period of time. They get to do certain other things with us for a period of time. They do get to go to work. They do get to go to school. Some of their treatment is on-site, some of their treatment is off-site.

Our staff is monitoring folks every place they are outside of the building either through phone verifications, physical site verifications, and through verifications from the particular places the person has gone. So, for example, one of our residents goes out to the adult learning center, he or she has to come back daily with a sheet that was signed by each of his or her teachers that says that they were there for the entire class and that they participated. Like good moms and dads, we want to make sure our folks are participating in what they are supposed to be doing in school. We don't want them just showing up, going out and smoking a cigarette, which has happened in some cases. We've had to deal with those, usually with some kind of internal discipline.

If they go for off-site treatment, they take a verification sheet with them. The clinician has to verify that they were there and they put down the time and date of the next appointment and that provides our resident with a record of the next appointment they've got. It provides us with verification that the individual was there, and it helps us to monitor that activity. Folks go to work. We monitor their paychecks, make sure their paychecks coincide with the times they were out of the building. We call worksites periodically to make sure that folks are there. We even go to worksites periodically and make sure that folks are there. Some of our residents say in initially, "Oh, I don't want my worksite knowing I'm at Huron House because that's going to cause me a lot of problems with work." The reality we found over the years is that most employers really appreciate the supervision because they've got a better employee. They know that employee. They don't have to worry about drug use on the part of the employee. Our folks are not in rocket science or brain surgery positions. Employers know the drug use among these individuals to be minimal to non-existent. They know that folks are being held accountable for going to work. And they find they have a better employee amongst our residents. So we haven't found an employer yet who has been unhappy with the kinds of things that we do to monitor our residents' participation in the work.

We also provide a range of services that benefit the community and benefit the offender. I think it's important to know that sanctions and treatment are two different things. Sometimes corrections folks have the tendency to say, "Oh, yeah. I gave that person a sanction when I sent them to treatment." Well, if we look at treatment as a sanction, we do require that they do certain things but within the treatment realm. We can't make a separation because it goes on as part of what we're doing. But try to deal with it in a way that the offenders look at it as a positive benefit to change his or her behavior.

Probation residential centers are required by standard and by contract to provide some core service(s). We provide room and board, including three meals per day. We make sure that those are reasonably nutritious meals. Security, supervision is 24-hours per day and that's 24/7, 365. It's always a big struggle, particularly in December, as to who gets Christmas off and who doesn't. We have to provide intake and an assessment. All the members of our association have become much more sophisticated at assessing, and we are looking at better developed assessments to better determine the true needs of our offenders to change criminal behavior. We look at a variety of factors using any of several instruments

to determine that. I'm not going into a long discussion about risk-needs assessments, but we are not just looking at the static risks of age, offense, and criminal history, some of the kinds of things that we can't change, but we are looking at the dynamic risks: peer association, substance use, education, employment history, family background, criminal attitudes and attitudes toward the system.

With that intake and assessment, we provide case management for all our residents that includes referral for appropriate rehabilitative services and also affordable transportation. Those are the kinds of things that we are required by statute. A couple of other things go with that. Other care services we are required to provide by contract include recreational opportunities, structured scheduled activities and financial management, counseling, including structuring a budget to provide for payments of court obligations, supervision fees, child support, resident room and board, and personal needs. In all of our programs, case managers work very intensively with residents to make sure that they are meeting their financial obligations, which for some of them, is a new concept, a totally new concept. A little anecdotal case a number of years ago, we had an OUIL third offender. He was actually probably a OUIL seventh or eighth. He was a master electrician, worked for one of the largest electrical contractors in southeastern Michigan. His typical annual take-home pay was some place in the neighborhood of \$190,000 to \$200,000, and he didn't have any money. He got to stay with us for a period of six months as part of his sentence, and when he left after six months, he said, "God, I never knew I made so much money." Part of it was because he had a case manager who was working with him to make sure all his court costs got paid, his family was intact, his support payment was on time when he left. The payments on the two cars, which he couldn't drive, were current. His kids' educational cost was current and he said, "I do make a lot of money." Part of that, the realization of what his alcohol use had cost him both in terms of time and dollars, has helped to keep him sober since. It took some time for him to get there, but that one piece helped that individual tremendously.

We are also obligated to provide some other services called non-core services, either directly or through referral, and they include educational services. Typically, the offender that comes to Huron House, and I know this is pretty much across the board with programs, has less than a tenth grade education, reads at about fourth grade level and does not have a high school diploma or a GED. So we are working with these folks to make sure they are at least getting their GED or raising their academic abilities to a point where they can begin to work on a GED. That's the significant problem for some folks.

It includes substance abuse, moderate. All the programs do regular PBT and urinalysis on all the residents. At Huron House, for example, depending upon the drug of choice, we typically PBT all our residents every time they come into the building, and initially a resident may be subject to urinalysis as often as three times a week. We provide substance abuse treatment. Some of the programs provide substance abuse treatment on-site with their own staff and are licensed substance abuse providers, some of the programs provide substance abuse treatment on-site by contracting with a licensed substance abuse provider, and some of the programs are making referrals out to licensed substance abuse providers in the community.

We provide employment-related services. All the programs provide some kind of job-seeking program, a job-seeking skills program. Residents are involved in structured job searches if they are not employed. We provide access to medical evaluation and treatment. We don't have a lot of money to do that. Some programs are getting volunteer nursing coverage from various agencies. We happen to have an organization in our community

called the People's Clinic, which some doctors volunteer for a number of hours every week, and we utilize that program extensively for our residents, because that does give some of the medical attention they need otherwise and there is no cost for it.

All the programs involve community service work. In my program, and all the other programs, for example, all residents are required to do a minimum of 50 hours of community service work just for the privilege of living with us. Our program, last year, provided over 20,000 hours of volunteer service to over 40 governmental and non-profit agencies in St. Clair County. We are proud of that. Yesterday afternoon, I was pleased to go and accept on behalf of my staff and residents, an award from our local Council on Aging for the volunteer work that our residents do in the Senior Meals Program. That is one of several agencies that have recognized our residents, and we try and get them involved in that recognition as much as possible.

What is the cost? Well, under the Michigan Community Corrections Act funding, probation residential services received \$43 per day for each occupied bed. We have a fee-for-service contract, so if the bed is full, we get \$43. If the bed is not filled, we don't get any money for it. So, we do have some self-interest in making sure that we are serving the appropriate population as much as possible. Additionally, residents are assessed a room and board fee. That varies from program to program, but by contract, it cannot exceed 35 percent of the resident's gross income during the period that they are working. Most of the programs charge significantly less. In our program, for example, we assess our residents \$6 a day for the first 30 days if they are not employed, and \$7.50 a day for every day after that while they are in the program. This works out very favorably for the residents in the program. It also works well for us, because our collections are better. That may be self-serving, but we're a non-profit agency. That doesn't mean we give it away because we have to support ourselves.

Currently, there are 870 beds funded under MDOC Office of Community Corrections funding. That's the fiscal 2002-2003 total after the December 2002 executive order that cut probation residential funding by about 8.75 percent. The good news is that the Department has recognized that this a valuable part of the service that they can provide. Fiscal 2004 funding will restore that total residential services capacity to 953, which was the level that was funded in October of 2002 before the executive order in December.

I'm going to digress a bit from a general kind of thing about residential centers and just use my program, Huron House, as an example, of the kinds of community-based services that can be and are provided by one agency. We have a 41-bed residential program for men. That is our physical capacity. Forty-one beds serving primarily St. Clair County. We have a 22-bed residential program for women, and those 22 beds serve St. Clair, Oakland and Washtenaw Counties, that we have contracts with. We also operate a day-reporting program that serves both the district and the circuit courts. In the day-reporting program, supervision can be as minimal as reporting once a day for PBT or once a week for urinalysis depending on what the judge orders. We have some misdemeanor OUIL offenders and domestic violence offenders who are reporting two times a day, seven days a week and all we're doing is PBT. The judge says "I just want to make sure they are not drinking;" so that's what we're doing. Or it can be as intensive for some circuit court day reporters who are not eligible for our residential programs who are receiving essentially the same services that our residents are receiving -- they have case management services, financial management planning services, substance abuse assessment and referral services -- but they don't live in a program. They do report seven days a week. They are seen by a case

manager at least twice a week and their activities are monitored by our staff on a regular basis.

We also operate a very minimal pre-trial program. We think one of the good news parts of that is in its jail-planning process, our county has decided to look at a more intensive pre-trial program that is going to help control the population in our local jail. We think it has a tremendous overall effect by getting more pre-trial people out of jail and under some kind of supervision where it is appropriate. It also results in more stays in jail for more serious offenders and I know the Department of Corrections likes to hear that because they interpret that as straddle cell folks that should be going to prison. And that's one of the objectives, I think, we're all looking at.

The big thing I'd like to say about community corrections is that it is a partnership. It is a partnership among all the players in the local community to develop local programming, local plans, local policies, that are data driven, that address the problems of prison and jail overcrowding. It has got to involve players from a broad spectrum in the community, and Public Act 511 pretty well lays that out. It says the judges have to be involved, prosecutors, Department of Corrections' personnel, district court personnel, business people, educators, mental health people, substance abuse people, service providers, law enforcement, county commissioners so that you are forced to take a systems approach to the problems that face corrections and the community. Communities can address some of the problems. Many communities have included in their target population for community corrections supervision, parole violators. St. Clair County is one of those communities that has identified parole violators as an eligible population and so we are taking certain parole violators and saving returns to prison, saving valuable prison beds for the folks that really need them.

That ends most my comments. I guess, if anyone has any comments or questions they'd like to make, I don't know if we have a minute or two, if Barb can give us that.

Q: Do you have tether prisoners in your program?

A: No. We talked about it. Part of it is, we don't see the need for a tether because we really have better control and monitoring over the folks who are involved in the program than a tether would. A tether just tells you that someone is where they are supposed to be at a certain time.

Q: How do you help them get jobs?

A: We sometimes transport them. We provide access to public transportation. If they are not employed, we give them bus tickets. We do verify that with the places that we are supposed to verify to make sure that they were, that they put in an application.

Q: The question is how do you help them find jobs?

A: Through our job-seeking skills program, we work with them to know the resources. We are aware of those places in the community that are hiring. I have had position for a long time that I will not take a person out to a job and say put an application in here, and say to the employer, "You hire this guy." It is really important for the individual to get their own job. Then it's their job, not my job. I used to get mad at judges who sent people to AA meetings. I'd say to the judge, "Well, I hope he gets something out of that AA meeting because that person is not going for themselves, they're going for you." I feel the same way about employment. It is important for people to go out and get their own jobs. Now, we provide resources for them. We provide a structured job-seeking skills program so they know how to fill out an application, how to do an interview, how to present themselves

when they get there. They have a resume when they go out. We provide them with lists of employers that we know are hiring. We do have them do some of the research.

Q: What is the employment situation?

A: Not as good as it used to be. Seventy-five percent of residents who are there 20 days are employed. Some had jobs when they came in, but most did not. Very few who leave our program are without employment.

Q: Do they wait a long time for substance abuse treatment?

A: Our contractors have to have an open admission policy. I've got a real problem with any group treatment program that has a closed policy that once you get beyond the second session you can't get in until the 15<sup>th</sup> session, when it starts over again. We demand an open admission policy. That means making sure they get in and complete treatment. Then we can focus on relapse prevention.

Q: Could you review the admission criteria again?

A: Three are standard. The person must be a felony offender. The guidelines score must be a minimum prison term of 0-9 months. If the person is a probation violator, the score must be 0-6 months.

St. Clair County will consider certain assaultive offenders or certain people with an assaultive history, but these cases are evaluated very closely.

when you look at who is in probational residential centers, people frequently comment these offenders are lightweights. But:

- No one has a guidelines score less than 0-9 months.
- A lot are straddle-cell offenders.
- The greatest single groups are probation violators.
- The next largest group is OUIL 3<sup>rd</sup> offenders.

So we are dealing with folks who are relatively serious offenders.