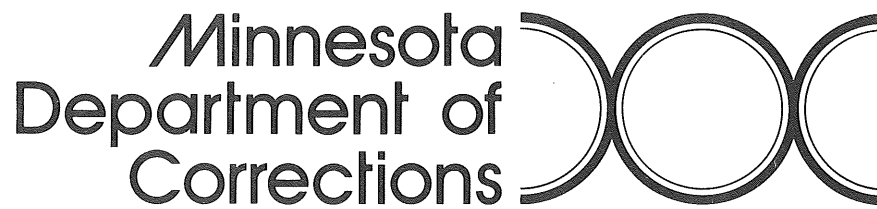
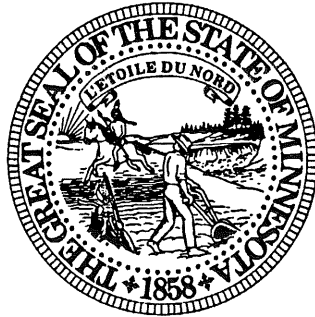


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**Correctional Facility
Planning Criteria and Guidelines
1994 Report to the Legislature**



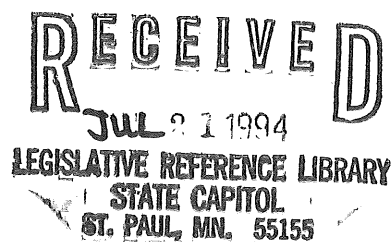
**Correctional Facility
Planning Criteria and Guidelines
1994 Report to the Legislature**

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January 26, 1994

This information will be made available in
alternative format upon request.

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Introduction

Legislative directive

The 1993 Minnesota Legislature directed the commissioner of corrections to develop criteria and prepare guidelines to be used in future planning for:

- ☐ capacities, needs, location and security level of correctional facilities;
- ☐ proximity of correctional facilities to the origin of the inmate population; and
- ☐ recruitment and retention of a qualified workforce (Minnesota Laws 1993, Chapter 146, Article 2, Section 4, Subdivision 1).

Minnesota Commissioner of Corrections Frank W. Wood named an institution planning committee in response to this legislative directive.

This report, *Correctional Facility Planning Criteria and Guidelines, 1994 Report to the Legislature*, was developed by the committee, approved by the commissioner, and submitted to the legislative committees as directed by the legislation.

Committee members include:

Department of Corrections staff

Fredric A. Holbeck, Chair
Connie Roehrich, Vice chair
Dennis Benson
Bill Guelker
Gene Larimore
Richard Quick
James Zellmer
Shirley Flekke
Julie Angeles

Bruce Taber
Department of Administration/
Construction Division

Richard Ericson

Minnesota Citizens Council on Crime
& Justice

David Johnson
Department of Finance

John Curry
House Judiciary Finance Division

Pat Seleen
Ombudsman for Corrections

Background

The Minnesota Department of Corrections is responsible for conducting programs which promote public safety, deter potential criminal acts, and provide opportunities for convicted offenders to prepare themselves to lead productive and peaceful lives in the community. The department is answerable to the people of Minnesota for the efficiency, economy and effectiveness with which its mission is completed.

Department policies are also built on a platform of serving the state with employment practices, facilities planning, and purchasing programs which provide the lowest operational costs to taxpayers and the maximum economic advantages to the people of Minnesota. To accomplish this, the department must balance the interests of specific communities and regions of the state with the interests of all Minnesota citizens.

Like any government agency, the department is continually lobbied to adopt plans which will provide maximum economic benefits to specific communities. This type of advocacy is a normal part of government operation, and it often provides helpful

information for good decision-making. The department welcomes this input.

However, advocates for particular plans or practices must recognize that the department is responsible to all citizens of Minnesota for the efficient and effective use of their tax dollars. The objective of providing employment opportunities that are in conflict with cost-effective correctional siting principles is inappropriate. Decisions on department programs are therefore based on what will enable the department to best complete its mission with efficiency and make the most cost-effective use of both fiscal and human resources.

To help accomplish this, the department establishes operating standards that govern decisions on policies and planning. An example are the criteria established for the location, function, size, staffing and priority of department facilities. These criteria are described in detail in this document.

These planning criteria will provide for the maximum efficiency of department operations with maximum economy to people of the state. The effectiveness of such guidelines is indicated by Minnesota's outstanding record of efficient corrections policies. While the state has consistently ranked quite high in the length of sentences served in serious felony cases, the cost of operating Minnesota's corrections system has been among the lowest in the United States.

Given political realities, the department is aware that circumstances may emerge which cause the legislature and the executive branch of government to determine that sites and facilities may be accepted that do not meet the criteria and guidelines recommended in this report. These circumstances may relate to issues such as an immediate, critical need for prison space and/or the economic impact on a region of the state, which could include union and unemploy-

ment issues. However, it is recommended that these guidelines and criteria be considered in any process of site selection or facility acquisition for state prisons by the State of Minnesota.

The policies described in this document are designed to continue this record of accomplishment and deliver the efficient service expected by all the people of Minnesota.

Inmate population growth

The Minnesota Department of Corrections continues to respond to the increasing need for prison beds, resulting from increasing the number of felony-level convictions and the lengthening of sentences for felony-level crimes.

However, the department urges policy-makers to do all that is possible to reduce the need for prison beds. Prisons should be used for only the most violent and chronic offenders. The Minnesota criminal justice system has been a national model for nearly two decades as the rest of the nation has struggled with a deepening crisis. However, present trends in Minnesota toward increased reliance on incarceration follow the pattern which has led to financial crisis in other states.

Minnesota's general population grew by six percent in the 1980s, while its prison population grew by 64 percent (more than ten times faster than the population); its jail population grew by 90 percent (more than 14 times faster); and its probation population grew by 111 percent (nearly 18 times faster).

Today, Minnesota's prisons and jails operate at near capacity, with inmate populations frequently exceeding capacity. It takes foresight, an acute sense of responsibility, and political courage to implement solutions today for problems 25 years down the road. It is sensible and essential to spend today's

dollars to avoid tomorrow's predictable problems.

All of the state prisons currently are at or over capacity. More than 1,500 beds have been added at institutions since 1985 through converting existing space to dormitories, construction at existing sites, and conversion of portions of regional treatment centers to correctional facilities.

The department has relied on expansion of multiple-occupancy housing units wherever possible and within state law to meet the need for additional prison beds. The most recent expansion is underway at the Moose Lake facility where the Moose Lake Regional Treatment Center is being converted to a medium-security prison.

Plans call for the facility, which currently houses approximately 115 men and 60 women inmates, to increase in capacity to approximately 380 men in late 1994. Women inmates will move back to the Shakopee facility as expansion at that institution is completed in mid-1994. In late 1995 the Moose Lake facility capacity is expected to increase to approximately 620 inmates.

With additional operational funding, some institutions have been forced beyond their design capacities and approximately 140 temporary beds have been established. Beds are also being "rented" in local jail facilities.

Even with these expansions, projections indicate that prison bed shortages will continue to grow rapidly under existing sentencing laws in Minnesota. Shortages increase to more than 400 by June, 1994; over 650 by June, 1995; and by more than 1,100 by June, 1999.

It should also be noted that the department is reaching a saturation point in terms of

having a more than adequate number of medium-security beds.

Projections and custody classification systems indicate that there is an ever-increasing number of volatile inmates and that there will be a substantially growing need for close-security beds. Since currently funded expansions are for medium-security beds, the department is proposing that planning funds be authorized by the legislature to plan construction of a new close-security institution.

Reducing bed need

There is a need for a sustained financial commitment in the areas of family support, parenting, early childhood programs, education and training for youth, and education and treatment interventions for violence and conflict resolution. In 1992 the legislature made the commitment to spend money, dollar for dollar, on prevention and intervention programs and increased correctional spending.

There is a need to have increased support for treatment and supervision of offenders in the community. Non-prison sentences are generally less costly than incarceration. The principles of restorative justice should guide policy. There are sound correctional methods in the form of community-based alternatives to incarceration in Minnesota.

The public overwhelmingly supports investment in prevention strategies as more effective than prisons in reducing crime. In a statewide poll of Minnesota residents in the fall of 1991, 80 percent of the respondents chose education, job training and community programs as the best ways to spend additional money to reduce crime. Sixteen percent chose prisons (Appendix A).

The legislature should direct the Minnesota Sentencing Guidelines Commission to provide them with options to amend the guidelines to reduce sentences in those situations where public safety would not be adversely impacted. Sentencing policy must include a range of sound options and alternatives to the most expensive sanction of imprisonment. The risks of a policy based on increased reliance on incarceration as a response to crime are most evident in the dilemmas faced by legislators and governors across the nation.

The legislature should have a moratorium on new sentencing laws in light of the dramatic increases in sentencing penalties in recent sessions. Expenditures in the criminal justice system have not reduced fear or increased public safety. Those states which have invested most heavily in prison as a response to crime are the states with the greatest increase in violent crime over the past 12 years.

The Department of Corrections has a strong commitment to intermediate and restorative justice sanctions which will reduce the need for additional prison space.

Guidelines and Criteria

Introduction

Following are the guidelines and criteria recommended to be utilized when it is determined that additional prison space is necessary:

Physical site

The objective of a site selection is to provide a site which is suitable for the architectural response to operational needs. The objective is to meet environmental and natural resource requirements and to minimize intrusion by the facility upon surrounding communities.

A potential institution site should be of sufficient land size to accommodate the size and security level of the facility, with room for future expansion. A site of this size offers flexibility in planning the institution's compound, parking, roads and security perimeter. It also affords adequate "buffer" zones around the institution.

Ideally, the site topography should be relatively flat or gently rolling, with good drainage, and conducive to building construction. Sites should not have steep slopes, surface water, wetlands, forests or other obstructions that would significantly increase construction costs or obstruct security.

An existing utility system (domestic water, sanitary sewer, storm drainage, electricity, natural gas, alternative fuels, telecommunications and cable television) is essential, or a site must have the capability of development of an off-site system.

The site should not impact upon natural, historical and environmental features. Environmentally, a potential site should not

alter the behavior pattern of wildlife or interfere with important breeding, nesting or feeding grounds, nor disturb the ecological balance of land or water areas. A new site should not increase air, water or soil pollution.

Facility size

Maximum-security prisons should house no more than 500 offenders in single-person, wet cells. Close-security prisons should house between 700 and 800 offenders in single-person, wet cells.

Medium-security prisons should house no more than 800 offenders, preferably in single-person rooms, but one-third of the capacity could be multi-occupancy units, possibly in triple-occupant, dry rooms.

Minimum-security prisons should house no more than 400 offenders in 50-bed, partitioned dormitories, limited to 100 minimum-security inmates per building.

Living unit size/staffing

Open population living units in maximum-security prisons should house no more than 50 offenders and be staffed by no fewer than three corrections officers. Living units in close-security prisons should house no more than 80 offenders and be staffed by no fewer than three corrections officers.

Living units in medium-security prisons should house no more than 100 offenders and be staffed by no fewer than three corrections officers. Living units in minimum-security prisons should consist of dormitories with triple-occupancy cubicles in groups of no larger than 50 offenders with no more than 100 inmates per building. Each build-

ing should be staffed with two corrections officers.

Food service

There should be a central kitchen facility in all correctional institutions. However, in maximum and close-security prisons, meals should be served in the living units, necessitating pantry facilities in living units. Inmates in medium and minimum-security facilities may be permitted to eat at scheduled times in a common dining room.

Recreation

In maximum, close, medium, and minimum-security facilities, there should be one gymnasium for the facility and one recreation yard (large enough for football and softball) for every 200 offenders, and a fresh air courtyard for each living unit to use on a scheduled basis. Sound correctional practice suggests that no more than 50 inmates be allowed in any recreation facility at one time in maximum-security prisons; 200 in close, medium and minimum-security prisons.

Housing by assignment

Maximum and close-security prisons should have "housing by assignment" with program space immediately adjacent to each living unit. Medium and minimum-security prisons should have "housing by assignment." However, program space need not be attached to living units.

Location

All correctional institutions should be located close to the offender base they serve to facilitate court appearances, medical appointments, staff diversity and visitor access.

The experience of many states has been to build prisons into campuses or collections of facilities so as to achieve the greatest degree of administrative efficiency.

The State of Minnesota possesses significant land surrounding a number of its institutions. It has sizable acreage around the Stillwater and St. Cloud facilities. If a decision were made to build new facilities on this land either at Stillwater or St. Cloud, significant efficiencies could result.

Efficiencies of purchasing, training, management, maintenance and a myriad of other shared services would be possible.

Constructing a prison in an isolated area offers none of the administrative efficiencies of close proximity.

Perimeter

Maximum, close, and medium-security facilities require double security fences with a buffer zone between the security fences and a "nuisance" fence sufficient to prevent contraband from being thrown into the institution from adjacent properties.

While minimum-security prisons do not require a security fence, there should be a posted buffer zone in which trespassers are stopped and questioned and inmates are not allowed.

Site Selection Principles

Introduction

Following are the site selection principles developed by the institution planning committee:

❑ Principle 1:

Correctional facilities should be located as close as possible to home communities from which the largest number of inmates are committed and to which they will return.

In Minnesota currently, 63 percent of inmates come from four metropolitan counties: Hennepin, Anoka, Ramsey and Dakota. This is true of both male and female offenders. Metropolitan locations are generally easily accessible, enabling relatives of inmates to visit more frequently.

This is significant because maintaining family ties is an important factor in inmates' successful adjustment to their communities after a period of confinement.

Sixty-eight percent of female offenders are mothers and retain custodial responsibilities while incarcerated. Children visiting their mothers and fathers in prison is extremely important to maintaining family ties.

Nearly half (47 percent) of Minnesota inmates are people of color, and 84 percent of inmates of color are from the four metropolitan counties. Culturally-specific programs and activities to meet the needs of these inmates are generally available only in the metropolitan area.

Custody levels of inmates determine where and how they will be incarcerated. Forty-five percent of inmates are either close or maximum custody and, of those, 64 percent are from the four metropolitan counties.

❑ Principle 2:

Correctional facilities should be located as close as possible to a large community and human resource base.

Locating institutions in or near major communities aids in recruiting personnel, especially highly trained professional, as well as staff who represent the racial and cultural backgrounds of the inmate population.

Projections for the next ten years indicate a continuing growth in the inmate population. The majority of this growth will occur in the Twin Cities seven-county metropolitan area. The department will need to recruit and retain staff, especially minority applicants. As the department strives for cultural diversity, intense recruitment of minority applicants must take place.

Availability of qualified staff is a very important component in prison site selection. Filling entry-level positions in a community can be accomplished relatively easily, and some communities have a variety of certain specialties (such as areas in which regional treatment centers are located).

However, bringing in the necessary experienced corrections administrators and highly skilled specialists is far more difficult. These positions include physicians, psychologists, industry directors, finance directors, and security specialists, to name just a few.

Critical to selection of a site is availability of consultants and other resources. Educational consultants, highly skilled educational staff, medical consultants, psychiatrists, and psychologists must be available. If these resources are not readily available in a community, transportation costs are prohibi-

tive and, therefore, access is significantly limited.

Availability of specially skilled and qualified volunteers is also very important. It is imperative that high quality medical facilities are available, as well as consultants in a significant number of other areas. Currently these do not exist in many locations, and the history of like places indicates they will not exist. This single issue is one of the most critical in making a site selection.

The timely availability of resources for service and repair is likewise extremely important. Response time for servicing a failed security system must be within hours. Response time that takes several days is not acceptable. Repair for such things as medical equipment, computers and communications systems must be immediately available.

☐ Principle 3:

Correctional facilities should be located as close as possible to the source of the state's population base to maximize transportation efficiencies.

The transportation issue can basically be summed up by the fact that time and distance translate directly into dollars. The location of a prison must take into account the potential added cost of transportation needs of the Department of Corrections and by individuals and groups that interact with the prison and its inmates. To minimize this effect, it would be desirable to have a prison located within close and cost-effective distance from the major population area of the state.

The money spent on issues related to distance from the population center will reduce funds available for programming. The transportation issue can be broken down into three basic groups:

- ✓ Transportation of individuals providing programming and support to inmates, including but not limited to family, volunteers, legal aid, ombudsman and staff.

Adequate programming for inmates within institutions is critical for both control purposes and as a means to help reduce the risk offenders present after release. Keeping inmates constructively active generally leads to a calm and constructive prison atmosphere. Providing adequate and appropriate programming is believed to result in fewer returns to prison.

The type and amount of programming and staff available for programs are more readily available and predictable near higher populated areas. Programming is not cost-effective or even available if the resources are far away. Legal aid, ombudsman services and family visits will be limited by distance. Restriction of these program needs has a cost beyond transportation dollars. Lack of adequate programming and visits could result in the increased frequency of serious incidents and higher return rates, which in turn may result in the need for more prisons.

- ✓ Individuals providing goods and services to the institution.

Any prison is dependent on adequate and cost-effective goods and services. The cost of these goods and services will be higher if they are not available in the local community and/or the state is forced to contract with a single source because of a lack of competitive bidding. Bringing these goods and services from a metropolitan area to a remote location will increase their cost.

An important issue to consider is the medical needs of inmates that cannot be met at small, local medical facilities. The medical needs of inmates range from routine to chronic to emergency. Adequate access to medical services is critical to the operation of an institution.

An additional issue is the distance law enforcement must travel for post-incarceration court hearings. An institution that is located outside major population areas will result in added costs to many of the sheriffs' departments from the more populated counties.

✓ **Inmate transportation.**

One of the most important inmate transportation issues is safety. Transporting inmates over long distances and off high-speed freeways through remote, slow, stop-and-go traffic areas creates a greater possibility of attempted escape, which places both the public and correctional staff at risk.

Use of rural, two-lane roads becomes a critical security issue during inclement weather, increasing the potential for accidents and higher transportation costs. Lack of constant radio contact creates a severe safety issue. Remaining in constant communication with a correctional facility is critical.

Incompatibility Issue — When considering the location of any correctional facility within the Minnesota system, one must seriously consider the issue of incompatible inmate populations. Incompatibilities, protective custody issues, etc., are pervasive in prison systems throughout the country. With the infusion of gangs, groups, cultures, etc., it is very difficult to eliminate rivalry, which ultimately leads to incompatibilities in prison systems.

In the Minnesota system, the department deals with the incompatibility issue by separating individuals who are incompatible. The Minnesota system does not have a protective custody living unit within any facility. In most cases, individuals who have an incompatibility in one facility can generally move to another living unit or another correctional facility and live in the general population without difficulty. Protective custody living units are very expensive and difficult to defend. It is difficult to offer the same level of programming in protective custody units that is offered to the general inmate population, and they are virtually always full.

Leadership of the Department of Corrections believes that every inmate entering the correctional system is equal and should be afforded the opportunity to do his/her time in an open population setting, providing their behavior warrants an open population assignment.

Given the department's approach to this issue, it is imperative that as prisons are "sited" it must be understood that the incompatibility issue generates a fair amount of traffic between facilities. Thus, if one facility were located 200 miles away from all the other facilities, this could create undue transportation expense as it pertains to the incompatibility issue.

Another issue to be considered with respect to transporting incompatible inmates is public safety. Risk to the public increases as the time period increases during which inmates are outside the facilities' secure perimeter due to transportation distances.

Summary

Introduction

When planning new construction of correctional facilities, space needs are driven by program needs. Certain questions must be answered in ways that will result in maximizing taxpayer expenditures to carry out the mission and responsibilities of the Department of Corrections.

As a summary of this report, criteria for site selection have been developed into the following questionnaire:

General site selection

- ☐ Is the site close to the source of the vast majority of the inmate population?
- ☐ Is the site within reasonable proximity to major medical specialists and health care facilities?
- ☐ Are repairs and services for the prison system readily available?
 - ✓ security systems
 - ✓ communication systems
 - ✓ computer systems
- ☐ Is the site located so that specialists, consultants and staff are available?
 - ✓ education specialists
 - ✓ psychiatrists and psychologists
 - ✓ industry specialists
 - ✓ volunteers
 - ✓ legal services
 - ✓ ombudsman
 - ✓ security specialists
 - ✓ diverse religious resources
- ☐ Does the site lend itself to recruitment and retention of a diverse work force of highly skilled correctional specialists?

- ☐ Is the site close to the courts and legal resources of the vast majority of the inmate population?
- ☐ Are there difficult environmental issues to be addressed by the selection of this site?
- ☐ Does the site facilitate cost-effective transportation of inmates being transferred among existing facilities and the new site?

Existing buildings available

A different set of challenges faces policy-makers and correctional planners when existing buildings are available for correctional use.

Questions to be addressed under these circumstances are:

- ☐ Do existing buildings lend themselves to cost-effective conversion to prison use, and are the long-term costs of renovation favorable when compared to new construction?
- ☐ Do the spaces that are possible in the building support program and security needs, or do they inhibit these needs and future flexibility?
- ☐ Is the property sufficiently buffered from the community for the population intended to be served, and are adjustments to the limitations cost-effective?
- ☐ Will the structure, even as modified, provide for visual security by staff?

- ☐ Will renovations and improvements cost less in the long term than alternative buildings? (Building costs represent less than one-half of one percent of the total expenditure over the 70-year life of an institution).
- ☐ Can Americans with Disabilities Act standards be adequately met in the necessary renovations in a cost-effective manner?
- ☐ Will modifications to meet environmental standards be cost-effective?
- ☐ Will loads on floors, heights of ceilings, and other components of the structure be sufficient to handle equipment necessary to proper programming?
- ☐ Is the property a historical site?
- ☐ Is the site large enough?
- ☐ What is the condition and capacity of the infrastructure?
- ☐ Does the building contain hazardous materials?
- ☐ Can the building be modified to meet life-safety codes without significant costs?
- ☐ Would the site be chosen if it were not offered? In circumstances where a substantial amount of new construction is necessary because existing buildings do not lend themselves to conversion, would the department build a facility in this location?

The department believes that opportunities to accept existing buildings should be carefully explored for space and structural usefulness.

However, it is the position of the department that policy-makers should ensure that utilizing what appears to be a free or low-cost property for correctional purposes must not compromise program and security goals or commit the state to long-term access and/or operational costs.

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Public Opinion Research Challenges Perception of Widespread Public Demand for Harsher Punishment

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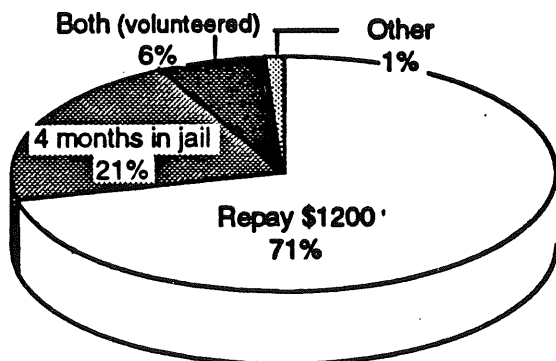
Introduction

The results of a Minnesota public opinion poll challenge conventional wisdom about public attitudes toward crime and punishment, raising serious questions about the direction of public policy on sentencing. This report will present those results, discuss implications for public policy and compare the results to the outcomes of previous public opinion research.

Findings

- Four out of five Minnesotans favor spending on education, job training and community programs rather than on prisons in order to reduce crime.
- More than four out of five Minnesotans indicate an interest in participating in a face to face meeting with the offender in the presence of a trained mediator to let the offender know how the crime affected them, to discuss their feelings and to work out a plan for repayment of losses, if they were the victim of a nonviolent property crime committed by a juvenile or young adult.
- Nearly three out of four Minnesotans chose restitution as more important than jail time in sentencing for a burglary of their own home.
- The results were consistent across age, income, gender, race and education level sub-groups.

"Suppose that while you are away, your home is burglarized and \$1200 worth of property is stolen. The burglar has one previous conviction for a similar offense. In addition to 4 years on probation, would you prefer the sentence include repayment of \$1200 to you or 4 months in jail?"

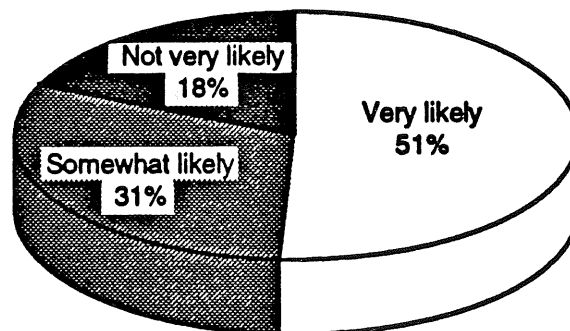


Methodology

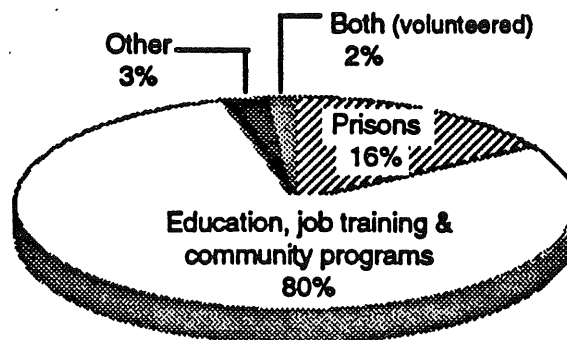
A statewide survey of attitudes of Minnesota adults toward issues of crime and punishment, part of an omnibus survey consisting of questions on a variety of topics, was conducted by the University of Minnesota Center for Survey Research in October and November of 1991. The survey was conducted through telephone interviews and sampled 825 Minnesota adults. The sample was demographically and geographically balanced to reflect Minnesota's total population. A sampling of this size would be expected to have a sampling error of plus or minus 3.5 percentage points.

"Minnesota has several programs which allow crime victims to meet with the person who committed the crime, in the presence of a trained mediator, to let this person know how the crime affected them, and to work out a plan for repayment of losses.

Suppose you were the victim of a non-violent property crime committed by a juvenile or young adult. How likely would you be to participate in a program like this?"



"For the greatest impact on reducing crime, should additional money be spent on more prisons, or spent on education, job training and community programs?"



Implications for Public Policy

The results of this poll uniformly reflect a far less vindictive attitude toward offenders than is commonly assumed. Responses reveal a greater public interest in restitution and prevention than in retribution. They also indicate low public confidence in incarceration as an effective strategy to reduce crime.

The traditional concerns of the public for safety and holding offenders accountable are reflected in this poll, but not in the simplistic terms commonly attributed to the public. Results indicate a greater public interest in personal accountability to the victim, through restitution and face to face meetings with the victim, than in retribution through jail or prison sentences. Public safety is seen as an outcome of education, job training and community programs rather than incarceration.

The overwhelming support in the poll for investment in prevention strategies rather than prisons is consistent with traditional Minnesota public policy which has invested heavily in education and social programs while using prisons sparingly. However, policy trends in Minnesota between 1986 and 1991 drifted away from that traditional approach. While the prison population and corrections budget grew rapidly in the eighties, Minnesota fell from 4th to 28th in the nation in the percent of children in poverty.

The public policy trend toward increased use of incarceration is premised on the belief that the public is clamoring for a "tougher" response to crime, primarily through harsher sentencing. This public opinion research raises serious doubts about the validity of that assumption which is the rationale for most sentencing legislation in Minnesota.

Previous Public Opinion Research

The results of this survey are consistent with a growing body of public opinion research across the United States. Previous research has similarly found broad public support for prevention

strategies over prison strategies to control crime, support for restitution over incarceration for property crimes and a gap between public opinion and policymaker perceptions of public opinion.

- A national poll conducted in the summer of 1988 by Louis Harris and Associates found that when asked which approach would be most effective in cutting the rate of crime, 80% of the respondents chose spending to attack the causes of crime (poverty, lack of education) rather than spending to send more criminals to prison for a long time.
- A September, 1991, national poll conducted by The Wirthlin Group found that four out of five Americans favor community corrections programs over incarceration for non-dangerous offenders.
- Public opinion research conducted through focus groups by the Public Agenda Foundation in Alabama in 1989 and in Delaware in 1991 found that public attitudes toward sentencing shifted dramatically to more support for community corrections punishments when participants were given more information about non-prison sentences, problems of prison overcrowding and costs.
- A public opinion research project conducted in Hennepin County, Minnesota, in 1991 by Imho Bae, University of Minnesota, found strong public support for restitution as an alternative penalty to incarceration for property offenders. This research also found a significant lack of awareness by criminal justice officials of public support for restitution and found that crime victims seem to be less punitive than non-victims. Bae concludes that his findings imply that citizens perceive crime issues in a broader social context and independently from reports of the mass media.
- A study by Gottfredson and Taylor in Maryland in 1980 found serious misconceptions among policymakers of the public will with respect to corrections issues. Policymakers based their priorities for the operation of the correctional system on their perception of public will. However, policymakers' perceptions of

public opinion were almost the exact opposite of measured public opinion. Policymakers perceived the public to give the highest priority to incapacitation and punishment when the public's actual highest priorities were deterrence and rehabilitation. Punishment was the lowest priority for the public.

- A study in 1985 by the Michigan Prison & Jail Overcrowding Project found that policymakers believed that 12 percent of the general public would support increased use of community corrections when, in fact, 66 percent were supportive.

The findings of the current research, like those of previous research efforts, suggest an urgent need to examine the underlying assumptions of policy directions in criminal justice. This lack of congruence between policymakers' perceptions of public opinion and actual public opinion may explain the widespread dissatisfaction and frustration with the criminal justice system. Policymakers are systematically trying to please the public, but the public wants something different. The more policymakers misread the desires of the public, the farther they get from satisfying the actual desires of the public.

Restorative Justice

The results of this survey demonstrate broad public support for central tenets of the emerging criminal justice reform movement called restorative justice. The restorative justice model views crime as a conflict between the victim and the offender, not between the offender and "the state." In this model offenders are held accountable through taking responsibility and taking action to repair the harm done to the victim.

The restorative justice model proposes increasing public safety through building community harmony and meeting community needs. Public support for prevention programs over prison building indicates public agreement with that principle.

The public expresses strong support for restitution for victims and very strong interest in face to face meetings with offenders. Similarly, the restorative justice model places a higher priority on the restoration of the victim than on retribution and values personal accountability to the victim more than abstract punishment imposed by the state.

Payment of restitution to victims and involvement in victim offender mediation programs, both supported by this survey, allow for much greater involvement of both victims and offenders in the criminal justice process which is another goal of the restorative justice model.

Summary

This research provides us with significant information about public ideas of certain DOs and DON'Ts of criminal justice policy.

- DON'T spend money on more prisons to prevent crime;
- DO spend money on education and job training to prevent crime.
- DON'T lock up every burglar;
- DO make them pay restitution.
- DO expand victim opportunities, as a volunteer choice, to be a part of the process by meeting with the offender to: let the offender know how the crime affected them, to get answers to questions, to work out a restitution agreement.
- DO encourage processes which hold offenders directly accountable to victims.

This research shows significant public support for the legislative direction of the 1992 crime bill which emphasized investment in prevention. However, many changes in criminal justice public policy in Minnesota in recent years are in a direction contrary to that suggested by the public in this poll. Those initiatives should be re-examined in light of this research.

Citizens Council

Responding to Violent Crime

Testimony to
Governor's Commission on Violent Crime
Submitted October 1, 1991

Citizens Council
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612-340-5432

Introduction

The public, criminal justice professionals and policymakers are currently engaged in an intensive examination of causes of violence in Minnesota and a search for ways to end that violence. It is a time of heightened awareness, concern and creativity bringing with it the potential for a significant transformation. As we evaluate proposed solutions we must bring to bear the best information available from research and history. We need information about the scope of violent crime, knowledge about its causes and information about previous attempts to address the problem.

Minnesota data in a national context

The alarm in Minnesota about increasing rates of violent crime is not occurring in isolation. Minnesota's problem is a piece of a national problem. In fact,

from a national perspective Minnesota's problem appears relatively small. However, the trends in Minnesota are like the national trends and are foreboding.

At 306 violent crimes per 100,000 population, Minnesota ranks 37th in the nation in violent crime rates in 1990 (see Graph 1). (Violent crime rate data taken from FBI Uniform Crime Report. The violent crime category includes homicide, rape, robbery and aggravated assault.) Most of the states with lower violent crime rates are states with small populations which are primarily rural (see Table 2). Wisconsin is the only state with a large urban center and comparable population which has a lower violent crime rate. The range of violent crime rates is large. Florida, with the highest, has a violent crime rate more than four times that of Minnesota. The median violent crime rate of the 50 states is 525 violent crimes per 100,000 popu-

Table 2
1990 Violent Crime Rates

RANK	STATE	RATE per 100,000
1	Florida	1244
2	New York	1181
3	California	1045
4	South Carolina	977
5	Illinois	967
6	Maryland	919
7	Louisiana	898
8	Michigan	790
9	New Mexico	780
10	Texas	761
11	Georgia	756
12	Massachusetts	736
13	Missouri	715
14	Alabama	709
15	Tennessee	670
16	Delaware	655
17	Arizona	652
18	New Jersey	648
19	North Carolina	624
20	Nevada	601
21	Connecticut	554
22	Oklahoma	548
23	Arkansas	532
24	Colorado	526
25	Alaska	525
26	Oregon	507
27	Ohio	506
28	Washington	502
29	Indiana	474
30	Kansas	448
31	Rhode Island	432
32	Pennsylvania	431
33	Kentucky	390
34	Virginia	351
35	Mississippi	340
36	Nebraska	330
37	Minnesota	306
38	Wyoming	301
39	Iowa	300
40	Utah	284
41	Hawaii	281
42	Idaho	276
43	Wisconsin	264
44	West Virginia	169
45	South Dakota	163
46	Montana	159
47	Maine	143
48	New Hampshire	131
49	Vermont	127
50	North Dakota	74

Graph 1

1990 Violent Crime Rates
for States versus rankings

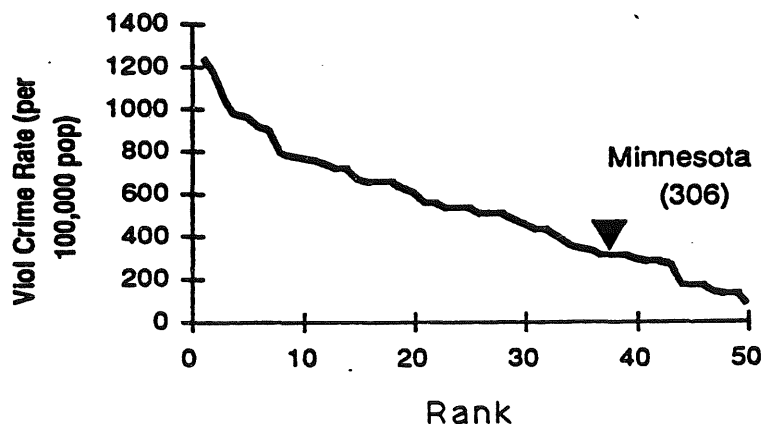


Table 3

Violent Crime Rate Comparisons Per 100,000

	1978	1988	1990	Change 78-88	Change 88-90	Tot change 78-90
Alabama	419	559	709	140	150	290
Alaska	442	523	525	81	2	83
Arizona	552	610	652	58	42	100
Arkansas	344	423	532	79	109	188
California	743	930	1045	187	115	302
Colorado	498	473	526	-25	53	28
Connecticut	315	455	554	140	99	239
Delaware	441	452	655	11	203	214
Florida	766	1118	1244	352	126	478
Georgia	483	665	756	182	91	273
Hawaii	270	257	281	-13	24	11
Idaho	236	235	276	-1	41	40
Illinois	466	810	967	344	157	501
Indiana	324	380	474	56	94	150
Iowa	161	257	300	96	43	139
Kansas	318	365	448	47	83	130
Kentucky	223	330	390	107	60	167
Louisiana	585	717	898	132	181	313
Maine	208	157	143	-51	-14	-65
Maryland	732	807	919	75	112	187
Massachusetts	462	620	736	158	116	274
Michigan	577	742	790	165	48	213
Minnesota	190	290	306	100	16	116
Mississippi	321	325	340	4	15	19
Missouri	468	553	715	85	162	247
Montana	238	123	159	-115	36	-79
Nebraska	190	273	330	83	57	140
Nevada	781	781	601	0	-180	-180
New Hampshire	119	148	131	29	-17	12
New Jersey	424	583	648	159	65	224
New Mexico	528	658	780	130	122	252
New York	841	1097	1181	256	84	340
North Carolina	413	502	624	89	122	211
North Dakota	67	59	74	-8	15	7
Ohio	413	452	506	39	54	93
Oklahoma	353	435	548	82	113	195
Oregon	502	546	507	44	-39	5
Pennsylvania	301	362	431	61	69	130
Rhode Island	348	397	432	49	35	84
South Carolina	638	741	977	103	236	339
South Dakota	164	114	163	-50	49	-1
Tennessee	383	533	670	150	137	287
Texas	435	653	761	218	108	326
Utah	272	243	284	-29	41	12
Vermont	166	142	127	-24	-15	-39
Virginia	286	299	351	13	52	65
Washington	405	466	502	61	36	97
West Virginia	168	131	169	-37	38	1
Wisconsin	132	214	264	82	50	132
Wyoming	280	314	301	34	-13	21

lation, 70% higher than Minnesota's rate.

The trends in violent crime rates are disturbing. In many states violent crime rates have increased more in the past 2 years than in the previous 10 years (see Table 3). Over that 12 year period, five states had a decline in violent crime rates, but most states experienced dramatic increases. Minnesota and Wisconsin both experienced significant increases in violent crime over that period. Minnesota ranks 29th and Wisconsin 26th of the 50 states in the increase in violent crime from 1978 to 1990. Those states which experienced low increases or decreases are primarily non urban states. Six states (Florida, Illinois, Louisiana, New York, South Carolina, Texas) had an increase in violent crime from 1978-1990 which was greater than Minnesota's entire current rate (see Chart 4).

There is some conflicting data

Table 4
10 States with Highest Increase in Violent Crime

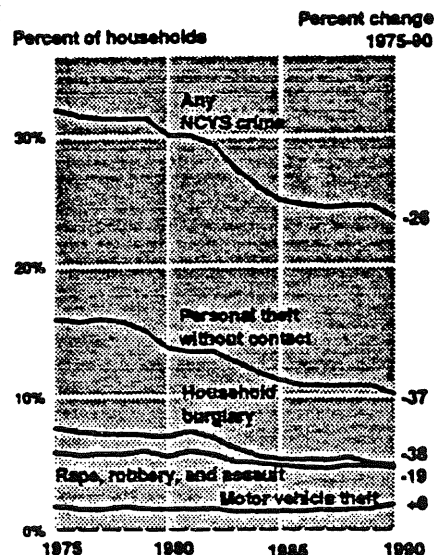
	1978-90		1988-90
Illinois	501	South Carolina	236
Florida	478	Delaware	203
New York	340	Louisiana	181
South Carolina	339	Missouri	162
Texas	326	Illinois	157
Louisiana	313	Alabama	150
California	302	Tennessee	137
Alabama	290	Florida	126
Tennessee	287	New Mexico	122
Massachusetts	274	North Carolina	122

about whether violent crime is increasing. The Bureau of Justice Statistics report on household victimization shows a steady downward trend in victimization for violent crimes (see Chart 5). It is difficult to reconcile that data with the crime report data or with the general perception that violent crime is increasing. It is possible that there is a significant increase in the percent of crimes reported

which would result in higher reported rates. In either case violent crime remains a serious problem within our society.

The variation in violent crime rates suggests that local conditions within a state have an impact on crime rates and, thus, state level policies can make a difference. However, the national scope of the trend of increasing levels of violence suggests that national solutions are also required.

Graph 5



Who are the victims of violent crime?

Minnesota does not do systematic data collection about victims of crime. We know without specific research that victims of sexual assault and domestic violence are primarily female. Research by the State Planning Agency found that 66% of the victims of criminal sexual conduct and homicide were victimized by an acquaintance or family member. 76% of the victims of criminal sexual

conduct were minors. Most of the victims of homicide, robbery and aggravated assault were adults.

On a national level data is gathered which provides information about relative risk of victimization by gender race, age, income and community type (see Table 6). The national data indicate that young black males are at greatest risk of victimization for homicide, robbery and aggravated assault. Since 1968, homicide is the leading cause of death for black males between the ages of 15 and 19.

Both males and females suffer from our high rates of violence. Females are at high risk for sex crimes and domestic assault and males are at high risk for other violent crimes. In general, young people are at higher risk than older people, low income people at higher risk than high income people, and urban dwellers at higher risk than suburban or urban dwellers.

What is known about causes of violence?

In 1989, after the parking ramp murders, the Citizens Council conducted a study of violent crime. The study concluded that violent behavior is the result of a complex interaction of numerous factors. In particular, the study identified several factors over which society can exercise significant control. Research has found that violent criminal be-

Table 6	
Who are the victims of crime?	
U. S. Data	
Men are more likely to be victims than women, blacks are more likely than whites, young people are more likely than the elderly, and low income people are more likely than high income people. People in poor neighborhoods with high unemployment rates are most likely to be victims of crime.	
ROBBERY: Robbery victimization rates are almost two and one half times higher for blacks than for whites. Robbery rates for males are twice as high as females. Almost half of robbery victims were under 25.	
MURDER: Chance of being a victim	RAPE: Chance of being a victim
Black man 1 out of 30	Black woman 11 out of 100
Black women 1 out of 132	White woman 8 out of 100
White man 1 out of 179	
White woman 1 out of 495	
Women with annual income less than \$7500 are twice as likely to be raped during their lifetime than women with higher income. Unemployed women are three times more likely to be raped than employed women.	
Minnesota Data	
Criminal sexual conduct: 66% of the victims were sexually assaulted by an acquaintance or family member (13% by a stranger, 21 % unknown).	
Homicide: 66% of victims were murdered by a family member or acquaintance (11% by strangers, 23% unknown).	

"...violent criminal behavior is strongly correlated with the following risk factors: poverty, abuse, family chaos, low education level and low self esteem."

havior is strongly correlated with the following risk factors: poverty, abuse, family chaos, low education level and low self esteem. Expert testimony and readings in the literature made it extremely clear that violent behavior has its roots in very early childhood experiences, beginning at birth. It is also clear from the literature that those children most likely to be violent in later life can be identified as toddlers.

Numerous other studies point to similar conclusions. A 1990 study by the Minneapolis League of Women Voters found that

violence against women (wife battering, sexual violence, acquaintance rape and sexual harassment) is rooted in the way we socialize boys and girls. Violence against women is an outcome of the beliefs and attitudes we are teaching boys and girls through our cultural norms, our role modeling, our acceptance of a power imbalance between men and women. That cultural emphasis on power and dominance also contributes to violence against people of color and children. The League study also identifies poverty, substance abuse, violence in the media and physical abnormalities as possible causal factors in violent behavior.

A Ford Foundation study entitled The Common Good, Social Welfare and the American Future states the case in these terms: "As

taxpayers and as victims of a violent society, we end up paying for the social wreckage that results from a lack of earlier investments in other people and their children. We cannot build enough prisons or buy enough home security systems to protect our private worlds from the social

"Resources invested in punishment in many states have been diverted from investments in long term prevention strategies."

decay that spreads when true opportunity is denied to large numbers of people." Children in Need: Investment Strategies for the Educationally Disadvantaged, by the Committee for Economic Development, Building Tomorrow by Helping Today's Children, a report by the Citizen's League and the Mott Foundation report Living on the Jagged Edge: Youth in Crisis all emphasize the connection between unfavorable social and economic conditions in childhood and subsequent delinquency and crime. Youth Investment and Community Reconstruction, a report of the Milton Eisenhower Foundation, identifies blocked opportunities, multiple disadvantages of low income youth, the disruption and stress of family life in the city and the erosion of community institutions and a sense of purpose as pathologies which underlie crime and violence.

What has been tried?

Public policy responses to violent crime have generally focused on criminal justice policy, i.e. law enforcement and sentencing. For example, in Minnesota, recommendations from the Attorney General's Task Force on Sexual Violence concerning the criminal justice system were largely implemented post haste, while preventive measures outside the criminal justice system (education, social services) were not. That is the pattern for national reports on violence as well. The Eisenhower Commission Report made recommendations a generation ago which, had they been implemented, might have greatly ameliorated the problems we are faced with today. Unfortunately, they were never implemented. Those recommendations are just as pertinent today and might help us avoid the same problems a generation from now.

The heavier law enforcement and tougher sentencing which we did implement at great cost have been unsuccessful in stemming the tide of rising violence. Dramatic changes toward harsher sentencing across the U.S. over the past 15 years have had no measurable effect on crime rates and in fact have precipitated crisis after crisis in states across the nation. In Louisiana, Florida, and Texas officials report that their criminal justice system is paralyzed by the effects of trying to control crime through punishment. Those states which have relied most heavily on long sentences (California, Louisiana, Texas, South Caro-

lina, Michigan) continue to have the highest violent crime rates and very high increases in violent crime. Longer sentences have brought no relief from violence, but have caused severe financial problems. Resources invested in punishment in many states have been diverted from investments in long term prevention strategies. Expenditures for criminal justice in the 1980's increased four times as rapidly as for education, and twice as rapidly as for health and hospitals (Youth Investment and Community Reconstruction).

From history we know of no society that has effectively deterred violence through the use of punishment, while at the same time maintaining basic rights and

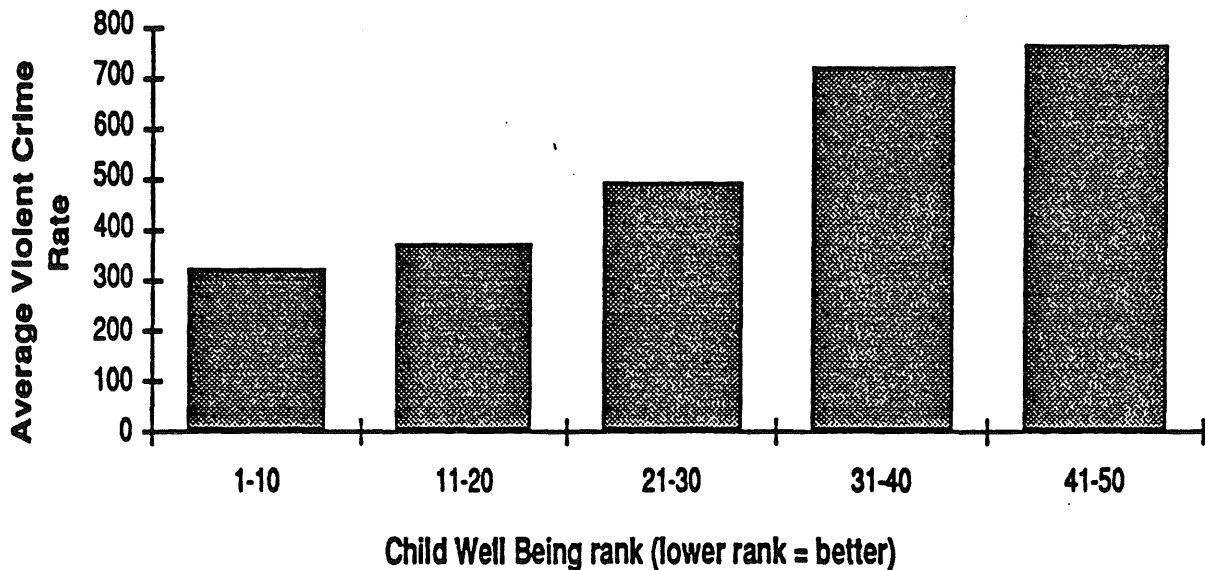
"Punishment may redress the past but will not ensure a safe future."

freedoms. Those nations which do effectively deter violent behavior through the threat of punishment (e.g. China, Iran) do so only through institutional violence against the entire population. Those democracies which have a lower level of violence are characterized, not by harsher punishments, but by strong social institutions and support systems.

The behavior of violent individuals is impulsive and obsessive and is not typically impacted by the abstract calculation of the likelihood of any particular punishment. The data is very clear.

Graph 7

Violent Crime Rate vs Child Well Being Rank for States



Harsh punishment does not deter violent criminal behavior and will not result in a reduction in violent crime. Punishment may redress the past but will not ensure a safe future.

What might help?

The surge in violent crime is sometimes referred to as an "epidemic". That suggests a useful analogy. The most dramatic successes in medicine are the result of prevention. Increases in life span in this century are primarily the result of massive disease prevention efforts through sanitation and vaccinations. If all our resources had been di-

rected to curing cholera, typhoid, polio, etc. without addressing the underlying causes of the disease, we would still suffer enormously from those diseases today. Similarly with the problem of violent crime, we must address underlying causes.

We have data available which supports the contention that investments in family support, early childhood programs, and education result in less violence. Work done by the Citizens Council looking at child welfare indicators found a high inverse correlation between the child welfare index and violent crime rates. The Center for the Study of Social Policy ranked states on a

composite score of eight measures of child well-being. The measures include such factors as infant mortality, low birth weight, child death rate, and teen births. The Citizens Council found that, in general, those states which are taking better care of their children are experiencing less violent crime (see Graph 7). An examination of high school graduation rates suggests the efficacy of education in combatting crime. States with high graduation rates tend to have low violent crime rates. Conversely, those states with low high school graduation rates generally have high violent crime rates (see Table 8). There is a high correlation between dropping out of school and end-

ing up in prison - a higher correlation than there is between smoking and lung cancer.

A great deal has been learned in the last 15 years about preventing child abuse, building self esteem, teaching non violent conflict resolution, empowering families and rebuilding communities. We know how to do what needs to be done.

Unless we provide safe, nurturing environments for children there will more and more victims in the future. We are currently sitting on a time bomb. If you think violent crime is bad now, "you ain't seen nothin' yet". The conditions, which we know from

"Unless we provide safe, nurturing environments for children there will more and more victims in the future."

research create the likelihood of violence, (children growing up without safety, nurturing, good education, job prospects, hope for the future) have increased dramatically in the past ten years. In Minnesota poverty has increased for a decade. In 1980 there were 89,000 children on AFDC, in 1989 there were 105,000. The number of homeless children in Minnesota mushroomed during the 1980's. In 1989 we had 6,000 children in Head Start, another 16,000 eligible children couldn't get in the program. Unless we act soon, we will pay a very high price for our neglect of children over the past decade. No punishment in the world will deter those

children who have no stake in our society because we have had no stake in them.

The scope of the violence we are

Table 8

Education/Crime Relationship

1990 Violent Crime Rates		1988 Percent Graduating High School	
Highest 15		Lowest 15	
Florida	1244	Florida	58
New York	1181	Georgia	61
California	1045	Arizona	61.1
South Carolina	977	Louisiana	61.4
Illinois	967	New York	62.3
Maryland	919	South Carolina	64.6
Louisiana	898	Texas	65.3
Michigan	790	Alaska	65.5
New Mexico	780	California	65.9
Texas	761	North Carolina	66.7
Georgia	756	Mississippi	66.9
Massachusetts	736	Kentucky	69
Missouri	715	Hawaii	69.1
Alabama	709	Tennessee	69.3
Tennessee	670	Rhode Island	69.8

Lowest 15		Highest 15	
Nebraska	330	New Jersey	77.4
Minnesota	306	Pennsylvania	78.4
Wyoming	301	Vermont	78.7
Iowa	300	Utah	79.4
Utah	284	South Dakota	79.6
Hawaii	281	Ohio	79.6
Idaho	276	Kansas	80.2
Wisconsin	264	Connecticut	84.9
West Virginia	169	Wisconsin	84.9
South Dakota	163	Nebraska	85.4
Montana	159	Iowa	85.8
Maine	143	Montana	87.3
New Hampshire	131	North Dakota	88.3
Vermont	127	Wyoming	88.3
North Dakota	74	Minnesota	90.9

experiencing is shaped by numerous, complex social factors including our cultural definitions of male and female, our forms of entertainment, our heritage of

"conquering" a continent. There will be no quick and easy solutions. We must grapple with the very essence of who we are as a society and what we are passing on to our children. That is a very difficult and disconcerting task, but unless we do, we are unlikely to see any improvement. We must move beyond lashing out at others in fear and take responsibility for the culture we live in. Our problem is not one of monsters who can be identified and caged out of sight. The problem of violence must be confronted

by every one of us in every aspect of the way we live as individuals and as communities.

If we had taken prevention measures 20 - 25 years ago, we would not have the problems of violence we are faced with today. If we take preventive measures now, we will avoid perpetuating the problem for another 20 - 25 years from now.

It takes foresight and an acute sense of responsibility to implement solutions today for prob-

lems 25 years down the road. It takes courage to spend today's dollars to avoid tomorrow's problems. It takes fortitude and leadership to tell angry constituents that their fears can't be assuaged overnight by a harsh crackdown. It takes political integrity to look beyond the next election. And it takes plain old-fashioned guts to feed constituents a dose of reality, instead of unrealistic promises.

**For more information contact Dick Ericson or Kay Pranis
at the CITIZENS COUNCIL - 612-340-5432**

Where do we go from here?

In an effort to continue to base public policy on sound data, research and thoughtful deliberation we suggest that any proposed strategies to reduce violence (including our own recommendations) be evaluated as follows:

- What is the expected outcome of the proposed strategy?
- What data is available to validate the effectiveness of that strategy?
- What is the cost of that strategy?
- What would be the impact of that strategy on vulnerable populations (e.g. communities of color, at risk youth, etc.)?
- Is the proposed strategy consistent with Minnesota values?

Recommendations

Direct resources primarily at long term prevention strategies such as:

- Family support programs which prevent child abuse through parenting training, respite care, networking to support resources
- Early childhood programs (Head Start)
- Conflict resolution training for all children in schools
- School curriculum on violence and interpersonal relationships
- Education and job training for youth
- Building communities

Provide short term protection in the most cost effective ways:

- Prompt response to all violent behavior which holds individuals accountable for their behavior
- Treatment for violent offenders
- Intensive supervision in the community for persons with a history of violence.
- Separation from society for those few for whom there can be no hope of change.