*Smart Sentencing Revisited: Assessing the Policy/ Practice Implications of Research on Electronic Monitoring and other Intermediate Sanctions**

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Introduction: Intermediate Sanctions as a "Smart" Sentencing strategy

The following chapter provides an overview of a group of sentencing options that have been referred to as *intermediate* sanctions, because they offer judges, sentencing commissions, and corrections managers a middle ground between a sentence to traditional probation on the one hand, and incarceration on the other. Intermediate sanctions were first introduced in the late 80's and early 90's as "smart sentencing" strategies(Byrne, Lurigio, and Petersilia, 1992); and recently, the National Institute of Justice has funded a variety of community corrections initiatives under the heading "smart probation", which flow directly from more recent reviews of the evaluation research on the implementation and impact of intermediate sanctions over the past three decades(e.g. Byrne, 2009).A variety of intermediate sanctions can be identified, including electronic monitoring programs, intensive probation supervision programs, boot camps, residential community corrections programs, split sentencing, day reporting centers, day fines, and community service (Byrne and Taxman, 2005). While national estimates on the utilization of intermediate sanctions certainly vary, it appears that a conservative estimate of the percentage of all offenders sentenced to an intermediate sanction program (front end and back end) is about 10 percent of the current community corrections population(Miofsky and Byrne, 2012).

The focus of the following chapter is on intermediate sanctions, but it is important to keep in mind that probation remains the sanction of choice in the United States; it is also the most effective sanction that we have available, assuming that our measure of effectiveness is short term recidivism reduction. However, long term declines in the percentage of sentenced offenders who successfully complete their probation terms without committing a new crime or violating a condition of probation can be identified, with success rates falling from over 80% in most jurisdictions in the late sixties and early 70's to just over 60% today(Byrne and Miofsky, 2012). Similarly, researchers have documented the unacceptably high failure rates of offenders receiving prison and jail sentences, which have been stable during this same period (Rosenfeld, 2008). One reason for the drop in overall probation success rates may be increased probation

caseloads and the corresponding reduction in time spent interacting with offenders. Over the past twenty years, we have responded to probation crowding by reducing our reliance on active probation supervision, opting instead for either administrative supervision or the use of various electronic reporting mechanisms, such as reporting kiosks (Harris and Byrne, 2007). In 2000, 76 percent of all probationers in the United States were actively supervised; by 2008, the percentage of all probationers on active supervision dropped to 71 percent (Glaze and Bonczar, 2009).

It is in this context of increased demand and diminishing returns from both traditional probation and prison/jail sentences that the potential expansion of intermediate sanctions can and should be viewed. The question is: what does an independent, objective review of the available research on the effectiveness of intermediate sanction reveal? Should current intermediate sanctions strategies be expanded? Or do we need to move sentencing policy in a new direction by developing a new generation of smart sentencing strategies?

The Target Population for Intermediate Sanctions: Risk vs. Stakes

Intermediate sanctions have been a topic of much debate over the past three decades, and there is still disagreement regarding the appropriate target population for these sanctions. It should be recognized that given the target population selected, the necessary key components of intermediate sanctions programs are likely to vary from jurisdiction to jurisdiction. Currently, intermediate sanctions programs target two very distinct offender populations: low risk, but high stakes offenders and high risk, but low stakes offenders. To the extent that intermediate sanctions are targeting prison bound offender populations, there seems to be a need to demonstrate that the sanction represents more punishment (and control) than a typical probation sanction. In these instances, offenders placed in intermediate sanctions programs can often be described as *high stakes* offenders (e.g. sex offenders). When sentencing high stakes offenders, the probability of recidivism is less important to decision makers than the possibility of recidivism. For these offenders, the surveillance and control features of intermediate sanctions are critical, despite the fact that these offenders often pose very low recidivism risks.

In addition to punishment/control, there is another often mentioned goal associated with the development of intermediate sanctions: risk reduction. To achieve this goal, probation systems complete risk assessments for probationers and the subgroup of high risk offenders is targeted for placement in an intermediate sanction program. According to a recent national review, about 20% of the current community corrections population can be classified as high risk to recidivate, while 50% fall into the medium risk and 30% low risk categories (Byrne, 2009). This subgroup of high risk offenders is specifically targeted for placement in an intermediate sanction program in order to reduce the risk that he/she will commit a new crime. For these offenders, the focus of intermediate sanctions programs is on risk reduction through offender lifestyle change (e.g. in the areas of employment, substance use, negative peer associations, etc.). Since the risk of violence while under community supervision is both very low and very unpredictable, it is the risk of offenders committing property crime and/or drug crimes that program developers are primarily attempting to control .The question is: how do we develop strategies that change antisocial lifestyles? Some observers argue that offender lifestyle change is more likely if we focus on surveillance and control(Farabee, 2005), while others argue that offender change is more likely if we focus on offender engagement and treatment provision (Cullen, 2007). As the following review demonstrates, the surveillance vs. treatment debate fails to address a key research finding: neither strategy has been demonstrated to be effective by itself. Finding the elusive tipping point between control and treatment is critical, and it will likely guide the development of the next generation of community corrections programs in the United States.

1. Electronic Monitoring

One of the interesting developments in community corrections over the past twenty five years (1990-2015) is that as community corrections populations have expanded, the percentage of offenders placed in electronic monitoring programs has remained remarkably low. The most recent national figures on the number of available electronic monitoring devices (GPS and RF) suggest that there were approximately 200,000 electronic monitoring devices available for use monitoring the 4,751,400 persons on probation or parole at year end 2013. Nationally, only

4.2% of the community supervision population can be supervised via electronic monitoring, which is about the same proportion of units available in 1990. This raises an obvious question: why have we not expanded our reliance on this technology? One possible explanation is that the evaluation research conducted on the impact of these programs does not support a policy of widespread utilization (MacKenzie, 2006). However, reviews of this body of research are inconclusive (see. e.g. Renzema and Mayo-Wilson, 2015; Harris and Byrne, 2007), due in large part to the wide variation in (1) target populations(drunk drivers, sex offenders, low risk offenders, high risk offenders), (2) the programs lumped together in these systematic reviews(short term surveillance focused vs. programs with separate treatment components), and(3) the overall poor quality of both the programs and the evaluations completed to date(Byrne, 2010; DeMichele,2014). In their 2005 systematic review of electronic monitoring programs for the Campbell Collaborative, Renzema and Mayo-Wilson(2005, p.233) offered the following assessment of the policy implications of the evaluation research they systematically reviewed: " If E.M. continues to be used as it has been used, shortsighted governments will continue to waste taxpayer dollars for ideological reasons and political gain. Governments that choose to use E.M. in the future ought to use it to enhance other services that have a known effect on crime reduction. Those governments *must* test the marginal effects of E.M., publish the results, and discontinue use of E.M. if it fails to provide quantifiable public benefits. Money spent on E.M. could be spent on empirically tested programs that demonstrably protect our communities".

As Corbett and Marx (1991) commented over twenty five years ago, electronic monitoring can most aptly be described as a technology(still) in search of a program. However, there are positive developments to report, particularly in the integration of the treatment and control components of electronic monitoring programs. Gable and Gable(2005) have advocated the use of technology to promote change within a cognitive behavioral framework. In a similar vein, Pattavina, and colleagues(2010) have argued that the emerging field of persuasive technology(or captology) offers a mechanism for using EM technology in conjunction with cognitive behavioral treatment strategies. They offer three examples of technology-based applications that can be used to support offender transformation: E-Treat, Ann-e, and the

Methamphetamine Remote Recovery Project. Similarly, DeMichele(2014) recently called for a new round of experimental research on community supervision strategies that utilize electronic monitoring as one component in a cognitive transformation strategy. However, De Michele emphasized the limits of electronic monitoring—and by extension, any supervision program or strategy—as an offender transformation strategy: " Currently, what little we know about the lived experience of supervision is negative; individuals dodge supervision officers, are harassed by law enforcement, and have little hope for their future(Goffman, 2009). The intensions here are not to sound the "nothing works" bell; I am suggesting that we cannot put all our hope into one tool to determine whether it works. Future research should focus on how electronic monitoring contributes to overall cognitive transformations to shape prosocial trajectories"(398).

While the evaluation research on the effectiveness of the current generation of electronic monitoring programs is too limited to draw definitive conclusions, there is some recent evidence that electronic monitoring can be utilized as one component of an effective community control program targeting high risk offenders (see, e.g. Bales et.al., 2010 study of the impact of electronic monitoring in Florida; or Turner, Chamberlain, Jannetta, and Hess, 2015 study of the impact of electronic monitoring with high risk sex offenders in California). Although we are still searching to find the appropriate mix of control and treatment in these programs, it does seem that if targeted correctly and designed and implemented in ways that support positive transformation, electronic monitoring programs may represent one piece in the desistance puzzle. The key may be to view electronic monitoring technology as support rather than surveillance technology; in this regard, it may be that the positive mentoring relationship that develops between the officer and the offender *in the process of using this technology* that is the most critical component of the next generation of electronic monitoring programs.

2. Intensive Probation Supervision

The term “intensive supervision” has been applied in different ways in jurisdictions across the country, but it generally refers to a supervision strategy with four key components: (1) quantity of supervision, (2) style (or quality) of supervision, (3) enforcement of conditions, and (4) response to violations. Since many intensive supervision programs have access to electronic monitoring for at least a portion of their intensive supervision population, it is difficult to distinguish these two sanctioning options. In terms of supervision quantity, intensive supervision programs are designed to provide closer contact between the offender and the probation officer than traditional probation. This component of intensive supervision requires smaller caseloads, especially if electronic monitoring is not a component of the intensive supervision strategy. One facet of smaller caseloads and closer contact between offenders and probation officers is the relationship that develops through this type of engagement (Byrne, 2009). To the extent that this relationship is positive and supportive of individual offender transformation, it could be viewed as a crucial informal social control mechanism (Byrne and Taxman, 2005). However, we have not focused on the impact of the relationship dimension in these intensive supervision programs, especially comparing the effects of people(smaller caseloads as an opportunity to improve informal social controls) vs. thing(e.g. electronic monitoring) technology.

A recent review of the research on the impact of smaller caseloads on probation outcomes conducted by Gill (2010) is worth considering here. Gill identified 14 separate research studies that examined the impact of reduced caseload size on adult probation outcomes: 8 studies linked smaller caseload size and increased contacts to higher re-arrest rates, while 6 linked smaller caseload size and increased contacts to lower re-arrest rates. However, the studies varied considerably in the size of the difference between experimental and control groups in caseload size. In one study, for example, the comparison was 15:1 experimental group vs. 90:1 control group; in another study, the comparison was 20:1 experimental vs. 45:1 control. Focusing on this component of intensive probation supervision, it appears that the necessary research has not yet been done.

In terms of style(or quality) of supervision, much variation is again found from program to program, but in most instances, the supervision strategy is geared toward risk reduction through interventions targeting offender needs in the area of substance abuse, mental health, and employment. In these programs, it is the responsibility of the probation officer to assess the offender's treatment needs, and then to link the offender to the appropriate treatment provider(a classic brokerage model). Evaluation research on the impact of supervision style/quality on offender change supports this component of intensive supervision (Taxman, 2009; Byrne, 2009; Taxman and Pattavina, 2013).

A third component found in intensive supervision programs is more consistent enforcement of conditions. It is anticipated that probation officers will monitor compliance with the conditions of intensive supervision more closely than they would for offenders placed on regular probation supervision. The fourth component of intensive probation supervision is judicial response to technical violations of intensive probation supervision. It can be argued that certainty of judicial response to technical condition violations can potentially act as a specific deterrent. Indeed, this is the argument made by advocates of the Hawaii Project HOPE, where it was reported that increasing the certainty of judicial response to non-compliance with the condition of remaining drug free while on probation resulted in remarkable reductions in drug use, recidivism, and the total time subsequently served in prison (Kleimen, 2009). A multi-site replication RCT evaluation is currently underway, but that has not slowed the development of a new wave of deterrence focused, HOPE-inspired intensive supervision programs in several states (Byrne, 2013).

The essential policy debate regarding this last component of intensive supervision can be capsulated as follows: Advocates of treatment-focused interventions for offenders with substance abuse and mental health problems argue that addiction is a disease that requires treatment; advocates of enforcement/control focused interventions for offenders argue that addiction is a choice, and that offender change in decision making can be altered for many substance using offenders without treatment. Who is correct? While we must await the results of the HOPE replication studies before offering a definitive assessment, it is interesting to note

the results of a review of the early research on this issue, conducted by Robert Martinson and colleagues (1976). In the intensive supervision evaluation(see table 1) cited by Martinson, "the threat of prison resulted in a higher level of compliance with the rehabilitative aspects of intensive supervision, which in turn led to lower recidivism. In other words, the deterrent component of intensive supervision may have had an indirect effect on recidivism through increased compliance with the treatment component of the program. Thus, the results of the early round of intensive supervision programs… suggest that probation and parole policy makers need to develop supervision programs which attempt both to rehabilitate and deter. They certainly do not reveal any glaring flaw in the rehabilitation strategy which would justify the abandonment of this approach to community corrections" (Miofsky and Byrne,2012, p.344).

Table 1 here

While there are no systematic, evidence-based reviews of the overall impact of intensive probation supervision available from the Campbell Collaborative, a number of detailed reviews of this body of intensive probation supervision research have been completed (see, e.g. MacKenzie, 2006, Byrne, 2010). These reviews offer strong support for the following two policy recommendations: (1) surveillance-focused intensive probation supervision programs do not reduce recidivism when compared to either probation or prison/jail; (2) the subgroup of intensive supervision programs that focus resources on individual offender treatment-- in conjunction with increased surveillance and control --did demonstrate significant, albeit small, overall reductions in recidivism using standard follow-up procedures(1, 2 ,3 year re-arrests or reconvictions).

One model of intensive probation supervision that has been advocated in recent years as a "smart probation" strategy by the National Institute of Justice has been referred to as "maximum impact" probation. Jurisdictions develop programs that target high risk offenders (based on risk assessment), high risk times for failure (the first few months under supervision), and high risk places (communities with high levels of concentrated disadvantage, i.e. poverty pocket, high crime areas). While targeting resources in this manner may have a positive impact

on offenders and communities, high quality external evaluations of the effectiveness of this new generation intensive supervision strategy have not been completed to date.

One of the underlying assumptions of the Risk, Need, Responsivity (RNR) model popular these days in community corrections is the assumption that probation(and parole) agencies need to target limited resources on high risk offenders if managers want to maximize community protection for the cohort of offenders under community supervision. Since these offenders are much more likely to re-offend in the first few months of supervision, it may make sense to frontload supervision and resources to these first few "at risk" months. And finally, there is a growing body of research on the importance of place: high crime, high disadvantage communities have a negative impact on offenders that need to be recognized by probation managers, and incorporated into supervision strategies. As I have argued in an earlier review: "We need to evaluate the impact of supervising higher risk offenders using: (1) smaller caseloads, (2) new supervision strategies that emphasize the importance of the relationship that develops between probation officers and probationers in terms of informal social control; and (3) employ new technological innovations for monitoring offenders' movements, drug and alcohol consumption, and progress in treatment" (Byrne, 2009).

However, it is an open question whether we might actually get an even greater overall crime reduction effect if we provided these resources to *medium* rather than high risk offenders in these same communities. After all, high risk offenders have very high predicted failure rates, and due to a variety of factors (substance use, mental health, education and employment deficits, location in a high risk community), they may less likely to change than medium risk offenders. One strategy designed to answer this type of question involves the use of simulation modeling techniques to estimate the potential impact of competing policies on corrections outcomes (such as cost, recidivism reduction, and the size of our prison and community corrections system (see, e.g. Taxman and Pattavina, 2013).

Boot Camps

A third intermediate sanction that has received considerable attention is sentencing adult offenders to a short, but intense, period of incarceration in a setting apart from the state's prison or jail. These boot camp programs—popular through the early 90s in the United States--were typically designed to last from 3 to 6 months, and participation in the boot camp was voluntary. If an offender did not want to participate in a boot camp, that offender would be sentenced using a standard prison sentence. In most programs, offenders were looking at the following choice: a 3-6 month boot camp vs. a 3-5 year prison sentence. While the original boot camp model incorporated many of the elements of a military boot camp, it should be noted that these programs varied considerably, not only in their use of military boot camp features, such as marching and exercise, and group work assignments, but also in the amount of time devoted to education and treatment. While the overall results of the evaluation research supported the conclusion that military style boot camps were an ineffective sentencing strategy (MacKenzie, 2006), a closer review of these early studies reveals that the treatment-focused boot camp models had the best outcomes in terms of recidivism reduction, especially when the comparison group was prisoners rather than probationers.

It has recently been argued that there may indeed be empirical support for a *therapeutic* boot camp, especially when one considers the evaluation research that compares the traditional prison experience (including longer time served) to the experiences of offenders in these therapeutic boot camps: offenders in the therapeutic boot camps had more positive views of justice system legitimacy than offenders sent to prison (Franke, Bierie, and MacKenzie, 2010). To the extent that positive changes in offenders' perceptions of justice and legitimacy are viewed as a key step in the identity transformation process, it may make sense to revisit the newer versions of the 1990s boot camp. While the USA has been slow to move back in this direction, other countries are moving to develop boot camp style programs, often targeting young adult offenders. In Australia, for example, the negative evaluation research on the impact of boot camps on adult offenders has not stopped policy makers from designing boot camp programs targeting young adult and juvenile offenders.

3. Split Sentencing

Most discussions of intermediate sanctions do not mention the use of a split sentence as a possible intermediate sanction. Indeed, the utilization of split sentences was not included in the estimates of the size of the intermediate sanction offender population included at the outset of this chapter. However, it makes sense to at least briefly mention this sentencing option. A split sentence is a sentence that begins with a (typically) short period of incarceration followed by a longer period of community supervision; in some jurisdiction, the community supervision portion of the sentence will include placement on intensive supervision, but this is not always the case. According to a recent review, in 2012 almost 20 percent of all offenders under community supervision were identified as split sentence offenders; by comparison, in 1995, only 13 percent of all offenders on probation had received split sentences(Miofsky and Byrne, 2012).

Based on these estimates, the split sentence sanction can be described as the most often used—and fastest growing-- intermediate sanction in the United States today. We are using this sentencing strategy more now than in the past. What is the reason for the increased popularity of this sanction? The answer will not be found in a review of the evaluation research, since the necessary research on the impact of split sentencing has not been conducted. Because the split sentence strategy essentially combines traditional probation with a period of incarceration, it does not represent a stand-alone program, such as electronic monitoring, intensive supervision, or a boot camp. With a few exceptions (Byrne and Kelly, 1989), evaluators have simply not evaluated this intermediate sentencing strategy. Because it is not viewed as a standalone sentencing option, the split sentence is often not included in estimates of the extent of the utilization of intermediate sanctions, including—as previously noted-- the estimates offered at the outset of this chapter. Older research on the use of split sentences that include a short period of incarceration (1-3 months) followed by a period of intensive probation supervision (1-3 years) suggests that the prison/jail portion of the sentence does have a short term deterrent

effect on offenders upon release, but these effects disappear after one month of post release supervision (Byrne and Kelly, 1989). While preliminary, this research does support frontloading both supervision and services for split sentence offenders, a strategy designed to target high risk times for re-offending.

4. Other intermediate sanctions: Day Fines, Community Service, and Residential Community Corrections

There are other intermediate sanctions that policy makers in the USA need to consider carefully, including residential community corrections programs, day fines, and stand-alone community service programs. It can also be argued that day reporting centers represent yet another intermediate sanction, but since these programs usually operate in conjunction with local jails as early release mechanisms, they will only briefly be mentioned here(but see Parent, et.al. 1996). While the USA has generally utilized day fines and community service as conditions of probation, other countries utilize these sentencing strategies as stand-alone intermediate sanctions (Subramanian and Shames, 2013; Illescas and Frerich, 2014). The research on the utilization and effectiveness of these sanctions is generally supportive (Villetez et al., 2006; Villetez, et al., 2015), which suggests that the USA could easily reduce its reliance on traditional probation(and needless sanction stacking) by utilizing these alternative sanctions in lieu of both traditional probation and prison/jail sentences(Subramanian and Shames, 2013).

Residential community corrections (RCC) programs can target offenders at various points in the criminal justice process from pre-entry, front end diversion programs to reentry, back-end early release and/or halfway back programs targeting probation and parole violators. Residential community corrections are also known as halfway houses. Unfortunately, no recent surveys of t RCC programs have been conducted, so national estimates of the capacity and key characteristics of these programs (and the offenders who pass through them) are not available for review .Latessa and Travis(1992) estimated that in 1988, about 70,000 offenders were placed in RCC programs nationally, which represented about 10 percent of the prison population that year. There are no comparable figures for the current utilization of the various

types of RCC programs in operation, but it appears that the RCC movement has been stagnant in recent years, due in large part to the cost of incarceration (Taxman , Perdoni, and Harrison, 2007). The early RCC programs varied in target populations, and key program components, but in general, they all provided needed structure and support for those offenders who met the particular RCC program's selection criteria.

There is no definitive systematic evidence-based review of RCC programs, which limits any discussion of the policy implications of this intermediate sentencing strategy (Blomberg, 2011). However, there is one quasi-experimental evaluation study that has received considerable attention. Evaluation research on the effectiveness of residential community corrections programs in Ohio (Lowenkamp and Latessa, 2005) reveals that these programs can have significant, albeit modest, effects on the post-release recidivism of offenders(approximately an 8% overall recidivism reduction effect). The potential policy implications of these findings are straightforward: Rather than relying on incarceration, it may be much more cost effective to expand our residential community corrections infrastructure nationally. For many adult offenders under correctional control, placement in a residential community corrections program offers a viable, front end alternative to incarceration; it can also be used as a back-end alternative to incarceration for those offenders with technical violation. However, it would be premature to offer this policy recommendation at this time because the necessary research has not been conducted and systematically reviewed.

Conclusions and Policy Recommendations:

A relatively small proportion of all federal and state offenders (perhaps 10 percent) are currently sentenced to an intermediate sanction program in the United States. Based on the research highlighted in this review, it appears that we can reduce our reliance on both traditional probation and imprisonment by expanding the number of available intermediate sanction programs nationally. Sentencing more offenders to one of these intermediate sanctions will likely reduce the overall cost of our corrections system, while improving overall performance, as measured by recidivism reduction (Taxman, Pattavina, and Caudy,2014).

Although the focus of intermediate sanction programs developed, implemented, and evaluated in the United States has been on supervision/control based sanctions(electronic monitoring, intensive supervision, boot camps, residential community corrections), there are other, non-supervision-based intermediate sanctions available for review which have been successfully implemented and evaluated internationally, including day fines, and community service(Subramanian and Shames, 2013; Villetez, et al., 2015). Unfortunately, we typically stack these non-supervision sanctions on top of traditional probation sentences, so it is difficult to gauge their respective potential impact as stand-alone intermediate sanctions in this country. And finally, it is apparent from this review that we know remarkably little about the implementation and impact of split sentencing in the United States, despite the fact that it one of this country's fastest growing sentencing strategies.

There are three major policy recommendations can be offered at this point, despite the limited scope and overall poor quality of the evaluation research on intermediate sanctions. First, we need to utilize our existing evaluation research to advocate for an increased array of intermediate sanction/sentencing options for judges to consider; and we also need to expand the discretionary zones (allowing for the use of intermediate sanctions) found in federal and state sentencing guidelines, thereby reducing our reliance on mass incarceration (Byrne and Turner, 2010; Clear and Frost, 2014).

Second, the next generation of intermediate sanctions programs will need to be redesigned to focus on both treatment (individual/community) *and* control (formal/informal) if *offender change* is the primary goal of the sanction. *Community-focused* intermediate sanctions programs-- including electronic monitoring, and intensive supervision—will need to increase their outpatient treatment capacity, while also utilizing treatment-rich *residential intermediate sanctions* options (e.g. RCC programs, boot camps) for those offenders requiring more control, structure, and in-patient treatment. As we evaluate this new wave of "maximum impact" intermediate sanction options in randomized control trials (RCTs), we need to conduct an assessment of whether targeting the subgroup of high risk offenders offers greater crime reduction benefits than strategies targeting medium risk offenders. In a similar vein, we need to

investigate the impact of programs targeting both high risk times and high risk locations. Regardless of targeting strategy, substantial reinvestment in our treatment infrastructure is needed. We need to increase our capacity to treat offenders in both outpatient and residential treatment settings, while fostering participation in treatment through the creative use of both formal and informal social controls. Since some jurisdictions will be more successful in developing balanced treatment and control-based intermediate sanctions, it is critical to develop performance measures that will allow the public to view both high performance and low performance intermediate sanctions programs (Gawande,2007).

Third, a careful review of the evaluation research on intermediate sanctions highlights the limits of these short term programmatic interventions, and points to a simple, enduring reality: we cannot expect to change offenders (or more precisely, to support positive transformation) without changing the communities in which offenders reside. Program developers need to recognize that even the best designed, and fully implemented intermediate sanction program will likely have only a marginal effect on the life course decisions of the individuals that pass through the program unless community context issues are identified and addressed Hipp, Petersilia, and Turner, 2010; Kubrin and Stewart, 2006; Kubrin, Squires, and Stewart, 2007). For example, a number of recent research studies have focused on the impact of community resource availability, quality, and location on the behavior of offenders under community supervision (Byrne, 2008). Strategies designed to improve treatment capacity in high risk communities appear to be consistent with the view that you cannot change offenders unless you change the communities (e.g. community culture, community resources) in which offenders reside. It appears that the next generation of intermediate sanctions programs will need to be developed based on this basic social ecological framework.

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Table 1 : Success and Failure Rates for Experimentals and Controls in Percentages by Region and Risk Category(California Special Intensive Parole Unit Studies (SIPU)

	Northern Region				Southern Region			
	Experiment		Control		Experiment		Control	
Risk Level	success*	failure**	success*	failure**	success*	failure**	success*	failure**
Poor Risk	28	37.6	26.3	39.9	21.7	30.8	22.7	32.5
Medium-Poor	35.6	29.9	27.9	36.7	35.9	21.1	32.6	27.5
Medium Good	47.3	28.4	36.5	33.7	44.2	22.5	35.5	26.4
Good Risk	64.3	17.9	59.6	20.2	62	11.6	61.2	14.5
Overall†	44.6	28	37.2	32.7	40.2	21.7	37.2	25.6

* Success rate defined as the no-arrest rate:one year follow-up period

** Failure rate defined as the return-to-prison rate.

† differences between the success rates of exp. and control groups are significant ($p < .05$) only in the *Northern* region

(source: Adapted from Lipton, Martinson and Wilks, 1975:122, Table 8)