

Y4
.J 89/1
91/20

1020

91-20
J 89/1
91Y4

RESIDENTIAL COMMUNITY TREATMENT CENTERS

GOVERNMENT

Storage

RECEIVED

AUG 24 1970

HEARINGS

BEFORE

SUBCOMMITTEE NO. 5

THE LIBRARY
KANSAS STATE UNIVERSITY

OF THE

COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES

NINETY-FIRST CONGRESS

SECOND SESSION

ON

H.R. 2175

TO AMEND TITLE 18 OF THE UNITED STATES CODE TO
AUTHORIZE THE ATTORNEY GENERAL TO ADMIT TO
RESIDENTIAL COMMUNITY TREATMENT CENTERS PER-
SONS WHO ARE PLACED ON PROBATION, RELEASED ON
PAROLE, OR MANDATORILY RELEASED

JUNE 25, 1970

SERIAL NO. 20

Printed for the use of the Committee on the Judiciary



U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1970

47-695



RECEIVED
COMMITTEE ON THE JUDICIARY*

EMANUEL CELLER, New York, *Chairman*

MICHAEL A. FEIGHAN, Ohio
PETER W. RODINO, Jr., New Jersey
BYRON G. ROGERS, Colorado
HAROLD D. DONOHUE, Massachusetts
JACK B. BROOKS, Texas
JOHN DOWDY, Texas
ROBERT W. KASTENMEIER, Wisconsin
DON EDWARDS, California
WILLIAM L. HUNGATE, Missouri
JOHN CONYERS, Jr., Michigan
ANDREW JACOBS, Jr., Indiana
JOSHUA EILBERG, Pennsylvania
WILLIAM F. RYAN, New York
JEROME R. WALDIE, California
EDWIN W. EDWARDS, Louisiana
WALTER FLOWERS, Alabama
JAMES R. MANN, South Carolina
ABNER J. MIKVA, Illinois

WILLIAM M. McCULLOCH, Ohio
RICHARD H. POFF, Virginia
CLARK MACGREGOR, Minnesota
EDWARD HUTCHINSON, Michigan
ROBERT McCLORY, Illinois
HENRY P. SMITH III, New York
THOMAS J. MESKILL, Connecticut
CHARLES W. SANDMAN, Jr., New Jersey
TOM RAILSBACK, Illinois
EDWARD G. BIESTER, Jr., Pennsylvania
CHARLES E. WIGGINS, California
DAVID W. DENNIS, Indiana
HAMILTON FISH, Jr., New York
R. LAWRENCE COUGHLIN, Pennsylvania
WILEY MAYNE, Iowa

BESS E. DICK, *Staff Director*
BENJAMIN L. ZELENKO, *General Counsel*
KENNETH R. HARKINS, *Chief Counsel, Antitrust Subcommittee*
GARNER J. CLINE, *Counsel*
HERBERT FUCHS, *Counsel*
WILLIAM P. SHATTUCK, *Counsel*
JEROME M. ZEIFMAN, *Counsel*
JOSEPH FISCHER, *Law Revision Counsel*
DONALD G. BENN, *Associate Counsel*
FRANKLIN G. POLK, *Associate Counsel*

SUBCOMMITTEE NO. 3

ROBERT W. KASTENMEIER, Wisconsin, *Chairman*

JOHN CONYERS, Jr., Michigan
WILLIAM F. RYAN, New York
ABNER J. MIKVA, Illinois
DON EDWARDS, California

RICHARD H. POFF, Virginia
EDWARD HUTCHINSON, Michigan
EDWARD G. BIESTER, Jr., Pennsylvania
CLARK MACGREGOR, Minnesota

HERBERT FUCHS, *Counsel*
THOMAS E. MOONEY, *Associate Counsel*

*Membership at time of hearing.

CONTENTS

	Page
Text of bills:	
H.R. 2175-----	1
H.R. 809-----	2
Testimony:	
Santarelli, Hon. Donald E., Associate Deputy Attorney General, Department of Justice; accompanied by: Eugene Barkin, Legal Counsel, Federal Bureau of Prisons, and Mark Richmond, Assist- ant Director of the Division of Community Services-----	3
Statements:	
Feighan, Hon. Michael A., a Representative in Congress from the State of Ohio-----	2
Smith, Merrill A., Chief of the Division of Probation, Administrative Office of the United States Courts-----	13

INDEX

1. Introduction
2. The first part of the book
3. The second part of the book
4. The third part of the book
5. The fourth part of the book
6. The fifth part of the book
7. The sixth part of the book
8. The seventh part of the book
9. The eighth part of the book
10. The ninth part of the book
11. The tenth part of the book
12. The eleventh part of the book
13. The twelfth part of the book
14. The thirteenth part of the book
15. The fourteenth part of the book
16. The fifteenth part of the book
17. The sixteenth part of the book
18. The seventeenth part of the book
19. The eighteenth part of the book
20. The nineteenth part of the book
21. The twentieth part of the book
22. The twenty-first part of the book
23. The twenty-second part of the book
24. The twenty-third part of the book
25. The twenty-fourth part of the book
26. The twenty-fifth part of the book
27. The twenty-sixth part of the book
28. The twenty-seventh part of the book
29. The twenty-eighth part of the book
30. The twenty-ninth part of the book
31. The thirtieth part of the book
32. The thirty-first part of the book
33. The thirty-second part of the book
34. The thirty-third part of the book
35. The thirty-fourth part of the book
36. The thirty-fifth part of the book
37. The thirty-sixth part of the book
38. The thirty-seventh part of the book
39. The thirty-eighth part of the book
40. The thirty-ninth part of the book
41. The fortieth part of the book
42. The forty-first part of the book
43. The forty-second part of the book
44. The forty-third part of the book
45. The forty-fourth part of the book
46. The forty-fifth part of the book
47. The forty-sixth part of the book
48. The forty-seventh part of the book
49. The forty-eighth part of the book
50. The forty-ninth part of the book
51. The fiftieth part of the book

RESIDENTIAL COMMUNITY TREATMENT CENTERS

THURSDAY, JUNE 25, 1970

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE NO. 3
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to call, at 11:40 a.m., in room 2237, Rayburn House Office Building, Hon. Robert W. Kastenmeier (chairman of the subcommittee) presiding.

Present: Representatives Kastenmeier, Mikva, Edwards, Poff, Hutchinson, and Biester.

Also present: Herbert Fuchs, counsel; and Thomas E. Mooney, associate counsel.

Mr. KASTENMEIER. The hearing will come to order. We turn now to H.R. 2175 and H.R. 809, identical bills, to amend title 18 of the United States Code to authorize the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released. H.R. 2175 and H.R. 809 will be placed in the record.

(The bills follow:)

[H.R. 2175, 91st Cong., 1st sess.]

A BILL To amend title 18 of the United States Code to authorize the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3651 of title 18 of the United States Code is amended by inserting the following paragraphs before the last one:

"The court may require a person as conditions of probation to reside in or participate in the program of a residential community treatment center, or both, for all or part of the period of probation, provided the Attorney General certifies adequate facilities are available. The Attorney General may make application to the court for an order terminating the residence of a person who he considers has received the maximum benefits of residence and program or whose presence at the center he considers adversely affects the rehabilitation of other residents, and the court shall thereupon make such other provisions with respect to the person on probation as it deems appropriate.

"A person residing in a residential community treatment center may be required to pay such costs incident to residence as the Attorney General deems appropriate."

Sec. 2. Subsection (a) of section 4203 of such title is amended by inserting the following paragraphs between the second and third:

"The Board may require a parolee or a prisoner released pursuant to section 4164 of this title as conditions of parole or release to reside in or participate in the program of a residential community treatment center, or both, for all or part of the period of parole, provided the Attorney General certifies adequate facilities are available. The Attorney General may request that the Board of Parole terminate the residence of a person who he considers has received the maximum benefits of the program or whose presence at the center he considers adversely

affects the rehabilitation of other residents, and the Board of Parole shall thereupon make such other provision with respect to the person as it deems appropriate.

"A person residing in a residential community treatment center may be required to pay such costs incident to residence as the Attorney General deems appropriate."

SEC. 3. Funds collected pursuant to section 3651 and section 4203 of title 18, as amended, shall be deposited in the Treasury of the United States as miscellaneous receipts.

[H. R. 809, 91ST CONG., 1ST SESS.]

A BILL To amend title 18 of the United States Code to authorize the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3651 of title 18 of the United States Code is amended by inserting the following paragraphs before the last one:

"The court may require a person as conditions of probation to reside in or participate in the program of a residential community treatment center, or both, for all or part of the period of probation, provided the Attorney General certifies adequate facilities are available. The Attorney General may make application to the court for an order terminating the residence of a person who he considers has received the maximum benefits of residence and program or whose presence at the center he considers adversely affects the rehabilitation of other residents, and the court shall thereupon make such other provisions with respect to the person on probation as it deems appropriate.

"A person residing in a residential community treatment center may be required to pay such costs incident to residence as the Attorney General deems appropriate."

SEC. 2. Subsection (a) of section 4203 of such title is amended by inserting the following paragraphs between the second and third:

"The Board may require a parolee or a prisoner released pursuant to section 4164 of this title as conditions of parole or release to reside in or participate in the program of a residential community treatment center, or both, for all or part of the period of parole, provided the Attorney General certifies adequate facilities are available. The Attorney General may request that the Board of Parole terminate the residence of a person whom he considers has received the maximum benefits of the program or whose presence at the center he considers adversely affects the rehabilitation of other residents, and the Board of Parole shall thereupon make such other provision with respect to the person as it deems appropriate.

"A person residing in a residential community treatment center may be required to pay such costs incident to residence as the Attorney General deems appropriate."

SEC. 3. Funds collected pursuant to section 3651 and section 4203 of title 18, as amended, shall be deposited in the Treasury of the United States as miscellaneous receipts.

Mr. KASTENMEIER. H. R. 2175 was originally introduced by Judiciary Committee Chairman Celler as H. R. 10511, 90th Congress, at the request of the Department of Justice and was reintroduced by him in the present Congress. H. R. 809 was introduced by our Judiciary Committee colleague, Mr. Feighan, whose statement in support of the legislation will be placed in the record at this point.

(Mr. Feighan's statement follows:)

STATEMENT OF HON. MICHAEL A. FEIGHAN, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF OHIO

Mr. Chairman, on January 3, 1969, I introduced H. R. 809, which would authorize the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released.

After placement in such a center, the bill would allow the Attorney General to apply to the court for an order terminating the residence of a person 1) when the person has received the maximum benefits of the program and 2) when the person's presence at the center adversely affects the rehabilitation of other residents.

There are many facets to achieving a workable resolution to the problem of crime confronting our country at the present time. The court system must be modernized and expanded, trials must be made speedy, the calibre of law enforcement must be improved, the law enforcement agencies must be provided modern

equipment, the correctional system must be reformed, and the underlying causes of crime, poverty, deprivation, inadequate housing, chronic unemployment, and substandard education must be eradicated.

Enactment of this bill would make a small contribution to reform of the correctional system. It would be a significant contribution, however, in that the experience under such a law would serve as an empirical study of whether the use of residential community centers should be expanded and integrated more fully into the correctional process.

Under existing law, the use of residential community treatment centers is authorized under Public Law 89-176, the Federal Prisoner Rehabilitation Act. This Act provides for centers of this type for both adult and juvenile offenders. However, only persons who are serving the confinement portion of their sentences in Federal correctional institutions are eligible for release to a center. This bill would expand the role of the residential community treatment center by authorizing admission to the centers of persons placed on probation, released on parole, and mandatorily released.

The Department of Justice has stated that several brief studies do indicate that the initial experience with such centers has been favorable. Persons who have passed through a community treatment center have a better opportunity for success than persons released directly from traditional penal institutions. Moreover, states authorizing the release of persons to Half-way Homes, which serve essentially the same purpose, have compiled considerable experience clearly demonstrating the usefulness of the center. In fact, in my Congressional district, which encompasses the major portion of the city of Cleveland, there is a particularly successful Half-way Home run by a truly remarkable man and pioneer in this field, the Reverend James Redding.

The alarmingly high crime statistics are attributable in great measure to the failure of the correctional process. The percentage of serious crimes committed by recidivists—persons previously incarcerated and obviously not reformed—is appalling. In fact, studies indicate that approximately fifty percent of all serious felonies, particularly involving weapons, are committed by recidivists. The high percentage of recidivism is primarily attributable to the lack of adequate rehabilitation services within penal institutions. However, an undetermined number of persons revert to criminal conduct because of an inability to integrate into society after release from prison. The abrupt transition from prison life to the community is often overwhelming to the offender. Difficulties in reestablishment of a normal role in society are aggravated by the stigma attached to the "ex-con." The purpose of the residential community treatment center is to provide a transitional residence and individual assistance to the offender to help assure his integration back into community life. This is accomplished by providing a place of residence—including shelter, food, and companionship, intensive counseling, occupational training, assistance in finding and holding a job, and psychological and psychiatric services.

This bill is limited in scope. Pervasive revision of the correctional process is imperative if we hope to reverse the present trend of increasing crime. H.R. 809 is a significant improvement upon present law. I urge prompt consideration and favorable action upon this bill.

Mr. KASTENMEIER. The chairman would now like to call the Associate Deputy Attorney General, the Honorable Donald E. Santarelli on H.R. 2175 to amend title 18 of the United States Code.

STATEMENT OF HON. DONALD E. SANTARELLI, ASSOCIATE DEPUTY ATTORNEY GENERAL, DEPARTMENT OF JUSTICE, ACCOMPANIED BY EUGENE BARKIN, LEGAL COUNSEL, FEDERAL BUREAU OF PRISONS, AND MARK RICHMOND, ASSISTANT DIRECTOR, FEDERAL BUREAU OF PRISONS

Mr. SANTARELLI. We have two experts from the Bureau of Prisons whom I would like to accompany me.

Mr. KASTENMEIER. Surely, if you will kindly introduce these gentlemen to the committee, we will be very pleased to have them. Mr. Santarelli, I note that your statement is brief, and I would urge you to read it in full, because I am sure that the committee would like to hear it as well as have it for the record.

Mr. SANTARELLI. Respecting the committee's time, we kept it brief, Mr. Chairman.

Mr. Chairman and distinguished members of the subcommittee: All of the time of confinement for a convicted offender should be considered a time of preparation for the individual's return to free society. This is the philosophy of the Department of Justice and we are constantly seeking better means of preparing those committed to the custody of the Attorney General for a life that will not lead them back to confinement.

However, the task cannot ever be totally accomplished during the time spent in an institution. As the Task Force on Corrections of the President's Commission on Law Enforcement and Administration of Justice stated:

The task of corrections . . . includes building or rebuilding solid ties between offender and community, integrating or reintegrating the offender into community life—restoring family ties, obtaining employment and education, securing in the larger sense a place for the offender in the routine functioning of society.

In 1961, the Bureau of Prisons established the first of a series of centers designed to assist youthful offenders in becoming reestablished in the community after their release from correctional institutions. These facilities—Community Treatment Centers—provide a place of residence and intensive supervision and counseling for offenders who are soon to be released from custody. By providing guidance and counseling, and assistance in finding employment and developing relationships with community agencies, offenders are assisted during the difficult transition period between confinement in an institution and release to the community.

In 1965, the Congress enacted Public Law 89-176, the Federal Prisoner Rehabilitation Act. This act provides authorization for these kinds of centers for adult as well as youthful offenders.

Today the Bureau of Prisons operates Community Treatment Centers in eight metropolitan areas including New York City, Chicago, Detroit, Atlanta, Kansas City, Los Angeles, Oakland and Houston.

These centers are staffed with trained caseworkers, correctional counselors who are specially trained correctional officers, employment specialists and supporting clerical help. In addition, psychological and psychiatric services are available on a contract basis. The employment specialist constantly checks with the employers of residents of the centers and is readily available for assistance to employers and employees. Each day the offender has sessions with his counselors or caseworkers. Thus a close accountability of the individual is maintained. This provides a means of closer supervision than would otherwise be possible in a community supervision situation. In the past year more than 1,200 inmates were assigned to centers prior to their releases from confinement. In addition, other offenders were placed in similar facilities operated by State and local governments and private organizations. As yet, there have been no reports on empirical studies of the success rate of these centers. Several brief studies, however, do indicate that those who have passed through a community treatment center have a better opportunity for success than persons released directly from traditional institutions. The Bureau of Prisons is now studying over 3,000 offenders who have participated in this

program over the 6 year period from 1962 to 1968. It is hoped this larger sample and longer follow-up period will provide the basis for a significant analysis.

Under existing law, the use of these facilities is limited to persons who are in the custody of the Attorney General serving the confinement portion of their sentences. The facilities are not available to persons on probation, on parole, or mandatorily released, even though it is universally acknowledged that the kind of support available at centers is essential for many of these persons to succeed. In many instances, defendants are not placed on probation or prisoners paroled simply because adequate community resources are not available. In an effort to overcome this dilemma, some courts, of late, have imposed "split-sentences," that is, they have suspended the execution of all but 6 months or less of a longer term, requested assignment to a center, and ordered probation following release. This, of course, is not a completely satisfactory answer because the use of a center is not available during the probation period. Other courts have requested that centers be used for diagnostic purposes in assisting them in imposing sentence under section 4208(b), title 18, United States Code.

H.R. 2175 would authorize the use of these community treatment centers for persons placed on probation, released on parole or mandatorily released. The purpose of this bill is simply to make available to the courts and the U.S. Board of Parole an additional resource which might make parole or probation feasible in appropriate cases.

Under the provisions of the bill, the court may require residence or treatment, or both, at a center as a condition of probation and the Board of Parole may do likewise for parolees and mandatory releasees. Since these facilities are rather limited in size and they are used primarily for prerelease cases, the use of the centers would be available only in the event the Attorney General certifies that adequate facilities are available. Further, the use of these centers for probationers, parolees and mandatory releasees would be terminated if the Attorney General found that their further use would not produce beneficial results or the individual concerned is disruptive or otherwise adversely affects the rehabilitation of others at the center.

The Judicial Conference of the United States has, on three separate occasions, endorsed this proposal. The latest endorsement was in March 1970, and related to S. 3261 which is identical to H.R. 2175.

The Department of Justice recommends this legislation and is convinced that it will provide a significant tool to improve our system of corrections.

There is one suggestion of a technical nature which I would like to make to the subcommittee. In both sections of the bill, line 7 of page 1 and line 17 of page 2, provision is made for residence or participation in the program of a center, or both. I suggest that on page 2, lines 3 and 6 of section 1, and lines 21 and 25 of section 2, be amended to conform by referring to participation as well as residence in a center.

I would be pleased to answer any questions which you may have.

Mr. KASTENMEIER. Mr. Santarelli, would you care to identify for the committee the witnesses that accompany you this morning.

Mr. SANTARELLI. I will allow them to do that for themselves.

Mr. BARKIN. I am Eugene Barkin. I am the legal counsel of the Federal Prison System.

Mr. RICHMOND. I am Mark Richmond, Assistant Director of the Division of Community Services.

Mr. KASTENMEIER. Mr. Santarelli, how many persons are now residing in treatment centers pursuant to section 4082, subsection (b), of title 18. Do you know?

Mr. RICHMOND. Approximately 400, sir.

Mr. KASTENMEIER. How many additional presons would become eligible for residency if this bill is enacted?

Mr. RICHMOND. It is a little difficult to make a firm statement, because it depends upon the probation officer who doubles in brass as a parole officer determining who among his caseload needs controls and assistance that normally are not provided. Between us we have made a general projection that in any one of our centers where we would program through in the course of a year say 200 people, this legislation would require an addition of about another 100 per year.

Mr. KASTENMEIER. In other words, you anticipate that the bill would take care of about 100 additional people.

Mr. RICHMOND. Yes, and it has been difficult really to make some accurate estimates, because there has been no basis for it, and some of the probation officers have examined their caseloads and have tried to make estimates of how many at any one time would need this kind of control and help, and then we have tried to relate this in terms of our capabilities of meeting that kind of need.

Mr. KASTENMEIER. I understand. Are existing facilities adequate to take care of the 400 and the 100, 500 people?

Mr. RICHMOND. Yes, with appropriations that were made last year, and have been requested for this year. We operate more than one unit in the larger areas. For example, since 1961 we have had one unit in the city of Los Angeles, and with funds available for the current fiscal year we have established a second satellite type of unit at Long Beach. We would establish a third.

Mr. KASTENMEIER. Let us say as of next year, what do you assume the capacity of these centers would be in terms of people, personnel? More than 500?

Mr. RICHMOND. Oh, no. There are other ways of spreading it, Mr. Chairman. In a number of jurisdictions even where we have operations of our own, we have contractual arrangements with other organizations that operate facilities of this kind. For example, in Houston, where we have a center of our own for males, we provide services to a limited number of Federal female offenders, not in this center, but in contract with an organization called Santa Maria that operates a facility of this type for women, and we would extend this kind of contractual capability, it seems to me.

Mr. KASTENMEIER. There is an existing section of the law, 4082, subsection (c), that permits the Attorney General to recover payment or require payment for the cost of confinement of those persons authorized to work at paid employment during the term of imprisonment. Does this derive any appreciable revenue as sort of an offset?

Mr. RICHMOND. Yes, it does, and these collections are transmitted as miscellaneous receipts to the Treasury.

Mr. KASTENMEIER. Does the Department have any estimate of the net cost of this legislation?

Mr. BARKIN. I would say the net cost would be controlled by the bill itself, because there is a provision that the services must be available before the court or the parole board could use the facilities. Of course this was put in deliberately because of the size of the facility. The value of this type facility is the fact that it is small. The concept of the bill is that it is just another tool for the courts and Parole Board. It doesn't mean that every time any Federal judge in the United States wants to use it, it will be available. It means that when available in an appropriate case, it can be used. It is drafted somewhat like the recent Narcotics Addict Rehabilitation Act, that is, whether or not a person is amenable in addition to whether the facilities are available being the criteria which determines whether this type judgment can be made. Sometimes the parole board is of the opinion that a person should be released but because he would revert to the kind of place he came from in the first instance, which might have contributed to putting him in trouble, and because, we cannot even make these facilities available, he is not paroled. Under this proposal we could, in collaboration with the parole board, work out arrangements for the deserving cases.

Mr. SANTARELLI. It would be selective, Mr. Chairman. An additional factor to consider here would be that from the numbers of requests by the parole board and the Federal courts to use these facilities, a significant experience would be developed from which the need for additional resources could be demonstrated. At the moment we don't know how many times Federal judges or parole board officials may want to send the people in their custody to these centers, but if we had some demonstration of requested transmittals that had to be denied because of inadequate facilities we would have a much better record of resource expansion which should be made.

Mr. KASTENMEIER. Of course this subcommittee will be asked what the cost will be to the Government, and we are in a position where we ought to be able to make some sort of prediction, so that the Congress can gauge the economic consequences of our actions on H.R. 2175. I appreciate how difficult it is to predict, but it would be helpful for us to be able to give a very rough gauge or estimate of what might be entailed.

Mr. BARKIN. I think, Mr. Chairman, a realistic figure could be worked out, based upon capacity, not upon projected need. I think Mr. Richmond could work it out and we could come back and give you some realistic figure on what the additional costs would be—based upon our present capacity.

Mr. RICHMOND. Based on certain other assumptions too, for example, the length of stay of a probationer in this facility which might well be measured in certain kinds of situations to a few days or a few weeks instead of several months.

Mr. SANTARELLI. He will be residential or outpatient.

Mr. KASTENMEIER. I understand the qualifications.

Mr. RICHMOND. I think we can put this kind of estimate together.

Mr. KASTENMEIER. Yes, if you would do that in the form of a letter to us (there should be no further need to appear before the committee), we would be grateful.

(Subsequently the Department of Justice submitted the following:)

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., July 15, 1970.

HON. ROBERT W. KASTENMEIER,
Chairman, Subcommittee No. 3, Committee on the Judiciary,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Mr. Eugene Barkin of the Bureau of Prisons has asked that I send this response to your request for an estimate of the cost which would be incurred by the use of Community Treatment Centers by probationers and parolees and of the anticipated use of the Centers by such persons should H.R. 2175 be enacted.

We could immediately make 36 spaces available on a daily basis within the existing Community Treatment Centers. By the end of Fiscal Year 1971 we could make available 54 spaces on a daily basis by the expansion of existing Centers and establishment of two new centers now proposed in our 1971 budget request.

Preliminary estimates, developed cooperatively by the U.S. Board of Parole, the Administrative Office of the United States Probation Service, and the Bureau of Prisons, indicate that the average probationer or parolee would require approximately 35 days of Center assistance. These estimates also indicate that approximately 1,000 individuals would need this service annually on a national basis. Comparing this estimated need with our projected capacity indicates we could offer services to about 40% of the individuals initially, and to nearly 60% of the individuals at the end of the Fiscal Year.

Present Center operation costs average approximately \$10.00 per man per day. Using this as a base we could anticipate costs of \$135,400 for the first year of operation (1971). During 1972, as our capacity to offer services increases, we can anticipate an annual rate of expenditure of \$197,000. It is much more difficult to project beyond the end of Fiscal Year 1972.

I hope that this information will be of assistance to the Subcommittee in consideration of this legislation.

Sincerely,

HERBERT E. HOFFMAN,
Chief, Legislative and Legal Section.

Mr. KASTENMEIER. My question also is this: Are there certain types of individuals under certain conditions that have a higher claim with respect to being in a treatment center than others? Is there any distinction, any classification in terms of priority that a judge or a prison—

Mr. RICHMOND. Not in absolute terms, Mr. Chairman, but as a practical matter, and pursuant to our own policies, priority is given younger offenders where it is an either/or choice. Priorities are given parole board recommendations where a grant of parole is contingent upon the offender having this kind of experience before he goes on regular parole supervision. Similarly with direct commitments from the court, with study and observation or with the kind of split sentence referred to.

Mr. KASTENMEIER. Would the 400 people presently residing in treatment centers have any priority over the extra 100 that would be authorized by virtue of this legislation?

Mr. RICHMOND. I think not.

Mr. KASTENMEIER. The gentleman from California.

Mr. EDWARDS. Thank you, Mr. Chairman.

I like the concept of this bill, and I would like to visit some of these centers, because I think that they obviously are very important. However, I did visit, a couple of weeks ago, your facilities at La Tuna, Tex., and at Lompoc, Calif., and they are really doing an excellent job at both with the facilities that you have. The work-release program, is that the proper term for it—

Mr. RICHMOND. Yes.

Mr. EDWARDS (continuing). Would have something to do with this bill too, because it is an attempt at rehabilitation, getting the prisoners out into the community. But, out of about 700 prisoners at La Tuna, there are 23 cases; in Lompoc, with 1,300 young people there are none, not a single one. This I understand, comes from community problems, unemployment in the community, community hostility, and not from the warden's lack of desire to implement the program. It is an excellent program. We have it in Santa Clara County, and it is used all the time by county prisoners. It is a steppingstone into the community into which they have to live and work after they get out.

At the same time we do this, I am sure you would like, also, to improve the existing programs toward rehabilitation that you have in your correctional institutions. For example, in Lompoc, where there are 1,300 inmates, there is one psychiatrist. At La Tuna, there is zero. At La Tuna, the school rooms are totally inadequate, no gymnasium, and at both places the schooling was only half a day. This is not the fault of the warden. This is not the fault of anybody but perhaps Congress, and, perhaps, because you are not asking for enough money.

While I certainly support this bill, and as I say I think members of the subcommittee would like to visit one of these centers, several of them. I would like your comments on the other matters I mentioned. I think the former Attorney General said that, out of every dollar spent on criminal justice or on prisons, 5 cents is for corrections. This is an unacceptable proportion.

Mr. RICHMOND. As to the relative size of the work release programs at La Tuna, with 23 on the day that you visited, and zero at Lompoc, in addition to the reasons given you I think there is a more basic reason why there are so few at La Tuna and why there are none at Lompoc.

We have had nearly 5 years' experience now in the operation of work-release programs, and one of the early things that we began to discover about them, along with the programs, obvious advantages, mainly to the offender, is that relatively few of the prisoners in any one of the facilities, be it Lompoc or La Tuna, are local people. They come from other communities, other parts of the country. This creates a real serious problem that, frankly, we had not anticipated, and in the vernacular we refer to it as a transplant problem.

What happens is that you put a man on work release, say, in El Paso as an illustration, when the fellow comes from Los Angeles, and will be returning to Los Angeles. You tend to do both the employer and the offender a disservice—the employer in that he is not in the welfare business at all, and if he accepts an employee on work release, it is with the expectation he is going to help him earn money or he is going to help him advance whatever enterprise he may be operating. At some point, say 3, 4, or 6 months after the man has been hired, we come along and tell him that the fellow can no longer work for him because he has just been granted a parole and he is going to have to go to Los Angeles. It really creates a problem, because he has made an investment in training. He has learned to rely on this fellow, and so on.

From the prisoner's standpoint, it is even worse in a correctional sense. What you are doing is disrupting a very satisfactory work experience. In many cases, of the younger offender, especially, it is

the first time he has ever had this kind of experience, and just because of a change in legal status from prisoner to parolee, you interrupt it. Where we can, we try to have the work release experience occur as close to the fellow's backyard as we can get it, and this is where the use of our own community treatment centers and those with which we contract provide the better alternative.

Mr. EDWARDS. Thank you, Mr. Chairman. I do want to get back to the subject, and I have finished with my questions, but I do think that they are related to the subject that we discussed, and your answer, Mr. Richmond, is certainly to the point. That is all.

Mr. KASTENMEIER. The gentleman from Michigan.

Mr. HUTCHINSON. As I understand the purpose of H.R. 2175, it is to take a program that is now open only to prisoners soon to be released from prison and bring into that same program some probationers.

My question, I suppose, is a social one, about the problems that might arise by taking a young fellow who has been put on probation as a first offender and telling him he has to live in this residential area and that he has to participate in this program. Then put him right in there, along with another one who is still in prison. What is likely to result from that? The whole experience of prison life seems to indicate that some of these young fellows go to prison to learn how to go back there again.

Mr. SANTARELLI. Mr. Hutchinson, there are two responses. One, I would point out that in the bill we provide specifically that if the Attorney General or the board of parole, whoever is sending the person to the community treatment center, finds that the person is either not benefiting from the program, or his presence adversely affects others at the center, then the residence or treatment there may be terminated. Mr. Barkin, perhaps, can answer on the merits of your question.

Mr. BARKIN. I think the main point is that only those whom the court or board feels should go may go. It would not include all probationers or all parolees. It would be restricted to those for whom this additional resource is felt to be necessary to help them successfully complete probation or parole.

With respect to the commingling, if you will, those who are coming out, as compared to those who haven't been in, the line is very vague. It could only be because of who adjudicates in the first instance. As Mr. Richmond indicated, we have 400 at a time in these centers derived from a population of some 21,000 inmates. They are generally the better risks. We do not put hard core criminals or those who are dangerous in community centers, so we don't think that there would be a particularly adverse effect one way or the other.

Mr. HUTCHINSON. It seems to me, that what you are really doing is taking the 400 top men in the prison population. I dare say, it will be about the 100 bottom men in the probation area that will be placed in there.

Mr. BARKIN. This is true. The probation does, of course, weed out. What we get as commitments are those who, in the first instance, the court feels are not available for probation.

Mr. HUTCHINSON. Another thing that is a little bit surprising to me is that, out of all of the United States, among your parolees and your probationers, you anticipate adding only 100 to your present program. Is that very realistic, to only have 100?

Mr. RICHMOND. As I testified, Mr. Hutchinson, the estimates are very poor at this point, and I think that, as we respond to the request to make some dollar estimates of what might be represented in this, we can get with the Parole Board and the probation division of the Administrative Office and come up with some better estimates. My 100 guess may not be very valid.

Mr. HUTCHINSON. It just seems low.

Mr. RICHMOND. If I may add one comment in answer to your question, sir, I think, as you have already suggested, we are dealing with the lower quadrant or percentile of the probation caseload and the parole caseload. With respect to the question of commingling of sentenced prisoners, we have to look at the alternative too, and the alternative available either to the Parole Board or to the sentencing judge is to continue the probation or parole or revoke and commit to jail or prison.

Mr. HUTCHINSON. I yield to the gentleman from Pennsylvania.

Mr. BIESTER. I have really one observation to make. We have had an extraordinarily successful work release program in my home county of Bucks.

Mr. RICHMOND. With which we have a contract, sir.

Mr. BIESTER. It has been so extraordinarily successful. I know that it has given the judiciary of our county a much richer flexibility in dealing with individual cases. It has been in existence for, I think, 3 or 4 years now, and I would hope that the kind of success that we have had there would be potentiated into the federal system more aggressively.

Mr. KASTENMEIER. I have one final question, and that is what would a characteristic period of time be for an individual to be in a treatment center, a week, 2 weeks?

Mr. RICHMOND. No. In our own facilities where the residents are there primarily as a prerelease experience, the average length of stay is about 72 days. In any individual case it can range from about a month to maybe 6 months. Our assumption again, subject to further refinement, was that the probationers and parolees would be there for shorter periods of time, and it would be more for crisis intervention and immediate needs for control and assistance. Some of them could be handled on an outpatient basis, as Mr. Santarelli suggested.

Mr. KASTENMEIER. Thank you. We are grateful again to the Associate Deputy Attorney General, Mr. Santarelli, for his testimony, and for that of Mr. Barkin and Mr. Richmond.

Mr. SANTARELLI. Mr. Chairman, may I make one further observation. There is in this bill some rather loose language that we would like to discuss at the staff level with counsel, to pursue some clarification in whatever report the committee makes.

Mr. KASTENMEIER. That is understood. Certainly prior to marking up you will have ample opportunity for that discussion.

Mr. SANTARELLI. Thank you.

Mr. KASTENMEIER. I would like to recognize, for the purpose of asking a question on H.R. 2175, the gentleman from Illinois.

Mr. MIKVA. I apologize for having had to leave.

Mr. Santarelli, may I start out by saying I am very much for H.R. 2175, but I do think that it is a small drop in a very large bucket. I am curious to know what the Department's views are on pursuing the overall problem which the Chief Justice described so eloquently in terms of the role that the Federal Government ought to be playing, not only in terms of its own prisoners but as model for what correctional institutions work ought to be. There are several bills pending before this committee, including one that I have sponsored, about which reports have been requested and about which reports have not yet come in. I don't want to put you on any kind of a spot, but at the same time I would at least like to get some views, if you can state any, as to what the Department proposes to do. This surely is not the end of the correctional road as far as the Department is concerned.

Mr. SANTARELLI. Not at all, sir. This is, as you indicate, a very small piece in a very large problem, and we came here to testify only with respect to this item today, to increase the utilization of an already reasonably proven program, however small in number.

I wish that the gentlemen from the Bureau of Prisons were here. They just left, anticipating that they were through for the day. They could give you a much more definitive answer than I could, Mr. Mikva, as to what programs are being pursued by the Bureau of Prisons on an overall basis, and I am not prepared to, off the top of my head, give you a rundown on the overall activity of the Department, although I would be pleased to submit to you information along that line. We have, as you know, engaged in some new Presidentially directed programs in prisoner rehabilitation, and have set up a new committee in the executive branch to make recommendations and to implement the previously made recommendations for corrections.

Mr. MIKVA. As you know, a report just came out within the last few weeks with some very specific and a large number of recommendations as to what we ought to be doing. Some of them can be implemented by executive action. On the other hand, many of them, I think, call for statutory changes. Is the Department preparing its own piece of legislation? Is it preparing reports on some of the bills that are now pending? Again the few that I know about before this committee encompass many of the recommendations of that task force. What is down the road?

Mr. SANTARELLI. I am sure that we have devoted substantial resources to this on the present basis. I just can't answer you specifically, Mr. Mikva, because I don't have that information at my fingertips. I would be pleased to submit it to you if you would like, following the hearing.

Mr. MIKVA. What I would at the very least like is some kind of a response from the Department as to how they intend to implement the task force report, particularly with those legislative changes that I think are indicated by the report.

Let me ask one last question. The FBI has probably done more to improve the caliber of local law enforcement than perhaps any single entity, not only in terms of people actually trained, but in the terms of

standards set and the kind of information that it imparts to local law enforcement and so on. There are two bills, one by Congressman Railsback, which would seek to do the same kind of thing in the youth area, one by me and some others that would seek to do this with personnel generally, to establish a Federal cabinet position. Has the Department considered this? There are no reports on either of those so far as I know. Has the Department considered whether or not to endorse such proposals?

Mr. SANTARELLI. The Department is presently engaged in evaluation of both of those proposals, Mr. Mikva, because they represent bold new steps. The time taken to resolve the various inputs from the various affected agencies beyond the Department of Justice is taking some time. There are other agencies involved and affected, and they represent many divergent views. We are hard at work trying to consolidate a position.

Mr. MIKVA. This is not a question, but a statement.

I again say I am for H.R. 2175, and I am not even seriously thinking of offering amendments to it to try to make it a more inclusive bill, as long as there is some reason to believe that the Department is aware that this is the end of June, and that there is not much time left, if we are even going to try to move further in the corrections field beyond this small step in this session of Congress, so I hope that there will be something forthcoming from you. Thank you.

Mr. KASTENMEIR. This concludes the hearing today. This subcommittee stands adjourned.

(Whereupon, at 12:25 p.m. the subcommittee adjourned.)

STATEMENT OF MERRILL A. SMITH, CHIEF OF THE DIVISION OF PROBATION, ADMINISTRATIVE OFFICE OF THE U.S. COURTS ON H.R. 2175, JUNE 25, 1970

Mr. Chairman: I am Merrill A. Smith, chief of the Division of Probation, Administrative Office of the United States Courts. I speak on behalf of the Administrative Office, the Judicial Conference of the United States, and the federal probation system.

At the request of its Committee on the Administration of the Probation System, the Judicial Conference has considered H.R. 2175 or identical bills on three occasions and in each instance has approved the proposed legislation.

Probation officers and many federal judges have long recognized the need for some means of dealing with convicted offenders whose circumstances do not require imprisonment but who are in need of more control and supportive assistance than can be afforded through customary probation supervision. Likewise they have been confronted frequently with the need for some facility in the community which may be employed to stabilize a probationer or parolee who is not responding well to the relative freedom of probation or parole supervision and who may be in danger of violation.

The prevention of a new offense through such means certainly is preferable to the likely alternative—another failure and another commitment to prison.

Enactment of H.R. 2175 would place at the disposal of the courts, the probation officers, and the Board of Parole a valuable new resource to aid in the reduction of recidivism. I urge your favorable action on this bill.





