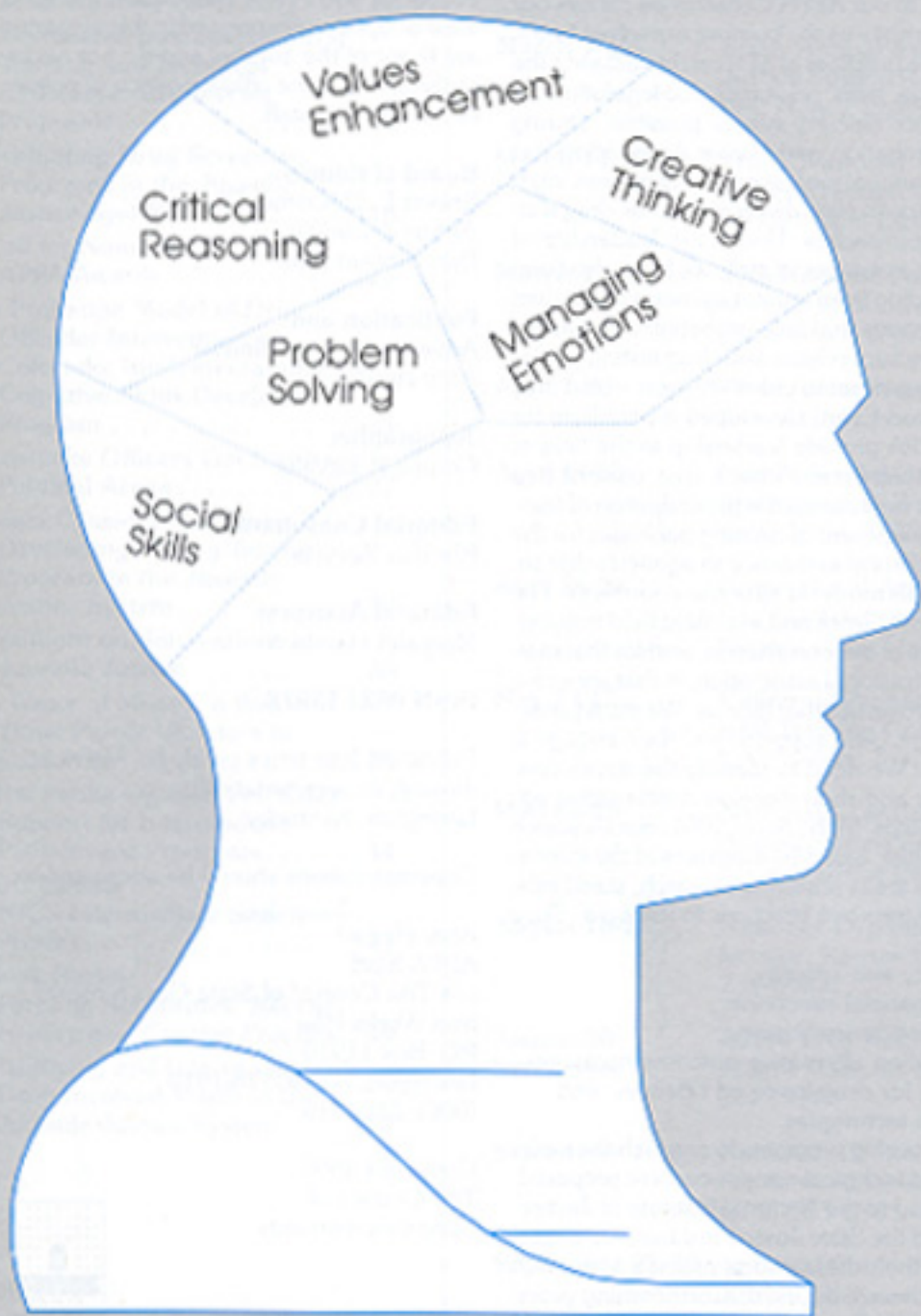




American Probation and Parole Association

Winter 1992

# PERSPECTIVES



*Cognitive Skills  
Development:*  
**Can Offender  
Attitudes Be  
Changed?**



Harvey Goldstein

## PRESIDENT'S MESSAGE

**CHALLENGE** The preamble to our APPA Constitution defines our purpose as an organization. It challenges us to "commit ourselves to the improvement of probation and parole practices at all levels by fostering the development of necessary knowledge, skills, resources and legislation for the most effective and efficient service delivery system possible." During the past 15 years, the American Probation and Parole Association has responded to this summons through annual professional conferences, mid-winter training institutes, and seminars on such diverse topics as drug testing, child abuse and supervision approaches. Under the leadership of APPA presidents, with the invaluable assistance of staff, we have also been active and successful in securing funding from federal agencies to conduct research. Our studies about critical issues that face probation and parole, drug intervention strategies, intensive supervision and drug testing guidelines, to name but a few, are vitally important to our profession - but they are not enough. A few years ago, Don Evans developed a paradigm for us to manage change and have APPA provide leadership to the field of probation and parole. He explained that, for any topical area, our first step must be the development of research; next comes the promulgation of standards and guidelines; third, the development of training packages for the field; and finally, the provision of technical assistance to agencies that request it. We have faithfully followed this model in all of our endeavors. The result has been consistently high quality work and excellent field training. Still, this is not enough. The challenge of our constitution, and for that matter the challenge of a field to our professional association, is that we move out in front of the concerns and controversies that face us. We must proactively establish our agenda for change, build support, and then engage in activities that will achieve our goals. We need to identify the issues confronting our profession and society and then develop ameliorative approaches. We have taken the initial steps. In the fall of 1991, our Research and Program Development Committee, aided by members of the Executive Committee, identified six critical areas requiring research, standards, training, and technical assistance to improve practices in the field. They included:

- probation and parole staff safety and security;
- collections of court-imposed financial sanctions;
- substance abuse monitoring proficiency testing;
- evaluation of parole and probation alternative outcome measures;
- improved sentencing decisions for drug-involved offenses; and
- family preservation supervision techniques.

Subsequently, concept papers describing programs to research the topics and develop standards, training, and technical assistance were prepared. These proposals have been forwarded to the National Institute of Justice, the Bureau of Justice Assistance, and the State Justice Institute, encouraging their support and funding. Together, these efforts provide a research agenda for APPA that we hope to advance during the forthcoming years.

*Continued on page 9*

The quarterly magazine of the American Probation and Parole Association. Points of view or opinions expressed in this magazine are those of the authors and do not necessarily represent the official position or policies of APPA or its staff.

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## President's Message

from page 2

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- Harvey Goldstein

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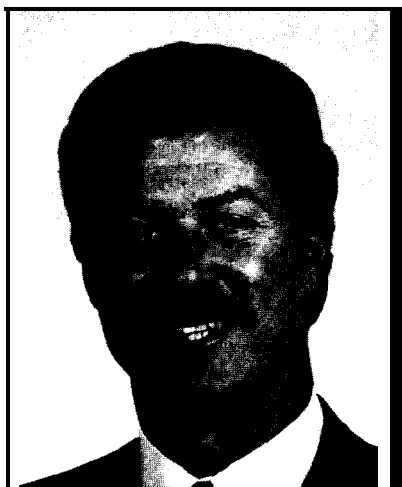
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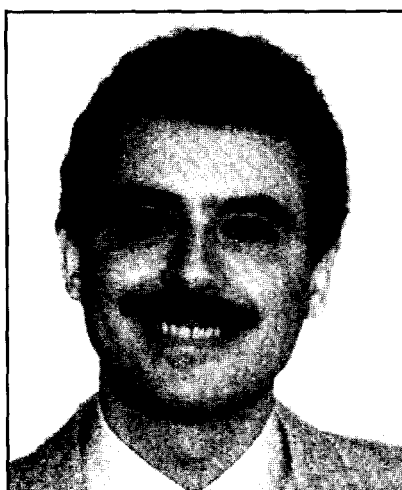
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**Robert E. DeComo**



**Arthur J. Lurigio**



**Dan Richard Beto**

## Letter from the Editors

by **Robert E. DeComo, Ph.D., Chairman, Editorial Committee**

Welcome to the Winter issue of *Perspectives*. Last year we published a special issue on substance abuse strategies for community corrections. The publication of that special issue reflected both the national attention on this topic as well as the focus of our field and organization on finding effective approaches to this important problem. While not entirely devoted to this topic, you will find this Winter issue has a special emphasis on the substance abuse issue with articles about treatment and training as well as the evaluation and legal aspects of drug testing programs. Also in this issue you will find articles on the latest opinion polls about community-based corrections, alternative strategies for dealing with parole violators, as well as a book review, an NIC update and a guest editorial.

Our Guest Editorial for this issue comes from Mike Eisenberg, a planner with the Pardons and Parole Division of the Texas Department of Criminal Justice. He offers a response to the guest editorial by Joe Gorton which appeared in the Fall 1991 issue of *Perspectives* and discussed the Texas Parole system.

In the special emphasis area, our first two features are based on APPA's continuing work in the area of substance abuse supported by grants from several federal agencies. First, Vernon Bowen with the National Association of State Alcohol and Drug Abuse Directors, and Rhonda Reeves from the APPA staff, describe APPA and NASADAD's progress in launching a national training effort to assist community corrections agencies in implementing drug treatment services which coordinate the efforts of probation/parole agencies and those of the local treatment providers. The Coordinated Drug Training and Technical Assistance Project offers a training curriculum for jurisdictions interested in developing a coordinated

approach to service delivery in their jurisdictions. This issue also contains a Request for Proposals which provides a detailed description of the training as well as instructions for jurisdictions which may want to apply for participation.

Also from APPA is Pam Schaefer's article on evaluating drug screening programs. Pam reminds us of the importance of developing an evaluation component in testing programs, the issues to be addressed, the research methods that can be used, and the utilization of results to improve our programming.

In the area of treatment, our special feature is contributed by Vern Fogg, the State ISP Administrator with the Colorado Judicial Department. Vern describes the Specialized Drug Offender Program (SDOP), which is a comprehensive drug assessment and supervision program recently implemented in Colorado. This program is especially interesting as it employs a "cognitive model" of offender rehabilitation. This model of treatment involves training officers in techniques to increase offenders' reasoning skills, problem solving abilities and empathy towards others, in addition to influencing their environment and behavioral responses in regard to drugs. Based on extensive research on drug offenders and drug treatment in corrections, the SDOP provides a promising new approach to treatment and training.

Finally, our legal page completes a special emphasis in this issue with a review of the legal factors to be considered in designing and implementing a drug treatment program. Contributed by Judge Willett from Virginia, a member of APPA's Advisory Committee, and Ann Crowe, APPA Program Coordinator; the article summarizes the implications of recent court rulings on

*Continued on page 9*

## President's Message from page 2

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## GUEST EDITORIAL

Texas Parole:

# A Different Perspective

In the Fall 1991 issue of Perspectives there appeared a guest editorial by Joe Gorton, a consultant and former parole officer, in which he presented an unfavorable view of the parole system in Texas. Mike Eisenberg, a planner with the Pardons and Parole Division of the Texas Department of Criminal Justice, offers this response to Mr. Gorton's submission.

## The Effectiveness of Parole Supervision

by Michael Eisenberg, Planner, Texas Department of Criminal Justice, Pardons and Paroles Division

Prison crowding in the United States in the '80s spilled out into parole crowding in the '90s. The increase in prison releases required by inadequate prison capacity resulted in parole officers with excessive caseloads and inadequate resources to meet the needs and risks presented by this population. The inevitable dislocation caused by the dramatic increases in parole population has rather predictably resulted in questions about the effectiveness of supervision and calls for abolishing parole supervision. Critics of rehabilitation/treatment of offenders in the '70s also provoked a similar debate regarding the effectiveness of parole supervision; the views of most of these earlier opponents were tempered over time by concerns about public safety and growing support for rehabilitation as a response to crime. Another article in a previous issue of this journal raises the question of the effectiveness of parole supervision in Texas and calls for the discontinuation of funding for regular parole supervision, while continuing funding for special supervision programs.

The author of the article cites a single unspecified research article from 1974 that concludes parole supervision is not effective. Additionally, the author indicates that corrections experts across the nation are unaware of

any research supporting the effectiveness of parole supervision. However, a brief review of criminal justice journals reveals a number of articles supporting the effectiveness of parole supervision. Perhaps most notable is an article by Robert Martinson (Federal Probation, 1976) titled "Save Parole Supervision." Martinson, most noted for his 1974 review of correctional treatment, which is frequently summarized as "nothing works," reviewed 600 studies and concluded: "The evidence seems to indicate that the abolition of parole supervision would result in substantial increases in arrests, convictions and returns to prison." Other articles supportive of supervision include Patricia Van Voorhis, "Correctional Effectiveness: The High Cost of Ignoring Success," Federal Probation, 1987 and Ted Parmer, "The Effectiveness Issue Today: An Overview," Federal Probation, 1983.

To be fair there are also studies about the effectiveness of supervision that could be classified as ambiguous at best, such as Michael Gottfredson, et.al ("Another Look at the Effectiveness of Parole Supervision," *Journal of Research in Crime and Delinquency*, July 1982) and Timothy Flanagan ("Public Policy and Parole Supervision," paper presented at ACJS, March 1983). The point is, that in a period of dynamic

and dramatic change in corrections where the evidence is certainly debatable, calls for the abolition of parole supervision lack strong empirical support and demonstrate even less common sense in planning public safety and rehabilitation of offenders.

The call becomes even more dubious when the author erroneously claims that the state of Washington has eliminated parole supervision. He correctly states that Washington adopted a determinate sentencing system which resulted in numerous changes in supervision in that state. Washington has seven vertical levels of supervision (levels represent judge/sentence supervision requirements) and three horizontal groupings (required contacts). According to the Washington Department of Corrections *Directive 715-F* (2/15/89) the Community Corrections Officer's primary focus of supervision is to "investigate, monitor offender compliance with conditions of release and refer offenders to treatment." That sounds a lot like Texas parole supervision. In addition, Washington supervises a number of Texas parolees who have transferred there under the Interstate Compact, so they better have parole supervision there!

The author also implies that because Texas has placed 10,000 parole cases on Annual Reporting status with suc-



cess, it could place all 76,000 active cases on a mail reporting system without risk. The fact is that those 10,000 cases were supervised for at least a year and were progressively identified as low risk cases, in compliance with all supervision requirements and had earned annual reporting status after a thorough evaluation. The Texas Parole supervision classification system accurately identifies three levels of supervision based on an assessment of risk and need and then supervises accordingly. Cases on Annual Report represent significantly lower risks than minimum, medium, or intensive supervision cases currently under parole supervision.

One area of agreement does emerge. Parole has lacked adequate sanctioning power and resources. Parole must be able to deliver meaningful sanctions to persons under supervision and it has been unable to sanction parolees as effectively as required in recent years. What one has to remember is that parole supervision in Texas has expanded by 600 percent since 1980 (2000 percent since 1970) because of the need to control prison population to meet court orders. This rapid expansion put tremendous pressure on the parole system, resulting in almost total elimination of its ability to sanction parolees. The situation that resulted was not a desirable one in the eyes of parole officials and steps were taken and will continue to be taken to address this problem. Efforts have been made to develop a broader range of sanctioning options including electronic monitoring and the use of intermediate sanctioning facilities. In addition, expansion of the number of prison beds, which will also serve our sanctioning needs, is underway. The essential point to recognize is that prison overcrowding created a new set of problems and challenges for parole supervision. To meet these challenges, the Texas Department of Criminal Justice, Pardons and Paroles Division, has responded by making rapid and dramatic changes in the way that it accomplishes supervision. The Division has implemented new and innovative programs such as

needs and risk assessment, specialized caseloads, enhanced linkage between parole and community resources (job placement and literacy programs), treatment for sex offenders, substance abusers, and the mentally impaired.

Research is finding that differential treatment is differentially effective. Certain treatment will be effective for certain offenders in certain circumstances. In Texas, treatments are just beginning and we are beginning to discover "what works." Only in the last five years has Texas parole introduced a job placement program for parolees and specialized caseloads for sex offenders and mentally impaired offenders. Only in the last biennium has Texas parole been given resources to purchase treatment and counseling services for drug addicts, mentally ill offenders and sex offenders. Even in this short time we can demonstrate positive effects such as:

(1) A recently completed study Project RIO (an ex-offender job placement program run by Texas Employment Commission and Texas Department of Criminal Justice. Pardons and Paroles Division, conducted by the Public Policy Resources Lab of Texas A & M University indicates RIO participants have higher employment rates and lower recidivism rates than comparable parolees not participating in Project RIO. Only 9 percent of RIO participants were back in prison one year after release versus 20 percent back in prison for non-RIO participants. Additionally, 77 percent of RIO participants gained employment during the follow-up year versus only 36 percent of non-RIO participants.

(2) A study funded by the Texas Commission on Alcohol and Drug Abuse and conducted by Pardons and Paroles Division staff indicates that 74 percent of parolees with drug problems who received counseling and treatment in prison and on parole were successful one year after release compared to only 47 percent of a comparable group not receiving treatment services.

(3) An internal study of sex offenders placed on specialized caseloads and

a comparable group of sex offenders not on specialized caseload indicates only 18 percent of the cases on a specialized caseload return to prison in a two-year follow-up vs. 30 percent of the comparison group two years after prison.

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**The increase in prison releases required by inadequate prison capacity resulted in parole officers with excessive caseloads and inadequate resources to meet the needs and risks presented by this population.**

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The cost-effectiveness of successful treatment programs in criminal justice is obvious. It costs the Texas Employment Commission about \$300 to place a parolee in a job; drug treatments costs average about \$1,500 a parolee; and supervision costs for a specialized caseload are approximately \$1,800 a year; it costs about \$17,000 a year to incarcerate an offender. What this means is that program successes can result in substantial costs savings and reduced crime. Project RIO can serve 50 parolees for \$15,000 (less than the cost of one inmate for a year). If Project RIO prevents only one of those parolees from returning to prison the program has paid for itself. Independent research has demonstrated this ability. If parole officers can prevent only two cases from coming back to prison, they have saved enough money in incarceration costs to pay their salary. Though extremely important, cost savings must take a secondary role when compared to the benefits of reduced crime and the re-establishment of new lives for offenders served by these programs.

At a time when most of the country is beginning to realize that effective supervision and treatment can be more cost-effective and beneficial than incarceration, calls for the abolition of supervision are anachronistic and short-sighted.

# APPA and NASADAD Launch Joint Training Effort

by Vernon P. Bowen, Criminal Justice Training Manager, NASADAD, Washington, D.C. and  
Rhonda Reeves, Writer/Editor, The Council of State Governments

True innovation in dealing with drug-involved offenders will require cooperative planning by probation/parole systems and drug treatment systems. Flexibility in policy, strategy and technology and open lines of communication will facilitate success for both systems.

After almost three years of planning and preparation, the two national associations representing probation/parole and alcohol and other drug treatment personnel have joined forces to present the Coordinated Interagency *Drug Training and Technical Assistance Project*. This project is a joint training effort to enhance and promote a cooperative working relationship regarding the drug-involved offender. The American Probation and Parole Association (APPA) represents probation and parole personnel and agencies across the country. The National Association of State Alcohol and Drug Abuse Directors, Inc. (NASADAD) represents the state alcohol and drug directors and agencies of the 50 states and the possessions. These two associations work with their respective constituencies to provide leadership and direction in the area of delivering services to the drug-involved offender.

The independent efforts of NASADAD and APPA were found to be duplicated in some areas while significant gaps were experienced in others. Discussions between the two groups revealed that their constituencies often shared a common client and common goals concerning the drug-involved offender population, i.e., a desired elimination of both criminality and drug using behavior. Over the past five years, due to the escalating drug war, jail and prison crowding and the realization that treatment works, the criminal courts have

increasingly turned to treatment for alcohol and other drug abuse as an alternative sanction for the offender. In 1988, APPA and NASADAD recognized that there was a need for improved interaction between the probation/parole and drug treatment fields. This assessment proved to be insightful and well-grounded: three years later the 1991 President's National Drug Control Strategy placed "high priority on serving the (drug) treatment needs of persons under the jurisdictions of the criminal justice system" (p. 55). Moreover, numerous studies have shown that those under legal pressure to undergo treatment do as well or better than those who enter treatment voluntarily (NIJ). The National Drug Use Forecasting (DUF) reports have shown that the percentage of arrestees testing positive for any drug ranges from 46 to 80 percent for males and from 36 to 83 percent for females (DUF, NIJ). There were 2,520,479 persons on probation alone in the United States as of December 31, 1989 (US. DOJ). Assuming that at least 50 percent of that number were involved with alcohol or other drugs indicates the massive need for treatment services for this population. Increasingly, the courts and parole boards are relying on referral to treatment as a sanction for those placed on probation or parole.

The offender must be assessed to determine the appropriate modality of treatment in order to participate in treatment as a sanction. The process requires compliance checks and regular communication between the treatment provider and the supervising probation/parole authority and the courts. This involves increased interaction between the two systems. The concept of "interface" requires that the strengths of

the two systems be used in a complementary manner. Thus, the power and accountability of the criminal justice system can help compel clients to enter treatment programs and help to keep them there. The treatment system can balance "control" and "support" on the one hand with the potential for growth and development on the other, always gauging the ability and the readiness of the client to assume greater control over his own life (Faegre). Also, workers within one system need to understand how the other system operates; they must understand why it can or cannot perform certain kinds of functions. This level of understanding must exist between the systems so that professionals can make responsible decisions within their own system which will have the appropriate impact on the offender when he moves into the other system (Faegre).

Probation/parole and treatment systems may tend to define client goals and the methodology for achieving "success" differently. The criminal justice system focuses on avoiding recidivism, whereas the treatment system focuses on treatment retention and drug-free days. Each system has valid goals and the potential for success is increased by a combination of efforts and techniques. Cooperation also has a positive impact on public safety.

In a cooperative effort, APPA and NASADAD have conceived the Coordinated Interagency *Drug Training and Technical Assistance Project*. This project addresses the issues of justice/treatment interface and coordination in the delivery of alcohol and other drug treatment services to the drug-involved offender. Together, APPA and NASADAD approached the Bureau of Justice Assistance about funding a project



that would jointly train probation/parole and drug treatment personnel in an effort to improve coordination, BJA agreed that the program as conceptualized by APPA and NASADAD was worthy of funding. In 1989, BJA provided funding for an assessment of training needs, development of a curriculum, and field testing of the training.

Utilizing a needs assessment instrument, project staff surveyed over 700 probation/parole and drug treatment agencies about the status and level of their coordination. Researchers found that in some jurisdictions cooperative efforts were exemplary; in others, relationships could best be described as hostile. Through the assessment, seven areas that practitioners felt needed to be addressed in joint training were identified. These areas include:

- common ground;
- clarifying systems and roles;
- communication;
- team work and conflict management;
- confidentiality;
- managing the drug involved offender; and
- interagency partnership.

Utilizing a panel of APPA/NASADAD staff and expert consultants, a comprehensive curriculum was developed that addressed each of the identified areas in depth. Each section is addressed by a training module and supporting materials. The appropriateness and effectiveness of the developed curricula was proven through field tests with practitioners in Atlanta, Georgia, the National Institute of Corrections, and the North Carolina School of Alcohol and Drug Studies.

APPA and NASADAD have recently received additional funding to provide the training to four jurisdictions or two states to further demonstrate the efficacy of the principles promoted in the course. It is hoped that the joint effort will demonstrate that, with coordination, services to the drug-involved offender can be improved, therefore resulting in increased accountability and retention in treatment for the offender.

Studies have shown that successful treatment outcomes correlate positively with length of time in treatment. Increased cooperation between the systems will make it more difficult for offenders to "fall through the cracks" or to avoid compliance with court and parole board orders and conditions through manipulation.

APPA and NASADAD are currently seeking applications from interested jurisdictions to participate in this exciting training opportunity. Through a Request for Proposals (RFP) and review process, several jurisdictions will be selected to receive training and follow-up technical assistance. The five-day training is aimed at those probation/parole and treatment administrators who have a commitment and the authority to develop a truly coordinated approach to working with the drug-involved offender.

APPA and NASADAD are enthusiastic about this training and believe that properly implemented, the model will greatly enhance the efforts of criminal justice and treatment professionals to interact with counterparts in the alcohol and other drug treatment or probation/parole field. The Task Force on Coordinated Substance Abuse Strate-

gies 1990 states that there is a need to provide linkages to ensure effective communication across the entire criminal justice system and community based agencies for transmission of information and coordination of services. We believe that the principles of the *Coordinated Interagency Drug Training and Technical Assistance Project* accomplishes these goals. For information on how your jurisdictions may apply, see the Request for Proposals included in this issue of Perspectives.

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Task Force on Correctional Substance Abuse Strategies, Draft Document, National Institute of Corrections/Bureau of Justice Assistance. 1990.

#### POSITION ANNOUNCEMENT

The American Probation and Parole Association  
has the following position available:

#### Training Specialist/Technical Assistance Provider

The successful candidate will serve as Training Specialist/Technical Assistance Provider for a national criminal justice technical training and assistance project: provide assistance in the implementation of drug testing programs throughout the criminal justice system; and develop a drug testing curriculum to be used for training pretrial, corrections and probation/parole personnel.

The requirements of the position include: college degree and relevant experience in corrections and/or probation/parole; knowledge of drug testing practices; and excellent organizational and communication (oral and written) skills. Extensive travel and relocation to Lexington, Kentucky is required.

Submit vita, letter of support and salary requirements *no later* than February 20, 1992, to:  
The American Probation and Parole Association  
Attn: Drug Testing Technical Training and Assistance Project  
c/o The Council of State Governments  
Iron Works Pike, P.O. Box 11910  
Lexington, KY 40578-1910

# Evaluating Drug Screening Programs in the Juvenile Justice System<sup>1</sup>

by Pamela Jo Schaefer, M.A., Research and Training Associate

The Abraxas Foundation, a substance abuse treatment facility headquartered in Philadelphia determined that clients who received treatment through their programs showed significant decreases in arrests, incarceration, drug use, and self-destructive behaviors, and a significant increase in productive time during the one-year period following treatment. Furthermore, clients who completed treatment showed the most dramatic improvements in all these areas (Burg, et al., 1984).

Abraxas is a nationally recognized substance abuse treatment program; its services continue to expand. Through follow-up studies with clients, Abraxas produced evidence of its success, and gained enduring public and financial support.

In 1987, one year after Erie County Juvenile Probation in Erie, Pennsylvania, began its urinalysis program, the Erie County Finance Department showed a \$1 million savings due to decreases in placements of youth in correctional institutions, at least partly attributable to the newly implemented urinalysis program (Signorino, 1988). Additionally, after two **years** of using urinalysis, the Probation Department reported a 9 percent reduction in

the number of juvenile probationers incarcerated and a 2.5 percent decrease in positive test results (Morga, 1988).

Erie County Probation Department has been sharing stories of the achievements of its urinalysis project through publications, conferences and public testimony since the program's inception. Through documentation of its accomplishments, the program has gained public recognition and funding remains intact.

In 1989, the Texas Commission on Alcohol and Drug Abuse (TCADA) conducted a survey of youth entering the juvenile justice system. Results revealed that these troubled youth were much more likely than their school-aged peers to be drug users and that they used many more drugs. The Commission concluded that treatment resources should be expanded to address the problems of drug-involved youth in the juvenile justice system (New **View**, 1991).

Later that year, the 71st Texas Legislature passed SB 911. This law required group health insurance providers to cover alcohol and drug treatment in the same manner as physical illness, providing substance abuse treatment coverage for approximately half of all Texans. The TCADA was directed under this legislation to work with the State Board of Insurance to develop cost-control standards that affect lengths of stay and rates for this added coverage (New **View**, 1991). Collecting data helped TCADA to be successful in demonstrating to Texas legislators the need for youth in the juvenile

justice system to gain access to drug treatment resources through group health insurance.

## Introduction

The above examples represent the benefits of evaluation. As we know, evaluations do not always reveal success stories. They often show that a program is not accomplishing its intended goals. In the latter case, administrators can use evaluation information to determine how to improve program practices. Whether it reveals successes or points out weaknesses, the evaluation component of a program is crucial; it must be carefully considered in the planning phase of program development.

Evaluation strategies and methods must be formulated long before implementation of any new program begins. This step is part of the initial decision-making process, developed in combination with policy and procedures, budgeting and staffing. Too often, it is neglected, resulting in an inadequate evaluation process that produces questionable results.

Some administrators believe they must hire a specialist to conduct evaluations of new programs, which can be very expensive. The truth is, in most cases, this is not necessary. A basic, well-structured data collection and evaluation instrument designed by the agency itself is sufficient. This article presents an approach to planning and implementing evaluation strategies that are neither inordinately complicated, nor expensive.

The examples mentioned apply to development and evaluation of a drug screening program. However, the processes recommended are appropriate for any program.

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Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

### Primary Purposes of Evaluation

A distinction between summative and formative evaluations will help explain the two primary reasons for the evaluation process. A formative evaluation oversees the drug screening process and provides information that is used to improve program practices. It also documents that procedures were implemented as planned (e.g., drug recognition techniques were performed on all juvenile offenders at intake). A summative evaluation is performed to measure and substantiate a program's effectiveness, or ineffectiveness, in reaching intended goals (e.g., six months after initiation of the drug screening program, there was a decrease in positive urinalysis results among probationers). Usually, a complete evaluation program consists of both formative and summative strategies.

### Why Evaluation Is So Crucial

Programs will eventually fail if not regularly monitored and upgraded; but evaluation is necessary for other reasons as well. For example, a summative evaluation, which shows evidence of the effectiveness of drug screening, can validate the program to external sources and to staff within the agency. Staff members may become more committed to a program that evaluation data indicates is successful. External agencies may be more inclined to support or fund programs that can be shown to contribute to the safety of the community or help youthful offenders obtain rehabilitative services for drug problems. Especially when resources are scarce, summative evaluation methods can provide the added impetus to encourage funding awards. Additional funding is often necessary for an agency to maintain or improve its level of services. It can also facilitate the enhancement of resources offered within the community.

Formative evaluations are valuable as well. As the project progresses, knowledge gained from the formative evaluation will assist agency personnel in making appropriate decisions; this can contribute to overall increased efficiency in the policy-making and imple-

mentation process. Administrators may use evaluation as a monitoring tool and also to provide feedback to staff involved in the drug screening program. For example, they may positively reinforce staff for following established procedures and point out specific contributions they are making to the program by adhering to policies. They can also keep track of unwanted effects and inform staff of actual problems that have resulted from a lack of compliance with policies and procedures. Finally, to be progressive, programs must undergo formative evaluations regularly to accommodate social, legal, medical and technological advances in a dynamic society.

### Developing a Plan for Evaluating the Program

Five steps, adapted from the American Probation and Parole Association's Training Manual, *Applying Drug Testing in Probation and Parole Supervision Strategies* (1991), will guide an agency in establishing a plan for evaluating a drug screening program:

1. Determine program objectives (what agency wants to measure).
2. Develop a Management Information System (MIS).
3. Select an evaluation method.
4. Establish standard procedures and incorporate them into program policies.
5. Implement evaluation results.

### Determine Program Objectives

An agency's objectives for its drug screening program will guide the evaluation effort. These must correlate with the purpose of the drug screening program and mission of the agency. Program objectives for evaluative purposes must be clear; specific; measurable; practical; and *specific to a time frame*. (APPA, 1991)

Agencies will devise two types of objectives. One type will be suitable for *formative* evaluations, which serve as accountability measures of the drug screening process (i.e., to what extent the agency is adhering to operational policies and procedures). The other will be suitable for *summative* evaluations

to measure program outcomes (i.e., to what extent the program is achieving the results it is expected to achieve).

Consider whether the following examples of formative objectives meet the criteria listed above:

*Objective #1 - All probationers and parolees will be held accountable for positive results of drug tests.*

The phrase, *held accountable* is not clear, not specific, and not measurable. Since time is not measured, it is not specific to a time frame. It is probably a practical objective for case management, and may provide useful information that coincides with the purpose of the drug testing program. But since it is not clear, specific, nor measurable, it is not practical for evaluative purposes.

*Objective #2 - Drug recognition techniques will be conducted with all youthful offenders within 12 hours of intake.*

This objective is probably measurable, and does refer to a specific time frame, but it is not practical unless it is achievable. For some agencies, when there is a trained staffperson on duty at all times, this may be a reasonable goal. However, in many jurisdictions, there are only one or two staffpersons trained in drug recognition techniques. It would be impossible, in this case, for all youth coming in at all hours during the day and night to be seen by a drug recognition specialist within 12 hours. Most often, informed decisions will have to be made regarding which youth most need this type of examination.

*Objective #3 - All probationers and parolees will receive at least one sanction, as designated in the policies and procedures handbook, or at least one reward, for positive and negative urinalysis results, respectively, within three days of the test results.*

Will *receive* some sanction or reward is clear, specific, and measurable. *Within three days* makes it specific to a time frame. This objective is practical for evaluative purposes because it is a realistic goal, and because the information provides evidence to measure the effectiveness of the program process.

Consider the following examples of summative objectives:

*Objective #1 - The drug screening program will result in a reduction of drug use among juveniles in the community.*

Reduction of drug use and among juveniles in the community are ambiguous phrases and therefore cannot be measured. There is also no mention of a time frame.

*Objective #2 - All probationers testing positive on an initial screen will be referred to a treatment program within three months.*

This objective is measurable and specific to a time frame, but is it practical? Agencies must first find out if community resources can accommodate such an objective. Even if accommodation is possible, data obtained from the objective cannot measure the effectiveness of a drug screening program. More pertinent considerations might be whether youth referred to treatment programs are actually placed in a timely manner, and whether treatment matches are appropriate.

*Objective #3 - After six months of implementation of the screening program, there will be at least a 20% decrease in drug-related offenses among juveniles entering the juvenile justice system.*

This objective is measurable, clear, specific and refers to a time frame. It is also practical, as it gives information that can substantiate whether or not drug screening leads to deterrence, which is a measurement of the effectiveness of the program.

When establishing objectives for summative and formative evaluations, agencies must remember that:

- 1) Clear, specific measurements must be derived through collecting, reporting, and analyzing data; and
- 2) Some decision about the efficacy of the process or the value of the program must be reached through these measurements.

Information gathered from evaluations may also serve the purpose of generating information of interest to the agency and to the public (e.g., to what extent are youth in the community using drugs? what are the community's

drugs of choice?). In this case, the agency might obtain facts to report to the community or other professionals to obtain program support. For instance, knowing how many youths use drugs may provoke law enforcement officials to be more alert to suspicion of drug involvement in their daily work. Data gathered through evaluation may also provide information enabling juvenile justice agencies to more efficiently solve the problems associated with drug-involved youth (e.g., learning about drugs of choice in a community may reduce the necessity to test for all categories of drugs).

#### Develop a Management Information System (MIS)

An agency's Management Information System (MIS) provides a means of collecting information that can be aggregated and retrieved at regular intervals for reporting purposes. Broadly, the system should be capable of producing data relating to program effectiveness as well as generating any information considered significant to the needs of the agency or community. A computerized system is recommended for its ease, speed, organizational efficiency, and convenience. This option also reduces the need for filing space and excessive paperwork. Smaller agencies may find it more cost-effective and reasonable to utilize a manual system.

Some factors to consider when developing the MIS are: ease of use; ease of retrieval; and speed in compiling information. (APPA, 1991)

*Ease of use* - The MIS should be as uncomplicated as possible to ensure uniformity of implementation and accuracy of results. Staff should be cross-trained and constantly updated on new procedures to avoid the necessity of crash course instruction when reassignment of tasks is necessary.

*Ease of retrieval* - When developing the MIS, retrieval of information is a vital consideration. Information sharing is primary to the process of evaluation. All staff in the agency who are involved in the drug screening process should be informed regularly of program findings through staff meetings,

correspondence, newsletters, or other means, as the project continues. Information that relates to the community should be shared with the public via the media, agency annual reports, community group meetings, and through other informational resources provided by the community. Therefore, a primary factor in designing the MIS will be easy retrieval of data.

*Speed of compiling information* - A system which is able to compile information quickly for reporting purposes can generate more timely information upon demand. Agencies can make this process more efficient by avoiding duplication and streamlining data onto a minimal number of forms. Those with well-organized management information systems will be able to update their evaluation data often. They will also have the capacity to compile information at a moment's notice if necessary for press releases, to fulfill requests for information, and for other unanticipated circumstances.

#### Select an Evaluation Method

Various research methods can be used to accomplish the established objectives. The method chosen must fit within the limits of an agency's resources. In many cases, a complex method will not be required. Information regarding *descriptive research*, *before/after studies*, *experimental* and *quasi-experimental research*, will be presented in this article. Most agencies have the means to design and implement these fairly straightforward strategies.

*Descriptive research* is obtained through information that can be compiled within the department's MIS. Descriptive research seeks to evaluate a program by examining indicators of program effectiveness. It does not provide explanations of results, explore causal factors, or make predictions. The data can be quantitative (e.g., number of youth who undergo urinalysis based on recognition techniques) or qualitative (e.g., number of probation officers who feel competent in identifying drug users). Quantitative data is objective, while qualitative data is more subjective.

tive. Still, arbitrary information derived from written reports, staff comments, and other environmental cues can be indicators of program effectiveness. Such sources of information are often very valuable in assessing a program's effectiveness in certain areas, such as staff attitudes. However, for agency administrators who see subjectivity as a problem, objective data regarding viewpoints can be collected and measured using a questionnaire or survey format.

Meaningful data related to a drug screening program that can be presented in a descriptive format would include:

- juveniles arrested on drug charges;
- juveniles assessed for drug involvement;
- youth suspected of drug use (based on assessment) who tested positive;
- total positive and total negative urinalyses results;
- youth placed in treatment as a result of the drug screening program;
- probation officers who report increased confidence in confronting and managing drug-involved youth;
- number of drug-related offenses committed by juveniles;
- number of drug-related emergencies involving juveniles at local hospitals; and
- people in the community who support the drug screening program.

Descriptive research studies are relatively easy to implement. If a more in-depth description is desired, such as an examination of relationships or causal factors, a system can be developed that expands upon key components and explores how they are related to one another. This is more challenging and may require some expertise in design; however, it can produce information helpful in identifying elements that are instrumental in achieving optimal results. The information can also serve as a guide when studying alternative program strategies.

Before/after studies (also called pre-test-posttest) are designed to evaluate the effectiveness of a program within an agency by assessing its probable impact on various factors. This approach

involves compiling data which measure conditions existing before the project is implemented, compiling further data as the project progresses, and comparing results. To ensure the most accurate results, agencies must collect substantial information before the program's inception to provide the most precise baseline measurement, and then collect additional information at regular intervals for several months after its implementation. Progress can be monitored, but actual comparisons cannot be made until the program has been in place for several months. Data is collected a predetermined amount of time both before and after a program is implemented. Examples of data which can be collected both before and after a program is implemented to help substantiate the program's effectiveness are:

- number of juveniles who obtain treatment for drug involvement within three months of arrest;
- number of juveniles placed on specialized caseloads which require regular drug testing;
- number of juveniles released from probation who are not rearrested within the following year;
- number of juveniles placed in residential care who have no further contact with the juvenile justice system one year after release to the community;
- comparison of number of juveniles who admit to drug use to number of juveniles who deny drug use and then test positive;
- number of juveniles arrested for drug-related offenses;
- the public's perception of a drug problem in the community as determined through surveys; and
- number of drug-related emergencies at local hospitals.

The primary pitfall of before/after studies is the propensity to draw cause-effect conclusions too hastily. The basic method itself does not take into account other influences that may have brought about the calculated changes. Agencies desiring to reliably attribute causal relationships to programs will have to isolate and test other possible correlative patterns. This will involve compiling

additional data on potential variables independent of the program. For example, when attempting to associate a decrease in the number of drug-related offenses with the agency's new drug screening program, evaluators will have to consider other factors: Have there been changes in law enforcement policies or practices regarding drug-related crimes which would affect the number of juveniles apprehended or arrested? Does the time of year traditionally affect rates of drug possession and drug trafficking (e.g., does the number of arrests increase in the summer, when juveniles spend more time on the streets, and unsupervised)? Has a community-wide drug awareness/educational program been initiated?

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**Administrators may use evaluation as a monitoring tool and also to provide feedback to staff involved in the drug screening program.**

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Another way to examine cause-effect relationships reliably is to use a different research method. Experimental and *quasi-experimental research* are designed to evaluate programs by comparing effects that occur both with and without the program. Conclusions are reached based on methods which seek to determine whether one variable (the independent or causal variable) led to another variable (the dependent or effect variable). If this association is substantiated, it signifies to researchers that the designated factor was responsible for producing the desired outcome. In experimental and quasi-experimental research, comparisons are made between experimental groups and control groups. The experimental group would be youth who are participating in the program that is being evaluated, i.e., drug screening. The control group would consist of individuals who are not participating in the program that is being evaluated. They may be receiving no screening, or some other form of screening. To the extent possible, all factors would remain the same with

youth in both groups with the exception of screening activities. Thus, significant differences found between the two sets of groups could be correlated reliably with the independent, or causal variable.

In experimental research, the experimental and control groups are randomly assigned. Drug screening activities also are randomly assigned to each group. This method, which entails offering different services to different groups in a single setting, is not practical or appropriate for all agencies. Some consider it unethical to offer certain services to one group in a program, and not another, for the sake of experimentation.

For these reasons, *quasi-experimental* research is sometimes more feasible than experimental research. This approach also involves a control group, but it is not a randomly assigned group. In this case, the control group is simply another group with similar characteristics to the experimental group. If using this method, researchers should try to match the two groups as closely as possible, especially in areas that can affect the outcome of the program. These may include sex, age, prior delinquency record, type of current offense, and extent of substance abuse problem. An alternative method of matching is to measure the two groups and use statistical procedures to equalize them. Either method of matching can be difficult, which is the major drawback of quasi-experimental research. Any influential factors other than the drug screening program will have to be identified and controlled to the greatest extent possible in order to substantiate the credibility of conclusions reached through this approach.

Resources available to the agency, the objectives to be met, and the level of sophistication needed will dictate the decision of which evaluation method to use. Resources listed at the end of this article may further aid administrators in making the appropriate selection.

#### *Establish Standard Procedures*

The evaluation process will have to be incorporated into policies and procedures as standard operations of the

drug screening program. Procedures for the following steps in handling information should be established to achieve uniformity and validity: collecting data; recording data; organizing data; processing data; reporting findings; and addressing issues of confidentiality. (APPA, 1991)

The tasks above can be distributed according to designated and clearly defined staff roles. The issue of confidentiality is not a task in itself, but an overriding consideration that will affect each step of the evaluation process.

*Collecting data:* This requires a systematic method of gathering the facts and figures necessary to address the established objectives. Decisions to be made can be categorized into four basic areas: *sources*, *sample*, *schedule* and *staff*.

Information can be derived from a variety of sources: interviews, surveys, self-reports, observations, official records. Agencies will have to decide which source(s) of information can provide the needed information most accurately and reliably within accessible resources. It may be possible to use existing data, if such data is found to be pertinent and sufficiently reliable. Those contracting for assessment or testing services with outside agencies or laboratories may have to rely on these organizations for some data collection and record keeping. Communication and collaboration with these outside resources will be crucial to the efficiency and accuracy of the evaluation process.

The collection sample must be defined. Will it be the entire population or will a representative sample be chosen? If representative, will it be random or will pre-established criteria dictate selection? The size of the sample must be determined as well.

A *schedule* for data collection must be planned. When using before/after studies, data collection could begin some time before implementation of the project begins and continue regularly as the project progresses. Agencies must remember that to account for fluctuating patterns, many measurements will need to be taken systemati-

cally for an extended period of time before actual meaning can be derived from statistical findings.

Those *staff* who are designated to collect the data must be thoroughly trained in identical methods to avoid inconsistencies in collection methods and inaccuracies in data. Recording procedures will be an essential part of this training.

*Recording data:* It is advisable to record data on paper and enter it in the MIS as well. Agencies often have personnel collect the prescribed information on forms and transfer it to a computerized database. The person who collects the data may or may not be the person who transfers it, especially if outside agencies are involved. It is probably preferable to have one person collecting and recording the data to avoid misinterpretations; however, this is not always feasible. Agencies should devise a system that allows for communication between those collecting and those recording the data.

*Organizing data:* A filing system should be kept to organize paperwork for easy reference and retrieval if needed. Computerized systems should likewise be organized for easy retrieval of information and for efficiency in calculating results. The appropriate staff (those responsible for filing, retrieval, and calculation) should be involved in the organization of data and consulted when modifications take place.

*Processing data:* This involves compiling, examining and interpreting the data to provide information, to monitor program progress, and to calculate the extent to which program objectives are or are not being met. Methods of analysis will have to be selected. These may range from the fairly uncomplicated (frequencies, ranges, percentages, means) to the complicated (regression, multiple analysis of covariance, discriminant analysis). The former procedures can usually be conducted without the advice of an evaluation specialist. The latter methods will require some expertise in statistical analysis. Available resources, predetermined program objectives, and type of data collected will dic-



tate an agency's selection of processing method. Some training will be required of staff who are responsible for data analysis. Outside assistance may be required depending on the skill level of agency staff and the complexity of the processing method chosen.

**Reporting data:** The method of reporting data and what will be reported will depend on the audience targeted. Internal reports might be in the form of newsletters, charts and graphs, and reports at meetings. These would focus on program progress to generate and maintain enthusiasm within the agency, and to encourage further ideas for program enhancement. Reports for juvenile justice professionals might be in the form of journal articles and presentation handouts, emphasizing the program's effectiveness within the agency and community. These materials would also discuss the significance of the program within the broader context of the juvenile justice profession. Reports for the community would be disseminated through the media in the form of television news reports or newspaper articles. Reporting to the public may also be accomplished through public speaking engagements in the form of presentation materials and handouts. Public information would describe the impact of the program on substance abuse and crime and its implications for juvenile rehabilitation and public safety. Reports generated for researchers would emphasize research techniques, i.e., method, design, collection and recording procedures, and data analysis, to assist others in replication of the evaluation methods.

#### Implement Results

Just as program practitioners must respond to evidence of drug use with interventions, administrators must use evaluation results. This step is crucial to the evaluation process. Management decisions will have to be made as research findings are generated. Administrators and practitioners should collaborate in discussing new implementation strategies to counter unwanted outcomes. All staff should be formally notified of any changes in the program,

as well as the reasons for the changes. These modifications should be immediately incorporated into policies and procedures.

New questions will emerge as research develops, suggesting possible ways of improving program practices. These should be considered, and the costs and benefits of attempting them discussed. Agencies are cautioned to implement change gradually, paying close attention to priorities. It may not be worthwhile to disrupt a successful program over a fairly inconsequential modification. On the other hand, if substantial modifications are necessary, program administrators will have to assess staff readiness for change and take steps to make the change as manageable and comfortable as possible. Organizational change is unsettling and can affect attitudes and productivity of personnel. This applies to modifications to programs as well as new programs.

Results of evaluations should also be used to generate positive energy for the program. Agencies may post goal charts and devise ways to celebrate as a team when these goals are reached. Accomplishments of the program should be shared within the agency and the community. They can be used to instill unity and pride within the organization. Evidence of achievements also can foster credibility for the agency, and help to obtain support from the community.

#### Confidentiality

All of the procedures incorporated into agency policies must take into consideration the protection of the youth's privacy. As data is entered into the MIS, identity should be preserved to assist in case management practices. However, when compiling statistics and analyzing results, names and other identifying characteristics must be omitted. When conducting surveys, respondents should be informed that all data will remain confidential. In addition to maintaining the privacy rights of the individuals, this results in a higher, more reliable response rate for the study.

If the study poses any risk to the subjects, the agency will have to obtain written consent from the youth, and

possibly their parents, to participate. The consent form should include the following:

- a description of the study;
- possible risks to the subject;
- right of the subject to withdraw from the study at any time;
- right of the subject and parents to ask questions of evaluator(s) regarding the study at any time;
- confidentiality procedures used; and
- signature line for youth and parents. (Hawkins & Nederhooft, 1987)

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**Broadly, an agency's Management Information System (MIS) should be capable of producing data relating to program effectiveness as well as generating any information considered significant to the needs of the agency or community.**

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#### Conclusion

The best form of feedback for an agency is an effective evaluation process. It can be extremely rewarding to see proof that a program is accomplishing what it was intended to do. It presents an excellent opportunity to share this sense of success with the entire team.

Extra paperwork and tedious tasks associated with research are often thought of as a necessary evil. This is a common problem with evaluations, leading to poor planning and hasty, sloppy performance. Agencies must not let apathy permeate the evaluation process. If a leader takes a genuine interest in the study and provides feedback as it proceeds, staff members will be more likely to become enthusiastic as well.

A great deal of investment goes into the evaluation process from design to data collection to analyzing and reporting results. Agencies should capitalize on results. Various opportunities to use the results of evaluations to enhance the screening program can be created. For instance, administrators might ini-

tiate numerous occasions to share findings with staff, other professionals and the community.

Evaluation is an integral part of the overall drug screening program; therefore, it is necessary for all parties involved to realize its importance and contribute to the process. Most agencies that endeavor to design and implement their own evaluation programs will find that they can accomplish the job efficiently and painlessly, and benefit greatly from their efforts.

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# A Probation Model of Drug Offender Intervention in Colorado: Implementation of a Cognitive Skills Development Program

by Vern Fogg, State Administrator Intensive Supervision Programs Colorado Judicial Dept.

A U.S. Government Accounting Office (GAO) publication, *Controlling Drug Abuse: A Status Report* (March 1988), revealed that in major cities across the nation, the drug-dependent offender was overloading the courts, prosecutors' offices, jails, prisons and treatment facilities. This came as no surprise to the field of probation and parole. While relatively few offenders were incarcerated, fewer received necessary or appropriate levels of community treatment. This GAO report, as well as several others in recent years, concludes that drug-dependent offenders typically return to drug use and associated patterns of criminal behavior. Traditional correctional responses have been unable to curb this cyclical pattern of failure.

The frequently over-cited, yet historically significant, work of Robert Martinson, *What Works? Questions and Answers About Prison Reform* (1974), became the primer for a movement questioning the viability of correctional treatment. Martinson's work, based upon evaluation studies from 1945 through 1967, influenced public policy regarding treatment of offenders over fifteen years. This most quotable piece of criminal justice research, "nothing works," was later reconsidered in Martinson's *New Findings, New Views: A Note of Caution Regarding Sentencing Reform* (1979).

Still, expanding evidence that a multitude of drug treatment approaches are having an impact on recidivism continues to be met with a lack of commitment to treating the drug-dependent offender. However, the recent emphasis on drug-related crime, the need to treat intravenous drug users to curb the

spread of AIDS, user demands for treatment, and the inability to rely on incarceration to control the problem, has created an environment that is receptive to a fresh outlook and a more informed pursuit of programs that work. Therefore, long-held perceptions about what works in the probation setting must be questioned.

The purpose of this brief article is twofold: to provide a conceptual overview of Robert Ross's *Reasoning and Rehabilitation* (1986), a cognitive skills development program implemented within a statewide drug offender program; and to outline the random assignment evaluation design, which offers an important opportunity for analysis.

In January 1991, the Colorado Judicial Department incorporated the Reasoning and Rehabilitation Program in a large pilot demonstration project for substance abusing offenders. To date, the project represents the single largest community-based application of this program in the world, with approximately 300 offenders to be trained within the first year. Since the program's Canadian inception in 1985, its popularity has spread throughout Great Britain and Spain, and within several American correctional facilities. Colorado has expanded the program to adult residential facilities, boot camp re-integration training, Juvenile Intensive Supervision Probation (ISP), and a federally funded juvenile boot camp demonstration project.

**Reasoning and Rehabilitation:  
A Cognitive Model of Offender  
Rehabilitation**

Reasoning and Rehabilitation is the product of extensive correctional re-

search by Robert Ross and Elizabeth Fabiano at the University of Ottawa. In 1987, Ross and Paul Gendreau published the results of studies conducted between 1980-1987. *Revivification of Rehabilitation: Evidence from the 1980s* provides significant evidence that some programs are highly successful, with reduction in recidivism rates as high as 80 percent. Of course, not all programs work, and the causes are as varied as the objectives. Effective programs are truly the exception. In studying the more successful programs, Ross and Gendreau noted the expansive variety of treatment approaches. Nearly every notable program shared one common characteristic; some technique had an impact on the offender's thinking. Effective programs not only targeted the offender's environment, behavioral responses and skill development, they also sought to increase the offender's reasoning skills, problem-solving abilities, and to expand the offender's empathy toward others. The program developed as a result of this research involves 35 two-hour sessions, designed in sequential modules to be delivered to groups of six to eight offenders. The modules are grouped and focused in the following areas: problem solving, social skills, negotiation skills, management of emotions, creative thinking, values enhancement, critical reasoning and cognitive exercises. Each two-hour session is paced quickly and engages the offender in a learning environment that stresses the process of thinking over the content. Commercial educational games and exercises involve the offender in each session. Group facilitators are required to attend a minimum of two and one-half days of training

directly with Robert Ross or Elizabeth Fabiano. All program materials are organized in script format, highlighting the essential element to be conveyed during each session. Conversational styles are most desirable as facilitators become increasingly familiar with the material. Supporting resource material is provided for each session, and each offender is given a workbook to review the program lessons,

#### Implementation in Colorado

Reasoning and Rehabilitation is a component of the Specialized Drug Offender Program (SDOP), a comprehensive drug assessment and supervision program operational in 16 of Colorado's 22 judicial districts. The program emphasizes presentence drug screening, both progressive and regressive program testing and primary treatment referrals. The program is highly integrated with other probation programs to provide a continuum of sanctions for violation of court imposed conditions. Probation officers refer offenders to the program at the presentence phase or prior to revocation actions. All cases are screened by local, internal screening boards that assess the initial appropriateness for the program (or for other programs within the department such as ISP, Home Detention, or a newly developed Female Offender Program). Initial acceptance is reviewed by program staff, who complete the Addiction Severity Index (ASI) and initial treatment planning. A complete analysis of prior treatment efforts, psychological information! and educational data is reviewed by program staff to determine whether the offender is appropriate for placement within a Reasoning and Rehabilitation Group. It should be noted that learning disabilities do not necessarily preclude involvement in the cognitive component; however, an IQ of at least 70 is advisable. Offenders with severe emotional disturbance and a need for primary mental health treatment should be excluded from group participation.

The Specialized Drug Offender Program is designed in two phases. The

first phase involves either assignment to an intensive supervision component or to the cognitive reasoning and rehabilitation group. Phase I is designed as an initial 120 day program, followed by a less restrictive Phase II for an additional 120 days. Completion of the program results in placement in a general probation program. To provide continuity, all probation officers assuming the post-program supervision have received specifically designed relapse prevention training. Table 1 outlines the basic supervision requirements of the program.

A contributing factor to the successful implementation of the program was the informed involvement of the criminal bench. In conjunction with the initial stages of program development, the Judicial Department, with the assistance of the American Probation and Parole Association, designed a three-day drug training program, *Improving the Sentencing Decisions for Drug Related Offenders*. This program introduced the concepts of assessment, offender matching, drug testing, recovery issues, and relapse prevention in the context of expanding intermediate sanctions.

#### Evaluation Design

The Judicial Department contracted with the University of Colorado Center for Action Research to design and

implement a random assignment experimental control evaluation in two pilot districts (Denver and Arapahoe Counties). In January 1991 the contractor reviewed the objectives of the program, particularly the cognitive component, and initially compiled approximately 350 questionnaire/interview items to be used as pre- and post-test measures of those objectives,

Reduction in recidivism is only one of a broad array of important program goals. A more comprehensive set of objectives include reduction of drug use and precursors to it, reduction in factors associated with criminal behavior, and improvement of skills and attitudes conducive to a productive, socially acceptable life style. Achievement of these objectives logically precedes and contributes to reduced recidivism. The selection of measurement items from the pool of interview questions was

based on relevance to the program objectives. The selection resulted in a reduction from a 350 to a 120 item questionnaire. Twenty of the 120 items were designed to measure unlawful behavior, including drug use, while the remaining items selected for the pre- and post-test instrument met one or more of the following criteria:

- Previous research demonstrated the ability of the item to predict subsequent drug use and/or other unlawful behavior;

Table 1

	Phase I		Phase II
	<i>Cognitive Group</i>	<i>Supervision Group</i>	
Duration	120-130 days	120-130 days	120 days
Face-to-face	2 groups weekly (10 offenders per group)	3 per month	1 monthly
Drug Screens	2 monthly	2 monthly	1 monthly
Home Visits	1 per month	1 per month	1 every other month
Treatment Monitoring	Weekly	Weekly	Weekly

- There was a basis in crime and delinquency theory for associating the factor with criminal behavior;

- The factor had a logical association with a productive acceptable life style; and

- Change in the factor was a specific objective of the cognitive program.

Within the two evaluation sites, all offenders screened and accepted in the specialized drug program were included in a roster of eligible offenders. From this roster, the contractor randomly assigned offenders to one of three groups: the specialized drug program with cognitive sessions; the specialized supervision group; and to the general probation program. Table 2 indicates the randomly assigned pools as of August 1991.

Post-testing of offenders who completed the program began during June and July 1991, but outcome data is not yet available. One of the main purposes of random assignment is to ensure general similarities across the groups prior to implementing the program. Pre-test data and other variables such as criminal history score, risk/need scores, and crime of conviction were indicative of initial similarity across the groups. Random assignment to the groups will be completed in September 1991, with an

anticipated 150 offenders in the total study. Data analysis and the final report will be submitted to the Judicial Department in January 1992.

#### Issues and Implications

Reasoning and Rehabilitation is an education program that assumes that offenders tend to be under-socialized, lacking values, attitudes, reasoning and social skills which are required for pro-social adjustment, and that these skills can be taught. While Colorado's initial implementation focuses upon a drug offender population, the research supports broader application. Cognitive interventions do not imply a singular restrictive approach to the exclusion of other treatment approaches. On the contrary, cognitive education must be supported by other forms of offender specific treatments. This issue is central to understanding the "fit" within a probation setting. Both the internal and external environment of probation departments needs to be carefully assessed. The introduction of such a program may be viewed as inconsistent with the current probation mission, while treatment providers question the efficacy of probation providing such a program. With careful consideration, staff involve-

ment, and community collaborative efforts, the issues will serve to raise the level of understanding and support for the program.

It is apparent that Reasoning and Rehabilitation has attracted significant attention in the correction community. As one of the first such programs in the United States, it is necessary to share the Colorado experience. Without a doubt, the random assignment evaluation will contribute greatly to the body of correctional literature regarding cognitive interventions. Still, information about more immediate issues should be communicated to the field.

The introduction of cognitive training alters the probationer/probation officer relationship. This relationship encourages probationers to question and creatively assess their individual living style and decision-making process. This raises two important issues. First, the officers selected to conduct such a program must model the behaviors taught in the program, empathy vs. egocentricity/effective problem solving skills; well developed values: openness to new ideas vs. rigidity. Secondly, the larger system must also be supportive of such values, because the continuity of approach will be related to the long term success of the program. Training requirements also present several issues to be considered at the outset. The initial cost of training is significant and requires a commitment on the part of management to fully support the needs of the program. In-house trainer certification should be considered and examined with regard to additional cost and trainer availability.

The last issue of importance is to prepare for enthusiasm among the staff. The program sells itself. The energy and commitment of staff is possibly the most rewarding aspect of the Colorado program.

Table 2  
Number of Clients in Eligible Pool as of 8 26 91

	Randomly Assigned To:			Total
	<i>Specialized Caseload Plus Cognitive</i>	<i>Specialized Caseload Without Cognitive</i>	Regular Probation	
Denver	29	29	22	80
Arapahoe	23	19	11	53
TOTAL	52	48	33	133

### Future APPA Training Institutes

**1992 Winter  
Training Institute**  
New Orleans

January 26-29, 1992

**17th Annual  
Training Institute**  
St. Louis

August SO-September 2, 1992

**1993 Winter  
Training Institute**  
Austin

January 31-February 3, 1993

**18th Annual  
Training Institute**  
Philadelphia

September 19-22, 1993

## *Coordinated Interagency Drug Training and Technical Assistance:* **Request for Proposals**

The American Probation and Parole Association (APPA) and the National Association of State Alcohol and Drug Abuse Directors (NASADAD) have been awarded a Bureau of Justice Assistance (BJA) grant to conduct four training seminars at different locales to coordinate and enhance the parallel efforts of probation, parole officers and drug treatment practitioners through cross-training. Activities have been developed to expand networks and improve community management of the drug-involved offender. By responding to this request for proposals, agencies may be selected to participate in the training seminars. Additionally, those agencies selected to participate in the training seminars become eligible for limited technical assistance to provide additional training or consultation to effectively implement coordination of services within their agencies.

Through its financial commitment for the development of a comprehensive training curriculum, BJA has demonstrated the level of priority placed on the coordination of services for the drug-involved offender by the probation, parole and treatment fields. It is now incumbent upon agencies in the field to avail themselves of the opportunity to participate in a training seminar developed for probation, parole and treatment professionals by probation, parole and treatment professionals. APPA/NASADAD is prepared to provide quality training and technical assistance to those agencies desiring to implement coordinated services within their jurisdiction. APPA/NASADAD staff and expert consultants from the field of probation, parole, and treatment have completed an exhaustive review of the research and identified the components for the effective implementation of a coordinated approach to managing the drug-involved offender. APPA/NASADAD is seeking applica-

tions from agencies which are genuinely responsive to implementing a coordinated approach to managing the drug-involved offender.

### Background

Coordinating services between the criminal justice and treatment systems is a complex process. Each system tends to define client goals and the manner in which the goals are accomplished differently. Desired behavioral outcomes for the criminal justice system focus on recidivism, whereas the treatment system is more interested in treatment retention, relapse prevention and drug-free days.

Drug dependent offenders require close community supervision. If such individuals are sentenced to probation or released from prison on parole without a strong monitoring component that promotes socially acceptable behavior and provides treatment for drug dependency, public safety may be endangered and judicial intent thwarted.

Initiating a comprehensive drug program for offenders requires flexibility in policy, strategy and technology. Cooperative planning by probation, parole systems and drug treatment systems is essential to this process. An important step in cooperative planning is to share and in some cases consolidate, information and resources.

Full case management programs for offenders, emphasizing reduced case loads and combining strong monitoring, sanctions and community-based services, is certain to be a more effective intervention strategy than simply assuming that a jail term will cure the inappropriate behavior and accompanying drug dependency.

Highly structured, daily supervision for drug-involved offenders is essential to protect public safety. Frequent drug testing, random home visits and collateral contacts with family and employers

work in tandem with drug treatment. In addition, a continuum of positive and negative sanctions work most effectively when probation, parole and treatment work in a coordinated effort with the individual offender.

Criminal justice and drug treatment agencies have traditionally had an almost adversarial relationship because of *turf* issues and a blurry line dividing roles and functions. Recognizing the potential pitfalls and working to avoid them are two vital actions that are often overlooked. Cooperative interagency agreements, joint training and efforts to clarify roles and functions can significantly enhance the chances that both systems' goals will be reached.

### Program Description

Phase I of the Coordinated Interagency Drug Training and Technical Assistance Project resulted in the development of a curriculum to address the problems identified through a national survey of probation, parole and treatment practitioners. The survey sought information on coordination of activities, authority, treatment services, assessment, drug testing, research and evaluation, confidentiality, and resources. Preliminary analysis of the information gathered through the survey verified the postulate that the fields experience common problems and goals, but long standing perceptions and barriers in specific areas all too often prevent a true coordinated effort toward the successful management of the drug-involved offender. Both probation, parole and treatment are in agreement about the issues perceived as preventing them from working in partnership. The issues most often identified included:

- communication problems,
- lack of formal agreements,
- poorly understood roles,
- need for basic knowledge of the criminal justice and treatment systems.



- inconsistent client assessment and evaluation standards,
- inconsistent policies and procedures concerning drug testing, and
- disagreement of, or no existing policies and procedures with regard to success/failure criteria, including the application of sanctions.

In order to address these **issues**, a curriculum was developed and field tested. It proved to be a successful instrument for bringing personnel from these two systems together to learn of the other's role and responsibilities and to clarify their own role and responsibilities. The training also provides specific mechanisms that enhance communication and conflict resolution between the two systems.

Phase II of the Coordinated Inter-agency Drug Training and Technical Assistance Project is designed to implement the curriculum through joint training for probation, parole and treatment practitioners. Current funding permits the selection of two states or four jurisdictions to receive the training. If a state is selected, 2 training events will be provided for the state. Limited technical assistance funds are also available to selected sites for provision of additional training or consulting expertise to ensure the successful implementation of a coordinated approach for management of the drug-involved offender. There will be a total of four training seminars

#### Target Audience

**The target audience of each of the four training seminars is 20 to 36 participants evenly divided between probation, parole and drug treatment agency staff. Policymakers who have the authority to implement change within the agencies are key participants.**

#### Training Seminar Benefits:

There will be no application fee to attend the seminar. The APPA/NASADAD team will provide the following services:

- Materials to market the course;
- Five days of training paying all instructor fees and **travel**;

- Training manual for each participant;
- All necessary audio visual equipment;
- Meeting room; and
- Limited on-site technical assistance subsequent to the training.

The local probation, parole and treatment agencies will need to provide the following:

- Assure attendance of appropriate participants;
- Completion of three and six month process evaluations;
- Travel, hotel and meal expenses for all participants; and
- A copy of any state confidentiality regulations that pertain to alcohol and drug treatment and/or criminal records and information.

It is estimated that the value of each training seminar is in excess of \$10,000 in materials and expert trainer time. Additionally, approximately \$18,000 (total for the entire project) for follow-up technical assistance to provide training and/or consultant expertise will be available to training seminar participants.

#### Application Requirements;

The following information must be included in the joint probation, parole and treatment application which should not exceed five (5) pages in length exclusive of attachments:

**1. Organizational Structure** - The proposal must describe the existing agency structures (e.g., number of felony courts served, number of misdemeanor courts served, organizational chart of each agency, describe the referral, intake, and assessment process, waiting list problems, treatment resources available, descriptions of available sanctions).

**2. Statement of the Problem** - Describe the positive and negative aspects of the probation, parole and treatment interface.

#### **3. Program Goals and Objectives**

- A succinct statement of the applicants' goals and objectives for the development of a coordinated effort to manage the drug-involved offender is necessary. Provide a statement of the anticipated results or benefits following participation in this training program.

**4. Target Population** - This section of the proposal must include the number of drug-involved offenders served by probation, parole and treatment within the state or jurisdiction. Current agreements for coordination of services or prior agreements should be described. The proposal should also include a brief description of treatment resources available within the state or jurisdiction.

**5. Parole Board/Judicial/State and/or Local Alcohol and Drug Funding Source Support** - The application should identify the extent to which the agencies have, or need to cultivate parole board, judicial, and state and/or local alcohol and drug funding source support for implementation of coordinated drug-offender management approach.

**6. Staff Attitude Toward A Coordinated Approach to Managing the Drug-Involved Offender** - The proposal should describe the staff attitude toward coordinated interaction with respect to managing the drug-involved offender. (e.g., Is there resistance which would inhibit the implementation of coordinated services? Are there staff members with a particular interest or skills for managing the needs of drug-involved offenders? Is there an established set of policies and procedures for coordinating interagency management of the drug-involved offender?)

**7. Financial Considerations** - The application should describe existing or anticipated financial considerations for coordination of efforts necessary to management of the drug-involved offender. (e.g., Is there the need for obtaining additional funding from the primary agency funding source? Is there a need to reallocate existing budget dollars to fund a coordinated services program? If the program will be implemented in stages, how will the funding be obtained to activate each stage? If additional personnel are needed to staff the program, what is the anticipated cost?)

#### Procedures and Criteria for Selection

The application will be evaluated and rated based on the extent to which it

meets weighted criteria. In general, the proposal will be reviewed in terms of its responsiveness to the minimum program application requirements, organizational capability, and completeness in responding to issues surrounding implementation and coordination of services for drug-involved offenders. The applications will be evaluated by the advisory board, the BJA Project Monitor and APPA/NASADAD staff. The selection criteria and their point values (weights) are as follows:

**1. Organizational Structure  
(15 Points)**

The extent and quality of organizational experience in the development and delivery of innovative probation, parole and alcohol/drug treatment programming.

**2. Statement of the Problems,  
Goals and Objectives  
(20 Points)**

The appropriateness and adequacy of the approach to creating or enhancing coordination of services in order to meet the goals and objectives of the proposal.

**3. Financial Considerations  
(10 Points)**

The proposal should describe the budgetary considerations necessary for implementation of a coordinated approach to managing the drug-involved offender.

**4. Proposed Training Participants  
(25 Points)**

Applicants should identify by name and position no less than the four par-

ticipants for each team listed below to attend the training, but may respond with not less than 20 nor more than 36 potential participants evenly divided between probation, parole, and treatment including:

Probation/Parole Team Participants

- one participant with administrative responsibilities (chief or deputy chief);
- one participant with line staff supervisory responsibilities;
- one participant with training responsibilities; and
- one line staff officer.

Treatment Team Participants

- one participant with administrative responsibilities (program or assistant program director);
- one participant who functions as a clinical supervisor;
- one participant with unit/program supervision responsibilities; and
- one treatment counselor.

Priority will be given to applications that indicate participation of one or more key stakeholders (policymakers) in addition to the four required participants (e.g., judges, prosecutors, parole board chairperson or member, regional and/or local planners, state or local alcohol and drug administrator, TASC administrator).

**Jurisdictions may collaborate on a response to the RFP and submit a joint proposal. However, each jurisdiction should identify the probation, parole and treatment team participants for each jurisdiction involved**

**in the collaborative effort.**

**5. Letter of Intent from the CEO  
(5 Points)**

The proposal should also include a letter of intent from the Chief Executive Officer stating each agency's commitment to providing or enhancing existing cooperative services for drug-involved offenders.

Applicants will cooperate with APPA and NASADAD staff in completing a follow-up questionnaire subsequent to the actual training and/or technical assistance event. The questionnaire will address implementation and program issues. Additionally, applicants will be required to designate a local contact person who will maintain liaison activities with the APPA/NASADAD Training Coordinator(s).

Responses are to be received at NASADAD headquarters in Washington, DC, on or before **February 15, 1992. Please submit the original and six copies.** Mail the RFP to:

Coordinated Interagency Drug Training  
Att: Vernon Bowen  
NASADAD  
444 North Capitol Street, N.W.  
Suite 642  
Washington, D.C. 20001

Applications received after the deadline will not be considered. If additional information is required to prepare the proposal, please contact Mickey M. Neel at APPA (606-231-1918) or Vernon P. Bowen at NASADAD (202-783-6868).

## Everything Works!

by **Malcolm MacDonald and Gerry Migliore, Co-Chairs, Public Relations Committee**

There are services, strategies of supervision and residential community correctional programs which successfully lead the offender to law abiding behavior. These programs in and of themselves serve as sufficient incapacitative strategies, meeting the public's expectation for control and correction. It is our turn to tell our story about what works.

APPA's Public Relations Committee welcomes you to provide us with one-page descriptive summaries about programs which WORK in your jurisdiction. Please include with the description a name, address and phone number of a person to contact for additional information on the program. A brief statement of opinion on why it works would also be helpful.

The Committee intends to share this information with public information officers involved in community corrections in Canada and the U.S. We also plan press releases on the effectiveness of correcting offenders in the community.

If you are able to submit the descriptive summaries prior to February 28, 1992, it would be appreciated. They are, however, *welcome* at any time as success knows no timeframes!

Please send your submissions to: Gerry Migliore, New York City Dept. of Probation, 115 Leonard St., New York, NY 10013.

## Kentucky Officers Get Involved: Political Arena

by Jim Horn, Kentucky Probation and Parole Officer III

All probation/parole officers work in a "political" environment whether we realize it or not; this is not positive or negative, in itself, it is just a fact of life for a government employee. Some officers choose not to become active in that environment. Kentucky's officers shared that attitude for a long time, but in recent years have joined together and become politically active. That involvement came about reluctantly, and may not be appropriate for others, but it has produced improvements for Kentucky's officers.

Kentucky's probation and parole officers are state employees in the Corrections Cabinet. Historically we have been a small part of the cabinet in terms of percentage of employees and budget. We did our work and did it well, but morale was low; much was expected from us, but we were regarded as entry-level employees and rewards were scarce. In the latter 1970s, Kentucky's starting pay ranked 49th in the country. Turnover was high, which was bad for us and the state. We shared little among ourselves other than a dislike for our employment status quo.

The Kentucky State Parole Officers Association was formed in 1979 in an attempt to harness our zeal, unify our voices, and do something to help ourselves. The realization had solidified that no one else was going to improve our conditions for us. One of KSPOA's first acts was to affiliate with APPA. We focused our efforts on the legislative branch of state government; initially that was not a conscious decision but it is where opportunities have existed.

Kentucky's officers are part of a system which has factors that are advantageous to political involvement in the legislative process; some may be applicable to officers elsewhere. Officers in this state work in all counties, thereby

having the potential for contacts statewide rather than only one region. Probation and parole functions are performed by one agency which narrows the focus. We are law enforcement officers which gives us a level of visibility. In Kentucky, legislative offices are part-time; the legislature meets formally for a few months every two years. The rest of the time legislators are in the communities: they are more attuned to local situations than a central bureaucracy. Legislators frequently are attorneys, and officers have contact with them through our work: it is not unusual for the relationship to be a personal one. Finally, legislators want to help if it is "right" and if it is affordable. In our case, legislators had not been asked for help in a unified manner before.

Obtaining hazardous duty classification soon became a main goal of KSPOA. In Kentucky, this classification is the best a state employee can have; it allows earlier retirement with a higher retirement income. Both the employee and the government contribute more into the employee's retirement account. KSPOA believed obtaining this classification would be beneficial for employees in the long run, plus it would reduce the level of turnover.

Funding was our barrier; it would do no good to obtain passage of legislation granting hazardous duty status if no money was in the budget to pay for the benefits. The cost of the change was not high but it seemed we had nowhere to find money except through regular taxes which would probably doom our efforts. Finally, the creation of a supervision fee was developed as an option; offenders (who are the reason for our existence) would pay a "user" fee, and no new taxes would be necessary. Safeguards would be built in; courts and the Parole Board would

assess the amount of fee; the money would go to the state's general fund so its fluctuation would not affect officers; and offenders would pay the fee directly to court clerks.

In preparation for the General Assembly meeting in January 1982, a supportive legislator was approached to prefile our bill. A hospitality reception was held early in the session for legislators to show our presence and interest. A lobbyist was hired. A small group of officers was cultivated to handle the legislative process. This was essential because things often had to be

### Affiliates Network

What are our fellow officers up to these days? Why do some carry weapons? Why do some have hazardous duty? How do you go about making changes? Where do you start? What kind of training do you get? Where do you get your money? Who are those guys that get the awards; what did they do?

These are but a few of the questions we need to ask each other. Now, who will begin to share stories? Affiliates of APPA: start writing! We need your thoughts and ideas. We need to know who has found successful solutions. *Perspectives* will be our medium, and your articles will be our source.

Affiliates: tell us what you are doing and who you are. Send articles to:

Carol Stewart  
Probation and Parole Officer III  
273 West Main St.  
Lexington, KY 40507-1331  
(606) 254-3822

OR

Cris Bothwell  
110 W. Congress  
Tucson, AZ 85701  
(602) 740-3800

done quickly and a widely scattered committee could not react in time. This group had to be near the capital in order to speak in hearings, be available for questions, and react to events daily. Fortunately they had much annual leave to draw upon; working for the bill on the one hand, and with budget committees on the other made for a hectic pace.

The critical link was to establish contact between officers and legislators. A list was developed identifying which officer(s) knew a legislator; this was not always from the legislator's home area. The officers monitoring activities would make calls daily to officers around the state when contact was needed with a legislator. One lesson quickly learned was not to waste our efforts. As the bill moved from one committee to another, the legislators on that particular committee were solicited for support by an officer. Only when a vote by the whole body was imminent would all legislators be solicited by their contact officer(s). Legislators are human, and if a contact is made too far in advance its impact is diluted. Information was submitted in advance to legislators for inclusion in their briefing data explaining what we were seeking. For committees this was detailed; for votes by the whole body it was much briefer and more general for quick impact. After any vote each legislator would receive written thanks along with assurance that the officers "back home" would be informed of the legislator's support.

One obvious fact is even though each legislator has one vote, some are more powerful than others. Support of committee chairs is essential and more attention must be paid to them. Legis-

lators have advisors and key supporters back home; an officer may not personally know the legislator but may know a friend or financial backer who can be solicited to contact the legislator. The legislative branch has employees and information was disseminated to key people among the staff.

Our efforts in 1982 were complicated by overt opposition from some of our then superiors in the Corrections Cabinet. That opposition was due to our bill and funding source covering only probation and parole, not the institution employees who make up the bulk of our cabinet. If any employees should be classified as hazardous duty it is the institution employees, but our funding source could not begin to pay for their coverage. The cabinet leaders felt that including one group but not the other would be divisive.

The result of KSPOA's work with the Kentucky General Assembly in 1982 was the passage of the bill granting hazardous duty and funding in the budget for Kentucky's probation and parole officers with no vote in opposition. Our efforts were not always a thing of beauty and did not always go according to plan; it is debatable whether we even had a "plan" that first time. But we learned much and established a positive relationship with the legislators which has helped with other subsequent, successful legislative efforts. We learned self-reliance; a lobbyist is no longer hired; and officers do all the work for our well-known hospitality receptions which are held each session whether we are working on anything or not. Officers are also encouraged to maintain their relationship with legislators when they are not in session. Ken-

tucky's officers are fortunate to have the opportunity to form a relationship with highly qualified legislators, and KSPOA is fortunate to have dedicated members.

There are key factors to successful legislative efforts. First, there must be a unified voice; in Kentucky, KSPOA is the catalyst which makes other things possible. Second, the relationship between officers and legislators must be in place before starting. Third, a small group must control the actions. Fourth, what you are seeking must be reasonable, the "right thing to do."

Can or should officers in other areas become politically active? That has to be answered by the officers involved. There are potentially serious drawbacks. Officers should not have to actively enter the political arena to obtain basic employment incentives. In Kentucky we did not want to, but when the alternative was no improvement we decided we would feel better about ourselves for having tried.

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*Officer Jim Horn, Probation and Parole Officer III, has been a member of the Kentucky State Parole Officers Association since its inception in 1979. He served as Secretary of KSPOA for seven years. In 1985 he was named KSPOA Probation and Parole Officer of the Year. Jim's self-taught expertise in the legislative process is considered one of the main reasons Kentucky probation and parole officers enjoy the benefits of hazardous duty retirement (20 years and out) and a probation and parole officer career ladder. Jim remains on the KSPOA Legislative Committee and leads our efforts with unequivocal wisdom and knowledge.*

Don't Forget, It's Almost Here!

**Hit a High Note: APPA Winter Training Institute**

**January 26-29, 1992 • New Orleans, Louisiana**

# Legal Considerations for Developing a Drug Testing Program in the Juvenile Justice System<sup>1</sup>

by Judge Roy B. Willett, J.D.<sup>2</sup>, 23rd Judicial Circuit of Virginia, and  
Ann H. Crowe, MSSW, ACSW, Coordinator of Juvenile Justice Programs, American Probation and Parole Association

## Introduction

Drug testing of adolescents within the juvenile justice system has been advocated as one of many tools available for accomplishing an agency's mission. Maloney, Romig and Armstrong (1989) proposed the "balanced approach" in juvenile justice practice consisting of three mission elements of equal importance:

- Community protection;
- Accountability of individual youth; and
- Competency development of youth.

Recognition of, and appropriate intervention with drug-involved youth can further each of these agency missions. Obtaining treatment for substance abuse and its underlying causes is of utmost importance. For some youth who continue to abuse drugs and engage in illegal activities, accountability measures must be applied. Whether interventions with youth are for the purpose

of accountability or competency development, identifying drug-involved youth and interrupting their abuse of substances and their delinquent behavior serves to protect the community.

In developing a drug screening program, particularly one which uses urinalysis as the method of identifying drug use, potential legal issues must be identified and considered<sup>3</sup>. The program should be planned so that the rights of juveniles, staff, the agency, and the public are protected. Avoiding the risk of legal liability is a priority. It is imprudent to wait until a legal challenge arises before researching the legal status and issues which will affect the program.

A drug screening program in the juvenile justice system may have a legislative or judicial mandate as its basis. If such authorization does not exist, programs may be developed from community and professional concern. However, the policies for the latter types of programs may be different from those for programs which are legislated or judicially ordered.

Legislation and judicial case law vary greatly from state to state. This article will not explore all such differences in detail. Rather, it will present generally accepted practices for drug screening based on constitutional law, state statutes and case law. However, state legislation and court decisions, if contrary to these, will prevail in a particular locality. The legal issues surrounding a drug screening program are complex. The assistance of legal counsel is necessary for developing and reviewing program policies and procedures.

## Authority and Responsibility to Test and Treat

When considering the development of a drug screening program, an agency must examine state laws or regulations that mandate such programs. Permissive legislation, regulations, or case law which allow for drug screening, but do not require it, also must be investigated. Similarly, legal liability that might result from failing to detect and treat illicit drug use should be considered. For example, would staff and the agency be exposed to claims of negligence if a youth with a drug problem was not identified and subsequently injured himself or others? Does greater legal liability result from failure to act or from suits challenging the infringement of offenders' rights? ("National Narcotics Intervention Training Program," 1988)

It is also important that medical conditions which present some of the same symptoms as drug use be detected and differentiated from substance abuse. Agencies need to make provisions for a medical screening to rule out the possibility of medical conditions or prescribed medications causing the symptoms observed. Medical illnesses that are neglected because their symptoms appear to indicate substance abuse instead, can result in legal liabilities.

Possible legal ramifications of a new program have to be deliberated carefully. There are several areas to explore regarding legal issues for a drug screening program. Again, it is important that legal counsel be sought for advice that is locally specific and current. The material presented in this article is for general information only. It is not intended

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Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

<sup>2</sup> Judge Willett serves as a member of the Advisory Committee for the project, **Training and Technical Assistance Curriculum for Drug Identification, Screening and Testing in the Juvenile Justice System**. He is a circuit court judge and is President-Elect of the National Council of Juvenile and Family Court Judges.

<sup>3</sup> Much of the information in this article is addressed in greater detail in the Monograph, *Drug Testing Guidelines and Practices for Juvenile Probation and Parole Agencies* prepared by the American Probation and Parole Association for the Office of Juvenile Justice and Delinquency Prevention. It is suggested that persons developing drug testing programs refer to this document for additional information and assistance.

to constitute legal advice, and no representation or warranty is made that the opinions, suggestions or other statements contained herein will be viewed favorably by any court or administration agency. Readers using material presented herein must make their own determinations as to the propriety of applying this information in their localities.

#### Constitutional Issues

Youth within the juvenile justice system have fewer rights because of both their age and their legal status. Fundamental constitutional entitlements, such as the right to vote, are curtailed by age. Similarly, privileges that are legally controlled, such as driving vehicles and purchasing alcohol and tobacco, are restricted for youth. In addition, persons who have been found guilty of committing certain offenses may lose their freedom or have conditions placed on it. Therefore, the rights of youth within the juvenile justice system are diminished (Del Carmen & Sorensen, 1988).

When considering a drug screening program, particularly urinalysis, choices must be made with the protection of both the youth and the agency in mind. Del Carmen and Sorensen (1988) list four requirements for the validity of probation and parole conditions. These also may be applied to youth who are incarcerated or detained. Conditions must be:

- constitutional;
- clear;
- reasonable; and
- reasonably related to the protection of society and/or the rehabilitation of the individual.

Although the youth may have somewhat diminished constitutional rights because of age or legal status, their rights must not be violated by a drug screening program. Conditions that are unclear or which the youth does not understand can lead to infringement of a youth's right to due process. Reasonableness requires that conditions be fair and achievable. Finally, the broad requirement that a condition be reasonably related to the protection of society and/or the rehabilitation of the indi-

vidual allows for a wide range of interventions that can be related to the youth's drug behavior (Del Carmen & Sorensen, 1988).

Challenges to drug testing have focused on five constitutional rights (Del Carmen & Sorensen, 1988).

1. *The Right Against Unreasonable Search and Seizure.* Urinalysis is equivalent to a search for illicit drugs and involves procedures that invade privacy to collect body fluids for analysis. To be constitutional, such a search must be reasonable and based on a rational belief that it is necessary.

2. *The Right to Due Process.* Certain procedures must always be followed before persons can be deprived of their freedom. Challenges to urinalysis based upon due process violations often have been unsuccessful. Reasonable standards should be met. The tests used must be accurate and they must meet acceptable scientific standards used in courts. Where a legal proceeding, such as a hearing or a motion to revoke probation, is based solely on the evidence of urinalysis, tests used must have a high degree of accuracy. Some courts require a second, confirmatory test before finding there is sufficient evidence to prove drug use and limit the offender's liberty if there is no admission by the probationer.

Chain of custody is another important due process consideration. If procedures do not preclude the possibility that a specimen or the results of the test could be tampered with, they may be invalid for legal use. Therefore, specimens must be properly sealed, labeled and stored; documentation of all who handle specimens and reports of urinalysis should be maintained. Additionally, specimens from positive tests should be retained in case of possible legal challenges.

3. *The Right to Confrontation and Cross-Examination.* When used for legal proceedings, results of urinalysis can be challenged on the basis of hearsay evidence unless there is a statutory hearsay exception allowing their introduction. If the laboratory personnel who actually conducted the test are not

present to provide testimony, and therefore, the accused person cannot confront and cross-examine the witness who is testifying against him or her, there may be a valid hearsay objection to the proffered evidence. However, these challenges generally have not been sufficient to discourage the use of urinalysis. The business records exception, reliability, and trustworthiness are factors considered in overcoming hearsay and confrontation problems.

4. *The right to equal protection.* This clause ensures that individuals cannot be treated differently unless legal justification exists. With drug use, differential treatment is based on an illegal activity, not ethnic, socio-economic, or other differences. As drug screening is reasonably related to the detection, treatment, and/or prevention of drug use, it is usually a justifiable condition to impose upon persons under legal restraints.

5. *The Right Against Self-Incrimination.* The type of legal proceeding before the court largely determines whether or not a self-incrimination claim or the absence of one's being advised of the right to remain silent is upheld. Criminal trials usually require "Miranda" warnings because guilt must be proved beyond reasonable doubt and there is a presumption of innocence. In revocation hearings such an objection often fails, because the standard of proof in such a proceeding is a preponderance of the evidence. The probationer would be in custody but for the court's leave. The constitutional protection against self-incrimination generally applies to testimony given in court rather than physical evidence. As urinalysis is a form of physical self-incrimination (similar to submitting to fingerprinting or appearing in a line-up) it generally falls outside the domain of constitutional protection. The use of urinalysis does not require that the person confess to drug use, but an admission can be used to verify the test result if there is no Fifth Amendment problem in such admissions in the jurisdiction where the motion to revoke probation is being heard.



It can be concluded from these points that youth may be required to submit to urinalysis without violating their somewhat diminished constitutional rights. These rights must be balanced against the protection of society and the rehabilitation of the youth.

If possible, it is advisable that the drug screening requirement be founded upon legislation or based upon a court order. However, as long as it is reasonably related to the protection of society and rehabilitation of the offender, it is likely to withstand legal challenges.

Del Carmen and Sorensen (1988) recommend the following practices in implementing a drug screening program.

1. Impose drug screening only when it is reasonably related to the rehabilitation of the individual and in such cases where the person's delinquent behavior could be attributed to drug use.
2. Determine whether or not a confirmation test is required.
3. Ensure that those administering drug tests are trained and properly qualified, whether they are agency staff or employees of a laboratory.
4. Follow strict chain of custody procedures. These include sealing, labeling, and storing the specimens and documenting their transfer.
5. Save samples with positive results until the time for all possible legal challenges has elapsed.
6. Have clearly written policies and procedures for drug screening and for the responses to positive findings.

#### State and Local Issues

Review state and local statutes for the presence of any legislation that specifically enables, limits, or prohibits the use of drug screening. Cite the legal mandates for conducting drug screening in the documentation of policies and procedures for the program. If no specific laws exist, agencies should encourage the enactment of legislation authorizing drug screening within the juvenile justice system. This will provide greater protection for the agency and its employees, should a legal chal-

lenge arise. If no state or local statutes authorize drug screening, agencies should seek court order and authorization for the program by the agency's governing body. These measures help to protect the agency and staff from possible civil liabilities. Previous court challenges have generally resulted in findings that drug screening is valid even without legislation or court orders, but statutory authority for the drug-screening program is preferable. If this is not available, court permission is better than implied authority. In the implementation of the program, however, sufficient flexibility should be retained by the agency to manage the program in ways that meet the needs of the youth. For example, legislation or a court order that rigidly sets the frequency of urinalysis may be counterproductive. Flexibility among persons being tested is necessary. If the agency or individual officers have latitude to tailor responses and strategies according to a given situation, there will be more benefits. A youth might be encouraged to abstain from drug use if the program allowed for decreased testing frequency in response to negative test results.

Policies and procedures for a drug screening program should agree with other agency policies. For example, if the agency requires that youth be under the supervision of staff who are the same gender as the youth, then drug screening procedures also should involve same-gender staff. If specimen collection is to be directly observed, it is strongly recommended that same-gender staff be responsible for this task with juveniles.

#### Mandatory vs. Voluntary Drug Screening

Some agencies and localities will have clear legal authority for drug screening activities, while others will find such authority to be vague or lacking. If drug screening is legislated or court ordered, a juvenile who fails to comply may be subject to sanctions. It can be specified that failure to submit to testing is a violation of the law or court order. The court or legislative body enacting the legal requirement should determine

the penalties for non-compliance. Notification and hearing (administrative or before the court) should be included in the procedural requirements before imposing sanctions for non-compliance.

Without a clear statutory or court authorization for screening, some agencies may prefer to conduct drug screening voluntarily. This may be especially appropriate at the pre-adjudication phase of progression through the juvenile justice system when youth have been charged with a crime but have not been found guilty of the charged delinquent act. This includes arrest, detention, pre-trial release, and informal adjustments. Prior to formal adjudication of guilt, it may be inadvisable to impose requirements or punishments, but drug screening often may be made a condition of release from detention or admission to bail.

To avoid potential legal challenges, drug screening should include informed consent. Juveniles who are subject to drug screening procedures have a right to be fully informed about the process of and purpose for screening. If screening is voluntary, they must give their consent. With urinalysis, this includes information about the specimen collection process and the way in which the actual test is conducted. For all methods of drug screening, the possible ways in which the results will be used should be explained. If there are legal consequences for positive results and/or if results will be used for diagnostic and treatment purposes, this should be stated before the youth gives consent. Affirmations of confidentiality should be included also. Further, youth may have the right to legal counsel in some jurisdictions; they should be informed of this before they consent to any procedures. When providing voluntary screening with informed consent, a youth should not be penalized for refusing to be screened. If the youth understands the procedure, he or she may be less afraid of it. To protect staff and the agency from legal challenges related to the absence of informed consent, information about the screening procedures should be given to the

juvenile both in writing and verbally. Youth should be asked to sign a statement confirming that they understand the information that has been provided and give their consent to participation in the screening. This might be included with or appended to the Rules of Probation (or other such documents) which youth must sign. In some states parental consent also will be required.

#### Other Legal Issues and Concerns

There are several legal issues and concerns that should be researched carefully during the policy development process. Legal challenges may likely still occur. However, if these issues have been reviewed and decisions have been based upon the best legal advice available, the agency and staff can certainly proceed with greater confidence.

#### Confidentiality

All citizens, including juveniles and persons under legal restraint such as probation, parole, and freedom on bail, have the right to some degree of privacy. There are two Federal laws and several Federal regulations that affirm the confidentiality rights of persons receiving alcohol and drug services (42 U.S.C., § 290 dd-3 and ee-3 and 42 CFR Part 2). "The Federal confidentiality laws and regulations protect any information about a youth if the youth has applied for or received any alcohol or other drug-related services - including diagnosis, treatment, or referral for treatment - from a covered program. The restrictions on disclosure apply to any information, whether or not recorded, that would identify the youth as an alcohol or other drug user, either directly or by implication." (Brooks, 1990) All agencies that receive any federal funding must adhere to these confidentiality requirements.

The purpose of such strict measures is to promote the participation of youth in programs that diagnose, treat, and/or refer them for substance abuse problems. Federal confidentiality laws and regulations forbid disclosure of information that would identify a youth as

a substance abuser and inhibit his or her participation in such programs. There are a few circumstances in which exceptions to confidentiality occur. The most notable is when youth sign a consent form to release information. This allows the disclosure of specific information that is necessary to accomplish a designated purpose (Brooks, 1991). Policies and procedures for a drug screening program should include release forms and explain the steps necessary to execute them.

Sharing information without the consent of a youth can be done in medical emergencies and child abuse reports. Also, it is not necessary to have the youth's consent to communicate among staff who need the information within a program. The key issue to be considered in developing policies concerning disclosure of information is the legitimate interest a third person has in needing the information. In some states, parental consent is required, in addition to the youth's consent, for the release of such information. In certain cases, if a youth and/or his parents refuse to give consent, but disclosure of information is considered necessary, a court order may be requested (Brooks, 1991).

In addition to federal laws and regulations, there are likely to be state laws and agency policies concerning confidentiality. It is imperative that state privacy acts, state juvenile acts and agency regulations be scrutinized for restrictions on disclosure of information. These should be reviewed and incorporated in the program's policies and procedures. The following areas related to confidentiality should be addressed specifically:

- the right to privacy;
- to whom, and under what circumstances information may be released;
- what information can and cannot be shared;
- the process and forms for obtaining permission to release information;
- the consequences for unauthorized disclosure of information; and

- precautions to be taken in collecting and aggregating data to ensure the confidentiality of individual youth.

Requests for information from outside sources should be made in writing. Actions taken to respond to such requests should be documented in case files.

#### Reliability of Screening Methodologies

Accuracy of screening methods must be researched in the policy development process. A combination of drug use identification methods is likely to increase reliability. These might include such measures as:

- assessments;
- drug recognition techniques;
- urinalysis; and
- offender confirmation (verbal admission).

For each of these methods there may be variations in the degree of reliability of results depending upon the specific procedures used, the training and skill of the person administering the procedure, and the accuracy of instruments used. With each screening method, and particularly with urinalysis, it is imperative that all manufacturer's directions be followed exactly and that equipment be maintained as required (Carver, 1986).

#### Screening Methodology

Reliability can vary according to the screening method used. Assessments are sometimes considered less reliable because they depend upon offender's admissions and the evaluator's interpretation of findings. Drug recognition techniques can be very reliable in determining recent drug use; however, they are less likely to withstand challenges in court as they depend upon the observations of a trained evaluator. Urinalysis is considered the most reliable screening method that is commonly used for legal proceedings. The method selected may depend on how the results will be used. Assessments and drug recognition techniques, performed by well-trained staff, may be sufficient if the purpose of the program is to detect drug-involved youth and refer them for

treatment. However, if court actions will be based upon the results of screening, then urinalysis is preferable.

#### Confirmations

The use of confirmation procedures verifies the reliability of each method. Confirmations may be accomplished by using a different procedure to confirm the results of the first. For example, an agency might employ an initial assessment instrument and drug recognition techniques on all youth to detect probable substance use. Based on the results of these interventions, urinalysis might be used to scientifically confirm the presence of illicit drugs. As stated earlier, urinalysis is considered the most reliable screening method, and reliability is critical if results are to be used for legal proceedings. It is important to determine the requirements of the court for admission of results. Most courts will require the more scientific results of urinalysis for legal action. Some courts will order that the results of urinalysis be confirmed by another test with equal or greater accuracy. Gas Chromatography/Mass Spectrometry, or GC/MS, is sometimes required for confirmation because it is the most reliable technology currently available. However, because of its cost it is usually used only when needed for confirmation for legal proceedings. In some jurisdictions an offender's statement of drug use will be accepted as confirmation, thus avoiding the expense of additional tests.

#### Chain of Custody

For the protection of the youth and the agency, when urinalysis is used, the whereabouts and handling of the specimen and results must be documented at all times. This begins with the collection of the urine sample and includes the sealing, storage, transportation, testing and return of the results. There should be a written record of each person who handles the specimen or the results and where these are at all times. Chain of custody procedures must verify that the results of the test of urinalysis specimen corresponds to the specimen tested and the person from

whom it was collected. Careful documentation should avert legal challenges to a particular test or the program in general.

Many agencies require that a staff member observe the collection of the specimen as a part of chain of custody procedures. However, there are other procedures used to detect the possibility of tampering with the specimen. These may include checking the temperature of the sample after collection or using colored water in the collection area toilet.

The final step in chain of custody procedures is documentation of results. The report should include the client's name and/or identifying number, test date and time, drugs tested for, testing method, and results. The person conducting the test should sign the report form (National Association of State Alcohol and Drug Abuse Directors, 1988). Of course, statutory requirements for the admission into evidence of certificates of urinalysis must be strictly followed.

#### Giving Testimony in Court

Staff may, at times, be required to testify in court concerning the results of drug screening for a particular client or the screening methods used in the agency. Training for staff should include the information and skills required to testify successfully. This should include:

- chain of custody procedures;
- screening methodology used;
- confirmation practices;
- quality control measures and proficiency standards;
- reporting procedures;
- confidentiality safeguards; and
- staff knowledge of and agency's compliance with state standards and legislative mandate.

(National Association of State Alcohol and Drug Abuse Directors, 1988)

#### Conclusion

A brief summary of some legal issues that are related to the development of a drug screening program has been presented. Many concerns have been addressed, but definitive answers were

not given in all cases. It is imperative that agencies research these areas carefully for laws and regulations that are specific to each state and local jurisdiction.

The importance of obtaining legal counsel during the planning process cannot be stressed too strongly. It is much more cost effective and much less time consuming to avoid a legal challenge than to respond to a law suit that arises because the legal aspects of the policies and procedures were not researched adequately.

When legal questions have been resolved, the agency's board, administrator and staff will feel more confident and comfortable in implementing the program. Thus, a successful venture will be much more likely.

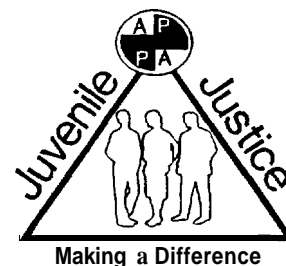
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*Spotlight on. . .*

# Innovations in Juvenile Justice

compiled by Ann H. Crowe, Coordinator of Juvenile Justice Programs  
The Council of State Governments



The summer 1991 issue of *Perspectives* contained an announcement requesting information from juvenile probation departments that have officers located in schools. The response, though small, was gratifying. The information provided by these respondents is summarized to highlight this innovative approach to service delivery.

Many service systems influence youth in the juvenile justice system, but the educational system is a dominant one. Youth spend a significant portion of their time in school, and many resources are devoted to providing public education. Yet complaints are heard on several fronts.

School systems complain that unruly, truant, ill-prepared, or otherwise disruptive youth detract from the quality of education for all. As education, rather than behavior control, is argued to be the true mission of the school, a common response is to separate these youth from the mainstream by placing them in special programs. Sometimes, through repeated suspensions or even expulsions, the youth can be eliminated from the schools. These practices bring complaints from the juvenile justice system, among others, that schools are not taking appropriate responsibility, are not flexible enough, and otherwise are not responsive to the needs of those constituents who are troubled youth.

## School-Juvenile Justice Partnerships

The Kern County (Bakersfield, California) Probation Department reports that it first placed a juvenile probation officer on a high school campus in 1979. Since then, the program has grown to the point of having on-campus officers at six high school campuses, with three

additional officers who serve a number of outlying campuses.

The Yuba County (Marysville, California) Probation Department describes its Probation and Schools Success Program (P.A.S.S.), begun in 1986, and *Truancy Intervention Program*, begun in 1981, which work in "partnership" with the local school district. Through the P.A.S.S. program, deputy probation officers are located at various community schools. A recent effort toward prevention was developed through collaboration of the Marysville Joint Unified School District, Yuba County Department of Social Services, and the Probation Department. Staff from all of these agencies are placed at elementary school sites.

The Probation Department of Sacramento (California) speaks of working with youth "who have tended to 'fall between the cracks' in our educational system." They now have officers assigned to schools in three different jurisdictions.

Another kind of partnership between probation and education is illustrated in Monterey County, California. There, a Community School Program has been developed to address the educational needs of youth who have dropped out or been expelled from all other educational programs. A contract that specifies expectations for attendance, proper attire, productivity and conduct is developed between the youth, their parents and the school personnel. Consequences for violations of the contract are clear and may include incarceration. Personal, family and substance abuse counseling, gang interventions, and vocational training and employment programs are included in the program. A probation officer is in the classroom full time assisting youth with as-

signments, delivering professional services and developing working relationships with the youth. Adolescents in the program may return to public schools, earn G.E.D.s, or continue in the Community School.

A different approach was reported by the Clark County (Jeffersonville, Indiana) Probation Department. Through their Volunteer Services Department, a Volunteer School Liaison Officer Program has been developed. The Liaison Officer provides some specific services and helps keep lines of communication open between the agency and the school.

## The Purpose and Scope of the Programs

The descriptions received of each program indicate very diverse programs, obviously meeting particular needs of the communities, agencies and youth involved. Some of the more frequently cited activities of the programs include:

- providing early intervention services to students and families;
- providing services to non-ward minors referred to probation for a variety of offenses (minor law violations, school problems and family problems);
- counseling young people in danger of being expelled due to truancy problems;
- monitoring attendance, grades and behavior of youth on probation or informal adjustment; and
- providing an alternative educational program for youth who have dropped out or been expelled from other school programs.

### Program Logistics

The ways in which the programs are funded, and the working arrangements between juvenile probation departments and the school are also very different. In one instance, the school and the probation department divide the salaries for the officers involved. In another community, the school district provides the funding. In a third, a cooperative agreement has the school furnishing office space and equipment and the probation department providing the officer. Finally, in Monterey County, California, where the Community School Program was developed, the Probation Department provides a school room and an on-site probation officer to enforce daily attendance and behavior standards. The County Office of Education staffs the program with a teacher and an aid, and equips the program with furniture and supplies.

### Conclusion

This column has provided an opportunity to share information about innovative practices in the field of juvenile probation and aftercare. Establishing

programs that form a partnership between juvenile probation departments and schools represents an innovative approach to effective interventions with youthful offenders. This summary has described a variety of approaches being used by juvenile probation departments; however, many other possibilities are feasible depending on needs, resources, and the creativity of those involved.

### For Further Information

To obtain additional information about any of the programs discussed, contact:

Terry Cummings  
Chief Deputy  
County of Sacramento  
Probation Department  
3201 Florin-Perkins Road  
Sacramento, CA 95826-3900

Gail Black  
Director of Volunteer Services  
Superior Court No. 1 of  
Clark County  
Room 249 City-County Bldg.  
Jeffersonville, IN 47130

John M. Gibson  
Acting Supervisor  
Probation Department  
County of Kern  
2005 Ridge Road  
P.O. Box 3309  
Bakersfield, CA 93385-3309

Stephen L. Roper  
County Probation Officer  
The County of Yuba Courthouse  
215 Fifth Street  
Marysville, CA 95901

Vincent J. Lostetter  
Chief Probation Officer  
Monterey County Probation  
Department  
1422 Natividad Road  
Salinas, CA 93906

We extend our appreciation to Roy Robb, Juvenile Probation Department, San Angelo, TX who raised the question that generated this interesting response. We also wish to express our thanks to those persons who responded, allowing us to share this information with readers.

## WANTED!! Public Information Officers

Members of the APPA Public Relations Committee are inviting all public information officers to participate in a support network designed to train and exchange information and ideas. Our goal is simply to better educate the public about Community Corrections.

The first step in this process is to identify all Public Information Officers in Community Corrections. From there, the committee intends to:

1. Collect information on successful community corrections programs for distribution.
2. Sponsor workshops focusing on public and media relations.
3. Determine if a manual exists for educating the public and if not, develop one.
4. Gather information demonstrating the cost effectiveness of community corrections and how community corrections programs are appropriate responses to most criminal offenses.

In order to accomplish these goals, we need your help! If you serve in this capacity and want to become more involved, please contact:

Paul O'Connell, Maricopa County Adult Probation Department  
PO. Box 3407, Commerce Station  
Phoenix, Arizona 85030  
(602) 506-3584

## *A Waste of Money, a Waste of Time:* **Parole Violators in California**

by Vincent Schiraldi, Executive Director, The Center on Juvenile and Criminal Justice  
Anthony Costello and Rick Garnett, Volunteers

### **Introduction**

California's correctional system is under fire and for good reason. For the past decade, a combination of sensationalistic and inflammatory "tough on crime" political rhetoric and tunnel-vision policies have burdened California with a wasteful and costly correctional system. Despite the explosion in prison construction and population, the state's crime rate has remained about the same. Demagoguery and posturing may win elections, and fermenting fear about violent crime may give the appearance of responsibility. However, in the long run, it is the citizen who pays for a system which, at worst, exacerbates the existing problems of its inmates and, at best, merely warehouses over 100,000 men and women in overcrowded and expensive prisons.

Despite what Senator Robert Presley called "the largest prison construction program ever attempted by a government entity" - \$6.2 billion in the 1980s - the California Department of Corrections (CDC) is currently operating at 175 percent of capacity. The complete lack of effective programming for inmates in and out of prison has turned our prison gates into revolving doors. California's taxpayers have a right to ask themselves whether they are getting their money's worth. Nearly 80 percent of those released will be back again. And in 1989, 47 percent of those sent to prison were incarcerated for violating the conditions of their parole; they were not convicted of new crimes by a court.'

All acknowledge that California needs a prison system capable of housing the dangerous few. But again, despite the rhetoric behind the prison construction boom, our facilities simply are not full

of violent murderers such as Mansons, Rothenbergs, Singletons and "Hanibal the Cannibals." As the Center on Juvenile and Criminal Justice found in its recent study, *Concrete and Crowds: 100,000 Prisoners of the State*, the "typical" California inmate is not a hardened murderer but a young, non-violent, substance abusing, semi-literate, unemployed man of color. And again, many of these inmates (nearly half each year) are incarcerated not for new crimes, but for violations of parole.

Known to the Department of Corrections as "PV-RTCs," parole violators collectively present one of the most important challenges to corrections today. How can we hold paroled offenders accountable, while at the same time sensibly rehabilitate and reintegrate them into society? Perhaps closer to home, how can we stop throwing away millions of dollars (approximately \$360 million in 1989) reincarcerating those we fail to reintegrate? The absurd rates of parole failure raise the question of what purpose our prison system serves. How can we better deal with individuals caught on the concrete and steel merry-go-round our prison system has become?

### **The Scope of this Study**

This study has focused on the problem of technical parole violators (PV-RTCs) in California. Because disagreement exists as to what exactly constitutes a technical parole violator, we will use the definition of a PV-RTC used by the Offender Information Services Branch of the Department of Corrections: "A parolee who has violated the conditions of parole and has been ordered by the BPT (Board of Prison Terms) to return to prison."

PV-RTCs are distinguished from PV-WNTs (Parole Violators With New Terms) in that the latter are returned to prison following a new criminal conviction and commitment from court. When making comparisons between California and other states, we have attempted to identify, as much as possible, the same groups of inmates, however categorized elsewhere.

This study will also attempt to address the fiscal and policy implications of California's reliance on incarceration as the means of handling PV-RTCs, implications especially relevant in these austere times of budget cuts in human services and education. Finally, we will offer specific policy recommendations, some taken from the Blue Ribbon Commission on Inmate Population Management's 1990 Final Report, and note legislation currently being considered which could positively impact the parole violator problem.

### **Parole Violators and Prison Overcrowding**

In 1989, 39,976 PV-RTCs were returned to custody in California.' These violators accounted for nearly half of the total inmates received at CDC institutions that year. Since these inmates serve an average of four and a half months in revocation time, their share of the total prison population at a given time will obviously be less than their share of those admitted to prison over the course of the year.

The CDC and the Board of Prison Terms, a governor-appointed board ultimately responsible for parole revocations, have developed a long list of actions and behaviors which can constitute a parole violation. Importantly, the decision to revoke is not made by



a judge following a conviction, but by an administrative board following a violation. The BPT's current guidelines allow for technical violation even in cases where there has not been any criminal conduct. Parolees may be violated for ambiguous and arguably harmless actions such as failing to report to a parole agent, involvement in a domestic squabble, or living in a "drug-related area." Other violations include "failure to follow instructions" and "possession of a simulated weapon." Parole agents have complete and unquestioned authority to decide whether or not a parolee on their caseload should be recommended to the BPT for revocation.

Further, despite the fact that parole violators can be subject to up to one year in prison, the actual revocation process never involves a court of law and only faintly resembles the normal judicial process constitutionally protected in criminal cases. For example, accused parole violators do not have the right to an attorney, even though their liberty is certainly at risk. As Senator Presley remarked, "the easiest thing for a parole officer to do now with a parolee he is disgusted with is just to revoke his parole."<sup>3</sup>

According to the CDC, during the past seven years, the Board of Prison Terms has consistently revoked between 97 and 98 percent of all cases

reviewed. Now, although the parolee does have a right to a hearing, known as a "Morrissey hearing," before revocation, most choose to waive this procedure, rightly assuming that it will probably only delay the inevitable. As with plea bargaining in the criminal courts, Morrissey hearings, like criminal trials, are avoided in the hopes that "cooperation" will secure a lighter penalty. The relative ease with which suspected parole violators may be returned to prison is perhaps what most drives California's deplorable parole violator problem.

#### California and the United States: A Comparison

In 1989, the number of PV-RTCs returned to California prisons soared to an unprecedented 39,976. The projections for 1991 approach 45,000.<sup>4</sup> At the same time, the next two largest prison systems in the country, New York and Texas, had only 6,043 and 1,328 PV-RTCs, respectively<sup>5</sup> (see Graph I). According to a CDC report on parole violator trends, "[i]t must be concluded that the significant increases which have occurred in the numbers of PV-RTCs certainly go beyond that which can be attributed solely to the growth in the parole population."<sup>6</sup>

From this same data we were able to compare the parole violator situation in

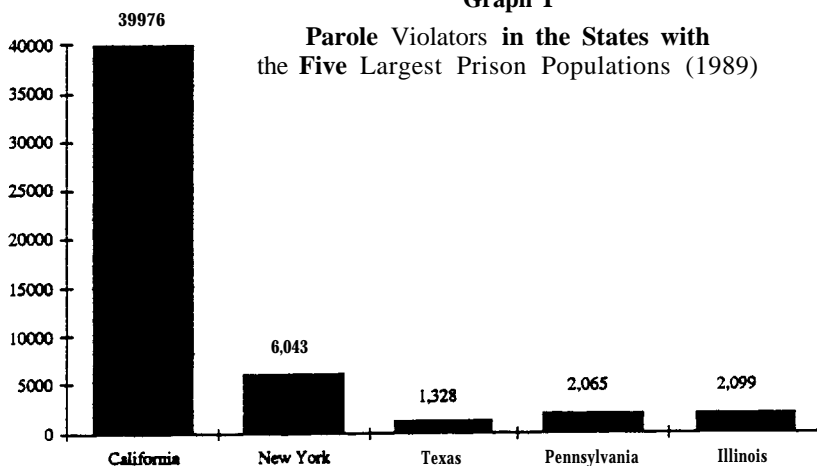
California with those of the rest of the states. California aside, the states for which data were available violated between 6,043 (New York) and 12 (Vermont). The most startling fact, however, is that the other states, which collectively had 168,450 people on parole in 1989, violated and re-incarcerated fewer *combined* than the state of California<sup>7</sup> (see Graph II). California may have a reputation as a unique state, but the cultural, economic, demographic and even criminal factors do not exist, which alone could explain California's parole violation policies and practices.

#### The Cost

The CDC estimates that it costs \$20,562 per year to house a convict in a California prison. This figure is extremely conservative; factoring in debt service alone, the annual tab grows to approximately \$24,000. External and indirect costs, which are not accounted for in these figures, include capital, fringe benefits for employees, worker's compensation, external oversight, liability, property insurance, transportation and interagency personnel.

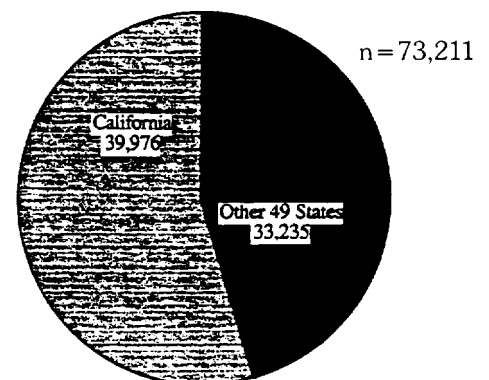
On a macroeconomic level, using CDC's annual per inmate prison costs, the 39,976 parole violators incarcerated in 1989 cost the state \$360 million. But the costs will not stop there. These parole violators consumed over five

**Graph I**  
**Parole Violators in the States with  
the Five Largest Prison Populations (1989)**



Source: BJS, 1991 and CA DOC, 1990

**Graph II**  
**Parole Violators in the United States (1989)**



Source: BJS, 1991 and CA DOC, 1990

million "bed-days" which could be used to house other, more dangerous, long-term prisoners. Instead, the ever-increasing rate of crowding will force the construction of new and expensive prisons to house the former residents of today's crowded and expensive prisons. The debt repayment cost of the new prison construction program will be \$382 million in 1991-92, and is expected to reach \$700 million annually if present rates of incarceration continue. The CDC expects to need \$10 billion in construction costs alone by the year 2000.<sup>8</sup> We simply cannot afford the results of our government's "tough on crime" rhetoric.

Prison money must come from somewhere. In 1990, for the first time in recent memory, the voters rejected several major prison bond proposals. Also, continuing the tradition of "robbing Peter to pay Paul," the Governor's 1991-92 state budget proposed campus closures and budget cuts of \$195 million for the University of California and California State University systems. Aid to Families with Dependent Children (AFDC) will be cut by \$176 million, leaving a single mother with two young children only \$631 a month. All this while we spent a total of \$360 million last year housing parole violators in prison! Everyday in the papers we can see the administration and legislature scrambling to cut the deficit by taxing Cheetos and Milky Way bars, but the swollen corrections population seems a sacred cow, protected by the demonized vision of Willie Horton.

On the microeconomic level, the costs are just as real and hit perhaps even closer to home. As our prisons swell to bursting, the state must hire more and more guards and staff to maintain a semblance of order. At a time when school districts such as that in Richmond are facing closure, it seems a mistake to throw money at warehouses of concrete and steel. In fact, the annual salary and benefits of a prison guard could pay the salaries of two full-time school teachers in Richmond.

At a time when spending for higher education is being slashed and legislators talk of closing campuses, it is indefensible to spend as much to house a prisoner for a year as it would cost to send three students to a California State University, full-time and residential.

At a time when AFDC benefits are shrinking, and when pundits and politicians decry the "collapse of the family," it is inexcusable to spend \$2,000 a month to house a parole violator, when that money could be given to three needy single mothers or could provide day care for more than 40 lower income children.

#### Why So Many?

The answer to the costly parole violator problem lies in providing both a continuum of community-based options for violators and in providing inmates with meaningful pre-release services. Unfortunately, our corrections system practically guarantees recidivism by ignoring rehabilitation for retribution and

punishment, and by emphasizing incapacitation over education. The poorly developed prerelease programming in CDC institutions virtually guarantees eventual parole failure. Bureau of Justice data indicates that only 19 percent of California parolees successfully complete their terms in 1989, compared with 43 percent nationwide (see Table 1).

In 1988, only 4 percent of the male prison population participated in pre-release programming. This has not changed markedly. As the Blue Ribbon Commission Report found, participation in the scarce pre-release programming is voluntary and lacks necessary components such as job seeking and keeping skills, drug education and family coping skills. Most California parolees will leave prison with no marketable skills or job experience, no high school diploma, a sixth grade reading level and a drug problem. No wonder a recent study found that. "[i]t is safe to assume that, given the present environment, the longer the parolee's exposure to prison, the better the chance of being returned to prison for some kind of violation."

The single greatest symptom of the system's inadequacies may be drug and alcohol abuse. Although it is estimated that over 80 percent of CDC prisoners have drug problems, less than 3 percent will receive drug-related therapy and this will be limited to 12-step-type programming.<sup>9</sup> As any drug or alcohol abuse expert will tell you, substance abuse and feelings of hopelessness go hand-in-hand. Those who overcome their addictions are those who are helped to develop the skills needed to find a meaningful place for themselves in the social and economic mainstream.

Parole policies do not make things any easier. Parolees are sent out the door with \$200 in "gate money" and an order to report to their parole officer in their commitment county within 24 hours. A convict from San Diego housed at Pelican Bay, near the Oregon border, would have a day and \$200 to travel 1,000 miles for a five minute meeting. And, if a parolee wants to

Table 1  
Successful Completion Rate on Parole in U.S. and  
States With the Five Largest Prison Populations in 1989

	Total Leaving Parole	Successfully Completed	Percent Successful
US. Total	246,446	105,736	43%
California	75,967	14,304	19%
New York	16,118	7,530	47%
Pennsylvania	19,566	12,434	64%
Texas	22,820	9,195	40%
Illinois	11,915	5,826	49%

Source: U.S. Department of Justice

make a "fresh start" and leave Bayview-Hunter's Point, West Oakland, Compton or wherever, s/he cannot as long as the law requires a parolee to return to the county where the crime was committed.

Perhaps most significant, however, is that as caseloads grow and treatment options shrink, parole revocation practices seem to have hardened. With few affirmative steps available to parole agents aside from revocation, parole failure rates have doubled over the past ten years. In fact, as recently as 1977, only 788 parolees were returned for violations compared with the figure of 39,976 in 1989.

#### What the Parolees Say

Although originally designed to reintegrate convicts, parole currently serves primarily to return people to prison. In researching this report, several parolees at an East Oakland halfway house were interviewed. One parolee stated:

*A few guys come out, they get lucky, but the majority of them will be back. They will be back, you know what I'm sayin'? They got a sayin' that when you get on parole, you will go back to the pen — at least three times. It's a statistic that most guys go back.*

Another:

*I go to the parole agent and tell him I want to get a job. "Uh, come back and see me next week." I mean, it's not really his fault because he got three hundred other guys.<sup>11</sup> And he doesn't even know me. All he knows is my number is three seven such and such. All he knows . . . if he wants to keep his job, all he got to do is have me come in once a week, piss in the bottle. As long as the bottle don't show no drugs in it, I can stay on the streets another week. First time the piss is not good, all he gotta do is send me to jail, that's it. He put my file back over there in "inactive," and that's it. He's still got his job, he goes on . . . you know, they don't have to get personally involved with you. 'Cause they*

*can't. You got three hundred guys, . . . how you get involved with three hundred guys. Most people don't even have three hundred friends in their whole damn life. You know what I'm sayin'? So how do people deal with three hundred guys' personal damn problems?*

The Sacramento News and Review recently printed an interview with a former burglar whose expensive drug habit netted him five parole violations and more revocation time in prison than his original sentence.<sup>12</sup> He bluntly stated:

*Prison is designed for people to come back. Period. That's the end.*

#### Recommendations

Despite the daunting problems presented by PV-RTCs in California, there are some hopeful answers. The Blue Ribbon Commission on Inmate Population Management's 1990 *Final Report* suggested a number of possible measures, some of which are currently working their way through the corridors of power in Sacramento, waiting to become law. Unfortunately, the climate of rhetoric and fear makes many practical and simple options "politically unpalatable" to lawmakers.

Additionally, it is clear that the "policing" functions of parole are currently overwhelming the "social work" role parole agents purport to play. The Blue Ribbon Commission on Inmate Population Management has urged that the helping function be reinfused in parole work, and to its credit, the CDC has taken some initial steps in that direction. Nonetheless, evaluating parole work in California today on either dimension, catching criminals or rehabilitation, reveals a system which is woefully lacking. An 82 percent failure rate indicates that parolees in California are neither deterred nor rehabilitated by parole supervision, and parolees are rarely apprehended by parole agents in the act of committing offenses. This crisis situation requires dramatic action. The following recommendations are designed to increase rehabilitative pre-

and post-release options for parolees and allow police and district attorneys to do what they do best: apprehend and prosecute persons who have committed criminal behavior.

- *Eliminate or minimize the supervision/violation function of parole in favor of providing rehabilitative services.* This could most practically be accomplished by abolishing post-release supervision for all or select groups of determinate sentence law offenders. This occurred in the state of Maine and resulted in no increase in crime. A second, less desirable option, would be to reduce parole terms to one year and/or to have unsupervised parole for offenders. Unsupervised parolees could still be violated by the BPT if apprehended by police. The state of Washington reduced parole supervision to one year and it too experienced no increase in crime.

- *Reallocate funds currently utilized to pay for parole agents and prison costs to fund a continuum of community based programs.* Such programs could include drug rehabilitation, job training and development, housing assistance, or mother-infant care programming. A continuum of community based options was recommended by the California Blue Ribbon Commission on Inmate Population Management, and a Community Corrections Act has been proposed by Senator Robert Presley (SB 187), Senator Bill Lockyer (SB 26), and Assembly Member John Burton (AB 1871).

- *Develop a Parole Assistance Project for parolees facing violation hearings.* For the parolees that are facing violation hearings, the Board of Prison Terms should have workers available to it to present viable alternatives to returning the individual to prison. A similar program in Virginia showed that, when such community-based options were presented at parole hearings, the Virginia Parole Board accepted them 78 percent of the time.<sup>13</sup> Such a project is currently proposed as a pilot by AB 2096 sponsored by Assembly Member Barbara Lee.

• Increase *the* use of pre-release programming and *offer* inmates *release* incentives *for* faithful participation. Currently the great majority of CDC releasees receive no pre-release preparation. By providing an intensive, 60 day pre-release program geared towards equipping inmates with basic community survival skills and giving a 60-day good time bonus for successful completion, California could achieve the best of both worlds. Inmates would be better prepared to face the community upon release and the taxpayers would save millions. A pilot project to this effect is currently contemplated by AB 1081, also introduced by Assembly Member Barbara Lee.

#### Conclusion

Our prisons are bursting at the seams and the state's coffers are depleted. We are slashing Health, Education and Welfare budgets, but every year we send more people to prison. The complex socio-economic, cultural and political factors which cause crime may remain a mystery, but the current parole

violator system in California provides an urgent opportunity to reduce our reliance on costly and debilitating incarceration.

Parolees need assistance with jobs, independent living skills, substance abuse, family difficulties, education and prejudice. They do *not* need to be given a paper cup to urinate in once a week prior to an almost inevitable bus ticket back to prison. The cycle of imprisonment is self-perpetuating: we cut education and welfare to pay for prisons to house the people who may have become criminals because of cuts in education and welfare. And as the parole situation shows, we are not treating these men and women any better the second time around. Parolees have paid for their offenses. They should not have to pay again. Neither should we.

#### Footnotes

1. Department of Corrections, Offender Information Services Branch, *California Prisoners and Parolees*, 1989, 1990, p. 97.

2. Department of Corrections, p. 106.

3. Neumann, A. Lin. "Back on the Streets," *Sacramento News and Review*, Vol. 3, No. 8, June 6, 1991.

4. Assembly Ways and Means Committee, *Initial Review of the Governor's Proposed 1991-1992 California State Budget*. January 1991, p. 50.

5. Bureau of Justice Statistics, U.S. Department of Justice, *Correctional Populations in the U.S.* October, 1991.

6. "Short-Term Inmate Report: Parole Violators and New Commitments." California Department of Corrections. September, 1989, p. 31.

7. Bureau of Justice Statistics.

8. Assembly Ways and Means Committee, pp. 47-57.

9. California Department of Corrections, 1989, p. 13.

10. Assembly Ways and Means Committee.

11. CDC estimates the parole case-loads currently approximate 75 parolees per agent.

12. Neumann.

13. National Center on Institutions and Alternatives, "Parole Assistance Project Summary," 1987.

## THIRD NATIONAL COURT TECHNOLOGY CONFERENCE Dallas, Texas • March 11-15, 1992

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*Educational sessions aimed at all levels:*

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|--------------------|---|--|

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Registration fees are as follows: \$425 from October 1 to November 30; and \$495 from December 1, 1991, to March 1, 1992. After March 1, 1992, registration will be taken on-site only and the cost is \$550. Groups of six or more may register until November 30, 1991, for \$400 per person.

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# New Public Opinion Poll Cites Support for Intermediate Punishment Programs

by Neil F. Tilow, President, International Association of Residential and Community Alternatives

## Introduction

The purpose of this article is to discuss the results and implications of a September 1991 national public opinion poll which showed overwhelming support for intermediate punishment programs; to compare these results with the outcomes of previous public opinion polls; and to suggest some strategies to reach policy-makers so that they will be better informed about the attitudes of the general public.

## Methodology

The International Association of Residential and Community Alternatives (IARCA), an association with which APPA has had an ongoing collaborative relationship, sponsored a national survey of the attitudes of the general public about community corrections. The survey was conducted by The Wirthlin Group, one of the nation's largest custom opinion research firms, a firm which has conducted research for many of America's largest corporations and for political candidates including former President Reagan.

The survey was part of the National Quorum, a monthly 'omnibus' survey, consisting of questions on a variety of subjects. The survey was conducted September 3-5, 1991, and included telephone interviews of 1,009 adults, 18 years and over. The sample was demographically and geographically balanced to reflect the United States' total population. The margin of error at the 95 percent confidence level for this sample is plus/minus 3.1 percent.

A question was structured which invited interviewees to express concern over the issue of community corrections. Interviewees were asked:

I would now like to ask you about community corrections programs. These

are programs in which criminal offenders who are judged to be non-dangerous are supervised in a community-based, non-prison setting. While in these programs, participants are required to hold a job, perform community service, repay their victims and receive counseling.

Some people are in favor of these programs because they better rehabilitate non-dangerous criminals to re-enter society, while also repaying their debt to society. Others are against these programs, feeling that criminals belong in prison and that these programs are risk to the community. How do you feel about these programs?

Each respondent was then asked to answer the question by indicating whether they were strongly in favor; somewhat in favor; somewhat against; strongly against; or undecided.

## Summary of Findings

The survey found that four out of five Americans favor community corrections programs over prison for non-dangerous criminal offenders.

It found that 35 percent of Americans are "strongly in favor" of non-prison programs in which non-dangerous criminal offenders are required to hold a job, perform community service, repay their victims and receive counseling. Another 45 percent are "somewhat in favor" of such programs.

Only one in five Americans are opposed to community corrections programs, believing that criminals belong in prison and that community programs pose a risk (10 percent "strongly against;" 9 percent "somewhat against").

An analysis of the subgroups of the survey found:

- Support for community corrections programs is lowest among people 65

years and over, with 71 percent favoring such programs.

- Support increased with education level, ranging from 73 percent in favor among those not completing high school to 86 percent in favor among those with post-graduate degrees.

- Support is higher among blacks and other ethnic groups (86 percent) than among whites (78 percent).

- Support is high among people who identify themselves as being "very liberal" (84 percent) and lower among people who identify themselves as "very conservative" (70 percent).

- Geographically, 89 percent of the people in the Mountain and Pacific regions supported community corrections while support was lowest in the south (70 percent).

- Politically, 80 percent of the Republicans and 79 percent of the Democrats were totally in favor of these programs.

Although some people volunteered that they favored these programs "as long as they are not in my neighborhood," there was no data to substantiate this feedback.

## Implications of These Survey Results

In the past, similar surveys have shown positive support for community programs to be in the 60-70 percent range. This support is the highest yet reported, suggesting that many Americans are becoming more aware of the conditions within the nation's prison system and are beginning to question whether prison is the only way to punish convicted offenders.

The results are considered representative of a cross section of the American public rather than specific "grass roots support." The fact that some people volunteered the concern that they would support these programs if they

were not in their neighborhoods suggests that the support may not translate into actively supporting these programs in every neighborhood. However, the results do provide a sufficient national platform of support for community corrections programs.

The findings among the subgroups were not surprising. It would be expected that support would be lower among the elderly because of their vulnerability to victimization and fear of criminals. However, it was surprising that even with this concern, 71 percent of the persons aged 65 years and older were supportive.

One would expect that those persons with higher education would be supportive because they are better informed. This group is more likely to read newspapers and listen to news programs. They would probably have more knowledge of the current conditions within our nation's prisons and be aware of some community corrections programs which have to date received wide publicity (community service, restitution, electronic monitoring, house arrest, halfway houses).

This is an important finding. It suggests that increased media coverage about the benefits of community corrections programs is likely to increase the level of support among greater numbers of the highly educated. And if television and radio coverage is repetitive, a greater number of the uneducated will also be influenced.

Since one in four black males are under correctional supervision in America (The Sentencing Project, 1991), it is not surprising that more black Americans would be concerned about the disproportionate number of their race being incarcerated and would likely feel that community corrections programs are welcome alternatives to prison and jail.

It is expected that those persons considering themselves "liberal" would be supportive because they are likely to perceive these programs as innovative and progressive. However, it was noteworthy that so many persons consider-

ing themselves "conservative" were also supportive.

It is somewhat surprising that both Republicans and Democrats were similar in their support. One would expect more Democrats to be supportive because they tend to be more liberal than conservative in their political philosophies. In fact, 79 percent of those interviewed who indicated that their party affiliation was Democrat were supportive, compared to 80 percent of the Republicans. However, the fact that four out of five Republicans and Democrats supported community-based programs would suggest bi-partisan support for intermediate punishment programs.

Since the Mountain and Pacific regions of the country tend to be progressive, it is not surprising that these regions showed more support than other regions. The southern states showed the least support.

The last finding was anecdotal, but it does suggest that the "NIMBY" syndrome is still an obstacle in establishing community corrections programs. How widespread this feeling was among those interviewed is not available.

Since the "NIMBY" factor remains an important issue in the minds of the public, it will be important to position the proposed residential program as not impacting on property values or crime rate. There is some available, although dated, research which can be used to help support the case for residential centers.

For example, two studies in America (District of Columbia and Franklin County, Ohio) demonstrated that there was no significant difference in the time a residential property located nearby a residential center was on the market before being sold as compared to other properties, and there was no significant difference in the asking price and the selling price of the home located near a residential center (Hecht, Judith, 1970; Wagner, Christopher and Christine Mitchell, 1979).

Additionally, IARCA reports that many residential centers are located in commercial areas and *not in* residential neighborhoods.

To augment this research, it is always helpful to use first-hand experience.

#### Review of Previous Public Opinion Polls

The IARCA-sponsored survey, although the most recent, is only one of many public opinion polls which have been conducted throughout the United States in the last decade. However, this survey is consistent with the findings of previous public opinion polls. Although most probation and parole professionals are aware of these surveys, I think it is important to once again review the specific findings of these surveys.

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**These surveys provide sufficient evidence to show that the general public feels that community-based programs are viable options for non-dangerous offenders.**

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For example, the Public Agenda Foundation found in two separate studies, consisting of a series of focus groups, that the general public supports alternatives to prison (1987, 1989). Four hundred Alabama residents were presented 23 actual cases of offenders and asked to sentence these offenders to either prison or community punishment programs. Initially, 18 out of the 23 cases were given a prison sentence. However, when shown a video demonstrating what happens in a community corrections program, only 4 of the 23 cases were sentenced to prison.

Figgie International surveyed 1,000 members of the general public and a cross section of 300 judges, lawyers and parole officials in 1985. This survey showed that all respondents want tough sentences for violent criminals, but the majority support community punishments for non-violent offenders.

A 1981 Gallop Poll reported that the general public feels that in most cases society would be better served if non-violent criminals were not jailed but were required to work and repay their victims.

And finally, a 1981 Harris survey reported that 77 percent of the respondents supported halfway houses as a concept and 50 percent would favor these programs in their neighborhoods.

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**For too long, probation and community corrections programs have suffered from a poor public image.**

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On the other hand, policymaker polls have demonstrated that policymakers often misperceive the general public's attitudes about these programs. A study conducted by Stephen Gottfredson and Ralph Taylor (1984) of Maryland policymakers found that they perceived the general public to be punitive rather than rehabilitative and opposed community corrections programs based on this perception.

In Michigan, the Michigan Prison and Jail Overcrowding Project (Clark, 1985) found that policymakers perceived that 12 percent of the general public would be supportive of community corrections programs, when in fact 66 percent were supportive.

#### **Overall Implications of Public Opinion Polls**

These surveys provide sufficient evidence to show that the general public feels that community-based programs are viable options for non-dangerous offenders. They want tough but rehabilitative programs - programs which will lower the overall rate of return. And, they expect offenders to pay back their community in terms of victim restitution and community service.

They also suggest that many policymakers often misperceive the majority of the general public when it comes to their attitudes about community corrections programs.

#### **How Should Probation and Parole Professionals Communicate These Findings?**

IARCA believes that community corrections professionals of *both* organizations must become more aggressive

in communicating *this* information to policymakers *in* their jurisdictions so that there will be additional support and funding for intermediate punishment programs.

To accomplish this goal, probation and parole professionals could implement some of the following strategies:

- Send a copy of this article to policymakers, judges, prosecutors, county administrators, sheriffs, jail officials and others interested in these programs as information items for their review and comment. Use this as an opportunity to update officials of the progress of the local program.
- Incorporate the results of these surveys in public educational presentations to community groups.
- Develop a news release and send it to the local editors or give an editorial briefing.
- Use a reprint of the article in the agency public education kit.
- Incorporate this information in legislative briefings.

These are just a few ways in which probation and parole professionals can communicate this information.

#### **Conclusion**

The findings of these surveys indicate that the majority of the American people support intermediate sanctions which are tough but fair, protect public safety, require restitution and community service, effectively change behavior and are cost-effective.

Policymaker polls indicate that many policymakers do not accurately perceive the attitudes of the majority of the general public when it comes to community corrections programs.

For too long, probation and community corrections programs have suffered from a poor public image. The misinterpreted results of the Rand survey on probation and the Willie Horton incident has damaged the public image of community corrections.

In order to enhance this image, community corrections professionals must become more aggressive in informing policymakers of the perceptions of the general public about community correc-

tions programs and in communicating the benefits and success of probation and intermediate punishment programs,

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Neil F. Tilow is President of the International Association of Residential and Community Alternatives. IARCA is an international association representing 250 community corrections agencies operating over 1,000 residential and non-residential community corrections programs throughout North America.

## NIC Update

# NIC's Intermediate Sanctions Project

Thirteen state and local jurisdictions from around the country have been selected to participate in the second round of an Intermediate Sanctions Project funded and managed jointly by the National Institute of Corrections and the State Justice Institute. Participating in this round in the policy-focused project are the following jurisdictions:

- State of Alaska - Alaska Sentencing Commission;
- State of Colorado - Colorado Criminal Justice Commission;
- State of Connecticut - with Bridgeport as the pilot site;
- State of Washington - Sentencing Guidelines Commission;
- Sacramento County, California;
- Ventura County, California;
- Dade County, Florida;
- Jefferson County, California;
- Montgomery County? Maryland;
- Dakota County, Minnesota;
- Cuyahoga County, Ohio;
- Northern District of Ohio (Federal Court team): and
- King County, Washington.

Each jurisdiction is represented by a team that includes at least the chief judge, the chief prosecutor, and the chief probation officer or community corrections director. Most jurisdictions are also providing their own funds to support the participation of additional members, including defense counsel, law enforcement officials, and state legislators or county commissioners.

This project's premise is the understanding that creating intermediate sanctions requires the development of practical, articulated policies within which they will operate. Jurisdictions usually create intermediate sanctions in order to have more effective sanctioning options for various types of offenders and offenses. However, the availability of a number of programs and sentencing choices does not, in itself, mean that a jurisdiction has intermediate sanctions.

The policy that articulates an overall sentencing scheme and the place of sanctioning options within it is as important as the programs themselves. Creating intermediate sanctions in a jurisdiction requires the development of both a range of sanctioning options and a coherent policy to guide their use. Moreover, the cooperative analysis and development of these policies and sentencing options must involve those with key roles in the criminal justice system.

Principal staff for the project are Peggy McGarry, Project Director, and Mimi Carter, Project Associate, at the Center for Effective Public Policy. Barry Mahoney, Senior Associate for the Institute for Court Management: National Center for State Courts, represents NCSC in the project. To initiate the year-long technical assistance effort, project organizers brought together the participating jurisdictions in October for a three-day symposium.

The symposium was designed to support three main goals: 1) to build a team of policy and decision makers who can work together effectively to articulate and accomplish their vision

of success for their jurisdiction; 2) to explore with participants the relationship of goals and values to the choice and design of specific sanctions, and to their ordering as a group; and 3) to familiarize participants with the key elements necessary to the development of sound policy regarding the creation and implementation of intermediate sanctions. At the conclusion of the symposium, each team designed a concrete plan to guide its own work in developing intermediate sanctions policies and programs.

The Intermediate Sanctions Project will provide technical assistance over the coming months to support a variety of participants' activities - including data gathering, policy analysis, goals clarification, and program implementation. Participating jurisdictions' experiences will be documented at the end of the project in a publication sponsored by NIC and available through the NIC Information Center. If you would like additional information on the project, contact Phyllis Modley, NIC Community Corrections Division, 500 First St., N.W., Washington, DC 20534, telephone (202) 307-3005.

## - AFFILIATE CONFERENCE UPDATE -

### California Probation, Parole & Correctional Association Conference:

### CPPCA at the Helm, Charting the Course

Town & Country Hotel  
San Diego, California  
May 13-16, 1992

Please contact Connie Clark at (619) 531-5008  
for registration information.



## Paroling Authorities: Recent History and Current Practice, by Edward E. Rhine, William R. Smith and Ronald W. Jackson

# BOOK REVIEW

Reviewed by Donald G. Evans, Assistant Deputy Minister, Policing Services Division,  
Ministry of the Solicitor General, Toronto, Ontario, Canada

For over a decade, parole has been under constant scrutiny. Efforts to abolish or reform parole have occupied both academics and legislators, but have usually been diverted to what was considered to be a more serious problem, prison crowding. In fact, emphasis on prison population has served to mask the increasing population pressures on parole. Parole has become one of the fastest growing segments of the correctional system, partially due to its increasing role as a safety valve for crowded prisons by providing a mechanism for the supervision of released offenders under emergency powers legislation.

Parole, however, is and should be more than an expedient and convenient method for dealing with crowded prisons. The authors of *Paroling Authorities* provide an excellent guide to the history and current practices of parole in North America. The seven well-written chapters adequately cover parole's development and philosophical base, its organization and administration, its relationship to prison crowding and its future possibilities. One of the chapters describes the parole system in Canada and provides for a comparative analysis of the differences between systems.

This book is the result of work conducted from 1986 to 1988 by the ACA's Task Force on Parole. A survey of paroling authorities in the United States and Canada was conducted and provides the empirical basis for the book. The authors' purpose is to offer

a systemic and sympathetic appraisal of the parole process. This goal is attained and the reader finishes this book with a greater understanding of the purpose, process and potential for parole.

Among the main features of this study is the positioning of parole as a major element in the correctional system and the recommendation for intermediate sanctions to be developed to deal with violations of parole. One of the startling findings relates to the admissions to state correctional facilities, namely, that there has been a threefold increase in admissions for technical violations; in California in 1987, 50.3 percent of admissions were parole violators. Certainly this is problematic if parole was being used to relieve prison crowding! Also, it definitely suggests the need for alternatives to return to prison for technical violators.

The closing chapter outlines the agenda for parole that needs to be addressed: the structure of discretion, managing resources, community accountability, public opinion and the challenge of sentencing reforms to

the legitimacy of parole.

This book is worth reading; it is also an excellent example of why corrections professionals should support professional associations such as ACA, APPA and local associations. Buy this book, study it and then renew your membership in your association so that work of this caliber can continue.

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