



American Probation and Parole Association

Winter 1994

PERSPECTIVES

Living and Dying Through Recidivism



Are There Better Measures?



Alan M. Schuman

PRESIDENT'S MESSAGE

You elected me President on the platform that APPA could and would lead the nation in the development and implementation of a continuum of community corrections services. I pledge that our officers, board of directors, and affiliate representatives will practice a leadership style that emphasizes involving as many of our members as possible in making APPA a major force in our communities. This means visualizing our profession in much broader and comprehensive terms. Our greatest gains as a profession have occurred during times when limited resources have sparked a need to be especially creative, inclusionary and willing to make changes.

The Community Justice Leadership Project focuses on our membership visualizing and articulating, as one voice, what probation and parole practices should be in the next century. The great challenge is providing visionary leadership where legislators, judiciary, community leaders and the legal profession look toward us for direction and guidance. We have contracted with Skip Mullaney, a well known visionary development leader, to guide us through a series of visionary workshops that capture the thoughts, ideas and creativity of our membership. Mullaney conducted two workshops in Philadelphia that were well attended and generated a wealth of information. Many more workshops will be conducted around the country with our colleagues serving as facilitators. Our vision will be a compilation and prioritization of APPA-generated data. This is the partnership effort that says APPA values and needs all of us to be involved in the leadership to effect change.

After we determine the most significant issues, goals and missions to be adopted, we will focus our resources on the most effective ways of conveying a common message to our constituency and the other stakeholders in our communities. At our future annual and winter institutes, regional trainings and technical assistance interventions, the training agenda will be driven by what we have identified as our field's priorities. This strong, persistent and creative strategy will result in our being a major national leadership force. It is my hope that, in defining and articulating the goals of our profession, we will garner a new responsiveness from communities, from the private and public sectors, and from federal funding agencies. For once, we will be the drivers instead of the driven.

Today, the problems of probation and parole are so complex, we must all work within partnerships to achieve positive results. We cannot afford to keep building costly prisons when our communities face enormous fiscal constraints and must find ways of providing health care, education and

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President's Message

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employment services to our citizens. We have to develop a better understanding of our roles so that we can approach community justice problems from a systems perspective. This approach must involve all key stakeholders and must focus on the issues of community safety, cost effectiveness and maximum utilization of our human resources. The intermediate sanctions projects, coordinated interagency drug training workshops, federal grant requests for proposals, and a series of statewide reviews that link up substance abuse and juvenile and criminal justice systems all have a common theme. This theme stresses the development of linkages between human services systems that have been reluctant to work with each other in the past. These new linkages and partnership are truly the wave of the future. We are discovering that regular communication is the best way to break down barriers among key stakeholders. When this takes place, our differences decrease dramatically.

We have also discovered great success when we develop common goals which include agreed-upon, formal ways of operating across the entire system.

The lines between agencies and services are and should be disappearing. As part of our visionary process, we will recognize the commonality of our goals across all probation and parole agencies. This same commonality exists with stakeholders who work with us on a daily basis.

We have recognized the complexity of the issues facing our profession and the need to re-examine the way we do business. This includes crossing turf lines and breaking out of our old paradigms of operating as a non-system. We also know that our vision is predicated on respecting the basic needs of all human beings; how we interact with each other is the key to success at every level of our lives. Times are changing. We must let our minds expand and be creative. We must not think of restrictions, but of solutions and progression.

I cannot think of any group of people or association I would rather be working with to reach these goals. With increased communication, and the development of new partnerships and linkages as our strategies, we have an unprecedented opportunity for success. With the theme of inclusion as our overarching philosophy, we can reach any goal.

Did You Know?

APPA Training Institutes Bolster \$75 Billion Industry

It's true - APPA's Institutes and its other training programs are a vital part of the \$75 billion convention, exposition, meetings and incentive travel industry which ranks 17th among all U.S. private-sector enterprises. The meeting industry's direct spending supports 1.5 million full-time equivalent jobs and products \$10.5 billion in tax revenues at the federal, state and local levels.

These astonishing findings come from a 1993 study by Deloitte & Touche for the Convention Liaison Council. The study also reveals:

- Conventions and meetings produce \$22.6 billion annually, or 36 percent of the hotel industry's annual operating revenue.
- Associations account for the lion's share of the annual meetings industry, some \$54 billion or 71 percent.
- Conventions and meetings account for 22 percent or \$16.5 billion of the annual revenues of the air transportation industry.

Information For Perspectives Contributors

The American Probation and Parole Association's Publication, *Perspectives*, disseminates information to the Association's members on relevant policy and program issues and provides updates on activities of the Association. The membership represents adult and juvenile probation, parole and community agencies throughout the United States and Canada. Articles submitted for publication are screened by a Board of Editors and, on occasion, selected reviewers, to determine acceptability based on relevance to the field of criminal justice, clarity of presentation, or research methodology. *Perspectives* does not reflect unsupported personal opinions. Submissions are encouraged following these procedures:

Articles should be submitted in triplicate to the Chair for the Board of Editors (refer to the "Letter from the Editors" for address) meeting the listed deadlines:

Spring 1994 Issue	December 21, 1993
Summer 1994 Issue	March 21, 1994
Fall 1994 Issue	June 21, 1994
Winter 1995 Issue	September 21, 1994

If possible, please submit articles in ASCII format on an IBM compatible computer disk along with three hard copies.

Unless previously discussed with the editors, submissions should not exceed ten typed pages which are numbered consecutively and double

spaced. All charts, graphs, tables and photographs must be of reproduction quality. Optional titles may be submitted and selected after review with the editors.

All submissions should be in English. Footnotes should be used only for clarification or substantive comments and should appear at the end of the text.

References to source documents should appear in the body of the text with the author's surname and the year of publication in parenthesis, (e.g., Jackson, 1985). Multiple references to sources by the same author should be labeled alphabetically with each year, e.g., (Jackson, 1985a). If the same source is cited more than once, indicate the various pages of the source with each reference, e.g., (Jackson, 1985: 162-165). Alphabetize each reference at the end of the text using the following format:

Anderson, Paul J. "Salary Survey of Juvenile Probation Officers." Criminal Justice Center, University of Michigan (1982).
 Jackson, D.J. "Electronic Monitoring Devices." *Probation Quarterly* (Spring, 1985): 86-101.

While the editors of *Perspectives* reserve the right to suggest modifications to any contribution, all authors will be responsible for and given credit for final versions of articles selected for publication. Submissions will not be returned to contributors. □

Letter from the Editors

by Robert E. DeComo, PhD, Chairman, Editorial Committee

Welcome to the Winter 1994 issue of Perspectives.

In presenting you with our Winter issue, I would first like to draw your attention to a special Guest Editorial written by Lee Blenkush, Director of the PORT Program, which is a residential community corrections program in Olmstead County, Minnesota. Lee's editorial is published posthumously, as Lee and his friends and community corrections colleagues, Paul Dilley and Henry Tvedt, were killed by a drunk driver while returning from a vacation trip on August 15, 1993.

Lee wrote this editorial especially for Perspectives. I think you will find it is a quite eloquent statement and reminder about the human and humane elements of our work. We are pleased to honor the memory, dedication and compassion of Lee and his colleagues by publishing his message to us.

Also presented as a Guest Editorial is the text of a speech given by Don Stiles at the National Judicial College in Reno, Nevada. Don is the Chief Probation Officer in Pima County, Arizona, and a senior member of APPA's membership and Board of Directors. Don's statement to the nation's judiciary is a cogent and creative call to develop cooperative strategies to implement programs addressing literacy and undereducation in community corrections populations.

Among our other regular features in this issue is our Legal Page, contributed by Fred Cohen, Professor of Law and Criminal Justice at the State University of New York at Albany. Professor Cohen has served as the Co-Editor of the Corrections Law Reporter for many years and is serving in the same capacity with an important new publication entitled *Community Corrections Law Reporter*. Professor Cohen's article provides a broad but concise review of the current case law influencing our field.

The NIC Update completes our complement of regular features. In this update, Dave Dillingham discusses the issues to be addressed in an NIC-sponsored Special Issues seminar entitled, "Treatment Programming: An Element of Offender Risk Management," to be presented several times in 1993 and 1994.

Our first special feature in this issue is actually a series of short and complementary articles about the initial activities of APPA's Alternative Outcome Measures Project funded by the National Institute of Justice. The objective of this important project is to develop a full range of performance indicators for probation and parole supervision that go beyond the traditional measure of recidivism. This series of articles discusses the overall approach to the project, presents some general concepts and background on the issues drawn from the professional literature, and summarizes the results of APPA's Board of Directors' survey on alternative measures.

Our second special feature was contributed by Jody Patel and Curt Soderlund of the California State Board of Control. Their article describes an innovative program of revenue sharing with probation agencies, designed to increase the collection of restitution for victims of crime. The article also provides some very practical suggestions for enhancing the collaborative relationship between community corrections agencies and victim compensation programs in ways that are mutually beneficial.

Our third special feature was contributed by Dr. Faye Taxman of the Institute of Law and Justice in Alexandria, Virginia. Faye's article presents the results of a survey of correctional professionals regarding issues affecting the implementation of correctional options. The survey focuses on perceptions of the severity of punishment for different types of cor-

rectional programs and the exchange value of correctional options for jail time.

Our fourth and final special feature for this issue was contributed by Gayle Siegel, Education Services Program Manager for Pima County Adult Probation in Tucson, Arizona. This article presents the results of one of the very few studies on the impact of educational services on offender behavior. The results of the research on the LEARN Program in Arizona are very encouraging and support the theory that there is a direct relationship between illiteracy and poor educational skills, and criminal behavior.

In closing, the members of the Editorial Committee invite you to forward your comments and contributions by calling or writing to:

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Guest Editorial: In Memoriam

This article was written in June, 1993 by Lee Blenkush, who was Program Director of the PORT program of Olmsted County, Minnesota. Soon after he wrote the article, Mr. Blenkush, along with Paul Dilley (former PORT staff member) and Henry Tvedt (group leader at PORT), were killed while returning from a motorcycle trip by a driver under the influence of alcohol. The article was submitted by Carl Wicklund, Director, Court Services Program, Minnesota. An accompanying letter from Wicklund described Blenkush as "a thoughtful man who would never let our system forget the human and humane elements of our work. All three men believed that offenders should be treated with decency and respect. They were gentlemen who were gentle men; care, compassion and love were part of their everyday discussions and actions with offenders. They empowered those with which they worked to take healthy control of their lives; they taught self-discipline rather than focusing on disciplining. They were effective. Lee was fond of saying, 'You manage things. . . you lead people.' They were all leaders."

APPA is publishing the text of Blenkush's article as a memorial to his commitment and service to our profession.

Some thoughts on where we've been. . .

For most of the last 15 years, we have labored under a dismal cloud known generically as "nothing works." We watched the justice system at every level align itself with attitudes which negated rehabilitation and minimized efforts to help those in trouble. We witnessed an unprecedented expansion in prison construction, more than doubling the number of people locked up and producing the highest rate of incarceration in the world. This building mania has grown to one of the largest "public works programs" in history, second only to the construction of interstate highways. It has left public budgets impoverished - many states now spend more on prisons than they spend on public education. Unleashed and out of control, the prison industry feeds on itself despite our inability to support its growth, and even though it has little noticeable impact on the crime rate it is supposed to deter.

We have surrendered good ideas, creativity and integrity to accommodate perceived public attitudes which hardened our system and caused its erosion to the present exaggerated emphasis on punishment. Armed now with sound research, we are finally able to say that this "nothing works" theory is seriously flawed, even as we struggle with the legacy of the grip it has held on our culture for so long. I suspect we always knew how wrong it was - yet we collectively succumbed to the social malaise and moral despair in which theories like this flourish. "Bad things happen when good people are morally asleep."

Concurrent with the demise of rehabilitation and the fascination with control, we have witnessed the rapid development of technology and its intrusion into the human service arena. I suggest we pay careful attention to the limitations and implications of this development. Our real concerns about morality and about how we should treat each other will not be answered by sophisticated electronics, computerized data and outcome evaluations. We cannot reduce the human spirit to a set of measurable scientific principles. Technology can promote efficiency and responsible management. It can help us do things right. It cannot tell us if we are doing the right things. Nor can it measure such things as decency, compassion, kindness and civility. A just and decent society is nurtured in the heart of its people, not in its technology - the art of what we do is governed by values and conscience. Techniques and methods only work when they fit well with the human art necessary to implement them.

We never seem to run out of occasions to wonder about success. It is a question often asked and seldom answered with much satisfaction. It often seems to me that the predicates which govern our questioning are flawed. . . And so our quest for answers is consistently frustrated. Our efforts imply cures which don't exist, comparisons which

are invalid, and a judgmental attitude which defines people by momentary behavior in their lives. I suggest we stop asking such questions and learn to think about this concern differently. Perhaps we succeed as long as our efforts and relationships are consistent with values about dignity, respect, commitment and care. And perhaps we fail only when we cease to try, only when we cease to believe good things are possible, only when we refuse to recognize our own share in the human condition. Too often, our traditional line of questioning and our interpretations of results are not an ultimate measure of much of anything - yet we use them to throw people away.

We like to think there can be an event which will make our direction clear and which will properly order our future. Our direction is not something we have much control over. It unfolds according to how we respond to events and ideas, good and bad, which crop up in this milieu of criminal justice. It takes its form as much from what we stand against as from what we do - values and actions are interdependent. Our stance against the immorality that exists in the treatment of others spurs us to create alternatives. Our stance against shallow appearances will deepen the substantive value of our efforts. And as we stand against the destructive control and imbalance of power in our system, we will become more confident in the strength of our spirit,

There is a plaque displayed in the city of Boston in memory of John Augustus, the "Father of Probation." It reads: "Moved by the plight of those in the jails and prisons of his day, a humble Boston bootmaker began a great movement in the reformation of offenders when, in 1841, he took from the court for a period of probation one who under his care and with his friendship became a man again." Long ago, we knew that care, friendship and humility ennobled us individually and socially. Have we forgotten?

GUEST EDITORIAL

A Partnership for Safe Communities: Courts, Education and Literacy

A "Grassroots" Public Opinion

by Don R. Stiles, Chief Probation Officer, Adult Probation Department of the Superior Court in Pima County, Arizona

The following article is adapted from a speech presented to the National Judicial College in Reno, Nevada, March 11, 1993.

"Public opinion" is a term dear to the heart of every elected official and is the reason given for many of the positions taken by those in office. One who must work with elected officials may some-

times wonder whose opinion "public opinion" represents. You may have discovered, as I did years ago, that it is the perception of public opinion that drives decisions.

I want to share with you a "grassroots" public opinion, then discuss the issues of opportunity, responsibility and

obligation. I do understand there is some risk involved, but I learned long ago that progress seldom occurs without risk. A part of the risk is that I may offend some of you, which I do not intend. So, please take notice, but do not take offense. Opinions are, by nature, controversial.

I am My. John Q. "Grassroots" Public, a reasonably honest, working, taxpaying citizen. I have a home on which I make monthly payments, hoping to have it paid for by the time I retire; a car, a pick-up and a boat. I have a few charge cards requiring monthly payments, and I complain about the interest; however, I never seem to be able to pay them off.

My wife works outside the home and wishes she didn't have to. We have one married daughter, a granddaughter, and a son who is a junior in college. He works part-time and pays most of his own living expenses, but we help with registration and books.

I have been a crime victim twice. The first time was when our house was burglarized, and the second was when my pick-up was stolen. I replaced the pick-up with the help of an insurance settlement, but it cost me some money out-of-pocket. The other time, I replaced the TV and VCR, the microwave, camera and some other things, but I couldn't afford to replace my hunting rifle or the handgun which had belonged to my grandfather. I really hated to lose that gun! It was irreplaceable. We replaced only part of my wife's jewelry and part of the fishing gear that was taken, since I don't have much time to fish anymore.

I have about gotten over it now, but I was really angry about the pick-up being stolen. I lost the truck and missed two days' work because of it. When they broke into my house, I was furious. How dare the sorry SOB's break into my house? I worked hard to get everything they took! And the damage they caused added insult to injury! I guess the police did the best they could but, as far as I know, they never arrested anyone. That is just as well, now that I know what it costs to send someone to prison. It is bad enough to lose my property without having to pay more taxes in order to keep the thief in what amounts to the ultimate social welfare system. I did buy a handgun and keep it loaded. My wife feels better knowing it is there in the event someone tries to break in while we are home. We also added wrought iron bars to all the windows and doors; that cost me another \$2,000.

I know it isn't entirely reasonable, but I think you are to blame. All of you! The schools, the courts, the probation officers, the prison system, the cops and, maybe most of all, the politicians! At all levels! I pay more than my fair share of taxes. I voted for the governor, the legislators, the county supervisor and the mayor, and everyone else who said they were going to clean up the crime problem. The war on crime! The war on drugs! Get tough on crime! It sounded good to me! All it has meant so far is my taxes have gone up, and I am paying for wrought iron bars on all my windows and doors. I think I am the one everyone is getting tough on!

I thought the first responsibility of government was to protect its citizens - I still think the first and most important function of government is to protect its citizens! It says so in the Constitution. That's why I served in the Army. That's why my son will serve if ever called upon to do so! How about some protection from the criminals? I'm not worried about what is happening in the Far East, or South America, or the Communist countries anywhere near as much as I worry about my wife or daughter going to the grocery store after dark, or wondering if the pick-up will be there when I get back to the parking lot. All I have to do is read the paper to know the greatest threat to me and my family is right here in town. Our town!

Folks, I am tired of it, and from what I have read, sending young criminals to the penitentiary is only making them worse. I don't think you should coddle criminals, but I don't want to spend more on keeping some kid who stole my pick-up in the pen than I can spend sending my own son to college. It just does not make sense. I am tired of politicians spending more money on prisons, if they don't work. I want the murderers and robbers and rapists locked up forever. Don't let them out if they are a threat to the community, but do something with the young thief or drug addict that makes a difference in their behavior instead of sending them to the Graduate School of Crime.

*I've heard that 98 percent of the criminals we send to prison get out. We can't keep them locked up forever, although maybe some of them **should** be locked up forever. I have read that 70 percent of the criminals who go to prison go back a second time - and some three or four times. If prison works to change people, why do any of them go back the second and third time? I know there are dangerous criminals who need to be locked up for our protection and they need to be there a long time. I can understand that; but if they are young, impressionable and stupid, and we are making them worse - why don't we try something different? I have also heard most of them are high school drop-outs, and then there are those who finished high school who can't fill out a job application or read a map or street signs to find the place to apply for a job. I don't understand why you don't do something about that. I don't have too much in the way of worldly possessions, but I would have nothing if I couldn't read, write or do math. Why don't you spend some of the money on education that you spend on jails and prisons?*

I mentioned this to a friend of mine and he said, "If they wanted an education they would have gotten it already; besides, you can't force someone to learn." After I thought about that for a while, I decided he was wrong. Some people don't have much choice about dropping out of school, some just use bad judgment and have no one at home to make them stay in; some get messed up with drugs and alcohol, and drop out. I bet most regret it sooner or later. I think you can force someone to learn, or at least make them go through the process. The Army sure made me learn some things I didn't especially want to know.

This same friend said we would just make criminals smarter. Well, why can't we make them, at least some of them, smart enough that they don't need to steal to live?

Using probation makes a lot of sense to me for at least some of the non-dangerous property criminals. It can mean that things can be done to deal with whatever contributed to their criminal

behavior. If they refuse to change you can always put them in the pen later. Make them work, do community service and pay restitution, but also teach them to read, write and do math. Make them get a GED so they can qualify for jobs. Teach them a vocational skill or do whatever you can to make them capable of living in the community, honestly.

I don't want to hear excuses why you can't do that! You are the experts, and common sense tells me it can be done. If you can spend \$50,000 of tax money to build a cell, you can spend \$500 or \$1,000 to teach some kid or adult how to read; or, better yet, teach 50 how to read.

The courts and probation talk about rehabilitation, so how can they ignore the need for education? Why can't everyone who gets probation be required to get their GED, and learn some marketable skill? They can do that while they are in treatment for their drug problem or whatever else is required. Why don't the courts make them stay on probation until they get their GED and hold a job for awhile, and until they have been drug-free for at least a year?

My friend also said we should put them all in prison and throw away the key, but he also said he didn't want to pay more taxes. Then he said you could educate and train them while they are locked up. I once felt the same way! After I thought about that for a while, I decided we should do everything we can to make them productive citizens instead of locking them up. If they won't respond to the opportunity, then you can lock them up and try again while they are in prison.

I don't think much of anything good happens in prison. I think the young ones are influenced more by the older cons than by education and treatment. That's why it's called the Graduate School of Crime.

So, why don't you people do something about solving the problem in a way we can all understand and support?

Whether or not you agree with John or his friend, you and I must recognize that we all share in an opportunity to develop educational programs which will contribute to the rehabilitation of offenders. While educational programs have existed inside the institutions for a number of years, we have largely neglected educational opportunities in community corrections. My experience over the last 30 years has largely been that few probationers are motivated to address the issue of literacy, or under-education. For them, education is an old failure they do not want to revisit. Some have been interested in vocational training, often with unrealistic expectations. Our caseloads have been so high we found reason not to pursue education as a priority.

Those we referred to public education programs dropped out rather quickly and, when questioned, indicated they did not feel comfortable in the classes or offered other excuses. My attempts to secure help and assistance from adult education programs in the past were met with statements like: "Our classes are always full," "He didn't really want to learn," and "She was disruptive and a disciplinary problem, so we told her not come back until she learned to behave." And the most frustrating of all: "I don't know when he quit attending," and "No, I can not notify you when she does not attend; we don't have time to take roll!" I soon got the message: "We don't want those criminals in our classes!" I believe that is still the message in many jurisdictions, and not without some good reasons.

We have an opportunity to make a real contribution to the rehabilitation of offenders, to address to some extent the overcrowding of prisons, and to do so in a manner John Q. Public understands. One of the challenges of acquiring knowledge is that with knowledge comes responsibility. You and I cannot escape the responsibility of putting aside our territorial differences, our petty concerns about who gets the credit or the blame, and jointly developing programs to address literacy and under-education in community corrections. To do less is to ignore our opportunity, and shirk our responsibility and obligation. Yes, I believe John thinks it is an *obligation!*

I appreciate the opportunity to present John's opinion, his friend's, and my own.

Evaluation of Probation and Parole Programs: The Development of Alternative Outcome Measures

If external stakeholders, e.g., legislators, reporters and the general public, were assigned the task of determining the effectiveness of probation/parole programs, many of these programs would be evaluated on the basis of recidivism rates. Recidivism would be used because it is a measure that many stakeholders recognize and think they understand. Many of the programs' positive aspects would never be known because recidivism rates measure a limited aspect of the mission, goals and objectives of probation/parole programs.

Resources for probation and parole programs are limited. All evidence points to the fact that things will get worse instead of better. To compete for the limited resources, an agency must conduct effective program evaluations. Effective evaluations include the development of outcome measures that accurately measure the effects of their programs. If agencies do not develop effective evaluation programs, external stakeholders will continue to use recidivism rates to measure program success. Programs will be labeled a success or failure based upon one aspect of the program.

Over the past few years, members of the American Probation and Parole Association (APPA) have expressed concern about the use of recidivism as the primary, if not sole, measure of program success. APPA members have indicated a need to develop and utilize alternative measures for the evaluation of probation/parole programs. In a 1992 APPA membership survey, program evaluation (#4) and outcome measures (#8) were included in a top 10 list of major issues confronting community corrections (APPA, 1993a and APPA, 1993b).

In response to the needs and concerns expressed by its members, APPA submitted a concept paper to the National Institute of Justice (NIJ) in 1991 on the need for alternative outcome measures. In 1992 NIJ asked APPA to submit a proposal for a project to develop alternative outcome measures. The project was funded and work on the project began in May 1993. One of the products from the Alternative Outcomes Measures project will be a monograph that will describe a process to identify appropriate outcome measures for intermediate sanctions, as well as a strategy for implementing an evaluation process for these sanctions. It is anticipated that work on the monograph will be completed by the summer of 1994.

A distinguished panel of academicians and program personnel were identified to serve as the project's Advisory Committee. The Advisory Committee consists of: Dr. Joan Petersilia (co-

chairperson), Vernon Fogg (co-chairperson), Dr. Don Andrews, Dr. Todd Clear, Dorothy Faust, Dr. Alan Harland, Paula Pumphrey and Alan Schuman.

What follows is a three-part series detailing the work that has been accomplished on the project to date.

The Concept

The first article in the series, *Alternative Outcome Measures: The Concept*, outlines the rationale behind the development of alternative outcome measures for the evaluation of community corrections programs. The article documents the increase in probation and parole populations as well as problems that arise from the use of recidivism as the primary "yardstick" to evaluate these programs.

Literature Review

One of the objectives of the NIJ Alternative Outcome Measures project was to conduct an intensive review of the literature. Over 200 articles, publications and books were reviewed. An *Examination of Recidivism and Other Outcome Measures: A Review of the Literature* summarizes the findings from the literature review.

Board of Directors Survey

In an effort to secure opinions from as many stakeholders as possible, a survey was conducted of the APPA board of directors. The survey asked APPA board members to provide a list of outcome measures they would want used to evaluate their programs as well as outcome measures they would not want used. Recommended *Outcome Measures for Program Evaluation: APPA's Board of Directors Survey Results* highlights the findings from this survey.

References

American Probation and Parole Association. (1993a). American Probation and Parole Association membership update survey. (Report prepared for APPA Board of Directors Meeting, January 31 - February 3, 1993, Austin, Texas.) Lexington, KY: American Probation and Parole Association.

American Probation and Parole Association. (1993b). "Probation and parole speaks out: A report on APPA's membership survey." *Perspectives*, 17(4), 44-45.

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Alternative Outcome Measures:

The Concept

by Timothy Matthews, Director, American Probation and Parole Association; Harry N. Boone Jr., PhD, Research Associate, American Probation and Parole Association; and Vernon Fogg, Program Administrator, Colorado State Judicial Department

Probation and parole populations are on the rise.

At yearend 1990, probation authorities supervised approximately 2.7 million adults for misdemeanors and felonies. During the year there were about 1.6 million entries to and 1.5 million exits from probation supervision. The number on probation had increased from 2 million in 1985 to 2.7 million in 1990, with an average year-to-year increase of 6% (Langan and Cunniff, 1992, February, p.2).

The parole population grew 16.3% during 1990.

Five states reported increases above 30% of their 1989 parole populations (Jankowski, 1991, November).

The record 2,670,234 adult offenders on probation and 531,407 offenders on parole in the United States in 1990 comprised nearly two percent of the nation's adult population.

Because of the record number of offenders serving part or all of their sentence in the community, people are interested in the activities of probation and parole departments within their jurisdiction. This includes elected officials, interested stakeholders and the general public. Since the mission of probation and parole professionals includes protecting the community and helping to rehabilitate offenders under their supervision, these professionals are necessarily interested in how effectively probation and parole agencies perform.

The rise in the number of offenders being supervised in the community can be attributed to a number of factors, including the lack of space in existing prisons. Judges, faced with crowded prisons, have placed more offenders under the supervision of probation and parole departments. This concept has wide public support. In a survey conducted by the International Association of Residential and Community Alternatives (IARCA), four out of five Americans favor innovative corrections programs that supervise non-dangerous criminal offenders in the community (Wiley and Kinziger, 1991).

Intermediate sanctions play an important role in the supervision of the offenders sentenced to probation and parole. Many intermediate sanctions evolved in probation and parole departments because of prison crowding. While these sanctions can, if properly administered, serve that function, intermediate sanctions also provide the best opportunities for protecting the community and helping to rehabilitate the offenders. Intermediate sanctions, while serving a public safety function, should also have a degree of service provision associated with them. When this holds true, intermediate sanctions benefit both the offenders and the community.

Intermediate sanctions operate on the premise that because offenders are supervised in the community they will be able to do things that other people in the community can do. For example the offenders can go to work, stay with their families, support

their families, pay taxes, and contribute to society. These activities are the norm for most of the general public, but this is not true for offenders sentenced to prison. Offenders can only accomplish the above if they remain in the community. Unfortunately many offenders come from unstable homes, have few employment skills and limited education; they may also suffer from drug addiction, mental illness and other problems. By providing intermediate sanction programs that keep them in the community and provide needed services, probation and parole departments can assist these individuals in their efforts to become productive members of society.

The general public, elected officials, interested stakeholders, as well as probation and parole departments are concerned about the performances of offenders serving sentences in the community. These parties are concerned about the effectiveness of various programs in providing for community protection and rehabilitation of the offender.

Traditionally, stakeholders, especially uninformed ones, have used recidivism rates as the "yardstick" to evaluate these programs. The definition of recidivism will vary but many program evaluation efforts will use it as the primary, if not sole, measure of program success. As a result, probation/parole programs are often labeled a failure or success based upon recidivism rates. An example of this phenomenon can be found in the following quote from the Los Angeles Times.

In a bleak assessment of a popular, experimental anti-crime program, the Rand Corp. has found that increased supervision alone does not dissuade felony probationers from committing more crimes.

The study, released this week by the Santa Monica-based think-tank, found that adult probationers who were placed in these programs had arrest, conviction and incarceration rates similar to or higher than those placed on probation with routine supervision.

(Rohrlich, 1991, January 31, pp. A3)

In the title and the opening paragraphs of this article, Rohrlich labeled the intensive probation supervision programs in Los Angeles, Ventura and Contra Costa, California counties a failure. One would have to read the entire article to discover that "offenders who received counseling, were employed, paid restitution and did community service were shown to have less recidivism, committing crimes at rates 10% to 20% less than the others" (Rohrlich, 1991, January 31, pp. A3, A24).

The problem is not with the use of recidivism as a measure of probation/parole program success; the problem is with the use of recidivism rates as the primary or only measure of program success. In defense of the authors of the RAND study (Petersilia and Turner, 1990), attention was given to other measures of program success; however, the article published in the Los

Angeles Times focused only on the recidivism rates.

What measures should be used to measure program success in probation and/or parole departments? Each department should derive a list of outcome measures based upon their department's goals and objectives. Most departments will have the following goals: (1) protect the community; (2) deter criminal and/or drug activity; (3) rehabilitate the offender; and (4) provide punishment for the offender. From these four departmental goals a number of potential outcome measures could be generated.

Protect the Community

Most departments would list community protection as the number one departmental goal. There are a number of activities conducted by a probation/parole department that will provide evidence of efforts to protect the community. The number of person-to-person contacts with the offenders, phone contacts, collateral contacts, days on electronic monitoring, and curfews provide evidence that the offender's activities are being observed.

Deter Criminal! Activity and Provide Appropriate Punishments

The goals of deterrence and punishment need to be considered together because many of the activities used to deter further criminal activity also serve as punishments for past criminal activities. Some potential measures of successful achievement of these goals would include: reduced drug use, reduced criminal activity, restitution paid, and community service performed.

Rehabilitate the Offender

Ultimately the goal of probation/parole departments is to return the offender to the community as a productive member of society. Some measures of success in this area may include: reduced drug use, referrals to treatment/counseling, progress in treatment/counseling, educational activities, and vocational training.

The American Probation and Parole Association (APPA) is making an effort to improve program evaluation in probation and/or parole departments throughout the United States. Evaluation components are included in all training activities. Projects such as the Alternative Outcome Measures grant provide guidance and assistance to agencies in conducting effective evaluations.

Program evaluation must be encouraged: however, poorly planned and conducted evaluation efforts are worse than no evaluation at all. Publicity generated by articles similar to the one previously cited could have an adverse impact on budgets and programs. Departments must carefully select outcome measures that accurately measure the effect of departmental efforts. The evaluation results must be prepared and presented in a form that interested stakeholders can understand and use. Evaluation is essential for continued program growth and success.

Endnote

¹ Probation and Parole 1990 and Recidivism of Felons on Probation, 1986-1989 represent the latest Bureau of Justice Statistics information on probation and parole populations.

References

- Jankowski, L. (1991). Probation and parole 1990. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- Langan, PA., and Cuniff, M.A. (1992, February). Recidivism of felons on probation, 1986-89. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics.
- Petersilia, J. & Turner, S. (1990). Intensive supervision for high-risk probationers: Findings from three California experiments. California: RAND Corporation.
- Rohrlich, T. (1991, January 31). "Intensive probation supervision doesn't cut crime, study finds." Los Angeles Times, A3. A24.
- Wiley and Kinziger, P. R. (1991). IARCA's community corrections survey. (Unpublished Manuscript).

An Examination of Recidivism and Other Outcome Measures: *A Review of the Literature*

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Increasingly, the criterion of success or failure of the correctional apparatus is recidivism. It may be refined into various kinds of experience. Its definition may be specialized to meet the demands of a particular research problem. But it is the most understandable gauge... (American Correctional Association, 1966, p. 601).

This statement reflects the situation of community corrections as well today as it did in 1966. Because recidivism is the most

widely used measure of program success or failure, researchers, community corrections personnel, interested stakeholders, and the general public would argue that they have a complete understanding of the term. However, it could be argued successfully that recidivism is misunderstood by many of these same interested parties. Recidivism is misunderstood because of the numerous operational definitions that are applied to the term. For example, recidivism could be defined as any of the following: any new arrest, new felony arrest only, any new conviction, new felony conviction only, any new commitment of 60 days or more, or new prison commitment only (Hoffman and Stone-Meierhoefer, 1980). Include new technical violations and "an arrest for the same crime" and you have at least eight definitions of recidivism.

The results from studies using different definitions of recidivism should not be compared. Fox (1980) found that the recidivism rates for a group of parolees released from Kentucky correctional institutions over the period January 1, 1974, through December 31, 1976, ranged from 13.1 percent to 37.2 percent depending upon the operational definition of recidivism that was used.

A review of the literature confirmed the fact that a number of definitions for the term recidivism were used in research studies ranging from technical violations to incarceration for a new crime. In some instances, multiple definitions of recidivism were used within the same study. Some of the definitions found in the literature are summarized in the following.

Technical Violations: Nine studies used a technical violation as their definition of recidivism (Petersilia and Turner, 1993; Commonwealth of Virginia, 1991; Hairston, 1988; Jamison, 1981; Murphy, 1981; and Fox, 1980). Three studies (Vito, 1987; Lunden, 1987; and Vito, 1986) defined recidivism as a technical violation that resulted in the offender being incarcerated.

New Arrest: A number of authors used any new arrest as a measure of recidivism (Petersilia and Turner, 1993; Chavaria, 1992; Jones, 1991; Cadigan, 1991; Schumacker, Anderson, and Anderson, 1990; Glaser and Gordon, 1990; Irish, 1989; Corbo, 1988; Greenwood and Turner, 1987; Erwin and Bennett, 1987; Vito, 1986; Walsh, 1985; Arriessohn, 1981; Byles, 1981; Jamison, 1981; and Fox, 1980). Clarke, Lin, and Wallace (1988) further defined arrest as any arrest in which the offender was fingerprinted. A felony arrest was the definition for recidivism used by Tauber (1992); Vito (1987); Lichtman and Smock (1982); and Fox (1980). Vito (1986) and Lunden (1987) defined recidivism as a new arrest which resulted in incarceration of the offender. Lichtman and Smock (1982) and Murphy (1981) used arrest for a misdemeanor offense as the definition of recidivism. Murphy (1981) also divided the arrests into violent felonies or non-violent felonies and considered them as two separate measures of recidivism. Fox (1980) also used a violent felony arrest as a definition of recidivism. In one study an arrest for the same crime as the initial conviction was used to define recidivism (Fox, 1980).

Ashford and LeCroy (1988); Pogrebin, Poole, and Regoli (1984); and McPherson, McDonald, and Ryer (1983) used all referrals to define recidivism for their study of juvenile offenders. McPherson, McDonald, and Ryer (1983) also looked at recidivism of juvenile offenders based upon criminal referrals.

New Convictions: A number of studies defined recidivism as a conviction for a new offense. These studies included: Jones (1991); Commonwealth of Virginia (1991); Hairston (1988); Erwin and Bennett (1987); Corbo (1988); Michigan Department of Management and Budget (1986); Vito (1986); Lichtman and Smock (1982); and New Jersey Administrative Office of the Courts (1980). Researchers from the Commonwealth of Virginia (1991) divided the convictions into new felony convictions, new drug felony convictions, and convictions for new identical drug crimes.

Incarcerations: Incarceration was used as the definition of recidivism in a number of studies. These studies included: Latessa and Travis (1991); Glaser and Gordon (1990); Texas Adult Probation Commission (1988); Latessa (1988); Corbo (1988); Erwin

and Bennett (1987); Latessa (1982); Vito and Allen (1980); Fox (1980); Gottfredson, Mitchell-Herzfeld, and Flanagan (1981); and Collier (1980). Gottfredson, Mitchell-Herzfeld, and Flanagan (1981); Fox (1980); and Collier (1980) limited their definition of recidivism to incarceration in a prison.

Problems with Recidivism as an Outcome Measure

The use of recidivism as an outcome measure has numerous problems. The literature review provided documentation on a number of these problems.

Definition(s) of Recidivism: From information presented in the previous section, it should be clear that recidivism does not have a universal agreed upon definition. The definition of recidivism is usually based upon the individual needs of the researcher as well as the type of data available. There is tremendous variance in the amount of time involved in the recidivism studies. The numerous operational definitions and the time variance in recidivism studies make it nearly impossible to compare research results.

Recidivism is a Measure of the Response of the Criminal Justice System: Recidivism rates can be influenced by various components of the criminal justice system (Waldo and Griswold 1979 and Maltz and McCleary 1977). Increased/decreased activity by law enforcement agencies or a change in judicial philosophy could have an impact on recidivism rates. A "get tough on crime/drugs" strategy will increase the number of new arrests. A new judge may want to limit formal technical violations to revocable offenses. Given either scenario, was the change in recidivism rates due to changes in the behavior of ex-offenders or changes in police/judicial actions? Unless the evaluator had employed an experimental research design, it would be impossible to determine what factor had influenced the recidivism rates.

Dichotomous Measure of Recidivism: Recidivism is always treated as a dichotomous variable. An offender is either arrested or not arrested, convicted or acquitted, a success or failure.

The use of recidivism as an outcome variable is replete with problems, one of which is that it is inherently limited in sensitivity by being assessed as a binary variable, as it usually is. For example, if reincarceration is the measure. A great deal of information is lost when something as complex as possible criminal activity that may or may not culminate in detection, arrest, and conviction is expressed as a simple dichotomy. Some persons engage in clear-cut criminal activity, some in borderline criminal activity, and some in no criminal activity; some persons are arrested without any hesitation, some are almost not arrested, some are almost arrested, and so on (Sechrest, White, and Brown, 1979. pp. 71-72).

Waldo and Griswold (1979). Maltz and McCleary (1977). and Giacobbe and Schneider (1986) also referred to the problems of using a dichotomous variable to represent recidivism. By using a dichotomous measure of recidivism, the partial successes are ignored. For example, an offender may have gone a year without a positive drug test. This would be a tremendous success for an offender with a heroin or cocaine addiction; however, if

the one positive drug test resulted in a technical violation, incarceration or revocation, the offender would be classified as a failure.

Other Problems: Some of the other problems identified during the literature review included:

- The criminal justice system has a multitude of goals, and the reduction of recidivism is just one of these (sometimes conflicting) goals (Waldo and Griswold, 1979).

- In evaluative research, we are concerned with recidivism only to the extent that it serves as a proxy for the success or failure of the programs. Since other factors affect recidivism data, it is fallacious to conclude that non-recidivism demonstrates rehabilitation or success (Waldo and Griswold, 1979).

- It is implicitly assumed that the offender is in need of some kind of "correction" and that the "correction" delivered by the program will effect a permanent behavioral change in the offender (Maltz and McCleary, 1977).

- Recidivism rates are more indicative of the failings of the criminal justice system (and of society in general) than the failings of individual offenders (Maltz and McCleary, 1977).

- Recidivism is not a measure of effectiveness for the entire program, but for only one part of it (Maltz and McCleary, 1977).

- Recidivism is normally measured using only officially reported events, not self-report or actual events. This makes them suspect as measures of effectiveness, since they are very sensitive to policy shifts within the data-collecting agencies (Maltz and McCleary, 1977).

Waldo and Griswold (1979) offered seven recommendations to make future recidivism studies more comparable than they have been in the past. The following recommendations focus on the development of more uniform definitions and measures of recidivism.

- Future recidivism studies should use FBI indicators of recidivism. The use of FBI rearrest and reincarceration information would allow greater comparability among studies.

- An appropriate group of experts should be convened to determine what kinds of offenses to include when measuring recidivism.

- The use of continuous measures of recidivism should be more fully explored.

- Follow-up periods in studies of recidivism should range from a minimum of three years and a maximum of five years.

- There should be a continued reliance on official measures, although self-report measures should be used when possible.

- Greater attention should be focused on the reliability and validity of recidivism measures.

- At a minimum, studies of recidivism should only be compared within a context that considers: the sample, the length of follow-up, the quality of the research design, and how recidivism is measured.

Summary of Research on Recidivism

Recidivism is the most common outcome measure used in community corrections research. Even though recidivism is the most commonly used outcome measure, the operational definitions used for the measure are as varied as the research projects

themselves. There are some common elements of the definitions such as technical violations, new arrests, revocations, new convictions or incarceration; however, the variations in the operational definitions make comparison of research findings nearly impossible.

A second factor that makes comparison of recidivism findings nearly impossible is the length of time used for the recidivism measure. Three years is generally considered the standard time for a recidivism study; however, recidivism studies vary from less than one year to five or more years.

A great deal of concern has been raised about the use of a dichotomous measure for a variable as complex as return to criminal activity. Should a program be labeled a success or failure based solely on the number of offenders who were arrested for a new crime within a specific period?

Alternative Outcome Measures

The review of literature identified three major works dealing with alternative outcome measures. The University Research Corporation in Washington, D.C. was awarded a grant to develop a manual for measuring the effectiveness of probation and parole agencies. The results of this effort were published in 1979 (Reynolds, 1979). Spectrum Analysis staff produced a manuscript in 1980 entitled, *Development of Outcome Measures in Probation and Parole* (Spectrum Analysis, 1980). The most recent effort at identifying alternative outcome measures was a paper developed for the BJS/Princeton Study Group by Joan Petersilia (Petersilia, 1993).

The review of literature also produced a number of measures that could be used to measure probation/parole program effectiveness; however, none of these measures were prominent in the research findings that were reviewed. The researchers provided data on the variables or indicated that the variables could be used in the evaluation of intermediate sanctions.

Spectrum Analysis

In 1980, Spectrum Analysis prepared a report highlighting their efforts to expand the concept of community adjustment beyond recidivism to include family relationships, friendships, employment, finances, and emotional health. By expanding the concept of community adjustment, the researchers hoped to provide several important benefits, including:

- improved ability to predict recidivism;
- improved ability to reduce recidivism;
- alternative measures of probation and parole success;
- assistance in goal clarification;
- improved delivery of service;
- improved resource allocation; and
- budgetary justification.

Researchers conducted a literature review and direct solicitation to identify community adjustment scales. From the analysis, four major dimensions of a Community Adjustment Scale were identified: legal, social, economic and personal (Spectrum Analysis, 1980, pp. 1-5, I-6) The Spectrum Analysis staff produced a final community adjustment scale consisting of 20 items en-

compassing the full range of community adjustment. The 20 items were (Spectrum Analysis, 1980):

- relationship toward spouse
- relationship toward other family members
- fulfillment of parental and household obligations
- social relationship with known criminals
- non-criminal relationships outside immediate family
- residential stability (excluding job-related moves)
- use of spare time
- school attendance
- church attendance
- degree of employment for most recent 3 months
- employment stability
- job performance
- major source of income
- financial management
- psychiatric diagnosis
- emotional stability
- attitude toward supervision
- alcohol use
- other drug use

University Research Corporation

In 1979, Jack Reynolds prepared a manual, *Performance Measurement in Probation and Parole*, "to fill the need for measures and procedures for assessing the effectiveness of probation and parole agencies in meeting their goals and objectives." The bulk of the volume was devoted to listing measures that can be used to measure the effectiveness of an agency in achieving one

or more of the following goals:

- reducing criminal activity;
- improving social productivity;
- improving successful completion of term; or
- improving caseload management.

Reynolds suggested the following 20 measures that, in his judgment, best combined technical strength, ease of data collection, and practical utility (see Figure 1).

Reynolds, in Chapter 3 of the manual, discussed an additional 100 measures. He also outlined a procedure to generate new measures if these 120 measures failed to meet an agency's needs.

BJS/Princeton Study Group

Concern of the use and definitions of terms such as recidivism resulted in the Bureau of Justice Statistics supporting a grant to bring a group of criminal justice professionals together to explore a "new paradigm" for evaluating the criminal justice system. The BJS-Princeton Study Group under the direction of John Dilulio, developed a publication that challenged the profession to "... develop, implement, and organize themselves around performance measures that expand and complement the conventional measures such as rates of crime and recidivism (Dilulio, 1992)."

Joan Petersilia (1993), a member of the BJS-Princeton Study Group, undertook the task of identifying alternative outcome measures by defining (re-defining) five goals for community corrections. The five goals were:

- assess offender's suitability for placement;
- enforce court-ordered sanctions;
- protect the community;

Figure 1

Goal and Criteria

Reduce criminal activity

Improve social productivity

Improve successful completions of terms

Improve caseload management

Effectiveness Measure

Number free of new convictions

Number free of new arrests

Number employed, in training or school

Number completing probation/parole

Number whose probation/parole is revoked

Number with one or more violations

Number active cases

Number cases served

Number client contacts

Number PSIs completed

Number referrals made

Number dollars spent

Number cases/staff

Number contacts/staff

Number hours/PSI

Number referrals/staff

Cost/case served

Cost/contact

Cost/PSI

Cost/referral

Figure 2

Goals	Performance Indicators
Assess offender's suitability <i>for</i> placement	Accuracy and completeness of PSI Timeliness of revocation and termination hearings Validity of classification/prediction instrument Percent of offenders receiving recommended sentence or violation action Percent of offenders recommended for community who violate
<i>Enforce court-ordered sanctions</i>	Number of arrests and technical violations during supervision Percent of ordered payments collected Number of hours/days performed community service Number of favorable discharges Number of days employed, in vocational education or school Drug-free and/or alcohol-free days during supervision
<i>Protect the community</i>	Number and type of supervision contacts Number and type of arrests during supervision Number and type of technical violations during supervision Number of absconders during supervision
<i>Assist offenders to change</i>	Number of times attending treatment/work programming Employment during supervision Number of arrests and/or technical violations during supervision Number drug-free and/or alcohol-free days during supervision Attitude change
<i>Restore crime victims</i>	Payment of restitution Extent of victim satisfaction with service and department

- assist offenders to change; and
- restore crime victims.

Based upon the five goals, Petersilia (1993) identified 22 performance indicators (see Figure 2).

Other Outcome Measures Identified in the Literature Search

Other outcome measures for intermediate sanctions were not prominent in the literature reviewed for this project. The following is a list of variables suggested by the researchers as possible alternative measures.

Employment: The offender employment situation and/or rate of employment was considered in a number of studies reviewed during the literature review. The following authors considered some measurement of employment in their data analysis: Minor and Hartmann, (1992); Osler, (1991); Schumacker, Anderson, and Anderson, (1990); NASADAD, (1990); Irish, (1989); Latessa, (1988); Vito, (1987); Pearson, (1987); Lichtman and Smock, (1982); Latessa, (1982); Canning and Howell, (1981); and Anderson. (1981).

Anglin and Maugh (1992) suggested that job training participation be considered as an outcome measure. Job training participation could reflect the offenders' efforts to secure employment.

Time Arrest Free: Wexler, Falkin, and Lipton (1990) recommended that the time arrest free be calculated and used as an outcome measure. Comparisons could be made on the amount of time between arrests and improvements/regressions documented.

Community Service: Participation in community service by offenders was reported by three studies. Petersilia and Turner (1993), Pearson (1987), and Jamison (1981) included this information in their data analysis.

Cost Analysis: Petersilia and Turner (1993); Lipton (1992); Osler (1991); Greenwood and Turner (1987); Erwin and Bennett (1987); Latessa (1982); and Greene (1980) used or suggested the use of some form of cost analysis in their research findings.

Drug Use: Anglin and Maugh (1992); Chavaria (1992); Anglin and Hser (1991); NASADAD (1990); Arriessohn (1981) used or suggested outcome measures relating to drug use. These measure indicators included abstinence of drug use, decreased drug use, and the number of regular drug users.

Education: Anglin and Maugh (1992); Minor and Hartman (1992); and Jamison (1981) indicated the need for outcome measurements based upon participation in educational activities. These measures included participation in educational activities, attendance at educational activities, completion of a GED, and performance in educational activities.

Vocational training participation, level of participation, and the number of hours of training were measured by Anglin and Maugh (1992) and Anderson (1981).

Restitution: Petersilia and Turner (1993), Pearson (1987); and Jamison (1981) included outcome measures associated with the payment of restitution by offenders.

Services Needed/Provided: The needs of the offenders, the ability of the agency to provide referrals, and the offenders' use

of the services available could be used as measures of program success. Johnson and Hunter (1992) and Lichtman and Smock (1982) used offender needs and/or referrals in the work. Lichtman and Smock (1982) and Greene (1980) reported on the offenders'/clients' use of various services. Petersilia and Turner (1993) and Minor and Hartman (1992) identified the participation in counseling and the number of weeks in counseling as outcome variables.

Social Skills: A number of authors collected information on indicators of social adjustment. The authors suggesting social adjustment included: Osler (1991), Latessa (1988), Latessa (1982), Finckenauer and Taxman (1981) and Jamison (1981).

Summary

Alternative outcome measures must be identified and used for the evaluation of community corrections programs. There have been a few efforts over the past 15 years, including the work of the BJS/Princeton Study Group, to encourage the profession to identify and use alternative measures. A review of the literature indicated that these efforts have not enjoyed a great deal of success. Researchers have continued to use a variation of recidivism as the primary outcome measure.

As a profession we need to:

- standardize the definition of recidivism;
- discourage the use of recidivism as the only outcome measure for community corrections programs;
- define alternative outcome measures for the evaluation of community corrections programs;
- educate interested stakeholders, including the general public, on the alternative measures; and
- encourage researchers, evaluators, and agency personnel to use appropriate outcome measures to evaluate program success/failure.

References

- American Correctional Association. (1966). *Manual of Correctional Standards*. College Park, Maryland: American Correctional Association.
- Anderson, D.B. (1981). The relationship between correctional education and parole success. *Journal of Offender Counseling, Services and Rehabilitation*, 5(3/4), 13-25.
- Anglin, M.D., & Maugh II, T.H. (1992). Ensuring success in interventions with drug-using offenders. In E.D. Wish (Ed.), *The Annals of the American Academy of Political and Social Science* (66-90). Newbury Park: Sage Publications.
- Anglin, M.D., & Hser, Y. (1991). Criminal justice and the drug abusing offender: Policy issues of coerced treatment. *Behavioral Sciences and the Law* 9(3), 243-267.
- Arriessohn, R.M. (1981). Recidivism revisited. *Juvenile and Family Court Journal*, 32(4), 59-68.
- Ashford, J.B., & LeCroy, C.W. (1988). Predicting recidivism: An evaluation of the Wisconsin juvenile probation and aftercare risk instrument. *Criminal Justice and Behavior*, 15(2), 141-151.
- Byles, J.A. (1981). Evaluation of an attendance center program for male juvenile probationers. *Canadian Journal of Criminology*, 23(3), 343-355.
- Cadigan, T.P. (1991). Electronic monitoring in Federal Pretrial Release. *Federal Probation*, LV(1), 26-30.
- Canning, D.H., & Howell, R.J. (1981). Discrimination of parole success based on completed monthly report sheets. *Journal of Forensic Psychology*, 8(1), 73-83.
- Chavaria, F.R. (1992). Successful drug treatment in a criminal justice setting: A case study. *Federal Probation*, LVI(1), 48-52.
- Clarke, S.H., Lin, Y.H.W., & Wallace, W.L. (1988). *Probationer recidivism in North Carolina: Measurement and classification of risk*. Chapel Hill, NC: University of North Carolina Institute of Government. (NCJRS Document No. 114367).
- Collier, W.V. (1980). Summary of the first year evaluation of the special parole supervision program for violent felony offenders. Albany, NY New York State Division of Parole. (NCJRS Document No. 080495).
- Commonwealth of Virginia. (1991). *Drugs in Virginia: A criminal justice perspective*. Richmond, VA: Commonwealth of Virginia, Department of Justice Services.
- Corbo, C.A. (1988). Release outcome in New Jersey 1982 release cohort: A 36 month follow-up study. Trenton, NJ: New Jersey Department of Corrections. (NCJRS Document No. 117207).
- Dilulio, Jr., J.J. (1992). *Rethinking the criminal justice system: Toward a new paradigm*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- Erwin, B.S. & Bennett, L.A. (1987). *New dimensions in probation: Georgia's experience with intensive probation supervision (IPS)*. Washington, DC: U.S. Department of Justice, National Institute of Justice.
- Finckenauer, J.O., & Taxman, E.S. (1981). *Social adjustment — A preliminary report of the improved correctional field services project*. Newark, NJ: Rutgers University Graduate School of Criminal Justice Research Center. (NCJRS Document No. 081220).
- Fox, J.W. (1980). *Development of predictive factors for recidivism risk levels (Kentucky, 1979)*. Richmond, KY Eastern Kentucky University Department of Corrections. (NCJRS Document No. 076179).
- Giacobbe, G.A., & Schneider, E.C. (1986). The success rate index: A method for evaluating residential treatment programs. *Journal of Offender Counseling, Services & Rehabilitation*, 10(3), 97-105.
- Glaser, D., & Gordon, M.A. (1990). Profitable penalties for lower level courts. *Judicature*, 73(5), 248-252.
- Gottfredson, M.R., Mitchell-Herzfeld, S.D., & Flanagan, T.J. (1981). Another look at the effectiveness of parole supervision. *Journal of Research in Crime and Delinquency*, 18(1), 81-100.
- Greene, M.B. (1980). *Juvenile diversion and decentralization of probation intake first year evaluation of the satellite intake project*. New York, NY New York City Criminal Justice Coordinating Council Research, Evaluation, and Information Division. (NCJRS Document No. 072385).
- Greenwood, P.W. & Turner, S. (1987). *The VisionQuest Program: An evaluation*. California: RAND Corporation.
- Hairston, C.F. (1988). Family ties during imprisonment: Do they influence future criminal activity? *Federal Probation*, 52(1), 48-52.
- Hoffman, P.B., & Stone-Meierhoefer, B. (1980). Reporting recidivism rates: The criterion and follow-up issues. *Journal of Criminal Justice*, 8, 53-60.

Irish, J.F. (1989). *Probation and recidivism: A study of probation adjustment and its relationship to post-probation outcome for adult criminal offenders in Nassau County, New York*. Mineola, NY: Nassau County Probation Department. (NCJRS Document No. 124663).

Jamison, M. (1981). *Serious 602 offender project of the Contra Costa County Probation Department — Final evaluation report*. San Francisco, CA: Urban and Rural Systems Associates, (NCJRS Document No. 085006).

Johnson, G., & Hunter, R.M. (1992). *Evaluation of the specialized drug offender program for the Colorado Judicial Department*. Boulder, Colorado: University of Colorado, Center for Action Research.

Jones, P.R. (1991). The risk of recidivism: Evaluating the public-safety implications of a community corrections program. *Journal of Criminal Justice*, 19, 49-66.

Latessa, E.J. (1988). The effects of intensive supervision on shock probationers. *Journal of Criminal Justice*, 16, 319-330.

Latessa, E.J. (1982). Fourth evaluation of the Lucas County Adult Probation Department's 'Incarceration Diversion Unit'. (NCJRS Document No. 087062).

Latessa, E.J., & Travis, III, L.F. (1991). Halfway house or probation: A comparison of alternative dispositions. *Journal of Crime and Justice*, 14(1), 53-75.

Lichtman, C.M., & Smock, S.M. (1982). Effects of social services on probationer recidivism — A field experiment. *Journal of Research in Crime and Delinquency*, 19(2), 277-298.

Lipton, D.S. (1992). How to maximize utilization of evaluation research by policymakers. In E. D. Wish (Ed.), *The Annals of the American Academy of Political and Social Science* (175-188). Newbury Park: Sage Publications.

Lunden, R. (1987). *Risk and recidivism among Massachusetts parolees: An update*, December 1987. Boston, MA: Massachusetts Parole Board. (NCJRS Document No. 111133).

Maltz, M.D., & McCleary, R. (1977). The mathematics of behavioral change — Recidivism and construct validity. *Evaluation Quarterly*, 1(3), 421-438.

McPherson, S.J., McDonald, L.E., & Ryer, C.W. (1983). Intensive counseling with families of juvenile offenders. *Juvenile and Family Court Journal*, 34(1), 27-33.

Michigan Department of management and Budget. (1986). *Developing a model for predicting probation outcome*. Lansing, Michigan: Michigan Department of Management and Budget. (NCJRS Document No. 111433).

Minor, K.I. & Hartmann, D.J. (1992). An Evaluation of the Kalamazoo Probation Enhancement Program. *Federal Probation*, LVI(3), 30-35.

Murphy, T.H. (1981). *Michigan risk prediction — A replication study — Final report*. Lansing, MI: Michigan Department of Corrections. (NCJRS Document No. 079872).

NASADAD. (1990). *Treatment works: the tragic cost of underutilizing treatment in the "drug war."* Washington, DC: National Association of State Alcohol and Drug Abuse Directors.

New Jersey Administrative Office of the Courts (1980). *Adult probation in New Jersey — A study of recidivism and a determination of the predictive utilities of a risk assessment model*.

Trenton, NJ: New Jersey Administrative Office of the Courts Probation Administrative Management System. (NCJRS Document No. 076767).

Osler, M.W. (1991). Shock incarceration: Hard realities and real possibilities. *Federal Probation*, LV(1), 34-42.

Pearson, F.S. (1987). *Final report of research on New Jersey's intensive supervision program*. Washington, DC: National Institute of Justice. (NCJRS Document No. 114595).

Petersilia, J. (1993). *Measuring the performance of community corrections*. A paper prepared for the BJS/Princeton Outcomes Study Group.

Petersilia, J. & Turner, S. (1993). *Evaluating intensive supervision probation/parole: Results of a nationwide experiment*. Washington, DC: U.S. Department of Justice, National Institute of Justice.

Pogrebin, M.R., Poole, E.D., & Regoli, R.M. (1984). Constructing and implementing a model juvenile diversion program. *Youth and Society*, 15(3), 305-324.

Reynolds, J. (1979). *Performance measurement in probation and parole*. Washington, D.C.: University Research Corporation.

Schumacker, R.E., Anderson, D.B., & Anderson, S.L. (1990). Vocational and academic indicators of parole success. *Journal of Correctional Education*, 41(1), 8-13.

Sechrest, L., White, S.O., & Brown, E.D. (Eds.) (1979). *The rehabilitation of criminal offenders: Problems and Prospects*. Washington, DC: National Academy of Sciences.

Spectrum Analysis. (1980). *Development of outcome measures in probation and parole*. Washington, D. C.: Spectrum Analysis.

Tauber, J.S. (1992, May). *The importance of immediate intervention in a comprehensive court-ordered drug rehabilitation program*. Paper presented on the occasion of the Public Employees' Roundtable National Awards Ceremony for Outstanding County-Run Public Service Program, Washington, DC.

Texas Adult Probation Commission. (1988). *Recidivism study on intensive supervision, specialized caseloads, and restitution centers for 1985-87*. Austin, TX: Texas Adult Probation Commission. (NCJRS Document No. 111448).

Vito, G.F., & Allen, H.E. (1980). Shock probation in Ohio — Use of base expectancy rates as an evaluation method. *Criminal Justice and Behavior*, 7(3), 331-340.

Vito, G.F. (1987). *First year evaluation: Kentucky Substance Abuse Program — July, 1986-July, 1987*. (Unpublished manuscript).

Vito, G.F. (1986). *Felony probation and recidivism in Kentucky*. Frankfort, KY: Kentucky Criminal Justice Statistical Analysis Center. (NCJRS Document No. 112566).

Waldo, G., & Griswold, D. (1979). Issues in the measurement of recidivism. In Sechrest, L., White, S.O., & Brown, E.D. (Eds.). *The rehabilitation of criminal offenders: Problems and Prospects* (pp. 225-250). Washington, D.C.: National Academy of Sciences.

Walsh, A. (1985). An evaluation of the effects of adult basic education on rearrest rates among probationers. *Journal of Offender Counseling, Services, and Rehabilitation*, 9(4), 53-61.

Wexler, H.K., Falkin, G.P., & Lipton, D.S. (1990). Outcome evaluation of a prison therapeutic community for substance abuse treatment. *Criminal Justice and Behavior*, 17(1), 71-92.

Recommended Outcome Measures for Program Evaluation: APPA's Board of Directors Survey Results

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When the Alternative Outcome Measures for the Evaluation of Intermediate Sanctions grant proposal was submitted, American Probation and Parole Association (APPA) staff indicated that a variety of opinions would be solicited for the project, including opinions from probation and parole administrators; academicians with a background, experience, and interest in corrections; probation and parole line staff; and other interested policymakers. Individuals on the Advisory Committee were selected to represent the various stakeholder categories; however, participation on the committee was limited to nine individuals. In an attempt to solicit additional opinions from interested stakeholders, a survey was proposed for the APPA board of directors.

The APPA board of directors is composed of probation and parole administrators; probation and parole line staff; and representatives from various affiliate organizations representing probation and parole officials from the United States, U.S. territories and Canada. The composition of the board of directors makes it a representative voice of the profession.

A survey instrument was developed that asked the individual to:

Assume that your department is going to be evaluated by an outside evaluator. The results of the evaluation will determine the level of funding for the next fiscal year. What outcome measure(s) would you want the evaluator to use in "measuring" the success of your program(s)? What outcome measure(s) would you not want the evaluator to use in the evaluation?

Based upon this assumption, members of the APPA board of directors were asked to identify outcome measures that they felt should be used to measure the success of their program/department. They were also asked to list any outcome measures they felt should not be used to measure the success of their program/department.

A total of 30 useable responses were returned to APPA researchers for a 31 percent response rate. Many of the respondents had solicited opinions from other professionals within their department. Time constraints did not permit APPA researchers to follow-up non-respondents with a second letter and questionnaire or with telephone calls. Because of the response rate and lack of follow-up procedures, generalizations are limited to the 30 respondents.

The responses were entered into a WordPerfect file. APPA staff read each response carefully and assigned a code to each outcome measure. In many situations, a response contained more than one potential outcome measure. The responses were coded in a manner to capture all outcome measures from each response.

Outcome Measures for Measuring Program/ Departmental Success

The results of the survey are presented in the following tables and narrative. Table 1 consists of the most frequently mentioned alternative outcome measures for the evaluation of programs and Table 2 lists the outcome measures that respondents felt should not be used.

The amount of restitution (n = 10) and number of offenders employed (n = 10), topped the list of measures by which the participants would like to have the success/failure of their program measured (Table 1). Other items related to the top two responses were: fines/fees collected (n = 7), percent of financial obligations collected (n = 5), employment stability/days employed (n = 5), and wages/taxes paid (n = 3).

Three measures that meet traditional definitions for recidivism also made the top 20 responses in this category. Technical violations (n = 9), new arrests (n = 8), and revocations (n = 5) were listed as possible outcome measures that should be used to measure program success.

Table 1: Alternative Outcome Measures from
APPA Board of Directors Survey: Top 23

Amount of restitution collected	10
Number of offenders employed	10
Technical violations	9
Alcohol/drug test results	9
New arrests	8
Fines/fees collected	7
Number completed supervision	6
Hours community service	6
Number sessions of treatment	5
Number/ratio revocations	5
Percent financial obligations collected	5
Employment stability/days employed	5
New arrests: crime type/seriousness	4
Meeting needs of offenders	4
Family stability	4
Education attainment	4
Costs/Benefits/Services/Savings	4
Days alcohol/drug free	4
Number of treatment referrals	3
Time between technical violations	3
Marital stability	3
Wages/taxes paid	3
Compliance with court orders	3

Outcome Measures Not to Use to Measure Program Success

The list of outcome measures that the participants did not want used in the evaluation of their programs is included in Table 2. Eight of the respondents listed recidivism as an outcome measure that should not be used to measure program success; however, they did not give a specific definition for the term. Four of the traditional definitions of recidivism did make the top 12 responses for this question. Revocation (n = 6), technical violations (n = 5), new arrests (n = 4), and new convictions (n = 2) were included in the top 12 answers. Two of the respondents indicated that no single measure should be used to measure the effectiveness of a program/department

Table 2: Measures Not to be Used for Program Evaluation: APPA Board of Directors Survey: Top 12

Recidivism	8
Revocation rates	6
Technical violations	5
New arrests	4
Single measure	2
Public/media perception	2
New conviction	2
Number of positive drug tests	2
Cost of services/efficiency	2
Number of contacts	2
Number of clients	2
Client evaluation	2

Summary

There was no consensus among the respondents on what should or should not be used as outcome measures. Recidivism

was the leading measure that participants did not want used to measure program success (n = 8); however, three traditional definitions of recidivism were among the top 20 measures recommended for the evaluation of their program (technical violations (n = 9), new arrests (n = 8), and revocations (n = 5).

Discussion

If the respondents to the APPA board of directors survey were representative of the community corrections profession, one could assume that there is little consensus in the profession on what outcome measures should be used in the evaluation of probation and parole programs. *However, based upon the small number of respondents to the survey, we cannot assume that the 30 respondents are representative of the profession.*

There was considerable confusion among the 30 respondents as to exactly what outcome measures should or should not be used to evaluate their respective programs. Eight respondents indicated that recidivism should not be used as an outcome measure; however, nine respondents indicated that technical violations, one commonly used definition of recidivism, should be used to demonstrate program success. Revocations, new arrests and drug/alcohol test results were on the list of recommended outcome measures as well as the list of measures that should not be used.

A number of the measures on the recommended list represent monetary aspects of the program. Fines/fees collected and financial obligations collected reflect this philosophy.

Probation and parole agencies need to establish outcome measures that reflect the mission statement, goals and objectives of the individual agency. There will never be complete consensus on a list of outcome measures; however, agreement should be reached on a group of core measures. The monograph currently being developed for the NIJ Alternative Outcome Measures project will use a core group of outcome measures to demonstrate how an agency should go about establishing outcome measures and an evaluation strategy that is specific to the agency.

Express Your Opinions

The *Alternative Outcome Measures* project staff invites you to express your opinions on the alternative outcome measures issue. What measures should be used for the evaluation of community corrections programs? What measures should not be used? Please direct all correspondence to:

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Getting a Piece of the Pie:

Revenue Sharing with Crime Victims Compensation Programs

by Jody Patel, Staff Manager, Fiscal Management Section, Administration Division, California State Board of Control, and Curt Soderlund, Deputy Executive Officer, Administration Division, California State Board of Control

Background

The California Victims of Crime Program (VOC Program) is administered by the State Board of Control (Board) and was established in 1965 to provide assistance to victims who suffer physical injury or the threat of physical injury as a result of a crime, survivors of victims who sustained death, or persons who are legally dependent upon an injured or deceased victim for financial support. A member of the victim's family who is present during the crime or whose treatment is medically required for successful treatment of the victim may also qualify for assistance.

The current maximum dollar amount that a primary victim may receive for all qualifying expenses is \$46,000. Derivative victims may apply for reimbursement of up to \$10,000 for mental health counseling expenses.¹

Basic qualifying criteria which must be established in order for a victim to qualify for VOC Program compensation requires that the crime must be reported to law enforcement, and the victim must cooperate in the investigation and prosecution of any known suspects.

The VOC Program provides reimbursement for only certain types of losses including medical and medically-related expenses, mental health counseling, loss of income/support, funeral/burial costs and job rehabilitation expenses. All losses reimbursable from any other source (i.e., health insurance, Social Security, etc.) are not covered by the Victims of Crime Program.

California's VOC Program is the largest in the nation and second largest in the world. During fiscal year 1992-93, the VOC Program received a total of

\$69 million in revenues from fines, penalties and assessments and \$24 million from a federal grant under the federal Victims of Crime Act (VOCA). The total amount of claims payments made during this same time period was \$78.1 million plus support costs of \$23.3 million. During this year, 36,580 new claims plus 42,391 supplemental payments were made by the Board.

Over the years, the VOC Program has experienced a number of major changes which dramatically affected its ability to process and pay claims in a timely and efficient manner. Two areas of change have particularly affected VOC Program performance in recent years. First has been the VOC Program's growing popularity which is the cause of the exponential growth in the number of claims received from victims. Second has been the significant and frequent legislative changes which expanded the types of victims and crimes covered by the VOC Program and increased the dollar coverage allowable per victim.

These legislative changes have resulted in dramatic increases in the amount of expenses paid by the VOC Program, in particular the expenses paid for psychotherapy expenses resulting from child molestation and domestic violence claims.

Funding Problems

Due to the above, fiscal problems were forecast for the VOC Program in early 1991. Consequently, the VOC Program initiated efforts to control costs and enhance revenue; however, revenue options were limited because the methodology of funding the program through the vehicle of fines and penalties seem-

ed to have reached a saturation point. The reasons for this condition are varied, but among the most significant of these is the fact that so many "institutions" or state and local agencies depend upon fines and penalties as their respective funding source. Further aggravating this condition is the recessionary economy, which translates into fewer offenders having the ability to pay and/or opting for jail time, knowing full well that due to the overcrowded condition of the jails little or no time will actually be served because of the need to keep the most violent offenders incarcerated.

Compounding this effect is that, as a greater share of the population becomes unemployed, individuals who used to have medical coverage and became victims of crime were now dependent on the Program to provide financial assistance.

An additional problem identified which affects only victims and the VOC Program is that restitution orders and fines are often the last entities to receive monies (if at all) because various counties place collection of county fines and penalties above restitution. As such, monies for restitution are infrequently forthcoming. To this end, an improved level of communication between the various institutional players such as the state and local jurisdictions was necessary.

The above has led to significant reductions in revenue and subsequent funding shortfalls in the Restitution Fund which is the funding source for the VOC Program. As a result, the Board has taken a pro-active role in building a cooperative relationship with the criminal justice community, particularly with the

probation/parole agencies as they have some level of involvement/input in the imposition and collection of restitution fines and orders.

Crime Victims Movement

Throughout the country, crime victims are becoming more visible and vocal concerning their perceived rights and their expectations of the criminal justice system. In recent years, additional requirements have been placed on the courts, prosecutors, corrections and probation to ensure victims have a more meaningful role in the entire process. This is evidenced by such measures as victim impact statements and the right to formally include into court records the effect of the victimization on their lives, and by notification requirements to the victim of when and where an inmate may be released on parole to the community. Another significant measure is the growing demand for the imposition and collection of restitution from the offender. Victims and their representative organizations are demanding more accountability from the offender to provide financial reimbursement for the losses they have endured as a result of the criminal actions of the offender. In California, this movement has started to draw together various governmental organizations which historically have had only very limited involvement with each other, but are now recognizing that components of their programs have to some extent similar interests. While the common thread for all these organizations are victims of crime, the impetus for developing these liaisons in many respects was financial in nature.

The VOC Program has been actively involved in an outreach program with the federal government, counties and other state agencies in an attempt to build a cooperative working relationship concerning the needs of victims among all of the criminal justice entities. The focus of this effort obviously is related toward achieving a means of ensuring that compensation is available to victims for their medical, wage loss, psychotherapy, and funeral/burial expenses incurred as a direct result of a crime.

The intent of this outreach program is to enable California to continue to provide assistance to victims of crime by ensuring sufficient revenue is generated to the Restitution Fund which is the financial source for the Victims of Crime Program. The joint efforts of all the criminal justice entities should not only hold offenders accountable for their actions, but should also eventually provide victims a more equal footing in the criminal justice process.

The impetus for this effort came from the realization that assisting victims of crime by providing compensation for losses associated with medical, psychotherapy, and funeral/burial expenses, as well as wage loss or loss of support, involves more than processing victims' claims for the payment of bills. While these activities obviously represent the most critical segment of the Victims of Crime Program, of significant importance is the need to also ensure, to the extent possible and consistent with the Board of Control's role, that offenders are held accountable for their actions through the payment of restitution to their respective victims or to the Victims of Crime Program. This concept of fiscal accountability is a noteworthy segment of a victim's recovery from the crime, and in part is a means of ensuring sufficient funds are available to fund the Victims of Crime Program and enable the state to continue to provide assistance to its affected citizens.

In the Board of Control's efforts to expand its involvement in this area, it became immediately apparent that the issue of imposition of restitution within the criminal justice system suffered from an alarming absence of understanding and application, and perhaps even apathy on the part of those organizations that should have an involvement in the process. These insights are disturbing, particularly in view of the fact that a victim's right to restitution was included within the 1982 Victims Bill of Rights and is overwhelmingly supported by the citizens of the state. Clearly this aspect of the victims movement has not been embraced by government as a whole.

Recognizing that a necessary starting point for the imposition and collection of restitution must begin with an awareness and understanding of how the law is supposed to be enforced, the Board of Control has initiated a program to increase sensitivity to this issue and work with agencies to identify and implement solutions through all levels of government within the state. These relationships primarily involve the California VOC Program, the California Department of Corrections (adults), the California Department of Youth Authority (juveniles), superior and municipal courts, district attorneys, and probation departments.

Throughout the country, crime victims are becoming more visible and vocal concerning their perceived rights and their expectations of the criminal justice system.

Impeding the mitigation of the problems associated with this issue was the fact that California has endured record budget deficits in recent years; often, the deficit amounts alone were larger than many other states' entire budgets. The downturn in the economy produced huge revenue shortfalls which in turn generated significant reductions in government of which the criminal justice system in its broadest definition bore a substantial share. Particularly hard hit in recent years have been local probation departments which have been generally reduced to the most limited or minimal levels of supervision of only the most violent segments of their caseloads.

Despite these conditions, California's statutes require the courts to determine a victim's economic losses and to impose restitution orders upon the offender. The law also permits the imposition of a restitution fine to provide funding to the state's Victims of Crime Program to support payment of wage loss, medical and psychotherapy bills and funeral/burial expenses. Local government as a whole, but probation departments in particular, are charged with determining the appropriate level of restitution

orders and fines and are also responsible for collection activities.

The joint efforts of all the criminal justice entities should not only hold offenders accountable for their actions, but should also eventually provide victims a more equal footing in the criminal justice process.

Historically, monies generated from restitution orders and fines were limited in nature and had hovered around the \$5 million level for a number of years. These figures seemed artificially low when juxtaposed against the state's annual criminal conviction base of over 175,000 and the requirement of the courts to impose a restitution fine of between \$200 through \$10,000 for felony convictions subject to the severity of the crime and an offender's ability to pay. Misdemeanor convictions also required the imposition of a restitution fine of up to \$1,000, but only on convictions with probation as part of the sentence. This condition necessitated a review of the state's entire fine system to attempt to ascertain the reasons for the low level of collection of the restitution fine. The basic structure of assessing financial obligations in California can essentially be broken into four components. In brief, every criminal conviction carries with it the imposition of a base fine that is retained wholly by the county. For illustrative purposes, assume the base fine is \$100. Automatically added to this base fine obligation is an additional 170 percent obligation (\$170) which is termed the penalty assessment, thereby bringing the total obligation of the offender so far to \$270. At this point, the courts and probation are to also assess the losses of the victim, if applicable, and/or to impose the restitution fine in the manner prescribed above.

For felony convictions, this would mean adding at least the minimum of \$200 onto the offender's obligations, taking into account the severity of the crime. What the Board discovered was that in many instances the restitution

fine was not imposed; if it was assessed, it was typically done at the minimal level; if the imposition of the restitution fine was included as part of the criminal disposition, its collection was stayed by the courts if all other conditions of the probation order were satisfied. The reasons for the absence of application of the restitution fine were varied, but among the most significant was the perception at the local level that it mattered little because: if the restitution fine was imposed, it was never collected from felons sentenced to state prison; the financial obligations on the offender were already overloaded; and collections at the local level would not or could not occur because of limited resources with in such entities as probation.

Given this situation, a program was developed to attempt to mitigate the absence of both assessment and collection of the restitution fine on a statewide basis. Foremost among the components of this approach was to establish a permanent dialogue with the Department of Corrections. Some level of contact had already been initiated with the Department of Youth Authority. Fortunately for the Victims of Crime Program, similar concerns regarding the lack of collection of restitution fines within state institutions had been well under way at the Department of Corrections, and the interaction needed to bring the project to the implementation stage proceeded expeditiously. Starting in November 1992, the Department of Corrections initiated its program to garnish 20 percent of the wages of those inmates involved in work activities. The first check forwarded to the program equaled just over \$59,000 for one month's collection activity. This has since grown to monthly receipts of over \$100,000 - still only representing a portion of the amounts available, since the Department of Corrections is gradually incorporating their population into the system. Clearly, upon complete incorporation of the wage garnishment project, these state general fund monies recovered from inmates which they used to retain will be significant. This progressive program developed by the Department of Correc-

tions has obviously received the overwhelming support of the victims community and is also expected to have a significant impact on the actions of judges who, it is hoped, will now fully consider the imposition of the restitution fine with the understanding and faith that it will be collected and the offender held accountable. With this component in place, the Board of Control was able to initiate the next segment regarded as vital in improving the administration of restitution fines in California. Recognizing that one of the primary concerns of the bench had been overcome, i.e., lack of collection at the state level, the logical change to address was to provide the courts with some guidance concerning assessing the restitution fine at the appropriate level, something other than the minimum if it was imposed at all. The need for some general direction in this area became apparent after consulting with a number of members of the bench who expressed frustration concerning the complexity of the state's restitution statutes and the overwhelming case workload already constricting their ability to provide adequate jurisprudence to California's citizens. The proposed solution to this problem of assessing fines at the proper level was extremely simplistic and straightforward in nature, and essentially consisted of requesting the bench to, at a minimum, impose an offender obligation equal to the minimum restitution fine (\$200), multiplied by the years of sentenced incarceration, multiplied by the counts of conviction. For example, if an offender were guilty of two criminal convictions and sentenced to five years in a state prison, the fine amount would be equal to \$2,000 ($\$200 \times 2 \times 5$). While it is obvious that the majority of offenders will not be able to satisfy this level of obligation while working within an institution, because the criminal fine can also be applied civilly through a summary judgment the remaining unpaid balance may be obtainable by the utilization of other tools such as asset searches, liens and tax refund offsets. The objective is to employ every means possible to hold offenders accountable for their actions

and underscore the fact that satisfaction of fines is an inherent part of the punishment and not simply an "add-on" to the process.

The final component which was considered critical in attempting to make this portion of criminal sanctions effective was to establish some form of an incentive at the local level to convince those organizations involved in collections to become more aggressive. Reiterating that under previous statutes the collection of restitution fines and orders went wholly to the state or to the victim, as opposed to base fines or penalty assessments which went in whole or in part to local government, the Board of Control sponsored legislation which enabled the state to rebate 10 percent of the amounts collected to such county entities as the probation department. This facet of the Board of Control's program was considered extremely significant because of the belief that the victims compensation program needed to develop viable working relationships through this type of good-faith effort with the counties, and particularly probation departments, to more effectively address the needs of victims of crime. This form of revenue-sharing was also important because it essentially attempted to recognize and mitigate to some extent the huge resource reductions endured by county probation departments over the last several years.

Since the inception two years ago of the Board of Control's outreach program and the statutory and policy modifications described above, the collection of restitution fines and order monies has increased from approximately \$5 million annually to over \$10 million in fiscal year 1992-93. As discussed elsewhere, these achievements alone will not solve the explosive growth in service demands for the state's Victims of Crime Program, but it does represent a positive step forward in ensuring that offenders will be held fully accountable for their criminal behavior and that sanctions embodied in the California Victims of Crime Bill of Rights and imposed by the courts will be fully enforced. It is also demonstrative of what can be achieved when various

governmental entities strive to find the means to work more effectively together.

The Board of Control is involved in the issue of offender restitution in various ways in addition to what has been described above. These other areas of activity are discussed below in an attempt to provide a broad overview of the program.

Youth and Adult Correctional Agency

In April 1993, the California Youth and Adult Correctional Agency which oversees the activities of state departments involved in the corrections field sponsored a statewide workshop concerning the status of victims of crime in California. The backdrop to this pioneer effort was a retrospective look at what has occurred in this state since the passage of the Victims Bill of Rights in 1982, and where improvements may be forthcoming in the future. This conference was also significant in that participation included numerous organizations in the criminal justice and victim communities obviously covering a very broad spectrum of those organizations involved with victims and offenders. Proposals which were developed with statewide impact were expected to be refined and published during the Fall of 1993.

California Youth Authority (CYA)

For the past three fiscal years, the Board has entered into a contractual agreement with the California Department of the Youth Authority (CYA) to provide initial funding to assist that organization in implementing a restitution program similar to the activities occurring within CDC. This program was partially implemented in April 1992 as a pilot study at the CYA facilities in Northern California and is now being expanded to Southern California during the current fiscal year. The CYA program generated approximately \$182,000 during the first year (fiscal year 1991-92) and approximately \$188,000 during the 1992-93 fiscal year. CYA also anticipates expanding their collection efforts to wards released on parole.

Communication with the Local Agencies

The Board of Control has established a program to periodically communicate via letters with all presiding judges, district attorneys, chief probation officers and court administrators to provide status on the Victims of Crime Program and to request their assistance in consistently imposing and collecting penalty assessments, restitution fines and orders. It also allows the Victims of Crime Program to continually update the various criminal justice agencies on the Program's effort to ensure adequate funding is available to continue to assist victims of crime.

On-Site Visits

As an important follow-up to the letters, the Board of Control has conducted on-site visits to several counties to meet with the presiding judges, district attorneys, chief probation officers and court administrators to stress the importance of fine imposition and collection, and to discuss methods of improving current procedures.

Workshops Presentations

In addition to the meetings noted above, the Board of Control staff have conducted workshops/presentations at the conferences sponsored by the District Attorneys Association, Municipal Court Administrators Association, Presiding Judges Association, California Parole/Probation Association, the American Probation and Parole Association and California Court Administrators Association.

Terminals for Probation Offices

Board of Control staff are currently evaluating the potential of modifying from technical and cost-benefit perspectives the Victims of Crime Program computer software system, so that terminals can be placed in every probation office and victim-witness center in the state. This effort will enable local government to obtain accurate and current

information on the status of claims and readily identify monies already paid to victims, representing on-line means of assuring restitution orders and fines are assessed at the proper levels.

Probation Handbook

Board of Control staff are currently in the process of developing a **Probation Handbook** which will identify the various guidelines and laws which pertain to penalty assessments and restitution. The main objective for the handbook is to assist all participants within the criminal justice system to gain a more thorough understanding of the applicable statutes that affect the Program's operation and revenue. This will also serve as a benchmark for use by the courts and probation departments in ensuring that restitution orders and fines are established at levels sufficient to reimburse victims for their losses.

The objective is to employ every means possible to hold offenders accountable for their actions and underscore the fact that satisfaction of fines is an inherent part of the punishment and not simply an "add-on" to the process.

Judicial Training

The California Judicial Education and Research Association (CJER) has recently supported the Board of Control's request that the subject of victims services and restitution be incorporated into the training for California Judges.

State Fine Center

A pilot project involving approximately five counties is in the early stages of being conducted by the Board of Control to obtain copies of the sentencing orders in all cases where a restitution fine or order was imposed. This information will enable the Board to more effectively monitor and track monies owed to the Restitution Fund. The concept behind this pilot is to centralize the responsibility for coordinating the collection of restitution within one agency,

which in this case would be the Board. If successful, this pilot would potentially be expanded to the entire state.

Credit Bureaus

The Board of Control is in the process of contracting for credit services (i.e., TRW) to assist in the collection of monies owed to the Restitution Fund. The U.S. Attorney's Office has indicated that the use of this tool is their most effective method of collecting restitution (i.e., the long term threat to an individual's credit rating).

Information on the ownership of real property is also available through the credit bureaus. The Board of Control will be using this information to place liens on real property owned by offenders who are uncooperative in paying their fines. This method of collection has already proven to be very effective, as illustrated in the following example.

In early 1993, Board of Control staff received information on a convicted child molester who was incarcerated in a state facility and had joint ownership in a house. Apparently, this offender had an outstanding restitution fine of \$10,000 and, due to certain circumstances, the courts ordered the sale of this home. The Board placed a lien on this house and recovered \$10,000.

Quarterly Newsletter

A quarterly newsletter is currently being developed for distribution to all criminal justice agencies at both the state and local level. This newsletter will contain updated information on the status of the Victims of Crime Program's funding situation; interest stories from the "field" (county agencies); new laws affecting restitution, etc. The first newsletter is anticipated to be finalized by the end of October 1993 and will be similar to the one currently developed by the U.S. Attorney's Office and distributed to all federal criminal justice agencies/personnel.

Liens

The Victims of Crime Program is the payor of last resort, essentially acting as

a safety net for victims who have no other means of reimbursement to cover expenses associated with the crime. A growing number of victims independently pursue litigation against the offender or a liable third party. As such, the Victims of Crime Program has a statutory lien on all recoveries from settlements, judgments or awards as a result of the incident for which benefits were paid. In the event a victim recovers money through a civil suit against a perpetrator of the crime or from the establishment where the incident occurred or has a pending workers' compensation case, the Board has the authority to collect 75 percent of the total amount paid to or on behalf of the victim. (By statute, the Board waives 25 percent of its lien to provide an incentive for the victims to pursue civil litigation.)

Fiscal Management Section staff will file a formal lien on the cases with the appropriate court of jurisdiction or workers' compensation field office, and serve a copy of the Notice of Lien on the appropriate parties; i.e., victim/claimant, his/her representative, defendant's attorney, etc. In most cases, when a settlement is about to be made, the victim/claimant's attorney will contact the Fiscal Management Section staff to confirm the amount of the Board of Control's lien. As noted above, by statute the Board of Control will waive 25 percent of its lien; however, the Board of Control has the ability to further reduce or completely waive its lien if it would create a hardship to the victim. To qualify for a reduction greater than that allowed by statute, the attorney must be able to document additional medical/wage loss that the victim will incur, or provide information from a doctor that indicates some form of permanent disability. This process requires a considerable amount of time negotiating with attorneys via telephone.

Board of Control staff are currently tracking approximately 420 victim claims where a lien situation exists. These claims represent approximately \$3.9 million in liens. During fiscal year 1992-93, a total of \$764,000 was recovered by the Board of Control via liens on civil suits and workers' compensation cases.

However, the potential for this number to increase ten-fold is extremely high, as demonstrated in a pilot study conducted by the Board of Control with two major counties in California. This pilot consisted of obtaining data on a magnetic tape consisting of a listing of all civil suits filed in each of the two counties during a E-month period. This information was then "cross-matched" with the Victims of Crime Program's database to identify potential lien situations. As a result of this pilot, an additional 2,500 potential liens have been identified which can be pursued.

Summary

As demonstrated above, the outreach efforts of California's VOC Program are proving to be extremely successful. These activities, however, must be a collective effort in which we all participate and continue on an ongoing permanent basis to ensure victims are not overlooked in the criminal justice process. This endeavor is especially critical, as the focus for the '90s is to achieve a balance between offenders' concerns and victims' concerns in all aspects of the criminal justice system, particularly in probation and parole settings.

It is a fundamental requirement of good probation and parole practice to keep victims informed of efforts at collection as well as the consequences involved in the supervision process for an offender's failure to comply with restitution payments. Further, restitution to victims of crime is one of the few areas in the probation and parole profession that is easily quantifiable. As an immediately measurable entity, the results of agency efforts are tangible. If an agency is successful in the collection of restitution, publicizing success in this area can provide an excellent forum for legitimizing the practice of probation and parole. Probation and parole agencies are in an excellent position to develop constructive relationships with victims and to market probation and parole services if there is an ability to illustrate the tangible results of community supervision.

Consequently, the probation and parole profession is constructing a new role for themselves, especially in the eyes of victims. To this end, it is imperative that all of the VOC Programs and the probation and parole community cooperatively identify and implement means to better serve the victims of crime. It is our view that this coalition of the criminal justice and victim community will create more understanding of each other's rules, obligations and problems, and that this improved level of communication will benefit us all.

For additional information, contact Jody Patel, Manager, Fiscal Management Section, State Board of Control, P.O. Box 48, Sacramento, California 95812-0048, phone (916) 324-8987.

Endnote

¹ At the time this article was written, the Board had pending legislation which would modify to some extent the benefits available to victims in California.

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LEGAL PAGE

Legal Issues and Community Corrections: An Overview

by Fred Cohen, Professor of Law and Criminal Justice, School of Criminal Justice, University at Albany, NY

The text of this article was originally presented at the 18th APPA Annual Training Conference in Philadelphia, PA, September 20, 1993.

I need not tell those who read this publication that Community Corrections and/or Intermediate Sanctions are terms and concepts that now regularly appear favorably on the criminal justice policy agenda. In the middle of this century favoring rehabilitation meant you faced off with the "barbarian" who favored punishment. Probation and parole then flew the colors of therapy, rehabilitation and common decency.

When "just deserts" theorists exchanged vows with "hit them until it hurts" pragmatists, we entered an era of unprecedented growth in prison and jail populations. Probation and parole, I believe, were generally viewed as lenient, with prison the expensive but easily understood symbol of the triumph of just deserts and punishment.

Community corrections, expanding on the traditional concepts of probation and parole and operating interstitially within these traditional concepts, now primarily displays the colors of economy with more than occasional bows to punishment and community safety, especially so with intensive probation supervision. In addition to enhanced economy and safety, supporters see gains in the enlargement of available sanctions, increased community involvement with corrections, the provision of needed services and programs to offenders, increased offender accountability and an opportunity to adopt principles favoring the least drastic alternative.'

The law - as in courts - can neither accept credit nor responsibility for the growth and popularity of the community-based sanction.' Such changes are a result of executive, legislative, profession-

al and public opinion policy choices. We might contrast this with reform efforts in jails and prisons where it is clear that activist lawyers and courts - especially federal courts - have been the major impetus for positive change.

In New York state where the Department of Corrections' operating budget is about \$2.6 billion annually, where inmate costs per year are about \$40,000, and where New York City's separate correctional system costs over \$1 billion annually, the budgetary strains are obvious and the impetus to experiment with the lower-cost options is strong.

Difficult Legal Issues

Legal issues, of course, are responsive to programmatic, procedural and even technological changes. For example, Norplant is said to be 99.8 percent effective in preventing pregnancy. It requires surgical insertion in the woman's arm and works for five years causing, at worst, only minor side effects.

Should courts have the authority to order the implant if an offender is simply at risk of an unmarried but not necessarily undesired pregnancy; only if the conviction relates to child abuse or neglect; only if the judge makes a specific order somehow relevant to the offender or offense? Is the Norplant so intrusive, so depriving of a fundamental right, that it may never be ordered?" Does it matter if the implant is characterized as punishment, as treatment or as a preventive measure? Would upholding Norplant be a clear precedent for ordering vasectomies under similar conditions?

With electronic surveillance now widely employed and seemingly accepted, what about closed circuit television monitoring, say, of the offender's home? Is visual surveillance a qualitative or more of a quantitative invasion of privacy?

Is the invasion of privacy - including that of third parties - so great that visual monitoring should be viewed *per se* as an unconstitutional invasion of privacy? And suppose, just suppose, that a well funded experiment shows that visual surveillance is very effective? Does effectiveness trump privacy concerns?

Why do the answers to these and similar questions seem to be so elusive? I believe the primary reason is that neither the courts nor the scholars have thought through the fundamental question of the legal identity of an offender who is sentenced to some type of community disposition.

Some Clarity Exists

Is there clarity about some of the major legal issues in this area? Yes, of course. For example, the courts make a fundamental constitutional distinction between granting and taking decisions. That is, when an offender seeks to obtain something - be it parole, work release or probation - then the courts tend to deny the offender's claim to virtually any type of due process. I will return to this point and develop it further.

On the other hand, equal protection claims are somewhat easier for the claimant: showing that substantive rights or procedures are based on considerations of race, religion and gender, will likely result in a finding of violation of the Equal Protection Clause.

When government extends someone a benefit - a thing of value - whether it be a driver's license, welfare, probation or parole, then a liberty or property interest is said to exist. From this it follows that some type of procedural due process is required before this benefit is taken and the precise details of what proc-

ess is due then depends on the weight attached by the courts to a particular interest.

The easiest illustration of this point is to contrast parole and probation granting decisions with revocation decisions; the latter always calling for due process with the former (especially parole) calling for due process only if a given jurisdiction uses certain magical words which establish a state-created liberty interest.⁴

Many Questions Remain

But, still, what does this tell us about the legal identity of an offender who is under community supervision; who has been convicted of a crime and either has not gone to prison or is on his way back to the community from prison? What rights, if any, does this person have to privacy? To association? To travel? To marry? To consume alcohol? To join the Barnyard Church and worship chickens? To sacrifice chickens? To resist unwanted mental health or sex offender treatment? To hunt with a gun? To picket at an abortion clinic? To resist "distasteful" work?

What courts tend to do is resolve specific legal questions of the sort just raised but rarely, if ever, will a court - including the Supreme Court - struggle with the basic legal identity of the convicted and sentenced but unconfined individual.

Judges and lawyers like to reason by analogy. Indeed, a good deal of legal reasoning is simply reasoning by analogy. For example: A!! A's receive a hearing before losing their liberty. B's do not receive such a hearing but seem to resemble A's. So, by analogy, B's should receive the same hearing as A's.

When is a Home a Jail?: *Griffin v. Wisconsin*

In *Griffin v. Wisconsin*, 483 U.S. 868 (1987) the Supreme Court confronted an interesting case involving the questions of whether a probationer's home could be searched without a warrant, without probable cause - the general requirement for searching a person's home for evidence of crime - and whether evidence so seized could be

used at a trial for a new offense. These questions are not terribly exotic and while the answers have significant meaning for privacy rights, the Court's technique for answering them is, perhaps, of more interest.

The technical answers by the Court were straightforward: probable cause is not required for such a search, reasonable grounds is enough; a warrant is not required, to do so would encourage delay and judicial interference with probation authorities; and the Court ignored distinctions between the generally more relaxed evidentiary requirements at revocation proceedings and the generally more demanding requirements of a criminal trial.

More interesting than these details and certainly more significant for the future of community corrections, are the analogies involved. Justice Scalia wrote: "By way of analogy, one might contemplate how parental custodial authority would be impaired by requiring judicial approval for search of a minor child's room." Think of it: Justice Scalia views the probation/parole officer-probationer/parolee relationship as akin to that of a parent-minor child.

If one extends this analogy, it would mean that the officer-as-parent has authority to simply consent to his or her own search, as parents in fact may do.⁵ A parent's superior authority allows for a spanking that would otherwise be an assault; a "grounding to your room" that would otherwise be a false imprisonment. Surely, Scalia did not intend that. The unstated analogy of *Griffin* seems even more important and more likely to serve as the spoken or unspoken basis for future community correction decisions. *Griffin*, to my knowledge, is the first Supreme Court decision to uphold a search by government officials of the home without probable cause or a warrant and where an exigent circumstance - such as "hot pursuit" - was not involved.

The Court's express reasoning involves concerns for correctional discretion, avoiding inconvenience to authorities and endorsing the mixture of welfare and law enforcement concerns that conceptually bedevils probation and

parole. Implicitly the Court had an analogical choice to make, and that was: With respect to the search of a person's home when that person is in the community and under correctional supervision, is that home legally more like a jail or prison or more like a free person's home?

Griffin clearly signals that a supervisee's home is akin to, although not exactly the same as, a jail or prison cell. In a series of Supreme Court decisions, from *Bell v. Wolfish*, 441 U.S. 520 (1979) to *Hudson v. Palmer*, 468 U.S. 517 (1984), and with no significant distinctions drawn between detainees and prison inmates, the Court has held that the "Fourth Amendment proscription against unreasonable searches does not apply within the confines of the prison cell."⁶

When is a Jail a Home?: *Bell v. Wolfish*

In *Bell v. Wolfish*, 441 U.S. 520 (1979) the Court had the reverse of the choice it faced in *Griffin*. Here the Court confronted a variety of claims raised by federal pre-trial detainees who, *inter alia*, argued that if they had been released on bail they would be free of body cavity inspections, restrictions on reading material, double-celling and the like.

The Court's choice here was to decide if a detainee's cell was more like a home than the cell of a convicted prisoner. The decision, of course, was that security issues are not determined by one's confinement status and the detainee's cell-as-home analogy failed.

Use of the Analogy

I am not suggesting that the home-as-jail or prison analogue is perfect and that persons under community correctional supervision will be accorded the same impaired legal status as those in custody. An analogy, after all, speaks to resemblances and not a mirror image.

In constructing the legal identity of one under community supervision we might begin by positing that such a person enjoys all the rights of citizens and free persons except those explicitly denied or diluted by previously imposed conditions.⁷ Where a condition is ambiguous, or none exists to cover the

challenged practice, or the condition is challenged, then the issue shall be determined with reference to the rights of free persons.

The opposite of this approach is the position that a conviction extinguishes virtually all basic rights and dilutes all which remain rights. This impairment of rights, it is argued, shall exist while the person is in custody and to the extent feasible or desirable, while the convicted person is under community supervision.

This impairment of rights, it is argued, shall exist while the person is in custody and to the extent feasible or desirable, while the convicted person is under community supervision.

Neither position will automatically answer legal questions but the basic differences surely push the answer to the questions I posed earlier in one or another direction. The status of the community supervisee although impaired, logically dictates recognition of legal rights as opposed to the gravely impaired claims of captives which are leveled by the security interests asserted while the individual is confined. *Griffin* clearly puts us on the path of community supervision and housing as a form of expanded confinement without even thinking through the security issue. This diminishes the legal identity of the supervisee - the person at risk - and concomitantly enlarges the discretion of governmental officials.

States Can Exceed Constitutional Minima

Thus far I have referred almost exclusively to federal constitutional norms. A new judicial federalism clearly has emerged in the area of criminal procedure; it is beginning to surface in prison and jail cases, and I suspect that community corrections may also follow this trend. What I mean by the "new judicial federalism" is simply that Supreme Court decisions (as well as other federal court decisions) based on constitutional norms are statements of constitutional minima. States are always free to exceed

these minima and when they do based on state law, we encounter the new judicial federalism.

For example, in *Morrissey v. Brewer*, 408 U.S. 471 (1972) the Court left open the question of whether the right to counsel applied in parole revocation proceedings. In *Gagnon v. Scarpelli*, 411 U.S. 778 (1972) the Court held that while there was no absolute right to counsel in a probation or parole revocation proceeding there were certain situations - e.g., a denial of the charge, complex issues, justifications for the violation - where counsel is constitutionally mandated.

Thus, *Gagnon* created a constitutional floor in revocation proceedings below which states are not free to go. An example of the new judicial federalism is found in those jurisdictions which as a matter of state law uniformly provide counsel in revocation proceedings even though not constitutionally mandated to do so.

Revocation and Granting Revisited

Shifting ground somewhat, but actually returning to my earlier comments on taking v. granting-type decisions, I believe that the basic constitutional framework for probation and parole revocation procedures has been in place for some 20 years, with a vulgar outgrowth relating to granting decisions appearing about 14 years ago in the *Greenholtz* decision.⁸

In *Morrissey v. Brewer*, 408 U.S. 471 (1972) the Court dealt with due process and parole revocation and decided that while the liberty of a parolee was not complete, its loss through revocation and reimprisonment inflicts a "grievous loss" which, in turn, calls for a due process format. The Court employed a balancing test: the state's interest in achieving reconfinement without the full burdens of a criminal trial and the individual's interest in an error-free proceeding where conditional freedom is at stake.

This led to a constitutionally required two-hearing format, going from a less than formal probable cause finding to a somewhat more formal, final hearing.

Morrissey rejected the old arguments that parole was a privilege and, thus, could be withdrawn at any time; that there was a contract - or consent - allowing procedureless revocation, or that a parolee was in continuing custody and was in no different legal position than a prisoner allowed to tend a garden in the shadow of the prison's walls.

The "grievous loss" predicate for requiring due process has given way to the almost unintelligible and certainly unpredictable, search for a "liberty interest" as a predicate for constitutional due process. Nonetheless, and as noted earlier, revocation involves a taking and when government seeks to reclaim something even if that something need not initially have been extended, procedural due process likely will be required.

Greenholtz posed the question of whether an inmate eligible for parole release was constitutionally entitled to some type of hearing prior to the denial of release. The Court held that since there is no inherent right to release, and with the release decision more subtle and less fault-oriented than the revocation decision, there is no federally created right to due process.

However, a state might - and Nebraska did - use certain language in its statute (and in its regulations) which creates a protectible expectation of parole - the state created liberty interest. Nebraska law stated that on attaining eligibility a prisoner **shall** be released **unless** one of four disabling factors is found. The **shall-unless** verbal combination - used in a handful of jurisdictions - creates a right to a minimal due process format, certainly less than the revocation format, although the Court was far from clear on what is mandated.

Again, the granting decision may be contrasted with the taking decision and the results are clear: following a sort of biblical approach, it is much easier to give than to take."

Review of Other Issues

In recent years, and with some exceptions, appellate decisions on probation and parole tend to involve highly technical, statutory interpretation questions.

The exceptional cases are represented by *Felce v. Fiedler*, 974 F.2d 1484 (7th Cir. 1992) holding that a parolee has the same liberty interest as a prisoner in the avoidance of involuntary administration of psychotropic medication. Such parolees (or mandatory releasees) were entitled to the same procedures mandated by the Supreme Court in *Washington v. Harper*, 494 U.S. 210 (1990) for inmates.

There are a number of interesting cases involving ex post facto claims where parole eligibility is made more stringent after the challenger's offense or sentence. Such post-offense or sentence enhancements generally fall as ex post facto laws.

Fifth Amendment, self-incrimination issues have appeared in the context of mandated sex offender treatment cases. If an offender is given probation on condition that he successfully complete a community treatment program and if the offender resists the therapist's demand to admit **other** offenses, then revocation is likely barred by the Fifth Amendment. On the other hand, requiring admission and discussion of the offense of conviction creates no jeopardy and, thus, no problem of self-incrimination.¹⁰

As I noted earlier there are a host of recurring, rather technical issues - e.g., time computations, Sentencing Guideline applications, immunity and liability - not touched on here. And there are major issues - such as negligent release and supervision - not touched on here. I am Co-Editor, along with Bill Collins, of a new publication entitled *Community Corrections Reporter* due to be first published in October of 1993. We expect to regularly analyze these types of issues."

I suspect that the short-term and intermediate future of corrections includes a slowing down of the growth of prison and jail populations and the continued growth of community based corrections. This will mean that the basic confining or at-risk net of the criminal justice system continues to expand and that programs once viewed as alternatives to incarceration become additions to incarceration. I do not think that growth alone creates, as opposed to exacer-

bates, legal issues; certainly not in the same fashion as technological advances.

So, the future of legal issues importantly includes scholarship aimed at presenting a clear view of the legal identity of the person under correctional supervision in the community and, hopefully, this scholarship will be informed by the pragmatism of those whose daily work includes running groups, telephone calls from anxious wives, training in the use of weapons, depositing fees collected for supervision, counseling, evidence gathering for revocation, checking the monitor, arranging for psychological tests and being told to "keep up with the literature."

Endnotes

¹ See A.B.A., Model Community Corrections Act (approved February 1992).

² For example, Norval Morris and Michael Tonry in *Between Prison and Probation* (1990) scarcely mention legal issues in their analysis and call for intermediate sanctions.

³ In *State v. Mbsburg*, 768 P.2d 313 (Kan. 1989) a condition requiring that defendants convicted of child abuse or neglect not become pregnant on probation or parole was held to be a violation of the constitutional right to privacy. See A. Stacey, *The Norplant Prescription: Birth Control, Woman Control, or Crime Control*, 40 U.C.L.A.L. Rev. Comm'y Corrections Rpt.6 (1993).

⁴ An offender has a constitutional right to a sentencing hearing and to counsel at the first judicial sentencing decision. Thus, where probation is an available sanction the offender typically is given a hearing on this point. See *Mempa v. Rhay*, 389 U.S. 128 (1967).

⁵ *United States v. Matlock*, 415 U.S. 164 (1974) is perhaps the leading so-called third-party consent case. Parents have either exclusive or shared control of a minor's room and, thus, clear constitutional authority to consent to a search.

⁶ I do not plan to explore all the case law on point here but, suffice it to say, that with the possible exception of a rectal or vaginal probe, prison authorities are free to search and seize in the jail and prison setting without a sem-

blance of anterior cause and certainly without a warrant. Due process-fairness concepts, along with Eighth Amendment Cruel and Unusual Punishment restrictions, may apply to the **manner** in which a search of the person is conducted.

⁷ This resembles an early argument made on behalf of prisoners: they retain all the rights of free persons except those explicitly lost or necessarily lost incident to incarceration. See *Coffin v. Reichard*, 143 F.2d 442 (6th Cir. 1944).

⁸ *Greenholtz v. Inmates of Nebraska Penal and Correctional Complex*, 442 U.S. 1 (1979).

⁹ In *Board of Pardons v. Allen*, 482 U.S. 369 (1987), the Court found no constitutional difference between parole release "unless" and Montana's "if" or "when." These baffling linguistic games are hardly a substitute for the tough analytical job of deciphering the basic nature of due process claims.

¹⁰ See F. Cohen, *Self-Incrimination Right Conflicts with Treatment, Home Release Programs*, IV Corr. L. Rptr. 1 (1992) for a discussion of the leading decisions.

¹¹ For those interested in CCR, you may contact Mark Peel at Civic Research Institute, 4490 U.S. Rt. 27, P.O. Box 585, Kingston, NJ 08528-0585.

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Correctional Options and Implementation Issues:

Results from a Survey of Correctional Professionals

by Faye S. Taxman, PhD, Institute for Law and Justice

This project was partially funded by the National Institute of Justice. Points of view are those of the author. The author would like to acknowledge James M. Byrne, PhD, for assistance in designing the survey instrument.

Essentially, three paths are currently being pursued to change the face of corrections. The first path is the expansion of the type of corrections options programs available in jurisdictions. That is, more jurisdictions are in the process of increasing the type of community-based programs available which often includes developing special probation and treatment programs. The second path is the expansion of the use of these options for different target populations. In this area, systems are looking at increasing the number of offenders that participate in community correctional programs. A third area of attention is the development of initiatives to manage the offender in the community by using the tools of a correctional program. Managing the offender refers to the use of graduated sanctions or a system of incentives and punishment depending upon the progress in an assigned program. Some jurisdictions are pursuing all of these themes, while others are focusing on one or two issues.

The findings from a survey of correctional professionals were used to understand these three directions. Survey results are useful in identifying implementation issues of the three different underlying themes of intermediate sanctions: develop a continuum of sanctions, expand the use of non-incarcerative sanctions, and use tools of corrections to manage the offender in the community. The survey concerned two issues: the perceived severity of punishment for different types of correctional programs and the exchange of correctional

options for jail time. This survey was administered as an exercise in several regional workshops on intermediate sanctions.¹

Overview of Correctional Option Programs

In 1990, nearly 4,375,903 adults were under some form of correctional control. This included 2,670,234 on probation, 771,243 in prison, 531,402 on parole, and 403,019 in jail (Bureau of Justice Statistics, 1991). While the vast majority of the offenders were in the community, the primary correctional program used was traditional probation. Other options include:

- *Boot camps:* Military-style discipline programs which are often augmented by treatment and education services. These programs serve as builders of personal accountability, provide punishment to the offender, and incorporate rehabilitation and treatment elements.

- *Intensive supervision:* Enhancements to traditional probation programs to include more controls and restrictions on the liberties of the offenders; can include treatment components for sex offenders, substance abusers, or mentally ill offenders.

- *Home confinement:* Confinement of an offender to his or her place of residence during some defined timeframe, usually as part of enhanced probation services.

- *Electronic monitoring:* Electronic monitoring of the offender's movement which includes restrictions of liberties in the community, usually as part of enhanced probation services.

- *Day reporting center:* Participation in a comprehensive program and/or individually selected services (to match risk and needs factors) for a given number of hours per day. The centers can

offer control of offender behavior, treatment, or some combination.

- *Day fines:* Economic sanctions which are based upon the severity of the offense and the offender's means.

Less than five percent of offenders are actually involved in some type of correctional options such as intensive supervision (approximately 55,722), day reporting (approximately 8,000), work release and residential programs (approximately 40,000), electronic monitoring (approximately 8,000), and boot camps (capacity of 6,000).

With less than five percent of the correctional population in these intermediate sanction programs, it appears that while strides have been made, more is needed to ensure that intermediate sanctions become ingrained in the sentencing systems. The progress and accomplishments are affected by the often conflicting goals of intermediate sanctions: reducing prison/jail crowding, protecting the public, enhancing traditional probation, lowering recidivism and lowering the cost of correctional services (Byrne, 1990; Clear and Hardyman, 1990; Tonry, 1990). Other objectives often stated include: providing discipline appropriate for the offender; providing diagnosis, treatment, and services to assist offenders; providing punishment to deter further criminal behavior; and providing skills to offenders to reduce recidivism.

The new breed of correctional options, however, are not merely programs. In fact, they are actually a composite of a variety of correctional tools joined together. Programs often consist of a variety of different requirements which are designed to explicitly monitor the behavior of the offender, change the behavior, and/or punish the offender. Programs use the available tools and

techniques to offer different types of services. The tools of correctional programs include:

- Soft technology includes those options that are used by probation officers and correctional staff to effect change and monitor behavior. These include personal contacts with the agent, face-to-face contacts, home visits, collateral contacts, counseling sessions, curfew restrictions and the use of different settings. Soft technology is the combination of tools that has dominated the correctional field for the last several years: interaction between the offender and a correctional specialist or personnel. Personnel are required to deliver the services which may include therapeutic help or monitoring the behavior of the offender.

- Hard technologies are the use of mechanisms to provide services. These technologies do not rely upon personal contacts but rather involve mechanisms such as urine testing machines, electronic devices to track movement, hair testing techniques, interlock driving mechanisms and other methods to monitor behavior. Hard technologies are generally designed to supplement the soft technologies by providing more information to the judiciary and correctional system on the offender's whereabouts and lifestyle. The hard technologies provide timely information that is generally difficult to obtain.

- Other tools include community service, fines, fees, and others which are imposed for punishment, reparation or retribution purposes.

- Behavior change and lifestyle alterations are designed to impact the offender's values, choices and lifestyle. Educational and therapeutic interventions are often involved in services required as part of the sanction. Typically, behavior change occurs through substance abuse treatment, mental health, job skills/vocational training and/or education/literacy training.

The number of tools used in a program varies, and this affects the severity of the sanction and the amount of intervention that the program is attempting to give the offender. *The concept of a tool is that of an element available to be*

used selectively to alter the amount and severity (intensity) of the sanction. Tools are therefore exchangeable and can be used within correctional programs to achieve the goals of the sentence, regardless of whether the goal is rehabilitation, punishment and/or incapacitation. For example, if the offender is a high risk offender, increasing the number of drug tests may be a cost-effective method of increasing the supervision level without the need for additional probation officer resources. The drug tests can be used to increase monitoring of the offender and to alert the probation agent of impending problems or issues in a particular case. The drug tests can detect offenders who are violating conditions of their release, and can identify offenders that require some additional treatment.

Survey Findings

The Exchange Rate Calculation Survey was designed to provide baseline information about several issues in the implementation of correctional options: to understand the exchange between one month of incarceration with different sanctioning options and to determine the severity of punishment for a given sanction. While it is recognized that correctional options can be used to serve other goals and objectives (e.g., rehabilitation and incapacitation), the survey is limited to examining the punishment severity of a given sanction.

The survey has two separate sections. The first one asks the respondents questions of rough equivalence about how much time in a given program is equivalent to one month in jail. The purpose of this question is to begin to understand the relationship among sanctions with a focus on the dimension of sanction time or how one correctional option can be exchanged for another option. To do this we provided the survey respondents with some generic correctional options which allowed the respondent to have a picture of the programs. The options included: probation, intensive probation, economic sanctions including flat fines and day fines, residential community correctional programs,

house arrest, electronic monitoring and incarceration, including jail, boot camps, prison and split sentences. The survey did not look at the additional value of including such "tools" as drug testing, counseling, etc. in correctional programs. The exchange also focused on sanctions at the time of sentencing and issues related to managing the offender in the community.

The concept of a tool is that of an element available to be used selectively to alter the amount and severity (intensity) of the sanction.

The second question asked respondents to rate each sanction on a scale of 1 (low) to 10 (high) regarding severity of punishment. The purpose of this question was to rank correctional options on the perceived punishment. Punishment severity is very important because it provides a sense of how correctional options fit together on the dimension of punishment. While it is recognized that there are different dimensions of sentencing, and many programs serve these multiple dimensions, it was also felt that punishment severity was a common issue underlying the criminal justice sanctioning process. In developing systems of sanctions based upon a continuum or graduated sanctions, issues about equity, fairness and proportionality of the sanction are important in assessing the interchangeability of a sanction or the appropriateness of the sanction given the offense and the offender's characteristics (e.g., prior criminal history, needs, etc.).

The survey instrument was implemented at four workshops in 1992, including the 1992 Annual Training Institute of the American Probation and Parole Association. While the survey was completed by 320 participants, nearly 85 percent of the survey respondents were from corrections and probation agencies, either staff or administrators. Survey results that follow only report the results from the correctional professionals working in community or institutional programs.*

Exchange Rate in Time Value

Many jurisdictions originally implement correctional options to divert offenders from incarceration (jail or prison). The process of diversion requires the consideration of many different policy questions such as: what type of offenders should be diverted? and, what is the replacement value of the incarceration time? Additionally, decisions are often made about whether the diversion is a front-end (prior to incarceration) or back-end (early release) option. Each of these are policy questions that are essential in implementing correctional options with the goal of diverting offenders. The development of policy in this area also suggests the need to redefine the role of incarceration in a system of sanctions where there is less reliance on incarceration and an expanded use of community correctional programs. This suggests that there is a shifting or realignment in the use of incarceration that will occur as additional correctional options are included in an array of community sanctions.

With correctional options, policy needs to consider the notion of equivalency. That is, if the decision is to replace incarceration with an intermediate

sanction, how much program time is equivalent to incarceration time? The notion of equivalency is essential because of issues related to fairness and justice in a sanctioning system. It is important that an option offered in exchange for or as a replacement of something else meet the criteria of "rough equivalence," which includes the dimension of time in a program.

The basic equivalency question posed in this survey was: how much does one month in jail equal? In other words, if we were to use alternative correctional options, how much of a programmatic intervention would be the same as one month of deprivation of liberties and freedoms? The equation then, is considering whether the deprivations and restrictions created by incarceration are similar to those achieved through correctional options such as work requirements, electronic monitoring, supervision of offender activities, mandated treatment, etc. The question of how much program time is equal to jail time furnishes an opportunity to begin to decide the amount of program time (or loss dollars) is equal to incarceration. In a system of interchangeability of sanctions and individualized sanctioning,

these trade-offs are meaningful if we have a foundation for establishing the relationship.

The notion of equivalency is very important because it provides a starting point for looking at how to implement different correctional options. For example, if six months in an intensive supervision program is equivalent to one month in jail, then a jurisdiction can use several different implementation strategies: staff could ask the judge to assign the intensive supervision program instead of any one-month jail term (or any equivalent terms); they could employ a strategy of merely using intensive supervision instead of jail for any jail term of six months or less; or they could ask the offender to volunteer for the intensive supervision program instead of jail. All of these imply different implementation strategies that can be employed once an agreement has been reached as to issues of fairness and equity in exchanging an alternative with incarceration time.

The survey asked respondents to determine how much one month of jail is worth in different program options. The following table provides an overview of the responses to this question.

As shown in Table 1, the trend is for the less intrusive sanctions to require more days to be considered equivalent to one month of jail. That is, traditional probation and community service, which tend to require fewer restrictions and impositions on personal liberties and freedom of movement, require more days to be considered the same as or similar to jail. The more intrusive and restrictive the correctional options, the less the time that was considered similar in terms of replacement or equivalents of jail. Respondents indicated that home confinement with electronic monitoring and residential centers required 60 days and 30 days, respectively, to be considered roughly equivalent to 30 days in jail. The other intermediate sanction programs all had a median response of 90 days.

The responses to fines were particularly noteworthy. The corrections professionals indicated that 30 days of jail is equivalent to a flat fine of \$500 or 20

Table 1:
Correctional Professionals' Perception of How One Month of Jail Is Equal to the Following Days In:

<i>Type of Sanction</i>	<i>Mean</i>	<i>Median</i>	<i>Range</i>
Traditional Probation	234.6 days	180 days	7-1440 days
Intensive Supervision	125.9 days	90 days	5-365 days
Home Confinement	124.5 days	90 days	10-720 days
Electronic Monitoring	101.4 days	90 days	7-550 days
Home Confinement and Electronic Monitoring	95.2 days	60 days	7-600 days
Day Reporting Center	115.2 days	90 days	5-540 days
Residential Center	77 days	60 days	5-360 days
Community Service	125 hours	90 hours	2-720 hours
Boot Camps	45.4 days	30 days	5-300 days
Day Fines	33 days	20 days	0.5-2000 days
Flat Fines	\$863	\$500	\$10-10,000
Split Sentence of:			
Jail Time	11.5 days	10 days	1-90 days
Probation Time	187.5 days	150 days	1-180 days

days of earnings by the offender (under a day fine mode). This has certain implications regarding the perceptions of the "monetary value" imposed for the loss of personal freedom and the restrictiveness of the sanction.

Several of the responses facilitate an understanding of the potential impact of tools on the equivalency issue. The tools of short-term jail as part of a split sentence change a 30-day jail sentence or a 180-day traditional probation sentence to 10 days in jail and 150 days on probation. Thus, 10 days of jail can be perceived as reducing the probation term by 30 days. The combination of home confinement and electronic monitoring had a median response of 60 days, while the responses for home confinement or electronic monitoring options had a median response of 90 days. Thus, using a correctional program with additional tools (such as electronic monitoring) reduces the exchange by 30 days. The perception appears to be that the addition of tools is important in considering the value of a sanction and that these tools should not be considered "additional" but rather important components in terms of the perceived restrictions and deprivations imposed by a sanction.

The expectation would have been that most equivalence in time would require more time in community correctional programs and less time in programs involving some confinement. The responses confirm the expectation that the trade-off or equivalency is affected by the degree of the intensity of program experience and the amount of restrictions placed upon an individual. Incarceration as a baseline implies that the loss of freedom in a restrictive environment can be traded for less restrictive environments. The value of the trade-off is affected by the degrees of restrictiveness of the movements of the offender, the amount of actual direct supervision of behavior, the restrictions due to loss of financial means and the requirements to change the behavior of the offender.

Punishment Severity Ranking of Sanctions

The second question in the survey

asked participants to rank the severity of punishment for the different correctional options. Punishment was ranked on a scale of 1 (low) to 10 (high). The purpose of this question was to identify how correctional professionals viewed different sanctions and to begin to understand the differences among the sanctions. Punishment severity is important especially to provide an array of correctional options that meet the various demands of the systems including those of punishment. Thus, a continuum should use different correctional options to serve different sentencing objectives including serving different punishment goals. Although, as previously discussed, it is possible that some programs will be multidimensional since punishment is often cited as one of the purposes of sentencing.

Table 2 illustrates the punishment severity ranking for the correctional options included in the survey, each ranked from 1 (low) to 10 (high).

The survey findings indicate some interesting trends. The more traditional sanctions such as probation and flat fines are considered the least severe on a punishment dimension, which appears to be consistent with the public perception that they are not serious punishments. Day fines and community service are low on the punishment severity ranking; the perception of correctional professionals is that community service and day fines are not severe punishments compared to other alternatives that involve restrictions of liberties and personal freedoms. This suggests that, in developing a continuum of correctional options based on punishment, these options would be in the lower end of the spectrum. This appears to be contrary to how day fines are used in other countries and can be used in American sentencing systems - as a punishment for the offense. (Greene, 1989). The survey results do suggest that day fines or community service programs could be used in exchange for traditional probation and flat fines if the sentencing objective is punishment.

The relatively new range of sanctions appear to fall in the middle of the punishment severity rankings. All of the

Table 2:
Punishment Ranking for
Correctional Option Programs

Correctional Option	Median
Flat Fines	2
Traditional Probation	2
Day Fines	3
Community Service	4
Intensive Supervision	5
Home Confinement	5
Home Confinement with Electronic Monitoring	6
Day Reporting	5
Residential Center	7
Split Sentence	7
Boot Camps	8
Jail	9
Prison	10

programs, including those that use some of the hard technology tools, are considered to be at mid-range in punishment severity. There appears to be very little difference between programs that use the new tools of programming, such as home confinement with electronic monitoring and day reporting centers, and other correctional options such as intensive supervision, electronic monitoring and home confinement. One would have expected a wider spread in terms of the severity based upon the requirements placed on an offender including the increased monitoring of the offender's behavior. Both day reporting centers and home confinement with electronic monitoring provide more direct supervision of the offender than other types of community release through a higher level of contact between the offender and the supervisory agent. (From a control perspective, the electronic device is like a substitute for the personal contacts of a probation/parole agent. The movement of the offender is therefore more restricted than with other options, but this restriction of freedom did not appear to affect the punishment rankings. It could be that correctional professionals consider these restrictions on personal freedoms to fit in a dimension

of incapacitation, and therefore are not factoring these into a punishment component. However, the survey findings suggest that there needs to be a clarification of the different intent of adding these tools to correctional programs.)

Correctional options that involve some level of incarceration, whether it be in a residential community correctional program or confinement facility, are consistently considered the most severe punishments.

Correctional options that involve some level of incarceration, whether it be in a residential community correctional program or confinement facility, are consistently considered the most severe punishments. This includes split sentences which can involve minimal amounts of incarceration time. However, the ranking suggests that any incarceration is considered the most severe punishment, regardless of the time period. Survey results thus tend to support the use of other incarceration-based sanctions (e.g., boot camps or residential programs) as an exchange for jail or prison because they involve some level of incarceration. There appears to be a feeling that incarceration-bound offenders tend to require some level of incarceration to match the punishment dimension of the initial sanction. The other types of sanctions do not appear to be considered in the same theoretical dimension of punishment.

Conclusion

Returning to the three themes jurisdictions are struggling with (i.e., developing a continuum, increasing the use of correctional options and managing the offender in the community), the survey assists in identifying several key issues that need to be addressed as jurisdictions examine the feasibility of different correctional options and begin to implement these options. If we look at what the correctional professionals indicated, one theme dominates: intensive supervision, day reporting, electronic monitoring and house arrest are con-

sidered similar, both in terms of the punishment ranking and time exchange with a jail sentence. The findings suggest that the professionals appear to feel that these programs are not that different; the tendency is to view them as the same or similar. Such perceptions are likely to make it difficult for correctional professionals to understand how these programs can be used in a continuum of sanctions or used for different types of offenders. Thus, if all the programs are perceived as similar in terms of time and punishment severity ranking, then it is doubtful that the system would ever use more than one program efficiently. It is important, therefore, for program designers and administrators to think clearly about the program differences and how these programs could be used differently in the sanctioning system.

The implication of this finding is that correctional options must be designed to serve different purposes in a sanctioning system. The differences could be: to serve different sentencing goals (e.g., punishment, rehabilitation, incapacitation), to serve different target populations, and to be preserved for difficult offenders in the community. These differences must be reflected in the tools that are used in the programs and the types of offenders serviced by the program. Further, the difference must be explained to correctional professionals (and other members of the criminal justice community) to ensure that the differences are clear and understandable. Thus, an intensive supervision program must be different from a house arrest program, which should be different from a day reporting center.

One way of ensuring that program differences are known is to borrow from some of the underlying concepts used in sanctioning systems. As used by the state of Delaware in their four program levels, applied by Schiff (1992) to measure intensity of correctional programs, and expanded to include behavior change through treatment and control strategies (Taxman, 1993), there are six areas that can be articulated to specify different design elements of a correctional program. These six areas are: the

degree of confinement to a correctional or residential facility; the amount of mobility the offender has in the community; the amount of time the offender's behavior is under direct supervision by an agent of the state; the number of privileges withheld from or special conditions imposed upon an offender; the amount of financial obligations imposed; and the degree to which the offender is likely to make changes in behavior and lifestyle as a result of the interventions.

By focusing on these dimensions, intensive supervision, electronic monitoring, home confinement and day reporting can be designed to focus on *very different dimensions* in terms of the scope and the context of the program. To have a continuum of correctional options, each program must offer something different, and that difference needs to be observable to the system players, especially correctional professionals delivering the services.

Regarding the path of trying to expand the use of correctional options, particular attention must be given to targeting issues. If programs are considered similar, then implicitly they target similar populations. It is difficult to then expand the number of offenders in correctional option programs if the type of offenders serviced is not also expanded. As discussed above, the path to designing a continuum of sanctions also involves consideration of the need to target different types of offenders.

In conclusion, while jurisdictions continue to explore ways to build and/or add to their continuum of sanctions, the issues identified in this survey should be given thorough consideration. Correctional programs must be designed to fill a void in the sanctioning system - program tools must be used effectively to meet the stated (and often unstated) goals. And, the correctional staff delivering the services must understand the void and how a particular program addresses it. This is especially important on dimensions like punishment, where the lack of understanding can hinder the full utilization of the options. The information on day fines is an excellent example: day fines are designed to be punitive, yet many correctional profes-

sionals rank them low to mid-range on the punishment dimension. This ranking reflects a lack of knowledge about day fines and their potential as a punitive sanction.

The two keys to ensuring that correctional options can be utilized to the fullest extent possible requires two actions. First, education of systems players is needed to ensure that differences among the options are understood. Second, programs must be designed to ensure that there is a clear linkage between the goals (as articulated to meet sentencing objectives) and the correctional tools used to administer the programs. Education and clarification can then become paths to ensuring that the differences among the correctional options are understood. With these steps, the differences among the options are understood and these differences become the markers of the options, instead of the barriers to further development and use of correctional options.

Endnotes

¹ The workshops were sponsored by the National Institute of Justice and co-sponsored by the American Probation and Parole Association, Arapahoe Sheriff's Office and Colorado Criminal Justice Coordinating Commission, Georgia Department of Corrections, and Missouri Board of Probation and Parole and the Jackson County Prosecutor's Office in the respective jurisdictions.

² The survey results are primarily reflective of correctional agencies and their perceptions of intermediate sanc-

tions. This is important to note because it is likely that correctional agencies and staff have slightly different perceptions of intermediate sanctions than different criminal justice communities and policymakers. Since correctional agencies, especially community correctional agencies, have responsibility for the offender and are generally accountable when the offender is in their custody, they may have a different perception of being accountable for certain offenders. Thus, their perception on offenders may be slightly different from that of prosecutors, judges, legislators, defense attorneys and citizens. In interpreting these survey findings, it is important to realize that differences may occur across the spectrum of criminal justice professionals, although it would be helpful to have a better understanding of the differences. This was confirmed by a recent survey of criminal justice professionals in Missouri (Fichter and Veneziano, 1990).

References

- Bureau of Justice Statistics, 1990. *Compendium of Federal Justice Statistics*, 1986. Washington, D.C.: National Institute of Justice.
- Bureau of Justice Statistics, 1991. *Correctional Populations in the United States*, 1988. Washington, D.C.: National Institute of Justice.
- Bureau of Justice Statistics, 1991. *National Update*, Vol. II. Washington, D.C.: National Institute of Justice.
- Byrne, James M., 1990. "Future of Intensive Supervision Probation," *Crime and Delinquency*, Vol. 36:1, pages 6-39.
- Fichter, Michael and Carol Veneziano, 1990. "Criminal Justice Attitudes-Missouri," unpublished paper prepared for the Missouri Department of Corrections.
- Greene, Judith, 1992. "Interchangeability Concepts in Intermediate Sanctions," presentation at the National Institute of Justice's Workshop on Intermediate Sanctions, 1992.
- Harland, Alan T., 1993. "Multidimensions of Sentencing Objectives," *Perspectives*, Spring (1).
- Morris, Norval and Michael Tonry, 1990. *Between Prison and Probation: Intermediate Punishments in a Rational Sentencing System*. London: Oxford University Press.
- Petersilia, Joan and Susan Turner, 1992. "Intensive Probation and Parole: Research Findings and Policy Implications," unpublished paper.
- Pranis, Kay, 1991. "Options in Criminal Corrections: A Study of Costs and Opportunities in Delaware," unpublished paper.
- Schiff, Martha F. "Executive Summary: Gauging the Intensity of Traditional and Intermediate Punishments: Developing the Criminal Penalty Severity Scale," unpublished paper, New York City: Office of the Deputy Mayor for Public Safety, 1992.
- Taxman, Faye S., 1993. "Dimensions of Intermediate Sanctions." In the National Institute of Justice's Workshop on Intermediate Sanctions, Washington, D.C.: U.S. Department of Justice.
- Taxman, Faye S. "Interchangeability as an Issue in Implementing Intermediate Sanctions." In the National Institute of Justice's Workshop on Intermediate Sanctions, Washington, D.C.: U.S. Department of Justice.

Call for Papers on Victim Services/Issues in Probation and Parole

The National Victim Center estimates that 35 million Americans a year are "touched by crime."

13 states have passed victim rights constitutional amendments.

In recognition of the importance of the role played by probation and parole to the well-being of crime victims, the American Probation and Parole Association will develop a **Special Issue** of Perspectives devoted to victim services and issues in probation and parole. The American Probation and Parole Association invites professionals in community corrections, victim services, and academia to submit papers for possible inclusion in this vital publication. Papers selected for this issue will reflect a diversity of topics (e.g., sexual assault victims, domestic violence,

immigrant and minority populations) and show the balance of services currently available and those that should be available to victims through probation and parole agencies.

Please submit your substantive articles on victim services and issues in probation and parole to: **Tracy Godwin, Victim Services Specialist, American Probation and Parole Association, c/o The Council of State Governments, P.O. Box 11910, Lexington, KY 40578-1910.**

The deadline for receipt of articles is January 14, 1994.

Mu king A Difference:

The Effect of Literacy and General Education Development Programs on Adult Offenders on Probation

by Gayle R. Siegel, Program Manager Education Services, Adult Probation of the Superior Court in Pima County, Arizona

Introduction

The high correlation between illiteracy, poor educational skills and crime have been debated for many years. In Arizona, a study initiated by the governor's office in 1986 found that 85 percent of the incarcerated population did not graduate from high school and 65 percent were functionally illiterate. The number of adult offenders sentenced to prison and probation continues to increase, placing additional burdens on a state faced with serious fiscal constraints. The costs associated with crime and the public's frustrations with the criminal justice system magnify the pressures on criminal justice agencies to demonstrate the impact of their programs and services.

Statistics gathered by the U.S. Department of Education and the Arizona Department of Education dramatically illustrate the scope of the problem. For example:

- Nationwide, 13 percent of American adults are illiterate.
- Considering only offenders, 65 percent of America's prison inmates are illiterate, and 85 percent of juvenile offenders are functionally illiterate.
- In Arizona, 90 percent of inmates in the state's penal institutions are high school dropouts, 60 percent of prisoners are recidivists, and 75 percent of prison inmates have less than a high school education.

Reducing the number of adolescents and adults who become involved with the correctional system has represented an important goal for Arizona's judicial system. Given the dramatic educational

deficiencies in Arizona's incarcerated population, judicial officials hypothesized that delivery of innovative educational services to appropriate probationers could significantly reduce subsequent involvement in the criminal justice system. Providing literacy and basic skills to adult offenders on probation would improve their ability to successfully complete probation, reduce repeat involvement with the court system and decrease the likelihood of incarceration.

History and Background

The Arizona Supreme Court's involvement in the illiteracy issue has stemmed from the significant correlation between crime and functional illiteracy. By applying the latest adult education programs, software and models on probationers, the court has hoped to reduce crime, lower the recidivism rate and help offenders become productive members of society. Through a statutory fund created to reduce juvenile delinquency and crime, the Arizona Supreme Court installed 31 computerized Literacy, Education and Reading Network (LEARN) labs in probation departments and other community settings throughout Arizona. Beginning in 1987, Arizona was the first state in the nation to implement this type of literacy and education program in probation. The adult probation department in Pima County was the first probation department in the state to stipulate completion of literacy or GED programs as a condition of probation.

Criminal justice professionals have recognized the need to examine the effectiveness of educational programs in

reducing adult involvement with the court system. This study represented an important effort to gather basic but critical data on short-term and longer-term outcomes of the LEARN program.

The PALS Program

The PALS component of the LEARN program is an innovative, computer-assisted literacy program developed by IBM. PALS teaches not only reading and writing, but touch typing and basic word processing as well. This interactive, multi-sensory model is intended to promote early success where students experience improved skills and improved self-esteem. The method of teaching utilized in PALS enables an adult to progress quickly to adult education classes in preparation for GED tutoring and job training programs. PALS and the other components of LEARN incorporate a nontraditional classroom environment, reflecting a modern office setting designed to enhance performance for students who have failed in traditional classrooms.

Adult Education and General Educational Development

The adult probation department in Pima County's LEARN labs have expanded to include adult basic education, General Educational Development (GED) instruction, GED testing and Life Skills workshops. Designed to improve basic skills in reading, math, grammar and writing, these classes help adults prepare for tests for a high school equivalency degree. In addition, the labs provide students with assistance in compos-

ing resumes and coaching for employment interviews.

Theoretical Framework

The number of adults involved in the criminal justice system has increased steadily since 1985. During 1990, the number of adults on probation or parole increased to record high levels. State and federal agencies reported that 2,670,234 adult offenders were on probation and 531,407 were on parole - an estimated 1.7 percent of all adults in the United States. In 1990, among the estimated 4.3 million adults being incarcerated or supervised by correctional agencies, three-quarters were living in the community (US. Department of Justice, 1991).

In 1990 in Arizona, 27,340 adults were on probation, reflecting an increase of 11 percent from 1989. Prison overcrowding and mandatory sentencing provisions had led to more offenders being placed on probation.

Most felony probationers have had a least one special condition imposed, including drug testing, drug treatment, community services work and other sanctions. In Pima County, attending literacy or adult education classes has been a condition of probation for individuals displaying educational deficits. Defendants are given a brief education assessment during the pre-sentence investigation. The probation officer conducting the pre-sentence investigation will often request a special condition requiring (or mandating) enrollment in the literacy or adult education program if the assessment revealed functional illiteracy, or if the defendant had not graduated from high school or obtained a GED.

While the evidence indicating that lack of education and problem-solving skills contributes to criminal behavior has been quite compelling, there have been few outcome evaluations of community based education programs serving adult probationers. With the ever-growing prison population and the rise in probation cases, the need to identify effective and less costly programs has become increasingly important.

Education Programs and Recidivism

According to the Correctional Education Association, 75 percent of inmates in U.S. prisons in 1988 were functionally illiterate. Yet, 90 percent of these inmates were released into the community within 10 years without change in their functional education level. The predicted result, notes one researcher, is that most inmates have returned to their communities without the academic and vocational skills that would help them compete in the job market and avoid future criminal behavior.

The primary purpose and overriding priority of the criminal justice system is to protect the public and sanction offenders. This priority has created a dilemma for correctional educators. Some educators have argued that the custodial function of a prison, jail or probation department has created a climate antagonistic to stimulating adult learning. In most states, educational programs for adult and juvenile offenders have taken place in state correctional institutions or county jails, with a smaller number located in community-based settings.

There has been no general agreement on the overall effectiveness of correctional education in reducing recidivism, defined as the occurrence of a new criminal act and often measured in terms of subsequent convictions. The debate has focused on the issue of what constituted "education," and whether education was effective within a correctional setting in preparing offenders for successful reintegration into society. Lately, education has been viewed in a broad sense with successful programs incorporating thinking and reasoning skills as well as literacy and basic education.

A review of previous research reveals that while some studies clearly supported the efficacy of academic educational programs in reducing recidivism, the support was not unanimous or overwhelming. A 1984 study conducted in Shreveport, Louisiana, found a significant relationship between recidivism and school grade completed. Offenders who had completed fewer school grades

tended to display higher revocation rates. There were a number of studies conducted during the 1930s, 1940s and 1960s in Illinois, Michigan and Delaware. These inquiries demonstrated positive correlation between prison school attendance and socially acceptable post-release behavior. On the other hand, other studies conducted in the '60s and '70s showed no significant differences in recidivism rates between participants and non-participants in academic education programs.

While previous research has not consistently supported a positive correlation between correctional education and the reduction of recidivism, Arizona's model provided an opportunity to evaluate the effects of participation and completion of adult education programs on successful completion of probation and subsequent conviction rates.

Pima County's Program

The Adult Probation Department in Pima County has stressed the importance of having paid probation staff providing program coordination and front-line services. The level of program commitment, communication between instructors and probation officers, accountability and initiative to develop innovative approaches to dealing with offenders were all significantly enhanced when management made the decision to commit personnel resources to the program. A staff that shares ownership of the vision and mission of a program is more likely to work together to achieve program success. In addition, Pima County Adult Education provides an adult education instructor 15 hours per week.

The involvement and cooperation of probation staff at all levels is imperative for the successful operation of the Education Services Unit. Education Services staff provide periodic training to probation staff and pre-sentence investigators to ensure appropriate program referrals. Prospective probationers are given a brief educational assessment test during the pre-sentence investigation process which lessens the likelihood of inappropriate court referrals,

such as ordering a functionally illiterate defendant to obtain a GED within one year.

Once a student is directed to attend classes, a more in-depth screening takes place with one of the instructors. In addition to testing a student's academic ability, a self-esteem inventory is administered to those entering the basic literacy component. A class schedule is developed in conjunction with the probationer, and attendance becomes an enforced regulation of probation closely monitored by the Education Services staff. Absences are reported to the appropriate supervising officer each month; chronic absence problems result in a violation notice to the sentencing judge. Education Services staff understand that immediate compliance might be difficult in some cases, so they contact students and encourage attendance if students do not appear for classes. This system of close supervision and positive encouragement promotes an early commitment and a high success rate.

Research Questions

Four questions had to be answered to fulfill the purpose of this study:

1. Do probationers who complete the PALS component of the LEARN program have a higher successful probation completion rate than probationers who do not complete PALS or are not involved with PALS?
2. Do probationers who complete the GED component of the LEARN program have a higher successful probation completion rate than those probationers who do not complete the GED program or are not involved with the GED component of LEARN?
3. Do probationers who complete the PALS component of the LEARN program have a lower new felony conviction rate than probationers who do not complete PALS or are not involved with PALS?
4. Do probationers who complete the GED component of the LEARN program have a lower new felony conviction rate than probationers who do not complete GED or are not involved with GED?

Operational Definitions

There were three levels of program involvement contained in this analysis: completion of the program, partial involvement with the program but without completion, or no involvement with LEARN. For purposes of this research, "successful" completion of probation meant that a probationer complied with all applicable conditions ordered by the court. In some cases some of these probationers may have technically violated a condition of probation, but these violations were too minor to warrant revocation.

A significant measure of "success" for the adult probation department is the ability to keep probationers from committing new crimes. Successfully completing probation appears to decrease the likelihood of future involvement with the criminal justice system and serves as the focus of this study. Initial recidivism data on probationers involved in the original research was conducted in June, 1993. All of the probationers included in the follow-up analysis successfully completed probation between March 1989 and the end of June 1992.

Population and Sample

The research was conducted by examining student data from March 1988 through June 1992. Students still on probation were excluded from the study. Ten variables were identified and collected on each probationer: age, how and when probation was completed, gender, race, education level, risk and needs assessment scores, type of probation supervision, length of probation sentence, and date of sentencing. This information was collected for five groups: PALS graduates, PALS dropouts, GED graduates, GED dropouts, and a control group of probationers with similar characteristics who were not referred to the LEARN program.

The target population for this study was composed of male and female adult offenders on probation in Pima County who were between the ages of 18 and 67. PALS students included those who

displayed reading scores below the sixth grade level as measured by the Test of Adult Basic Education. (TABE). These students were also unable to write complete sentences. GED students' academic levels fell between the eighth and twelfth grade levels, as measured by the TABE or GED practice tests. The data were collected from the Education Services Unit program files and the Adult Probation Department's historical records.

Analytical Methods

Once it was determined that the treatment group was comparable to the control group, the treatment group was broken into sub-groups - graduates and dropouts. These were then compared using a one-way, fixed effects ANOVA. If significant overall differences occurred, differences among group means were further analyzed using a Student-Newman-Keuls post hoc test. The alpha level was set at: p is less than .05.

Results and Findings

As expected, GED program participants had received more education than PALS participants.

- 86.5 percent of the GED students reported receiving some high school as compared to 74 percent of the PALS students.
- 13.5 percent of the GED students reported receiving an eighth grade or less education, compared to 26 percent of the PALS students.
- The control group reflected a mixture of students that qualified for, but had not participated in, either the PALS or GED program: 78 percent of these students reported receiving at least some high school education, and 22 percent reported receiving an eighth grade or less education.

No significant differences were found for gender or race among program participants and the control group, as indicated below:

- Participants in PALS consisted of 90.5 percent males and 9.5 percent females.
- GED participants were 85.5 percent males and 14.5 percent females.

- The control group was composed of 75 percent males and 25 percent females.

- Hispanic students comprised 40 percent of the PALS participants 34.5 percent of the GED participants, and 37 percent of the control group.

- Anglo students comprised 37 percent of PALS, 51.5 percent of GED and 51 percent of the control group.

- African Americans comprised 17 percent of PALS, 12 percent of GED and 12 percent of the control group.

- Indian students comprised 5.5 percent of PALS and 2 percent of GED; none were in the control group.

The analyses of variance found no significant differences on the selected variables between the three groups. Demonstration that all study groups did not differ significantly on critical variables prior to intervention allowed investigation of the primary research with greater assurance of internal validity. Figure 1 reports the proportion of successful probation completion rates for PALS graduates, PALS dropouts, and the control group subjects.

Figure 2 reports the proportion of successful probation completion rates for GED graduates, GED dropouts, and the control group subjects.

As indicated, the findings reflected no significant differences among the groups except for probation completion rates. PALS and GED program graduates displayed significantly higher probation completion rates than program dropouts and control group subjects. Therefore, this study demonstrated that participation in and the completion of either component of the LEARN program significantly increased the probability of successful completion of probation.

Preliminary Recidivism Data

The Adult Probation Department in Pima County has initiated criminal records checks on LEARN cases for probationers who terminated probation in 1989, 1990, 1991 and 1992. Subsequent conviction information was compiled. The results indicate there are differences between program graduates,

program dropouts and control group members in terms of new felony arrests or convictions. Two measures of recidivism were examined in this follow-up analysis: a subsequent arrest for a felony and a subsequent conviction for a felony.

A new felony arrest included any documented arrest for an act defined as a felony under Arizona Revised Statutes. Probation violations and arrests for misdemeanors were excluded from this count.

A new felony conviction included any documented conviction for a criminal act defined as a felony pursuant to Arizona Revised Statutes. Again, probation violations and misdemeanors were excluded from this count.

Arrest and conviction checks were conducted through national, state and local information sources, including the National Crime Information Center (NCIC), Arizona Criminal Information Center (ACIC), Pima County attorney records, Superior Court records and other sources.

This was the first attempt to track recidivism among LEARN program participants and control groups in Pima County. As such, the relatively small number of subjects in some of the groups limited measures of statistical significance. This was particularly true for the PALS component. Lower subsequent felony arrest and conviction rates were evident for PALS graduates, and indicate a probable trend requiring follow-up analysis. The researcher will continue to follow-up on program participants over time, leading to larger numbers of subjects in each group.

At this point, the most significant finding involves lower felony arrest rates for GED program graduates (see Figure 5). This finding was statistically significant (p is less than .05). There was also evidence of a trend for lower subsequent convictions among the GED graduates (see Figure 6).

New Felony Arrests for PALS Participants and Control Group

Figure 3 displays the percentages of felony arrests for PALS graduates, PALS

dropouts and the control group. The PALS graduates had the lowest new felony arrest rate (23 percent) followed by the PALS dropouts (27 percent). The control group had the highest new felony arrest rate (36 percent). These differences suggest a trend indicating lower felony arrest rates for PALS graduates.

Figure 1
Proportion of Successful Probation Completion Rates for PALS Graduates, PALS Dropouts and Control Group Subjects

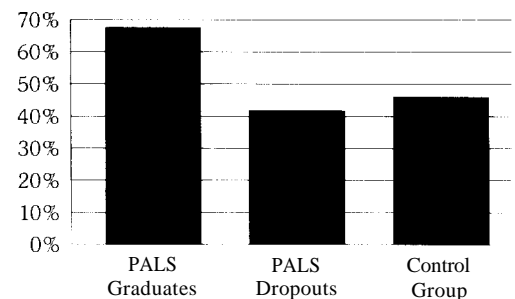


Figure 2
Proportion of Successful Probation Completion Rates for GED Graduates, GED Dropouts and Control Group Subjects

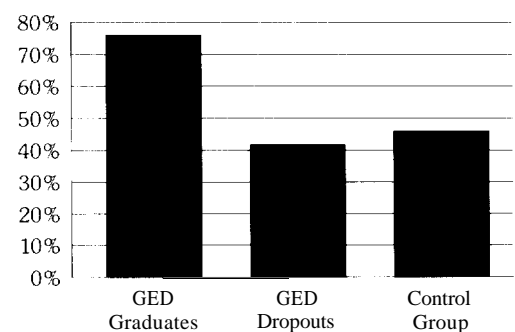
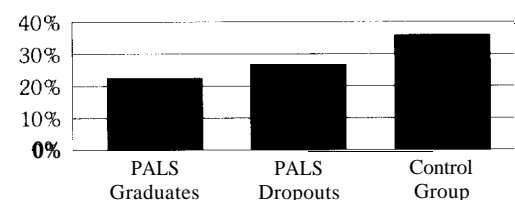


Figure 3
Percentage of Felony Arrests for PALS Participants and Control Group



New Felony Convictions for PALS Participants and Control Group

Figure 4 displays the percentage of new felony convictions for the PALS

participants and the control group. PALS graduates had the lowest subsequent felony conviction rate (eight percent), followed by the control group (10 percent). The PALS dropouts had the highest subsequent conviction rate (16 percent).

New Felony Arrests for GED Participants and Control Group

Figure 5 displays new felony arrest rates for GED graduates, GED dropouts and the control group. GED graduates had the lowest new felony arrest rate (nine percent), followed by the GED dropouts (20 percent). The control group had the highest percentage of new felony arrests (36 percent). The Analysis of Variance revealed statistical significance (p is less than .05) in this instance.

New Felony Convictions for GED Participants and Control Group

Figure 6 displays the percentages for subsequent felony convictions for the GED graduates, GED dropouts and the control group. The GED graduates had a zero percent conviction rate followed by the GED dropouts (nine percent) and the control group (10 percent). These preliminary results suggest a trend toward lower new felony arrest rates for GED graduates.

Conclusions

This study, one of the few that has been conducted on this subject, has demonstrated the following: probationers who graduated from PALS had a significantly higher successful probation completion rate than probationers who did not graduate from PALS or were not involved with the PALS program. Similarly, probationers who completed the GED component of LEARN displayed a significantly higher successful probation rate than probationers who did not graduate or were not involved with the GED program. The results also indicate a trend toward lower subsequent convictions among GED graduates and lower felony arrest rates for GED and PALS participants.

The Bureau of Justice Statistics reports a 43 percent recidivism rate for adult offenders on probation. This figure is based on felony arrests during the first three years of probation. Initial results of this recidivism study indicate a recidivism rate of nine percent for GED graduates and 23 percent for PALS graduates, a level far below the national average. Subsequent conviction rates are zero percent for GED graduates and eight percent for PALS graduates. These positive results suggest the expansion of adult education programs for probationers.

Summary

LEARN program staff have always believed that creative education services lead to positive changes in adult offender behavior. This study documented the positive impact of community-based adult education programs on probationers in Arizona. While critics of rehabilitative programs continue to posit that "nothing works," this initial evaluation offers evidence of the effectiveness of LEARN as a means of enhancing the likelihood that adult offenders will successfully complete probation and reduce repeat involvement in the criminal justice system.

References

- Bell, R., Conrad, E., Laffey, T., Lutz, J.G., Miller, P., Simon, C., Stakelon, A., & Wilson, N. (1979). Correctional programs for inmates. National evaluation program, phase I report. Washington, DC: U.S. Department of Justice. Criminal Justice Policy Council.
- (1992). The Reading to Reduce Recidivism Program. Austin, TX: Author.
- Illinois Criminal Justice Information Authority. (1991). *Trends and issues 91: Education and criminal justice in Illinois*. Chicago, IL: Author.
- Jankowski, L. (1990). "Probation and Parole 1989." Bureau of Justice Statistics Bulletin, November 1990. U.S. Department of Justice: Washington, D.C.
- Jankowski, L. (1991). "Probation and Parole 1990." Bureau of Justice Statistics Bulletin, November 1991. U.S.

Figure 4

Subsequent Felony Conviction Rates for PALS Graduates, PALS Dropouts and Control Group

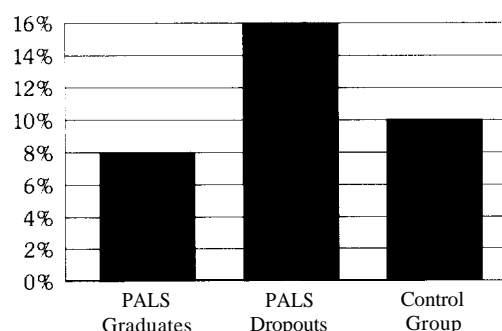


Figure 5

Percentage of New Felony Arrests for GED Graduates, GED Dropouts and Control Group

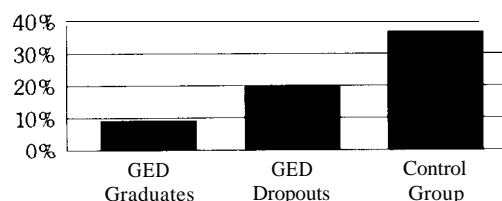
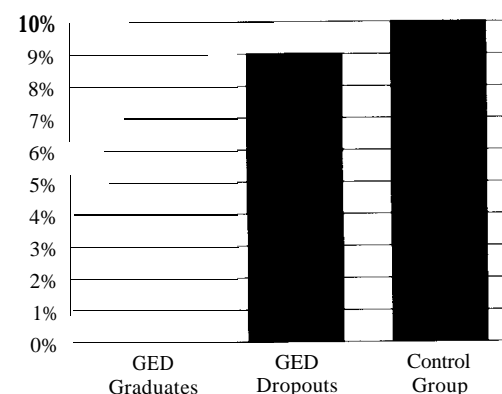


Figure 6

Subsequent Felony Conviction Rates for GED Graduates, GED Dropouts and Control Group



Department of Justice: Washington, DC.

Jelinek, J.J., & Eyre, G.A. (1990). *Adult education learning unlimited*. Phoenix, AZ: Arizona Department of Education.

Langan, P.A., & Cuniff, M.A. (1992). "Recidivism of felons on probation. 1986-1989." Bureau of *Justice Statistics Special Report*, February 1992. U.S. Department of Justice: Washington D.C.

Muth, W.R., & Gehring, T. (1986). "The correctional education/prison reform link: 1913-1940 and conclusion." *Journal of Correctional Education*, 37, 14-17.

Roundtree, G.A., Edwards, D.W., & Parker, J.B. (1984). "A study of the personal characteristics of probationers as related to recidivism." *Journal of Offender Counseling, Services and Rehabilitation*, 8 (3), 53-61.

Williamson, G.L. (1992). "Education and incarceration: An examination of the relationship between educational achievement and criminal behavior." *Journal of Correctional Education*, 43 (1), 14-22.

Comments

by **Don R. Stiles, Chief Probation Officer, Adult Probation Department of the Superior Court in Pima County, Arizona**

The research by Ms. Gayle Siegel is encouraging and validates the beliefs upon which the education program is based. Not reflected are the intrinsic values very evident to the teachers and probation officers. The development of self-esteem and an attitude of success, in spite of previous mistakes, results in probationers who are not only less likely to violate probation but are also easier to supervise. They provide positive experiences for the officers as well as themselves, and give reassurance to officers that we are doing something which results in success, a better life for the probationer and a safer community. I believe the majority of officers in our department would support the continuation of the education program even if the research did not validate reduced recidivism.

A second observation has to do with the methodology. Measurement of both arrests and conviction data gives us an opportunity to compare the two most commonly used measures of recidivism. Evident in this study is the ratio of arrests to conviction in each group. The ratios are remarkable. The data indicates that arrests in this population occur in a range of approximately twice that of convictions to nine times without a conviction. (Refer to graphs presented in article.)

Given the many reasons for arrests of probationers, including arrests made by the probation department for administrative violations, I believe equating arrests with failure results in extremely skewed findings. If the intent is to discredit a program, measure failure by arrests. If the intent is to objectively measure success and failure, measure a program by the number of new convictions.

"Courage, Creativity, and Leadership in Corrections"

Join your colleagues **January 17-19, in Orlando, Florida**, for the most outstanding corrections event of the year—the American Correctional Association's (ACA) 1994 Winter Conference. The theme, **"Courage, Creativity, and Leadership in Corrections,"** will provide the perfect atmosphere for idea sharing. **For the third consecutive year, Winter Conference registration fees will remain the same!**

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Call the ACA's Convention Department at 1-800-888-8784 for complete information and a free brochure. **Register before December 22, 1993, and take advantage of the special advance registration rates.** To register by phone (credit card only), call the Convention Department with your credit card information.

NIC UPDATE

by David D. Dillingham, Correctional Program Specialist

The past decade has been one of profound change for community corrections. The number of individuals under supervision has risen dramatically. The types of agencies - both public and private - and the types of activities they carry out have increased. New organizational structures have been created or old ones modified in meeting changing demands.

A number of forces have driven this upheaval. Economics has played a major role. Rising workloads with fewer resources forced innovation and new ways of dealing with old problems. Increased demands for public accountability and an ever-present call for greater public protection have also been significant parts of the mix.

What has not played a major role in shaping the changes has been a clear and strongly felt consensus about the underlying purposes of community corrections and goals toward which we should be working. This absence of purpose dates back to the early '70s and the abandonment of rehabilitation as a worthy and respectable goal.

For most of the 1900s at least well through the first half of the century, community corrections was a key player in reforming offenders through treatment. Workers went forth with a firm conviction that by changing lives and turning offenders into better men and women they were meeting the expectations of both the community and their profession. But this did not last. Steadily rising crime rates and an even faster rise in public concern over crime cast doubt on the old ways.

Rehabilitation as the anchor for corrections came under attack from both the left (unjust and unfair) and right (too soft on criminals). The final nail in the coffin came with the publication of Robert Martinson's article entitled, "What Works? - Questions and Answers About Prison Reform." The article became one of the least read but most quoted in correctional literature. Academic respectability then supported the attack, and the "nothing works" view was affirmed. Although Martinson quickly (1977, 1979) renounced his earlier conclusions and argued that some things do work, it was too late. Rehabilitation was dead.

The debate over what corrections ought to be doing moved into the political arena. The public, increasingly fearful of crime, demanded safety "now." Faith in our ability to deal with crime through rehabilitation gave way to an even greater faith in the power of official punishment. The individual offender would be deterred from new illegal acts; others seeing the punishment would not commit crimes themselves; and if all else failed, even longer prison sentences would make it impossible for the recidivist to endanger others.

Indeterminate sentences crafted to the rehabilitative needs of the offender gave way to fixed prison terms clearly tied to the crime that had been committed. Mandatory prison for an expanding list of crimes coupled with longer sentences was the key to public safety. As these changes took place, community cor-

rections sought a legitimacy of role and function that would fit within the new order.

Probation, still the most widely used criminal sanction, was attacked as ineffective and a mere slap on the wrist. The search began for other options that increased both the level of punishment and degree of control. Where resources could be found, other options such as intensive supervision, electronic monitoring and home confinement were developed. Activities such as frequent reporting, urine testing and community service were added and designed to be both onerous and controlling.

Now, after nearly 20 years of this new era, what has been accomplished? The number of offenders under some form of correctional control has reached an all-time high. We have a burgeoning prison population that grows each year with no end in sight. An overcrowded prison system is more overcrowded now than it was a decade ago despite a construction program that has added thousands of new prison cells. The one thing that has not changed is the crime rate. It appears to be unaffected by all that has occurred. Worse, the public feels no more safe than when it all began.

Thus, it is not surprising that the wisdom of official punishment as the cornerstone of our correctional policy is being questioned. Reservations are most frequently heard in terms of economic realities - "we can't afford to keep on locking everyone up." As correctional budgets have taken an ever greater percentage of the public pie, they have been put on a collision course with other critical public needs. Are we going to have education, health care, or prison beds? Hard decisions are forced on policymakers.

More fundamental questions quickly follow. Even if we are to spend the money, what would it buy? Would it give us the protection and safety we want? The evidence is growing that it would not. First and foremost is the crime rate that does not seem to have been fundamentally affected by what has occurred over the last 20 years. While the jury is still out, there has yet to be found any empirical evidence linking changes in the crime rate to imposition of official punishment. That link may yet be found, but the prospects are not encouraging.

Increasingly, it appears that punishment may be justified as a way of expressing our societal displeasure with those that break our laws, but it does not protect us from new offenses. The instant satisfaction that comes with seeing the law-breaker brought to justice does not extend over time to making us feel safe in our homes and on our streets.

Out of this has come strong support for viewing corrections as having a dual responsibility - to punish insofar as punishment is ordered by the courts, but also to develop policies and implement programs that manage and reduce the risk of further criminal activity by offenders. It is toward these goals that much of the work of NIC's Community Corrections Division has been

directed over the last several years. A major effort introduced and refined the tool of objective offender risk classification as a way to better distribute resources and focus efforts. More recently there has been an emphasis on intermediate sanctions - opening a middle ground between traditional probation and prison.

Throughout, the emphasis has remained largely on developing and more efficiently applying external controls as the primary means of managing risk. It is only recently that there has been re-emerging support for interventions that seek to change behavior and manage risk by reducing the future propensity to commit crime. Treatment of the '70s with its emphasis on counseling and a goal of creating happier, more self-aware and all-around better persons has been replaced. Interventions that focus specifically on changing criminal behavior and attitudes are gaining favor.

This approach is based on a new science of general personality and social psychology of criminal conduct. A careful review of research shows that criminal behavior is closely linked with antisocial and procriminal attitudes, values, beliefs and cognitive-emotional states. It is further supported by procriminal associates and an isolation from the prosocial world. Any delivery of service, regardless of criminal sanction or the setting, is unproductive unless it addresses factors of risk, need and responsivity.

Risk recognizes that the higher the potential for further criminal activity, the greater the impact of the intervention. Pursuing individuals with low risk has no pay-off and, in all likelihood, will only make things worse. Interventions must focus on the criminogenic needs of the offender. To go elsewhere greatly diminishes the potential for change. Finally, the intervention must recognize the need to tailor its approach to the specific individual. One treatment program does not fit all.

In essence, successful offender risk management requires appropriate correctional services - not just punishment and control. Such services offer new hope that the goal of increased public protection will be achieved - both through imposed external controls as well as through longer-term behavioral change.

These themes have been explored in a Special Issue seminar sponsored by NIC's Community Corrections Division entitled *Treatment Programming: An Element of Offender Risk Management*. Offered twice in 1993, it will again be offered in Spring 1994.

Interested individuals are invited to apply through the Institute's National Academy of Corrections in Longmont, Colorado. The division will also continue to seek ways of promoting these concepts through other means during the coming year.

Do You Have A Mission?

Much has been written in recent years about the importance of, as Osborne puts it in *Reinventing Government*, the need for mission-driven government. Nonetheless, some agencies don't have a mission, staff are unaware of their agency's mission, or their mission is not connected to the day-to-day work of the organization.

APPA's Issue Development Committee is currently looking at the relationship between organizational effectiveness and the development of a meaningful mission statement. You can help in several ways:

- Send us a copy (with the effective date) of your agency's mission statement.
- Describe how you developed it. Who was involved? Over what period of time?
- Have you ever revised your mission statement? How recently?
- In what way, if any, has your mission helped you or your organization?

We are particularly interested in feedback from officers as well as management. Please share your comments with the committee.

Write or call any committee member, or contact:

Greg Markley, Chair
APPA Issues Development Committee
8100 Cameron Road
Suite 600, Building B
Austin, TX 78753
(512) 908-3250
Fax (512) 836-2117

APPA Launches Corporate Membership

In the fall of 1993, APPA created a new category of membership which is now available to its corporate constituency. Corporate membership is open to corporations with an interest in the field of probation and parole, subject to the approval of the APPA Board of Directors.

Become a Charter Member of the APPA Corporate Relations Committee

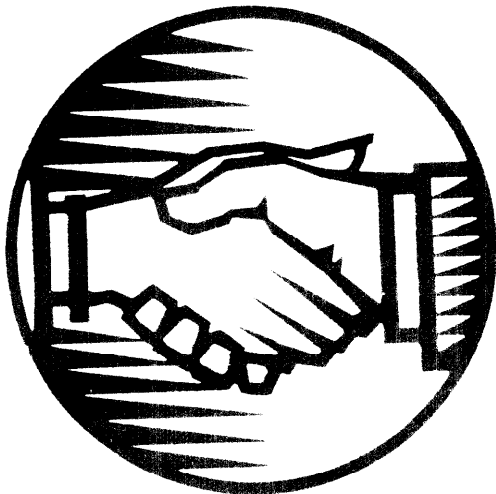
APPA welcomes applications from potential Corporate Members. Corporations who apply for membership prior to January 31, 1994 will be Charter Members and will sit on APPA's first Corporate Relations Committee. The committee will have its first meeting at the APPA Winter Institute in Cincinnati.

For more information about how to become a Corporate Member, please contact:

Pat Bancroft

American Probation and Parole Association

c/o The Council of State Governments
3560 Iron Works Pike, PO. Box 11910
Lexington, KY 40578-1910
(606) 231-1916



In recognition of this new category of membership, APPA has created a Corporate Relations Committee as an integral part of its organizational structure. Vince Fallin, Chair of this committee, says "This represents a landmark opportunity for APPA and the private sector to engage in an open partnership that will yield many benefits both for the association and for the corporations who choose to take advantage of this option." Corporate members will have access to APPA's vast information network and affiliate members, and APPA will be able to enhance its opportunities for dialogue with the private sector. Fallin points out that "APPA has grown to become the voice for thousands of community corrections professionals. As such, this level of information sharing will provide both APPA and its corporate members with an unprecedented occasion for growth."

Corporate members will receive the following benefits:

- One booth space at the APPA Annual Institute. (Institute Management will make every effort to assign prime booth locations.)
- One set of mailing labels per year of members and affiliates.
- Five copies of each issue of APPA's quarterly journal, *Perspectives*.
- Corporate members will be profiled in *Perspectives*.
- Participation in corporate-sponsored workshops held at the APPA Annual Institute.
- One representative from each member corporation may serve on the APPA Corporate Relations Committee and as a non-voting member of the APPA Board of Directors.

One of APPA's top priorities for meeting the needs of community-based corrections into the next century is to advocate the development of linkages

and partnerships. The re-structuring of the Association's membership categories represents APPA's commitment to practicing this strategy.

As Corporate Members will serve as non-voting members of the APPA Board of Directors, they will be provided with an outstanding forum to discuss the issues facing community corrections professionals. In participating in the meetings of the APPA Board of Directors, Corporate Members will be able to engage in dialogue with leading corrections professionals on such issues as cultivating and maintaining meaningful corporate/corrections partnerships. Corporate members are also invited to actively participate in the APPA Corporate Relations Committee as well. It is intended that this Committee will begin to chart a direction for enhanced involvement by those companies on which probation and parole agencies have come to rely for products and services.

In addition to the many benefits of corporate membership, members also have the satisfaction of knowing that they are supporting:

- policy development to promote high standards of practices and programs that ensure the provision of quality services;
- research to supply members, citizens and policymakers with current data;
- a national debate and review of issues important to probation and parole;
- legislative initiatives;
- development of legislative briefs and policy papers; and
- a national unified voice for probation and parole.

APPA's Corporate Membership supports the very profession the corporate sector depends on for success in today's competitive marketplace.

**APPA is pleased to feature this profile
of the Association's first corporate member**

EDITEK^{inc.}

Background

EDITEK, Inc. was founded in 1983 under the name Environmental Diagnostics, Inc. In 1992, the company changed its name to EDITEK, Inc. in order to better reflect the wide spectrum of products and services provided by the company.

EDITEK's primary products include drugs of abuse tests (EZ-SCREEN® and VERDICT®), disposable and electronic breath alcohol detection tests (PREVENT® and ALERT®), tests for agents of biological or chemical origin, agricultural diagnostic tests and food safety tests. The EZ-SCREEN test kits were first introduced in 1985.

Primary Market

EDITEK's major market is the criminal justice system (probation, parole and institutions), supported by a sales staff of five field representatives and three customer service representatives.

Products

EDITEK's products include two tests designed for the on-site detection of drugs of abuse, including:

- EZ-SCREEN drugs of abuse tests, and
- VERDICT one-step drug tests.

In addition, EDITEK has three products for the detection of breath alcohol:

- PREVENT disposable breath alcohol tests;
- ALERT electronic breath alcohol test; and
- DATATEST® evidentiary breath alcohol detector.

In an effort to offer a wider range in product selection to meet the needs of its customers, EDITEK, Inc. recently signed a merger agreement to acquire Princeton Diagnostic Laboratories of America (PDLA), a NIDA-certified laboratory specializing in drugs of abuse testing. PDLA will be involved in

providing drug testing for the criminal justice and industrial markets.

Why EDITEK, Inc. Joined APPA's Corporate Membership Program

EDITEK, Inc. sees Corporate Membership in the American Probation and Parole Association as an opportunity to "work hand in hand with APPA to help with the advancement of technologies within the criminal justice field." The company sees the advantages as a two-way street: APPA receives first-

hand access to information about products and services that would be valuable to the Association's constituency; and EDITEK, Inc. gains a new perspective on the technology criminal justice professionals need to help them do their jobs in the most effective way possible. Most importantly, EDITEK, Inc. views Corporate Membership as an opportunity to engage APPA's constituency in discussions regarding how private sector resources can support the overall mission of probation and parole.

Corporate Contact

Jeff Konecke, Director of Sales and Marketing, will serve as the Corporate Contact for EDITEK, Inc. and will represent the corporation

on APPA's Corporate Relations Committee.



Jeff Konecke (l), Director of Sales and Marketing, EDITEK, Inc., presents check for APPA's first Corporate Membership to Vince Fallin, Chair, APPA Corporate Relations Committee.

As an indication of the organization's appreciation, corporate members are highlighted in Perspectives. This is an expression of APPA's gratitude for support of the community corrections profession and of the Association, which depends upon corporate assistance to increase its services and further advance its organizational goals.

APPA Welcomes New Members

July 1, 1993 — October 31, 1993

ARIZONA

Jerome T Callahan. Maricopa Co Adult Probation. Mesa. AZ
Karl L Oberosler. Yuma Co Adult Probation. Yuma. AZ
Ann Rooney. Mohave Co Probation Office. Kingman. AZ
Susan Sugar James. Maricopa Co Adult Probation. Phoenix. AZ
Steven Valek. Yuma Co Adult Probation. Yuma. AZ

CALIFORNIA

Elizabeth Jeter. San Diego Co Probation. Spring Valley. CA
Kori Parraga. Los Angeles Co Probation Dept Los Angeles. CA

CANADA

Sandy Cornett. Niagara College. St Catharines. ON. CN
Daniel H Ray. Dept of Justice. Halifax. NS. CN

COLORADO

Judy Johnson. 19th Judicial District Attorney. Evans. CO
Steven Kalisch. 18th Judicial District. Littleton. CO

CONNECTICUT

Frank J Travisano. CT Judicial Dept. Danbury. CT

DELAWARE

Sarah S Lucas. Bureau of Adult Corrections. Wilmington. DE
William L Scott. Division of Community Services. Dover. DE
Sandra D Waller. DE Dept of Corrections. Wilmington. DE

FLORIDA

Duane Allen Benton. Dept of Corrections. Tampa. FL
Robin Brook. Miami. FL
Leanne R Criswell. Glades Co Probation. Clewiston. FL
Robbie W Reynolds. Dept of Corrections. Gainesville. FL
Marilyn J Tomlo. Orange Co Corrections. Altamonte Spngs. FL
Bonnie R Vardeman. Bridgeway Center. Inc Ft Walton Beach. FL

GEORGIA

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Bill Crusenberry. Dept of Corrections. Atlanta. GA
Jacqueline A Golden. S Cobb Probation Office/DOC. Marietta. GA
Robert Haness. Dept of Corrections. Atlanta. GA
Lynn Johnson. GA Dept of Corrections. McRae. GA

IDAHO

Betty Kessel. ID Dept of Corrections. Fruitland. ID

ILLINOIS

Diane E Brunson. Cook Co Juvenile Court. Chicago. IL
Rich Calamia. Cook Co Adult Probation. Maywood. IL
Margarete Devlin. Cook Co Adult Probation. Chicago. IL
Cynthia A Draege. Jefferson Co Probation Dept. Mt Vernon. IL
Donelle Macey. Cook Co Adult Probation. Chicago. IL
Joann Margarella. Cook Co Adult Probation. Chicago. IL
Sharon Morley. Cook Co Adult Probation. Oak Lawn. IL
John Prinzi. Cook Co Adult Probation. Chicago. IL
Diane Shapiro. Cook Co Adult Probation. Chicago. IL
Gregory J Smith. Will Co Probation. Joliet. IL

INDIANA

Sam Blankenship. Posey Circuit Court. Mt Vernon. IN
Julia A Brita. Allen Superior Court. Ft Wayne. IN
Kellie J Holland. Elkhart City Probation. Elkhart. IN
Joe S Hooker. Tippecanoe Co Probation. Lafayette. IN
Lynne V Tobin. Marion Superior Court. Juvenile Div. Indianapolis. IN

IOWA

Kristi Hem. Dept of Corrections. Decorah. IA

KANSAS

Dennis Bachman. Topeka. KS
James M Murphy. 8th Judicial District. Junction City. KS
Rhonda Stubbs. Douglas Co Community Corrections. Lawrence. KS

KENTUCKY

Theodore R Kuster. Justice Dept. Pans. KY

LOUISIANA

Alex W Jones. East Baton Rouge Parish Juvenile Court. Baton Rouge. LA
Bruce N Parker. East Baton Rouge Juvenile Court. Baton Rouge. LA

MARYLAND

Randall R Blauch. Division Parole/Probation. Cumberland. MD
Bradley D Burt. Alexandria Adult Probation & Parole. Green Belt. MD
Samuel Dinneya. MD Division of Parole/Probation. Silver Spngs. MD
Norman W Hutcherson. Div of Parole & Probation. Baltimore. MD
P Elmer Polk. Dept of Criminal Justice. Baltimore. MD

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Henry E Culver. Gardner Dist Court. Holden. MA
Ronald J D'Arcangelo. Newburyport Div of the District Court. Newburyport. MA
William McNicholas. Roxbury District Court. Charlestown. MA
Sophia C O'Brien. Commissioner of Probation. Boston. MA
George J Santa Cruz. US District Court. Boston. MA
Frances M Yacovne. Springfield. MA

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Jana Olivarez-Dickerson. 46th District Court. Farmington Hills. MI

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Pat Booker. Dept of Corrections. New Ulm. MN
Bob Mowatt. Hennepin Co Juvenile Probation. Minneapolis. MN

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E K Bruhn. Cameron. MO
Roger Counts. Board of Probation & Parole. St Louis. MO
Gary R Jerrison. BlackJack. MO
Michelle Wieland. Johnson Co Community Corrections. Grandview. MO

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Nancy A Guthrie. State Probation Office. Kearney. NE
Shane Ludwick. Intensive Supervision. Omaha. NE
Deb Minardi. NE State Probation. Omaha. NE
Jim Schaefer. 3rd District Probation Office. Columbus. NE
Dan Weddle. Nebraska Probation Dept. Pawnee City. NE

NEW JERSEY

Lenora Hammond. Camden Co Probation. Camden. NJ
Brunilda Marrero. US Probation Dept EDNY. Weehawken. NJ
Audrey C Rigsbee. Camden Co Probation Dept. Camden. NJ
Kimberly A Scott. Camden Co Probation Dept. Camden. NJ
Robert P Sebastian. Camden Co Probation. Glassboro. NJ
Barry P Stern. Spotswood. NJ
Deborah Yanez. Camden Co Probation Dept. Sicklerville. NJ

NEW MEXICO

Patsy Baumgartner. Children. Youth & Families Dept. Portales. NM

Amelia Carter. Juvenile Probation Office. Clovis. NM
Susan Casillas. Children. Youth & Families. Clovis. NM
Arnold A Martinez. Juvenile Probation Office. Clovis. NM
Roger McNeil. Rio Grande Community Corrections. Rio Rancho. NM
Donna J Mowrer. Children. Youth & Families Dept. Clovis. NM

NEW YORK

Nasser M Al-Masri. Al-Najah Private Institute. Lindenhurst. NY
Fred E Berger. Onondaga Co. E Syracuse. NY
Phil Bigger. US District Court. Staten Island NY
James C Cannon. Westchester Co Probation. White Plains. NY
Diane Capasella. Westchester Co. White Plains. NY
Robert E Dalton. Local Conditional Release Board. Phoenix. NY
Gregory Griffin. White Plains. NY
Larry McMillan. NYS Div of Parole. Bronx. NY
Mike Ricketts. Chautauqua Co Probation. Jamestown. NY
Gerald E Zimmerman. Cattaraugus Co Probation. Olean. NY

NORTH CAROLINA

William L Eggleston. Jr. NC Dept of Probation. Raleigh. NC

OHIO

Karen Lynne Ford. US Probation Office. Euclid. OH
Jill D Goldhart. Dept of Rehabilitation & Corrections. Gahanna. OH
Anne L Halm. Stark Co Adult Probation. Salem. OH
Larry Thorne. Ohio Adult Parole. Columbus. OH

OKLAHOMA

Scott Benton. OK Dept of Corrections. Sayre. OK
Terry E Maxey. OK Dept of Corrections. Owasso. OK
Mike Mullin. District 111. Probation & Parole. Krebs. OK

OREGON

Ruth Ann Crossen. Portland. OR

PENNSYLVANIA

James E Dodson. Carbon Co Juvenile Court. Jim Thorpe. PA
Susan Lamberson Blackburn. Somerset Co Probation. Somerset. PA
Robert J Malvestuto. Adult Probation & Parole. Philadelphia. PA

SOUTH CAROLINA

Stephen G Birnie. Dept of Probation. Parole & Pardon. Columbia. SC
Brett M Macgargle. Dept of Probation. Parole & Pardon. Columbia. SC
Linda Stevenson. Dept of Probation. Parole & Pardon. Columbia. SC

TENNESSEE

James Crawford, General Sessions Court,
Nashville, TN
Lorean E. Jones, U.S. Probation & Parole
Office, Memphis, TN

TEXAS

Raymond L. Blodgett, Community Supervision
& Corrections, Fort Worth, TX
Warren I. Coffman, WTCSCD, El Paso, TX
Sue Cornelius Travis, Co. C, SC, D, Austin, TX
Carolyn J. Harden, Harris Co. Community
Supervision, Houston, TX
Thomas Ann Hines, People Against Violent
Crime, Plano, TX

Cheryl Holliday, Brazoria Co. Community
Supervision, Angleton, TX
Melissa Houston, TX Punishment Standards
Commission, Austin, TX
Ronald E. Johnson, Galveston Co. C, SC, D,
Galveston, TX
Amos Landry, Shiloh Baptist Church,
Beaumont, TX
Bernadette L. Leyva, Zubac Juvenile
Probation, San Antonio, TX
Richard E. Moffitt, Nolan Co. C, SC, D,
Sweetwater, TX
Maggie Noth, Dallas Co. Dallas, TX
Chris Revill, Hill Co. Juvenile Probation
Dept. Hillsboro, TX
Felix Saucedo, Dallas Co. Probation, Dallas, TX

Susan Sigler, Dallas Co. Adult Probation,
Dallas, TX

VERMONT

Alice Hafner, VT Parole Board, Waterbury, VT
Erik T. Schuft, Dept. of Corrections,
Clearfield, VT
Arthur Silvester, VT Parole Board,
Waterbury, VT

VIRGINIA

Joseph Brown, Norfolk Probation & Parole,
Hampton, VA
Kathryn Clark, Hall, Dept. of Corrections,
Portsmouth, VA

Margaret A. Gates, Probation Parole District
25, Amissville, VA
Robin E. Hill, Adult Probation & Parole,
Virginia Beach, VA
Dee Malcan, Dept. of Corrections,
Midlothian, VA
Donald R. Webb, A. A. R. P., Arlington, VA

WASHINGTON

Dave Savage, Dept. of Corrections, Olympia,
WA

WEST VIRGINIA

Jerry L. Swanson, WV Supreme Court of
Appeals, Hamlin, WV

APPA Position Statement Non-Narcotic Analgesics

The following position statement on non-narcotic analgesics was approved by the Board of Directors at its meeting in Philadelphia on September 26, 1993. The APPA Constitution stipulates that positions and resolutions must next be submitted to the general membership for adoption at the membership meeting. Approval of the following position statement will be requested at the membership meeting in Phoenix on September 11, 1994. The purpose of presenting this position statement in Perspectives is to seek comments and feedback from the membership before seeking such approval. It is important that members wishing to comment on this position statement send any comments by March 31, 1994 to: **Nancy Lick, Chair, Resolutions and Positions Committee, American Probation and Parole Association, c/o Westchester County Probation Department, 111 Grove Street, 5th Floor, White Plains, NY 10601, Fax# (914) 285-3507.**

Drugs impact many aspects of community-based corrections by compounding the inherent problems of this type of complex service delivery. With so much of the criminal and juvenile justice system's focus on the identification and treatment of offenders, post-treatment issues and strategies such as the role of probation and parole in relapse prevention have not been fully explored. Within the area of relapse prevention, one such issue is the use of prescription narcotic analgesics by recovering offenders or by offenders undergoing treatment for their addiction(s).

A number of non-narcotic analgesics have been approved by the U.S. Food and Drug Administration for the effective treatment of pain. These prescribed medications avoid the addictive problems of narcotics. Although a variety of these non-narcotic analgesics are available, cost containment practices for Medicaid recipients by certain states encourage physicians to prescribe narcotics instead of non-narcotic analgesics. As a significant number of offenders in drug rehabilitation programs are eligible for Medicaid benefits, many could fall into a prior authorization program which restricts the use of non-narcotic pain medications and leads to the use of prescribed

narcotics. This eventuality reflects neither good common sense nor good public policy.

POSITION:

The American Probation and Parole Association supports the appropriate use of non-narcotic analgesics wherever possible. Restrictions on their use should be eliminated, allowing such treatment to be prescribed by a physician. Staff should counsel with addicted offenders to inform their health care physicians of their addictions and request non-narcotic analgesics if pain relievers are necessary to their treatment.

RECOMMENDED ACTION:

The APPA supports training efforts which educate probation and parole professionals, primary care physicians and drug treatment personnel about the problems inherent in the use of prescribed narcotics by addicted offenders to combat pain. Efforts should be made to educate criminal justice and health professionals about the availability of non-narcotic analgesics as an alternative to narcotics for addicted offenders.

A Look Back at Sharing Values, Changing Lives

American Probation and Parole Association 18th Annual Training Institute

Philadelphia, Pennsylvania
September 19-22, 1993

Approximately 1200 participants gathered in Philadelphia, Pennsylvania for Sharing Values, Changing Lives, the 18th Annual Training Institute of the American Probation and Parole Association. There were also nearly 50 exhibitors at the Institute. The event was co-sponsored by the Pennsylvania Association on Probation, Parole and Correction.

Keynote



Dr. Deborah Prothrow-Stith A highlight of this year's Institute was certainly the keynote address (sponsored by Syntex Laboratories), delivered by Dr. Deborah Prothrow-Stith, Assistant Dean for Government and Community Programs at the Harvard School of Public Health. Dr. Prothrow-Stith is a nationally recognized public health leader; in 1987 she was appointed the first woman, and youngest-ever Commissioner of Public Health for the Commonwealth of Massachusetts. She was awarded the Secretary of Health and Human Service Award in 1989, and the World Health Day Award in 1993.

Her interest in violence prevention began during her tenure as a resident at Boston City Hospital. Her response to patients injured by violence led her to examine violence as a societal "disease" that could be prevented through public health strategies.

Dr. Prothrow-Stith's address focused on the strategy of looking at violence as a public health problem, on which preventive strategies could be focused - much like those that have been successfully applied in dealing with such problems as heart disease, or drunk driving.

Program

This year's program featured a plenary session on "Human Values: The Cornerstone for Change," which explored the influence of human values in our lives. The closing session, "Vision 2000: Community Justice for All," was presented by Al Schuman, APPA's President from September 1993 through September 1995.

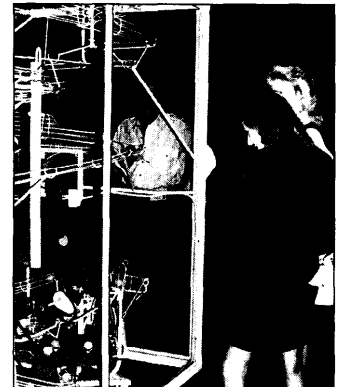
Participants also had an opportunity to attend a vision development workshop in conjunction with the Community Justice

Leadership Project. The focus of this project is to define the vision for community justice, based on our shared values and beliefs, and to identify implementation strategies to reach our vision.

Gala Event

The Gala Event was held at America's premier science museum, the Franklin Institute.

Participants were treated to a Philadelphia block party style dinner, and entertainment provided by one of the area's favorite rock 'n roll groups, The Fabulous Greeseband (sponsored by Roche Diagnostics).



Participants enjoy science exhibits at the Franklin Institute.

5k Race

The 18th Annual Institute was the site of the second annual 5k Fun Run and Walk in memory of Malcolm MacDonald. Over 75 runners are to be congratulated on completing the course (which featured some fairly grueling terrain). The victorious male in the race was Byron Johnson, and the female division was won by Cathy Large. Proceeds from this event are contributed to the APPA Malcolm MacDonald Graduate Research Scholarship Fund.



APPA wishes to express special thanks to the sponsors of this event: APPA Staff, EDITEK, Inc., General Security Services Corporation, Jostens Learning Corporation, Roche Diagnostic Systems, Inc. and Volunteers of America, Inc.

1993 APPA Awards

The annual awards of the American Probation and Parole Association were presented during APPA's 18th Annual Training Institute in Philadelphia, Pennsylvania, September 19-22, 1993. Congratulations to the Award recipients in recognition of their contributions and dedication to the probation and parole profession.

University of Cincinnati Award

The University of Cincinnati Award is not a practitioner award. It is presented to an individual who has made significant contributions to the probation and parole field or technology. Recipients typically are individuals from an academic research or government agency not engaged in providing probation and parole services. The recipient of this award is **Rolando V. del Carmen**, Professor of Criminal Justice, Criminal Justice Center, Sam Houston State University, Huntsville, Texas.

Rolando del Carmen is a prolific author and lecturer. He has given almost 350 lectures and presentations in more than 40 states during the last 12 years on various aspects of probation and parole related to the potential legal liabilities of probation and parole officers. During the past five years he has participated in numerous APPA Institutes, frequently conducting workshops on the topic of legal liabilities. He has also lectured in various states under APPA sponsorship on the legal aspects of drug testing in accordance with APPA's Drug Testing Guidelines and Practices for Adult Probation and Parole Agencies. He is a regular lecturer in the "Basic Training for Probation Officers" program at the Texas Criminal Justice Center.

Under a grant from the National Institute of Corrections, Dr. del Carmen wrote a book on "Potential Liabilities of Probation and Parole Officers," which has been used as a reference text by probation and parole departments in drafting manuals and guidelines. Either independently or in collaboration with graduate students at Sam Houston State University, he has written and published a number of articles on various legal aspects of probation and parole; most recently, "When Do Probation and Parole Officers Enjoy the Same Immunity as Judges?" appeared in the December 1992 issue of Federal Probation.

In 1987, Dr. del Carmen was appointed by the Governor of Texas to a six-year term on the Texas Commission on Jail Standards, a nine-member body charged with enforcing policies set by the State of Texas for county jails. He is also a member of the Texas Corrections Association and participates extensively in its various annual programs and regional meetings.

Dr. Carmen holds Bachelor of Arts and Bachelor of Laws degrees from Silliman University, Philippines; a Master of Comparative Law degree from Southern Methodist University, Dallas, Texas; a Master of Laws from the University of California at Berkeley; and a Doctor of the Science of Law from the University of Illinois.

Walter Dunbar Memorial Award

The Walter Dunbar Memorial Award is the oldest APPA practitioner award. It is presented in honor of one of APPA's most distinguished colleagues the late Walter Dunbar, who served as Director of the California Department of Corrections. Chairman of the U.S. Parole Commission and Director of the New York State Division of Probation. The award is presented for significant contributions by a practicing professional or a retired practitioner in the field of probation and/or parole. The recipient of this award, **Edmund B. Wutzer**, is the Director of the New York State Division of Probation and Correctional Alternatives, Albany, New York.

In a career spanning over 30 years in both probation and parole, Edmund Wutzer has especially distinguished himself in leadership positions in a state that has one of the largest criminal justice systems in North America. He has been instrumental in developing and implementing professional standards for proba-

tion services that have been passed into law, has encouraged the implementation of initiatives to deal with high risk offenders and has been a supporter of the need for the integration of a system of interim sanctions into service delivery strategies.

Intrigued by a parole agency internship, Mr. Wutzer began working as a parole officer in New York after receiving a Master of Arts in Sociology and Correctional Administration from the University of Notre Dame in Indiana. After eight years, he transferred to the New York State Division of Probation where, as a district probation consultant from 1965 to 1969, he had an opportunity to evaluate services

provided to offenders by county probation agencies regulated by the state. There he gained an enduring appreciation for the work of the line officer. Promoted to area administrator for the State Division, Mr. Wutzer was able to bridge the gap between probation administrators from the counties of his area of responsibility and the state bureaucracy. In 1974, Mr. Wutzer received his first staff assignment in "central office." As a probation practice review officer, he was required to implement an LEAA grant to review the effectiveness of service delivery in selected jurisdictions throughout New York and make corrective recommendations to the State Director.

As Deputy Director for six years and State Director since 1983, Mr. Wutzer has demonstrated his continuing commitment to sound probation practice, promulgating state rules and regulations which ensure uniform service delivery. During the past few years of public budget crises, he has continued to be an articulate



Left to right, Rolando V. del Carmen, Jan Hopkins, APPA Immediate Past President Harvey M. Goldstein and Edmund B. Wutzer.

spokesperson for the cost effectiveness of probation and the need for the state to share equitably in funding this service. His convictions have at times placed him in conflict with other members of the Governor's staff; however, despite the threat to his own career posed by his adamant stance, he continues to fight for his programs and for local probation departments throughout the state.

Mr. Wutzer has been active in numerous professional associations, including the New York State Probation Officers Association, an organization of which he is a founding member and past president. Additionally, he achieved the rank of Colonel in the U.S. Army Reserves and served in a variety of leadership positions before retiring in 1991 after 30 years of service.

Scotia Knouff Line Officer of the Year Award

The most competitive, and perhaps the most prestigious, practitioner award is the Scotia Knouff Line Officer of the Year Award. This award is given to a probation, parole or community corrections officer who has performed assigned duties in an outstanding manner and/or made significant contributions to the probation, parole, or community corrections profession at the local, regional or national level and/or brought credit or honor to the profession through participation or involvement in community activities or programs. **Jan Hopkins**, Probation Officer III/Volunteer Coordinator, First Judicial District Probation, Golden, Colorado, is the recipient of this award.

Jan Hopkins has been working in the criminal justice system since graduating from Washington State University in 1972 with a Bachelors degree in Sociology. She began her career as a counselor in a women's prison in Washington and later moved to California where she worked in the juvenile system. Since moving to Colorado in 1979, she has been employed with the First Judicial District Probation Department, where she has held a variety of positions including alcohol evaluator, alcohol coordinator, presentence investigator and adult supervision officer.

Currently, Ms. Hopkins is the District's volunteer coordinator. Since assuming this position, she has acquired non-profit status for the volunteer organization, recruited community volunteers to work with low risk offenders, and organized an internship program with several local colleges to provide on the job training for college students pursuing careers in the field of corrections and probation. Ms. Hopkins was also responsible for developing and coordinating the organization of a telephone monitoring program which allows the monitoring of low risk offenders through a telephone/computer arrangement, thereby tracking offenders with fewer resources.

A member of the Colorado Association of Probation Officers since 1980, she has served two terms as an area representative and a term as president and past president, serving on various state committees including Comment for Quality, Probation Restructuring and Visionary Leadership. As past president, Ms. Hopkins was very active in legislative issues. She has also been active within the department on various committees to further the department's mission and vision, and has also participated in numerous statewide committees to further professional development of programs affecting probation.

In addition to her exemplary performance in the discharge of her duties, Ms. Hopkins has demonstrated a level of enthusiasm, compassion and dedication which all professionals strive to achieve.

Scotia Knouff Line Officer of the Year Award Nominees

The American Probation and Parole Association would like to give special recognition to everyone who was nominated for the Scotia Knouff Line Officer of the Year Award. Their outstanding commitment and contributions to the fields of probation and parole have made a difference.

Laura Aversano
Investigator
Los Angeles, CA

Fannie P. Barksdale
Probation Officer II
Washington, DC

Gilbert Bautista
Deputy Probation Officer II
Los Angeles, CA

David Ceriotti
Senior Probation/Parole
Officer
Atoka, OK

Eugene Cross
Probation Officer, Domestic
Violence Unit
Syracuse, NY

Mark Elbert
Juvenile Probation Officer
Papillion, NE

Pedro Joaquin Estrada, Jr.
Court Services Officer I
Hutchinson, KS

Stephanie Hennessey
Probation Officer
Trenton, NJ

Marvin Holmes
Senior Probation/Parole
Officer
Claremore, OK

Roger Kaup
Deputy Probation Officer
Fremont, NE

Christopher Kuk
Deputy Probation Officer II -
Gang Unit
Los Angeles, CA

Tony Leiker
Deputy Probation Officer II
Los Angeles, CA

Sheila I. Lindsey
Acting Senior Investigator
Los Angeles, CA

John R. Longueville
Correctional Parole Agent II
Carbondale, IL

Terry E. Maxey
Senior Probation/Parole
Officer
Owasso, OK

Cynthia A. McBride
Probation/Parole Officer I
St. Louis, MO

Donald S. Miller
Senior Probation Officer
Gering, NE

Sam Olsen
Parole/Probation Officer
Medford, OR

Karen K. Peters
Senior Probation/Parole
Officer
Pauls Valley, OK

Aleida Rodriguez-Garcia
District Parole Officer II
Harlingen, TX

Gail E. Schoonover
Probation/Parole Officer
Oklahoma City, OK

Sharon Stegall
Deputy Probation Officer II -
Gang Unit
Los Angeles, CA

Jack A. Thurman
Correctional Parole Agent III
Canton, IL

Deborah Weathersby
Investigator
Los Angeles, CA

Donna Welke
Probation/Parole Officer
Ferguson, MO



Spotlight on Juvenile Justice:

APPA Project Funds Five Demonstration Sites

Prepared under Cooperative Agreement No. 92-JD-CX-0002 from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. *Points of view or opinions expressed herein are those of the authors and do not necessarily represent the official positions or policies of the U.S. Department of Justice.*

Recent reports of a decline in drug use among the general population of the United States are encouraging. However, the news is not so promising when substance abuse among criminal and juvenile offenders is examined. The Drug Use Forecasting program interviews and tests arrestees for drug use in representative cities across the country. Male juveniles are evaluated in 11 cities. In the Third Quarter Report for 1992, the number of male juvenile arrestees or detainees testing positive for drugs at the time of arrest ranged from 10 percent to 44 percent.

In the Fall of 1990, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) awarded funds to the American Probation and Parole Association (APPA) for a project to develop training and technical assistance for identifying and intervening with drug-involved youth. During the first phase of the project, curriculum was developed and regional training programs were provided. Project staff developed a training manual, now available through APPA, and other training materials.

The curriculum was organized around three modules (see below). These were designed to provide information on the problem of adolescent drug use and to help juvenile justice professionals develop comprehensive programs to identify and intervene with drug-involved youth.

Five 4½-day training programs, based on the curriculum outlined below, were delivered during 1992. A total of 210 juvenile justice professionals participated in the training seminars, where APPA staff and consultant trainers provided informative and interactive sessions. The training sites included Ft. Worth, Texas; Baltimore, Maryland; Atlanta, Georgia; Denver, Colorado; and Lexington, Kentucky. The final training session in Lexington was added to satisfy the high demand for the curriculum and to accommodate the large number of persons who could not be admitted to the previous workshops due to capacity limitations.

The project has now entered its second phase. Through an application process, five juvenile justice agencies have been selected as demonstration sites: Division of Youth and Family Services Justice Branch, Lexington, Kentucky; Administrative Office of the Courts/Probation, Lincoln, Nebraska; Westchester County Probation Department, White Plains, New York; State of Utah, Juvenile Court, West Valley City, Utah; and Virginia Department of Youth and Family Services, Richmond, Virginia. With training, funding and other technical assistance services provided by APPA, these five sites are developing and implementing programs to identify and intervene with drug-involved youth. Each site has selected or developed an assessment instrument to use with all youth in the program. The staff of each of the programs received a five-day training program in drug recognition techniques and a two-day

overview of the other components of the curriculum. Each site also is employing urine testing as a means of identifying youth who are using drugs. In addition to these identification methods, each program has developed intervention strategies for drug-involved youth. Finally, each site is collecting and reporting data about the results of drug identification and intervention activities with each youth. Limited funds have been made available to help the agencies purchase assessment instruments and/or chemical testing supplies.

As evaluation data become available, results will be shared with Perspectives readers. Project staff also are interested in the efforts of other agencies to identify and intervene with drug-involved youth, and would like to find out more about these programs. If your agency has such a program, you can help by providing the requested information on the following brief survey form and returning it to APPA.

Module 1: Adolescents, Drugs, and the Juvenile Justice System

- Chapter 1 Adolescents and Their Environments
- Chapter 2 Adolescent Drug Use and Delinquency
- Chapter 3 Physiological Effects of Drugs on Adolescents
- Chapter 4 The Juvenile Justice System

Module 2: Establishing Drug-Use Identification Programs in the Juvenile Justice System

- Chapter 5 Program Purpose
- Chapter 6 Program and Policy Development
- Chapter 7 Assessment of Needs and Resources
- Chapter 8 Legal Issues
- Chapter 9 Economic and Human Resource Issues
- Chapter 10 Program Evaluation and Dissemination of Results

Module 3: Implementing Drug-Use Identification Programs in the Juvenile Justice System

- Chapter 11 Assessment Instrument and Techniques
- Chapter 12 Drug Recognition Techniques
- Chapter 13 Chemical Testing
- Chapter 14 Intervention
- Chapter 15 Staff Responsibilities and Training