

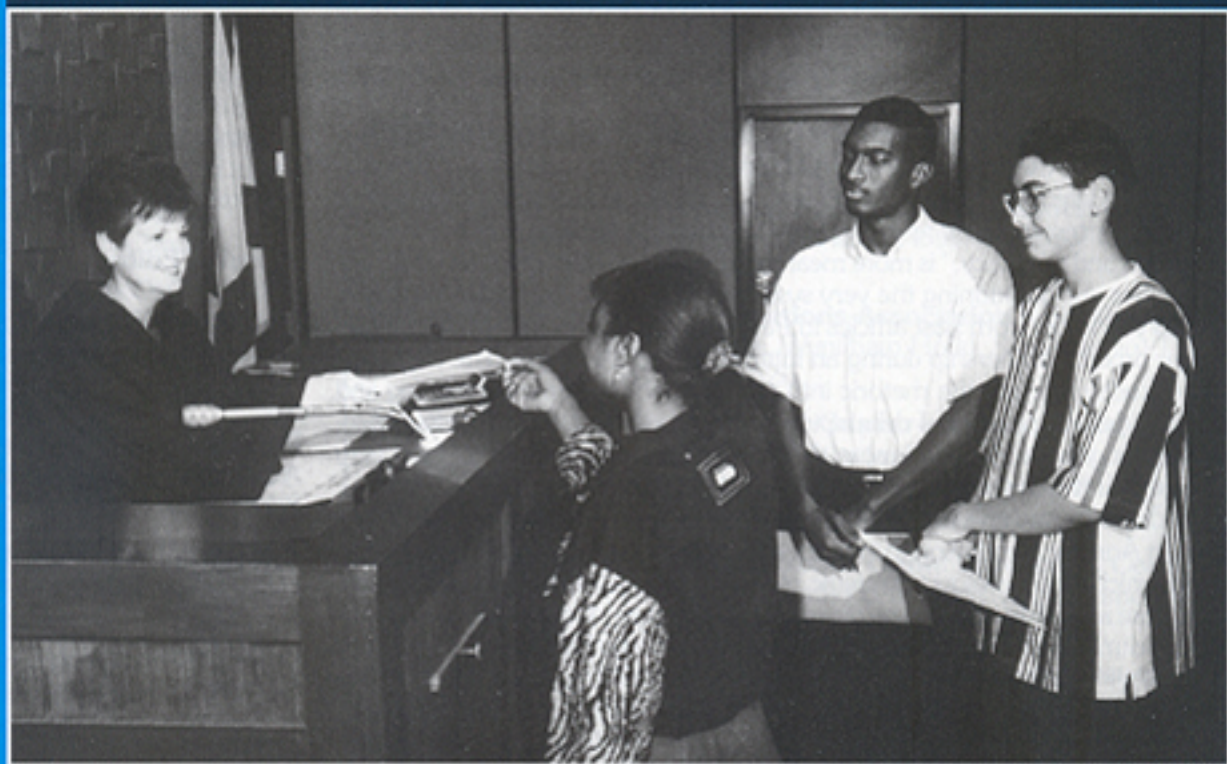


American Probation and Parole Association

Winter 1996

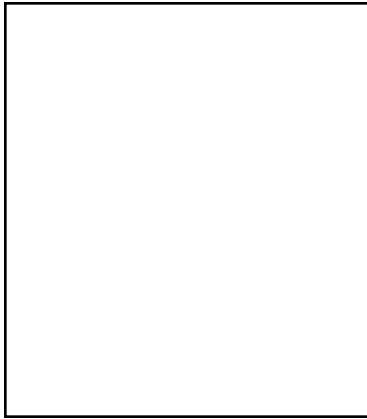
PERSPECTIVES

TEEN COURTS



Empowering Our Youth

Inside: Ten Principles for Identifying and Intervening with Drug-Involved Youth



Rocco A. Pozzi

President's Message

As I begin my term as President, I feel that this association has never been more active. Ask any of my staff in Westchester and they'll tell you that I begin to sweat, pace and break out in hives if things get too quiet. I like positive change and I expect action.

After setting my campaign agenda in place, I am now focusing on the continuation of the APPA Vision which was developed under the leadership of Immediate Past President Al Schuman. Its call for "... a fair, just and safe society where community partnerships are restoring hope by embracing a balance of prevention, intervention and advocacy," is more meaningful now than ever at a time when our communities are questioning the very systems put in place to protect and serve them. As you know from past articles in *Perspectives*, our Vision was generated from our broad membership during an intense 18-month period. The challenge facing us today is to put the rhetoric into action. Given the time consuming and sometimes painful process of developing the Vision itself, I know that its implementation is going to be even more difficult and complex. However, I am very confident that this association can meet this challenge.

As I outlined in my speech at the Annual Institute in Dallas, I have asked President-Elect Annette Henderson to take charge of the next step in putting our Vision forward which is to develop a strategic plan. To assure that the critical elements of APPA are all pulling in the same direction, the Executive Committee, along with several committee chairs and corporate members, worked together for two days in November under the guidance of a facilitator provided by Anderson Consultants. (More information on this meeting will be presented in a future issue of *Perspectives*.) Our goal is to have the strategic plan in place by the '96 Annual Institute in Chicago.

As I said, reaching out for our Vision is not going to be easy. Just the first steps of having the critical actors "buy into" this agenda will be hard. Our communities, the judiciary, elected officials as well as our colleagues in corrections and law enforcement are vital to the success of this effort. However, we as a profession—APPA members and non-members alike—must become owners of this Vision with a strong hope in achieving, "... a fair, just and safe society." Without your commitment to this end, the Vision becomes mere words on a floppy diskette lost in an ocean of "if onlys." It is only through our collective actions, our commitment to improve our systems, our commitment to serve those placed under our supervision, and our commitment to serve crime victims that our Vision can take root. As I stated in Dallas, "We need your commitment and energy. APPA is no more or no less than its membership. ... Together we can make the difference!"

Finally, I want to thank Al Schuman and Annette Henderson as well as those members and staff who have brought this association to this critical juncture for our field. My personal challenge is to make certain that we aggressively take care of today's business while forging toward a hopeful future.

Footnote: Anyone wishing to comment on this "President's Message" or having anything to say or ask about APPA, please contact me through APPA's secretariat. □

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

Board of Editors

Robert E. DeComo, Chairman
Dan Richard Beto
Arthur J. Lurigo
Faye S. Taxman

Publication and Advertising Coordinator

Susan Fowler

Typographer

Connie P. LaVake

Editorial Assistant

Margaret Haertzen

ISSN 0821-1507

Published four times yearly by APPA through its secretariat office in Lexington, Kentucky.

Communications should be addressed to:
Susan Fowler

APPA Staff

c/o The Council of State Governments
3560 Iron Works Pike
P.O. Box 11910
Lexington, KY 40578-1910
(606) 244-8205

Copyright 1996



The Council of
State Governments

Letter from the Editors

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

Welcome to the Winter 1996 issue of *Perspectives*. This issue is especially rich in APPA materials including conference information, position statements and project reports. First, this issue contains highlights of the successful Annual Institute held in Dallas, Texas as well as registration and other information regarding the upcoming Winter Institute in Portland, Oregon. Those of you looking for professional development opportunities should certainly consider attending the Winter Institute which always has emphasized excellent training programs for practitioners.

In preparation for the Winter meeting, this issue also contains several draft position statements on substance abuse treatment, electronic monitoring, juvenile justice and supervision under the Interstate Compact. These statements are being disseminated for review and comment by the APPA membership over the next few months. Final versions of these statements will be submitted for approval at the general membership meeting in Portland.

The special features in this issue contain several articles that report the results of recent APPA grant programs. First, this issue has two articles reporting results from APPA's Identifying and Intervening With Drug-Involved Youth Program which was funded by the Office of Juvenile Justice and Delinquency Prevention which was conducted between 1990 and 1994. Dr. Harry Boone, Research Associate at APPA, summarizes the findings from a quantitative evaluation of training and technical assistance provided for five test sites participating in the program. APPA Research Associate, Ann Crowe, has also contributed a complimentary article which summarizes the qualitative findings from the evaluation of this program. Taken together these articles present important lessons learned and recommendations from this program which will be very instructive for agen-

cies looking to implement or improve substance abuse programs for juvenile offenders.

Our last APPA article has been contributed by Tracy Godwin, Project Manager for APPA's Teen Courts Initiative which was funded by the National Highway Traffic Safety Administration of the U.S. Department of Transportation. Based on a review of Teen Court structures and operations around the country, this article discusses the benefits, history, present status and target populations for these programs and recommends steps to be taken when developing and implementing a teen court program.

Continuing with our special features for this issue, our next has been contributed by Judith Telecky, Media Coordinator with the Texas Department of Criminal Justice. Her article recounts "The Texas Experience" over the last several years to bolster its existing parole programs and implement new approaches to increase the effectiveness, and thereby, the support for parole supervision in that state. This article is *Perspectives'* latest offering on the continuing theme of "in defense of parole."

Turning to our regular features, our NIC Update has been contributed by

Eduardo Barajas, Correctional Program Specialist, Community Corrections Division. His update describes NIC's activities to help community corrections practitioners refocus resources on high risk offenders. These efforts recognize that community corrections needs to become more results oriented and that there is significant empirical support that community corrections can be more effective by concentrating interventions on the highest risk offenders.

Next, our NIJ News article has been contributed by Edwin Zedlewski, Director of Adjudication and Corrections at the National Institute of Justice. His article entitled "Future Shock" describes NIJ's efforts to support innovation and technological advances in all aspects of corrections. Through its Corrections Technology Center in Charleston, South Carolina, NIJ has embarked on an important initiative to develop and field test new technologies in the areas of officer safety, public safety and administrative change. This effort could well have a significant impact on shaping the future of community corrections.

In FORUM this month we have published a compelling story written by Gerald Migliore, who shares his experi-

Editorial Committee

Robert E. DeComo

NCCD
685 Market St.
Suite 620
San Francisco, CA 94105
(415) 896-6223

Dan Richard Beto

Director
Correctional Management Institute
of Texas
Criminal Justice Center
Sam Houston State University
Huntsville, TX 77341-2296
(409) 295-8138

Arthur J. Lurigio

Dept. of Criminal Justice
Loyola University of Chicago
820 N. Michigan Ave.
Chicago, IL 60611
(312) 915-7564

Faye S. Taxman, Ph.D.

Faculty Research Associate
Department of Criminology &
Criminal Justice
Room 2220, LeFrak Hall
University of Maryland
College Park, MD 20742-8235
(301) 405-4781

ence on the other side of the justice system as a juror. We have also published a letter to the editors from Paul H. Cooper, Director of the Larimer County, Colorado Community Corrections Department. He has written to us regarding the pair of Guest Editorials that appeared in recent issues on the subject of recidivism as an outcome measure for community corrections. We were very pleased to receive his comments and are still hopeful that more of our readership will respond to our publications so that we can make letters to the editors a regular feature as is the case with most publications of our type.

Finally, our Point and Counterpoint has been contributed by Professors Andrew Karmen and Charles Lindner from John Jay College of Criminal Justice. Their editorial is in the form of a point/counterpoint on the effectiveness and potential contribution that victim-offender reconciliation programs can have in support of a restorative justice model for criminal justice. Their editorial was based on a panel discussion held in June 1995 at the Northeast Association of Criminal Justice Sciences.

In closing, we encourage you to contact the members of the Editorial Committee with your comments, suggestions and contributions. □

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 an editorial committee 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 ASCII format on an IBM-compatible computer disk, along with five hard copies, to the chairman of the editorial committee (refer to the "Letter from the Editors" for address) in accordance with the following deadlines:

Summer 1996 Issue March 20, 1996
Fall 1996 Issue June 21, 1996
Winter 1997 Issue September 20, 1996
Spring 1997 Issue December 12, 1996

Unless previously discussed with the editors, submissions should not exceed 10 typed pages, 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 must 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 parentheses, 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.

American Probation and Parole Association Corporate Members

BI Incorporated

David Page, Vice President of Marketing
 BI Incorporated
 6400 Lookout Road, Suite 101
 Boulder, CO 80301
 (800) 241-2911
 Fax (303) 530-5349

Digital Products Corporation

Richard A. Angulo, President
 Digital Products Corporation
 800 N.W. 33rd Street
 Pompano Beach, FL 33064
 (305) 783-9600
 Fax (305) 783-9609

Roche Diagnostic Systems

Robert L. Aromando, Jr., Marketing Manager
 Roche Diagnostic Systems
 1080 U.S. Highway 202
 Branchburg, NJ 08876
 (908) 253-7720
 Fax (908) 253-7645

For information on Corporate Membership, please contact:

Susan Fowler, APPA
c/o The Council of State Governments
P.O. Box 11910
Lexington, KY 40578-1910
(606) 244-8205

Lockheed Martin

Kevin T. Smyley, Vice President
 Lockheed Martin
 1200 K Street N.W., Suite 1200
 Washington, DC 20005
 (202) 414-3679
 Fax (202) 414-3500

National Curriculum and Training Institute

Gary Bushkin, President
 4949 E. Lincoln Dr., Suite D
 Paradise Valley, AZ 85253
 (602) 956-6601
 Fax (602) 852-0300

Forum

Between Individual Responsibility and Social Justice

By the time you read this, the OJ trial verdict and the Million Black Men March will be a part of history. What is left behind for both black and white is an unsettling indictment of the criminal justice system and an ever present conflict between individual responsibility and awareness of the realities of institutional racism and the painful and often unjust history of minorities in this country.

Even in the ethnically diverse salon groups which I hold in my home with journalists, religious leaders, government officials, politicians and civic leaders, the issues created by the disparity between individual responsibility and social reality serve to create very impassioned discussions among us. While we are far from perfect, there are few places in the justice system that represent such an ethnically diverse group as among line probation and parole officers. You get a real sense of our diversity at the APPA Training Institutes. It is both a wonderful strength and a source of tension. Because we are more involved with the community, community corrections professionals are more involved in issues of race and society. After all, with one-third of Afro-American youth involved in the system we are a part of, those issues must be addressed. There is also a real opportunity to clarify the balance between individual responsibility and an understanding of the social and economic conditions that contribute to crime in America.

The 13 years I spent in the New York City Department of Probation, explaining what we do to the outside world,

forced me to try to resolve the same conflict myself. Frankly, I am not sure I have yet done so with any degree of lasting satisfaction. My jury duty experience underscored the importance of the process even if the final resolution alludes me.

I wrote this piece in what turned out to be my last year with the department. It is about my struggle to do justice. In my place as a juror you may have reached a different decision.

Jury Duty – A Felony Murder Trial

The court clerk polled the jury, "How do you find the defendant on the count of felony murder?" The defendant was typical of the kind of person who I have advocated for all through my professional career, most recently as Director of Public Information for the New York City Department of Probation. He was functionally illiterate, probably learning disabled, had a history of emotional problems and had spent a good deal of his life failing.

"Guilty, guilty, guilty . . ." was spoken twelve times in twelve variations of sobriety from the lips of New Yorkers who were at once African American, Chinese American, Korean American, Latino and white. These were ordinary citizens from all strata of society. They were individuals who, during deliberations, struggled to overcome prejudicial life experiences, ethnic stereotypes and half truths about the nature of offenders and police, in order to render a fair judgment based on verified facts and evidence.

The defendant sat surrounded by court officers with his head bowed and his hands shackled behind him. A few moments earlier he had exploded, hurling a chair across the courtroom, when our questions to the judge suggested we would find him guilty of felony murder. I never will forget the sight of mucus extending from his nose nearly to the floor as he protested his innocence. His sobs welled out from the lonely agony of a lifetime of confusion, frustration and pain.

Got An Opinion or Idea?

Write to

FORUM!

Beyond "Letters to the Editor," which are always welcome in *Perspectives*, APPA provides a forum for community corrections professionals to talk about what's on their minds in a substantive format. APPA welcomes your submissions and hopes you will use this opportunity to "speak out!"

Mail features to:

APPA Perspectives

Attn: FORUM

c/o The Council of State Governments

P.O. Box 11910

Lexington, KY 40578-1910

He was a young African-American who dreamed of becoming a rap star. He had been charged along with several cohorts with robbing a recording engineer of his equipment. During the robbery, the victim was bound up like a mummy with duct tape and smothered to death. The defendant was charged with depraved murder, depraved manslaughter, felony murder, first degree robbery and second degree robbery.

I doubt that he, because of his emotional and intellectual impairments, would ever understand the concept of felony murder. It is a principle of law that holds all the participants in the crime guilty of murder if one or more of them caused the death of any party not participating in the criminal act itself. Nor would he probably ever appreciate the terror the victim felt as his lungs convulsed in the searing pain of being robbed of life-sustaining oxygen. At the moment we pronounced the verdict, he was overwhelmed by his own terror.

A month earlier, I found myself entering into the only criminal justice process that had eluded me: serving as a juror in a criminal trial. It was a rite of passage that is both an obligation and privilege of citizenship. For a month, I joined my fellow jurors in a process that at once proved to be enlightening, dignifying, rational and empowering. While the jury process itself was a magnificent exercise in democratic justice, that period would be extraordinarily difficult for me. It would be filled full of disquieting realities, conundrums and bittersweet irony. My intellectual and emotional struggle to reconcile the rule of law with my knowledge of the nature of crime and punishment would ultimately become far more difficult.

After being called for jury duty at least eight or more times in the last 20 years and being rejected from all but one civil panel, I was finally placed on a criminal panel. For me, the case itself dramatized another serious problem faced by practitioners in the justice system. There

were factors in the case that pointed to some underlined nature of antisocial behavior. Though the defendant had gone through the eleventh grade, he was functionally illiterate—a fact that the Assistant District Attorney and some jurors found difficult to fathom. But those of us who worked with this population knew that it was not only possible, but pervasive, especially among juvenile and adult offenders.

I knew of the poor track record of some institutions where he had spent time as a juvenile. Resources for these rehabilitative institutions are scarce. Wages are low and working conditions are often poor. Innovative programs developed from rare grants are seldom institutionalized. Good staff burn out quickly or move on to better-paying jobs.

Though I believe many of our laws are counter-productive to reducing crime and our sentencing guidelines short-sighted, I am nevertheless part of the justice system. As a public information officer for probation, I had spent years helping journalists understand the destructive social forces that contribute to lawlessness and violence.

Because we in community corrections have some understanding of those destructive forces at work, that doesn't mean that we do not hold probationers responsible for their behavior. The very opposite is true. While probation officers are asked to be understanding of the cultures and environments of their clients, that understanding does not include condoning criminal behavior. We have a clear responsibility to protect the community, and that responsibility is paramount.

The deliberation process for the jury is not based on compassion or sense of injustice in the world. It is based on the rule of law. The law is written by legislators and prescribed by the court. As jurors, we weighed the testimony, the facts and the evidence. We took an oath to adhere to that process. It was a rare

time in my life that I had ever permitted the facts and evidence alone dominate my decision.

We as jurors came together to follow the rule of law and had done so. A mentor of mine once told me there were no decisions that are clearly either right or wrong. There were only consequences. To me, the process of deliberation, its inclusiveness, its effort at fairness and its environment of mutual respect, opened my eyes to the promise of what we are capable of. And yet, something was missing. Had the law painted justice and humanity into a corner?

As the last utterance of guilty died on the lips of the twelfth juror, the final moments froze indelibly in the gut of my mind. In one quick moment the triumph that I experienced as a juror dissolved into the unnecessary tragedy of one man's death and long-term imprisonment of another as the defendant cried out in uncontrolled fear and fury. Two weeks later, the judge sentenced him to 25 years to life.

Two weeks after the end of the trial, I sat in the pew of Riverside Church between my wife and a colleague. It was the Christmas candlelight service and the church was bathed in the soft light of hundreds of flickering candles. A clear and haunting soprano voice filled the giant chamber with the sweet sadness of a black spiritual. I connected once again to that young man's desperation and the angry frustrated child that raged within.

As my frustration mixed with his, tears filled my eyes and seared a path down my cheeks to the marble floor. We had performed our responsibility but we as a society had failed him throughout his life—and there was ultimately no justice in that.

Gerald Migliore
New York, NY

Another Vote for Considering Recidivism

Congratulations to Mark Carey for his fine response in the *Perspectives* 1995 Summer issue to Barry Nidorf's plea to get rid of recidivism as an outcome measure. I strongly agree with Mr. Carey. If we are not willing to take responsibility for delivering services that effect positive change in individuals we are failing to live up to our basic mandate. To correct means to improve.

Failure to consider recidivism and to target services for recidivism reduction short changes the public safety benefit that community corrections provides. While it is easy to hide behind the im-

mediacy of those process measures identified in the article as being our role in community security, the real contribution of community programs should be the long term individual behavioral change that reduces public risk long after formal supervision is over. Monitoring and surveillance activities are only half the loaf, and our customers, the public, are paying for and expecting more. The responsible position is the one concluded by Mr. Carey, "we must commit to not just accepting recidivism as an important measure of our influence, but to accept the challenge to

make further improvements."

Thanks to *Perspectives* for providing a forum for the debate. These are tough conversations that corrections professionals have "danced around" for too many years. Let's agree on a definition of recidivism and, using good problem solving processes, put our collective energies into creating interventions that have long term positive impact on individuals and communities.

Paul H. Cooper, Director
Community Corrections
Department
Larimer County, Colorado

Constitutional Amendment Approved

Revised amendments to Article V Section 4 and Article V Section 15 of the APPA Constitution were approved at the membership meeting held in Dallas, Texas on August 30, 1995. The revised amendments will create a new at-large member that will represent APPA's affiliate organizations. This will afford APPA's affiliates direct representation on the Executive Committee.

Article V. Section 4

The Executive Committee shall consist of the President, President-Elect, the Vice President, the Secretary, the Treasurer, the Immediate Past-President, and three (3) At-Large members (Article V. Section 15 of the Constitution).

Article V. Section 15

There shall be three at-large members of the Executive Committee. Two (2) will be regional directors and one (1) will be a delegate from an affiliate organization. All three at-large members will be elected by a simple majority of the Board of Directors. They will serve a term of one year on the Executive Committee, while maintaining their seats on the Board of Directors.

Effective Date: August 30, 1995

Point and Counterpoint Victim-Offender Reconciliation Programs: Pro and Con

VORP: Time to Take It Seriously

by Dr. Andrew Karmen, Department of Sociology, John Jay College of Criminal Justice

Restorative justice is practiced at Victim-Offender Reconciliation Programs (VORPs). With the assistance of mediators, victims who are willing to confront their offenders face-to-face are able to engage in direct negotiations which lead to restitution agreements that ultimately make reconciliation a real possibility. This approach to resolving criminal incidents clearly represents a sharp break in the conventional way cases are processed in either juvenile or adult courts and might even be considered an entirely new paradigm.

Over the last twenty years, restorative justice experiments involving the "root model" method of "alternative dispute resolution," offered at "neighborhood justice centers" and "multi-door court-houses," have been encouraged and assisted by the Law Enforcement Assistance Administration, the Office of Juvenile Justice and Delinquency Prevention, the American Bar Association, the American Arbitration Association, the Institute for Mediation and Conflict Resolution, the National Institute for Dispute Resolution, the U.S. Association for Victim-Offender Mediation, and Prisoners and Community Together (PACT) (Alper and Nichols, 1981; Freedman and Ray, 1982; McGillis, 1982; Goldberg, Green, and Sander, 1985; Harrington, 1985; Umbreit, 1995).

Restorative justice, when successfully implemented, holds great promise for probation departments that are seeking an approach that potentially promotes offender rehabilitation, reduces community tensions, and assists victims to recover financially and emotionally from crimes. Although restorative justice

experiments have been growing in number and improving their operations since they emerged in the late 1970s, these programs are few and far between, underfunded, and still largely restricted to picking up occasional odd cases at the margins of the criminal justice process. According to the latest VORP directory, the typical program in 1993 had an annual budget of merely \$47,500 per year and a caseload of close to 200 incidents to resolve. The average VORP only had a staff of three people, and relied upon 16 volunteers to mediate their sessions (Fagan and Gehm, 1993).

Now the time has come to take restorative justice much more seriously. That entails debating the ideological challenges it poses; determining which kinds of cases are best resolved by this method; establishing a steady flow of such appropriate cases; locating or perhaps creating sufficient jobs to enable offenders to make restitution to their victims; and of course, providing adequate funding for these on-going experiments.

Restorative Justice Challenges The Basic Tenets Of The Criminal Justice System

Some of the major themes of recent efforts at penal reform, decentralization, deprofessionalization, and decarceration (Cohen, 1985), have been incorporated into restorative justice programs. They embrace decentralization by relying upon innovative private, non-profit, independent community-based organizations that are less bureaucratic

and governmental than courts and corrections agencies. They embody deprofessionalization by counting on volunteer mediators rather than lawyers or even social workers to guide negotiations. They further the cause of decarceration by putting offenders to work at real jobs on the outside rather than pressuring them to submit to institutional maintenance jobs, exploited prison labor, or sheer idleness behind bars.

Restorative justice is not just different — its basic tenets run contrary to existing practice (Galaway and Hudson, 1990; Zehr, 1990; Wright, 1991). It views interpersonal crimes of violence and theft as expressions of conflicts between real flesh-and-blood individuals that need to be settled at the community level through dialogue and reparations, rather than as offenses against the impersonal state. Restorative justice does not fit in with the punitive approaches so popular these days: mandatory sentences, harsher penalties, more austere prison conditions, and adult punishments for juvenile delinquents. Restorative justice rejects the conventional wisdom underpinning deterrence theory — that it is necessary to punish convicts to teach them a lesson (specific deterrence), as well as to make an example out of them to serve as a warning to

This point/counterpoint represents a revision of a panel discussion held at the June 1995 meeting of the Northeast Association Of Criminal Justice Sciences.

others (general deterrence). By stressing constructive healing, restorative justice challenges head-on the very foundation of "retributive justice"—that offenders ought to suffer in proportion to the harm they inflicted on their victims (the doctrine of "just deserts").

Restorative justice, when successfully implemented, holds great promise for probation departments that are seeking an approach that potentially promotes offender rehabilitation, reduces community tensions, and assists victims to recover financially and emotionally from crimes.

Even though the premises of victim-offender reconciliation programs are "out-of-step" with the current enthusiasm about the efficacy of stern punishment, they do fit in with the "times" along several other dimensions. First of all, restitution is the foundation for the financial recovery that precedes reconciliation. Repaying victims is becoming a standard obligation for offenders in more and more jurisdictions, often as a condition of their getting parole or probation. If restitution is going to be imposed upon offenders, then the directly affected parties—their victims—ought to be personally involved in hammering out the reimbursement plans to represent and protect their own interests. This opportunity for empowerment advances victims' rights.

Another current concern is discovering ways to spend taxpayers' money more efficiently. Advocates of restorative justice promote participation in VORPs as an alternative to incarceration. Confinement coupled with idleness is the most expensive way of dealing with offenders; working and paying off debts to victims and to society while on probation or parole as an intermediate sanction should be cheaper and more cost-effective. When victim-of-

fender reconciliation programs receive cases diverted from adjudication, the savings are even greater. Low cost mediation substitutes for expensive adversarial proceedings.

Systematic Comparisons Are Needed

This alternative way of handling criminal matters actually may be better for certain types of interpersonal crimes and particular victim-offender relationships. Mediation/restitution/reconciliation programs are often evaluated in terms of how well they are achieving their own stated internal goals (such as whether participants are "satisfied" with the outcomes and if they find the process "fair"). Besides these variables, additional criteria must be used to properly evaluate the effectiveness of VORPs vis-a-vis case processing in criminal court. The long-term results of cases mediated at VORPs must be compared to the outcomes of cases adjudicated in conventional ways. To make these relative comparisons, criminologists must identify two sets of comparable cases and track them over time, interviewing the participants at various stages of the process and even years later.

The first set of questions for evaluation studies by criminologists to address the claims put forward by advocates that a greater reliance on restorative justice can bring about meaningful savings in criminal justice outlays (Zehr, 1990; Wright, 1991; Bazemore, 1994; Umbreit, 1994a). Are restorative justice experiments effectively achieving some of their system-oriented goals, such as 1) reducing case-processing costs; 2) relieving compensation programs of the fiscal burden of reimbursing all eligible applicants by siphoning off some victims' cases and relying upon offender restitution to repay them; 3) alleviating jail overcrowding by quickly resolving the cases of detainees and by putting misdemeanants to work while on probation; and 4) alleviating prison overcrowding, by allowing felons to be placed on probation or to get early release and work off their debts while on parole.

The second set of questions concern whether reconciliation programs directly assist victims to recover from the emotional and financial consequences of crime (Wright, 1985; Umbreit, 1987; 1989b; Bazemore, 1994; Maloney and Umbreit, 1995). Does restorative justice work, from the victims' perspective, in terms of accomplishing reimbursement and achieving reconciliation that otherwise would not be forthcoming? Do victims get repaid for the total amount of their expenses and losses more completely from offenders supervised by VORPs than by offenders working off court-ordered obligations? After receiving the agreed-upon restitution and a personal apology and expression of remorse from offenders, what proportion of victims who participated in VORPs can truly conclude that they no longer feel hostile toward or fearful of the persons who previously harmed them? Is this proportion greater than the percent of victims who impersonally received court-ordered restitution or had no contact with their offenders?

Advocates of restorative justice cite some encouraging findings from evaluations of restitution/reconciliation programs. Researchers report that most of the victims invited to participate are willing to confront their offenders face-to-face. Most negotiations lead to mutually acceptable restitution contracts. Few mediation sessions deteriorate into emotionally charged shouting matches. Most victims do not make unreasonable demands. Most offenders successfully meet their obligations and pay their victims all or nearly all that they pledged they would. At the end of the process, the vast majority of victims and offenders are satisfied with the process. Victim dissatisfaction only surfaces when programs fail to follow-up and make sure that restitution pledges are fulfilled (Galaway, 1987; Coates, 1990; Umbreit, 1994b).

The third set of questions concern whether participation in reconciliation programs is therapeutic and helps to cut recidivism rates as advocates believe (Umbreit, 1987; 1994c; Van Ness, 1990; Wright, 1989; 1991; Maloney

and Umbreit, 1995). What proportion of offenders who fulfill their restitution obligations later commit additional crimes? Is this recidivism rate for graduates of VORPs lower than for comparable offenders who don't meet their victims in person and don't repay them? So far, one study of juvenile offenders who took part in reconciliation programs determined that they collectively committed fewer and less serious offenses than a control group of their peers during a one year follow-up period (Umbreit, 1994a).

The final set of questions for criminological inquiry addresses case selection. Are certain types of interpersonal crimes and kinds of victim-offender relationships handled better by VORPs than by juvenile and adult criminal courts (Galaway, 1987)? Since reconciliation programs emerged in 1978, the nature of their caseloads has changed dramatically. The first experimental projects focused their efforts largely on non-criminal matters that might otherwise be handled in small claims court. Then cases were chosen in which the labels "offender" and "victim" did not apply because both parties shared responsibility for minor violations of law. Then it was argued that people who had on-going relationships, such as relatives, neighbors, co-workers, or classmates, needed to work out peaceful settlements even if one party clearly was at fault and the other completely innocent. Soon misdemeanors, like simple assaults, and acts of juvenile delinquency, like vandalism, were routinely referred to reconciliation programs. Before long, some programs were bringing offenders who committed all kinds of property offenses, including residential burglaries, to meet their victims and hammer out restitution agreements. Today, some bold programs even dare to tackle serious felonies, such as robberies, aggravated assaults, and attempted murders (Davis, Tichane, and Grayson, 1980; Abel, 1982; Ray, 1984; Goldberg, Green, and Sander, 1985; Wright, 1985, 1989; Roehl and Ray, 1986; Umbreit, 1989, 1990, 1994b).

According to the 1993 VORP directory, 123 programs are currently operating in scattered jurisdictions across the country. Collectively, they handle about 16,000 cases per year. Seventy percent involve juveniles, and 60 percent revolve around misdemeanors. But these statistics also indicate that as many as 40 percent of all cases referred to victim-offender reconciliation programs arise from felonies, and 30 percent of the perpetrators are adults (Fagan and Gehm, 1993).

Difficult Policy Questions Persist

Criminologists carrying out evaluation studies can shed some light on what kinds of cases are most appropriate and promising and how well VORPs are doing compared to conventionally adjudicated cases. But policymakers have to grapple with several tough questions concerning victims' rights and case referrals.

The first issue to be resolved is whether victims should have a right to bring their case to a mediation forum so that restitution can be worked out and reconciliation attempted. At present, it is not a right but a privilege enjoyed by very few victims in a very limited number of scattered locations. To make the option of mediation/restitution/reconciliation a right would require setting VORPs up in every jurisdiction.

Another crucial issue revolves around case selection. Should there be guidelines and limits? Is there some line or threshold that cannot be crossed? For example, if a victim of an armed robbery is willing, should restitution be negotiated as the sole sanction? At what point does public safety (incapacitation of a potentially dangerous person) become an overriding issue, regardless of the participants' willingness to attempt reconciliation? Can making amends be a meaningful goal only when the victim is an individual, as opposed to a private company (for example, a business that suffered damage from arson) or a government agency (for instance, a vandalism spree against municipal buses)? Should reconciliation be attempted only for "street crimes" involving violence or

theft, or is it appropriate for white collar crimes too such as embezzlement? Finally, should certain crimes, like rape or attempted murder, be off-limits according to statutory law? If not, who should have veto power over sending a case to mediation—the district attorney, the defense lawyer, the judge, the accused, or the victim?

The final policy questions center upon restitution, which is a necessary prerequisite for attempting reconciliation. VORPs are predicated on the redemptive possibilities of honest work, as opposed to hard labor, chain gang style, which is making a comeback because it is largely punitive in nature. Making restitution outside of prison walls means finding meaningful, reasonably well-paying jobs for offenders. Job training and job placement programs will have to be set up, and public sector work, beyond community service tasks, will have to be created whenever private sector openings are inadequate. Considering the stubborn persistence of chronic unemployment as a social problem, finding suitable employment for all these probationers and parolees who are willing to make restitution and seek forgiveness will be difficult. Furthermore, paying off a financial debt may not be a sufficient and appropriate way of resolving certain cases, especially when there was not much monetary loss even though a serious offense was committed (for example, an aggravated assault in which a shot is fired but misses its mark). Symbolic restitution to substitute victims might be called for, and community service might fill such gaps. Restitution agreements might have to be reviewed by a panel of community representatives to insure that victims do not settle for restitution amounts that are not in proportion to the gravity of the crimes committed by their offenders.

Towards More Experimentation With Mediation, Restitution, And Reconciliation

VORPs are clearly here to stay. They have carved out a niche for themselves. But they are still relegated to the margins of criminal justice practice. Cynics

might say that they are receiving only the "garbage" cases (Silberman, 1978) that prosecutors, defense attorneys, and judges don't want to waste their time on, that aren't appropriate for the adversary system, and that need to be disposed of quickly and cheaply. Given the lack of opposition to the minor encroachment of VORPs, insiders must be so confident that they will always have plenty of real cases to keep them busy and assure their continued importance, that they are willing to let outsiders deal with their unwanted surplus cases.

These days, advocates of restorative justice are often placed in the difficult position of having to argue that striving for reconciliation is appropriate and a worthy goal in certain cases. But as making restitution becomes an integral part of probation and parole, seeking their victims' forgiveness will become accepted as a fitting final step for offenders who complete their repayment obligations. More and more victims will come to expect the opportunity to negotiate restitution agreements. At some point in the near future, the situation will reverse, and opponents of VORPs will find themselves in the peculiar position of arguing that victims who are willing to meet with their offenders should be turned down and can't seek restitution or possibly achieve reconciliation.

Bibliography

Able, R. (1982). *The Politics of Informal Justice: Vol. 1. The American Experience*. New York: Academic Press.

Alper, B., and Nichols, L. (1981). *Beyond the Courtroom*. Lexington, MA: Lexington Books.

Bazemore, G. (1994). "Developing a Victim Orientation for Community Corrections: A Restorative Justice Paradigm and a Balanced Mission." *Perspectives*, Special Issue: 19-24.

Coates, R. (1990). "Victim-Offender Reconciliation Programs in North America: An Assessment." Pp. 125-134 in B. Galaway and J. Hudson, (eds.), *Criminal Justice, Restitution and Reconciliation*. Monsey, N.Y.: Willow Tree Press.

Cohen, S. (1985). *Visions of Social Control*. Cambridge (UK): Polity Press.

Cook, R., Roehl, J., and Sheppard, D. (1980). *Neighborhood Justice Centers Field Test*. Washington, DC: U.S. Department of Justice.

Davis, R., Tichane, M., and Grayson, D. (1980). *Mediation and Arbitration as Alternatives to Criminal Prosecution in Felony Arrest Cases: An Evaluation of the Brooklyn Dispute Resolution Center* (first year). New York: Vera Institute of Justice.

Fagan, H. and Gehm, J. (1993). *Victim-Offender Reconciliation and Mediation Program Directory*. Valparaiso, IN: PACT.

Freedman, L., and Ray, L. (1982). *State Legislation on Dispute Resolution*. Washington, DC: American Bar Association.

Galaway, B. (1987). "Victim-Offender mediation as the Preferred Response to Property Offenses." Pp. 101-111 in E. Viano (ed.), *Crime And Its Victims: International Research And Public Policy Issues*. New York: Hemisphere.

Goldberg, S., Green, E., and Sander, F. (1985). *Dispute Resolution*. Boston: Little, Brown.

Harrington, C. (1985). *Shadows Justice: The Ideology and Institutionalization of Alternatives to Court*. Westport, CT: Greenwood Press.

Maloney, D. and Umbreit, M. (1995). "Managing Change: Toward a Balanced and Restorative Justice Model." *Perspectives*, 19 (2): 43-47.

McGillis, D. (1982). "Minor Dispute Processing: A review of recent developments." In R. Tomasic and M. Feeley (Eds.), *Neighborhood justice: Assessment of an Emerging Idea* (pp. 60-76). New York: Longman.

Ray, L. (1984). "Dispute resolution: 'A Muffled Explosion.'" *NIJ Reports* 185 (May): 9.

Roehl, J., and Ray, L. (1986). "Toward the Multi-Door Courthouse: Dispute Resolution Intake and Referral." *NIJ Reports* 198 (July): 2-7.

Silberman, C. (1978). *Criminal Violence, Criminal Justice*. New York: Random House.

Umbreit, M. (1987). "Mediation May

Not be as Bad as You Think: Some Victims Do Benefit." *NOVA Newsletter*, (March), 1-2, 6.

_____. (1989). "Violent Offenders and Their Victims." Pp. 99-112 in M. Wright and B. Galaway (Eds.), *Mediation and Criminal Justice: Victims, Offenders and Community*. Newbury Park, CA: Sage.

_____. (1989b). "Victims Seeking Fairness, Not Revenge. Toward Restorative Justice." *Federal Probation*, 53, 52-57.

_____. (1990a). "Victim-Offender Mediation with Violent Offenders: Implications for Modifications of the VORP model." Pp. 337-352 in E. Viano (ed.), *The Victimology Handbook: Research Findings, Treatment, And Public Policy*. New York: Garland.

_____. (1994a). "Victim Empowerment Through Mediation: The Impact of Victim Offender Mediation in Four Cities." *Perspectives*, Special Issue: 25-28.

_____. (1994b). "Mediating Homicide Cases: A Journey of the Heart Through Dialogue and Mutual Aid." *Victim-Offender Mediation*, 5, 1 (Winter), 1-2,8.

_____. (1994c). *Victim Meets Offender: The Impact of Restorative Justice and Mediation*. Monsey, N.Y.: Criminal Justice Press.

_____. (1995). "Restorative Justice: Implications for Organizational Change." *Federal Probation*, 59, (1):47-55.

Van Ness, D. (1990). "Restorative Justice." Pp. 7-14 in B. Galaway and J. Hudson, (eds.), *Criminal Justice, Restitution and Reconciliation*. Monsey, N.Y.: Willow Tree Press.

Wright, M. (1985). "The Impact of Victim-Offender Mediation on the Victim." *Victimology* 10(1): 630-646.

_____. (1989). "Introduction." In M. Wright and B. Galaway (Eds.), *Mediation and Criminal Justice: Victims, Offenders and Community* (pp. 1-13). Newbury Park, CA: Sage.

_____. (1991). *Justice for Victims and Offenders*. Philadelphia: Open University Press.

Zehr, H. (1990). *Changing Lenses: A New Focus for Criminal Justice*. Scottsdale, PA.: Herald Press. □

VORP: An Unproven Fringe Movement

by Professor Charles Lindner, Department of Law and Police Science,
John Jay College Of Criminal Justice

Introduction

A small but growing number of academics and criminal justice professionals maintain that both the incarcerative (retributive) and rehabilitative (distributive) models of criminal justice have failed. They suggest a new model (restorative), which views the injured party as the central figure rather than the state, concentrates on problem solving for the future as opposed to fixing blame for the past, and stresses the active participation of both the victim and the offender in the process. They use restitution, community service, and mediation as primary strategies for change.

One of the more popular programs in the restorative justice model is the Victim-Offender Reconciliation Program (VORP). This uses one-to-one mediation between the parties, with a mediator as facilitator, to help both the victim and offender and for both to share in the process of restoration.

Despite the alleged growth of VORPs (Fagan and Gehm; 1993) they are but a fringe movement, service a modest number of cases, and have limited potential for future growth.

The Philosophical Underpinnings of VORPs

Several major themes characterize restorative justice:

1. Restorative justice concentrates on repairing the wrongs caused by the crime. Through mediation, the offender is helped to understand the wrong and work towards making the victim whole. Strategies to achieve this include restitution and community service, and would involve the active participation of both parties.

Unlike the retributive (punishment oriented) or distributive (treatment oriented) models, both of which involve the offender but often excludes victim participation, the restorative model calls for the parties to agree on the form of

restitution, rather than be subject to a state imposed sentence. "Dialogue and negotiation are normative, with a focus upon problem solving for the future rather than fixing of blame for past behavior." (Unbriht, 1989).

2. In retributive and distributive justice the state is viewed as the victim of crime. In restorative justice the crime is against the person.

3. Fundamental to VORP is the belief that by bringing the parties together, there can be a reconciliation of the underlying conflict. A mediator, usually an unpaid volunteer, facilitates the process by establishing guidelines, promoting communication, and seeking to promote reconciliation. The parties present the circumstances of the crime from their own perspective. Hopefully, the offender will better understand the victim's injuries, while also having an opportunity to explain his/her behavior. The parties are encouraged to work towards a restitution agreement which serves as a balance between offender accountability and making the victim whole. Responsibility for treatment of the offender would be with the community.

Is VORP But Another Treatment Panacea?

The criminal justice system has had many panaceas, including lobotomies, total silence between prison inmates, and "scared straight" which failed to shock most juveniles out of their delinquent behavior (Finckenauer, 1982). It may be time to examine VORPs as to their claimed effectiveness.

Several major programmatic flaws in VORPs can be readily identified. While some may be corrected through improved training and policy decisions, others will limit VORP's role in the justice system. Some of the more serious are:

VORP Deemphasizes The Punishment of Offenders

The diminution of punishment is at the heart of restorative justice. Although

offenders would continue to be accountable for their acts and suffer commensurate penalties for their crimes, the process would no longer be punitively oriented. In essence, the *raison d'être* for chastisement would change; penalties would not be imposed for the purpose of "legal revenge"; and the nature of the sanction would usually be in the form of restitution or community service. Wright (1991) observes that restorative justice rejects punitive just deserts, and "offenders would not be objects of punishment or treatment, but partners in overcoming any factors which made them prone to commit crime." Similarly, Unbreit and Carey, (1995) discard severe punishment in favor of empowering "victims in their search for closure." Policies espousing less punitive criminal sentences is totally out-of-step with the times.

By contrast, lawmakers, based on their perception of public demands, are vying with each other to pass more punitive legislation. "Three strikes and you're out" has become a popular battle cry which will result in more punitive sentences for violent offenders. Admittedly fashions within the justice field change, and what is popular today may not be tomorrow. Nevertheless, restorative justice's principle of reducing the severity and nature of punishment, "with restrictions or detention only if necessary" (Wright, 1991), is too far removed from current thinking to allow for widespread public acceptance.

Victims May Be Coerced Into Participating in VORPs

While early VORPs were often limited to cases involving a relationship between the parties, in that they were relatives, neighbors, or maintained some other relationship prior to the incident (Coates, 1990), many of today's cases involve a criminal incident between strangers. Absent the continuing relationship, there is less motivation for the victim to participate in the

mediation process. Future contact is doubtful, and their relationship doesn't need to be salvaged.

Moreover, mediation may cause a number of serious difficulties for the victim. A face-to-face meeting with the offender could be traumatic, as could be the recounting of the details of the crime. Additionally, the victim may experience hardship in participating in one or more sessions.

Despite the alleged growth of Victim-Offender Reconciliation Programs, they are but a fringe movement, service a modest number of cases, and have limited potential for future growth.

Nevertheless, since VORPs must service adequate numbers of clients to maintain funding, staff may pressure the parties into participation in the program. In some VORPs "referrals were insufficient, making the program underused" (Hughes and Schneider, 1990).

Similarly Fagan and Gehm (1993) reveal that some VORPs service less than 50 cases annually.

It is the responsibility of program administrators to insure the voluntary nature of these programs, despite the pressure for greater participation. Victims are generally unfamiliar with the court process, and some perceive the VORP staff members as court officials. As a result, victims can be easily swayed into participation in the program.

The issue of voluntariness also relates to the offender. If sentencing has not yet been completed, is the offender really free to decline mediation? Should VORPs only service cases already removed from the court? Marshall (1990) states, "Mediation schemes, if they are to attain the truly neutral status vital to their acceptance by all parties, need a base independent of any particular justice agency."

VORPs Promote Inequitable Treatment of Offenders

While a number of forces, such as plea bargaining, already promote disparate sentencing of offenders, VORPs would further contribute to sentencing inequities. An offender participating in VORP is likely to be treated less harshly than a comparable offender who rejects mediation in favor of the court process. Since in plea bargaining, the sentence of an adjudicated case is likely to be harsher than one diverted into a VORP. This is the price a defendant pays for demanding one's right to a trial. Since the restorative model is ideologically opposed to punishment, an offender accepting diversion into mediation is likely to receive a lesser sentence. As a result, the sentence may be determined by the choice of the forum, rather than the crime.

Increasing sentence disparity through mediation, stands in contrast to a nationwide trend towards greater fairness in sentencing, as illustrated by the "determinate sentencing" of the Federal Crime Bill and the Wisconsin Sentencing Grid. Many states have also reduced judicial discretion to promote fairness in sentencing. As a result, restorative justice is again in conflict with current practice in the larger justice system and public opinion.

Dangerous Offenders May Be Released Into Society

Volunteer staffing is at the heart of VORP. "The typical program has ... just under 3 staff persons and 16 volunteer mediators" (Fagan and Gehm, 1993). Wright (1991), believes that lay mediators are superior to professionals in that they are not "case hardened", and are more readily available. Although VORPs often refer to their staffs as "trained" or "professional," agency standards vary greatly. Some lay mediators have little training beyond mediation or dispute resolution skills. Moreover, since they only work on a part-time basis, there is a lack of continuity, and less opportunity to gain skills. Volunteer programs also suffer high turnover rates, and chronic absenteeism. Hughes and Schneider (1990) found that sufficient staffing is a dilemma often

noted with VORPs. A lack of experience, training, or supervision may limit the non-professional's ability to work with problem offenders. As indicated by Conrad (1990), "VORPs ... need staff people with skills far beyond those required of a urine collector." Unlike probation and parole agencies, which have devised risk assessment scales to identify violence prone individuals who need close supervision, the staff at VORPs are more likely to rely upon intuitive judgements. Accordingly, if VORPs work with problem offenders, as some advocates suggest, the danger to public safety may be increased. Conrad (1990), warns that VORPs, "however benignly intended, are vulnerable to disaster. Training and perceptive supervision will minimize the hazards that will beset these programs as they expand ..."

VORPs May Add To The Number of People Under Supervision

VORPs may increase the number of offenders under the control of the justice system through "net widening". This happens when "innovations designed to reduce the overall intrusiveness of the system, no matter how well-intentioned, often backfire and instead add to its capacity for social control" (Clear and Cole, 1986).

The mere existence of a VORP may result in additional court cases as these programs are likely to be used as "add-ons" in sentencing. Since many of the VORP cases currently are of a less serious nature (Coates, 1990), the offender often faces a probation sentence at the most, or a lesser sentence without continued court supervision. However, judges without VORPs, who may have removed the case from court control, will instead make it part of the VORP, simply because the program exists. When court personnel learn "that offenders can obtain help for their problems ... there is some danger that the system will extend its reach into borderline behavior that would otherwise have been overlooked" (Fox and Stinchcomb, 1994).

Net widening is likely to occur in several other ways. These include elements of court control over the offender,

progress reports, and notification of violations of restitution agreements. As a result, VORPs may have to turn to the official justice system for enforcement of a restitution or community service agreement. These issues may be more complex than whether the order was carried out, and involve such questions as whether the community service was of acceptable quality and whether other persons were paid to do the actual work.

Can VORP Obtain Mutual Help For the Victim and Offender?

Underlying VORP is the objective of a reconciliation between offender and victim by bringing the two together. This goal is limited by the type of offenders serviced by VORP. Even between VORP advocates, there is dissension as to whether these programs should work with violent offenders (Hughes & Schneider, 1990: 4; Conrad, 1990: 235). Certain categories of non-violent, but repeat offenders, such as drug offenders, have little realistic potential for success in the VORP process. Although Conrad (1990: 235) suggests VORP is appropriate for juvenile gang members, trying to quit gangs or violating their rules could lead to a death sentence.

Hughes and Schneider (1993), found that 80 percent of VORPs excluded some kind of offenders or offenses, including violent offenders; chronic offenders; those with drug, alcohol, or mental health problems; the retarded; sociopathic offenders; child abusers; or showing no remorse or denying involvement. With the exclusion of so many offenders, many VORP cases may only be court throw-aways.

Similar issues concern the sincerity of the offenders' behavior at mediation. With counsel's admonition, an offender would be remorseful and provide a public apology, knowing that VORP provides a less punitive sentence. Few offenders would miss this opportunity in return for a lesser sentence.

Especially frightening is the concern that for some hardened, street-wise offenders, the mediation session may be an enjoyable experience, not unlike the gratuitous violence that accompanies many crimes. Many offenders are so

estranged from society that they cannot feel the victim's pain. For these offenders, the proceeds of the crime are secondary to the thrill of hurting or dominating the victim. Despite a show of contrition, the offender may enjoy the fear, embarrassment and physical harm suffered by the victim, and may inwardly relish the recounting of the experience. Certain offenders may ultimately derive great pleasure from bragging to their friends about the face-to-face confrontation, the victim's suffering, and how they beat the system.

References

- Clear, T.R. & Cole, G.F. (1986). *American Corrections* (3rd ed.). Belmont, California: Wadsworth Publishing Co.
- Coates, R.B. (1990). "Victim-Offender Reconciliation Programs in North America: An Assessment." In B. Galaway & J. Hudson (eds.). *Criminal Justice, Restitution, and Reconciliation*. Monsey, N.Y.: Criminal Justice Press.
- Conrad, J.P. (1990). "Concluding Comments: VORP and the Correctional Future." In B. Galaway & J. Hudson (eds.). *Criminal Justice, Restitution, and Reconciliation*. Monsey, N.Y.: Criminal Justice Press.
- M. Steele, T.J. Fagan, and H. & Gehm, J. (1993). "Victim-Offender Reconciliation and Mediation Program Directory." Valparaiso, Indiana: PACT.
- Finckenauer, J.O. (1982). *Scared Straight and the Panacea Phenomenon*. Englewood Cliffs, N.J.: Prentice-Hall.
- Fox, V.B. & Stinchcomb, J.B. (1994). *Introduction to Corrections* (4th Ed.). Englewood Cliffs, N.J.: Prentice-Hall.
- Hughes, S.P. & Schneider, A.C. (1990) "Victim-Offender Mediation in the Juvenile Justice System." U.S. Department of Justice: O.J.J.D.P.
- Marshall, T.E. (1990). "Results of Research From British Experiments in Restorative Justice." In B. Galaway and J. Hudson (eds.). *Criminal Justice, Restitution, and Reconciliation*. Monsey, N.Y.: Criminal Justice Press.
- Unbreit, M.S. (1989). "Crime Victims Seeking Fairness, Not Revenge." *Federal Probation*. 53: 3, 52-57.
- Unbreit, M.S. & Carey, M. (1995). "Restorative Justice: Implications for Organizational Change". *Federal Probation*, 59:1, 47-54.
- Wright, M. (1991). "Justice for Victims and Offenders." Philadelphia: Open University Press. □

Request for Site Proposals

Bids are open for the APPA 25th Annual Training Institute 2000

Completed applications to host this Institute must be received by **May 10, 1996** in order to be considered. The Board of Directors will select this site at their meeting in Chicago, Illinois, June 30, 1996.

Any board member, affiliate group or state agency wishing to request consideration of a particular city for this Institute must complete an application to host it. In order to be considered by the Board of Directors, completed applications must be received at APPA by **May 10, 1996**.

Further information and applications may be obtained from:

Yolanda Swinford
American Probation and Parole Association
c/o The Council of State Governments
3560 Iron Works Pike, P.O. Box 11910
Lexington, KY 40578-1910
(606) 244-8194

NIJ News

Future Stock

by Edwin Zedlewski, Director of Adjudication and Corrections, National Institute of Justice

Ever wonder what community corrections would be like in twenty years? AD 2000 is almost here, so it's time to sharpen that vision of the future and to help shape it.

A new opportunity to build that future — NIJ's Corrections Technology Center in Charleston, South Carolina — has appeared on the scene. Dedicated to innovation and technological advances in all aspects of corrections, the Center opened in June 1995. It is part of a \$6 million complex of centers NIJ has opened to develop new technologies for the criminal justice system. Through it, corrections officials gain access to the Institute's technology data bases, law enforcement technology developments and technology notes, bulletin boards and other hot items. Of course, there's the development of technology itself. A substantial contingent of community corrections executives attended the first briefing sessions and got some sense of what this fledgling initiative is about.

At least one message that Charleston attendees should have received is that there is plenty of room for input. I'd like to take a few minutes to speculate how APPA members might contribute to a technological future, and how they best use some of this "future stock." I'll ponder three broad developmental areas: officer safety, public safety, and administrative change.

The officer safety domain encompasses soft body armor, a variety of communications devices, subduing technologies such as pepper spray, as well as other less-than-lethal weaponry. Other technologies under development include new weapons detection technologies and the "smart" gun, which can be fired only by its owner. Commu-

nity corrections executives might look to police as the natural pioneers for these products and try to build on the developments occurring in technology centers other than the Charleston facility.

Another group of technologies would address public safety. Among the hardware advances under scrutiny are new forms of drug and alcohol testing such as sweat patches and segmented hair samples, geo-based positioning systems (GPS) in electronic monitoring devices, and pharmaceutical responses to drug addiction. There are also software possibilities such as more intelligent risk prediction systems and offender performance monitoring programs.

Finally, there are labor-saving and job-enhancing technologies, mostly in the form of less expensive computerized record keeping and paperless information systems. A related enhancement is the development of computer systems linked to other social services such as health and employment. Remote television interviews with clients seem within easy reach. Hand-held and other portable computer devices also fall into the administrative productivity category.

NIJ's organizational structure divides the development of new technologies into two parts: technology development and field testing. APPA members need to participate in both.

The more difficult challenge is likely to be technology development: hardware design and adaptation. Most of the available technologies come from military and other physical science applications. NIJ has the cooperation and funding support of military R&D at this time, but we are hampered by our own limitations in physical science expertise and in dealing with an entirely new develop-

mental culture. We will often be looking at a hammer in search of a nail; that is, we have an interesting-looking tool but only the foggiest idea of how to bend it to criminal justice use.

Where do community corrections professionals fit in this picture? The first place is in defining the size and nature of the community corrections marketplace. Products will ultimately be manufactured by a private company who wants to make a profit. Their first question is whether there is a market large enough to warrant their investment. Corrections officials have to provide realistic estimates of the demand for the end-product while the manufacturer supplies estimates of price and performance.

Given a viable market, the next place is in shaping the product's performance in terms of accuracy, reliability, portability, and so forth. We cannot simply sit back and expect engineers to do our thinking for us; we need professionals in the corrections field to think with them about needed performance dimensions of the products. There will be some interesting "culture clashes." I can't help but think of two civilizations who speak different languages trying to build a product that both can use. It's going to take time but we know it can be done with sufficient determination of both parties.

The second phase of the development process is field testing. Engineers can generally produce a product that meets mutually agreed-upon expectations. They can also test this product for reliability, performance under a modest range of laboratory conditions, and various quirks and anomalies. What they can't do is test performance under conditions of interest to probation and parole managers. This will be more

difficult than simply volunteering to be guinea pigs because a good test of an innovation means modifying existing practices to use the technology to its fullest potential. A current NIJ case in point is our development of a gunshot detection system for neighborhoods. By mounting listening devices at various points within a city, it is possible to pinpoint the location of a gunshot with reasonable accuracy. There are engineering problems dealing with detection range and false alarms, but they are likely to be solved. The bottom line questions are whether more arrests will be made and whether fewer shootings will occur. We can't test these questions fairly unless police first adapt field operations to use such a system. How should they position themselves to respond? Who should investigate? Should they change patrol and dispatching policies? A lengthy implementation period must necessarily precede field testing the equipment.

Community corrections agencies will be in the same position. New technologies are not likely to fit perfectly in harmony with existing practices. They will require some alteration of related activities. Giving a field officer a new hand-held computer, for example, means revising the officer's training, his performance expectations, and the kinds of backup support he needs. GPS electronic monitors will mean a complete revision of disciplinary review processes and possibly more rapid response to violations. Short of those collateral investments, we will simply have tools that don't work very well.

Technological advancement is the single greatest opportunity available to probation and parole at this moment. Community corrections professionals need to seize it. They need to seek clarification on what's possible. They need to brainstorm on what's desirable. They need to claim what resources are available. And they need to help show what's workable. □

Research/Evaluation Data Needed

APPA has embraced restorative justice as a goal, but there is limited data demonstrating results, potential, or limitations of programs or practices using this philosophy. Please send existing or in-progress data or reports to:

Tom Quinn, Visiting Fellow
National Institute of Justice, Room 812
633 Indiana Ave., NW
Washington, DC 20531
Phone (202) 514-6235

Teen Courts: Empowering Youth in Community Prevention and Intervention Efforts

by Tracy Godwin, Project Manager for APPA's Teen Courts Initiative

Imagine walking into a courtroom where the defendant and the court officers (i.e., lawyers, court clerk, bailiffs, jurors and sometimes the judge) all are under the age of nineteen. At first you might think you made a mistake or that you were witnessing a mock trial. However, in a growing number of communities, this is exactly the type of setting and approach being used to handle minor juvenile cases. Teen courts, also called youth courts and peer courts, represent an alternative approach to juvenile justice that holds youthful offenders accountable through a sentence imposed by a jury of their peers. They simultaneously offer education and "hands-on" experience on the juvenile justice system to community youth who volunteer with the program.

This article will provide readers with an overview of the teen court concept and how teen courts are structured and operate. Specifically, by the conclusion of this article, readers will be able to discuss some of the benefits of teen court programs, the history, present status and target populations of teen courts when viewed from a national perspective, and the steps to take when developing and implementing a teen court program.

Why Implement Teen Courts?

Young people are our most critical resources for the future. They also are vital and rich, yet often overlooked, resources for the community. Varenhorst (1981) outlines several common myths concerning adolescents. Among these are 1) adolescents are not quite normal; and 2) adolescents are still children. Underlying these myths, she explains is a familiar assumption that ado-

lescence is a storm and stress period of life, which tends to be pathological, but eventually will be outgrown. Other frequently held misperceptions are that adolescents are not capable of being responsible, making appropriate decisions, having a serious thought or conversation, or handling any type of independence. These myths and assumptions are proven to be false when observing and talking with youth who participate in teen court programs. As the National Crime Prevention Council (1989, p.1) states in "Young People in Crime Prevention Programs":

"We are faced with a choice — we can focus on pathologies and delinquencies, or we can rethink attitudes and myths about adolescence. We can isolate young people, or we can engage them in activities that decrease their risk of victimization, give them a sense of stake in the community, and make our neighborhoods safer, better places to live."

Adolescence is a time when young people are developing skills, habits and attitudes that will prepare them as they transition into adulthood. The experiences encountered by youth during this critical phase will help shape the kind of adults they will become. During adolescence, youth begin to make their initial decisions about involvement in potentially dangerous behaviors such as the use of illicit substances and other forms of delinquency (Carnegie Council on Adolescent Development, 1992). It is with this population that prevention and intervention efforts should be focused.

Prevention efforts and programs are designed with the ultimate goal of help-

ing community members achieve more healthy, responsible and productive lifestyles. Prevention begins by helping people develop more positive views of themselves, while fostering an understanding in them that they can have a voice and impact in solving problems and setting norms on a local level (Southwest Regional Center for Drug-Free Schools and Communities, 1993). In a world where meaningful outlets and activities for youth can be far and few between, teen courts employ concepts such as positive peer influence, accountability, competency development, and youth involvement to offer communities a prevention and early intervention program that can be designed to address problem behaviors of youth.

Teen court programs serve a dual function. As stated previously, they provide a mechanism for holding youthful offenders accountable, yet they also educate youth on the legal system and provide youth in the community with an avenue for developing, enhancing and practicing life skills. Specifically, teen courts:

- help youth realize that they will be held accountable for their problem behavior;
- educate youth on the impact their actions have on themselves and others (i.e., victims and the community);
- build competencies in youth by providing instruction to youth in areas such as how the legal system functions, and how to communicate and resolve problems with their peers more effectively; and
- provide a meaningful forum for youth to practice and enhance newly developed competencies.

The high level of youth participation

that teen court programs demand affords communities an opportunity to implement a program that empowers youth to address the problem of juvenile crime in their community, while giving them a chance to learn new skills, meet and interact with peers from diverse economic, social and ethnic backgrounds, and interact with positive adult role models. It is this type of program and experience that can help youth take pride and ownership in the health and well-being of their communities. It also is this sense of stake in the community, which Calhoun (1988) relates, often is missing for young people. He cautions that if youth do not see themselves as being bonded to the social contract that the adult society adheres to, they will see no reason to follow it.

The skills learned, combined with the education received on the legal and judicial system by participating in teen court programs, can cause youth to rethink their views on delinquent behavior, which ultimately can enhance public safety. This concept is illustrated in the following statement. It was written by a 15 year-old girl who, before her involvement as a **volunteer** in the Buncombe County Teen Court Program in Asheville, North Carolina, had developed a pattern of shoplifting.

A few years ago I started hanging out with some guys that always got into trouble with the police. I knew what they were doing was wrong, but I didn't know exactly what would happen if we were caught. It didn't take long for me to get used to their ways and fit in well. When we would go into a store, I always knew my part and no one else ever messed up either. We never got caught and after a while we all got very cocky about things.

There was one time when we went into a store five times in a row and the last two times there was a police officer in there. It didn't bother us, we just tried to get as much as we could and if we got caught, well, really we thought that the police were too

stupid to catch us. The way we thought was an ignorant way of thinking because a week after that my friends were caught at another store. I, fortunately, was not with them, but it got me to thinking. What if I had been with them? If I had been caught, what would have happened? Even though it got me thinking, I didn't quit doing those types of things. I still wasn't sure what could happen if I was caught.

Once teen court started in Asheville, I got into it. I learned about what could have happened if I was caught, and that was when I decided not to do anything illegal again. If it hadn't been for teen court, I would never have learned about the consequences of doing wrong things and I would probably still be doing them.

What Do Teen Courts Look Like When Viewed From a National Perspective?

Where Did the Teen Court Concept Originate?

Conflicting accounts in the literature create challenges to tracing the beginning of teen court programs. Many consider the Odessa Teen Court Program, located in Odessa, Texas, to be the first teen court program. However, there are reports of teen court programs in operation prior to the Odessa program's beginning date of 1983. One of the earliest programs found in the literature is the Grand Prairie Teen Court Program, located in Grand Prairie, Texas, which is reputed to have begun operating in 1976 (Cadwallader, 1994).

Although possibly not the first teen court program, the Odessa program certainly appears to be the most widely known and is viewed by many to be a national model. Natalie Rothstein, who founded the Odessa Teen Court, was a strong advocate for holding youth accountable for their actions before a pattern of crime-breaking behavior could be developed. Out of concern that

the delinquency problem in Odessa was being exacerbated by the juvenile justice system's lack of response to juvenile offenders, she developed the Odessa Teen Court as a diversion program. Before her death in 1993, Ms. Rothstein promoted the teen court concept actively. Her unyielding belief in, and support of, the program has helped spawn an ongoing national movement toward incorporating teen court programs in communities (Knepper, 1994).

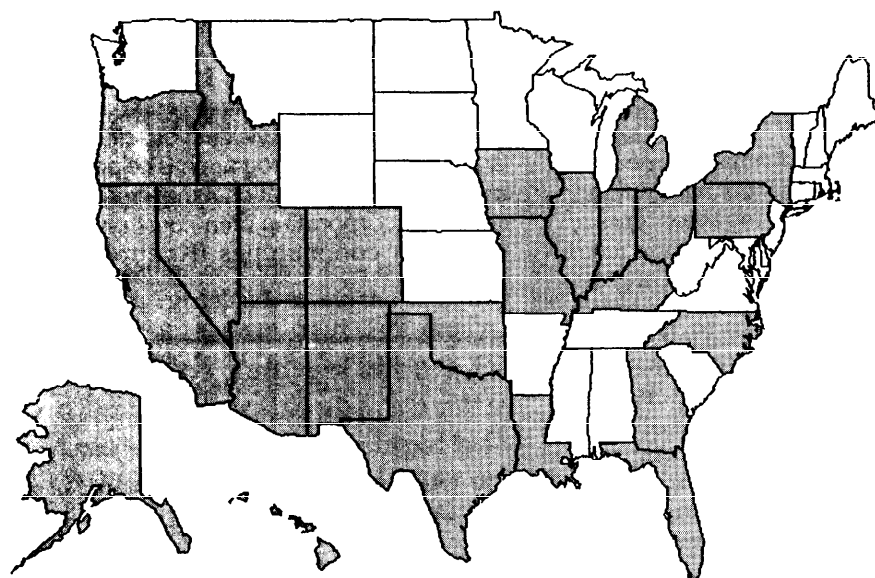
The skills learned, combined with the education received on the legal and judicial system by participating in teen court programs, can cause youth to rethink their views on delinquent behavior, which ultimately can enhance public safety.

What is the Present Status of Teen Courts?

The number of teen court programs is increasing rapidly as people realize the many benefits associated with these programs and the wide range of youth who can be influenced by them. However, the operation and administration of teen court programs varies considerably across the nation. Recently, the American Probation and Parole Association (APPA) conducted a survey of teen court programs to determine the various ways in which teen courts operate across the country. Responses were received from 68 teen court programs representing 17 states. Data compiled and analyzed from this survey will be presented periodically throughout this article.

Through the teen court survey and other research efforts, APPA located approximately 190 teen court programs operating in 25 states (Figure 1) as of September, 1995. The operation and administration of teen court programs vary considerably across the nation. Currently, agencies operating and administering teen court programs

Figure 1: Teen Court Programs Operating in 25 States



The shaded areas represent states that have teen court programs

include juvenile courts, juvenile probation departments, law enforcement agencies, private non-profit organizations and schools. The availability of human and financial resources, as well as the position of the person who became interested in the teen court program, often drives where these programs are located in a given community.

Differences also can be found among teen courts concerning their primary function and how they are designed. Most teen court programs require defendants to plead guilty or *noie contedore* prior to participating in the program; therefore, the primary purpose of the program becomes to determine an appropriate sentence for the defendant. However, there are a few teen courts that will determine the guilt or innocence of the defendant, if the defendant chooses to plead "not guilty."

Several different program designs for teen courts were found. Overall, the various teen court program models can be classified into two categories:

- trial models; and
- peer jury models.

Following is a summary of these teen court models and the corresponding variations.

Trial Models

Trial models of teen court programs use youth volunteers in the roles of defense and prosecuting attorneys. The word "trial" in this context does not necessarily refer to programs that determine guilt. Rather, it refers to teen court programs that use youth volunteers in the roles of attorneys to argue the mitigating and aggravating circumstances or the facts of the case. According to research conducted by APPA, there appear to be three variations on the trial model.

Trial Model A: This model has youth volunteers serving in the roles of:

- defense attorneys;
- prosecuting attorneys; and
- jurors.

Most of these also use youth volunteers to serve as court clerks and bailiffs. However, in this model, an *adult* volunteer serves in the role of judge. The judge is typically the only adult involved in the proceedings, and his/her role is to rule on courtroom procedure and clarify legal terminology. According to APPA (1994) teen court survey results, this appears to be the model most widely used.

Trial Model B: This teen court program model differs from model A in that

it also has youth serving in the role of judge. Youth judges are typically required to have served as teen court attorneys for a specified amount of time and/or be a certain age.

Trial Model C: The primary difference in model C, when compared to all other teen court models, is that there is no peer jury. The case is presented by the youth attorneys to a youth judge(s), who determines the appropriate sentence for the teen court defendant.

Peer Jury Models

The main distinction between programs operating under trial models versus peer model teen court programs do not use teen defense and prosecuting attorneys. Instead, they employ a panel of teen jurors who question the defendant directly. While there may be exceptions, most have an adult volunteer serve in the role of judge. Some programs use the peer jury model for all cases sent to teen court, while other programs use a combination of trial and peer models depending on the type of case being heard. For example, a program may use a peer jury model for hearing cases involving lesser offenses or for cases involving younger teen court defendants, and use a trial model for handling more serious cases.

What Types of Offenders Do Teen Courts Target?

According to results from the APPA (1994) teen court survey, the vast majority of responding teen court programs (97 percent) target first-time offenders, while approximately 58 percent also will accept offenders with prior offenses. Approximately 97 percent handle misdemeanor cases and 20 percent will handle felony cases. Twenty-nine percent of the programs indicated they accept status offenses in addition to public offenses. The age of youthful offenders accepted into teen court programs ranges from 7 to 19 years-old. Figure 2 shows a breakdown of the types of offenses survey respondents reported accepting.

Some of the types of offenses that teen court programs indicated accepting

Figure 2: Types of Offenders Accepted by Teen Courts

Offense	Percentage
Theft	97 %
Alcohol/Drug Offenses	95 %
Vandalism	92 %
Disorderly Conduct	90 %
Assault	83 %
Traffic	59 %
Truancy	48 %
Violence	20 %
Other	27 %

in the "other" category include:

- loitering;
- trespassing;
- curfew violations;
- arson;
- robbery;
- breaking and entering;
- auto tampering;
- harassment;
- wanton endangerment;
- receiving stolen property;
- larceny; and
- criminal mischief.

These results indicate that, nationwide, teen court programs are being used as a response for a wide range of problem behaviors among youth. On a local level, however, programs should target offenses and offenders for services according to the unique needs of the particular community.

For example, drinking alcohol under the age of 21 is illegal in all fifty states and in the District of Columbia (NHISA, 1995), and the use of alcohol can pose serious threats, including traffic safety issues, to individuals and the public. As stated previously, it is during adolescence that youth begin to make their initial decisions about involvement in potentially dangerous behaviors such as substance use and other forms of delinquency (Carnegie Council on Adolescent Development, 1992). Adolescence also is the developmental stage in which drunk driving and related behaviors are initiated and solidified (Klepp & Perry, 1990). According to figures reported by the National Highway Traffic Safety Administration (NHTSA), in 1994, 6,226 young people (ages 15-

20) died in motor vehicle crashes. Of these fatalities, approximately 37.6 percent were alcohol-related. While there has been a substantial reduction (56 percent) in the number of alcohol-related fatalities involving young people when compared to statistics from 1982, far too many youth continue to die in alcohol-related crashes (NHISA, 1995).

Problems such as these are compounded by the fact that adolescents often receive mixed messages concerning alcohol use, which typically is viewed as an accepted part of social activity. Added to this is the problem that many jurisdictions have limited alternatives available for handling youth charged with alcohol offenses such as underage drinking or possession of alcohol, making enforcement of underage drinking laws more difficult or a low priority. This creates a situation in which youth often receive little or no consequence for engaging in these types of activities.

Teen court programs can offer jurisdictions a means for holding youthful offenders charged with alcohol offenses accountable. These programs also can help send a strong message to youth in the community that their peers do not condone law-breaking behaviors, including the use of alcohol.

How Should a Person or Agency Begin the Development Process for a Teen Court Program?

There is no one particular recipe to follow to develop and operate a teen court program. The beauty of this type of program lies in its ability to be flexible, thus making it adaptable to the needs and concerns of each individual community.

Initially, one of the most critical steps in developing a teen court program is securing support for the program from a local juvenile judge. Judges have influence over the types of programs that will operate and receive support in their jurisdictions; therefore, programs may find it difficult, if not impossible, to operate without the judge's endorsement. However, efforts to solicit involvement from various community members should not stop at the local juvenile judge.

Community involvement and support is essential in all stages (i.e., conception, development and operation) of the program to ensure the delivery of effective services and the financial security of the program. Program developers should begin by conducting a stakeholder analysis and soliciting advice and input from key persons in the community (Knepper, 1994). Those identified can provide valuable assistance and information to teen court programs in a variety of areas including:

- assessing needs and resources;
- exploring legal issues which may impact the program;
- developing policies and procedures;
- identifying and securing financial and in-kind support for the program;
- providing needed services for the program and its clients; and
- marketing and promoting awareness of the program.

Once a program has obtained adequate support and input, there are

Initially, one of the most critical steps in developing a teen court program is securing support for the program from a local juvenile judge.

several critical issues that will need to be addressed. These include:

- the development of a program purpose, goals and objectives;
- the determination of an appropriate target population and referral procedures; and
- the development of an effective program model, services and case management practices.

Additional areas that teen court program developers will need to address include issues related to staffing, funding, use and training of volunteers, and evaluation.

It is not the intent of this article to cover these topics in detail. They are mentioned here to serve as a guide for agencies that may be considering developing and implementing a teen court program within their jurisdiction. It is advisable for agencies to conduct a

program and policy development process that will help evaluate possible options and then select the program model and procedures that are most suited to the jurisdiction. It also is important to develop policies that allow flexibility for future changes and modifications.

Conclusion

The teen court movement in America is growing rapidly. There are many advantages to be gained by communities that implement these highly youth-oriented and interactive programs. Although, when viewed from a national perspective, teen courts share many of the same fundamental principles, there is great diversity in how they carry out their day-to-day functions. Program organizers should be aware of the similarities and differences among programs and then institute a program development process that will help them develop and implement a program that will respond to and fulfill the unique needs of the local youth, juvenile justice system, and the community.

About the Author

Tracy Godwin is the project manager for APPA's Teen Courts Initiative, sponsored by the National Highway Traffic Safety Administration (NHTSA). The main objectives of this project are to

develop a Handbook on Teen Courts and provide training and technical assistance that will assist juvenile justice agencies in developing, implementing and enhancing teen court programs within their jurisdictions. More information may be obtained on the teen courts project by contacting Ms. Godwin at (606) 244-8215.

References

- American Probation and Parole Association. (1994). *Teen court program survey*. Unpublished manuscript.
- Cadwallader, R. (1994, October 6). Grand Prairie's Teen Court wins top volunteerism award. *Arlington, Fort-Worth Star Telegram*, section A, page 27.
- Calhoun, J. A. (1988). *Violence, youth and a way out*. Washington, DC: National Crime Prevention Council.
- Carnegie Council on Adolescent Development (1992). *A matter of time: Risk and opportunity in the nonschool hours*. New York: Carnegie Corporation of New York.
- Klepp, K. & Perry, L. (1990). Adolescents, drinking, and driving: Who does it and why. In R. J. Wilson and R. E. Mann, (Eds.), *Drinking and driving advances in research and prevention*. New York: The Guilford Press.
- Knepper, P. (1994, June). *The Ken-*

tucky guide to teen/youth courts. Highland Heights, KY: Northern Kentucky University.

National Crime Prevention Council. (1989). Young people in crime prevention programs. *Topics in Crime Prevention*. Washington, DC: Author.

National Highway Traffic Safety Administration. (1995). *Youth fatal crash and alcohol facts: 1994*. Washington, DC: Author.

Southwest Regional Center for Drug-Free Schools and Communities. (n.d.). *Teen court: An alternative approach to juvenile justice—Participant's guide and video*. Norman, Oklahoma: Author.

Varenhorst, B. (1981). The adolescent society. In *Adolescent peer pressure: Theory, correlates, and program implications for drug abuse prevention*. Rockville, MD: National Institute on Drug Abuse.

Endnote

¹ The American Probation and Parole Association's Teen Courts Project is supported by Grant No. DTNH22-94-G-05212, awarded by the National Highway Traffic Safety Administration, Department of Transportation.

The points of view in this article are those of the author and do not necessarily represent the official position of the Department of Transportation. □

APPA's Teen Courts Initiative

The American Probation and Parole Association (APPA) is continuing its Teen Courts Project, sponsored by the National Highway Traffic Safety Administration (NHTSA) through the delivery of training and technical assistance to agencies interested in developing, implementing, and enhancing teen court programs within their jurisdictions. The primary objective over the past year has been to develop a *Handbook on Teen Courts* to assist juvenile justice agencies in implementing teen courts as an alternative response to underage drinking, impaired driving and other delinquent behaviors of youth. The *Handbook* covers topics such as:

- organizing the community;
- legal issues;
- developing a program purpose, goals, and objectives;
- determining a target population and referral procedure;
- designing program services;

- the effective use and training of volunteers;
- staffing and funding; and
- program evaluation.

APPA will continue disseminating this information to the field by conducting three training seminars and delivering technical assistance to three selected agencies. Persons interested in receiving more information about the *Handbook* and about training and technical assistance opportunities should contact, Tracy Godwin, Teen Courts Project Manager, at the following address and phone number:

American Probation and Parole Association
c/o The Council of State Governments
P.O. Box 11910
Lexington, KY 40578-1910
(606) 244-8215

Increasing the Effectiveness of Parole Programs : *The Texas Experience*

by Judith Telecky, Texas Department of Criminal Justice, Parole Division

All too often it happens – an ex-offender on supervision is arrested for a violent crime. Those on the front lines of supervision and in state capitals brace themselves for the inevitable aftermath and public outcry. Switchboards at the governor's office are flooded with calls from concerned citizens, victim rights groups make heated protests to their legislators, and outraged callers vent their frustrations on local radio talk shows. Once again, the stage is set for a renewed assault on parole and calls for its elimination. Community supervision is under siege nationwide, with many states considering drastically restricting or abolishing parole altogether.

The perceived crisis in the parole field in Texas is partially a result of policies set in place to handle prison overcrowding in the last 20 years. Although parole has been an integral part of the Texas criminal justice system for most of this century, Texas is traditionally a law and order state which has tended to favor tough sentencing laws calling for longer prison time. In the ongoing legislative session, no fewer than 23 bills are aimed at introducing new criminal justice laws or strengthening those already in place. Nonetheless, during the mid-1980's the state's penal facilities were insufficient to house the growing inmate population. County jails were forced to retain a burdensome backlog of state prisoners, and enormous pressure was brought to bear upon the Texas Board of Pardons and Paroles to act as the release valve for overcrowded prisons. Despite an extremely large number of parole successes even in these circumstances, the public quickly became aware of repeat offenses being committed by some individuals who had been allowed to re-enter the community after serving as little as 12 percent of their sentences; moreover, some heinous crimes had been committed by former inmates

who had been granted discretionary release despite a past history of violent offenses.

In order to satisfy demands that such inmates be confined for longer periods of time, Texas responded with a two-pronged solution: to build its way out of prison overcrowding and to create a comprehensive, multimillion dollar prison diversionary system. Significant reforms have already been implemented, ranging from the creation of a new state jail system for nonviolent offenders, to mandating more lengthy incarceration of violent and repeat offenders.

It also appears likely that new legislation addressing the juvenile criminal justice system and placing strict restrictions on sex offenders will be passed. The long-term impact of these reforms is yet to be seen.

In the meantime, the Texas Department of Criminal Justice and its Parole Division have had to bear much of the brunt of the past policy decisions. Perhaps now more than ever, they have the responsibility to be as effective as possible in supervising releases and safely re-integrating them into the community. The challenges faced by the Parole Division are compounded by fiscal constraints and by negative community attitudes, including poor acceptance of parolees and widespread skepticism about the ability of the parole system to work effectively and be accountable to the public. On the bright side, several promising new programs have been implemented, and existing programs have been bolstered in order to effectively supervise and train releases with a variety of needs, skills, and motivations. Some of the resources that have been mobilized are as follows:

Pre-Parole Transitional Programs

A limited number of inmates have the opportunity to be placed in one of

two pre-parole transitional programs under the supervision of the Parole Division: Pre-Parole Transfer Facilities and the Work Placement Program Facilities. Inmates who participate in these programs are not yet eligible for release on parole, and they are carefully screened for suitability before being taken from the general inmate population and placed in these special facilities. The five Pre-Parole Transfer facilities are secure facilities which can house approximately 1,559 inmates who are within six months of their scheduled release date. The advantage of a Pre-Parole Transfer is that the residents of these facilities receive extra academic and vocational training to prepare them for release.

The Work Placement Program is a certified Prison Industry Enhancement (PIE) program. All the current participants were accepted into the program within six months to two years of their parole eligibility date, and they are housed in a 500-bed facility in Lockhart, Texas. The residents can obtain employment at various participating private industries, where they earn either the minimum wage or the prevailing wage in the community. In addition to paying taxes and accruing savings, the participants are able to contribute a percentage of their wages to room and board, supervision fees, restitution/reparation, and support of dependents. Since the program's inception, participants have paid over \$83,000 in taxes, and the state has been reimbursed \$216,000 for room, board, and supervision costs. In addition, the Crime Victims Compensation Fund has received \$108,000, over \$8,000 has been paid toward restitution, and \$102,000 has been provided for dependent support. The program's success has led to hopes that it can be expanded agency-wide to as many as 6,000 jobs. However, the

lack of private sector employers is a significant limiting factor.

Alternative Residential Programs

After parole or mandatory supervision, releasees may be placed in one of two types of residential facilities under contract with the Parole Division. The first type is a Community Residential Facility or "Halfway House," which serves the needs of releasees who have transitional housing needs or who are referred from the field under specific circumstances. At present there are 22 such facilities with the capacity to house nearly 800 people. Residents can take advantage of employment counseling, job placement assistance, substance abuse counseling, special needs assessment, adult education/living skills enhancement, and other services.

Intermediate Sanction Facilities, unlike halfway houses, are secure detention facilities which have been specifically developed for short term housing of probation and parole violators as an alternative to revocation and return to prison. The residents are placed under intensive supervision. At present, up to 2,183 inmates can be placed in Intermediate Sanction Facilities, and a number of these beds are specifically reserved for inmates in need of substance abuse treatment. Parole violators usually enter an ISF by order of the Board of Pardons and Paroles after completion of a parole revocation hearing. If their subsequent adjustment is satisfactory, they may be successfully re-released to supervision in the community. If further violations occur, parole may be revoked by the Board, resulting in re-incarceration. The use of ISFs has been found to be a very effective method for intervening with technical parole violators, and these facilities give parole authorities more flexibility in responding to early adjustment problems.

Substance Abuse Treatment Programs

Various substance abuse treatment programs are available to parolees and other releasees. One goal is to provide a continuum of care for individuals who, while incarcerated, received intensive

substance abuse treatment in "In-Prison Therapeutic Community" (IPTC) or "Substance Abuse Felony Punishment Facility" (SAFPF) programs. Three levels of aftercare are provided for IPTC and SAFPf graduates, ranging from residential facilities operated under contract with the Texas Commission on Alcohol and Drug Abuse to outpatient services. At the end of FY 1994, 1,482 IPTC clients were actively participating in aftercare programs. Releasees who are not graduates of the above-named programs but who have substance abuse problems may receive services through the Parole Division's field referral system. Last year \$2.3 million in services, ranging from detoxification to outpatient care, were provided to 4,326 releasees.

Specialized Case Management

Perhaps the biggest change in parole supervision in recent years has been the introduction of the Specialized Supervision programs which use a combination of therapeutic and resource programs and a decreased parole officer to releasee ratio in order to enhance supervision. Among those targeted for specialized supervision are sex offenders and mentally retarded or impaired offenders.

Sex offender caseloads are designed for releasees convicted of a sexual offense or who displayed sexual behavior/motivation in the commission of any other offense, as well as those with a history of sexually deviant behavior. Treatment for these offenders differs by having more limitations on living arrangements, employment, and confidentiality. Unlike the usual 1:70 parole officer to releasee ratio, the sex offenders are on specialized caseloads with a 1:41 ratio. Research has shown that it is important to supplement specialized caseloads with services, so the Parole Division contracts with 43 sex offender treatment providers who serve 54 cities. Depending on the outcome of the 1995 legislative session, further restrictions and/or mandatory counseling requirements may be imposed on sex offenders in the future and the phasing-in of such programs will need to be coordinated by the specialized case managers.

The Mental Retardation Caseload/Treatment Program is intended to provide trained and appropriate supervision for mentally retarded and/or mentally impaired releasees. Offenders targeted by this program primarily include those classified as mentally retarded offenders while incarcerated based on an I.Q. level of 70 or below and demonstration of "Adaptive Behavior Deficits" before age 18. The Mental Impairment Caseload/Treatment Program is aimed at those with a documented history of hospitalization or medication for specific mental illnesses. Approximately 600 mentally impaired offenders are on 15 specialized caseloads, with a 1:39 ratio. To provide services for program participants, the Division contracts with the Dallas and Tarrant County Department of Mental Health and Mental Retardation and the Texas Council on Offenders with Mental Impairments.

Perhaps most importantly, the Parole Division has developed an Intensive Supervision Program which significantly increases the level of supervision for those releasees who appear most likely to recidivate. Approximately 3,800 releasees are on Intensive Supervision caseloads operating at a ratio of 1:29. An array of enhanced supervisory tools may be authorized on a case-by-case basis, including imposition of curfew (i.e., house confinement during set hours), house arrest (24-hour house confinement), urinalysis (drug screening), and electronic monitoring (either after hours or on a 24-hour basis). At present approximately 500 electronic monitoring units are available for surveillance of releasees. To further increase oversight and ensure prompt response to parole violations, parole offices provide law enforcement authorities with identifying information on ISP releasees.

Special Programs

Whether placed in the community at large or housed in specialized contract facilities, releasees can participate in special programs such as Project RIO (Re-Integration of Offenders) and Project COPE (Community Opportunity Programs in Education). These are

employment and education programs which in FY 1994 were offered to 14,000 and 1,900 releasees, respectively. Project RIO provides employment assessment and counseling activities to both releasees and eligible inmates in conjunction with the Texas Employment Commission and its 90 offices statewide. Thousands of former inmates have found employment through Project RIO, and it has been recognized by Harvard University for program excellence. Project COPE is a combined effort of probation/parole officers and community adult education providers to deliver services to offenders with sixth grade educational skills and below. Its aim is to upgrade the education level of participants, and when possible, to assist them in obtaining General Equivalency Diplomas.

The Parole Division also contracts with the University of Texas School of Social Work for the family support program, which provides services to

releasees and their families shortly before and immediately after their release. Expansion of this program to include contractual relationships with other schools of social work is dependent on availability of funds. Other innovative programs have also been developed, such as the Day Resource Center in San Antonio, but opening such centers in other cities depends, again, on funding.

The multifaceted parole programs described above may give some perspective on the complexity of parole division's various tasks and on the efforts being made to find effective and fiscally responsible solutions. There is no magic wand that will solve the problems facing the parole system or the criminal justice system in general. What can be expected is a strong commitment to the primacy of ensuring public safety and a simultaneous effort to maximize the successful reintegration of offenders through the available community resources, supervision, and treat-

ment programs.

Massive construction of new correctional facilities—at considerable cost—and the diversion of many nonviolent offenders to state jails has had the desired effect of allowing significant decreases in the parole release of the state's violent offenders, at least in the short run. In early 1995, the overall parole rate from the institutional division dropped to 27 percent, and the chances of parole approval for certain categories of repeat or violent offenders has plummeted. Other policy and law changes are also having an impact. Inmates convicted of assaultive or aggravated offenses must now serve an increased percentage of their adjudicated sentences—doubling to 50 percent "calendar time" in many cases—and inmates receiving a "life" sentence for capital murder must serve at least 40 years before becoming parole eligible—up from as little as 15 years just a decade ago. Policies on granting and restoring of "good time" credits have been tightened, and an effective Victim Services notification program has made it easier for victims to express their views on potential parolees to the Board of Pardons and Paroles. A high-profile program offering rewards for the "10 Most Wanted" parole violators has been successfully implemented.

In summary, Texas authorities have taken a series of aggressive yet measured responses on many fronts to meet the demands for tighter control over offenders, and considerable headway has been made in addressing the most egregious shortcomings of the previous decade. While public pressure for elimination of parole has not died away, the fact remains that even the most rigid sentencing and parole reforms will only delay, not prevent, the release of most offenders and that eliminating parole would drastically limit the transitional oversight of the men and women being released from penal institutions. Even the most ardent parole abolitionist may be reluctant to allow so many ex-offenders to reintegrate into society without some means of imposing post-release monitoring and sanctions. □

APPA Position Statement:

Interstate Compact for Supervision of Parolees and Probationers

Purpose:

The purpose of the Interstate Compact for the Supervision of Parolees and Probationers is to provide supervision services for offenders who wish to reside and work outside the jurisdictional boundaries of a member state or territory. Parole boards, courts and probation agencies are able to handle the planning for and supervision of even the most difficult cases when their residence and family resources exist outside their political boundaries. Most required levels of community-based supervision are available through the cooperation of Interstate Offices.

Position:

The Compact has two primary goals — community protection and rehabilitation of the client. In cases involving clients whose homes are situated in a state or territory foreign to the state of jurisdiction, these goals can only be met through the use of the Interstate Compact. Community protection is facilitated by the regulation of the client's interstate travel, the monitoring of the offender's community adjustment, and the removal of the parolee or probationer from the community upon violation. Reintegration of the offender and rehabilitative efforts are assisted by ensuring parole and probation program continuity across state boundaries. The most appropriate rehabilitative services are almost always located in proximity to the client's permanent home.

The value of services provided through the Interstate Compact is directly related to the spirit of cooperation between the states and their Compact officials. Although each state or territory operates as a sovereign entity, cooperation is necessary for each to achieve its stated goals. Each is encouraged to consider the philosophy and intent of the Compact prior to making any deci-

sion on case transfers. The overriding concern in any transfer decision should be meeting the needs of the offender through the design of an acceptable treatment plan. Individual cases should not only be accepted when they have legal residence or family residing in the receiving state, but also when it appears that the treatment plan has merit and will serve to aid in the ultimate rehabilitation of the offender. Conversely, no sending state should ask for special consideration if the rehabilitation plan is unsound, puts the receiving state at undue risk, or could just as easily be administered within its own boundaries. No parolee or probationer should be allowed to reside in another state without that state's knowledge and consent.

Guidelines:

1. The receiving state should be given 45 days to investigate any transfer request prior to the client's actual move to their jurisdiction. Court ordered transfers or emergency situations acknowledged by the receiving state constitute a category of cases wherein clients can be allowed to move immediately. The receiving state should always be notified by telephone within two working days when a client is allowed to proceed pending transfer.
2. All requests for transfer and reports of acceptance, rejection or termination of supervision are approved only by the office of the Interstate Compact Administrator or a designated deputy.
3. All transfer requests should be accompanied by:
 - a. A signed Application for Compact Services and Agreement to Return.
 - b. A copy of the judgment and sentence.
 - c. A copy of all imposed conditions

of parole or probation.

- d. A presentence investigation or a similar social history that includes:
 - 1) The client's criminal history
 - 2) A description of the offense
 - 3) Information on any serious medical condition
 - 4) Any psychiatric/psychological history
 - 5) A history of any present or past supervision in the sending state
4. No state shall refuse to supervise a client eligible under the Compact

These position statements on Interstate Compact for Supervision of Parolees and Probationers, Juvenile Justice, Electronic Monitoring, and Substance Abuse Treatment were approved by the Board of Directors at their meeting in Dallas, Texas on August 30, 1995. The APPA Constitution stipulates that positions and resolutions must next be submitted to the general membership for adoption at the membership meeting. Approval of these position statements will be requested at the membership meeting in Portland, Oregon on February 7, 1996. 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 these positions statements send any comments by January 15, 1996 to:

Denny McFarland, Chair
Issues, Positions and Resolutions
Committee
c/o American Probation and Parole
Association
P.O. Box 11910
Lexington, KY 40578
Fax # (606) 244-8001

who has the necessary employment and residency qualifications. Further, a receiving state may not refuse to supervise a client solely because he or she is considered to be a poor risk.

5. Upon acceptance, each receiving state will assume the duties of supervision of the parolee or probationer and will be governed in the exercise of those duties by the same standards which prevail for its own probationers or parolees.
6. The duration of the parole/probation period in a Compact case is

determined by the sending state.

7. The receiving state should provide the sending state with annual progress reports. Arrival reports should be sent within 30 days after the client's arrival in the receiving state.
8. The receiving state should promptly notify the sending state of any violation of supervision.
9. The sending state should apply the same standards for the return of a violator in their own state. The decision of the sending state to retake a violator shall be conclusive

and non-reviewable within the receiving state. A receiving state should consider a client's residence and family ties before asking a sending state to retake a violator.

10. The receiving state may close its interest and cease supervision of the client upon:
 - a. the receipt of a certificate of discharge from the sending state
 - b. the receipt of permission to close from the sending state
 - c. the abscondence of the client
 - d. the arrival of the scheduled maximum expiration date.

APPA Position Statement:

Juvenile Justice

Juvenile justice systems include court, probation, parole, prevention and intervention programs and agencies responding to delinquent and other behaviors identified in juvenile statutes. The system may encompass delinquents, status offenders and victims of abuse and neglect. Juvenile justice system agencies are urged to develop policies, programs and practices reflecting the following principles:

Juvenile justice systems must have the flexibility to meet the needs of the broad range of children and youth served. From the most violent youth to those children who are victims of abuse and neglect, the judicial process and the treatment and authority vested must be responsive to both the needs of children and youth and to protect society. For many years studies have shown that child abuse and neglect are predictive of delinquent behavior and adult crime. Moreover, general societal attitudes of intolerance of differences and glorification of violence contribute to these same behaviors. These root causes must be addressed through appropriate intervention throughout the juvenile justice process as well as changes at the community level. Therefore:

I. The juvenile justice system must offer a continuum of services which includes the appropriate resources to meet the needs of children and youth who are victims and/or offenders. Such a continuum should offer a range of services from prevention and early intervention to remedial and extended care and custody while recognizing the importance of partnerships with other systems of service delivery. The priority of this continuum should be, whenever possible, to eliminate the risk of delinquent behavior through primary prevention.

II. Coercive intervention and remedial services should follow the least restrictive principle by offering varying levels of supervision and custodial care. Agencies should develop and use a risk and need assessment procedure to assist in making custody, dispositional and/or supervision decisions.

III. Every effort should be made to address the child's and youth's need for permanence and bonding with the family and home community. To the degree possible, services should be inclusive of and cognizant of the child's and youth's family and family's issues and needs.

IV. Service systems should be built on principles which reflect the individual

growth and development of children and youth and provide effective and humane approaches to supervision, custody and treatment while recognizing the uniqueness of each individual child and youth. Rewards should be utilized as an integral component in responding to them as well as holding them accountable for their behaviors. At the same time, court ordered sanctions, conditions and agency decisions should demonstrate consistency and equity.

V. The restoration of victim, offender and community should be included as part of any service system addressing juvenile delinquency.

VI. All agencies, acting on behalf of the government, involved in the life of a child or youth must accept the resulting responsibility to provide services or assist in securing appropriate services which guide and nurture children and youth toward healthy and productive adult lives. This fundamental principle should guide the justice and service delivery process so that sanctioning and coercive control supports and assists healthy emotional and social development.

APPA Position Statement:

Electronic Monitoring

The American Probation and Parole Association, recognizing the important contributions technology provides to our daily functioning, supports the use of electronic monitoring (EM) for offenders to assist probation and parole officers in achieving their prescribed goal of community protection. In establishing a program the following are critical: the initiative must be consistent with laws and agency policy; agency needs must be paramount in identifying the offenders targeted, both adult and juvenile, for this type of intervention; scheduling for offenders must be flexible in order to achieve the objectives of individualized supervision plans; priority consideration should be given to program staff requests for the use of agency resources for enforcement purposes; and vendor selection should be largely based upon strictly defined performance standards.

Discussion:

Probation and parole officers are increasingly being targeted with technological developments designed to enhance their ability to achieve community protection. Drug and alcohol testing devices are commonly found in community correction agencies. Personal computers are listed by many administrators as high priority equipment in budget submissions. The use of cellular communication in field work is heralded as improving officer safety. Therefore, when considering initiatives for offender control, EM has a realistic role.

It is important to remember, however, that the use of technology with offenders is not a substitute for staff. It should be viewed as a tool to support and enhance the supervision process. EM has demonstrated its efficacy in verifying the daily routine of the offender. It is a system which can be used to confirm adherence to imposed restrictions in movement replacing costly hours of personal surveillance if such

activity is necessary. Further advantages of EM include the opportunity to reduce recidivism via strict monitoring, offer rewards and sanctions for supervision strategies and help enforce employment or program mandates.

The flexibility in the use of electronic monitoring allows for its consideration as a viable option. Each jurisdiction can design its own program to meet local needs. One program goal may be to address jail overcrowding and EM could be used as part of a pretrial release initiative. Another may consider it for use as an interim sanction. A third could have a juvenile probationer population requiring this type of intervention. A fourth might develop it as a sentencing option for selected offenders in lieu of incarceration. A fifth jurisdiction may target more than one category for its use. Despite the flexibility in its use, caution should be exercised when recommending it for high risk offenders or situations. For example, this initiative may not offer sufficient restriction on offenders who are volatile and have a history of violent acts. Also, individuals whose plan for restriction might adversely affect the victim should be considered for alternate strategies. In circumstances where electronic monitoring is ordered and concerns for the victim exist, the supervision plan should incorporate frequent contact with the victim.

Procedures for any EM program must require an evaluation of the living arrangements which would include the attitude of other household members. It is essential all inhabitants fully understand how the system operates and what inconveniences may be incurred once it is installed. Based upon agency policies and procedures, if this degree of intrusion is unacceptable, electronic monitoring should not be a considered option. Other appropriate sentencing or agency sanctions or alternatives for supervision may then be considered.

Critical to any EM initiative is vendor

selection. Vendor selection should target an appropriate blend of price, product features and service that addresses the anticipated agency programming needs. During the past few years smaller companies, offering a variety of monitoring services, have merged with larger suppliers. What has evolved are vendors who have a number of years of experience and a client base of significance. For the consumer this is positive since vendor requirements can be made stringent. When selecting a vendor, standards can be established for the number of units in operation as well as the qualifications of sales and service staff. Care should also be taken to include turn-around time provisions on service calls and shipping cost arrangements in lease agreements or service contracts. System specifications should not fail to reflect these factors.

As part of the vendor selection process there is also the question of whether equipment should be leased or purchased. This is a decision which is dependent upon the consuming jurisdiction and its fiscal practices and policies. It is possible that equipment leasing could prove more costly over an extended period than outright purchase. Leasing, however, may provide protection with regard to the obtaining of equipment upgrades when they become available. In addition, with equipment purchases, there is a need to contract for repair services.

Most vendors offer a complete monitoring system which includes 24 hour, 7 day per week agency notification through telephone or pager should violations or equipment problems, which cannot be corrected at the base site, occur. This service could prove to be more economical than utilizing agency staff. The down side is that some degree of agency control could be lost in having cases followed by an entity other than the criminal justice agency directly responsible for the offender. While being cautious of "low pricing" or

"unrealistic service commitments" is important, it is equally important to remember that competition in the EM field can reap benefits to the consumer.

Many jurisdictions impose a fee on the monitored offender. Fees tend to be set on a sliding fee scale. Care should be taken to prevent any discriminatory practice. Individuals unable to pay a fee for program participation should not be excluded from consideration. Further, programs should allow options in the event an eligible offender is unable to financially afford telephone service or cannot have a telephone in his or her living arrangement. The use of cellular

telephones, although costly, is one method of resolving this problem. Fees might not offset the costs associated with electronic monitoring. However, it is an important contribution in demonstrating the cost effectiveness of this type of programming during this period of increased fiscal accountability. If fee collections are a concern to agencies considering the use of EM, those agencies should elicit information from vendors who are in the position to provide assistance in the design and implementation of fee collection programs.

Criminal corrections agencies, as part of their respective programming

system, should view electronic monitoring as a viable supervision tool to support professional staff in offender control. Flexibility in attempting to meet the needs of individual jurisdictions makes this technology desirable. The available number of experienced vendors enhances its reliability and the competition existing among them tends to make costs decrease. Most important, however, is that technology is being developed and refined to meet specific community correction requirements. Our profession should take advantage of the opportunities offered.

APPA Position Statement:

Substance Abuse Treatment

The American Probation and Parole Association (APPA) promotes an integrated, comprehensive approach to dealing with the pervasive problem of substance abuse. APPA is committed to advancing realistic and promising strategies for managing this issue by supporting empirical research and planning, agency accountability, dynamic community partnerships and professional development.

Beginning in the 1990s, this country's institutions entered into an information era. Research outcomes became readily available to systems attempting to implement or expand treatment programs into the range of correctional options. While the treatment information frequently suggests differing philosophical approaches, it has become clear that probation and parole agencies can no longer rely upon simplistic understandings and planning strategies for intervening in this immensely complex public safety issue. Probation and parole agencies must make every effort to stay current with the accelerating growth of substance abuse treatment research. Since substance abuse appears practically endemic to most offenders, it is in-

cumbent for agency administrators to forge broad perspectives consistent with the most recent empirical evidence science provides. At a minimum, agencies must examine the pertinent positions of all federal agencies and/or any professional organization responsible for policy and service delivery to the substance abusing population.

Calling for an integrated, comprehensive approach to substance abuse treatment presupposes that the system, as a whole, is accountable, measurable by agreed upon objectives and philosophically consistent. Laudable as a system objective, the probation and parole agencies must become accountable before systems accountability can occur. A minimum approach to treatment accountability within a probation and parole agency should include professional development, standardized assessment, policies and procedures on drug testing, and ongoing evaluation.

Probation and parole professionals must be provided training in the most efficacious procedures and treatment theory to reduce substance abuse and facilitate staff/community safety. To the extent that certification of probation

and parole officers as substance abuse counselors contributes to improved professional competency and improved treatment outcome, APPA recommends certification programs or comparable training strategies.

Comprehensive assessment, utilizing standardized, validated approaches should occur as early in the criminal justice system as possible. Technological application should permit the transfer of treatment information from system to system within any given jurisdiction. The advancement of standardized approaches and management information systems provides an environment permitting ongoing evaluation and system redesign. The support of evaluation will permit the most effective and efficient assessment procedure to evolve within a probation and parole setting.

Strategies involving cooperation and coordination among human services agencies have proven effective in combating the problems of limited resources and duplicative efforts. Dynamic partnerships between probation and parole, treatment agencies, researchers and related community services agencies are more likely to improve the long

term outcome of substance abuse treatment strategies.

Background:

The effects of substance abuse are far reaching. They include destruction of the family unit, under and unemployment; increases in crime and violence (in addition to the crime of illegal drug use); and increases in the rates of infectious diseases such as AIDS, hepatitis and tuberculosis. The financial costs alone of substance abuse are staggering. Some estimates cite a figure as high as 220 billion dollars annually for alcohol and other drug abuse, taking into account related health care alone, excluding social welfare, victim's losses, unemployment and lost productivity and criminal justice system costs (Health and Human Services, 1991).

Substance abuse is considered by many to be an economic issue, a problem that centers around the theory of "supply and demand." To date, the focus of the War on Drugs has been to attempt to dry up the supply. The United States has devoted vast resources to border patrols, drug seizures and law enforcement. These "strategies have not ameliorated the crisis of substance abuse and addiction" (Nathan 1983; Polich et al., 1984; U.S. General Accounting Office, 1988). It would seem that the logical next step is to retrain our focus on the "demand" side of the issue. Explored within that framework, treatment seems to offer the most hope for drying up the market for illegal drugs in our communities. It is estimated that for every \$1.00 invested in treatment of drug-involved individuals, taxpayers enjoy a \$4.00 return in the reduction of costs related to alcohol and drug abuse (NIDA, 1992). A 1994 study of treatment outcomes in California revealed a \$7 return for every dollar invested (National Opinion Research Center, 1994). In June 1994, the Rand Corporation also released a study indicating that treating cocaine addicts is seven times more cost effective than domestic drug enforcement. The report concludes that the annual cocaine consumption could be reduced by 1% by adding \$34 million to the treatment

budget. To assure comparable outcomes the report suggests that \$246 - 783 million would need to be added to the domestic and international enforcement programs to obtain a 1% reduction. In an era of fiscal constraints and economic accountability, at a time when all agencies are being asked to do more with less, this sort of evidence is difficult to ignore.

Research reveals that involuntary participation in treatment works approximately as well as voluntary participation. Involuntary participants (i.e., offenders) tend to succeed at remaining drug free as well as voluntary participants (Anglin & Hser, 1990). Probation and parole is an effective context for treatment to occur. An integrated approach involving assessment, treatment-offender matching, intervention (i.e., treatment), surveillance (i.e., drug testing), and enforcement (i.e., sanctions) is an appropriate strategy for dealing with drug involved offenders.

Given estimates that approximately 80 percent of criminal offenders are substance abusers, criminal justice agencies have a vested interest in becoming integrally involved in solutions to this problem. Program specialization, relevant training and certification may be of significant assistance to probation and parole agencies in understanding the process of addiction and in dealing with addicted offenders. For example, an important element of substance abuse is the fact that addiction is a chronic, relapsing disorder. Training in treatment modalities can assist criminal justice agencies in understanding and dealing with this dynamic. The poor social and coping skills of drug-involved offenders make them particularly vulnerable to relapse and to attendant criminal behavior or recidivism.

The "lock 'em up" approach to dealing with drug-involved offenders has not been successful from a financial or societal standpoint. The criminal justice system is sorely taxed as it is. New avenues which include a focus on both treatment and strict accountability measures are required. Achieving this balance necessarily requires the involvement and cooperation of many human

service agencies, working together to effect positive change.

Discussion:

Recognizing that substance abuse has complex biopsychosocial origins, APPA advocates dealing with the drug-involved population in a manner that takes this into account. Drug-involved offenders generally exhibit complex needs which likely involve housing, education, vocational rehabilitation and opportunities, health care needs and mending of the family unit. Coordination mechanisms among all human service agencies must be in place for managing such comprehensive problems. Meeting these needs, with the goal of reducing relapse and recidivism rates, will require probation/parole officers to be cognizant of all resources within the community. Agencies must further effect cooperation and communication in order to avoid fragmented approaches which have little chance of success.

Coordination between criminal justice agencies and treatment professionals offers the best hope for facilitating effective interventions with drug-involved offenders. Standardized assessment, ongoing evaluation and research supports the continuous growth of the systems serving the substance abusing population. Specialization and certification of probation and parole officers as substance abuse counselors also provide valuable insight into how treatment and rehabilitation can improve the work done by the criminal justice system. Because of the extreme demands placed on the treatment profession, such systemic views can only complement (and not replace) the efforts of the treatment professionals.

It is critical that probation and parole agencies not allow "turf issues" to become an impediment to successfully dealing with drug-involved offenders. Many sectors, including treatment facilities, public health agencies, legislatures, the judiciary and criminal justice agencies bring particular strengths to handling the issue of substance abuse in a responsible and effective manner. It is to everyone's benefit for key players from all sectors to make a commitment to systems coordination. □

who has the necessary employment and residency qualifications. Further, a receiving state may not refuse to supervise a client solely because he or she is considered to be a poor risk.

5. Upon acceptance, each receiving state will assume the duties of supervision of the parolee or probationer and will be governed in the exercise of those duties by the same standards which prevail for its own probationers or parolees.
6. The duration of the parole/probation period in a Compact case is

determined by the sending state.

7. The receiving state should provide the sending state with annual progress reports. Arrival reports should be sent within 30 days after the client's arrival in the receiving state.
8. The receiving state should promptly notify the sending state of any violation of supervision.
9. The sending state should apply the same standards for the return of a violator in their own state. The decision of the sending state to retake a violator shall be conclusive

and non-reviewable within the receiving state. A receiving state should consider a client's residence and family ties before asking a sending state to retake a violator.

10. The receiving state may close its interest and cease supervision of the client upon:
 - a. the receipt of a certificate of discharge from the sending state
 - b. the receipt of permission to close from the sending state
 - c. the abscondence of the client
 - d. the arrival of the scheduled maximum expiration date.

APPA Position Statement:

Juvenile Justice

Juvenile justice systems include court, probation, parole, prevention and intervention programs and agencies responding to delinquent and other behaviors identified in juvenile statutes. The system may encompass delinquents, status offenders and victims of abuse and neglect. Juvenile justice system agencies are urged to develop policies, programs and practices reflecting the following principles:

Juvenile justice systems must have the flexibility to meet the needs of the broad range of children and youth served. From the most violent youth to those children who are victims of abuse and neglect, the judicial process and the treatment and authority vested must be responsive to both the needs of children and youth and to protect society. For many years studies have shown that child abuse and neglect are predictive of delinquent behavior and adult crime. Moreover, general societal attitudes of intolerance of differences and glorification of violence contribute to these same behaviors. These root causes must be addressed through appropriate intervention throughout the juvenile justice process as well as changes at the community level. Therefore:

I. The juvenile justice system must offer a continuum of services which includes the appropriate resources to meet the needs of children and youth who are victims and/or offenders. Such a continuum should offer a range of services from prevention and early intervention to remedial and extended care and custody while recognizing the importance of partnerships with other systems of service delivery. The priority of this continuum should be, whenever possible, to eliminate the risk of delinquent behavior through primary prevention.

II. Coercive intervention and remedial services should follow the least restrictive principle by offering varying levels of supervision and custodial care. Agencies should develop and use a risk and need assessment procedure to assist in making custody, dispositional and/or supervision decisions.

III. Every effort should be made to address the child's and youth's need for permanence and bonding with the family and home community. To the degree possible, services should be inclusive of and cognizant of the child's and youth's family and family's issues and needs.

IV. Service systems should be built on principles which reflect the individual

growth and development of children and youth and provide effective and humane approaches to supervision, custody and treatment while recognizing the uniqueness of each individual child and youth. Rewards should be utilized as an integral component in responding to them as well as holding them accountable for their behaviors. At the same time, court ordered sanctions, conditions and agency decisions should demonstrate consistency and equity.

V. The restoration of victim, offender and community should be included as part of any service system addressing juvenile delinquency.

VI. All agencies, acting on behalf of the government, involved in the life of a child or youth must accept the resulting responsibility to provide services or assist in securing appropriate services which guide and nurture children and youth toward healthy and productive adult lives. This fundamental principle should guide the justice and service delivery process so that sanctioning and coercive control supports and assists healthy emotional and social development.

Reinvesting in Community Corrections

"Three Strikes and You Are Out" Has Little Effect on Crime

Crime and safety remain top concerns for most Americans, and "getting tough" remains the dominant rhetoric politicians employ to address the issue. However, the get tough measures embodied in the 1994 Crime Bill, the 1995 Taking Back Our Streets proposal and many state-level "three strikes and you're out," or similar truth-in-sentencing laws will have little or no effect on crime, according to research published in the recent edition of *Spectrum: The Journal of State Government*, published by The Council of State Governments.

According to Joan Petersilia, who conducted the research, current proposals have two major flaws: they don't prevent young people from turning to crime and they don't address the vast majority of criminals who are on probation or parole rather than in prison. Her research argues that getting tough on crime involves more than prison-building and draconian sentencing rules and it also suggest that effective crime control is not an either/or choice.

Noting that the number of 18-year-olds – the peak age for criminal behavior – in the United States will increase for at least

the next 15 years, Petersilia argues that "the ability of back-end responses (such as imprisonment) to increase public safety is severely limited because of the replenishing supply of young people who are entering into criminal careers."

Petersilia writes that proposals that focus exclusively on longer prison sentences will never solve the crime problem. While agreeing that violent offenders should be imprisoned, her research suggests an integrated program of treatment, surveillance (such as drug testing) and control of nonviolent offenders is needed. Citing research that suggests more than half of probationers have drug problems, Petersilia urges for strict drug testing and rehabilitation elements in community-based corrections programs.

"Petersilia's research makes compelling arguments as to why policy makers should consider more funding for community corrections," stated Tim Matthews, APPA Executive Director. "Legislators who fail to see the logic in Petersilia's arguments are doing their constituents a disservice."

The complete article will be published in the Spring 1996 issue of *Perspectives*. The article is also available for purchase in the Summer 1995 issue of *Spectrum: The Journal of State Government*, and can be ordered by calling CSG's publication sales department at 1-800-800-1910. □

**Mark Your
Calendar!**

**APPA Annual
Training
Institute**

Chicago, Illinois

June 30-July 3, 1996

How To Do It Right :

Ten Principles for Identifying and Intervening With Drug-Involved Youth

Summary and Recommendations

by Ann H. Crowe, Research Associate, American Probation and Parole Association

Adolescent drug use and delinquent behavior are complex and interrelated phenomena. The mere use of mood-altering substances, including alcohol, nicotine, and illicit drugs, is illegal for minors. In addition, drug and alcohol use often is associated with other kinds of delinquency, including income-generating crimes and violence. The responsibilities of juvenile probation and aftercare professionals are clearly affected by drug-involvement of the youth on their caseloads.

Between October 1990 and December 1994, APPA conducted the project, *Identifying and Intervening with Drug-Involved Youth*. This article will focus on the qualitative findings of the project – the lessons learned – that can be used by juvenile probation and aftercare agencies to enhance their efforts to identify and intervene with drug-involved youth.

Juveniles and Drugs

For approximately a decade there were positive indicators of declines in drug use on an annual national survey of American high school youth and young adults. However, in 1993 (the latest year for which results are available), there were decided upturns in drug use. In addition, the survey also found that students' attitudes about drug use were less negative than in past years, meaning on average, students are again becoming more receptive to and supportive of the use of alcohol and other drugs (Johnston, O'Malley, & Bachman, 1994).

Early initiation of the use of chemical substances was underscored by the findings of the survey. By the eighth grade:

- 67 percent of youth have tried alcohol and 26 percent say they have been drunk at least once;
- 45 percent have tried cigarettes;
- 19 percent have used inhalants;
- 13 percent have tried marijuana; and
- 12 percent have tried prescription-type stimulants (Johnston, O'Malley, & Bachman, 1994).

As alarming as these findings are, they probably under-represent the extent of drug and alcohol use among youth in the juvenile justice system. Approximately 15 to 20 percent of young people in the United States drop out before finishing high school, and thus are not included among the high school senior survey respondents (Johnston, O'Malley & Bachman, 1994). School-related problems are correlated with both drug-use and delinquency (Hawkins, Lishner, Jenson & Catalano, 1987). Therefore, those who are not included in the high school surveys may be at increased risk for drug-involvement and delinquency.

Another study that may provide more accurate indicators of drug use by youth in the juvenile justice system is the Drug Use Forecasting (DUF) Survey which only began testing juveniles in 1990 at the time of their arrest. It is an ongoing study to determine the extent of drug use by adult and juvenile offenders. Juveniles are tested in 12 cities around the country. Youth are asked to

submit **voluntarily** to urinalysis and an interview within 48 hours of being arrested and detained. Because of this, the data probably under-represent the number of youth with detectable drugs in their systems. Nevertheless, 1993 data showed that between 18 percent (in Portland) and 54 percent (in Denver) of the male juvenile detainees, ages 13 to 18 were positive for drug use at the time of arrest (National Institute of Justice, 1994b). Female juveniles are tested in only ten sites, and sample sizes are low. However in five sites, the percentage of female arrestees between 15 and 20 years of age who had used any drug was equal to or slightly larger than the percentage of male youth in the same age group who had used any drug (National Institute of Justice, 1994a). It is also important to note that the DUF figures indicate only youth who have **recently** used drugs, were arrested, and were brought in for booking. It does not take into account youth who are involved with drugs and crime but were not arrested. It also does not include arrested youth who do not test positive at the time of arrest even though they have ingested drugs previously. Nor does it include those youth who were apprehended, but not brought in for booking (i.e., diverted). It is likely that the proportion of delinquent youth who use drugs and alcohol is much greater than any official statistics indicate.

Drug use is associated with both income-generating crimes and violent crimes. As youth progress to more serious drug involvement, the source of

their supply of drugs and alcohol changes. They gradually need more drugs to maintain their level of comfort, and they are less likely to receive them from friends and family members. Therefore, many resort to stealing, shoplifting, burglary, prostitution and other crimes that produce income with which to purchase drugs.

Other youth may commit crimes because of the effects of drugs. Some will experience impaired judgment and may attempt to drive automobiles or take other risks, including engaging in sexual activity, while under the influence of drugs or alcohol. Various substances have different physiological effects, and some will result in youth becoming more disorderly or violent.

Substance abuse profoundly affects adolescent development. When youth become chemically dependent, the developmental process usually slows markedly and may stop completely for many. With early initiation in substance abuse, many youth never experience important developmental tasks. Professionals often find the development of

these youth is much behind that which is expected of their chronological ages (Nowinski, 1990).

These data point to the conclusion that if drug use is reduced, delinquent behavior also may be curbed. However, before intervention with drug-involved youth can occur, those youth must be identified. The earlier intervention begins, the greater likelihood there is of stopping the progression of both drug use and delinquency. Therefore, it is important to detect drug-involved youth **before** the signs become obvious.

Summary of APPA Project Activities

APPA's project was conducted in three phases. During the first phase, a curriculum was developed. A Participant Manual consisting of 15 chapters was written. An outline of the modules and chapters is presented in Table 1, and ordering information accompanies this article.

The second project phase was training delivery. Five 4½-day training sessions were delivered to a total of 209

participants. Juvenile justice professionals from 29 states, the District of Columbia, and Puerto Rico were represented in the training sessions.

The third phase involved the delivery of technical assistance for program development in five sites. The sites were selected through a competitive application process to receive technical assistance to develop or enhance their drug identification and intervention programs. The selected sites were:

- 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.

Each site was provided technical assistance and services to develop policies and procedures for the program, train program staff, evaluate the program and handle problems of program implementation. Please see the companion article in this issue of *Perspectives*, *Lessons Learned from APPA's Project on Identifying and Intervening with Drug-Involved Youth* by Harry N. Boone for additional information about the technical assistance phase of the project.

Doing It Right: Principles for Programs to Identify and Intervene with Drug-Involved Youth

As a result of the project activities just described, project staff developed a list of ten principles that summarize the characteristics of effective programs to identify and intervene with drug-involved youth. (Please see Table 2.) These ten areas will be discussed briefly in the remainder of this article. In some cases specific examples from the technical assistance sites have been used to illustrate the principles.

Program planning, development and implementation should include

Table 1: Identifying and Intervening with Drug-Involved Youth

Participant Manual

Module I	Adolescents, Drugs, and the Juvenile Justice System	
Chapter 1	Adolescents and Their Environment	
Chapter 2	Adolescent Drug Use and Delinquency	
Chapter 3	Physiological Effects of Drugs on Adolescents	
Chapter 4	The Juvenile Justice System	
Module II	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 III	Implementing Drug-Use Identification Programs in the Juvenile Justice System	
Chapter 11	Assessment Instruments and Techniques	
Chapter 12	Drug Recognition Techniques	
Chapter 13	Chemical Testing	
Chapter 14	Interventions	
Chapter 15	Staff Responsibilities and Training	

all potentially affected persons, including agency administrators, line personnel and key stakeholders (e.g., judges, court administrators, prosecuting and defense attorneys), and community representatives.

This principle was stressed strongly in the curriculum and training programs presented by the project. Agencies were encouraged to send a team of participants to the training sessions, including both administrators and line personnel. In the program development sites, this recommendation was adhered to more steadfastly by some than by others.

For example, one site's initiative was instigated by line personnel who developed the proposal, got endorsements from judges, found needed resources, and enthusiastically conducted and supported the program throughout. None of the other sites enjoyed the degree of total staff involvement that this staff displayed. Drug identification is a staff-resource-intensive endeavor. Some officers are opposed to performing various aspects of the identification process. Usually their objections are particularly strong to collecting specimens for urinalysis. If they are not supportive of both the purpose for, and the procedural requirements of the processes, they may be unwilling to perform them at all or to perform them correctly. In turn, such a conflict eventually may affect staff morale and productivity in other areas. It was evident from both formal and informal evaluation efforts that some line officers in other program development sites were less committed to the program and were not as conscientious about performing their respective duties.

The failure to involve appropriate stakeholders was another area through which important lessons were learned. One site inadvertently omitted city/county administrators from their planning process and ran into a moderate stumbling block to program implementation as a result. This was ultimately resolved, and now the local government has furnished a small amount of funding

Table 2: Ten Principles for Juvenile Justice Programs to Identify and Intervene with Drug-Involved Youth

1. Program planning, development and implementation should include all potentially affected persons, including agency administrators, line personnel and key stakeholders (e.g., judges, court administrators, prosecuting and defense attorneys), and community representatives.
2. The program purpose should complement the agency's mission statement.
3. The program should include more than one method of identifying drug-involved youth; use of assessment, drug recognition techniques and chemical testing is recommended.
4. There should be a clearly defined rationale and procedure for identifying youth who will be included in the program.
5. The program must have **written** policies and procedures that all staff read and understand. This document should detail such areas as the agency's selection and use of assessment instruments, authority to perform chemical tests (i.e., state statutes, court orders, or agency policy), observed specimen collection procedures, chain of custody, cutoff levels, confirmation procedures, use of results, and confidentiality for youth in the program.
6. Chemical testing and/or drug recognition techniques should be used with sufficient frequency or randomness to identify and deter continued use.
7. Every use of assessments, drug recognition techniques and chemical testing should be followed by an intervention.
 - Positive indicators of drug use should be followed by sanctions and/or treatment responses;
 - Negative indicators of drug use should be followed by rewards.
8. Interventions (sanctions, treatment, and rewards) should be appropriate for the developmental stage of the youth and tailored to individual case plans.
9. Staff involved in the program should receive ongoing training.
10. Ongoing evaluation of the program should be undertaken, and the information obtained from the evaluation should be the basis for decision-making about future directions of the program.

to continue the program. In another site, the obstacle became more formidable. The Law Guardians refused to allow the administration of any substance abuse detection instruments except in cases with drug-related charges against the youth. Although the Law Guardians initially voiced support for efforts to identify substance abusing youth, their resistance appeared to be based on a lack of a clear understanding of the program's intent.

The program purpose should complement the agency's mission statement.

Again, this was an element stressed in the curriculum and in the training sessions. Project staff worked with each of the program development sites to

help them examine the relationship between their agency's mission and program's purpose. These were reflected in the policy and procedures documents developed by each site.

The program should include more than one method of identifying drug-involved youth; use of assessments, drug recognition techniques and chemical testing is recommended.

Each method of identifying drug-involved youth accomplishes a somewhat different purpose. The use of assessment instruments and techniques provides a mechanism for getting information about the youth's drug history and is invaluable for case planning. It is a necessary, but not sufficient, part of the identification process.

Drug recognition techniques allow juvenile justice personnel to examine youth for physical signs of recent drug use. This may serve a two-fold purpose. First, it may help officers determine which youth should be given urinalysis to substantiate drug use. It also may be used in some circumstances to recognize youth who have used drugs but do

Drug recognition techniques allow juvenile justice personnel to examine youth for physical signs of recent drug use.

not have enough of the substance in their systems to be detected by urinalysis. The response by staff in the program development sites to using drug recognition techniques was mixed. Nearly all found the drug recognition techniques training helpful and felt more confident about their knowledge of the effects of drugs following the training. However, two drawbacks were discovered and voiced by various staff members in the sites.

First, some drugs have more obvious physical effects than others. For example, opiate drugs cause pronounced changes in physical characteristics, such as the eyes, and often in behaviors (e.g., nodding, scratching). Other drugs, such as marijuana, result in fewer visible effects. Youth are more likely to use marijuana and cocaine (the latter of which causes more discernible effects but stays in the system a short time) than opiates. Thus, for the drugs most often used by young people, the techniques are not as practical. Further, most of the work in developing drug recognition techniques has been done with adults. The lack of rigorous studies on the application of the techniques to adolescents, makes them less useful with this group. Second, some juvenile justice staff expressed concern about using the entire drug recognition protocol in certain situations. The need to be in a dark room with a youth troubled some staff who worried that youth might accuse them

of improper actions. This is, indeed, a more significant consideration than when using the techniques with adults. Some officers reported that using the entire protocol was very time consuming in addition to performing urinalysis, which is the more scientifically valid process; others did not have the resources (e.g., separate darkened room) to perform the techniques.

Urinalysis is the most scientifically valid method of identifying youth who have ingested drugs. However, it, too, has some drawbacks. First, it is the most intrusive of the methods, because of the necessity to observe the collection of urine specimens. This requires having persons of the same sex as the youth to observe the urination, and can be burdensome to staff, especially in smaller offices with large caseloads. Second, because of its intrusiveness, it is the method most likely to face legal challenges. This makes the development of sound, defensible policies and procedures a necessity. Finally, it is usually the most expensive of the three methods, especially if used on a continuing basis during a youth's period of supervision in the juvenile justice system.

Because each of these methods has distinct advantages and disadvantages, agencies should carefully consider each when developing a drug identification and intervention program. Appropriate policies should be developed to maximize benefits and reduce the potential detriments of each method.

There should be a clearly defined rationale and procedure for identifying youth who will be included in the program.

Because resources of money and staff time are always in short supply, agencies must be judicious in planning for the selection of youth to be included in a drug identification and intervention program. Each of the program development sites defined their populations. The following examples provide an indication of a range of possible processes and criteria for targeting youth for a drug identification program.

- The Kentucky site targeted youth adjudicated delinquent with drug/alcohol-related charges or identified through self-disclosure or by their probation officer as being substance abusers.

- In the Utah program development site every youth entering probation was assessed for possible drug involvement. If indicated, drug testing was imposed as a condition of probation. Further, any probationer suspected of being under the influence of illegal drugs, arrested for a new drug-related offense, found in possession of illicit drugs, or exhibiting behaviors indicative of drug use could be tested at the discretion of the probation officer.

- The Virginia site selected clients for either "reasonable suspicion" or for "routine" testing. Reasonable suspicion included observed behavior, possession of illegal drugs or paraphernalia or reliable information from other sources. Routine screening was used in substance abuse programs in learning centers, court service units, halfway houses, detention homes and community youth homes. These youth were tested randomly throughout program participation and also during particular program activities (e.g., on returning from home visits, within one week after admission to a facility, within one month after placement on probation).

The program must have written policies and procedures that all staff read and understand. This document should detail such areas as the agency's selection and use of assessment instruments, authority to perform chemical tests (i.e., state statutes, court orders, or agency policy), observed specimen collection procedures, chain of custody, cutoff levels, confirmation procedures, use of results, and confidentiality for youth in the program.

Each of the sites was assisted in developing written policies and procedures that were consistent with the APPA document, *Drug Testing Guidelines and Practices for Juvenile Probation and Parole Agencies* which was published

by the Office of Juvenile Justice and Delinquency Prevention. These varied from site to site in specific content, but they contained the essential elements of good policy documents.

Sites had varied success in staff compliance with the policies. This, in part, relates to the first principle of stakeholder involvement. Where staff who were expected to implement the program were involved in policy development, there was greater compliance. In some sites where policies were developed by administrators without line officer involvement, it was more difficult to implement the program in full compliance with the policies. As all people resist change, it is recommended that the implementation of new programs and policies be carefully orchestrated. Involving appropriate staff and keeping **all** staff informed during the development process is important.

Chemical testing and/or drug recognition techniques should be used with sufficient frequency or randomness to identify and deter continued drug use.

Agency policies and procedures should address testing frequencies. The guidelines should establish minimum frequencies of testing for the various categories of youth supervised by the department. The key words are: "minimum frequencies." The guidelines also should specify the conditions when the frequency of testing could be increased or decreased. Under such guidelines, probation officers would be capable of testing any youth if circumstances dictate. This formula ensures that all youth are tested at a reasonable frequency, but also would give the officer discretion to impose additional tests on the youth if circumstances warrant. Minimum testing frequencies would help ensure that all youth are tested at a frequency that might identify drug abuse problems.

This project recommends that agencies establish a standard minimum number of tests—preferably two to four times per month initially—and allow officers the discretion to test more fre-

quently if they feel it is necessary. The planned frequency of testing should be somewhat individualized for youth. The frequency with which testing is needed depends, in part, on a youth's drug(s) of choice. As marijuana stays in the system much longer than cocaine, a youth who has a history of using marijuana would need to be tested less frequently than one whose history includes cocaine. Juveniles who comply with the goal of remaining drug-free should be rewarded by a reduction or termination of testing. This provides an incentive to the youth and is cost-effective for the agency as well.

Insufficient testing frequencies can result in the under-reporting of the amount and degree of a drug problem within a youth population or jurisdiction. It also limits the opportunities to identify and intervene with those youth who are using drugs. In some cases this results from insufficient numbers of staff; in other cases staff are averse to doing the testing, and they do it as infrequently as possible; in still other cases, personnel may not be given sufficient information and supervision to understand the necessity of doing the testing more frequently.

A program that only conducts one test per youth per month limits the opportunity to identify drug use among its youth. This problem is more critical if the agency uses a scheduled testing program. With scheduled testing, youth have advance warning of the test. For example, an agency conducts scheduled testing if specimens are collected only on certain days or during routine scheduled visits with the probation officer or youth are required to report for drug testing on the same day of every week. If the agency uses a testing program of one planned test per month, an intelligent youth can "schedule" his/her drug use in such a way as not to be detected by the tests. One way to avert youth from scheduling their drug use is to increase the frequency of testing. However, even increasing the frequency of testing to a twice per month schedule may give a youth the opportunity to

plan his or her drug use in such a manner as to avoid detection. Another method of discouraging youth from scheduling their drug use is to conduct unscheduled/random testing where the youth is given a 24-hour notice to provide a urine specimen.

Several options exist for the development of an random testing system, and

The combination of minimum testing frequencies and unscheduled/random testing of youth provide the agency with the best opportunity to identify drug abuse problems among its youth population.

one can be implemented with little expense to the agency. The combination of minimum testing frequencies and unscheduled/random testing of youth provide the agency with the best opportunity to identify drug abuse problems among its youth population.

Every use of assessments, drug recognition techniques and chemical testing should be followed by an intervention.

- Positive indicators of drug use should be followed by sanctions and/or treatment responses;
- Negative indicators of drug use should be followed by rewards.

Staff involvement with the testing process provides opportunities for valuable staff-youth interactions and immediate feedback to youth on the results of testing. In keeping with the Balanced Approach to juvenile justice (Maloney, Romig, & Armstrong, 1988), interventions with youth who are abusing drugs should include measures that hold them accountable for their behavior, as well as interventions that promote competency development. It is certainly recommended that youth receive treatment for substance abuse; however, responding to drug-involved youth should not be contingent upon the availability of treatment programs.

Specific patterns of intermediate sanctions should be established to guide juvenile justice staff in their response to positive urine specimens. Officer discretion in working with youth is important; however, guidelines would ensure that each officer responds to positive specimens in a consistent manner. For example, if a youth has his/her first positive urine specimen in three months, the options for staff to use in responding to this offense might include increased fre-

If the program is not consistent in responding to youth about the test results, they are likely to attempt to "beat the system" and take greater chances with drug use.

quency of testing, more frequent reporting to the probation officer, and/or enrollment in a drug education program. This represents a form of guided discretion and insures that every positive urine specimen will receive a response suited to the particular youth.

Many youth will respond more favorably to rewards and incentives than to sanctions. Therefore, it is important that the program plan includes positive reinforcement when youth do not use drugs. These incentives may range from verbal praise to changes in supervision (e.g., less frequent reporting and drug testing) to material rewards and activities (e.g., movie passes, outings).

Agencies should **never** adopt practices of collecting specimens without testing them. This reduces the credibility of the program, especially if a youth who knows she or he has used drugs is not confronted with positive results. If the program is not consistent in responding to youth about the test results, they are likely to attempt to "beat the system" and take greater chances with drug use.

Interventions (sanctions, treatment, and rewards) should be appropriate for the developmental stage of

the youth and tailored to individual case plans.

Just as youth are different in their appearance, personalities and behaviors, a one-size-fits-all approach to intervention with youth is not productive. A 17-year-old and a 13-year-old usually will be at markedly different places developmentally and will need interventions tailored to their developmental levels. Substance abuse also influences the development of youth, and those who have a significant history of drug involvement may experience developmental delays. Therefore, it is vital that the developmental stage and needs of the individual be assessed and used as a basis for case planning and interventions.

Most of the program development sites had an array of sanctions and treatment options they could use to respond to drug-involved youth. The data indicate that staff were using a range of responses, rather than an automatic reaction to positive drug screens.

Staff involved in the program should receive ongoing training.

It was apparent from the Project's experience in providing the four-and-one-half day training programs that juvenile justice staff are eager to receive training on identifying and intervening with drug-involved youth. Training programs need to provide basic information about drug use among youth and the policies and procedures of the program, as well as information and skill development for intervening with substance-abusing youth.

Ongoing evaluation of the program should be undertaken, and the information obtained from the evaluation should be the basis for decision-making about future directions of the program.

The data collection and evaluation efforts undertaken by the program development sites and this Project were used to modify each program's policies and practices, if needed. For example, the data allowed project staff to advise some sites that they needed to test more

frequently or to correct a failure to intervene following each urine screening.

In some of the sites, the limited number of juvenile offenders involved made it difficult to draw distinct conclusions. Of course, the size of the community and the number of juveniles the agency serves has some bearing on how many youth will participate in the program. Other issues also can limit the number of youth in a program, as was the case in one site where the Law Guardians prevented some youth from entering the program.

To truly evaluate drug testing programs in these and other sites, additional evaluation efforts are needed, including a longitudinal approach and comparison groups. As juvenile probation or placement in other programs is often relatively short-term, it would be desirable to follow youth beyond a particular program to assess the long-term benefit of the identification and intervention efforts. It is not yet known whether or not these limited efforts have long-term effects. Similarly, it would be advisable to compare groups of drug-involved youth receiving identification and intervention services with groups not receiving such services to evaluate the similarities and differences on continuing drug involvement and delinquency among the groups. Finally, further study of the costs and benefits of identification and interventions programs are warranted. While these programs increase agency operational expenses, it is anticipated that the long-term benefits far outweigh the costs. However, without definitive data, this cannot be asserted conclusively.

Following these ten principles can help agencies develop effective and legally defensible programs to identify and intervene with drug-involved youth. Although each program will be unique, these principles will help ensure that the most critical issues are addressed. For an in-depth coverage of these and other issues, please consult the project's Participant Manual, *Identifying and Intervening with Drug-Involved Youth*.

References

Hawkins, J.D., Lishner, D.M., Jenson, J.M., & Catalano, R.F. (1987). Delinquents and drugs: What the evidence suggests about prevention and treatment programming. In B.S. Brown & A.R. Mills (Eds.), *Youth at high risk for substance abuse*. Rockville, MD: National Institute on Drug Abuse.

Johnston, L.D., O'Malley, P.M., & Bachman, J.G. (1994). *National survey results on drug use from the monitoring the future study, 1975-1993*. Rockville, MD: National Institute on Drug Abuse.

Maloney, D., Romig, D., & Arm-

strong, T. (1988). Juvenile probation: The balanced approach. *Juvenile and Family Court Journal*, 39(3).

National Institute of Justice. (1994a). *Drug use forecasting 1993. Annual report on adult arrestees: Drugs and crime in America's cities*. Washington, DC: Author, U.S. Department of Justice.

National Institute of Justice. (1994b). *Drug use forecasting 1993. Annual report on juvenile arrestees/detainees: Drugs and crime in America's cities*. Washington, DC: Author, U.S. Department of Justice.

Nowinski, J. (1990). *Substance abuse in adolescents and young adults: A*

guide to treatment. New York: W.W. Norton & Company.

Note

This article was prepared under Cooperative Agreement No. 90-JN-CX-K005 from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.

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

ORDER FORM

Identifying and Intervening with Drug-Involved Youth

This 1992 book is a *must have* for professionals working with drug-involved youth within the Juvenile Justice System. It contains 274 pages plus appendices with state-of-the-art information on developing programs incorporating assessment instruments, drug recognition techniques, and chemical testing to identify substance abusing youth. Intervention alternatives for helping youth achieve sobriety also are included. The conceptual framework for program development includes the Balanced Approach to Juvenile Justice, recognition of the developmental needs of adolescents, and appreciation of the key stakeholders (including line personnel) to be involved in program development.

To order, complete the following information

Name _____

Title _____

Agency/Organization _____

Shipping Address _____

City _____ State _____ Zip _____

Publication

1-9 copies, *Identifying and Intervening with Drug-Involved Youth*

Quantity

Unit Price

Total Price

10 or more copies, *Identifying and Intervening with Drug-Involved Youth*

Subtotal

Shipping and Handling Charges

Up to \$15.00 add \$5.25

\$15.01 to \$30.00 add \$7.00

\$30.01 to \$50.00 add \$8.50

\$50.01 to \$75.00 add \$10.00

\$75.01 to \$100.00 add \$11.50

\$100.01 to \$200.00 add \$13.00

\$200.01 and over add \$15.00

Total Order

\$ _____

EIN #36-600818

Credit Account # 02-L-DOJO-454-4130

Return this form and payment to: American Probation and Parole Association
c/o The Council of State Governments
3560 Iron Works Pike, P.O. Box 11910
Lexington, KY 40578-1910

Lessons Learned From APPA's Project on Identifying and Intervening With Drug-Involved Youth

by Harry N. Boone, Jr., Ph.D., Research Associate, American Probation and Parole Association

Between October 1990 and December 1994, the American Probation and Parole Association (APPA), in conjunction with the Office of Juvenile Justice and Delinquency Prevention, conducted the *Identifying and Intervening with Drug-Involved Youth* project. One phase of the project involved technical assistance to help five sites develop or enhance their drug identification and intervention programs. Part of the training and technical assistance agreement included tracking a number of youth over a six-month period. This article will focus on the findings of the six-month study. For additional information on the project, please see Ann H. Crowe's companion article in this issue of *Perspectives* titled, "How to Do it Right: Ten Principles for Identifying and Intervening with Drug-Involved Youth."

The five sites selected by the advisory committee and project staff to receive extensive technical assistance and training to implement drug identification, screening, and testing in their juvenile justice systems included: 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.

All five sites participated in Phase I of the study. Due to limited resources, three sites were selected to participate in Phase II. Each site was requested to select a minimum of 50 youth to participate in the study. Study participants were selected from youth assigned to the agency within a forty-five day period

of the start of the project. The youth were tracked until their supervision requirements had been completed or a six month period, whichever came first. All youth were assessed and drug identification techniques were used according to agency policies and procedures. The three sites selected for Phase II used similar procedures to select a second group of youth for the study.

Evaluation of Technical Assistance Sites

The purpose of the study was to evaluate the extent to which the five sites implemented their plan to identify at-risk and/or substance abusing juveniles and developed a supervision plan which effectively intervened with the drug use.

The objectives of the study were:

1. To describe the chemical dependency screening results used to identify drug-involved juveniles.
2. To describe the results of Drug Recognition Techniques (DRT) and urinalysis (UA) testing used to monitor drug use by the juveniles identified as "drug-involved."
3. To describe the actions taken by juvenile justice staff as a result of a positive DRT assessment or a positive urinalysis test.

Limitations

The study was limited to data collected on juveniles identified as at risk and/or abusing substances and assigned to the five sites. Resources for the study were limited; therefore, data collection was performed by juvenile justice staff who were assigned the

cases. Data collection added additional responsibilities to their current work loads. Because of the number of staff involved and the limited time available to the study, the training program for data collection procedures was limited.

Research Design

The number of youth available for a study and the time frame of the evaluation required the evaluation be limited to a descriptive design.

Instrumentation

Data collection instruments were developed by APPA researchers. A form was designed to collect basic demographic information. Demographic variables included current juvenile justice status, gender, race, current age, drug history, delinquency history, education, and living arrangements.

In addition to basic demographic information, data were collected on initial assessment results, drug recognition techniques and urinalysis event results, actions taken for positive results, technical violations and new referrals.

Data Collection and Analysis

Data were collected by juvenile justice staff within the agency and provided to APPA researchers. Data were coded by APPA staff and entered in dBase programs for data analysis. Data were analyzed using the SPSS PC+ statistical package. Appropriate descriptive statistical procedures were used including frequencies, measures of central tendency, and measures of variability.

Data were analyzed and summarized and a report was prepared for each site. The report summarized the site's drug

identification activities and offered suggestions on ways the programs could be improved.

Findings

The following narrative provides a summary of the major findings from this research effort. The findings have been divided into two sections: demographic characteristics of the study participants and results of the drug identification activities. To protect the identity of the sites and the youth involved in the study, the sites have been identified in the following manner: Group 1; Group 2; Group 3; Group 4; Group 5; Group 6; Group 7; and Group 8.

Demographic Characteristics

Gender. The average percentage of male youth involved in the study ranged from 76% in Group 3 to 97% in Group 7. The average percentage of males in the eight study populations was 87%.

Age. The ages of the youth at several critical events in their lives were obtained. The data included age at time of current offense, age at the time of their first referral, age at the time of the youth's first alcohol use, and age at the time of the youth's first drug use. (See Figure 1.)

The average age at the time of the current offense ranged from 14.37 years of age in Group 8 to 16.22 years of age in Group 3. Information was not available for Group 4. The average age at the time of the current offense was 15.59 for all youth in the study.

Data were provided on the age of the first referral for all groups except 7 and 8. The average age at first referral ranged from 11.98 years of age in Group 6 to 14.95 years of age in Group 3. The average age at the first referral was 13.8 years of age for youth in the six groups.

Data were also provided on the age the youth first used alcohol and/or drugs. The data were based upon self-reports obtained during the assessment process, and because of this, caution should be taken in generalizing findings to other youth populations. Data on the age of first alcohol use were provided

for all offenders except youth from Group 8. The average age for first alcohol use ranged from 12.39 years of age in Group 5 to 13.69 years of age in Group 4. The average age for the first alcohol use was 13.02 years of age for the seven groups of youth in the study (Data were not available for Group 8).

Data on the age of first drug use were provided. The average age for first drug use ranged from 12.9 years of age in Group 5 to 13.95 years of age in Group 4. The average age for the first drug use was 13.54 years of age for the seven groups of youth in the study (Data were not available for Group 8).

Prior Delinquent Activity. Several variables were used to determine the prior delinquent activity of each of the youth. The variables included status at the time of the current referral and the number of prior referrals. (See Figure 2.)

The number of youth "free of involvement with the criminal justice system" at the time of their current referral was used as one measure of prior criminal activity. The number of youth "free" of criminal involvement at the time of the current referral ranged from 20% in Group 8 to 97% in Group 6. An average of 60% of youth in the study were "free" of involvement with the criminal justice system at the time of the current referral.

The second variable used to measure prior criminal involvement was the total number of prior referrals. The average number of prior referrals ranged from 2.14 in Group 3 to 10.26 prior referrals in Group 1. The average number of prior referrals for the eight groups of youth in the study was 4.71.

Educational Status/Needs. The educational status of the youth in the study was ascertained. The percentage of youth in school at the time of their current referral ranged from 20% in Group 6 to 86% in Group 1. The average percentage of youth in school at the time of the current referral was 72%. (See Figure 3.)

In addition to the youth's active enrollment in school activities, the educational needs of the youth were also determined. Information was obtained

on learning disabilities, behavioral disorders, other special education needs, and alternative school needs. The percentage of youth with no special education needs ranged from 22% in Group 7 to 62% in Group 8. The average percentage of youth who required no special

Figure 1: Average Age at Time of Current Offense

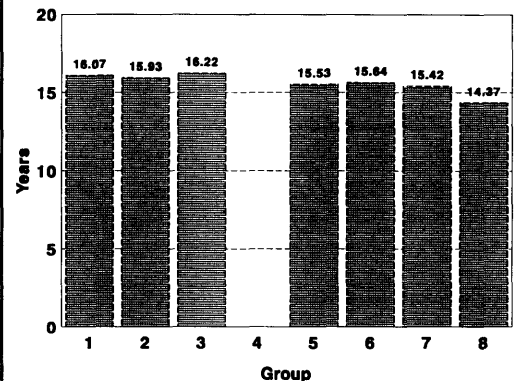


Figure 2: Percentage of Youth Free at New Referral

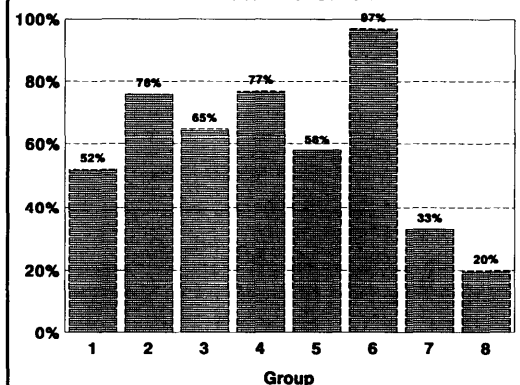
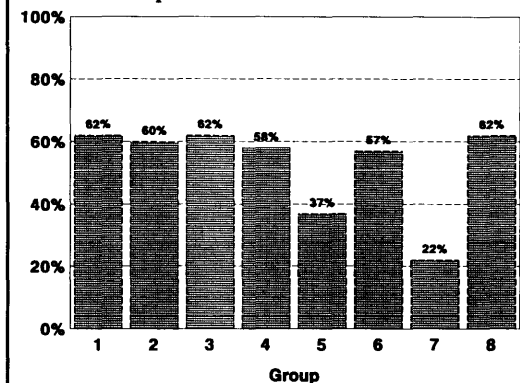


Figure 3: Percentage of Youth with No Special Education Needs



education assistance was 52%.

Living Arrangements. The status of the youth's home situation was measured by the living arrangements of the youth at the time of the current referral. Was the youth living with both parents, one parent, foster parents, group facility, or in another living situation? The

Figure 4: Living Arrangements of Youth

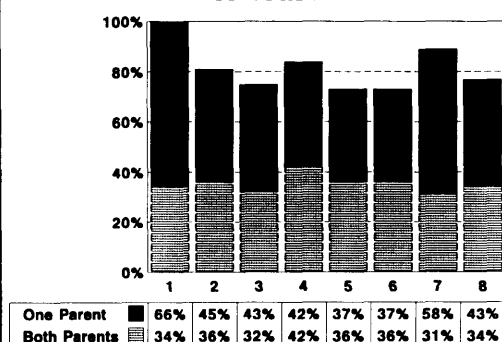


Figure 5: Average Number of Drug Tests per Youth

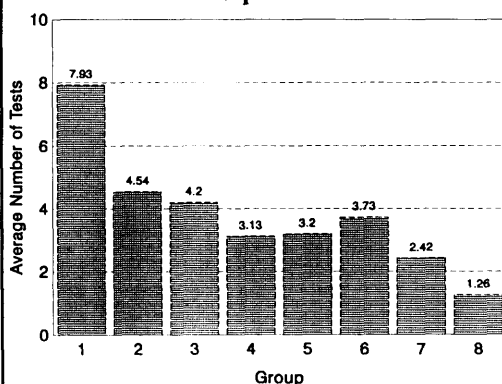
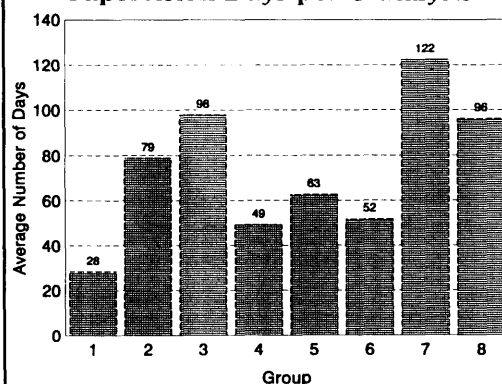


Figure 6: Average Number of Supervision Days per Urinalysis



percentage of youth living with both parents at the time of the current referral ranged from 31% in Group 7 to 42% in Group 3. The average percentage of youth living with both parents was 35%. The percentage of youth living with one parent ranged from 37% in Groups 5 and 6 to 66% in Group 1. The average percentage of youth living with one parent was 46%. (See Figure 4.)

Results of Drug Identification Activities

Frequency of Testing. The frequency of testing was left to the discretion of the agencies involved in the study. Unscheduled testing was recommended for youth who had a history of drug use, when drug testing was reasonably related to the rehabilitation of the offender, and/or testing was needed to identify users who had no outward appearance or history of drug use. (See Figure 5.)

A recommended testing frequency for youth with an identified drug problem is two to four tests per month. The frequency of testing should be adjusted up or down based upon the results of the tests. For example, juvenile justice staff recommended two unscheduled tests per month for a youth with a drug problem. After three months, if all tests were negative, the testing frequency could be reduced to one specimen per month. If one or more of the tests were positive, the testing frequency could be increased. Using this scenario, a youth who maintained negative test results would be tested nine times over a six month period. If a youth was tested once per month for three months and once every two months for the next three months, the youth would be tested four to five times during a six month period. It should be noted, however, that unless the tests were unscheduled (24 hours notice to report for the test) "street smart" youth could schedule their drug use to avoid detection. Testing frequencies for the sites involved in the study ranged from 7.93 tests per youth in Group 1 to 1.26 tests per youth for the six-month study period in Group 8.

Days of Supervision per Urinalysis.

The average number of tests per youth did not account for youth who were removed from probation supervision for violations of supervision conditions, new criminal activities, or other circumstances beyond the control of the probation department. To compensate for this factor, a second measure of testing frequency was devised. The total number of days under probation supervision was divided by the number of urinalysis tests to establish the average number of supervision days per urinalysis. (See Figure 6.)

The average number of supervision days per urinalysis ranged from 28 in Group 1 to 122 days in Group 7. This translates to youth in Group 1 being tested on the average of once per month while youth in Group 7 were tested on the average of once every three months.

Number of DRTs Conducted. Juvenile justice personnel in each site were trained on Drug Recognition Techniques (DRT), a procedure for determining drug use by examining physical characteristics, such as the eyes. The sites were asked to use DRT and to confirm positive assessments with urinalysis. This procedure occurred in every site except one. This site used DRT as an initial assessment technique along with SASSI and CUE assessment procedures. The average number of DRTs performed during the study ranged from 7.17 in Group 1 to 1.15 DRTs per youth in Group 8. (See Figure 7.)

The average number of DRTs per youth did not account for youth who were removed from probation supervision for violations of supervision conditions, new criminal activities, or other circumstances beyond the control of the juvenile justice agency. To compensate for this factor, a second measure of DRT frequency was devised. The total number of days under probation supervision was divided by the number of DRTs to establish the average number of supervision days per DRT. The average number of supervision days per DRT ranged from 35 in Group 1 to

188 days per youth in Group 2. (See Figure 8.)

Percentage Positive Urinalysis. A total of 1,984 specimens were collected from the youth in the study. On the average, each youth in the study was tested 3.2 times over the duration of the study. Four hundred and twenty-two of the specimens (21%) were positive for one or more drugs. The percentage of positive specimens ranged from 11% in Group 3 to 37% in Group 7. (See Figure 9.)

Percentage of Positive DRTs. A total of 746 DRT assessments were conducted on the youth in the study. On the average, each youth in the study was assessed 2.4 times over the duration of the study. Eighty-two of the assessments (11%) were positive for one or more drugs. The percentage of positive findings ranged from 8% in Group 4 to 17% in Group 6. (See Figure 10.)

Actions Taken for Positive Urinalysis Results. Agencies were encouraged to develop a continuum of responses to positive urinalysis results and positive DRT assessments. Responses could range from a verbal reprimand to termination of probation supervision. For the purpose of this analysis, judgement was not made on the type of sanction imposed. The issue was that action was taken for every positive specimen and DRT assessment. (See Figure 11.)

Of the 422 positive specimens collected during the study, 260 received some action by the officer/agency. This was a 62% sanctioning rate for positive specimens. The percentage of positive specimens for which the youth received sanctions ranged from 21% in Group 2 to 100% in Group 4.

Actions Taken for Positive DRT Assessments. Of the 82 positive DRT assessments, 39 received some action by the officer/agency. This was a 48% rate of imposing sanctions for positive DRT assessments. The percentage of positive DRTs for which the youth received sanctions ranged from 20% in Group 2 to 67% in Group 4. (See Figure 12.)

Discussion

Based on the data from the technical assistance sites, a discussion of the following issues has been prepared:

- *Substance abuse is a problem among youthful offenders who participated in the study.* The percentage of positive drug tests ranged from 11 to 37 percent in the eight groups of youth in the study. The results are comparable to the results from the 12 DUF sites that collect and maintain data on male juveniles. Across the 12 DUF sites, the 1993 percent positive for use of at least one drug ranged from 18 to 54 percent (NIJ, 1994).

The DRT assessments also reported a significant drug use problem among youth in the study. The percentage of positive DRT assessments ranged from 8 to 17 percent positive from youth in four of the five sites.

It should be noted that youth in the study should have known they were going to be tested/assessed.

Alcohol and drug use started at an early age for many of the youth in the study. The average age of first alcohol use ranged from 12.39 to 13.69 years of age. The average age of first drug use ranged from 12.9 to 13.95 years of age.

- *Youth in the study were not tested with enough frequency to adequately detect all levels of drug use.* On the average, youth in the study were tested between 7.93 and 1.26 times over a six-month period. The ability to detect drug use was severely limited by the testing frequency in many of the sites. If the agency used scheduled testing (this information was not collected), the youth had an excellent opportunity to schedule their drug use and avoid detection. Low testing frequencies combined with scheduled testing results in under-reporting of the level of drug use among youth populations and missed opportunities to intervene with drug-involved youth.

- *Agency staff failed to take action on numerous positive drug tests and DRT assessments.* Nearly one-third of the positive drug tests and one-half of

the positive DRT assessments resulted in no action being taken by the agency.

- *Youth in the study became involved in criminal activities at an early age.* The average age at the first referral was 13.8 years of age for all youth in the study.

Figure 7: Average Number of DRTs per Youth

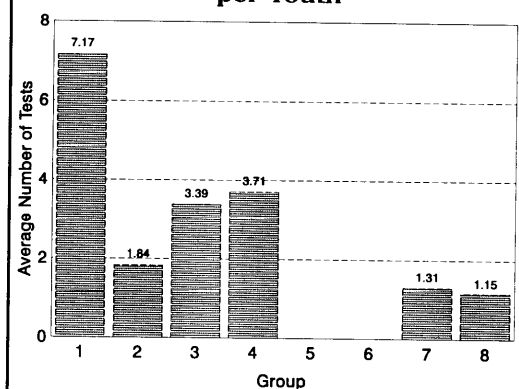


Figure 8: Average Number of Supervision Days per DRT

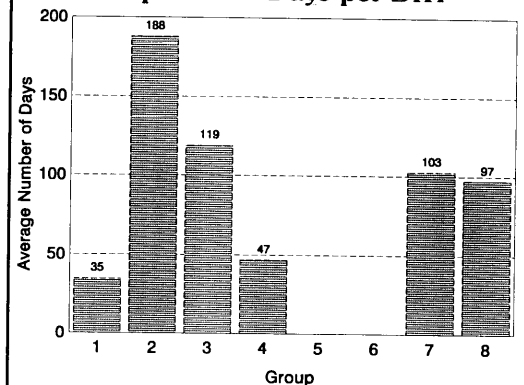
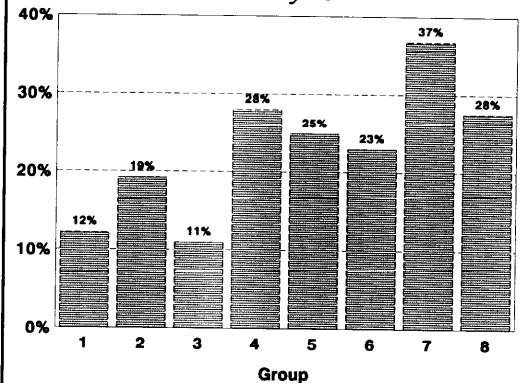


Figure 9: Percentage of Positive Urinalysis



- At least one-third of the youth in each of the eight groups had special education needs. The percentage of youth that required special educational assistance ranged from 38 to 78 percent.
- Nearly two-thirds of the youth in

the study did not live in a family situation that involved both parents. The percentage of youth living with both parents at the time of their current referral ranged from 31 to 42 percent.

Conclusions

After careful review of the study results, the following conclusions were reached:

- Significant drug use was detected among youth in the sites.
- Drug identification methods can recognize these youth and also deter youth from using drugs.
- To be effective, however, every use of DRT or urinalysis must be followed by an appropriate response that will either reinforce abstinence or hold them accountable for continuing substance abuse.

References

National Institute of Justice. (1994). *Drug use forecasting 1993. Annual report on juvenile arrestees/detainees: Drugs and crime in America's cities*. Washington, DC: Author, U.S. Department of Justice.

Note

This article was prepared under Cooperative Agreement No. 90-JN-CX-K005 from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U. S. Department of Justice.

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

Figure 10: Percentage of Positive DRTs

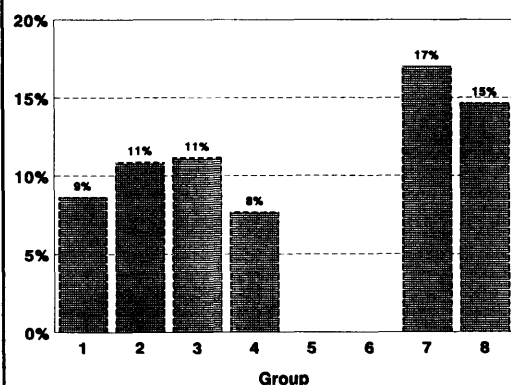


Figure 11: Actions Taken for Positive Urinalysis

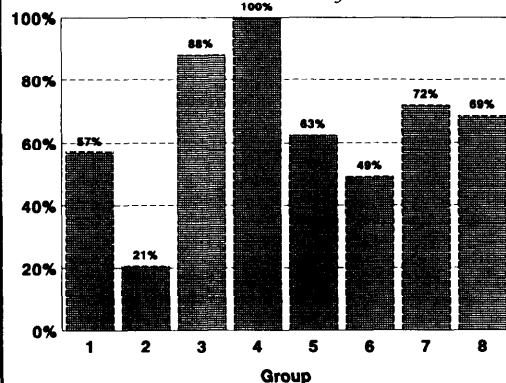
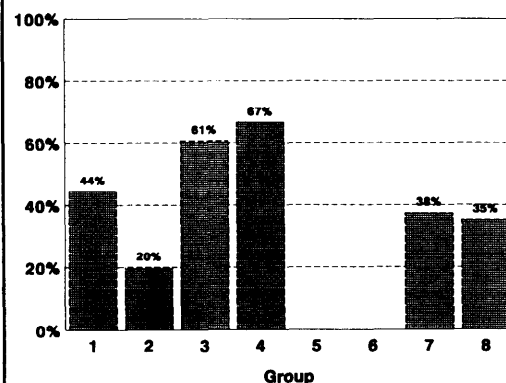


Figure 12: Actions Taken for Positive DRTs



APPA MEMBERS!

1. Reduce your U/A expenses.
2. Improve your case management.
3. Increase the deterrent.

By Using:

EPS-100 PERFORMANCE SYSTEM

Provides a practical way for determining impairment from legal or illegal drugs and alcohol by evaluating the ability of an individual's eyes to follow a moving light and react to dim and bright light stimulus.

- Cost effective
- On-Site testing
- No need for body fluids
- Takes only 90 seconds
- Immediate results
- Easily administered
- Security Software

EM/1 EYE OBSERVATION SYSTEM

- Examiner controlled
- Records the subject's name, last procedure, time and date, eye movements and responses on videotape
- Tape can be used as evidence in court
- Standardizes measurement of pupil size
- Provides material to develop training tapes
- Simple and safe

ZYCON CORPORATION (800) 972-3683

Circle #85 on the info card.

NIC Update

by Eduardo Barajas, Jr., Correctional Program Specialist, Community Corrections Division, National Institute of Corrections

NIC is focusing on interventions with high-risk offenders as a means of enhancing the value of corrections. Research indicates that corrections can make more effective use of limited resources by concentrating interventions on the highest risk offenders. High-risk offenders can cause the greatest harm and, therefore, success with this group can have the greatest payoff.

An inter-divisional team of staff from the prisons, jails, community corrections and academy divisions, as well as the information center, has concentrated its efforts on what works with high-risk offenders. In May 1995, the team sponsored a symposium on violence. The meeting brought together people from other federal agencies to discuss their work related to violence and to explore future collaborative projects. The team is also planning to produce a monograph on effective interventions with high-risk offenders.

The Community Corrections Division's initiative on "Public Protection Through Offender Risk Management" produced three national meetings devoted primarily, though not exclusively, to high-risk offenders.

In September 1995, the division sponsored one meeting on effective

treatment interventions and one on offender risk classification. The meetings of researchers and practitioners explored the latest trends in offender risk classification as well as identified elements, theories and practices of effective correctional programs.

In April 1995, a national meeting was held regarding high-risk violent offenders. This two and one-half day meeting was co-planned by the Communitarian Network. Communitarians are a group of individuals as well as a social movement. Founded by Professor Amitai Etzioni from George Washington University, they are dedicated to rebuilding a sense of community in our society, balancing rights with individual responsibilities and restoring the "moral voice" to our communities.

This particular meeting brought together a wide assortment of individuals including representatives from research, community corrections, law enforcement, crime victims, jails and community groups. The topic focus was expanded beyond the individual violent offender to the broader topic of violence in the community and the means of addressing the problem.

A conclusion of the dialogue was that, in order for corrections and criminal

justice to truly enhance their value and become more effective, they must focus on the "ultimate customer," the community. They must dedicate themselves to promoting secure communities, restoring crime victims, doing justice and promoting non-criminal options. An important new role for corrections and criminal justice should be crime prevention.

Working on prevention should not mean that corrections attempt to become all things to all people and thus lose focus and become too thinly stretched. Prevention will require new and innovative "problem oriented" work practices that are within corrections' circle of influence. The work must be performed in collaboration with all criminal justice components and with the community.

The information gained at these meetings will assist NIC in planning for future work and in gauging new trends and directions in the business. NIC recognizes the importance of corrections demonstrating the worth of its efforts, particularly in view of the current results-oriented climate. We will continue our work to provide agencies with high quality services to assist them with ever growing numbers of high-risk offenders. □

Call for Presenters

American Probation and Parole Association Winter Training Institute
Salt Lake City, Utah • Winter 1997

The American Probation and Parole Association (APPA), together with the Utah Correctional Association, is pleased to issue a call for presenters for the 1997 Winter Training Institute. The Institute will be held in Salt Lake City, Utah during February 1997. Institute participants include community supervision and corrections personnel, the judiciary, treatment providers, criminal justice researchers and others who are interested in the field of community justice.

Presentations should relate to the following topics: executive management issues, the APPA vision, juvenile justice, offender supervision, worker safety, staff training and development, the court system, the judiciary, probation issues, parole issues, community supervision, corrections or pre-trial services.

The suggested topics are not all-inclusive. Proposed workshops may be either one and one-half or three hours in length. Other topics related

to the field of community supervision and corrections are acceptable.

Submission Guidelines:

Persons who would like to be considered for conducting a presentation at the 1997 Winter Training Institute should forward the following information: Workshop title; a one-page summary of the proposed workshop; the names and complete mailing address of all the proposed faculty; a brief resume or vitae of all the proposed faculty. Presentation information or requests for additional information should be directed to Renee Bergeron, APPA 1997 Winter Training Institute Program Chair, P.O. Box 50666, Columbia, SC 29250, Fax: (803) 734-9369, telephone (803) 734-9231. **Information should be submitted no later than April 1, 1996.**

Please note that it is APPA policy that, regrettably, expenses and fees associated with participation cannot be reimbursed by APPA.

A Look Back at **RESTORING HOPE:** **Community Safety and Justice for All**

Approximately 1,200 participants gathered in Dallas, Texas for the 20th Annual Training Institute, August 27-30, 1995. The event, co-sponsored by the Texas Corrections Association in cooperation with the Texas Probation Association, offered participants top rate educational programs, opportunities to see, test and compare the latest products and services, and peer networking through the many fun-filled social activities.



Many of the top professionals in the community corrections field led workshops and intensive sessions.

Keynote

A highlight of this year's Institute was certainly the keynote address delivered by Chief Ben Click of the Dallas Police Department. Chief Click is a strong advocate of community-based policing and has moved aggressively to develop strong partnerships between officers and the citizens they serve. In his highly motivational speech, "Law Enforcement and Community Corrections: Working Together for the Future," he discussed the necessity of cooperation among the various sections of the criminal justice system in order to impact

crime in local communities. Chief Click stressed the importance of having a positive influence on young people, shaping their lives in ways to avoid or direct them away from potential criminal behavior.



Audience members were delighted by the humor of closing speaker, Honorable Larry Gist.



Conference participants enjoyed the opportunity to network with new and old acquaintances at the Institute's social events.

Program

This year's plenary session on "Restoring Faith in Our Substance Abuse and Sentencing Policies," was broken down into two parts. In part I, Nelba Chavez, Ph.D., presidentially appointed administrator of the Substance Abuse and Mental Health Services Administration, explained that prevention, early intervention, and collaboration between the substance abuse, mental health and criminal justice and social services communities is both humane and cost effective. In Part II, Todd Clear, Ph.D., Professor at the School of Criminal Justice at Rutgers University, explored the assumptions about sentencing being made by the truth-in-sentencing advocates and whether or not these assumptions were accurate.

During the closing session, "Have Gavel — Will Travel: Musings of Gypsy Judge," the Honorable Larry Gist used his renowned sense of humor to celebrate the efforts of the men and women

who work in the community corrections field and to encourage continued eagerness, pride, courage and stamina. This delightful presentation was the motivational culmination to the APPA Institute.



The Exhibit Showcase, one of the largest ever, offered a wealth of information about new products and services available to the community corrections field.

Gala Event

The gala event at the Three Teardrops Tavern was a night not to be forgotten. The honkey-tonk featured live music by one of Dallas' premier variety bands and a Texas-sized menu of authentic western cooking. Participants also enjoyed trying their luck in the Lonesome Oak Gambling Hall. A special thanks goes to Dinosaur Valley Construction, Inc. and Esmor Correctional Services, Inc., whose sponsorship helped make this a memorable night for everyone.



The Grab the Cash event, sponsored by APPA Corporate Members, was another exciting feature of the Annual Institute.

Grab the Cash

The 1996 Annual Exhibit Showcase, one of the largest in APPA's history, not only offered attendees the opportunity to see, test and discuss the latest products and services available to the field, it also offered the opportunity to win big money in the Grab the Cash event. Sponsored by APPA's Corporate Members, participants whose names were drawn were placed in the grab the cash booth for 30 seconds, in which time they grabbed as many of the flying bills as possible. Whether inside or outside the booth, the event was enjoyed by all.

1995 APPA Awards

The annual awards of the American Probation and Parole Association were presented during APPA's 20th Annual Training Institute in Dallas, Texas, August 27-30, 1995. Congratulations to the Award recipients in recognition of their contributions and dedication to the probation and parole profession.

APPA Member of the Year Award



Dorothy Faust

Deputy Chief Probation Officer
Maricopa County Adult Probation
Phoenix, AZ

Dorothy "Dot" Faust has been an active member of APPA since 1991. Ms. Faust has served on several committees for APPA, including the Program Committee, the Advisory Committee for APPA's Performance-Based Measures Project and the local host committee for the 1994 Annual Institute in St. Louis, Missouri, as well as the Co-Chair for the National Program Committee for the 1995 Winter Institute in Charleston, South Carolina. She has donated a tremendous amount of her time and resources toward the development of these programs. She has contributed hundreds of volunteer hours to APPA.

Her contributions have set high standards for involvement, dedication and professionalism for other members of APPA. Dot's

warm and personable style and always cheerful disposition sets her apart from her colleagues. Her positive attitude and gentle determination have helped the Association accomplish many of our goals. She represents the epitome of what volunteer spirit is all about. APPA has moved mountains with Dot's hard work. With just ten more like her, we could move heaven and earth too.



President's Award

STOP the HATE

Morris County Probation
Services
Morristown, New Jersey

STOP the HATE is an outstanding example of a community-based correctional program that works. Morris County, New Jersey,

has experienced a profound number of bias offenses committed by juveniles. Bias crimes are motivated by hate and prejudice

and serve to erode the basic fabric of our society. In 1993, juveniles accounted for 38% of those arrested for bias incidents in the state of New Jersey. Morris County ranks second in the state for reported incidents of anti-semitism and New Jersey ranks second nationally. STOP the HATE was developed in response to this disturbing trend. Designed to act as a primary prevention program, it focuses on preventing bias incidents, appreciating multiculturalism, heightening student and educator awareness of the seriousness of these offenses and encouraging informed decision making. Many people don't know what bias crime is and what the consequences are of committing such a crime. The program has brought this issue to the forefront and offered a forum for people to discuss prejudice, diversity, and bias incidents.

University of Cincinnati Award



Sandra L. Adams

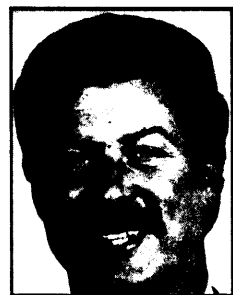
Associate Research Director
Office of the Commissioner of
Probation
Commonwealth of Massachusetts

Sandra L. Adams has made a considerable contribution to the field of domestic violence research. Focusing on the importance of a cross-disciplinary approach, her work is used at Boston medical schools in

training emergency room doctors about domestic violence. In addition, the findings from her research are used in training all Massachusetts judges, probation, parole and police officers. Furthermore, her research reports are used by the Governor and legislature in establishing public policy in Massachusetts and in rewriting the domestic violence laws. Her contribution gives the field of probation a very high profile in this important area of domestic violence, not only in Massachusetts but nationally.

Ms. Adams has drawn data from Massachusetts' first-in-the-nation database on civil restraining orders to publish several important articles such as *Men Who Batter: Profile from a Restraining Order Database* printed in the "Archives of Family Medicine" which reinforces the importance of a connection between the courts and health care systems, particularly with health care professionals as a gateway to both medical treatment and referral for criminal justice intervention.

Sam Houston State University Award



Robert E. DeComo

Senior Researcher
National Council on Crime and
Delinquency
San Francisco, CA

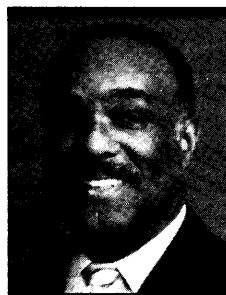
Dr. Robert DeComo has made significant contributions to the criminal justice field for over two decades. He is a member of the American Correctional Association and the American Probation and Parole

Association, where he has served on the Board of Directors and has been the Chairman of the Editorial Committee since 1987. The APPA Editorial Committee is primarily responsible for editorial review of articles for the quarterly journal for APPA, *Perspectives*. In this capacity Dr. DeComo has devoted many hours to assure that a top quality journal is produced.

Dr. DeComo has published a number of articles on the national scene which relate to community corrections including *Juveniles Taken Into Custody Research Program* for Fiscal Years 1990-1993, *The Juveniles Taken Into Custody Research Program: Estimating the Prevalence of Juvenile Custody by Race and Gender*, *National Juvenile Custody Trends: 1978-1989*, *Intensive Supervision in the United States*, *South Carolina Children's Code Handbook*, and *Behavior Modification: Toward the Understanding and Reform of Federal Policy*.

Dr. DeComo is employed with the National Council on Crime and Delinquency as a Senior Researcher where he manages government grants and contracts assigned to the Research Division.

Walter Dunbar Memorial Award



Cecil H. Steppe

Director
San Diego Department of Social
Services
San Diego, California

Cecil H. Steppe has served as the Director for the San Diego Department of Social Services since April 1992. As Director he is responsible for the administration of the largest department in the county of San

Diego with a staff of over 3,800 employees. Mr. Steppe was tapped for the position in Social Services at a time of turmoil and harsh criticism of the department by the Grand Jury and other agencies. His exceptional leadership skills, recognized ability to handle difficult situations, and knack for building coalitions brought a calming influence and enabled the department to respond positively and effectively to this criticism.

Mr. Steppe's current position caps a long and distinguished career in County service. Before coming to the Department of Social Services he spent 28 years with the Probation Department, serving as Chief Probation Officer for 12 years.

Mr. Steppe's success lies in an ability to combine his varied background and skills in working to meet the needs of youth and families. He has successfully blended an aggressive program accountability and integrity effort with compassionate service delivery that allows people to believe in themselves. He has brought together County departments, schools, city agencies and private sector organizations to share in the responsibility of providing social and health services to families.

Those who work with Cecil Steppe find his positive attitude and sense of humor infectious. His personal and professional history embody his belief in the value of working to make things better, and that "all things are possible."

Scotia Knouff Line Officer of the Year Award



James P. Candon

Probation Officer
Westchester County Department of
Probation
White Plains, NY

Probation Officer James P. Candon (Jim) is regarded by his peers as a man of boundless energy who deeply understands the human spirit. Through the years he has tempered his role as part of the criminal justice community with his innate qualities of warmth, understanding and compassion. He sees the good that exists in each of his clients and in this way motivates and empowers them to strive to change and better their lifestyle. It would appear that his enthusiasm, care, concern and belief in the human element is so contagious that he is able to secure his client's involvement in the self help process.

Mr. Candon has never regarded the confines of his workweek or the parameters of a probation sentence to inhibit his willing-

ness to assist a client. If his probationers successfully complete their term of probation and continue to seek out Jim, he can be counted on to help them reach their full potential. This dedication instills trust; it was based on this trust that the two following incidents, indicative of his efforts as a probation officer, occurred:

Late in the afternoon on a Christmas Eve a distraught homeless AIDS afflicted probationer called; he had just been denied shelter for the night. Jim stayed in the office well past the close of the workday calling every agency he knew until he secured housing for his client.

Jim was called at home at 2:00 a.m. on a Saturday night by the local police after one of his probationers, armed with a shotgun, had barricaded himself in his family's home. Jim, unarmed, went into the home and was able to defuse the situation. The probationer left the residence peacefully, and Jim walked out with the shotgun.

Mr. Candon has never sought the limelight. What he has endeavored to do is to give 100 percent to each individual assigned to his caseload and everyone that individual touches. Peers and probationers who know Jim share a common experience — their lives and spirits are uplifted.

Scotia Knouff Line Officer of the Year Award Nominations

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 field of probation and parole have made a difference.

Lizbeth Benner-Wick

Parole Agent
Riverside, CA

Sandra Bergman

District Parole Officer
San Antonio, TX

Sherry Burns

District Parole Officer I
Victoria, TX

Linda Caballero

District Parole Officer
San Antonio, TX

Christy Carpenter

Probation and Parole
Officer I
St. Peters, MO

Brad Carson

Deputy Probation Officer II
Downey, CA

Paula Draves

Court Services Officer I
Kansas City, KS

Rhonda Golden

Probation and Parole Officer
Ferguson, MO

Connie Anderson Gonzales

Senior District Parole Officer
Corpus Christi, TX

Pryor Green

Probation and Parole Officer
Newport News, VA

Susan Denise Higenbotham

Parole Officer
Corpus Christi, TX

Crystal Ingram

Deputy Probation Officer II
Downey, CA

Carol Klein

Probation Officer
Chicago, IL

Madeline J. Kopp

Deputy Probation Officer II
Downey, CA

John Marshall

Supervising Detention
Services Officer
Los Angeles, CA

Tony Meyer

Adult Probation and Parole
Officer
Eugene, OR

Eugenio L. Mirto

Deputy Probation Officer II
Downey, CA

Sung H. Oh

Deputy Probation Officer II
Downey, CA

Humberto Ramirez

District Parole Officer I
Laredo, TX

Lou Rubottom

Juvenile Probation Officer
Prescott, AZ

Marie Elena Sandoval

Group Supervision Nights
Downey, CA

Donald Scott

Probation and Parole
Officer
St. Louis, MO

June Small

Deputy Probation Officer II
Downey, CA

Monica Stampini

Probation and Parole Officer
St. Peters, MO

Veronica Walker

District Parole Officer
Odessa, TX

Donna Welke

Probation and Parole
Officer I
Vinita Park, MO

Thank You to the Sponsors of the APPA 20th Annual Training Institute

APPA wishes to recognize those companies whose generous support of the APPA 18th Annual Training Institute held in Dallas, Texas, August 27-30, and the APPA Research and Development Fund has allowed APPA to maintain its high standards of Institute training and contributed to the future of community corrections.



BI Incorporated is a worldwide leader in provision of information systems and services to corrections professionals. BI provides electronic monitoring products, automated telephone reporting services and institutional management software systems to over 1700 locations in North America, Europe and Asia.

Corrections Corporation of America

Corrections Corporation of America (CCA) is the leading private sector provider of detention and corrections services to federal, state and local governments. Its subsidiary, CCA International, acts as a technical corrections consultant abroad. The company's full range of services includes the design, finance, construction, renovation and management of new or existing facilities. Its expertise covers adult, as well as juvenile offenders, at all levels of security classification.



Dinosaur Valley Construction, Inc. prides itself on its impressive rate of completion, comprehensive knowledge of detention rules and regulations and personal attention devoted to each of its projects, as well as its excellent working relationship with the various officials and governing bodies in the detention industry. Their dedication to quality and attention to detail have earned them an excellent reputation in the field, with over 30 completed detention facilities in operation throughout the state of Texas.



DPC Monitoring Services, Inc., a subsidiary of Digital Products Corporation, provides innovative equipment, services and support to the community corrections industry. DPC's AVAIL Case Management and Offender monitoring Software integrates reliable Home Monitoring Systems with state-of-the-art information management systems that address the various needs of community corrections agencies.



Esmor Correctional Services, Inc. is engaged in the private management and operation of secure and non-secure corrections and detention facilities for federal, state and local governments. In addition, Esmore recently has been selected to operate a DWI facility in Arizona and a youthful offender facility in Florida.

Interventions, co.

Interventions, Co. specializes in programs for probation, parole and corrections departments, working in partnership with government. They

can help manage caseloads and reduce jail, prison and detention overcrowding. Their professionals can design systems and develop, implement and operate programs for those difficult case; offenders with crimes related to substance abuse, runaway youth who shouldn't be placed in detention or back on the street.



Invest Learning has spent years developing the widest range of adult education options in the world. We offer superior software products to meet specific program needs. They offer results from over 500 locations across the United States and Canada to prove that their programs work.



NCTI is recognized as a leader in providing diversion programs, behavior change curriculum and dynamic training. From cognitive restructuring programs to offense specific curricula, our programs are ideal for alternative sentencing options, court diversion, juvenile and adult probation departments, bootcamps and detention centers.

NORTH VILLAGE CORPORATION

North Village Corporation specializes in developing privatization programs initiated by government entities. Their newest project is the Dallas County Texas State Jail, a 2,000 bed, ten-story high-rise developed for the Dallas County Community Supervision and Corrections Department.



Roche Diagnostic Systems

A Member of the Roche Group

Roche Diagnostic Systems is a worldwide leader in providing products and services to the drug testing industry.

Roche Diagnostic Systems offers the OnTrak "CLASSIC" test kits and most recently the new OnTrak TESTCUP, which provide rapid, onsite test results for intake screening, rehabilitation monitoring, counseling, crisis intervention or any situation in which immediate drug use status is required.

Other Sponsors

ADE Incorporated, Auto Interlock of Texas, Inc., Bankers Commercial Life Insurance Company, BeautiControl Cosmetics, Forrest A. Garb & Associates, Inc., General Security Services Corp., Haggard Apparel Company, Hamer Enterprises, Maduka & Associates, P.C., Martin Lenoir Law Offices, MORTCO, Inc., Mulder & Glover, Paul W. Wisdom, Jr., PharmChem Laboratories, Inc., Robert W. Francis Law Offices, Strategic Monitoring Services, Inc., Sverdrup Facilities, Inc., T. Warren Investments, Inc., TDCJ-CJAD, TDCJ-CJAD-FSS, Volunteers of America, Inc.