



American Probation and Parole Association

Summer 1997

PERSPECTIVES

ETHICS:

The
answers
are not
always in
black and
white

Also inside:

*APPA's 22nd Annual
Institute registration
information*

PRESIDENT'S MESSAGE

Needless to say, since my last message, things have not been boring. Activities concerning the association's business continues to demand almost my full-time attention, as well as the other members of the executive committee and the board of directors. This is good news! APPA continues to flourish as the national leader and trend-setter in the community corrections arena. I have found that the demand on my energy level has not diminished since my election (I couldn't possibly just be getting older).



This will be my last message as president. It is with mixed emotions that I approach the end of my presidency. I feel a strong sense of accomplishment in areas concerning staff safety, victims' issues, prevention and community advocacy. APPA's ability to take its "vision" from an abstract statement to a point of implementation of an extremely relevant strategic plan is impressive. As I review the program content of our institutes, our regional trainings, our publications - all products and actions of our association reflect this exciting agenda.

I would like to leave you with some thoughts as I finish my term as president and begin my new job as immediate past-president. All of us must adopt the philosophy that probation and parole's role - whether juvenile or adult - provides the most viable sanction in our country's response to crime. Although incarceration can be an effective response for serious violent offenders, we cannot allow the "caging of America." This approach alone will financially and morally bankrupt America.

Also, probation and parole are restorative justice in action. This was true even before the current movement using the term "restorative justice" began its advocacy for community and victims. John Augustus showed us how to do it more than 200 years ago. Finally, I would hope that when inquired about our profession we state boldly that we are probation, parole and community correction experts and that we are proud of it.

I say goodbye as president. I say that it has been an honor and privilege to serve this association and our members. I thank you for allowing me the opportunity to experience what is truly the highlight of my professional career.

I wish my successor well, and I solicit your support for the new administrations.

A handwritten signature in black ink, which appears to read "Louis R. D'Agostino".

EDITOR'S NOTES

The decision to accept President Rocco Pozzi's invitation to assume the position of chairman of the editorial committee for *Perspectives* was easier than it should have been. Prudence and ordinary common sense should make any of us who work day jobs pause before quickly agreeing to take on additional work. We all at least think we have too much to do as it is. We all should protect ourselves from becoming overobligated, both out of fealty to our employers and a decent sense of our own limitations. All this should have led me to think it over longer.

But it didn't, for reasons partly sentimental and partly pragmatic. In the first place, I am in the grip of a strong and abiding sense of affiliation with APPA. I'm no different from any other long-time member in being proud of what APPA stands for, does for its membership, and the extent of its growth and development over the last 20 years. My colleagues and I have taken a great deal from APPA, whether by attending the Annual Institutes, reading the several excellent monographs, or simply leveraging the many professional person networks spawned by APPA. In short, we all owe a lot to APPA and should look to return the favor whenever we can.

Secondly, *Perspectives* is in great shape. Many of us will remember its origins as a newsletter-style publication; substantive, but not exactly stylish. As befits an organization that has grown and matured, *Perspectives* in 1997, is clearly a leading publication for corrections professionals. Its style and format have improved continually (more about that later) and its content strikes a unique balance between keeping members up to date on important association activities while also featuring substantive articles worthy of publication in the best criminal justice journals.

Let me now praise a good man. Departing Chairman Bob DeComo has stewarded *Perspectives* through a decade of impressive improvements and has invested (that is, donated) more of his time in the effort than was fair to ask of him or anyone. We all are greatly indebted to Bob and he should be very proud of what he and his able committee have accomplished. My decision was made so much easier because of the good shape that *Perspectives* is so obviously in.

As for the future of *Perspectives*, I can only hope to work with the editorial committee and APPA's leadership to sustain the momentum already established. In an edition later this year, we will have more to say about any forthcoming refinements or changes in editorial policy. We will be careful to not fix what isn't broken while also attempting to think anew about the ways in which *Perspectives* can better serve the members.

As you flip through the pages of this issue you will notice some changes in design. Probably most noticeable is the new layout of the table of contents, the President's Message and this very column that you are reading now. Other, more subtle changes include headline and text fonts. This is all part of the process of giving *Perspectives* a face lift. This process will take place in two parts, with more design changes to come in the Fall 1997 issue. The goal was to enhance the magazine's aesthetic value and improve the user-friendliness of the format while maintaining its integrity as a professional journal.

In the meantime, send us something! Here are just a few ideas concerning the "raw materials" for a potential article: an edited grant application, a first-person account of an interesting case, legislative testimony, a speech to a civic group, an abbreviated thesis or dissertation, a workshop or conference presentation, your partner's or neighbor's view of our profession, thoughts while showering, etc. While it is true that we have appropriate standards for publication, it also is true that we have the luxury of featuring pieces in all different shapes, sizes and styles. The ultimate test will be whether the average member would enjoy and gain from reading it. Give it a shot.

Finally, if you're not inclined to write *for* us then write *to* us and let us know what you think of the new look or give us your thoughts on how *Perspectives* can be improved. Either way, we look forward to hearing from you!



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NIJ NEWS

SHIFT HAPPENS

by Edwin Zedlewski, National Institute of Justice (DC)

Many long-time professionals can't help but smirk at the recent public outcry after the U.S. Supreme Court's decision on "good time" in Florida. The decision, which will fall particularly hard on higher incarceration states like Florida and Texas, basically says that states can't pull back the generous good time credits they granted in the 1980s as their prison populations began to exert significant pressure on their budgets. What citizens now have discovered is that granting massive sentence discounts means that even the longest prison terms can become fairly short. Sixty years for some heinous crimes has become 20, and some people who were supposed to live out the prime of their lives behind bars are moving back into the neighborhood.

The search for who is responsible for letting those violent felons out seems to be leading to several rounds of finger pointing by the press, state legislators and prison officials. Angry victims and their families, the populist elements of the press and some huff-and-puff politicians are leading a search for scapegoats. Hopefully, as the howls of indignation and the hand wringing subside, the public will understand that a little blame must fall on everyone.

The good time fiasco is a classic case study in mandates without money. Public sentiment in the early 1980s completed its shift away from planning- and capacity-oriented confinement policies and toward more emotional demands for punishment. Elected officials responded to the shift in political climate with mandatory minimums and other sentence lengthening policies. Unfortunately, the "get tough" climate came with a "no new taxes" climate. Money didn't keep pace with inmates. Corrections officials tried to cope with the problem through a variety of stop-gap measures: increased generosity with parole, double bunking and backing up in jail systems. Increasing good time discounts was simply one more way to cope with the crisis. Perhaps both the public and politicians have found that acquiring the punishment they value has several different kinds of costs.

What's to be done? Because the immediate

impetus for the release of long-term offenders was a Supreme Court decision that revocation of good time cannot be made retroactive, there has been some talk of constitutional amendment. What form an amendment might take is difficult to fathom, but retroactive reversals of any and all sorts of legislation are frightening prospects. It simply can't be an option. Perhaps there are some second-best possibilities in the community, however. If you can't keep them in, maybe you can watch them when they're out. Perhaps states might consider mandatory parole conditions for prison inmates. The legality of such legislation would vary from state to state but would hinge in part whether a state's good time credits are applicable only to confinement time or to every form of state supervision. Might we see the ultimate irony in the current climate of abolishing parole? Might we see parole in a new community safety light as a viable alternative to maximum time served? Who knows? Shift happens.

And now for a shift to an entirely different topic-the National Institute of Justice (NIJ) technology program. The Institute has been blessed recently by the arrival of generous appropriations for the development of technologies for criminal justice. While the majority of these funds are dedicated to the actual development of new and promising technologies of the field, NIJ is able to use some of these monies for the "human side" of technology.

Part of the human side is listening to the various criminal justice communities speak about their technology needs. Corrections is a major part of the community. Last year the Institute convened a large forum of leading corrections professionals in Charleston, South Carolina to learn first-hand about this community's needs. Donald Cochran, Commissioner for Probation in Boston, Massachusetts, chaired the 26 person community corrections group. I am passing on, in highly abbreviated form, the recommendations of that group. I encourage APPA members who have strong technological interests to talk to Don at

APPA's 22nd Annual Training Institute, August 17-20, in Boston, Massachusetts, and convey your priorities.

For officer safety, the committee identified a need for: technologies that can locate officers inside buildings and in three dimensions; distress signals; vital-signs monitors with telemetry; less-than-lethal weapons; integrated communications for information sharing with law enforcement; and access to law enforcement intelligence data.

In the area of offender information, the committee identified needs for: offender profiles and histories, especially if they could be matched to community resources and to control strategies; case transfer information; risk needs assessments; transfer histories; digital photographs of persons who change identities; offender tracking systems; and access to credit reports and work histories.

Identified need for offender control included: electronic monitoring improvements; GPS/GIS tracking systems; collection of financial records; and life skills training for offenders.

Recommendations for staff development recognized that some officers are heavily "school trained" but poorly "reality trained" and vice versa. Recommendations included: preservice and inset-vice curricula; online distance learning methods; teleconferencing; and simulation and other interactive training to improve and assess officer skills.

Among the general equipment issues raised were testing and training programs for new equipment, publication of equipment and vendors through JUSTNET, access to Defense Department exceeds equipment, the need for open, nonproprietary systems, and the availability of group purchasing plans so that cost economies could be realized. □

NIC UPDATE

Community Policing & Community Corrections

by Rick Faulkner, National Institute of Corrections (DC)

Community policing is perhaps the biggest buzz word in police work today as most metropolitan and small urban departments have adopted some, if not all, of the concepts that were made popular by Herman Goldstein of the University of Wisconsin and Robert Trojanowitz of the University of Michigan. Community policing is a movement to have police play a bigger part in a community and not only be visible when a crime or tragedy has occurred. This is an attempt to get back to the basics that were routine for officers several decades past. Officers, and indeed whole departments, have become slaves to technology. Officers have a complete office at their fingertips in the modern cruiser. This high-tech equipment has removed officers from contact with the public.

Much like modern police officers, probation and parole officers, -for much of the past two decades, have become office-bound for a multitude of reasons. Court appearances have kept officers close to the office and courthouse. Required office contacts or reporting days for probationers and parolees have made the office the place of choice to supervise cases. Nationwide administrators have seen that this "fortress probation and parole" is not effective. To have probationers and/or parolees report to officers in the office has been described by one state administrator as "10 minutes of avoiding eye-to-eye contact." This type of contact is almost meaningless. The community is the most productive place to interact with those individuals on supervision. The office now is viewed as the base of operation and the community as the place of operation.

The National Institute of Corrections has promoted the connection between probation and parole officers with traditional police officers in the community. The co-ordination between probation and parole officers and the police has been a most beneficial relationship. Police have been amazed with the amount of information that probation and parole officers have regarding those who are under supervision. Police now are learning who on their beats are under supervision, giving probation and parole another set of eyes in the community. Additionally, probation and parole officers have been

given access to computers, radios and even use of vehicles and training.

In 1990, NIC sponsored a training workshop in Portland, Maine, which featured the Wisconsin Department of Corrections' program that promotes interaction with the police department with agents and officers walking beats in the community together. As a result of this workshop, the state of Massachusetts' developed the "Night Light" program that enabled probation officers to enforce curfews and other court ordered restrictions after office hours. Police in Boston embraced the concept of the probation department working with gang detectives. Today they have one of the top programs in the nation.

NIC has convened several forums to share experiences that other jurisdictions have developed working with police in the community policing environments. Washington has excellent programs in Seattle and Spokane that are different but have the same mission - to become more active in the community and to assist in making the streets safer. Another positive outcome has been public recognition that probation and parole is an important player in the criminal justice system.

The Maryland Probation and Parole Department has been most fortunate to have an elected official who takes an active role in promoting community corrections. The lieutenant governor has appeared in both print and broadcast media promoting community corrections and community policing projects. Officers are getting out of the office and conducting more supervision in the community. They too are being identified as a critical element in the criminal justice system in Maryland. Maryland probation and parole officers, along with other law enforcement agencies, recently completed a sweep of parole violators - a first in Baltimore of agencies working together.

This year Virginia has started a program of enhanced supervision in which probation and parole officers work closely with community policing officers identifying high-crime areas where both agencies have a mutual interest. Recently in several large jurisdictions, the probation and parole office has required everyone under su-

pervision who tested positive on a drug screening to be detained. This sent the message that illegal drug activity will have swift consequences. In some jurisdictions, officers are in the community daily on foot, on bicycles and in cars with the police. They are attending police roll calls and becoming part of an active intelligence gathering network.

The Tennessee Board of Paroles started an identification program where every parolee under supervision now carries an identification card with the parole officer's name and phone number, their offense and any special conditions listed on the back of the card. The parolee is required to present the card whenever he/she is stopped or questioned by law enforcement. This has built a higher level of trust and cooperation between state parole officers and other law enforcement agencies in Tennessee. In Knoxville, parole officers routinely ride with uniformed police when making field contacts and home inspections. The Knoxville Police Department has entered in their computer all parolees under supervision in a geo-mapping program, allowing both agencies to make better supervision decisions and alerting both agencies to trouble locations.

Only five programs have been described here, and there are many more around the nation. NIC continues to support this type of community supervision as one that works. In some jurisdictions they have had a real impact on crime rates and the perception and reality of safe streets. It also is interesting that there is no additional cost attached. Officers who find themselves in the community more often than in the office have stated that they have been rejuvenated. The office is the "base of operations" while the streets and the community have become the "place of operations." It just makes good sense to be in the community, learning the neighborhoods, the community associations and the people who work and live in the area that officers supervise. If we address the small problems, we do not have to contend with so many large ones. This is getting back to the basics and putting the community back into community corrections. □

OJJDP's National Training and Technical Assistance Center in Operation

For the past year and a half the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has been operating the OJJDP National Training and Technical Assistance Center (the Center) in Champaign, Illinois. The aim of the Center is to upgrade the professional skills of juvenile justice and delinquency prevention practitioners and increase their capacities to reduce youth crime and improve the juvenile justice system. This is pursued through the provision of training and technical assistance to state and local agencies as well as the operation of a resource database and clearinghouse. The Center works collaboratively with more than 40 grantees and contractors of OJJDP to increase the availability and provision of training and technical assistance to the field.

The Center addresses numerous inquiries from the field regarding the availability of training and technical assistance resources and services. The Center collects and organizes OJJDP training and technical assistance resources and products through a resource database and clearinghouse. This information is catalogued according to grantee and contractor organization. Center staff have the capability to conduct information inquiries according to subject, title of training and technical assistance resource or grantee and contractor name. Through the use of this resource database and clearinghouse, requests and inquiries are processed, and requests for information, training and technical assistance can be matched and coordinated with the appropriate resource. The Center can match providers with the training and technical assistance needs of local communities through the network of OJJDP grantees and contractors. The provision of training and technical assistance can be provided both onsite and via telephone. The coordination of this assistance is guided by an established set of operational protocols that the Center has developed in conjunction with OJJDP grantees and contractors to ensure that the services provided are effective and appropriately conducted.

The Center also plays a key role in coordinating the training and technical assistance requested by and provided under several OJJDP sponsored national initiatives.

The Center compiles and disseminates annually a Training and Technical Assistance Resource Catalog. This catalog contains information on OJJDP grantees and contractors, OJJDP-sponsored training and technical assistance projects, the training and technical assistance services that can be accessed, and a calendar of OJJDP-sponsored training events. The catalog is disseminated nationally to juvenile justice and delinquency prevention agencies, organizations and practitioners. It is available online through the OJJDP homepage at www.ncjrs.org/ojjhome.htm. Copies are also available through the Center and the Juvenile Justice Clearinghouse.

To further ensure the dissemination of information, a toll-free number is operated through the Center's Resource Clearinghouse. The Center also collaborates with the Juvenile Justice Clearinghouse, as well as with other juvenile justice and delinquency prevention related clearinghouses. This collaboration allows for the maximum availability of information.

Another vital function of the Center is the coordination of a training and technical assistance network of leading planners, practitioners and scholars to assist state and local agencies in their efforts to reduce youth crime and improve the juvenile justice system. This is addressed through the development of Jurisdictional Team Training Packages on a number of juvenile justice related issues and content areas. These packages contain training materials and information on available resources and also identify a group of experts who provide services on an as-needed basis to jurisdictions requesting assistance to address a particular concern. This allows the Center to take a proactive approach to requests received from the field. Currently, three Jurisdictional Team Training Packages are being developed

in the following content areas: gender specific programming, mental health in the juvenile justice system and juvenile corrections.

The Center conducts ongoing assessments of emerging trends and the training and technical assistance needs of elected officials, practitioners, citizen advocates and youth. These assessments are planned and conducted through focus group sessions that provide important information to enhance and expand the scope and quality of OJJDP-sponsored services. Three focus groups have been conducted and several more are scheduled for national conferences throughout the year.

Future activities of the Center include the establishment of protocols for curriculum development and training evaluation to guide the process by which OJJDP-sponsored training curriculum are developed, delivered and evaluated. In addition, training institutes are planned to deliver training in a variety of content areas. These training institutes will be conducted in collaboration with grantees and contractors and open to registered participants.

Anyone in the juvenile justice field can access the Center's services. Everyone is encouraged to use these services to make inquiries, solicit information and access OJJDP-sponsored training and technical assistance. □

For more information about the **OJJDP National Training and Technical Assistance Center**

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SPEAK OUT!

Community Justice: Bad Ways of Promoting a Good Idea

by Ed Barajas, Correctional Program Specialist, National Institute of Corrections (DC)

The 1995 annual issue of the National Institute of Corrections' (NIC) *Topics In Community Corrections* focused on "community justice." The opening article, "Moving Toward Community Justice" (also published in the Spring 1996 issue of *Perspectives*), defined the term and challenged readers to consider its implications for practical application. The publication received a very positive response and community justice has peaked the interest of many people within and outside the justice system as a strategy for future action.

NIC has worked to define the term "community justice" as a philosophy encompassing different emerging concepts of criminal justice that share common ideals and principles. These include restorative justice, victim services and community policing principles. Restorative justice practices have taken hold in several jurisdictions that have joined the community in attempting to repair the harm caused by crime to victims and communities. The problem-solving philosophies and practices of community policing have spread into other components of the justice system, including the courts, prosecution and corrections. Community justice is not a new way of practicing old business. It's a new way of viewing the business of justice; placing the community and victims at the center of justice activities and efforts. This "new paradigm" of justice practice has resonated with citizens and victims who have previously been ignored in the justice process.

Justice professionals have also embraced this new notion of justice that taps into an intrinsic desire in all of us to contribute to the "common good." In our zeal to promote community justice practices however, there is a tendency to employ the same marketing strategy of the "alternatives to incarceration" movement. The basic premise of alternatives to incarceration does not fully align with many citizens' and victims' values, beliefs and expectations. There are also some items in the restorative justice concept that do not resonate with essential stakeholders. Restorative justice is often misconstrued as another

offender rights movement under the guise of victims' rights. If we don't address these issues, community justice may risk alienating the very people it purports to champion - victims and citizens. Thus, I offer the following caveats in promoting community justice work practices.

Community Oriented or Focused, Not Community Based

In the description of many community justice strategies and practices, the term "community based" often is used to describe them. This is misleading because: 1) this lets jails and prisons off the hook in this systemic change in justice, and 2) what we have in this country now is statistically a community based justice system. What we need is a community oriented or community focused justice system.

Because more than 70 percent of the correctional population is under some type of community supervision rather than being locked up, community corrections is by far the largest component of the criminal justice system. Unfortunately, community corrections has very little, if anything, to do with community. The "community" in community corrections indicates where offenders are supervised. It does not indicate a role for the community in the corrections and justice process. The failure of the community corrections profession to highlight and promote its lion's share of the corrections population may in part be responsible for the lack of adequate funding, support and visibility for community corrections. The failure of community corrections to shift its focus toward the community may result in community corrections becoming irrelevant to the business of doing justice.

Instead of addressing these issues, the community corrections profession has brought about the "alternatives to incarceration" concept that is based on the notion that all we are doing in this country is locking people up without consideration for alternatives such as community corrections. Thus, we try to persuade policy makers to stick out their necks by trying something radically different like "community supervision"

in order for us to provide better service to our clients - offenders. Is it any wonder we have such a poor public image and encounter such difficulties in obtaining support?

We can better control our destiny by stating that in this country, statistically and appropriately, jails and prisons are alternatives to community corrections. This is called negotiating from a position of strength. It is much better than being perpetual victims in the alternatives to incarceration strategy. No one needs to risk political capital by diverting more offenders from jails and prisons. The public does not need to be sold on accepting more offenders into their communities. Offenders already are there in overwhelming numbers. What is needed are the resources to supervise them effectively.

Once we accept our prominent position in the system, we cannot have it both ways. We cannot decry our nations "over-reliance on incarceration," yet proclaim community corrections' dominant share of the corrections population. Acknowledging our strength among the justice components is the first step toward systems thinking. Such thinking allows us to see our role as a vital, active member within the larger system - a system of interconnected, interdependent components. This proactive approach is vastly different from a reactive method that attempts to change the external environment by making community corrections seem more worthy than other vital system components-prisons and jails.

Freed from the bondage of a discredited strategy and viewpoint, we can begin to acknowledge that the ultimate customer is the community. Our work ultimately must have a positive effect and provide value to the community in terms of safety and well-being. This should apply to all components of the justice system, including prisons and jails.

Punishment is Not Bad

Restorative justice fails to resonate with many victims and citizens because it states, or implies, that punishment is bad. It contrasts it-

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self with “retributive justice” and describes an overly punitive justice system needing to be changed. It also appears to place crime within the context of broken relationships needing to be reconciled through, among other things, forgiveness. Victims are made to feel deprived in many instances simply because they wish to see those who harmed them or their loved ones punished.

Many victims repudiate descriptions of “retributive justice” by recounting their, or their loved ones’, victimization by paroled offenders having served a fraction of their sentences despite several prior arrests with little or no time served. Restorative justice adherents respond that restorative justice is not anti-incarceration. They state that the most violent offenders should be incapacitated. This raises several questions. What about people who sell drugs, steal property, cheat people out of their life savings and many other types of nonviolent offenders? Should these types of offenders never be incarcerated? What exactly are nonviolent offenders? Does this category include offenders whose violent offense has been plea bargained down to a nonviolent offense? Does it include offenders whose instant offenses are nonviolent but have histories of violence?

Punishment in this country can range anywhere from a slap on the wrist and an admonition with “conditions” (straight probation, the most common sanction) to life imprisonment or death. Our justice system to a large degree remains offender-focused; the main question being, what to do to or for offenders. Ultimately, it seems our justice system defies description re-

garding its punitive or lenient nature. In view of complaints from citizens and victims, it does not provide much value to the people it is designed to protect. Our justice system, thus, needs to be changed - not because it’s too punitive or too lenient, but because it does not represent the interests of victims and citizens and does not provide the community any perceived value in return for its investment.

Modern “progressives” also have created a false dichotomy between punishment and humanitarianism. Punishment in its truest sense does not mean some type of sadistic infliction of pain. One of the most valuable tenets of restorative justice is that it considers crime to be an act against a person rather than against the state. So too, we must consider that principled and fair punishment for wrong-doing (sanctioning as punishment, not for punishment) treats individuals as persons and as human beings rather than objects.

Forgiveness is Not Essential

Victim Offender Reconciliation Programs (VORP) attempt to reconcile relations between victim and offender and attempt to address the hurt caused by the crime. These are extremely valuable programs to have in any justice system that attempts to solve crime-related problems. Many victims however, express a certain wariness regarding the pertinence of victim offender programs to victim’s justice. This conflict can be summarized by the basic premise of many of our perceptions regarding the nature of crime and criminal behavior.

Outside of the term criminal justice system, our lexicon of justice makes limited use of the word criminal. We more often use the word offender. What are the subtle implications of this? Criminals destroy, disrupt and violate the lives of innocent victims, both physically and emotionally. Offenders merely offend. Offending behavior is often within the context of an existing relationship. The way to remedy the harm of offending is by way of reconciliation of the broken or damaged relationship. An apology by the offender is sought and, perhaps ideally, forgiveness is given by the offended. Victim offender programs take the approach a step further by allowing the offender and offended to

work out a method of offender accountability and restitution to set things right.

Victim offender programs are an enlightened approach to handling many cases that currently clog our justice system. Victims caution, however, that we should beware of their limitations. These programs are not appropriate for certain crimes such as domestic violence. Rather than attempting to reconcile the relationship, the object should be to protect the victim from further and more severe abuse. This applies to many other crimes against innocent victims involving criminals who refuse to take responsibility, show no remorse and do not indicate an inclination to change. Victims whose lives, or those of their loved ones, have been disrupted, violated or destroyed should be assisted by the justice system in every possible way. They should never be required to forgive those who harmed them or their loved ones. There cannot and should not be a requirement for reconciliation of a nonexistent or abusive and manipulative prior relationship.

Historical Context. It is essential to maintain a historical context of our justice system in order for us to better understand it and develop strategies to transform it.

Restorative justice is based on ancient justice principles found in the Bible and in other texts, such as the code of Hammurabi. The justice principles described in these texts delineate a restorative model with emphasis on victim restitution. As far as Western cultures, this all changed after the Norman conquest of England in 1066.

To centralize power and replenish his treasury, William the Conqueror made crimes a disruption of the “King’s Peace.” The king thus got a “piece of the action” by collecting fines that otherwise would have been paid in restitution directly to the victim. He also gained power and authority by requiring citizens to come to his courts for justice.

What is hardly mentioned, but is important to understand, is that when crime became an act against the state, it became extremely difficult, if not impossible, to distinguish victim from offender. People were cast into dungeons and prisons to be punished and suffer brutalities for the most trivial crimes. This abusive and

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oppressive system of justice ultimately gave birth to the prison reform movement. It seems that the basic notion of protecting people from the punitive excesses of the state continues to guide the current prison reform and alternatives to incarceration movement.

Over the years, prison reformers have worked to make prisons much more humane and should be lauded for doing so. Many victims and citizens however, perceive that at the heart of most current prison reformer's motives is the belief that most offenders are victims of the state's coercive power. In a freedom-loving culture such as ours, it is especially easy for many of us to perceive people who are deprived of freedom as victims, while institutions that deprive people of freedom are viewed as inherently evil. There appears to be a ring of this anti-incarceration notion in restorative justice and so it falls flat with many key-system actors, including many victims and citizens.

We must realize that as governments take on more social functions, become more democratic, and crime becomes more violent or hurtful to communities and individuals, the disunion between victim and offender becomes more distinct. The current system needs to be transformed from an offender-focused to a community and victim-focused system. Rather than ask what to do to or for offenders, we should ask how we can best protect and serve the community. This should lead us to a mission of creating and maintaining safe, secure, vital and just communities.

Reformation, Replacement, or Transformation? This transformation process is different from a goal of reforming an offender-focused system to make it meaner, tougher, kinder or gentler on things that are done *to or for* offenders. It also is different from a goal of replacement of existing practices, policies and principles. We can attempt to replace the existing system with something different, cheaper and better, yet it may not align with the public's values and beliefs. We must therefore make clear our intentions regarding the change process. If we don't, we will lose, or not gain, the support of an important segment of people within and outside the justice system.

Why is it important to distinguish between replacement and transformation? Because transformation allows the basics of a substance to remain while becoming something more valuable and useful. A piece of wood can be transformed into a fine piece of furniture, yet remains at its essence -wood. The basics of our current justice system, arrest, conviction and sentencing, remain valuable elements to the public and to justice professionals. Many of us have either not made clear our opinion of these basics or have implied they should be replaced with something less punitive. Victims and citizens translate "less punitive" as a better deal for criminals in an already criminal justice system.

A transformation to community justice will mean that the system will continue performing the basics. Justice agencies will continue to arrest, convict, sentence, supervise and, yes, punish (through incarceration and other sanctions) offenders as part of their mission. These basics will be performed within a transformed system that strives to do justice, promote secure communities, assist crime victims and promote non-criminal options. Such a system would work, in partnership with the community, to solve problems that create and are created by crime. Community partnerships would offer the community a voice in the process rather than a mandate over public officials. We then can focus on *what* we want and not merely argue about *how* to do things.

This does *not* mean we should ignore offenders. If our ultimate customer is the community, offenders also are members of the com-

munity (albeit, perhaps estranged members). This means that one of the ways of insuring community safety and justice is to do everything possible to try to [re]habilitate offenders, respect their rights and human dignity, and reintegrate them into our communities. Focusing on community safety puts all the previously competing interests (punishment, rehabilitation, incapacitation, deterrence) into their proper harmonious contexts.

Clarifying our intentions regarding the change process helps us avoid the win/lose conflict of counteracting the supposed "get tough" reactions of voiceless and powerless victims and citizens. Personal and organizational transformation will lead us toward a win/win relationship among us, our constituents and our criminal justice colleagues.

Public Inclusion, not Public Relations

Because the current justice system is estranged from the community, it views citizens and victims as outside obstructions needing to be sold on new policies. We employ a variety of public relations strategies, but perhaps the approach that can prove to be the most self-destructive is premised on the following:

We believe "A." The public and politicians seem to want "B." Therefore, how can we package "A" so that it looks and sounds like "B?"

Such an approach is dishonest and ultimately will fail. Many of us are trying to convince the public and policy-makers that if they want to get tough on crime, they should implement intermediate sanctions, community corrections programs, etc. Offenders sentenced to jail or prison, after all, do nothing but "lift weights, watch color TV and enjoy other amenities." On the other hand, those in alternative programs are forced to work and participate in treatment.

When victims and citizens (not having an active role or voice in the justice system) raise an outcry to limit offender amenities in jails and prisons, we shake our heads in disgust and bewilderment, never acknowledging or being aware of our responsibility for helping to stir the outcry. We instead interpret their anger and dissatisfaction as a vengeful desire to "get tough" on our clients. This leads us to more frustration

and reactive measures to cope with the external environment.

Another public relations approach that's being promoted is one of public education. A particular version of this is what John Doble calls the "tell and sell" approach. Doble and his research firm have conducted numerous public opinion studies about crime and community corrections. He states:

"The approach, what a critic might call 'Tell and Sell' where experts try to convince people of the wisdom of a predetermined course of action, is similar to the one used by President Clinton with health care reform. And it will, in my judgment, have the same result. 'Information sessions designed to allay fears and instill confidence' are not the way to build public support. People's fear will not be assuaged if they hear an expert say crime is not increasing and, in certain categories, is actually decreasing. (The reasons why people will not accept this message are complex; briefly, fear about crime derives from people's direct experiences and beliefs; statistics, which may be vitally important with some issues such as, say, the deficit, play a minuscule role in shaping public opinion about crime.) Instead of one-way communication, we strongly recommend two-way efforts in which the public becomes a partner working to solve a common, community problem."

This statement summarizes the basic differences between traditional criminal justice and community justice. Community justice works in partnership with the public and thus strives for public inclusion rather than public relations. Agencies who have risked giving citizens and victims an active role and voice in the justice process have reaped tremendous rewards regarding public support and improved service delivery. Contrary to criminal justice professional's worst fears regarding victim and public "vindictiveness," extremely creative solutions to crime-related problems have been crafted.

Stress Value Rather Than Cost

Public inclusion does not mean that we need to discard all public relations efforts. In the real world we must deal with the political implications of marketing any new strategy. We need not, however, repeat the same mistakes of mar-

keting new justice policies and programs from an alternative to incarceration basis. A basic selling point for community corrections has been its cost-effectiveness relative to incarceration. We continue to stress this point even though many researchers point out that measuring the cost of justice is much more complex than the simplistic cost per offender per year comparisons of various sanctions.

Determining whether community justice is cheaper than traditional criminal justice ultimately may prove to be relatively unimportant. Doble's research has found strong evidence that regarding justice and safety, as with so many other things, people prefer value over cost. He states:

"To most people, the cost of corrections is of secondary importance. While costs may be key to leadership, the public - though it would not use this language - sees the issue in social contract-like terms: Protecting the citizenry from the threat of domestic violence is perhaps the most important function of government. The public, therefore, will spend a great deal to reduce crime. Arguing that community corrections reduces costs has low salience for most people.

Since costs are of secondary importance to the public, public support for community corrections does not depend on how much money will be saved."

Citizens therefore believe that the greatest value the justice system should provide them in return for their investment is safe, vital, secure and just communities. This should be accomplished through goals that punish the offender, assist or attempt to restore the victim, rehabilitate the offender and deter would-be criminals. This shows that, rather than a public needing education by experts, citizens are sophisticated and demand results that demonstrate the outcomes they want.

Conclusion

Community justice seeks to transform the current criminal justice system into something more valuable and beneficial to the public that supports it. It does not merely strive for reform, for the offender's benefit or deprivation. It does not strive to replace the current system with something that may not be fully aligned with

the public's values, beliefs and expectations.

Community justice does not seek competition among the justice components but instead strives for collaboration and partnerships. These collaborative relations occur among the justice components and with the community. This leads to a more valuable and effective justice system that works collectively toward a common goal.

The implementation of community justice practices will never be completely successful if practitioners continue to act upon their views that certain components of the justice system are either more or less worthy than the others. If we accept the community as our ultimate customer, we must take to heart citizens' views of the equal worthiness of all sanctions and justice goals, including punishment and imprisonment. This may be the greatest challenge for those of us who continue to view community corrections' role from an alternative to incarceration perspective. Our goal, from this perspective, is to counteract supposedly bad sanctioning practices, such as incarceration, with supposedly good sanctioning practices, such as community corrections (except, of course, for the most violent offenders).

If we hope to transform our system successfully, we must first experience a personal transformation. This begins by viewing our mission from a systems-thinking perspective. Such a perspective allows us to see that we are all interconnected, interdependent parts of the whole. The whole encompasses our communities, which includes citizens, victims, offenders and our agencies. The resultant synergy will allow us to confront and solve crime-related problems in our communities successfully.

If we are willing to take risks, we can pay more than lip service to citizens and victims. We must allow citizens and victims the active voice and role they have been denied for so long. If we hope to gain the approval of those who should support us, we can have it no other way. □

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RESEARCH UPDATE

What's New in Research?

by Michele Moczygemba, Chair, APPA Research and Technology Committee

The American Probation and Parole Association's (APPA) Research and Technology Committee has recently been re-formed. The first task of the Research and Technology Committee was to revise its strategic plan. This update contains a summary of the strategic plan and details projects the committee will be involved in over the next two years. Also summarized are APPA research grants that are currently underway. Be sure to look for the Research Update in future issues of Perspectives. We plan to make this a reliable source to find significant research information.

Research and Technology Committee

Mission: Inform, facilitate and educate community corrections professionals regarding research and technology findings, funding opportunities, research initiatives and resources.

Function: Identifying appropriate areas of research and technology within the field of community corrections, as well as possible sources of discretionary funding for pursuing the delivery of significant areas of inquiry.

Research and Technology Projects:

- Research Summaries: Provide summaries of research and technology findings in each issue of *Perspectives*.
- Resource List of National Research Staff: Develop a directory of research staff across the United States and Canada who are actively involved in conducting community corrections research in governmental agencies. The directory will include listings of management information systems technologies utilized (e.g., mainframe, SPSS, SAS) by various agencies.
- A Guide for Conducting Research in Governmental Agencies: Develop a resource guide for agencies to use in conducting research projects. The guide will contain a literature review of other research guides, recommended policies and procedures, and some standardized variable definitions.
- Purchasing Community Corrections Research Resources: Develop a guide for agencies, academics, legislatures and others to use when purchasing community corrections research resources.

Goals for the Next Two Years: Establish a stable committee membership of university faculty, research and technology administrators and community corrections researchers to maintain a balanced perspective. Disseminate research-based information to the field of community corrections. Identify and prioritize areas of research needs for practitioners.

For further information about the Research and Technology Committee or if you would like to become a member, please contact the chair, Michele Moczygemba, Director of Research, Texas Dept. of Criminal Justice, Research Evaluation and Development Unit, 209 West 14th Street, Ste. 500, Austin, Texas 78701, Phone (512) 305-9338.

APPA coordinates grant projects with a variety of agencies, including the Bureau of Justice Assistance, Center for Substance Abuse Treatment, National Highway Traffic Safety Administration, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention and the Office of Victims of Crime. Below is a summary of the grant-funded projects that are now being coordinated by APPA.

Handbook on Teen Courts: The goal of this project is the development of a *Handbook on Teen Courts* and the delivery of training and technical assistance designed to assist juvenile justice agencies. The assistance focuses on establishing teen courts as an alternative for responding to the problems of underage drinking, impaired driving, drug use and other delinquent behaviors of youth.

Promising Strategies and Practices for Probation and Parole Agencies in the Area of Victim Services: The goal of this project is to identify elements of exemplary victim-related probation and parole practices. The outcome of the project is to identify, disseminate and encourage the replication of innovative policies, procedures and programs developed by probation and parole agencies to respond to the needs of crime victims.

Test, Modify and Retest: An Agenda for Evaluating Intensive Supervision Programs: The

goal of this project is to evaluate a prototypical Intensive Supervision Program (ISP) model. The premise of this new model is that ISPs can effectively promote behavioral change in offenders by focusing on the provision of intensive services rather than exclusive surveillance and incapacitation measures.

Promising Strategies for Restitution Contracting Agency: The goal of this project is to develop a *Compendium* of promising practices in restitution management and collection. The outcome of the project is to provide a historical overview and background to the management of restitution, a description of promising restitution practices and supplementary materials that jurisdictions can use to improve their restitution practices.

Capacity Building in the Juvenile Justice System: Addressing the Need for Substance Abuse Services: The goal of this project is to expand the juvenile justice system's ability to provide treatment for substance-involved youth under community supervision by encouraging comprehensive, inter-system service delivery plans on a jurisdictional basis and helping line probation and parole officers develop effective behavior change skills.

Training and Technical Assistance for Expanding and Improving Correctional Options in Community Corrections: The goal of this project is to bring innovative and best practices information, materials and training to local community corrections practitioners and agencies. Past Training and Technical Assistance topics have ranged from Domestic Violence to Performance-Based Measures and the project has produced an instructional videotape, *WNAB News - Special Edition: Empowering Communities Through Innovative Probation and Parole Practices*. Future activities under this grant will include additional Training and Technical Assistance presentations and production of a *Best Practices* monograph. □

For further information about APPA grants, please contact: APPA, c/o The Council of State Governments, P.O. Box 11910, Lexington, KY 40578-1910, phone (606) 244-8197 fax (606) 244-8001.

National Task Force of State Leaders Focuses on Correctional Issues

The Council of State Governments (CSG) has created a Corrections Policy Task Force consisting of state leaders from the legislative, executive, and judicial branches. The inaugural meeting of the task force held this spring was co-chaired by Connecticut Rep. Michael Lawlor and Texas Senator Florence Shapiro, and provided a forum for the discussion of national and state correctional issues.

The task force was updated on the current corrections policy activities within CSG's Center for Law and Justice. The Center for Law and Justice focuses on state programs and policy options surrounding criminal and juvenile justice, corrections policy and probation and parole functions, as well as provides secretariat services for the American Probation and Parole Association. Mario Paparozzi, vice president of the American Probation and Parole Association and the task force's vice-chair, gave a brief overview of APPA activities.

Two current projects funded by the CSG's 21st Century Fund are a *State Elected Official's Guide to Correctional Options* and four regional training seminars entitled: "Offender Control in the States: Are There Any Good Correctional Options?" The breast pocket sized, easy-to-use guidebook will provide state decision-makers with essential information about a wide range of community-based correctional options. The four, two-day regional seminars are designed for governors and legislators and their staffs (particularly those that serve on judiciary, corrections, criminal justice, appropriations or budget committees), judges and other judicial personnel, corrections administrators, as well as county/city administrators and fiscal officers. The seminars will provide pertinent information on hot correctional issues. Tentative seminar topics include: the economics of offender control; the impact of "get tough" sentencing policies; legislative responses to youth violence and how they compare to what appears to be working; and what the public expects from our correctional system.

To provide a framework and impetus for task force discussion, guest speaker Larry Travis from the University of Cincinnati, Department

of Criminal Justice, gave a presentation on current national and state corrections trends. Travis examined the changing demographics of the corrections population, mandatory sentencing, the rising cost of corrections, boot camps, intensive supervision and suggestions for corrections programs that work. The presentation by Travis elicited discussion from task force members on topics such as punishment, retribution, recidivism, rehabilitation, community corrections and victims rights.

The next Corrections Policy Task Force meeting will be held in Honolulu, Hawaii, December 5-9, 1997, in conjunction with The Council of State Governments' Annual Meeting and State Leadership Forum. The Correc-

tions Policy Task Force also agreed to hold teleconference meetings in the interim to discuss key issues and possible CSG projects related to corrections policy. For more information about the task force, contact Elizabeth Grugin, APPA special projects coordinator, at (606) 244-8192. □

APPA is an affiliate of and receives its secretariat services from the Council of State Governments (CSG). CSG, the multibranch association of the states and U.S. territories, works with state leaders across the nation and through its regions to put the best ideas and solutions into practice.



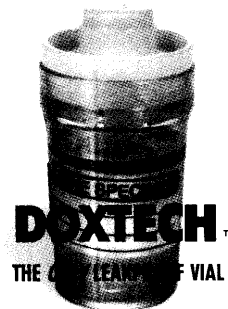
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Management By Hope and a Prayer

by Robert H. Rosenbloom, Operations Coordinator, Department of Corrections, Probation Division (GA)

Probation Scenario

It is after office hours and Chief Probation Officer "Jim" sits alone in his office wondering how he is going to survive the meeting with his boss tomorrow. As Jim looks out the window into the darkening evening, he sees "Doug" getting in his car and heading home. "It was Doug who caused this problem. It was Doug who should be answering the questions. 'Why is my job on the line?'" Jim thinks aloud. A probationer remained in jail for three months before Doug realized action should have been taken on the case. The arrest was based on a probation warrant that should have been withdrawn more than a year ago. Now the probationer has a lawyer that specializes in negligence cases brought by persons in custody. Everyone called today asking questions about the case, including the newspaper and television station - what a mess!

Jim has been a chief for more than 10 years and has survived a number of changes in the leadership of the agency. As the administrators change so does the focus on priorities. Meetings are held, mission statements are changed, politics are satisfied, and then everyone settles into old, familiar routines. It was no different for Jim after the most recent change last year. He held staff meetings, passed on the new information from the top and stressed the importance of "taking care of business" during this volatile time in the agency. Jim started the staff meeting by saying, "We don't want anyone interfering with how we do our work. We all know what it takes to do probation business, so make sure you do your job and we will be fine."

Jim knows that this administration, like all others, talks a good game about following procedures and insuring compliance with those procedures. He also knows no one ever asks him, or his staff to demonstrate their knowledge in this area. No supervisor asks to see his manual or inquire how his staff handled situations. Sure, there are times when a question comes up about a probationer's case and whether it was handled properly. He could al-

ways show positive points in the case, and if problems existed, it could be blamed on large caseloads or some other factor out of his control.

This time Jim finds himself unprepared to answer the questions he knew would be asked. The probationer left in jail has no fault in the matter and was even a sympathetic figure. She has no serious criminal history, a mother with young children and unfortunately, the patience of Job. Jim laments, "Why didn't she complain sooner. What fool allows herself to remain locked up for no reason and patiently awaits her day in court! If only she made a stink earlier, I could have done some good damage control like the other times." Well, tomorrow is the day of reckoning. Jim will meet with the Director of Probation "Robert." Robert has talked with all the chiefs in the past months about core responsibilities and insuring these are being met. He has talked about checking office procedures and knowing the local situation. Jim thinks back on those conversations and remembers, "I sure HOPE my staff is taking care of business. One of these days I need to take a look."

The Aftermath

The next morning Robert comes to Jim's office. "Well Jim, let's look at the facts. Doug issued a probation warrant last year when the client failed to pay the fine and failed to report. The casenotes show that the probationer called and asked to talk about the situation. She came in the following day, Doug talked to her and decided to let her pay and handle the situation administratively. Is that right so far?" Robert asks. Jim nods his head, hoping the old adage is true, "better to be thought a fool than to speak and remove all doubt."

Robert continues, "The case file shows no cancellation of the warrant or discussion with the judge. Do you have a policy regarding cancellation of warrants?"

Jim responds, "Well, I hope all of our officers know that the warrants should be can-

celed and it should have approval from the judge."

"Is that policy in writing, something we can use to blunt the charges of negligence?" Robert asks.

Jim indicates that he thinks that he wrote a memo a number of years ago when something like this happened before. But Jim goes on to say, "I had hoped that Doug's experience as an officer would have made him aware of these kind of situations."

Robert, beginning to see a problem says, "So, you don't have a written policy on how and when to cancel warrants?"

Jim feeling his gut tighten, "No, no written policy. I have good officers and I hope they do their job the way I know they can."

"Alright," Robert continues, seeing where this is going, "let's move on to the procedure for probationers in jail. Do you have a written procedure for this?"

Jim sees an opportunity for redemption. Proudly he says, "Yes, I most certainly do and everyone including Doug knows what I expect regarding this situation. I have been in this business long enough to know that a probationer in jail on our warrant is a most serious matter. This particular situation somehow fell through the crack."

"Good!" Robert says. "Let's take a look at the procedure and see where Doug messed up. Maybe the press and others will focus on Doug, and how he failed to follow your instruction, rather than on what we failed to do."

Jim hands Robert the procedure and it clearly sets out a process to be followed by each probation officer. The sample form for the jail log is appropriate and Robert notes there is a

"Holding people to the responsible course is not demeaning; it is affirming."

(Stephen Covey)

place for the officer and the supervisor to initial the form. Robert asks to review the jail log for the probationers. It takes a while, but Jim finally finds it. It is set up according to the procedure, the sample form is reproduced accurately, but something is missing - information.

"Why are so many blank lines not filled in?" Robert asks. There doesn't seem to be that many names listed for the period of time involved. I thought you said we didn't know the probationer was in jail? Her name is right here, but it is blank in the place for the date the petition for revocation is to be filed. Doug knew she was in jail and didn't do anything? Why didn't the supervisor check this according to the procedure? No initials anywhere. You're the chief, where do you fit in?"

Jim figures that Robert was upset, so he wants to choose his words carefully, not wanting to inflame a bad situation. "Well, Robert, I had hoped that my staff was taking care of this. I reminded them in a staff meeting last year how important it was and to make sure they filled in the log."

"Jim, did you ever look at the log?" asks Robert.

Jim, now realizing the implications, tries to think of the best spin. "I did look once and asked the supervisors to do a better job following up. It was my hope they understood what I wanted."

Robert is clearly upset at this point. As the probation director, it falls on his shoulders to explain how such a mistake could be made by employees under his direction. He knows the truth, but how can he bring himself to admit it, to the press, to the lawyers and most of all to the lady unfairly imprisoned? The truth is that "management by hope" is responsible for the whole situation. Sure, one could point to failures of others along the way, faulty processes and procrastinating staff members, but underlying it all is a manager's hope, without verification, that probation business is being handled. Hope is not a management strategy, it is an excuse for avoiding responsibility.

Replacing Management by Hope with Effective Strategies

Ronald Reagan may not have been the

first to say it, but it is an appropriate strategy, "Trust but verify." Managers tend to avoid supervising other professionals working under their direction. Freedom to exercise professional judgment is used by both the staff member and the manager as both a defense to supervision and an excuse not to supervise. One definition of management is getting work done through others. A responsibility of management is monitoring processes that ensure results. The bottom line of any business, including probation, is getting results, according to *Results-Driven Management* (Boone and Fulton, 1995). Processes or procedures are developed in an organization for various reasons; one reason is to insure that important goals are met and are handled uniformly. What could Jim have done to prevent the problem or at least minimize the damage?

A responsibility of management is monitoring processes that ensure results. The bottom line of any business, including probation is getting results.

Strategy #1

The first problem encountered in the probation office was the lack of any written procedure. When and how to cancel a warrant is a critical process to avoid civil liability. The chief can effectively communicate expectations regarding canceling warrants by a written policy. Without the written expectations, it is left to each probation officer to judge each situation without guidelines. This is unfair to the officer since he/she will be held accountable for a negative outcome as judged by a supervisor that may have a different view of the situation. Written procedures protect the officer. The written procedures communicate to the probation officer the critical nature of canceling warrants and the priority given to it by the chief. If it is not important enough to write down, it must not be important enough to do, reason

some employees. Maybe they are right. But in this case, it is a wrong assumption. The procedure was not written due to the chief's management by hope strategy. This is avoidance of responsibility by the chief. Once a policy is written, it implies the procedure should be followed. *The Seven Habits of Highly Effective People*, (Covey, 1989) stresses proactivity as the first habit. "Taking initiative . . . means recognizing our responsibility to make things happen," Covey writes. The chief must take responsibility, which is defined by Covey as "the ability to respond." Being responsible for probationers in custody is a liability the chief cannot escape. "Holding people to the responsible course is not demeaning; it is affirming" (Covey, 1990). Managers who are concerned that inspection for compliance is demeaning to the probation officer should look at their insecurities before projecting attitudes onto other staff members.

Strategy #2

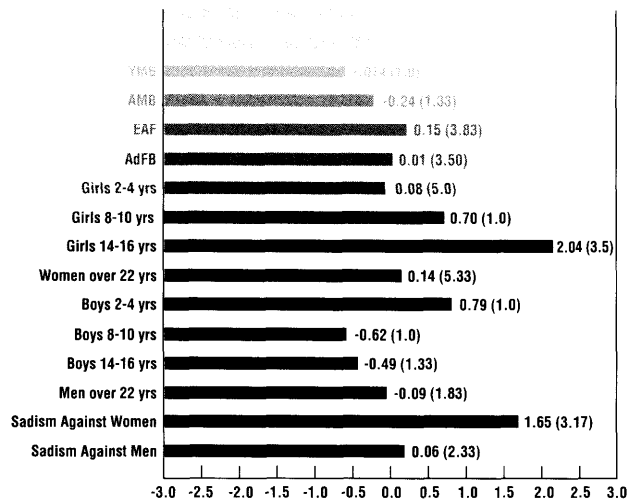
To know that the procedure is followed requires additional work by the chief. Through some means of verification, compliance with the process must occur. To have a written policy and procedure without verification sends the message that the policy must not be important. The bestselling book *Reinventing Government* (Osborne and Gaebler, 1993), suggests a number of principles to change to a results-oriented government. The first two principles are: what gets measured gets done; and if you don't measure results, you can't tell success from failure. Applying these principles to our scenario would have required the chief to have a procedure and take steps to insure it was being followed.

The second strategy of verification should have incorporated steps that ensure compliance. Supervisory review of the jail log on a regular basis accomplishes the following: Knowledge that probation officers are following the procedure; and an opportunity for the supervisor to follow-up on errors and have them corrected. Tracking systems represent only a tool to be used in a "systems" approach to managing. Total Quality Management philosophy, promoted as one solution for organizations to manage performance, requires that systems be

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established to measure results (Osborne and Gaebler, 1993). The purpose is to look for data and use it to improve results. In our scenario, a jail tracking system monitored by the chief reveals potential problems that can be identified and solved in a proactive manner.

One Year Later

Chief Probation Officer Jim receives a call from Robert, director of Probation. "Jim, I have a letter from a probationer claiming she has been in jail without any action by your office. She sent a copy of the letter to the governor's office and claims her civil rights have been violated. Seems like I have heard this story before. What can you tell me about the case?" Jim asks for time to research the situation and get back with Robert.

Jim feels some normal anxiety, but feels confident about his staff handling their responsibilities. His confidence arises from the knowledge that the jail tracking log procedure has been in place for a year. Further, he knows the supervisors, including himself, routinely review the log for compliance. When he checks the log for the name given by Robert, the information is all filled in, the procedures followed and the delay in the revocation hearing was due to the judge's orders, not from any lack of action by his office. Jim calls Robert with the information. Robert compliments Jim on the procedural safe-guards in place.

As Jim reflects on the past year, after the settlement the department had to pay for the earlier mistake, he felt lucky to have a second chance. The work involved in setting up the new procedures and verifying compliance was not as time consuming as he feared. The probation officers also felt more confident regarding the status of the cases.

No longer did Jim practice management by hope and a prayer. Instead he used systems to verify performance and tracked data to make quality improvements. □

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Ethical Considerations in Probation Practice

by Marylouise E. Jones, Department of Psychology, Research Unit and Arthur J. Lurigio, Department of Criminal Justice, Research Unit, Loyola University Chicago (IL)

Editor; Note: Portions of this paper were presented at APPA's 21st Annual Training Institute, July 1996, Chicago, Illinois.

Probation officers frequently face decisions that place the needs of offenders in direct conflict with the welfare of society. In making such decisions, they can benefit from a firm foundation in ethics. Recent books have highlighted the importance of ethics for criminal justice professionals (Braswell, McCarthy, & McCarthy, 1991; Pollock-Byrne, 1994; Souryal, 1992). For example, Pollock-Byrne (1994) notes that within the criminal justice system, there is a variety of moral dilemmas, including "questions of responsibility and excuse, the limits of the state's right to control the individual, the ethical use of force, and the appropriate use of discretion" (p. 200). Ethical issues in probation practice, however, have been largely ignored (Brown, 1989).

Criminal justice is a young discipline, far more concerned with crime control than with philosophy. Most probation practitioners have not been exposed adequately to the philosophy of justice or to any serious or formal study of ethics. Courses in ethics and justice usually are not required for criminal justice degrees - the most common degree among probation officers - or included in probation officers' training curricula. Nonetheless, ethical issues in community corrections are significant and complex. These issues are common to other professions. But criminal justice agents, including probation officers, can be distinguished from other professionals in terms of the broad ethical nature and ramifications of their decisions.

Criminal justice professionals often render decisions on behalf of society as a whole. These judgments entail a far greater responsibility than the decisions of many other professionals and are not just incidentally, but are primarily, moral decisions (Sherman, 1992). For example, when a police officer decides to arrest a person or when a judge decides to re-

lease a person on bail, the decision has significant ethical and moral implications.

Upholding the social order is a fundamental obligation of the criminal justice system (Souryal, 1992). Social order focuses on the rights and welfare of individuals and of society at large. Laws and sanctions are designed to ensure that everyone has the freedom to pursue their interests and activities without undue fear or threat of victimization. Difficulties arise when the needs of individuals conflict with those of the broader community. For example, locking up someone who is a neighborhood nuisance may alleviate the misery of a few persons while infringing on an individual's freedoms and fundamental rights. Balancing individual rights with society's well-being begs the question of how much social control (i.e., laws and punishments) is needed to maintain an orderly society. Striking such a balance forces criminal justice practitioners to reconcile the welfare of their clients with the welfare of society.

Ethics and Probation Officer Discretion

Community corrections practitioners experience ethical challenges because of the formidable task of weighing an offender's welfare against the welfare of society. The basic rationale of probation is that society is willing to take a chance on offenders who are able to conform to its rules. Probationers are allowed to remain in the community as long as they adhere to the court-ordered conditions of release. If they violate the conditions of release, which constitutes their contract with society, probation may be revoked and they may be subsequently incarcerated.

When probation began, and throughout most of its early history, its purposes were primarily altruistic, as probation caseloads comprised mostly lower-risk property and first-time offenders. There were fewer offenders with developmental disabilities, psychological disturbances or drug addictions, and fewer of-

fenders convicted of violent crimes and other felonies. With changes in the size and seriousness of probation caseloads, balancing offenders' welfare with the safety and protection of the community has now become the ethical imperative of probation.

Ethical decisions in probation are made within less rigidly defined contexts than are found in other criminal justice domains. Probation officers exercise considerable discretion in handling their caseloads. They typically have a lot of flexibility with regard to scheduling their time and structuring their activities. Probation officer discretion is an important aspect of supervision. Many probation officers do not automatically submit violation petitions after they discover offenders' infractions. In fact, some may give offenders second and third chances before initiating the revocation process. Probation officer discretion also plays a critical role in determining the nature of these officers' reports to judges (Souryal, 1992). Probation officers can sway judicial decisions by portraying probationers in different lights. Probation officers' judgments are especially influential in presentence investigations. Because probation officers' recommendations in presentence investigations often are adopted by judges (Abadinsky, 1996), ethical decisions affecting the way they present information are significant and can have serious consequences for offenders.

Offenders' performance on probation is affected by officers' ability to broker suitable employment or treatment services. Outcomes also are affected by officers' handling of probation infractions and their interest in clients' rehabilitation and reintegration. However, probation officers' success with clients may be hampered for a number of reasons over which they have little control. High caseloads, long work hours, lack of training and the absence of clear goals can all interfere with the quality of services (Whitehead, 1996). Furthermore, probation officers cannot always depend on

the public support or resources that they need to do their jobs effectively (Wehmhoefer, 1993). The constant interplay of intra- and extra-agency factors that influence officers' effectiveness and the fact that probation officers are often the final arbiters for many caseload decisions require their judgments and activities to be grounded firmly in basic ethical principles.

"Moral principals have lost their distinctiveness. For modern man, absolute right and absolute wrong are a matter of what the majority is doing. Right and wrong are relative to likes and dislikes and the customs of a particular community. We have unconsciously applied Einstein's theory of relativity, which properly described the physical universe, to the moral and ethical realm."

- Martin Luther King Jr.

Foundation of Ethics

Normative ethics is the study of right and wrong. In particular, normative ethics tries to discover the fundamental aspects of all ethical judgments. For example, lying, cheating, stealing, raping and killing generally are considered wrong. If so, what is the common characteristic of all these actions? One of the most preeminent figures in the history of Western philosophy, Socrates, searched for the universal principle that is common to all just or virtuous actions.

Utilitarianism

An ethical theory that attempts to describe universal moral principles is utilitarianism, developed by Jeremy Bentham and John Stuart Mill. Utilitarianism posits that the morality of an action is judged in terms of its consequences. A moral action produces good results, that is, it increases pleasure and decreases pain; an immoral action produces bad or harmful results, that is, it decreases pleasure and increases pain. Simply put, cheating, stealing and murder are all wrong because of their bad or harmful consequences. According to Bentham, "An

action . . . conforms to the principle of utility . . . when the tendency it has to augment the happiness of the community is greater than any it has to diminish it" (Dewey & Hurlbutt, 1977, p. 227). Charity and benevolence are moral actions because they produce beneficial consequences. Thus, Bentham contended that all human actions are motivated by the desire to increase pleasure or decrease pain. He ar-

gued that a person's motivation does not determine the rightness or wrongness of given action. Even if the motivation for an action is to increase pleasure (which is good), the result of that action may inflict pain on a large number of people. Such an action must be regarded as bad because of its outcomes, not because of the original intentions of the actor.

A central question when weighing the correctness or goodness of actions in utilitarianism is, "Whose happiness or pleasure is paramount?" According to utilitarianism, all parties affected by an action should be considered. Therefore, both the happiness of the individual and that of the community should be calculated in determining the goodness of a particular action. The morally correct action is the one that produces the greatest good for the greatest number of people. Presumably, the pleasure of one individual does not outweigh the pleasure of an entire community. For example, stealing makes a thief feel good. But the thief's victims may suffer sadness, anger, fear and physical and emotional distress as a result of the thief's actions. In this instance, the pain of many outweighs the pleasure of one.

The greatest good for the greatest number creates the context for community. The proportionality of pain and pleasure must be judged in this context.

Utilitarianism calculus is illustrated by the following example. A probationer misses a report date in order to take care of his children. Adhering to a zero tolerance policy for nonreporting, his probation officer files a petition to have him violated. The probationer then is convicted of a violation and is sentenced to jail. Consequently, the probationer cannot provide for his family while he is incarcerated and his relationship with his officer is strained. Should the probation officer have filed a petition to violate him? Following the principles of utilitarianism, the officer should have weighed the possible pain of the probationer against the possible pain inflicted on the community if the probationer does not follow rules. If the probationer presented little threat to society, a utilitarian would maintain that the probation officer was wrong to violate him.

Deontological Ethics

Immanuel Kant, a proponent of deontological ethics, believed that by focusing solely on consequences, utilitarianism misses something even more basic to morality, namely, goodwill or the intention to do what is right. For Kant, the key to morality is human intention, not consequences. An act is right if it is motivated by the goodwill or intentions of an actor regardless of whether the action achieves positive consequences. Right actions arise from virtues such as honesty, loyalty and respect for the law (Dewey & Hurlbutt, 1977). Wrong actions arise out of selfish or malicious motives.

Consider the following scenario involving two probation officers working in the same department: One probation officer files a violation of probation petition against a probationer who missed last month's payment of restitution. He does so to teach the probationer the importance of obeying the rules of the court and to deter future rule breaking. The other violates a probationer who missed his last payment of restitution because the probationer belongs to a racial group that the probation

officer is prejudiced against.

Kant would have argued that there is a fundamental moral difference between the first and the second probation officers' actions, despite the fact that the consequences of the two cases are identical. In the utilitarian view, because the ends of both officers' actions are the same, they have the same moral value. Nonetheless, from Kant's perspective, there is still a moral difference. The first probation officer acted morally in order to instruct the probationer and to help him to avoid future difficulties. In contrast, the second probation officer was motivated by prejudice. For Kant, although the second probation officer engaged in the same action as his colleague, he filed the petition for the wrong reason so his action has no moral worth. In short, he did the right thing for the wrong reason.

Kant's principle of morality contains a categorical imperative: People have the unconditional duty to behave morally. Kant's belief is that people should do only what they would permit others to do. In our example, the categorical imperative is that a probation officer who chooses a particular response to deal with a probationer's rule breaking must believe that the response would be the same one chosen by other probation officers and that it would apply to all probationers in the same situation.

Another formulation of Kant's categorical imperative focuses on the belief that human beings have intrinsic value and that they ought to be treated with respect. Within this formulation, probationers should never be regarded as objects, that is, used to prove that one is "tough on crime" or to demonstrate the punitiveness of a particular sanction. Because probation officers constantly must weigh the needs of individual offenders against those of society, they may have difficulty satisfying the moral imperative.

Problems with both utilitarianism and deontological ethics complicate moral decisions. Utilitarianism has trouble dealing with situations involving the maximum pleasure for the majority at the expense of the minority. For example, a large group enslaves a small group so that the large group can gain certain comforts and benefits from the servitude of a

few. Utilitarianism holds that the suffering of a few is outweighed by the pleasure of the many. Nonetheless, regardless of the pleasurable consequences for some, slavery and oppression are patently wrong, just as hurting or exploiting others is inherently unjust.

Similarly, Kant's moral theory has no way to deal with conflicting motives. For example, a probation officer is required to keep probationers' records confidential. But when a probationer with a prior conviction for a sexual offense applies for a job as a janitor in a school, the probation officer may fear for the safety of students and school staff. Does the probation officer reveal confidential information to the potential employer or protect the confidentiality of the probationer? Kantian theory offers no solution to this predicament. The utilitarian would weigh the harm done by revealing the information against the potential harm that may arise from not doing so. Much more harm could result from failing to warn an employer of possible dangers.

Common Ethical Dilemmas of Probation Officers

In the moral dilemmas facing probation officers, it is not always clear what effects an officer's actions may have for offenders or society. The probation officer who does not violate probationers for failing drug tests may be either facilitating their success or enabling their addictive behaviors. Probation officers may promise services to clients without any guarantee that these services will ever be offered. Promising probationers possible employment may be helpful in motivating them to fulfill probation requirements but may demoralize them when jobs never become available.

Probation officers also may be forced to weigh the needs of particular clients against those of other probationers. Because of severely limited treatment resources, such as for substance abuse, the probation officer who enrolls a probationer in a program may prevent another person - perhaps one more likely to succeed in the program - from getting treatment (Duffee & Carlson, 1996; Silverman, 1993). Similarly, a probation officer may interact with agencies that might be reluctant to

"Integrity without know/edge is weak and useless, and know/edge without integrity is dangerous and dreadful."

- Samuel Johnson

accept other clients from the officer's caseload if particular clients fail in their programs.

Besides balancing societal and offender needs, probation officers also belong to the wider criminal justice system, which imposes expectations that affect ethical decision making (Silverman, 1993). These demands may come in the forms of sentencing requirements, administrative exigencies or peer pressures. Whistle blowing against the probation administration may be another area of ethical concern for officers if they perceive that their agencies' practices are interfering with the rights and well-being of their clients (Rosecrance, 1988). Administrators may be more willing to cover up inadequacies rather than to allow the undesirable practices of their departments to come to light. Officers must weigh loyalty to their profession and colleagues against the harm that may ensue if they permit unethical practices to continue. As Pollock-Byrne (1994) noted, "All criminal justice professionals are more likely to operate in an ethical manner when they believe in the validity and justness of the system that employs them."

As discussed earlier in the context of Kant's theory, probation officers can be confronted with ethical dilemmas relating to confidentiality. For example, an offender enters into a romantic relationship with a person who is not aware of his previous convictions for domestic violence. Is it the duty of the officer to keep this information confidential or to inform the offender's partner out of concern for her safety? Confidentiality issues become even more difficult with juvenile probationers (Goldsmith, 1988).

Confidentiality issues also arise when probation officers come in contact with offenders

families. With more severe programs, for example, home confinement and intensive probation supervision, offenders' punishments spill onto the lives of others. Von Hirsch (1990) suggested that concern for the rights of others has been overlooked in community corrections. For example, he pointed out that home visits may shame or demean offenders because of the presence of unconvicted third-party witnesses whose sense of privacy is diminished. Confidentiality issues can arise yet again when probation officers are concerned with the well-being of crime victims (Whitehead, 1996). Issues concerning the confidentiality of an offender's whereabouts vs. informing a victim who might be at risk again from that offender are often under probation officer discretion.

Other circumstances may place professional ethics in conflict with personal ethics. For example, probation officers may not agree with their clients' choices (e.g., the decision to have an abortion) or they may condone - either explicitly or implicitly - illegal behaviors (e.g., recreational drug use) (Pollock-Byrne, 1994).

Most probation sentences require offenders to report to a probation site, but there may be instances when doing so is not in probationers' best interests (Close & Meier, 1995). Such cases include probationers who may be too ill or physically handicapped to travel. In addition, probationers in gangs may be placed at risk if they have to travel through rivals' neighborhoods to report to their officers.

Finally, ethical issues may arise out of the unequal relationship between probation officers and their clients. Probation officers may misuse their power (Pollock-Byrne, 1994). Concerns with the misuse of force come into play even more so when probation officers carry weapons and work in stricter surveillance programs. According to Sherman (1992), "Force is the essence of criminal justice. . . . The decisions of whether to use force, how much to use and under what conditions are confronted by police officers, juries, judges, prison officials and probation and parole officers" (p. 17).

Typology of Probation Officers

What are probation officers supposed to

do when faced with the kinds of dilemmas described here? Whom should they be serving? How can they maximize benefits for offenders and minimize harm to society? A well-known typology of probation officers helps to illuminate the ethical postures that officers may assume (e.g., Klockars, 1972; Souryal, 1992). Each of these probation officer types acts out of a particular ethical principle or a set of principles. Not every officer fits into one type. Rather, most officers represent a combination of types, and those within a type may not always behave the same way. In addition, no type is considered completely ethical or unethical. Such determinations require knowledge of the context in which actions take place (Souryal, 1992).

Punitive Officers

The first type of officer is the punitive or law enforcement practitioner who always places society's interests above clients' interests. "This type underscores a dogmatic, utilitarianism view that seeks to maximize goodness through serving the largest number of beneficiaries-

Table 1

American Probation and Parole Association's Code of Ethics

1. I will render professional service to the justice system and the community at large in effecting the social adjustment of the offender.
2. I will uphold the law with dignity, displaying an awareness of my responsibility to offenders while recognizing the right of the public to be safe-guarded from criminal activity.
3. I will strive to be objective in the performance of my duties, recognizing the inalienable right of all persons, appreciating the inherent worth of the individual, and respecting those confidences which can be reposed in me.
4. I will conduct my personal life with decorum, neither accepting nor granting favors in connection with my office.
5. I will cooperate with my co-workers and related agencies and will continually strive to improve my professional competence through the seeking and sharing of knowledge and understanding.
6. I will distinguish clearly, in public, between my statements and actions as an individual and as a representative of my profession.
7. I will encourage policy, procedures and personnel practices which will enable others to conduct themselves in accordance with the values, goals and objectives of the American Probation and Parole Association.
8. I recognize my office as a symbol of public faith and I accept it as a public trust to be held as long as I am true to the ethics of the American Probation and Parole Association.
9. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession.

community members” (Souryal, 1992, p. 366). Controlling offenders and enforcing the conditions of probation are the main goals of these officers. They file petitions to violate probationers no matter what the circumstances in order to uphold all the rules and regulations of probation.

The relationship between probation officers and offenders is distant and built on only the conditions of the sentence. Their interactions are frequent, formal and brief. Punitive officers are detached from offenders and depersonalize them. They have little concern for probationers or their families. Whether probationers complete their sentences successfully is of minor importance to punitive or law enforcement practitioners. As Souryal (1992) notes, “In this model, recognition of the true purpose of supervision, of the obligation to assist a fellow human being in distress, or of fidelity to the ethics of treatment is all but ignored” (p. 366).

The ethic of care recognizes individuals' basic rights and values but it does not elevate them above society's.

The punitive officer is concerned with preserving community safety by controlling probationers. Probation is viewed as a privilege, not as a right. Probationers are perceived as criminals who should be closely supervised, a danger from whom society must be protected. The punitive officer frequently reminds offenders that probation will be revoked, without exception, if conditions are violated. This style of supervision emphasizes firmness, legal authority and rule abidance. Interaction between the rule enforcer and probationers tends to be formal, official and largely a manifestation of “one upmanship” on the part of the officer. Punitive officers uphold the law for its own sake, irrespective of whether the best interests of probationers have been satisfied.

Punitive officers attempt to protect society by monitoring offenders and making sure that they adhere to the conditions of release. By ignoring probationers’ needs, however, such officers may bring more harm to the community. Although offenders may comply with the conditions of probation, they may not be able to reintegrate successfully into society because they lack the services or skills to do so. Society may be harmed by these probationers in the future.

Welfare Officers

The welfare/therapeutic practitioner or social worker is the second type. Probation officers in this category focus on offender treatment and rehabilitation. Even if clients violate the conditions of probation, their welfare outweighs the possible harm to the larger community. Probation officers concentrate their energies on “advocating, brokering, educating, enabling, and mediating” for their clients (Souryal, 1992, pp. 366-367). Offenders’ needs are crucial. Officers of this type attempt to broker services such as employment, housing and psychological counseling for their clients. They treat clients with care and respect.

Welfare/therapeutic officers attempt to rehabilitate offenders and reintegrate them into the community, and they view the conditions of probation as ways to facilitate offenders’ progress. Probation is a time for problem solving. Social-work oriented officers cultivate close relationships with offenders in order to formulate a suitable treatment plan that will assist offenders in avoiding future crimes and in making their lives more productive. Officers in this category assume that individuals are fundamentally good and will choose noncriminal behaviors and life styles once they are helped to understand themselves. This self-knowledge will promote personal growth and unnecessary prosocial attitudes. Within this framework, offenders are seen as emotionally disturbed, victims of circumstances or socially disadvantaged.

Welfare/therapeutic officers’ actions are noble from the viewpoint of Kant’s model because of the sincere and benevolent motivations behind their actions. However, these of-

ficers may be inclined to “rescue” clients by finding resources for them without allowing clients to make mistakes and learn how to acquire necessary services. “Finally, there is a danger of becoming too personally involved with clients, a situation that may lead to considerable disappointment and frustration for the practitioner” (Souryal, 1992, p. 367).

Passive Officers

The third type of officer, the passive time saver or civil servant, cares about neither clients’ needs nor the welfare of the community. The only persons these probation officers care about are themselves. Practitioners of this type see the greatest good in inactivity and avoidance of work. They merely manage their case-loads, viewing their work as meaningless. They may be employees who do not define themselves as service providers or professionals. Or they may have once belonged to one of the aforementioned probation officer types but have become burned-out and are waiting for promotion or retirement. Or they may simply be amoral.

Probation officers who adopt the role of civil servant invest in their jobs a modicum of effort and personal commitment. Civil servants concentrate on maintaining or advancing their positions within the agency and find no law-enforcing or casework vocation in probation. Instead, this type of officer works within the probation bureaucracy and concentrates on retirement, pension or entry into another field such as law or police work. Consistent work attendance, proper and prompt completion of paperwork, and the kind of self-enhancement that results in salary increases are characteristic of the time saver. Their job performance contributes to the smooth flow of office functioning; however, all responsibilities are met minimally and mechanically. Although contact with offenders is regular, civil servants attempt to minimize personal interactions with them. Civil servants’ duties, as they perceive them, are advising probationers about their failure to obey rules, apprising the court of offenders’ criminal behaviors and observing probationer progress as opposed to initiating client changes.

Table 2

Federal Probation Officers' Association Code of Ethics

AS a Federal Probation Officer, I am dedicated to rendering professional service to the courts, the parole authorities, and the community at large in effecting the social adjustment of the offender.

I will conduct my personal life with decorum, will neither accept nor grant favors in connection with my office, and will put loyalty to moral principles above personal consideration.

I will uphold the law with dignity and with complete awareness of the prestige and stature of the judicial system of which I am a part. I will be ever cognizant of my responsibility to the community which I serve.

I will strive to be objective in the performance of my duties; respect the inalienable rights of all persons; appreciate the inherent worth of the individual; and hold inviolate those confidences which can be reposed in me.

I will cooperate with my fellow workers and related agencies and will continually attempt to improve my professional standards through seeking of knowledge and understanding.

I recognize my office as a symbol of public faith and I accept it as a public trust to be held as long as I am true to the ethics of the Federal Probation Service. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession.

Source: Close and Meier (1995)

Synthetic Officers

The final type of role identification of probation officers incorporates both the treatment and control components of probation. Synthetic or combined officers' supervisory styles reflect the desire to satisfy the basic orientations of the rule enforcer and social worker. In doing so, these officers are, perhaps unknowingly, coming to grips with the probation officer's fundamental quandary: reconciling the conflicting tensions arising from the legal and social services dimensions of probation work. Synthetic officers integrate monitoring and rehabilitation by evaluating each case to determine which particular strategy will best protect community safety and meet the offender's needs. This type of officer is most likely to develop working relationships with

community resource agencies and local police departments. They understand the complexity of probationers' difficulties and acknowledge the inherent limitations in working through these problems.

In the combined type, practitioners see the highest good in the middle ground between the welfare of their clients and the protection of the community. Although offender control is important, these probation officers also try hard to obtain client services. Practitioners of this type are both humanitarian and justice-oriented. Their decisions are based on the view that offenders' interests are critical. As we noted earlier, their decisions are made on a case-by-case basis; sometimes, the welfare of the individual is secondary to the community's and vice versa. Because of this, such probation of-

ficers must be attuned closely to the basic ethical principles underpinning their actions. In practice, they are probably the most ethical of all the probation officer types.

What about probation officers who are inclined to act according to a certain type but are prevented by their current work environments from doing so? For example, officers may be inclined toward the welfare/therapeutic model. However, because of the constraints of large caseloads, lack of resources and agency expectations, they are prevented from being more social work-oriented with their clients. Similarly, punitive officers may want to impose harsh penalties on probationers to keep them in line but are prevented from doing so because of judges' decisions. Hence, probation officers also are influenced by the contexts in which they work. The greater the degree of discontinuity between officer type and department culture, the more likely it is that officers will become frustrated, cynical and at risk of becoming passive time savers. The best situation is one in which officer type and department culture are congruent.

Conclusions

Probation officers should be aware of basic ethical principles (Braswell, 1996). Specifically, they should be guided by the ethic of care, the central goal of which is to reintegrate individuals into the community (Pollock-Bryne, 1994). Such a posture embodies the belief that probationers are human beings no matter what types of crimes they have committed. The ethic of care recognizes individuals' basic rights and values but it does not elevate them above society's. Within all relationships, a continual re-evaluation of needs, responsibilities and rights must occur to insure that the well-being of all parties is promoted. Therefore, ethical probation officers must be ready to override the needs of offenders who pose a serious threat to the welfare of the community.

Probation officers will be able to make competent moral decisions better by examining the values and motivations underlying their actions. They must work out of a combined model of enforcement and treatment. Such a

challenge can be met by adhering to basic ethical principles. In making ethical decisions, probation officers can receive guidance from the American Probation and Parole Association's and the Federal Probation Officers' Association's codes of ethics (see Tables 1 and 2).

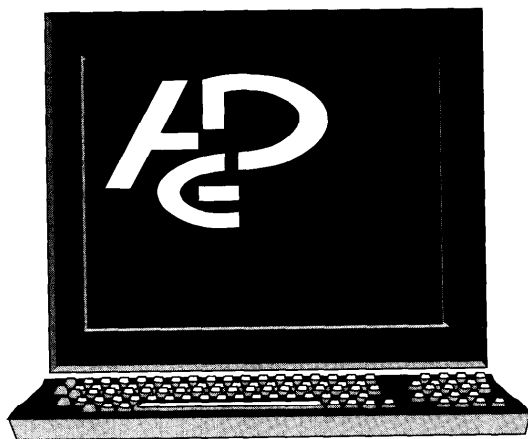
In addition, officers can enroll in recently developed training sessions on professional ethics (Wehmhoefer, 1993). The wider network of staff within probation departments, including fellow officers, supervisors and chiefs, also can encourage and support officers' ethical de-

cisions and give them a forum to air ethical concerns and problems. The continually changing nature of probation supervision will create new ethical questions for practitioners (Silverman, 1993). A basic grounding in ethics is necessary in fulfilling probation's goal of serving both offenders and the community. □

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Survey On The Effectiveness Of The Comprehensive Sanctions Centers

by James L. Beck, Ph.D., Assistant Administrator, Community Corrections Branch and Jody Klein-Saffran, Ph.D., Research Analyst, Office of Research, Federal Bureau of Prisons (DC)

Introduction

For the last three years, the U.S. Bureau of Prisons (BOP), with the extensive cooperation of the Federal Probation System, has been piloting the concept of the Comprehensive Sanctions Center (CSC). The CSC is an intensive, multi-dimensional halfway house program, which incorporates several rehabilitative programs and varying levels of supervision. The CSC is designed so that each offender's incarceration and rehabilitation needs are addressed and met through a tailor-made program.

Program Overview

The CSC is a multifaceted, community-based correctional center with a range of supervision and accountability programs varied to reach a broader spectrum of offenders, including higher-risk federal offenders who previously might have been denied placement in a halfway house program. The CSC provides the court with a wider range of sentencing options and BOP institution chief executive officers with the confidence that a community plan will be tailored to the individual needs of the inmate transitioning to the community.

The CSC is used for pre-release assistance to inmates returning to the community from BOP institutions, for inmates serving their entire sentence in the community and for supervision cases in lieu of revocation. The CSC was developed in order to provide a versatile community-based program for federal offenders. Services include programs designed to assist offenders in becoming law-abiding, self-sufficient, contributing members of the community. The program is designed to meet the needs of higher-risk offenders, particularly offenders on supervision who have reverted to the use of drugs and inmates who have committed more serious crimes and are returning to the community after an extended period of incarceration.

The program does not represent a dra-

matic change in direction for federal community corrections. All elements of the CSC program already exist in some form in current Community Corrections Centers. The program further defines and gives greater emphasis to those elements that increase offender accountability and the delivery of services. If successful, these initiatives will significantly shape the future of community corrections.

The CSC is designed so that each offender's incarceration and rehabilitation needs are addressed and met through a tailor-made program.

Program Components

To better meet the needs of higher-risk offenders in a community corrections setting, the CSC program tests a number of separate initiatives. The specifics vary from site to site, but the basic elements can be summarized as follows.

Classification System

The CSCs utilize a comprehensive classification system ranging from 24 hour restriction to home confinement. Higher risk offenders initially will be allowed very limited access to the community until the offender has shown evidence that greater responsibility can be accepted. There are five levels of restriction:

1. Level One: Offenders are denied all access to the community except in emergency situations for a limited period of time, generally not to exceed 30 days. This level is specifically designed for supervision violators, par-

ticularly substance abusers, who can benefit from a brief period of nearly complete restriction. This is followed by a highly structured period during which the offenders can be in the community for employment and gradual reintegration into the community environment.

2. Level Two: Offenders are allowed access to the community for employment and program participation.

3. Level Three: Except for employment and program participation, access to the community is restricted to four hours per week.

4. Level Four: Offenders are allowed access to the community at the discretion of the CSC.

5. Level Five: Offenders are on home confinement. In some CSCs, this is further divided into home confinement with electronic monitoring (Level Five) and without electronic monitoring (Level Six).

Program Review Team (PRT)

The Program Review Team (PRT) is made up of representatives from Federal Probation, the BOP Community Corrections Office and the halfway house provider. The PRT reviews each case entering the CSC and approves each change in level. The purpose of the PRT is to involve Federal Probation more formally in the case management of both inmates and supervision cases to improve the transition process to the community and to ensure that the needs of the court, particularly for supervision violators, are being met.

Greater Use of Volunteers and Mentors

The use of volunteers is encouraged to assist in providing training to offenders in order to provide these services in a cost efficient manner.

Drug Transitional Services

Inmates who complete a residential drug treatment program in an institution are re-

quired to participate in drug treatment in the halfway house. The CSC goes a step further and requires that any inmate with a history of drug abuse be evaluated for potential enrollment in drug treatment as part of the program plan. The inmate is enrolled in the same treatment program used by Federal Probation to ensure continuity of care after the inmate is released to supervision. Originally this was unique to the CSCs, but this has since been expanded to other federally contracted halfway houses.

Greater Emphasis on Programming

Offenders are required to participate in a fixed number of hours of drug education and life skills training including job readiness, financial management and wellness.

Field Survey

In order to evaluate the success of the CSC project in better serving the needs of the court, the Community Corrections Branch, during the summer of 1995, first surveyed the 10 chief United States probation officers who helped "pioneer" the program. A response was received from every office contacted. Indications from on-site monitorings conducted on a regular basis and contacts with CSC participants generally have been positive. However, it was felt that direct contact with Federal Probation would be a useful way of determining the impact of the program on local jurisdictions.

Federal Probation offices were asked to comment on the classification system, the program review team, the use of volunteers and drug transitional services. It was not asked to comment on enhanced programming as generally Probation is uninvolved in this aspect of the project. Enhanced programming was addressed in a separate study discussed later in this report.

In order to further evaluate this endeavor, the BOP, during the spring of 1996, contacted 16 CSC directors and asked their views on the success of the project. They were asked to comment on the Program Review Team; the classification system; enhanced programming; and the use of volunteers. CSC directors were not asked to comment on drug treatment, as this

is typically provided by a separate provider off-site.

At the time of this report, there are 20 CSCs in operation and additional sites are scheduled to become operational in the next year. The most recent CSCs are not represented in this study.

Overall, there is strong support for the CSC concept. Representative comments are as follows.

Classification System

There is generally strong support for the revised classification system, particularly the availability of "Level One," which allows the option of complete restriction to the center for a limited period of time. Representative comments noted the following:

Federal Probation:

"It is frequently used in cases reverting to drug abuse. This sanction allows for an immediate sanction; a 'cleansing' period; more intensive and immediate counseling; and the ability to structure behavior quickly without the journey back to a prison."

"Since a large percentage of our violators has to do with substance abusers and failure to participate in substance abuse treatment facilities, the CSC has definitely been a great alternative to revocation for technical violators. Yes, our court supports the use of CSC in lieu of revocation. The reason the court supports the CSC is because it provides them (court) with another option, which, in the case of technical violations, that other option is of great importance."

"Substance abusers, in relapse, often manifest many problems. It is common for there to be a loss of employment, loss of residence and broken personal relationships. Level One, complete restriction to the CSC, facilitates the diagnostic and treatment processes."

There are concerns, however, about restricting all access to the community in Level One, including employment and the availability of treatment outside the facility.

CSC Directors:

"In my opinion, Level One is a wonderful alternative that provides the courts with an

option to use in lieu of incarceration in an institution. The majority of the offenders are grateful for the opportunity to be in a CSC vs. incarceration in an institution. The sanction

Indications from on-site monitorings conducted on a regular basis and contacts with CSC participants generally have been positive.

of complete restriction during Level One sometimes imposes a burden on my staff, especially with those difficult cases that believe they did not have a fair trial. But overall, the offenders adjust to the total restrictions and they try their best to abide by the rules and regulations of the program."

"The 'Level One' provision for complete restriction appears to be a viable alternative to revocation for technical violators, particularly substance abusers."

Program Review Team

Involvement of Probation in the PRT has received strong support. Typical comments are as follows.

Federal Probation:

"The Probation Office's participation has definitely increased the communication between our agency, the Bureau of Prisons, and the halfway house by working together on a daily basis. Prior to implementing this program, a good line of communication already existed between the Bureau of Prisons and halfway house staff. However, it is now on a more formalized and structured basis which continues to run effectively for all agencies involved."

"Over the past several months, the Program Review Team seems to have provided many worthwhile opportunities between U.S. probation officers and the resident advisers at the CSC. Communication and visitation involvement has improved between U.S. probation officers and staff at the CSC. Probation officers meet directly with resident advisers to

review treatment plans for offenders while at the CSC, thereby providing for a smoother transition of offenders into the community."

The only comment that indicated that the PRT was not an improvement was from a chief U.S. probation officer who stated that the "creation of the PRT did not introduce anything new." The chief, however, supports the full involvement of Probation "as soon as the offender reaches the halfway house."

CSC Directors:

Involvement of Probation in the PRT has been found to improve significantly the transition of the offender to the community.

"The PRT has given the Probation staff an opportunity to gather information on new resident arrivals and assign the new cases quickly. This enhanced communication between our agencies has also helped manage the more difficult cases and helped coordinate their program plans."

"The U.S. probation officers involvement with cases has greatly assisted in the transition process by allowing the offender access to an officer prior to release. This introduction allows for questions about supervision and release planning to be discussed openly by all parties. Involvement by the Bureau of Prisons and Probation in the PRT is essential for the continuity of supervision."

Greater Use of Volunteers and Mentors

The view of Probation towards the use of volunteers in general and mentors in particular appears to be mixed. There is general support for the use of volunteers, but there are training and resource issues, as indicated by the following comments.

Federal Probation:

"The use of trained volunteers can be very labor intensive from the probation office's standpoint, particularly in education and training. The probation office does not have sufficient staffing to even address the starting and the maintaining of a volunteer or mentoring type program."

"Yes, I support the use of volunteers, if they are carefully screened and selected. My staff has volunteered time to the local halfway house, including participation in the life skills and drug education programs, lecturing at staff

training seminars, attending evening resident meetings, and serving on the VOA board."

CSC Directors:

"In theory, I support the use of volunteers but I have not found it to be practical. Mentors are very difficult to locate, and I am not sure what the research states about their effectiveness."

"Volunteers have facilitated education on issues such as HIV, Domestic Violence and Reproductive Health Care and offered assistance with issues of education and housing. Because of the support of volunteers, we are able to offer weekly in-house classes."

Drug Transitional Services

Respondents see a benefit in starting drug treatment as soon as possible and using the same treatment provider used by Federal Probation for offenders on parole and supervised release. Typical comments are as follows:

Federal Probation:

"I believe that the BOP Transitional Services Program is a good one. I believe that the TSP facilitated the transition of the offender to drug aftercare after leaving the CSC because it permitted a continuity of services that previously did not exist."

"This is perhaps the most successful aspect of the CSC. Inmates who will be required to participate in substance abuse treatment as part of supervision can begin a program as soon as they reach the community. Since the BOP 'piggybacks' with our contract providers, a smooth transition can occur from pre-release to supervision with no disruption of services."

Enhanced Programming

In general, there was support for increased programming in the CSC.

CSC Directors:

"We support mandatory participation in life/family skills training. For years we have been conducting mandatory groups that we call 'Personal and Social Adjustment.' Such programs are the essence of what separates us from jails."

"It is my opinion, as I have seen changes in communication skills, improvement in anger management and independent thinking skills develop, that these programs can only

improve the offender's chance of success in the community. Most of the life skills are provided by staff. However, we have found many interesting groups in the community willing to share their expertise with the offenders. We have secured speakers, ideas, workbooks and outside material in an effort to enhance the programs."

Case Study

Research Design

In addition to the field survey, a plan to evaluate program effectiveness was developed. This consisted of a study of a three-month cohort of offenders entering the program in eight locations who were followed until they completed or were removed from the CSC. The data was collected from these eight sites between March 1, 1994, and June 1, 1995.

The sample totaled 377 offenders, including supervision violators, newly sentenced offenders (direct court commitments) and inmates released from BOP institutions through pre-release procedures. Data was collected from computer records as well as telephone interviews with CSC case workers. The information included the number of hours of drug education and counseling, life skills, formal education and participation in a mentoring program.

Demographic Variables

Information was collected on several variables including the offender's gender, race, age and offense type.

The CSC sample was comprised of 347 (92 percent) males and 30 (8 percent) females. In addition, 58 percent of the offenders were white, 41 percent were African American and one percent was categorized as other. Compared to the general halfway house population, the CSC sample was more likely to be male and African American.

The offenders' age at the time of entry into the CSC ranged from 20 to 66. The average age was 39, and two-thirds were between the ages of 30 and 50.

By type of offense, drug-related offenses accounted for 38 percent, while 32 percent of the offenders' committed fraud/extortion of-

fenses. The next most common offense was for property-related offenses (8 percent), followed by robbery (7 percent) and firearms offenses (7 percent).

The CSC sample was similar to the general halfway house population in terms of age and offense of conviction.

Program Variables

One of the major components of the CSC was enhanced programming that addressed the needs of the offender. The CSC programs were divided into several program areas that included life skills and drug education. Drug education was intended to be a general overview that did not require teaching by treatment specialists. Components of the life skills programs include parenting, wellness, stress management, money management and self-esteem training. All offenders were required to complete a minimum number of hours for each program area.

The requirements varied from site to site depending on the resources available to each halfway house. In general, CSCs were required to provide 20 hours of drug education and 35 hours of life skills for each resident in the CSC for 30 days or longer. Unfortunately, this proved to be overly ambitious in most cases. As reflected in the results of the review, relatively few residents were able to complete the full 20 hours of drug education and 35 hours of life skills. Participants averaged a little more than 8 hours of drug education and a little more than 17 hours of life skills. However, there was a great deal of variability from site to site in the hours of programming provided.

Based partially on the results of this study and other input from the CSCs, the requirements were changed for newly implemented CSCs to 8 hours of drug education and 12 hours of life skills. Given the demands placed on offenders to work and, in some cases, participate in intensive drug treatment, the new requirements are more reasonable and should be well within the reach of all CSC sites.

Several questions also were asked regarding volunteers and mentors. According to the survey, 25 percent of the CSC participants had volunteers provide services for courses that in-

cluded drug education, spirituality and financial management. Virtually no CSC participants benefited from support from a mentor. As previously indicated in the field survey, the mentors and volunteers can cause the CSC and probation staff extra work in areas of training. Many of the CSCs and probation offices have limited resources and cannot afford to provide training to support these programs.

Conclusion

The survey was an attempt to evaluate the success of the Bureau of Prisons in meeting the needs of the federal courts, Federal Probation and the Bureau of Prisons, at least as far as the CSC project is concerned. There appears to be strong support for the involvement of Federal Probation with offenders in the CSC through the PRT. This has helped to better inform the courts about the nature of the halfway house program and has eased the transition of the offender into supervision after release from the CSC.

The availability of close supervision in CSCs Level One offers a viable alternative to the courts for sanctioning technical violations of supervision, but some concern was expressed about the lack of treatment available to offenders while restricted to the CSC. The view on the advisability of using mentors and other volunteers is decidedly mixed, but is seen by some as a viable option if there is a large investment of time for training.

Drug transitional services in the CSC improves drug treatment after release by introducing treatment as soon as the inmate arrives in the community.

Finally, the requirements for life skills and drug education proved to be overly ambitious and it was found necessary to reduce the requirements. It is hoped that the reduced hours will nonetheless prove beneficial.

While the survey suggests areas that need further review, in general, it appears that the CSC project is meeting its program goals and, where feasible, should be expanded to other locations. □

Request for Site Proposals

Bids are Open for the APPA Annual & Winter Training Institutes

Applications to host the APPA Winter Institute 2000 and 2001 and for the 2001 Annual Institute are now being accepted. Completed applications to host these Institutes must be received by July 1, 1997, in order to be considered. The APPA Board of Directors will select these sites at the meeting in Boston, Massachusetts, August 17, 1997.

Any board member, affiliate group or state agency wishing to request consideration of a particular city for these Institutes must complete an application. In order to be considered by the board of directors, completed applications must be received by APPA no later than July 1, 1997. Further information and applications may be obtained from:

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American Probation and Parole Association
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Lexington, KY 40578
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What Works? What Matters? Recidivism among Probationers in North Carolina

by Mark Jones, Ph.D., and Darrell L. Ross, Ph. D., East Carolina University, Criminal Justice Program (NC)

The phrase "what works" has been associated with several areas of criminal justice policy, but corrections in particular. Since Robert Martinson's (1974) report on prison rehabilitation painted a very bleak picture of correctional intervention's effectiveness, at least 60 articles or books, as well as numerous technical reports and conference papers, have addressed that question with regard to some aspect of criminal justice. Policy makers and legislators constantly search for what works in probation, parole, intermediate sanctions and prison.

Defining and measuring what works is problematic. Traditionally, community corrections administrators and researchers have used low recidivism as a principle measure of success. Feeley and Simon (1992) suggested that high recidivism can be viewed as a success in the sense that programs that catch individuals breaking the law, or the rules, are insuring public safety. Los Angeles County Probation Chief Barry Nidorf (1995) suggested that low recidivism be abandoned as a measuring stick of program effectiveness. In an article describing crime victims as the "Conscience of Community Corrections," Sinclair (1997) stated that the fixation on recidivism assures "an aura of failure by measuring . . . the ignorant one dimensional, win-lose dichotomy of offender recidivism" (Sinclair 1997; 12).

Sinclair's point that community corrections is about more than guarding against recidivism is well taken by the authors, both of whom are former probation officers, one in Georgia and one in Michigan. Nevertheless, recidivism remains one measure by which many community corrections programs are evaluated. Many policy makers hope that corrections officials can devise the right program that will not only prevent recidivism while under supervision, but that such a program will be the permanent baptismal cure that will cause an offender to "sin no more."

In North Carolina, the General Assembly requires the Sentencing and Policy Advisory Commission to examine recidivism among the state's community-based correction programs. The time frame for our study was fiscal year 1992-93, or July 1, 1992, through June 30, 1993. The General Assembly mandated that offenders be tracked for recidivism, and the legislation defined recidivism as rearrest within two years or more after assignment to a program or release from prison.¹

The term "recidivism" can be defined many ways, and any definition is problematic. For instance, the definition used in this study - fingerprinted rearrest within two years or more - did not include:

- 1) crimes committed but not reported to law enforcement;
- 2) crimes reported to law enforcement that did not result in an arrest;
- 3) crimes committed in other states, unless the crime resulted in extradition from North Carolina to that state;
- 4) crimes other than those requiring fingerprinting; and²
- 5) crimes that should have been fingerprinted and reported to DCI by local law enforcement agencies but were not.

Such a definition of recidivism also assumes that each fingerprinted arrestee is guilty of the offense with which he/she has been charged, which is not always true. Many arrests eventually result in acquittal, dismissal or reduction of charges.

Despite these shortcomings, the working definition of recidivism is the most useful for a study of this kind, given the improved sophistication of information systems in criminal justice agencies. While the definition for the current study no doubt resulted in isolated inaccuracies, it provides some overall indicators of recidivism among the programs examined.

The study included: Community Penal-

ties Program³(COMPEN), Treatment Alternatives to Street Crime⁴(TASC), Community Service Work Program⁵, regular probation, regular parole, intensive probation, intensive parole, electronic house arrest, "special probation" or split sentence, and the Intensive Motivational Program of Alternative Correctional Treatment (IMPACT), or "boot camp" program.

Our objective was to examine which characteristics were associated with whether a person was rearrested, and if he/she was arrested, for what type of offense. In addition to participation in a correctional program or sanction, the following characteristics were included in the analysis on all individuals:

- 1) age,
- 2) race,
- 3) gender,
- 4) marital status,
- 5) county size,
- 6) whether the person pled guilty,
- 7) whether the person had a monetary condition (over \$100) attached as a condition of release or probation,
- 8) current offense, and
- 9) number of prior arrests.

The information contained in the client assessment instrument also was included. This included the score recorded by the classifying officer on the following items:

- 1) number of address changes in the past year,
- 2) age at first conviction,
- 3) past alcohol problems,
- 4) past drug addiction,
- 5) probationer attitude,
- 6) employment stability,
- 7) financial situation,
- 8) types of friends/associates,
- 9) educational attainment,
- 10) prior periods of probation/parole supervision, and
- 11) prior or current weapons convictions.

Table 1

Recidivism of Program Participants			
Program	Number of Participants in Study	Number of Participants Rearrested	Program Impact on Recidivism
Regular Probation	18,966	4,362 (23%)	No significant relation to recidivism.
Intensive Probation	2,088	1,274 (61%)	Correlated with property, drug, and "other" rearrest
Electronic House Arrest	1,254	839 (67%)	Slight association with property rearrests.
IMPACT (boot camp)	340	175 (52%)	No significant relation to recidivism.
Special Probation	2,105	842 (40%)	No significant relation to recidivism.
Community Service	7,302	1,658 (23%)	No significant relation to recidivism.
TASC	563	196 (35%)	No significant relation to recidivism.
Community Penalty	252	86 (34%)	Correlated with avoiding arrests for violent and drug offenses.

Frequencies and means were used to develop a preliminary assessment of the performances (in terms of rearrests) of the program participants. These simple, "univariate," descriptive statistics do not necessarily provide accurate indicators of characteristics that distinguish program participants or identify characteristics associated with recidivism. Table 1 includes the number of offenders rearrested within the various programs. It also includes the impact that participation in a program had on recidivism, when the other factors mentioned earlier were taken into account.

In order to develop a more accurate measure of what factors were associated with rearrest, we used a form of multivariate (more than one variable) analysis called logistic regression. Logistic regression allowed us to examine whether a particular program, or a personal characteristic (independent variable) was a significant correlate of committing a new offense.

There were four logistic regression models conducted. Each of the models measured indicators, or predictors, of four outcomes: rearrest for a violent or sexual offense; rearrest for a property offense; rearrest for a drug of-

fense; and rearrest for other types of offenses not included in categories two, three or four. We did not include rearrests for probation or parole violations, nonfelonious traffic offenses, or civil actions, such as failure to appear in court.

Most of the offenders participated in more than one program. For instance, an offender could have participated in TASC, Community Penalties, IMPACT, regular probation, electronic house arrest, intensive probation and community service, all on one sentence. Plus, the offender could have been ordered to pay a fine, court costs or restitution as a condition of the sentence. We controlled for participation in other programs in the logistic regression models.

Most of the programs had no significant effect on being rearrested or avoiding rearrest. The exceptions included intensive probation, which was a significant indicator of being rearrested for property, drug and other offenses. Even though electronic house arrest had a higher percentage of its participants rearrested, its impact on recidivism, when all factors were taken into account, was only slight. COMPEN

was the only program that seemed to have an effect on avoiding rearrest.

Table 2 contains a summary of the other variables and their correlation with recidivism. Personal factors like age, race, substance abuse history, gender, education level, prior weapons convictions, and current offense were more important correlates of recidivism than was participation in a program. Some of the client assessment and personal variables were included in the analysis, but were not associated significantly with being rearrested or avoiding rearrest. Those variables were: number of address changes in the past year, employment, marital status and types of friends or associates.

Implications

While North Carolina policy makers and program practitioners cannot claim that their programs were the magic bullet needed to "cure" criminal behavior, neither should they despair to a great extent. Rearrest, or avoiding rearrest, for those in Regular Probation, IMPACT (boot camp), Special Probation, Community Service and TASC, seems more dependent on personal factors than on the program.

The high recidivism rates and correlation with recidivism for Intensive Probation and Electronic House Arrest should be cause for concern. While we do not intend to act as apologists or defenders of those programs, we think that several factors should be considered when evaluating these two programs. Intensive probation was designed as a prison alternative. Therefore, it is reasonable to assume that the program would attract a high-risk clientele. These individuals stood a greater chance of recidivating than regular probationers; such was and always has been the nature of the program.

Officers who supervise intensive probationers sometimes report the names of their clients to local law enforcement officials. We are not suggesting that law enforcement un-

fairly targets these individuals, but being put on a list of people to watch increases the likelihood of being arrested by those doing the watching. North Carolina's Intensive Probation program uses a team approach to supervision. The team is composed of a probation officer who is responsible for supervising the case and at least one surveillance officer, whose primary responsibility is making field visits. Many of the surveillance officers who assist intensive probation officers, especially those hired in the early 1980s and early 1990s, had law enforcement experience, quite often in the same jurisdiction where they worked as a surveillance officer. This also increased the closeness of the relationship between intensive probation teams and law enforcement.

Between 1988 and 1992, North Carolina experienced the greatest percentage increase in crime rate of any state in the nation (Morgan et al. 1994). During this time, North Carolina was experiencing a tremendous prison and court docket crowding crisis. Intensive probation served as an outlet for this backlog, since it and EHA-probation were designed to divert offenders from being incarcerated.

The study reported here was part of a larger study that included released prisoners in addition to participants in the programs mentioned in this article. When the author of the original study presented the findings from the larger study before the Justice and Public Safety Appropriations Subcommittee of the North Carolina House of Representatives, one legislator questioned the utility of pouring money into intensive probation. The first author reminded this legislator that though recidivism for the program was high, it was only slightly higher than that of prisoners who were either paroled, or prisoners who "maxed out," that is, served all of their time and were released into the community with no supervision. The author's words to the legislator were "pick your poison." Either continue to use intensive probation and hope that future rearrests and incarceration can be avoided, or go to the expense of incarcerating these same individuals and expect similar recidivism outcomes once they are released with no way to monitor them or quickly respond to their violations of the law.

Table 2

Other Characteristics' Impact on Recidivism	
Characteristic	Relation to Recidivism
Age	Being young was associated weakly with rearrest for violent offenses.
Age at first conviction	Being 17-23 when first convicted was associated with avoiding rearrest for drug offenses.
Alcohol Problem	Having no alcohol problem was associated with avoiding rearrest for drug offenses.
Attitude	Being "unwilling to accept responsibility" was associated with avoiding rearrest for other offenses. Having a receptive or extremely negative attitude was insignificant.
Race	Being African-American was associated with rearrest for violent, drug and property offenses, in that order. Race was not a factor with regard to other offenses.
Gender	Being male was associated with rearrest for violent, property drug and other offenses.
Education	Being classified as a high school graduate, or an enrolled student, was associated with rearrest for violent and property offenses. Both high school graduates and those with some high school were likely to avoid rearrest for drug offenses.
Financial Situation	Having "no known difficulty" was associated with avoiding rearrest for drug offenses.
Monetary Condition as Part of Sentence	Monetary conditions were associated with avoiding rearrests for violent offenses, drug offenses and other offenses.
Past Drug Problems	Past problems was associated with rearrest for property and drug offenses.
Plea of guilty	Having pled guilty was associated with rearrest for drug offenses.
county size	Being from suburban vs. rural counties was associated with rearrest for drug offenses.
Prior/current weapons conviction	Prior convictions were associated with rearrest for violent, property and drug offenses.
Current Offense	Being under sentence for "other" felonies was associated strongly with avoiding rearrest for property, drug and other offenses. Being under sentence for drug felonies and drug misdemeanors was correlated with avoiding rearrest for drug offenses. Being under sentence for a drug felony was associated with avoiding rearrest for "other" offenses.
Prior Arrest Record	In several cases, having numerous prior arrests was associated with avoiding rearrest. This probably was due to "aging out." As offenders aged, they were less likely to be arrested than younger people, even if the older people had more serious prior records.
Prior probation/parole supervision	Prior supervision associated with rearrest for "other" offenses.

The punitive, or surveillance-oriented programs included in the study were either insignificant in relation to recidivism or were associated with being rearrested. The only program that seemed to impact future criminal activity positively on an aggregate level was Community Penalties. Just as high recidivism for intensive probation could be due to factors not controlled for in our analysis, the low recidivism associated with COMPEN also may have been due to other unknown factors. However, with the rehabilitative ideal having fallen into disrepute over the past three decades, we think it is worth noting that the one program that was associated with avoiding rearrest, at least for violent and drug offenses, was a program that emphasizes a rehabilitative ideal.

While we have discussed the statistically significant findings from our study, we think there is one statistically insignificant finding that merits some attention. Regular probation, often described as a "slap-on-the-wrist" punishment, has been maligned in numerous studies and books as a danger to public safety. Some people under regular probation supervision do commit crimes, both while under supervision, and after being released from probation. Such occurrences always are regrettable and sometimes are tragic. In our study, regular probation, along with community service, had the lowest recidivism of any program. Our multivariate analysis indicated that participation in regular probation was inconsequential in terms of being rearrested or avoiding rearrest.

This slap-on-the-wrist punishment does not appear to pose the danger suggested by at least two prominent writings. The California-based RAND study released in the 1980's suggested that felony probation (our study included felons and misdemeanors) posed a threat to public safety (Petersilia et al. 1985). William Bennett et al.'s (1996) *Body Count* provides some interesting insights on the causes of crime (moral poverty) and suggestions on combating drug abuse. However, though *Body Count's* authors use some empirical and generalizable evidence in their criticisms of

community corrections, they also have joined the chorus of condemning regular probation largely by anecdote, rather than by the more rigorous means used in our study.

Conclusion

Our original questions in this article were, what works, and what matters? Though we cannot draw definitive conclusions regarding what works or what does not work in terms of program intervention, we can draw some inference about what matters. What seems to matter more than program assignment can be found by examining the information in Table 2. Note some of the characteristics associated with recidivism: youth, gender, prior alcohol or drug problems, being African-American and being from a large county. Our findings partially support Samuel Walker's (1994) position that crime is not a justice system problem. Our results suggest that correctional intervention may make a difference in some cases. Our results also indicate that the problems of young, black males in densely populated areas cannot be fixed simply by creating a new program or the abolishing an existing one. □

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Endnotes

¹Chapter 507, Section 21.2, 1995 Session of the North Carolina General Assembly.

²According to Clarke and Harrison (1992), everyone arrested for felonies in North Carolina must be fingerprinted and those prints must be sent to the State Bureau of Investigation's Division of Criminal Information. The senior resident Superior Court judge develops a plan indicating that misdemeanor arrests are submitted to the DCI. Generally, those arrested for traffic offenses, except serious offenses such as hit and run, and driving while impaired, are not fingerprinted, and most of those that are fingerprinted are not submitted to the DCI.

³COMPEN targets convicted misdemeanants and felons who are eligible for a nonprison punishment and who are facing an imminent and substantial threat of imprisonment. COMPEN officials prepare detailed community penalty plans for presentation to the sentencing judge by the defendant's attorney, or at the request of the sentencing judge.

COMPEN is unique in that it is not a post-adjudicatory program. COMPEN also contracts and arranges services with public or private agencies and monitors offender compliance with the recommended course of treatment. COMPEN plans often involve some combination of programs including intensive supervision, community service and substance abuse treatment.

⁴The primary target group for TASC is drug dependent offenders. TASC programs work with both pre and post adjudicated individuals. Only post adjudicated offenders were included here. TASC coordinators initially screen offenders for substance abuse, then link them to appropriate treatment resources and monitor treatment progress. Approximately one-third of TASC clients are in pretrial status.

TASC coordinators are in frequent contact with treatment specialists, and periodic progress reports are submitted to the client's probation officer by TASC officials. TASC clients are required to have at least one monthly contact with their caseworker. Periodic urinalysis screening is required. The program typically lasts four to six months.

⁵We should note that our study did not include misdemeanor traffic offenders, which includes the vast majority of drunk drivers. Since drunk drivers compose a large number of the community service population, the impact of community service work could not be assessed with much accuracy in this study.